GRIEVANCE PROCEDURE

The grievance procedures have been established to resolve disputes involving AmeriCorps Members, labor unions, and any other interested individual concerning the AmeriCorps program. According to the Federal Regulation 45 §2522.220, any AmeriCorps participant wishing to contest a program's ruling of unsatisfactory performance may file a grievance.

Grievance means a matter arising out of, and directly affecting, the member’s work situation, or a violation of those regulations governing the terms and conditions of service resulting in the denial or infringement of a right or benefit to the grieving volunteer.

If a grievance is filed regarding a proposed placement of a participant, such placement must not be made unless the placement is consistent with the resolution of the grievance.

If that grievance procedure or subsequent binding arbitration procedure finds that the participant did in fact satisfactorily complete a term of service, then that individual will be eligible to receive an educational award and/or be eligible to serve a second term of service.

An AmeriCorps member released for cause may contest the program's decision by filing a grievance. Pending the resolution of a grievance procedure filed by an individual to contest a determination by a program to release the individual for cause, the individual's service is considered to be suspended. For this type of grievance, a program may not—while the grievance is pending or as part of its resolution—provide a participant with federally-funded benefits (including payments from the National Service Trust) beyond those attributable to service actually performed, without the program receiving written approval from the Corporation.

The next part establishes procedures under which AmeriCorps members may present and obtain resolution of grievances.

1. Pre-Complaint Process
   In general, all aggrieved parties such as members, applicants, or any other interested parties should attempt to resolve any problems or disputes with the other party on a one-to-one basis. In the event that informal efforts to resolve disputes are unsuccessful, the aggrieved party may request that the program provide an Alternative Dispute Resolution process (ADR) such as mediation or facilitation to resolve the dispute. ADR proceedings must be initiated within 45 calendar days of the alleged occurrence. At the initial session of the dispute resolution proceedings, the party must be advised in writing of his or her right to file a grievance and right to arbitration. If the matter is resolved, and a written agreement is reached, the party will agree to forgo filing a grievance on the matter under consideration. If mediation, facilitation, or other ADR processes are selected, a neutral party who may not compel a resolution must aid the process. Proceedings

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1 Adapted from the Indiana AmeriCorps State Grant Program Handbook 2016.
before the neutral party must be informal, and the rules of evidence do not apply. With the exception of a written and agreed-upon dispute resolution agreement, the proceedings must be confidential. If the matter is not resolved within 30 calendar days from the date the ADR began, the neutral party must inform the aggrieving party of the right to file a grievance. In the event an aggrieving party files a grievance, the neutral party may not participate in the formal complaint process, and no communications or proceedings from the ADR may be referred to, or introduced into evidence at the grievance and arbitration hearing. Any decision by the neutral party is advisory and is not binding unless both parties agree.

2. Formal Complaint Process
The aggrieved party may request a grievance hearing without participating in ADR or if the ADR process fails to facilitate a mutually-agreeable resolution. The aggrieved party should make a written request for a hearing to the Director of the IUPUI-OCE AmeriCorps Academic Success Coaches Program Director, Silvia Garcia. The address is 777 Indiana Av., Indianapolis IN, 46202. In the event that the grievance is against the individual listed above, the aggrieved party should make a written request for a hearing to Khula Murtadha (Associate Vice-Chancellor). Except for a grievance that alleges fraud or criminal activity, a request for a grievance hearing must be made within one year after the date of the alleged occurrence. The hearing must be conducted no later than 30 calendar days after the filing of the grievance, and a written decision must be made no later than 60 calendar days after the filing. The person conducting the grievance hearing may not have participated in any previous decisions concerning the issue in dispute.

3. Arbitration
An aggrieved party may request binding arbitration if a grievance hearing decision is adverse to the aggrieved party or if no decision has been reached within 60 days of the filing of the grievance. The arbitrator must be independent of the interested parties and the interested parties must jointly select the arbitrator. If the parties cannot agree on an arbitrator within 15 calendar days after receiving a request from one of the disputing parties, the Corporation for National and Community Service’s Chief Executive Officer (CEO) will appoint an arbitrator from a list of qualified arbitrators. An arbitration proceeding must be held no later than 45 calendar days after the request for arbitration, or, if the arbitrator is appointed by the Chief Executive Officer, the proceeding must occur no later than 30 calendar days after the arbitrator’s appointment. The arbitrator must make a decision no later than 30 calendar days after the date arbitration commences. The cost of the arbitration proceeding must be divided evenly between the parties to the arbitration. If, however, a participant, labor organization, or other interested individual prevails under a binding arbitration proceeding, the state or local applicant that is party to the grievance must pay the total cost of the proceeding and the attorney’s fees of the prevailing party.
4. Suspension of placement

If a grievance is filed regarding a proposed placement of a participant in a program that receives assistance under this chapter, such placement must not be made unless the placement is consistent with the resolution of the grievance.

Remedies for a grievance filed under a procedure established by a recipient of Corporation assistance may include—

(1) Prohibition of a placement of a participant

(2) In grievance cases where there is a violation of nonduplication or nondisplacement requirements and the employer of the displaced employee is the recipient of Corporation assistance—
   (i) Reinstatement of the employee to the position he or she held prior to the displacement;
   (ii) Payment of lost wages and benefits;
   (iii) Re-establishment of other relevant terms, conditions and privileges of employment;
   (iv) Any other equitable relief that is necessary to correct any violation of the nonduplication or nondisplacement requirements or to make the displaced employee whole.

The Corporation may suspend or terminate payments for assistance under this chapter. A suit to enforce arbitration awards may be brought in any Federal district court having jurisdiction over the parties without regard to the amount in controversy or the parties’ citizenship.