

NLG-SF Grievance Committee

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OVERVIEW

The Grievance Committee of NLG-SF hears and acts on questions of perceived inequity or mistreatment that may be brought to it by the employees and Committee, Board and general members. To protect confidentiality of staff members, the Grievance Committee is comprised of 2 members of the NLG-SF Board of Directors and one at-large or Committee member. Committee members are asked to serve 1-2 staggered terms. After rotating off of the committee for a term of 1-2 years, NLG Board members can be reappointed to the committee with a vote of the Board. New committee members will be trained in conflict resolution skills.

This Committee is charged with dealing quickly and fairly with complaints about how members or employees have been treated by NLG-SF Committee President or members, NLG-SF Board members, or other general NLG-SF members, and could include NLG partners. Such grievances might involve racial or sexual discrimination or aggressions, feelings of consistent disrespect or consistent lack of support for activist labor, feelings of a lack of democratic process, or demands that are outside of job descriptions. Should the grievance be of the Board as a whole or the party submitting the grievance feels that there is a conflict of interest in with the Grievance Committee then a third party can be brought in to facilitate the process.

The Committee shall hear employee grievances in accordance with union grievance procedures and/or adopted by the Board of Directors, as amended from time to time. Grievances between employees and their supervisors will be addressed by the Personnel Committee of the Board. Any grievance involving employees will involve their supervisor (most likely the Executive Director) and, if necessary and according to protocol, the union.

Grievances heard by the Grievance Committee may include:

- Conflicts internal to Committees or to the Board
- Conflicts between Committees and Board
- Conflicts between members and the Committees or Board
- Conflicts between members at large
- Conflicts between staff and Committees, members or Board (by choice of the employee and in accordance with union protocol)
- Conflicts between NLG members and partners if and when asked by NLG member or partner

Two conditions must be met to bring a grievance to the Committee. First, except for situations of racial or sexual discrimination, aggression or harassment, the person with the complaint must first try to resolve it directly with the other person or group (if appropriate, with the assistance from a supervisor, Board member or fellow Committee or general member). Only after reasonable attempts to resolve the conflict informally, the matter can be brought directly to the Committee.

All members of the Grievance Committee will sign a confidentiality agreement to ensure confidentiality of those involved in any grievance or conflict resolution process.

In the case of sexual harassment, an employee should go to their supervisor, or in cases of a complaint against their supervisor, the Board Grievance Committee members. NLG members should go directly to the President of the Board or another trusted Board member and be referred to the NLG-SF Grievance Committee barring any conflict of interest. Local and union protocol should be followed by the Supervisor and/or Board in addressing it.

We define sexual harassment as:

Sexual harassment is unwelcome sexual advances, requests for sexual favors and other verbal or physical conduct of a sexual and/or coercive nature.

The coercion may involve but is not limited to situations in which:

1. Submission to such conduct is made either explicitly or implicitly a term or condition of an individual's employment, or membership in the NLG or any of its constituent entities;
2. Submission to or rejection of such conduct by an individual is used as the basis for employment decisions, or decisions pertaining to membership, position or status within the NLG or any of its constituent entities, affecting such individual; or
3. Such conduct has the purpose or effect of unreasonably interfering with an individual's work performance, or depriving an individual of the ability to fully participate in organizational opportunities and activities or creating an intimidating, hostile, or offensive environment for working, volunteering and otherwise participating in the NLG

Gender Harassment/Homophobia/Transphobia: Unwelcome generalized gender-based remarks and behavior including but not limited to questions, jokes, or anecdotes, regardless of the means of communication, based on actual or perceived gender identity, sexuality and/or gender presentation, including visual harassment, such as derogatory or offensive posters, cards, cartoons, graffiti, drawings, gestures or internet images;

Sexualized Behavior: Unwelcome sexually explicit statements or communications including but not limited to inquiries and commentaries about sexual activity, experience, or sexual orientation; or graphic physical references;

Seductive Behavior: Unwelcome and/or inappropriate or offensive physical, verbal or visual sexual advances and/or subtle pressure for sexual and/or romantic activity;

Sexual Bribery: Solicitation of sexual activity or other sex-linked behavior by promise of reward;

Sexual Coercion: Coercion of sexual activity by threat of punishment or other forms of retaliation; and

Sexual Assault: Unwelcome and/or threatened imposition of physical contact such as touching, fondling, grabbing or assault.

THE PROCESS

The NLG-SF encourages Committees, Board members and members at large to work out differences among and between themselves. In this way communication will improve throughout the organization. If, however, a situation cannot be resolved, a grievance committee and procedure has been structured to address these concerns and conflicts with the goal of improving the overall health of our culture and productivity of our work.

FIRST STEP

Pursuant to the union contract, if a staff member has a complaint against a Committee member, Board member or general member, they address it to their supervisor. In this case, the Executive Director. If an employee has a complaint against another employee it goes to the Executive Director, if their complaint is against the Executive Director then it goes to the Personnel Committee and follows the union protocol.

If a Board, Committee or general member has a complaint against an employee, they should bring it to the Executive Director who will decide whether or not to bring it to the union or to the Grievance Committee (in accordance with the union contract). If a Committee or general member has a complaint against the Executive Director, or visa versa, they should try to resolve it directly with the ED. If necessary, either the ED or the member can bring it to the Grievance Committee (GC). In cases where the Board has a complaint against the ED, they will address it directly and, then, follow union protocol in the case that the complaint needs to be addressed further.

If a Committee member has a complaint against a Committee Chair or fellow Committee member, they should first try to resolve it within their committee or with the person/people who they have a grievance against directly. If that is not effective and/or the Committee member does not feel comfortable, then they should bring the grievance to the GC. If Committee members, leadership or the Committee as a whole has a grievance against a Board member, or visa versa, they should attempt to meet with the Board member(s) first. If the issue needs further resolution members or the Board can request a formal process with the GC. If members feel there is a conflict of interest they can request that the Board and those submitting a grievance each identify and agree on a third party facilitator to co-facilitate the conflict resolution process.

If Board members have a complaint against a fellow Board member, they should first attempt to bring it to the members they feel aggrieved by. If necessary, they can request that the GC facilitate a process of resolution. If a general member has a complaint against a fellow general member, unless there is a concern about the relation of social power between the members, they should first attempt to bring it to that member, possibly with the support of a fellow member or Board member.

SECOND STEP

If the complainant feels dissatisfied with the outcome of the first step, then s/he or they may proceed to the second step by submitting the attached grievance form to the Grievance Committee (see form for the email address to send the form to). The GC is to act as an impartial mediator in this respect. It will use the NLG-SF Conflict Resolution process and protocol to investigate the facts and facilitate a process that supports listening and sharing both facts and experience of the parties involved and supporting all parties in reaching and being accountable to agreements about behavior, roles, divisions of labor, recommendations to changes in policy or procedures of the organization and other agreements resulting from the process.

When necessary, this will include consequences for not being accountable to the agreements, particularly in cases where issues of racism, sexism, sexual harassment, sexual violence, homo/transphobia, ableism or xenophobia are at play. When the conflict is about these issues of oppression, then the role of the GC is to name, interrupt and hold the accused accountable for these dynamics if appropriate, and, if relevant, explore policies that prevent future oppressive dynamics.

All parties will then agree to a timeline for checking back in on the agreements and accountability to them.

THIRD STEP

If, after the second step and the agreed to follow-up timeline and process, the complainant still feels mistreated or dissatisfied after going through the first two steps of the grievance procedure, then s/he or they may submit a request in writing to the full Board of Directors in order to for them to hear the issue. If necessary, this might include a third-party mediator or mediators (one identified by the party submitting the complaint to the Board and another identified by the Board or one agreed to by all).

NOTE: If the grievance has something to do with a GC action or decision, the complainant is required to make a reasonable attempt at resolving this issue with the GC as the First Step, then submit the case to the President of the Board of Directors as the Second Step.

