



ADM-109: Grievance Policy– 26 October 2018

Purpose:

This policy governs the handling of grievances filed in accordance with these directives.

Applicability

INCOSE members are responsible for understanding and complying with all INCOSE policies and the INCOSE Code of Ethics. Since INCOSE operates in international arenas where value systems, beliefs and customs vary widely, INCOSE offers assistance so that all may work together in a harmonious and courteous fashion.

Members of INCOSE have a right to express a grievance, to have a hearing on their grievance, and to be assisted in working toward resolution of their grievance. Grievances may be submitted by an individual INCOSE member or a group of INCOSE members. Grievances shall not be submitted anonymously.

All discussion regarding a particular grievance shall be kept confidential by all parties involved and confined to those assisting in its investigation and resolution. A grievance should be resolved promptly and at the lowest organizational level as appropriate. INCOSE will use good faith efforts to resolve matters amicably.

No INCOSE party may be subject to reprisal, discrimination, or adverse treatment as a result of submitting a grievance, defending a grievance, or participating in a grievance resolution process.

Individual chapters should adopt their own grievance policies that are consistent with this Grievance Policy and their local laws.

Definitions

The ***Clerk of the Court*** (hereafter referred to as the *Clerk*) records all grievances and serves as an interface between the submitting party, any INCOSE parties involved in the resolution, the Grievance Committee and the Board of Directors. The INCOSE Secretary may serve *ex officio* as the Clerk of the Court. If the grievance involves the Secretary, then the Secretary shall recuse himself or herself, and the Board of Directors may appoint another director to serve as the Clerk of the Court for that particular grievance.

The ***submitting party*** is an INCOSE member or a group of INCOSE members who submits a grievance.

The ***defending party*** is an INCOSE member or group of INCOSE members against whom the grievance is alleged.



A ***grievance*** is the submitted grievance form, ADM-05 Grievance Submission Form, containing details regarding an issue that has been irresolvable between the submitting and defending parties. A grievance may concern acts of commission or omission by the defending party, which the submitting party believes to be a violation of an INCOSE policy or INCOSE Code of Ethics. A grievance may involve some type of harassment, discrimination, fraud, plagiarism, bylaws or policy violation, or Code of Ethics violation.

The Grievance Committee

The Grievance Committee shall be a standing committee appointed by the Board of Directors and operates in accordance with CMT-100. All voting members of the Grievance Committee shall serve one-year renewable terms that begin at the INCOSE International Workshop. Membership of the Grievance Committee is approved by a majority vote of the Board of Directors. The Grievance Committee shall be composed of the following:

- A past President or former Clerk of the Court;
- A past member of the Board of Directors;
- An at-large INCOSE member who is not a past President or past member of the Board of Directors; and
- The Policy Management Committee Chair shall be a non-voting ex-officio member.

In the event a grievance involves a member of the Grievance Committee, that member shall recuse himself or herself, and the Board of Directors shall appoint another appropriate member to serve as a member of the Grievance Committee for that particular grievance. The Grievance Committee will use good faith efforts to conduct investigations, make decisions and recommend to the Board of Directors what action, if any, should be taken to resolve the grievance. The Board of Directors may then make the final decision and implement any approved action, consistent with ADM-107.

Policy Content:

The process begins with the submitting party submitting a grievance form according to the following directives.

Filing a Grievance

Completed grievance forms must be submitted to the INCOSE Secretary. If the alleged grievance involves the INCOSE Secretary, or if the submitting party is not comfortable submitting to the Secretary, then the grievance may be submitted to any member of the Grievance Committee or the Board of Directors.

The following information is required to be submitted with the grievance:

- Names of all individuals who compose the submitting party.
- Names of all individuals in the defending party.
- Description of all alleged acts of commission or omission and their dates, and if relevant, the members of the defending party responsible for these acts.



- Section numbers of any INCOSE bylaws, policies, Code of Ethics, or procedures that allegedly were violated.
- Whether or how the defending party allegedly violated INCOSE bylaws, policies, Code of Ethics, or procedures.
- Actions taken thus far to resolve or address the grievance, if any.
- Specific remedy requested, if any.

The Clerk of the Court shall notify the submitting parties of receipt of the grievance within five (5) business days. Within 30 days of the submission, the Clerk shall provide both the submitting and defending parties with the status of the grievance investigation or resolution. The Clerk may continue to provide status at reasonable intervals to the parties until the grievance is resolved. The Clerk shall notify the parties promptly after the grievance has been resolved.

The Clerk of the Court is responsible to report to the Grievance Committee and the Board of Directors that a grievance has been filed, and when a grievance has been resolved. The Clerk is responsible to report to the appropriate elected officers of INCOSE, and any INCOSE Directors or Leaders, the identity of the submitting party/parties, the defending party/parties, the grievance and the remedy requested, and the identity of the INCOSE leader nominated to seek resolution, and any other information that the Clerk determines is relevant to the eventual resolution of the grievance.

Grievance Resolution Process

Once a grievance is submitted, the Clerk of the Court will decide whether the grievance has been adequately substantiated and is to be accepted. At that time, the Clerk shall generate the ADM-04 Grievance Report Form. The Clerk shall then assign the grievance to the appropriate INCOSE Leader who the Clerk believes is able to seek resolution at its lowest level (e.g., Chapter President, Working Group Chair). If the Clerk determines that the grievance needs to be immediately escalated to any higher level (e.g. escalation to a Sector Director, Technical Director, or beyond, including finally to the Grievance Committee) (an “*Escalation*” or to be “*Escalated*”) then the Clerk may do so in its sole discretion. If a grievance is not initially Escalated, the Clerk and the assigned INCOSE Leader may work toward a resolution of the grievance and recommend to the Board of Directors what action, if any, should be taken to resolve the grievance.

If the Clerk of the Court and INCOSE Leader cannot resolve such grievance within a reasonable time, not to exceed 90 days, then such grievance shall be Escalated to the appropriate level as mutually determined by the Clerk and INCOSE Leader. If a grievance is Escalated to the Grievance Committee, such a grievance will only be considered to be finally resolved when the Grievance Committee by majority vote declares the grievance to be fully resolved and recommends to the Board of Directors what action, if any, should be taken to resolve the grievance.

Prior to the acceptance of a grievance, if the Clerk determines that guidance is needed to determine any of the foregoing, as applicable, then the Clerk may seek counsel and guidance from INCOSE’s



outside counsel, or from a former Clerk of the Court or past President, provided that such party is no longer an Officer of INCOSE nor a member of the Board of Directors or the Grievance Committee or the defending party and so long as any party informed shall agree to keep such discussion confidential.

The submitting parties may request to withdraw their grievance at any time by notifying the Clerk of the Court.

Records

A record of grievances, including ADM-04 Grievance Report Form and ADM-05 Grievance Submission Form, may be retained by the INCOSE Administrative Office. The Chair of the Grievance Committee may request access to these records.

Any controversy or claim arising out of the Grievance Resolution Process described in this policy that cannot be resolved internally (as determined by the Grievance Committee), may be determined by external arbitration. Parties to the grievance shall bear their own costs and expenses.

Consequences of non-compliance:

Any misuse of this policy shall be grounds for disciplinary action under ADM-107.

SUPERSEDES: ADM-200 dated 1 February 2017

APPROVED BY: INCOSE Board of Directors, Cape Town, South Africa, 26 October 2018

POLICY OWNER (RACI Responsible R): Secretary

MAINTAINED BY (RACI Accountable A): President