



Complaint, Dispute, and Grievance Policy

Business Unit: Legal Level: 2
Effective Date: March 2000 Responsibility of: VP & General Counsel

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1. Purpose

To provide a process where Project Management Institute (PMI) receives, reviews, and resolves all formal complaint, dispute, and grievance matters for PMI members, volunteers, components or customers.

2. Policy Statement

This policy is the sole and exclusive means by which any PMI member, volunteer, component or customer may escalate and submit a formal organizational or policy complaint, objection, dispute, grievance, disagreement, or similar matter (grievance matter) for review and resolution. All PMI members accept this policy as the appropriate and binding organizational system for the fair, equitable, orderly, and efficient consideration and settlement of such matters, without resort to governmental, court, or other outside procedures.

2.1 Application of Policy

This policy will apply to any grievance matter initiated by PMI members; the PMI Board of Directors and Officers; PMI components; PMI executive management and staff; PMI Committee members; and PMI volunteers and representatives (Parties) with respect to organizational or policy matters which involve PMI, as a corporate body, or any PMI program, product or service. PMI may also use this process in resolving grievances it may have with one or more of the above listed entities or individuals.

2.2 Confidentiality of Process/Participation of Non-Parties

All non-final resolutions, proceedings, and materials related to this policy are confidential and private, and will be maintained securely by PMI and the Parties. Other than the Parties involved, no observers or other persons are permitted to participate in the processes established by this policy without the permission of the Chief Executive Officer or other designated PMI authority, and the denial of such permission is not subject to further review or appeal.

2.3 Information and Proof Accepted

The designated PMI authority will receive and consider all information appearing to be relevant to the grievance matter, including any information which may be helpful to a complete understanding of the issues involved. Objections relating to the relevance of information and other evidence issues will be decided by the PMI designated Resolution Officer and these decisions are not subject to further review or appeal.

2.4 Failure to Cooperate/Submission of Misleading or False Information

Any Party including a Grievant who is not associated with PMI, must cooperate with the designated PMI authority with respect to the resolution of the grievance matter resolution process. Failure to cooperate may result in the imposition of corrective actions or sanctions by PMI, including the denial or acceptance of a grievance, or other appropriate

corrective actions. Similarly, any Party who submits false or misleading information to PMI with respect to the resolution of a grievance may be subject to appropriate corrective action or sanction.

2.5 Fiduciary Responsibility and Retention of Legal Rights

Notwithstanding any provision of this, or any other, policy to the contrary, consistent with legal fiduciary responsibilities and the PMI governing documents, PMI retains all rights and privileges to: seek any available legal remedies and relief on behalf of itself and authorized representatives; and defend itself and authorized representatives to the fullest extent permitted by law.

3. Complaint, Dispute, and Grievance Policy

3.1 Submission of Grievance Matter

All grievance matters must be submitted to the PMI Chief Executive Officer or his/her designee, and explicitly identified by the Grievant as a formal complaint, dispute, or grievance, submitted for treatment under this policy.

3.1.1 Initial Review

Chief Executive Officer Determination of Nature of Complaint: The President and Chief Executive Officer (CEO) shall review the matter and make a determination as to the nature of matter and inform the complainant.

- a) **Matters of an Operational Nature:** shall generally be defined as those issues related to the day-to-day management and conduct of Institute business including operational policies and program, product and service offerings of the Institute.
- b) **Matters of a Strategic Nature:** shall generally be defined as those issues related to the strategic direction of the organization including Board policy directives, Board Governance Policies and any items reserved to the Board for decision by the PMI By-laws, Board Policies or the Rules of the Board.
- c) **Mixed Matters:** to the extent that the complaint contains matters which are covered by subsections (a) and (b), the complaint shall be bifurcated and each matter shall be handled by the process relevant to that matter, as contained in this policy.

Appeal Initial Determination of the Nature of the Matter: To the extent that a Party disputes the determination with respect to the nature of the complaint and therefore the channel for appointing a Resolution Officer, the Party must, by written letter, appeal that decision to the PMI Chair within ten (10) days of being notified of that determination. The notice from the CEO advising the Parties of the determination of the nature of the complaint category shall include an advisement to the Party of his/her right to seek a timely appeal determination from the Chair. Failure to submit the issue to the Chair

within ten (10) days will constitute a waiver of that issue by the Party.

3.1.2 Resolution Officer

Operational PMI HQ Matters: The Chief Executive Officer, or his/her appointed designee, shall serve as Resolution Officer for matters described in Section 3.1 a), above. In the event of a possible conflict of interest, the nature of the complaint... or other appropriate basis for referral, the Chief Executive Officer may refer the matter to the Associate Executive Director, appropriate Manager, the PMI Chair, or another appropriate designee appointed by the Chief Executive Officer, for initial review and resolution.

Strategic Board Matters: All matters which are described in Section 3.1 b), above, shall be referred, by the Chief Executive Officer, to the PMI Chair who shall serve as Resolution Officer. In the event of a possible conflict of interest, the nature of the complaint or other appropriate basis for referral, the Chair may refer the matter to another Officer of the Board, one or more members of the Board or another appropriate designee appointed by the Chair for initial review and resolution.

Grievance Matters pertaining to the Chief Executive Officer. The PMI Board of Directors is solely responsible for all matters concerning the Chief Executive Officer. By PMI Board Policy, the Chief Executive Officer is the only employee of the PMI Board, accountable to the full PMI Board. Any grievance matter or other complaint received concerning the Chief Executive Officer shall be treated as a confidential personnel matter, and immediately forwarded to the PMI Chair, as Resolution Officer for the Board of Directors, for handling in the appropriate process, or as required by employment contract, PMI governing documents and applicable law. The full Board of Directors, the Chief Executive Officer and General Counsel shall be kept informed, on a confidential basis, of all such matters, so that the full and complete interests of the corporation are represented and maintained and that they may cooperate with the Chair to ensure that the Chair has adequate staff or other assistance in the process.

To the extent that any Resolution Officer appointed by the Chief Executive Officer or the Chair should discover during the course of the proceedings that he/she has a conflict of interest, the Resolution Officer shall immediately contact the Chief Executive Officer or Chair, as applicable, and to advise of the conflict. The Chief Executive Officer or Chair shall then appoint a new Resolution Officer to proceed with the Grievance.

3.1.3 Resolution Officer Review and Actions

The Resolution Officer shall inform the individual, group, or organization that is the subject of the grievance of the complaint and will thereafter conduct a preliminary review of the grievance matter, including the collection and consideration of all relevant communications and other materials submitted by the Parties or others in possession of

material information. Following such review, the Resolution Officer may take any of the following actions:

1. Issue an informal resolution to the matter;
2. Request or direct that one or more of the Parties, or others in possession of material information, provide relevant documents, data, or information necessary to consider and resolve the grievance matter.
3. Issue a formal resolution to the matter, which will include a written, initial decision and resolution, and which may include any appropriate corrective or remedial action(s) and/or disciplinary sanction(s). Among other formal resolution conclusions, the Resolution Officer may: affirm the grievance in whole or in part; or, deny and dismiss the grievance in whole or in part;
4. Submit the complaint to the respondent for a reply within such timeframe as the Resolution Officer deems appropriate;
5. Dismiss the complaint when the Resolution Officer determines that (1) the complaint fails to state a claim that is supported by the facts alleged or (2) that the complaint challenges only the reasonableness of an action which was in the discretion of the respondent to take and the complaint fails to allege sufficient facts to show a gross abuse of that discretion;
6. Refer the matter to the PMI Chair or another Resolution Officer for review, further referral, and/or resolution; or,
7. Require that the Parties involved submit to informal mediation of the grievance as authorized by section b, below;

3.1.4 Specific Expertise Panel

Where the allegations of the complaint involve factual or legal issues which the Chief Executive Officer or other Resolution Officer determines that require specific expertise beyond that of the Resolution Officer, he/she may refer the grievance to a panel of arbitrators for binding arbitration, consisting of one or more individuals, possessing the needed expertise to act as the Resolution Officer(s). In the case of such a referral, the Parties shall bear the cost of the arbitration as the arbitrator(s) may determine.

3.1.5 Finality of Resolution

All informal and formal resolutions of the grievance matter by a Resolution Officer will be final and not appealable.

3.2 Mediation/Informal Resolution

- a) **Matters Appropriate for Mediation:** Each Resolution Officer is authorized to determine if a grievance matter is appropriate for informal mediation between the Parties, based on the facts and circumstances related to the matter. Such mediation will be intended to assist the Parties in reaching a fair, informal, mutually acceptable settlement of the issues and concerns presented without resort to any formal process.

- b) **Mediator Authorities/Designation of Mediator(s):** Once a matter is determined to be appropriate for mediation under this policy, the Resolution Officer may begin and conclude the necessary meetings, discussions, and negotiations appropriate to reaching a mediated settlement of the matter. In the alternative, and in consultation with the Parties, the Resolution Officer may appoint one or more designated mediators to supervise and oversee the mediation process consistent with these provisions.
- c) **Successful Mediation:** In the event that the Parties reach a successful, mediated resolution of the grievance matter, the designated mediator will prepare a report identifying the resolution terms, and forward the report to the Parties for approval, and the Chief Executive Officer for receipt.
- d) **Unsuccessful Mediation:** In the event that the Parties are unable to reach a successful, mediated resolution of the grievance matter, the resolution officer will accept the matter for resolution, consistent with Section 3.2 a), above, and other controlling terms of this policy.

3.3 Resolution Hearings

Hearing Authorizations: A Party may request that a grievance matter review and resolution include an informal, in-person or telephone hearing. Such request must include a statement of the reasons that the Party believes support the use of a hearing process. The decision to grant or deny a hearing request is solely within the discretion of the Resolution Officer to grant or deny as he/she deems it appropriate.

Hearing Process: Any hearing authorized or convened under this policy will be informal, and designed to collect and weigh the available, relevant information and proof. The Resolution Officer shall conduct the hearing, and will have full authority and responsibility to convene, preside over, continue and conclude the hearing in a fair, objective, and efficient manner. The decisions of the Resolution Officer with respect to the hearing, including the acceptance or rejection of information submitted, will not be subject to appeal.

Hearing Schedule and Location: Each hearing convened under this policy will be scheduled by the Resolution Officer in consultation with the Parties. Each hearing will be held by telephone, or at a site determined by the Resolution Officer.

Hearing Notice and Attendance: The Resolution Officer will schedule the hearing and notify the Parties in writing. Any hearing may proceed to a conclusion whether or not the Parties are present. Each Party will be given the option to attend the hearing in person and will be required to indicate the following at least thirty (30) days before the hearing:

1. Whether the Party intends to appear at, and participate in, the hearing in person;
2. Whether the Party intends to participate in the hearing via telephone, and if so, the telephone numbers where the Party is to be reached during the hearing;

3. Whether the Party intends to appear at the hearing with an attorney or other representative, and if so, the name, address and telephone number of such attorney or representative;
4. Whether the Party intends to present witnesses at the hearing; and if so, the name, address and telephone number of each witness and a brief summary of the content of proposed witness testimony; and
5. Whether the Party intends to present or offer any documentary information or other written proof during the course of the hearing. If such information is offered, the Party must provide a copy of each document and a brief description of the relevance of the material.

Responsibilities and Rights of the Parties: In addition to other responsibilities and rights, the Parties may do, or be required to do, the following:

1. Attend the hearing and be present during the testimony of all witnesses;
2. Present witnesses, written information and argument on their behalf;
3. Review or inspect all oral or written information presented in the case; and
4. Comply with all lawful requirements or directives issued by the responsible Resolution Officer consistent with the terms of this policy.

Witnesses: All witnesses will be excluded from the hearing except during their presentation of information. However, a Party may request that a witness remain in the hearing room during all or part of the hearing. The Resolution Officer will rule on any request and the ruling will not be subject to appeal.

Hearing Expenses: Parties will be responsible for their own expenses associated with the hearing, including costs associated with transportation, witnesses, legal counsel, and the like unless otherwise stated in these procedures, PMI will bear all general hearing expenses and other grievance matter costs, including costs associated with the participation of the Resolution Officer and staff or individuals assisting the Resolution Officer.

Closing of the Hearing Record: The record of each hearing will be closed following the conclusion of the hearing, unless otherwise directed by the Resolution Officers. Any Party may request that the record remain open for thirty (30) days for the purpose of receiving additional documentary information and or similar materials. The Resolution Officer authority may deny requests to keep the hearing record open without appeal.

4. Policy Distribution

Internal for Action:

- President and Chief Executive Officer
- Vice President and General Counsel
- All PMI staff who participate in complaint, dispute, and grievance policy process

Internal for Information and Awareness:

- All other PMI staff

External:

- Stakeholders are bound to Rule of the Board 6.2, PMI Outreach Policy

5. Related Documents

Related procedures, forms, and other support documents enforce, maintain, and verify policy compliance. These procedures and forms support this policy:

Document Name	Document Type (Procedure, Form, User Guide, etc.)
PMI Rules of the Board, Chapter 9: Member, Customers, and Other Organizational Complaints/Grievances	Rule of the Board

6. Revision History

Changes to this policy are made as necessary under the direction of the preparers and approvers. The change log describes new topics and other changes.

Action (Creation, Revision, Review)	Effective Date	Changes/Approvals
Creation	March 2000	
Revision	August 2002	
Revision	January 2010	Updated to new template

7. Glossary

This policy uses the following specific terms, acronyms, and abbreviations:

Term	Definition
Parties	The individual, group, or organization initiating a grievance matter will be identified as the grievant(s). The individual, group, or organization that is the subject of the grievance will be identified as the respondent(s).

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