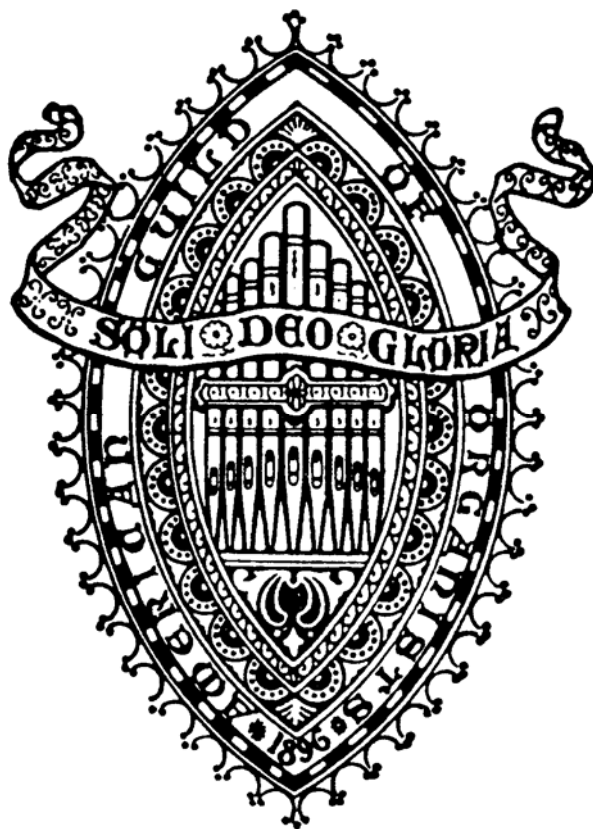


AGO GRIEVANCE PROCEDURES

Procedures for Dealing with Complaints About Termination



American Guild of Organists
475 Riverside Drive, Suite 1260
New York, NY 10115
Tel. 212-870-2310 Fax: 212-870-2163
www.agohq.org info@agohq.org

TABLE OF CONTENTS

I. Purpose 1

II. General Guidelines 1

III. Step One – The Preliminary Evaluation 4

IV. Step Two – Appointment of Investigative Committee and Meeting with Grievant 5

V. Step Three – The Investigation 6

VI. Conclusion 9

VII. Post Grievance Conflict Resolution 11

Sample Letters 13

**COUNCILLOR FOR PROFESSIONAL DEVELOPMENT
W. James Owen, JD, BA**

**Committee on Career Development and Support
Donna B. Wernz, MBA, SPC, Director
Christopher Cook, BM, L.AC.
Cheryl Lemke
Roy Roberts, BA**

AGO GRIEVANCE PROCEDURES

Approved by the National Council of the AGO on:
October 22, 2007

Effective November 15, 2007

I. PURPOSE

A. These *Procedures for Dealing with Complaints about Termination* are not legal proceedings. They are a means to determine if an Institution has wrongfully terminated a Member and, if so, whether there are circumstances under which the Guild shall prohibit its Members from accepting regular or permanent employment by that Institution.

II. GENERAL GUIDELINES

A. Neither party may participate in these Procedures through legal counsel. If either party insists upon involving legal counsel in the Procedures, these Procedures shall be terminated.

B. While an employment contract is recommended, its existence is not necessary to invoke these Procedures.

C. Exceptions to these Procedures may be made at the discretion of the Councillor for Professional Development, in consultation with the Committee on Career Development and Support.

D. Only Members who are grievants may implement the Procedures. A chapter may not implement the Procedures, nor may an Institution. (Disputes between and among Members are resolved through the AGO Discipline. Go to www.agohq.org>Official Guild Documents>Discipline.)

E. It is the duty of the Member to become thoroughly familiar with the Procedures before initiating the Procedures. Any settlement agreement or release must be disclosed to the grievance Committee. Use of these Procedures may conflict with settlement agreements and releases and with prior, concurrent or subsequent litigation and Alternative Dispute Resolution.

F. Prompt action by the Member is advisable. There is nothing to prevent an AGO Member from accepting the grievant's position if a grievance has not been filed. The Procedures should be initiated as soon as possible after termination, but must be submitted within 90 calendar days of the termination.

G. The importance of confidentiality which must be maintained throughout the case cannot be overemphasized. Information gathered must be held in strict confidence. Confidentiality, however, cannot be guaranteed.

H. Evidence of the direct participation of legal counsel in these Procedures by either party will immediately terminate the Procedures. Examples of such participation include letters from attorneys, bringing the attorney to meetings scheduled under the Procedures, and refusing to answer questions on the specified advice of the attorney.

I. Simultaneous litigation does not necessarily terminate the Procedures.

J. In the early stages, the Chapter engages in fact-finding, only. It should never promote the interests of either side or give the appearance of doing so. This is a time for inquiry, not advocacy, regardless of the appearance of the case.

K. Timeliness is essential in implementing and conducting the Procedures. A copy of the Procedures should be sent by the Committee Director to the parties as soon as possible. (The most recent version may be downloaded from the AGO Web site: www.agohq.org.) See sample letters at the end of this document for initial contact with the Institution. In the event that there is no activity involving the National Councillor for Professional Development on a grievance for a period of time exceeding 90 calendar days, the grievance may be dismissed at the National Councillor's discretion with subsequent notice to the Grievant and the appropriate Regional Councillor.

L. If the Committee listed in Step One, Two or Three determines that the case is without merit, the Member may appeal the closing of the Procedures. If that happens, the "case in progress" status applies until the appeal is decided.

M. Critical correspondence should be prepared on chapter letterhead and sent certified mail, return receipt requested with copies kept in the file. Always include the certified mail number on the document (and the file copy) being sent.

N. At Step Three, it is advisable to identify the actual dispute and separate it, if possible, from collateral issues. For example, if the termination is really due to conflicting musical tastes between employee and employer, it may be cause for termination if done under the contract and/or in accordance with local law. It should not be confused with other matters which might have aggravated the conflict, such as lack of communication, insubordination and personality clashes, which may or may not, in and of themselves, also be grounds for termination.

O. Examples of wrongful termination may include (but are not limited to):

- Dismissal inconsistent with the existing employment agreement, the Institution's personnel policy and/or past practice
- Failure to communicate
- Discrimination

- Intimidation and harassment
- A record of good performance reviews followed by sudden termination
- Conduct that offends the Committee’s sense of fairness, e.g. “whistleblowing” wherein the employee has alerted the authorities to specific unlawful activity

P. An otherwise proper termination notice or resignation does not automatically preclude the use of the Procedures if the termination or resignation was precipitated by fraud or duress.

Q. A “paper trail” is essential. Copies of all correspondence, e-mails, faxes, summaries of phone calls, and documentary evidence should be archived indefinitely.

R. The Member is entitled to know, in general terms, the status of the grievance and the reasons for the Committee’s decision, without the Committee violating the confidentiality clause contained in the Procedures.

S. Hearsay encompasses oral or written statements being used to support the truthfulness of a matter at issue when the person making the statement is not present for questioning. The Committee should be wary of hearsay, written or oral, when interviewing the Member, Observers and representatives of the Institution. Although the Procedures do not follow strict legal rules, hearsay is not generally reliable. Be fair to both sides and be consistent in the treatment of all evidence. The Committee should, at least, discuss the reliability of any hearsay before accepting it and should decide what weight, if any, to accord it.

T. The burden of proof is usually upon the party seeking relief, i.e. the Member. It is therefore necessary for the Member to cooperate fully and present all relevant materials in a timely fashion. Invoking the Procedures creates an investigative proceeding. The employee, by filing a grievance, impliedly consents to allow the employer to share its records with the Committee. Failure of the Member to affirm this in writing, upon request, may constitute a failure to cooperate fully and may result in the closing of the Procedures.

U. In a simple majority vote of the Committee weighing the evidence, the standard of proof is a “preponderance of the evidence,” i.e. overall proof which is more likely than less likely.

V. All contact with the parties outside of the meetings should be in writing, with copies retained by the Committee.

W. It is anticipated that during the investigation, the parties’ input may not be totally forthcoming or relevant. In that case, specific written questions from the Committee to the parties and/or Observers may be appropriate.

X. Appeals do not normally provide opportunities for a rehearing of the case or the presentation of additional evidence. An appeal should only determine whether the previous decisions under the Procedures were supported by the facts and controlling authorities, such as the parties' written contract, the Institution's past practice, personnel manual, etc.

Y. Conflict Resolution is available to the Institution when the Procedures have "addressed" a termination. Therefore, the matter need not have been completed or carried through fully in order for the Institution to resolve the dispute [See VII Post Grievance Conflict Resolution.]

Z. At some point, the Committee may be called upon to evaluate the reasonableness of the Member's demands for a particular remedy.

AA. A Member should be aware of the remoteness of being reinstated to any position from which the Member has been terminated.

III STEP ONE - THE PRELIMINARY EVALUATION

A. When a Member wishes to pursue the *Procedures for Dealing with Complaints about Termination* (Grievance Procedures) the Member shall request assistance, in writing, from the Dean of his/her chapter with a copy to the Regional Councillor. This written request shall outline his/her work history in the Institution and claim of wrongful termination, and should be accompanied by a copy of the Member's employment agreement with the Institution, if there is one, and all other relevant supporting documentation, e.g., letter of agreement, employee manual and all other documents signed in connection with the employment. The Member, by so doing, agrees to cooperate fully. If cooperation is withheld at any point, the Guild may close these Procedures. Independent Members shall be considered as members of the Chapter which is nearest to their primary residence. "Nearest" shall be defined as the residence of the closest Chapter Dean at the time an incident occurred which gave rise to the use of the Grievance Procedures. In certain cases, with the approval of the Regional Councillor, this written request may be made to a Chapter officer other than the Dean.

B. The Dean or other Chapter officer shall provide copies of the Member's letter and accompanying documentation to the following Individuals:

- Chapter Coordinator for Professional Development (or another chapter officer if there is no Chapter Coordinator for Professional Development)
- Regional Councillor
- Regional Coordinator for Professional Development
- National Councillor for Professional Development.

The Regional Councillor shall convene these Individuals who shall promptly decide if the Member's complaint shall be acted upon. To avoid a conflict of interest, none of these Individuals may be a member or employee of the Institution. (This may be done by

telephone conference call or by e-mail.) The Member shall be notified of these Individuals' decision within seven days. (See Letter 1.) If the Member disagrees with the decision of these Individuals, the Member may request within 30 calendar days, through the National Councillor for Professional Development, that the National Committee for Career Development and Support review the decision. The Committee's determination shall be final.

IV. STEP TWO – APPOINTMENT OF INVESTIGATIVE COMMITTEE and MEETING WITH GRIEVANT

A. If the Member's complaint deserves further consideration, the Regional Councillor shall appoint a Committee Director, who, in consultation with the Regional Councillor, shall appoint a Committee. The Committee Director shall convene and chair the Committee, and sign all Committee correspondence.

B. The Committee, appointed to carry out Step Two of the *Grievance Procedures*, shall be made up of the following individuals:

- One or two members of the chapter, appointed by the Dean (the Dean may be one);
- Regional Councillor (or his/her representative)
- Regional Coordinator for Professional Development (or his/her representative)
- National Councillor for Professional Development (or his/her representative).

C. To avoid conflict of interest, no member of the Committee may be a member or employee of the Institution. (Note: It can be helpful if one of the chapter's representatives is ordained.)

D. The following notice shall be published in the local chapter media. The local chapter shall refuse to advertise a regular or permanent vacancy at the Institution while these Grievance Procedures are pending.

(Notice A) Notice Informing Membership of Case in Progress

On (date) an AGO Member filed a formal complaint against (Institution's Name) for wrongful termination of employment. The Guild is investigating the matter according to the AGO's Procedures for Dealing with Complaints about Termination. No determination has been made at this time.

Although Guild Members may provide substitute or interim services, no Member may seek or accept regular or permanent employment with (Institution's Name) while these Procedures are pending. See the AGO's Web Site for the current status of this case.

E. At least two members of the Committee shall meet with the Member in person. If, after frank discussion with the Member and a review of his/her employment agreement and/or other pertinent documents, the Committee does not consider the Member's claim to be valid, it may close the Grievance Procedures. If the Member disagrees with the decision of these Individuals, the Member may request within 30 days, through the National Councillor for Professional Development, that the National Committee for Career Development and Support review the decision. The Committee's determination shall be final.

In the event that the Procedures are closed with or without a finding supporting a grievance, the decision shall be announced in the local chapter media using the language in **Notice B(1), B(2), B(3), or B(4)**, as appropriate. (See Notices on pages 9 and 10.)

V. STEP THREE – THE INVESTIGATION

A. If the Committee believes the Member's complaint deserves further investigation, it shall immediately take the following actions:

(1.) Request through the National Councillor for Professional Development that no advertisement for the position be included in *The American Organist*, or on the Guild's Web site.

(2.) Notice A (above) will be published on the Guild's Web site and in local chapter media as appropriate. Any departure from this wording must be approved by the National Councillor for Professional Development before publication.

(3.) Notify the appropriate leadership of the Institution, by telephone and then in writing, that the AGO has been asked by a Member (named) to investigate a charge of wrongful termination. (See Letter 2.)

- Make it clear that the process has merely begun, that no determination has been made, and that the Institution will receive, within one week, a copy of these Grievance Procedures.
- Set a time limit within which the Committee intends to complete its deliberations.
- Set the time for a meeting between the Institution and the Committee. This meeting should take place within 30 days of the receipt of the notification.
- Advise the Institution that its failure to participate in this process may result in a finding in favor of the Member.

(4.) Request from the Member the names, addresses, and telephone numbers of three regular Observers of his/her work within the Institution. In religious institutions, these Observers should be lay leaders, preferably a volunteer choir member, a member of the elected lay leadership, and a member of the congregation at large.

- Send Observers a copy of the Grievance Procedures after they have been contacted by the Committee and have agreed to participate.
- The Committee shall request from the Observers, in writing, a frank evaluation of the Member's work, competence, and influence in the Institution, and solicit the Observers' responses to the Institution's action(s). (See Letter 3.)
- The Committee should solicit the Observers' opinions of both the reasons and the manner in which the Member was terminated. Observers should be assured that all information, written or spoken, is confidential and will be shared only among the Committee members (not with the Member or the Institution).

B. After receiving the Observers' written evaluations, the Committee shall speak with the Observers as needed. At least two members of the Committee shall then meet in person with representatives of the Institution and separately with the member, if necessary for the purpose of clarification.

SAMPLE QUESTIONS

NOTE: The substance and the tone of all questions should be in the spirit of fact finding and not of confrontation.

1. Will you share the employee's complete personnel file with the employee (and/or with this Committee) with the employee's consent?
2. What reason(s) exist for the employee's termination?
3. Does the manner of termination follow any existing contract, letter of agreement, personnel manual and/or past practice?
4. Was the employee given annual reviews? If so, what were the results?
5. What progression was followed to identify problems and to notify the employee of their existence and to provide the employee with opportunities to take corrective action? Was this progression in keeping with formal or informal guidelines which you follow as an employer?
6. Were salary increases (and/or benefits) given over the course of employment? If so, do they support recent activity regarding the employee?
7. What system of communication was in place to identify issues? Was there a breakdown? If so, why? What was done to restore dialogue?
8. If there was no contract (a meaningful document with mutuality, covering all essential elements of employment), why?
9. Was the employee given a chance to defend him/herself?
10. Was assistance from the AGO sought at any point in the progression? If so, what was it? What was the result?
11. Do you understand the function of this Committee and that of the Procedures?
12. Would you be willing to hold the employee's termination in abeyance while the AGO mentors the employee? If so, for what time period?
13. Would you agree to third party mediation or arbitration?

14. Will you consider assisting the employee with transition to another job?

C. All Committee members shall receive copies of all correspondence generated and received in connection with the inquiry.

D. The Committee shall promptly evaluate the information received from the Member, Institution, and Observers. After consultation with the Regional Councillor and the National Councillor for Professional Development, the Committee shall complete a written report that includes:

- a summary of the proceedings
- an explanation of its conclusion(s)
- its recommendations for action.

Copies of this report shall be sent to the Dean (to be shared with the Executive Committee), the Regional Councillor, Regional Professional Development Coordinator, and the National Councillor for Professional Development.

E. If, in the opinion of the Committee, the Grievance Procedures revealed questionable behavior on the part of the Member or wrongful termination of the Member by the Institution, the Committee may make such recommendations as it feels are necessary to resolve the situation and to prevent a recurrence. If the Committee finds that the Institution wrongfully terminated the member, the Committee shall apprise the Institution of the need to resolve the situation within 60 days. (See VII. Post Grievance Conflict Resolution.)

F. The Committee shall prepare letters summarizing the Committee's conclusions, which will be submitted to the National Councillor for Professional Development for approval. (See Letters 4 through 9.) Following approval, the letters shall then be sent to the Member, Institution, and Observers. The Member and observers shall be cautioned not to discuss the final outcome until the 60 days allotted for resolution have passed.

G. The response of the Institution is to be directed to the Committee Director, who will then share it with members of the Committee, including:

- Regional Councillor (or his/her representative)
- Regional Coordinator for Professional Development (or his/her representative)
- National Councillor for Professional Development (or his/her representative)

H. If the case is settled to the satisfaction of both parties, the settlement shall be announced on the Guild's Web Site and through local chapter media as appropriate using the following language.

Notice B(1) Notice Informing Membership of Settlement of Case

The employer and the employee at (Institution's name) have resolved their differences and the case has been closed. Guild Members may now accept employment at this Institution.

I. If the case is closed without a finding of wrongful termination, the decision shall be announced on the Guild's Web Site and through local chapter media as appropriate using the following language.

Notice B(2) Notice Informing Membership of Outcome of Case

The AGO has determined, upon investigation, that the employer and the employee at (Institution's name) both had arguments and positions of merit regarding the termination of the employee. Therefore, the case has been closed without a finding of wrongful termination.

Or, as appropriate:

Notice B(3) Notice Informing Membership of Outcome of Case

The AGO has determined, upon investigation, that the employer (Institution's name) was not at fault regarding the termination of the employee. Therefore, the case has been closed without a finding of wrongful termination.

J. If the Member disagrees with the decision of the Committee, the Member may request, within 30 days, through the National Councillor for Professional Development, that the National Council shall, as soon as possible, review the decision. The Committee will notify the Institution that the Member has appealed the Committee's decision. Under such circumstances, the notices about the case will continue to appear on the Web site and in the chapter newsletter, and no advertising of the vacancy may be published therein. The National Council's determination shall be final.

VI. CONCLUSION

A. If the 60-day limit passes with no resolution, the National Councillor for Professional Development shall notify the Institution in writing that the period for resolution has passed. (See Letter 11.) The Councillor also shall request approval by National Council of these actions to be taken by the chapter Dean at the chapter level and by the National Councillor at the national level of the Guild:

(1.) Announcing the decision on the Guild's Web site and through local chapter media as appropriate using the following language:

Notice B(4) Notice Informing Membership of Outcome of Case

The National Council has determined that a position at (Institution's Name) was made vacant by wrongful termination of a Member of the American Guild of Organists on (date).

In keeping with the AGO Code of Ethics, Members shall not seek or accept employment or attempt to place a student or colleague in the position until the National Council has declared that differences between the Guild and (Institution's Name) have been resolved.

(2.) Directing the editor of The American Organist, the Guild's Web site, and appropriate chapter media to refrain from advertising any music positions at the Institution.

(3.) Notifying the leadership of the appropriate denominational music organization of the decision.

B. If no resolution has occurred, the Notice B(4) printed above shall appear in a box for three months on the AGO Web site, and in local chapter media. After three months, a listing, (see Notice C, on page 11) giving the name of the Institution and date of the termination incident will be printed in the following venues:

- in the local chapter media, and
- listed on the AGO Web site.

This notice shall be printed in perpetuity until a resolution has been reached.

(Notice C) Notice in Perpetuity

(Institution) wrongfully terminated a member of the American Guild of Organists on (date) for which no resolution has been reached.

***Note:* When an Institution is found to have wrongfully terminated a Member of the AGO, no Guild Member, individually or collectively, may serve that Institution as an employee or independent contractor, in an interim, temporary, substitute, regular or permanent capacity beyond a 90-day period following the date of this finding.**

VII. POST GRIEVANCE CONFLICT RESOLUTION

A. When an Institution wishes to resolve a termination that has been addressed by these procedures (within the 60 days allotted in these Grievance Procedures or at a later date) a committee (hereafter a Committee) appointed by the Regional Councillor shall review the documents from the original complaint.

This Committee shall consist of the following members:

- A chapter representative,
- Regional Councillor (or his/her representative),
- National Councillor for Professional Development (or his/her representative).

If possible, its members shall be the members of the Committee that handled the original complaint.

The Regional Councillor shall appoint a Committee Director, who shall sign all correspondence. Guided by the documents from the original complaint, the Committee may request that the Institution take specific actions, which, among other things, shall include one or more of the following:

- Reinstatement of the wrongfully terminated member.
- A good-faith effort to resolve financial issues with the Member, including, but not limited to, reimbursement of lost income and attending benefits.
- Providing the Committee with a proposed contract or letter of agreement pertaining to the position, using the American Guild of Organists' sample contract as a model.

B. If the Committee is satisfied with the Institution's response, it shall recommend to the National Council, through the National Councillor for Professional Development, that the conflict between the Institution and the American Guild of Organists be declared resolved. The National Council shall take such actions as it deems necessary, including:

- Announcing the resolution on the Guild's Web site, and in local chapter newsletters as appropriate, stating that AGO members may accept employment with the Institution. This notification shall be printed for three months.
- Directing the editor of The American Organist, the Guild's Web site, and chapter placement services to accept advertising for music positions at the Institution.
- Notifying the leadership of the appropriate denominational music organization of the resolution.

The following is the statement to be printed in the venues listed above for a 90-day period.

(Notice D) Notice Informing Guild Membership of Resolution of Case

On (date) the American Guild of Organists declared resolved the case of wrongful termination brought against (Institution's Name). Guild Members may now accept employment at this Institution.

SAMPLE LETTERS

Note: Use only AGO or plain stationery, not personal or church letterhead.

(Letter 1)

LETTER FROM INDIVIDUALS APPROVING/DENYING FURTHER ACTION

To be sent by Certified Mail

Date

Dear (Member),

The Individuals appointed in accordance with the AGO's Grievance Procedures have evaluated your complaint of wrongful termination by (Institution). Upon careful examination of your documents we have concluded that further action is/is not warranted.

The Individuals' reasoning was (list reasons for the Individuals' finding while maintaining the confidentiality required by the Procedures).

If you disagree with this decision, an appeal may be initiated under the Procedures.

Sincerely yours,

Chapter Dean
Certified Mail No.

(Letter 2)

INITIAL CONTACT WITH THE INSTITUTION

To be sent by Certified Mail

Date

Dear (Name),

I am writing on behalf of a committee formed at the direction of the National Council of the American Guild of Organists (AGO) that has been charged with investigating a complaint of wrongful termination brought to the attention of the AGO by our member (Name). (Member Name) claims that on (date), the Member was wrongfully terminated as (Position Title) of (Institution's Name).

The AGO treats complaints of wrongful termination with great seriousness and has established Procedures for fairly dealing with such complaints; a copy is enclosed. I would especially like to emphasize the importance of several items listed in the enclosed Procedures:

These Procedures are not legal proceedings. Neither party may participate in them through legal counsel.

At this point in the investigation no determination of wrongful termination has been made.

The membership of the AGO will immediately be notified that this investigation is underway and that although Guild members may provide substitute or interim services, no member of the AGO may seek or accept regular or permanent employment with (Institution's Name) while these Procedures are pending.

Our committee requests a meeting with you as soon as possible but no later than (date). During this meeting we would like to discuss frankly the reasons for (Member Name's) termination. It is our goal that all parties be given an impartial and confidential hearing. I will be in contact with you on or before (date) to arrange this meeting. We plan to complete the investigation and make a determination by (date).

Sincerely yours,

Committee Director
Certified Mail No.
Enclosure

(Letter 3)

INITIAL CONTACT WITH OBSERVERS

Date

Dear (Name),

I am writing on behalf of a committee formed at the direction of the National Council of the American Guild of Organists (AGO) that has been charged with investigating a complaint of wrongful termination brought to the attention of the AGO by our member (Name). The AGO treats complaints of wrongful termination with great seriousness and has established Grievance Procedures for fairly dealing with such complaints; a copy is enclosed.

(Member Name) claims that on (date), the Member was wrongfully terminated as (Position Title) of (Institution's Name). (Member Name) has given us your name to contact as an Observer during our investigation. To assist us, we would appreciate, in writing, your frank evaluation of (Member's Name) work, competence, and influence at (Institution's Name). Also, please respond to both the reasons and the manner in which (Member Name) was terminated.

The Procedures provide for the confidentiality of your evaluation. It will be shared only among the Committee members and not with (Member Name) or (Institution's Name).

I would especially like to emphasize the importance of several items listed in the enclosed Procedures:

- a. These Procedures are not legal proceedings. Neither party may participate in them through legal counsel.
- b. At this point in the investigation no determination of wrongful termination has been made.
- c. The membership of the AGO will immediately be notified that this investigation is underway and that although Guild members may provide substitute or interim services, no member of the AGO may seek or accept regular or permanent employment with (Institution's Name) while these Procedures are pending.

It is our goal that all parties be given an impartial and confidential hearing. We would appreciate your response within one week in order that we may complete this investigation by (date). We appreciate your participation in this important process. If you have any questions, please contact (Contact's Name) at (Contact's Telephone Number).

Sincerely yours,

Committee Director
Enclosure

(Letter 4)

TO THE MEMBER WHEN FINDING IN FAVOR OF THE MEMBER

To be sent by Certified Mail

IMPORTANT: THE WORDING OF THIS LETTER MUST BE APPROVED BY THE NATIONAL COUNCILLOR FOR PROFESSIONAL DEVELOPMENT

Date

Dear (Name),

The Committee appointed to carry out the Grievance Procedures has completed its investigation of your charge of wrongful termination by (Institution's Name).

After careful consideration of your supporting documents, including the review of statements from your Observers, and discussions with representatives of (Institution's Name), we find that wrongful termination did occur. (Here you should list reasons for the Committee's finding while maintaining the confidentiality required by the Procedures).

We are writing to (Institution's Name), informing them of our decision and giving them an opportunity to resolve the situation to the satisfaction of the Committee within 60 days. In the meantime, no AGO member may seek or accept regular or permanent employment with (Institution's Name).

If no resolution is reached within 60 days, the National Councillor for Professional Development shall notify (Institution's Name) in writing that the period for resolution has passed, and shall notify the National Council of these actions to be taken at the chapter, regional and national levels of the Guild:

This statement will be published in the chapter media and on the AGO Web site:

The National Council has determined that a position at (Institution's Name) was made vacant by wrongful termination of a member of the American Guild of Organists on (date).

In keeping with the AGO Code of Ethics, members shall not seek or accept employment or attempt to place a student or colleague in the position until the National Council has declared that differences between the Guild and (Institution's Name) have been resolved.

It is important for you to know that although Guild Members may provide substitute or interim services, no Member may serve this Institution as an employee or independent contractor, in an interim, substitute, regular or permanent capacity beyond 90 days following the date of the finding of wrongful termination.

Likewise, the editor of The American Organist, the Guild's Web site, and appropriate chapter media will be directed to refrain from advertising any music positions at (Institution's Name). Leadership of the appropriate denominational music organization will be notified of the decision. We would like you to know that you have the full support of the Committee.

Sincerely yours,

Committee Director
Certified Mail No.

(Letter 5)

**TO THE INSTITUTION WHEN THE COMMITTEE
FINDS IN FAVOR OF THE MEMBER**

To be sent by Certified Mail

**IMPORTANT: THE WORDING OF THIS LETTER MUST BE APPROVED BY THE
NATIONAL COUNCILLOR FOR PROFESSIONAL DEVELOPMENT**

Date

Dear (Name),

The Committee appointed to carry out the AGO's Grievance Procedures has completed its investigation of the charge of wrongful termination by (Name of Member).

After careful consideration of the supporting documents, including the review of statements from the Observers, and discussions with representatives of (Institution's Name), we find that wrongful termination did, indeed, occur. (Here you should list reasons for the Committee's finding while maintaining the confidentiality required by the Procedures.)

It is our hope that a situation like this can be avoided in the future. We would like to be assured that certain precautions are in place for the next musician. In accordance with the AGO Procedures for Dealing with Complaints about Termination, we would like to offer you an opportunity to resolve the situation to our satisfaction within 60 days. (See Procedures VII for possibilities of conditions for resolution.)

Until resolution is reached, there may be no advertisement of the position in The American Organist, on the AGO Web site or in the local chapter media. AGO members may neither seek nor accept regular or permanent employment with (Institution's Name). Leadership of the appropriate denominational music organization will be notified of the decision. Furthermore, unless resolution is reached, no Guild Member may serve your Institution as an employee or independent contractor in an interim, substitute, regular or permanent capacity beyond 90 days following the date of the finding of wrongful termination.

We would like you to know that we will do everything possible to effect a resolution of this matter. Please feel free to contact me if I can be of any assistance to you.

Sincerely yours,

Committee Director
Certified Mail No.

(Letter 6)

TO THE MEMBER WHEN FINDING IN FAVOR OF THE INSTITUTION

To be sent by Certified Mail

IMPORTANT: THE WORDING OF THIS LETTER MUST BE APPROVED BY THE NATIONAL COUNCILLOR FOR PROFESSIONAL DEVELOPMENT

Date

Dear (Name),

The Committee appointed to carry out the AGO's Grievance Procedures has completed its investigation into your charge of wrongful termination by (Institution's Name).

After careful consideration of your supporting documents, including the review of statements from your Observers, and discussions with representatives of (Institution's Name), we find that wrongful termination did not occur. (Here you should list reasons for the Committee's finding while maintaining the confidentiality required by the Procedures.)

An appeal procedure is provided in the Procedures.

We are concerned any time one of our colleagues is terminated from a position. Your contributions to the profession are valued. If there are ways the Committee may be helpful to you in the future, please feel free to contact us.

With every good wish,

Committee Director
Certified Mail No.

(Letter 7)

**TO THE INSTITUTION WHEN COMMITTEE FINDS IN FAVOR OF THE
INSTITUTION**

To be sent by Certified Mail

Date

Dear (Name),

The Committee appointed to carry out the AGO's Grievance Procedures has completed its investigation into the charge of wrongful termination by (Name of Member).

After careful consideration of the supporting documents, including the review of statements from the Observers, and discussions with representatives of (Institution's Name), we find that wrongful termination did not occur.

It is now possible for this position to be advertised in The American Organist, on the AGO Web site and in the local chapter media. AGO members may now accept employment at (Institution).

We very much appreciate your cooperation in this matter and wish you all the best as you seek to fill this position.

Sincerely yours,

Committee Director
Certified Mail No.

(Letter 8)

**TO THE MEMBER WHEN COMMITTEE FINDS POSITIONS OF MERIT ON
BOTH SIDES**

To be sent by Certified Mail

**IMPORTANT: THE WORDING OF THIS LETTER MUST BE APPROVED BY THE
NATIONAL COUNCILLOR FOR PROFESSIONAL DEVELOPMENT**

Date

Dear (Name),

The Committee appointed to carry out the AGO's Grievance Procedures has completed its investigation into your charge of wrongful termination by (Institution's Name).

After careful consideration of your supporting documents, including the review of statements from your Observers, and discussions with representatives of (Institution's Name), we find that the employer and the employee both had arguments and positions of merit regarding the termination of the employee. Therefore, the case has been closed without a finding of wrongful termination. (Here you should list reasons for the Committee's finding while maintaining the confidentiality required by the Procedures.)

An appeal procedure is provided in the Procedures.

We are concerned any time one of our colleagues is terminated from a position. Your contributions to the profession are valued. If there are ways the Committee may be helpful to you in the future, please feel free to contact us.

With every good wish,

Committee Director
Certified Mail No.

(Letter 9)

**TO THE INSTITUTION WHEN COMMITTEE FINDS POSITIONS OF MERIT
ON BOTH SIDES**

To be sent by Certified Mail

**IMPORTANT: THE WORDING OF THIS LETTER MUST BE APPROVED BY THE
NATIONAL COUNCILLOR FOR PROFESSIONAL DEVELOPMENT**

Date

Dear (Name),

The Committee appointed to carry out the AGO's Grievance Procedures has completed its investigation into the charge of wrongful termination by (Name of Member).

After careful consideration of the supporting documents, including the review of statements from the Observers, we find that the employer and the employee both had arguments and positions of merit regarding the termination of the employee. Therefore, the case has been closed without a finding of wrongful termination. (Here you should list reasons for the Committee's finding while maintaining the confidentiality required by the Procedures.)

It is now possible for this position to be advertised in The American Organist, on the AGO Web site and in the local chapter media. AGO members may now accept employment at (Institution.)

We wish you all the best as you seek to fill this position.

Sincerely yours,

Committee Director
Certified Mail No.

(Letter 10)

**TO THE OBSERVERS WHEN THE INVESTIGATION HAS BEEN
COMPLETED**

Date

Dear (Name),

The AGO Committee assigned to the grievance involving (Institution and Name of Member) has completed its investigation into the charge of wrongful termination. After careful consideration of all supporting documents and information, the committee found in favor of (Institution or Name of Member); (or “found that the employer and the employee both had arguments and positions of merit regarding the termination of the employee. Therefore, the case has been closed without a finding of wrongful termination.”).

Your timely and thoughtful responses about (Name of Member) greatly aided our investigation. The Committee would like to thank you for taking part in this process.

Sincerely yours,

Committee Director

(Letter 11)

**TO THE INSTITUTION IF THE 60-DAY LIMIT IS REACHED WITH NO
RESOLUTION**

To be sent by Certified Mail

Date

Dear (Name),

As outlined in the letter of (date of previous letter) from (Committee Director), the 60-day limit has been reached with no resolution. Therefore the following notice will be published on the AGO Web site and in the local chapter media:

“(Institution) wrongfully terminated a member of the American Guild of Organists on (date) for which no resolution has been reached.”

Until a resolution is reached, no AGO member may serve your institution as an employee or independent contractor or in an interim, substitute, regular or permanent capacity beyond 30 days following the date of this letter.

We remain available to assist with the resolution of this matter.

Sincerely yours,

National Councillor for Professional Development
Certified Mail No.