

13.7.2 GRIEVANCE PROCEDURE (Regular Staff Only)

March, 1990; Rev/June, 1997; Rev/August, 2000 (Effective September 1, 2000)

13.7.2.1 GENERAL POLICY

1. A grievance is a charge of injustice or oppression which affects the welfare or condition of employment of a staff employee or group of staff employees which is presented for solution through the established grievance procedure of the College. Matters of alleged discrimination on the basis of race, color, age, sex, religion, national origin, disability, or veteran status or violations of sexual harassment must be handled as outlined in the Discrimination Procedure Policy. (See **Policy # 13.7.1**)
2. Part-time, temporary or probationary staff employees (as described in **Policy # 13.2.4**) may utilize these grievance procedures only as specifically allowed under this policy. Part-time, temporary or probationary staff employees do not have the grievance process available to them regarding lawful termination.
3. Appeals or grievances regarding job classification and salaries do not follow this grievance process but will be handled by the Human Resource Office, appropriate Vice President, and supervisor on a case by case basis. Grievances regarding termination will begin at No. 2 of the Formal Procedure. All other grievances must follow the informal procedure.
4. Time limits provided for conducting the grievance procedure may be extended only by mutual agreement between the Human Resource Office and the staff employee.
5. If the staff employee wishes to have a representative with them during the procedures and if the individual assisting and/or representing the staff employee is a College employee, reasonable time off with pay during scheduled working hours will be provided for time spent in proceedings leading to resolution of the complaint. Time spent by the staff employee or representative in such activities outside scheduled working hours is non-compensable.
6. If any steps provided are impractical for any reason, the Human Resource Office, after consultation with the staff employee, may prescribe an alternative process which assures to the staff employee fair and adequate consideration of the problem or complaint. A staff employee's right to a hearing before the appropriate Employee Relations Committee cannot be denied nor abridged nor can the staff employee be subjected to intimidation or reprisal for assertion of the grievance.
7. A proposed resolution of a complaint that involves an exception to an applicable college policy or regulation requires the prior approval of the appropriate vice president.
8. As the grievance moves through the process, the staff employee may not add new issues, claims or grievances to the original claim.
9. A staff employee who fails to submit a claim in connection with a grievance based on the same facts, circumstances, or events waives his/her right to further consideration of such claim(s) during the grievance proceeding and any future proceeding(s).
10. All records pertaining to the grievance will be retained by the Human Resource Office. A copy of the final decision will be placed in the personnel file of person(s) making the complaint and person(s) being complained against.

13.7.2.2. INFORMAL PROCEDURE

1. Staff employees who have a problem or complaint should first try to solve it through discussions with their immediate supervisor.
2. If a mutually satisfactory agreement cannot be reached between the staff employee and his/her immediate supervisor, the staff employee may proceed to the Informal Procedure stage by filing a written request for an informal proceeding with the Human Resource Office. The written request for the informal proceedings must be filed within 10 days from the date the staff employee's and the immediate supervisor's last meeting to resolve the claim.
3. The Human Resource Office may assist both parties in resolving the grievance at the lowest level possible (informal stage) and may also assist in resolving the grievance through all the formal steps.
4. If the staff employee requests an informal proceeding, the staff employee may be accompanied by a person of his/her choice. If the staff employee chooses to be accompanied in the informal process by an employee organization representative, legal counsel or other similar professional, the institution may elect to waive the informal procedure and initiate proceedings under the Formal Grievance Procedure.
5. The staff employee shall receive a written decision from the immediate supervisor within five (5) working days of the conclusion of the informal proceeding.

13.7.2.3. FORMAL PROCEDURE

1. If the staff employee is not satisfied with the decision of the immediate supervisor at the completion of the informal stage, the staff employee may instigate the Formal Grievance Procedures by filing an "Employee Grievance Report Form" with the Human Resource Office within 30 days from the date a written decision was rendered in the informal proceedings.

Upon filing an "Employee Grievance Report Form" to initiate formal proceedings, the following steps will be taken:

- a. The Human Resource Office will arrange for a meeting with the staff employee, the next-level supervisor (if one), and the appropriate Vice President. The immediate supervisor should be present to offer his/her perspectives.
- b. The staff employee may be accompanied by any person of his/her choice. However, the staff employee will act as his/her own spokesperson.
- c. The next-level supervisor in conjunction with the appropriate Vice President shall render a decision in writing and will return one copy to the employee and one copy to the appropriate Human Resource Office within five (5) working days of the conclusion of the formal meeting with the staff employee, the supervisor(s), and the appropriate Vice President.
- d. The decision of the second-level supervisor (if one) and/or the Vice President is final and binding for part-time, temporary or probationary staff.

2. If the staff employee is not satisfied with the written decision of the next-level supervisor/Vice President, a completed copy of the Employee Grievance Form, along with the all written decisions by the immediate supervisor and the next-level supervisor and/or Vice President may be given to the appropriate Employee Relations Committee. This committee is a standing committee constituted by the President at the beginning of each fiscal year. Six members by random selection from diverse populations of the campus will be called to serve. Three members of the committee will be given the assignment to serve as a panel for the grievance, one member selected by the complainant, one selected by the accused, and one selected by the President.

- a. The staff employee shall have five (5) working days from the completion (written decision) of Formal Procedure No. 1 above to forward the grievance to the Human Resource office for convening the

appropriate Employee Relations Committee.

b. The Human Resource Office will then arrange for a meeting with the appropriate Employee Relations Committee within five (5) working days of receipt of the "Employee Grievance Report Form."

c. Both parties shall have the right to submit evidence, to bring witnesses, and to be represented by legal counsel during this process if so desired.

d. The Committee shall keep a record of its proceedings.

e. Upon conclusion of the hearing, the Committee will have ten (10) working days to render a decision.

3. If the staff employee is not satisfied with the written decision of the appropriate Employee Relations Committee, an informal conference with the President and only the staff employee may be requested to review the record. The request shall be made in writing and submitted to the Human Resource Office within five (5) working days of the completion of Formal Procedure No. 2 above. The President will review the decisions of the appropriate Employee Relations Committee. The President may ratify the committee's findings and adopt its recommendations, return the report to the committee for reconsideration or clarification, or reject all or part of the committee's findings and recommendations if he/she find that the committee's recommendations are not supported by the record or any other grounds as may be determined by the President. Thereafter, the President shall render a decision in writing and will return one copy to the employee and one copy to the Human Resource Office within ten (10) working days from the date of the informal conference. The President's decision is considered final and binding.