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## **Grievance (Staff)**

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### **OPERATIONAL POLICY STATEMENT**

It is the policy of the College to provide for the prompt and fair resolution of employee disputes and disagreements resulting from alleged violations, misinterpretations, or inappropriate or inequitable applications of College operational policy or procedure for which the College can provide a remedy. Grievable items do not include basic management rights such as, but not limited to, the right to observe, evaluate, manage, direct and assign employees and the right to determine staffing patterns, rates of pay and tasks to be performed. The Chief Human Resources Officer or appropriate departmental designee (referred to from this point as “Human Resources”) will assist employees in understanding the grievance operational policy and procedure, including consultative services to help employees determine whether or not a concern is within the scope of this operational policy.

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### **SCOPE**

Regular Full-Time and Regular Part-Time Staff

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### **PROCEDURE**

#### **I. Grievance Procedure for Grievances based on Discrimination, Sexual Misconduct, Harassment, and Retaliation:**

The College intends to maintain an environment free of discrimination, harassment and sexual misconduct. In addition, the College will not tolerate any retaliation against employees, faculty or students who file complaints based on such conduct. Grievances concerning such allegations will follow the grievance resolution process identified in Operational Policy 10.05. Specifically, this grievance resolution process will be used to address incidents of Discrimination defined by Operational Policy 10.06 and incidents of Prohibited Harassment defined by Operational Policy 10.08. However, any grievance concerning incidents of Title IX Sexual Harassment, including but not limited to, sexual assault, dating violence, domestic violence, and stalking, will utilize the grievance process of Operational Policy 10.14 and will be referred to the college Title IX Coordinator.

All other grievances should follow the process below.

Grievances which may involve procedures under both Sections I and II will follow the procedure as directed by the Chief Human Resources Officer.

## **II. Grievance Procedure for all Other Grievances:**

### **Step One: Informal Resolution**

An employee who makes it known that he or she believes there are justifiable grounds for complaint will make every effort to resolve the matter through an informal discussion with the immediate supervisor within five (5) days of the occurrence or cause of such matter, or from the date the employee could reasonably have known of the occurrence or matter. Within ten (10) days the supervisor will focus on gathering as many facts as possible, discussing the situation with additional levels of management as appropriate to organizational structure, and meeting with the employee to clear up any misperceptions that may exist. If the immediate supervisor is the person alleged to have engaged in the conduct which forms the basis for the complaint, the employee should consult with Human Resources.

### **Step Two: Administrative Review**

An employee who is not satisfied with the disposition of the matter may direct the complaint in writing to the applicable Dean or Director within five (5) days, copying Human Resources. The employee will state the complaint in detail, the response from the supervisor, and the relief desired. The Dean or Department Director will investigate, discussing the situation with additional levels of management as appropriate to organizational structure, and respond to the employee in writing within ten (10) days, copying Human Resources. When requested by either management or the employee, Human Resources may be present at any meetings that might be held in the course of the investigation.

### **Step Three: Formal Grievance**

A Formal Grievance may not be made until previous steps have been exhausted or Human Resources determines there is a compelling reason to proceed directly to this step.

Within ten (10) days of written notification under Step Two above, the employee must submit in writing to Human Resources the alleged violation and/or misinterpretation, or inappropriate or inequitable application of a stated operational policy or procedure for which the College can provide a remedy; the relevant facts supporting the staff member's position, i.e., date(s), event(s), names(s) and title of person(s) involved, and information about the impact the issue has had or is having on the staff member, the response from previous steps and the remedy sought.

Within thirty (30) days Human Resources will investigate, which may involve discussing the matter with the complainant and other persons/witnesses involved and reviewing any other relevant information or evidence and issue a final recommendation that will be provided to the employee, all levels of management as appropriate to the employee's organizational structure and any administrators whom the Chief Human Resources Officer believes should be informed of the decisions.

## **Step Four: Appeal to the President**

If the decision reached through the Formal Grievance Process is not satisfactory to the employee he/she may submit to Human Resources, within ten (10) days, a written request for a review by the President. The employee will provide a written summary of the specific facts of the grievance including the nature of his/her dissatisfaction with the decision or action taken by Human Resources.

Human Resources will provide this summary to the President, along with copies of documentation from previous steps.

Within thirty (30) days of the receipt of the grievance appeal, the President will provide a written decision to all appropriate persons. To help reach this decision, the President may identify and appoint a three-member council, with composition at his/her discretion and appropriate to the best resolution of the particular situation, to investigate the issues and prepare a written analysis, with conclusions and recommendations. The President, or the President's Council, may appoint an independent third party to conduct the investigation. After review of the Council's recommendations the President may accept, reject or modify them.

### **Additional Guidance**

1. Non-grievable complaints include:

- a. Complaints solely related to: employee observations and performance appraisal procedures and the resulting appraisals or improvement plans, including Informal Counseling of an employee concerning expectations for future conduct; work assignments, letters or memoranda directed to an employee containing directives or instructions for future conduct, schedule changes, reassignments; job classification and compensation, including salary adjustments; administrative leave; recommendation and notification of reduction in force and/or reorganization; hiring decisions, including internal promotion decisions.
- b. Complaints filed on behalf of another employee or on an issue that is not directly related to their employment situation.
- c. A challenge to the creation or change of operational policy or procedure, which falls within the discretion of the President and College Board.

2. When a complaint is identified as non-grievable, Human Resources will provide the employee and management, as applicable, consultation to assist in identifying the source of the situation, information about College policies affecting their employment, feedback about their particular situation, and suggestions or possible solutions.

3. If at any stage the employee does not take the next step within the time allotted, the matter will be settled in the manner recommended or decided by the administration at that step.

4. The employee may withdraw the complaint at any time by giving written notice to Human

Resources.

5. If the College fails at any step to communicate within the specified time limits the employee will be permitted to proceed to the next step.
6. The time limits specified are intended to encourage timely and prompt resolution of all complaints. However, timelines may be changed by mutual agreement.
7. All references to number of days are College working days.
8. All complaints arising out of an event or series of related events must be addressed together. The employee is precluded from bringing separate or serial complaints concerning events which have been previously addressed
9. As the process moves from one level to the next the employee may not add new considerations.
10. While the employee may request specific redress to the issues involved, the decision as to what action, if any, should be taken with respect to another employee will be left to the College's discretion.
11. Human Resources will determine whether or not is reasonable to place an employee on administrative leave at any time during this process.
12. In order to maintain the greatest possible confidentiality, all parties interested or affected by the complaint should refrain from discussing it or related matters.

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### **OPERATIONAL POLICY HISTORY**

Formerly Policy 2.4.5, Adopted 1/25/2000  
Revised 12/17/2008  
Renumbered to Policy 2.23 in 10/2014  
Revised 03/21/2017  
Revised to "Operational" Policy 3/5/2021  
Revised 3/31/2021

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