

Faculty Grievance

OPERATIONAL POLICY STATEMENT

Yavapai College encourages an open and frank atmosphere in which any problem, complaint, suggestion, or question receives a timely response. It is expected that members of the College community will attempt to resolve issues mutually through open discussion. If the open discussion fails to resolve the issue, members of the College faculty may file a grievance as stated below. At no point will a grievant suffer retribution for initiating a grievance. All documents, communication and records related to a grievance shall be filed separately and not be retained in the personnel file of any participant in the grievance procedure; however, filing of a grievance does not automatically remove relevant items that already exist in the personnel file.

Yavapai College recognizes that, as academic professionals, credentialed faculty may have issues that are unique to their profession. As such, faculty may file grievances on any of two levels: Individually or Faculty-as-a-Whole. Grievances may involve, but are not limited to, instances of prejudicial treatment or action by another member of the College community, matters of performance review, provisional contract status, continuing contract status, and professional reputation; or matters of academic freedom and operational policy pertaining to faculty and instruction.

Upon the resolution of any grievance, individual or Faculty-as-a-whole, any remedies shall be implemented as swiftly as is reasonably possible.

Grievances will be processed as described in Sections I or II below, depending on the conduct alleged. Grievances which may involve procedures under both Sections I and II will follow the procedure as directed by the Chief Human Resources Officer.

SCOPE

Full-Time Faculty

PROCEDURE

I. Grievance Procedure for Discrimination, Prohibited Harassment, Title IX Sexual Harassment, or Retaliation

The College intends to maintain an environment free of discrimination, prohibited harassment and Title IX sexual harassment. 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 be referred to the college Title IX Coordinator.

All other grievances should follow the process below.

II. Grievance Procedure for all other Grievances:

A. Individual Faculty Grievance

If a situation occurs when a Faculty member believes that a condition of employment or a decision that affects him or her is the result of a misapplication, misinterpretation or violation of district operational policy, that individual shall follow the faculty grievance procedure steps outlined below. A grievant may stop the procedure at any step. At any point in the grievance process, the grievant may solicit assistance from the Yavapai College Human Resources Department.

All time limits contained in the procedure outlined below may be extended by mutual agreement of the parties concerned. Should an individual Faculty member, or the Faculty as a whole, submit a request for information pertinent to a particular grievance, the days falling between the grievant's request and the compliance with that request shall not be counted against said grievance's time limits.

If the grievant's supervisor, the Grievance Review Committee, the Vice President of Academic Affairs fails at any step in these procedures to communicate the decision on the grievance within the specified time limits outlined in this operational policy, the grievant will be permitted to proceed to the next step. If the grievant fails at any step of these procedures to appeal a grievance to the next step within the specified time limits, the grievance will be deemed to have been settled in accordance with the decision rendered at that step.

Grievant(s) may request representation by a Faculty Senate representative in all proceedings with regard to a grievance filed according to this procedure. This includes the right to be accompanied by said representative at all meetings.

Step One: Informal Resolution with the Grievant's Immediate Supervisor

The grievant shall prepare a written statement of the grievance and orally present the grievance to his or her immediate supervisor within twenty (20) working days from the date in which the grievant could reasonably have known of the occurrence of the grievous act. Since grievances may be cumulative and a grievant may be uncertain whether he or she has been aggrieved until additional observations are made, some time may pass before the grievant is convinced that cause exists to set

the grievance process in motion. In consideration of this, a grievant may base his or her grievance on prior as well as current events or conditions. The grievant may present documentation of events and conditions. Members of the College community who have born direct witness to the grievous action may also submit documentation. Dates, times, and incidents must have direct correlation to the documentation submitted by the grievant.

Regardless of the outcome of this initial meeting, the individual grievant's immediate supervisor shall conduct an investigation and issue a written decision to the grievant within ten (10) working days following the date the grievance is filed at Level 1.

Step Two: Grievance Review Committee

If a grievance has not been satisfactorily resolved at Step 1, the grievant may, within ten (10) working

days of receiving a decision from their supervisor, request that the written grievance be forwarded to the Grievance Review Committee. Upon receiving such request, the supervisor shall forward the grievance to the Grievance Review Committee within five (5) working days.

The Grievance Review Committee will conduct an investigation and present a recommended resolution of the grievance in writing to the grievant(s) and Vice President of Academic Affairs within twenty (20) working days after receipt of the grievance by the Committee. The Grievance Review Committee will consider written grievances, supporting evidence, and any additional information or materials that the grievant deems relevant to the case.

Rejection or acceptance by each party will be communicated to the Grievance Review Committee in writing within ten (10) working days after receipt of the recommended resolution. A written rejection should specify reasons and may include suggested alternative solutions.

The Grievance Review Committee will consist of five voting members of the Faculty Association who have continuing status. It will be established in the following manner: at the beginning of the academic year, three eligible faculty members will be chosen by the Faculty Senate and two members will be chosen by Vice President of Academic Affairs. Committee members will elect a Chair from among themselves. Vacancies will be filled according to the guidelines set forth above (if, for example, a committee member chosen by the Faculty Senate has left the College, the Faculty Senate would select that individual's replacement on the committee).

Step Three: Written Communication to Vice President of Academic Affairs

If the grievance remains unresolved, within ten (10) working days the faculty grievant may present the issue in writing, with documentation, to the Vice President of Academic Affairs. Upon receipt of a written grievance, the Vice President of Academic Affairs shall have ten (10) working days following the date that this communication was filed to conduct an investigation and issue a written decision to the grievant. A faculty member who presents a grievance to the Vice President of Academic Affairs may also request a position statement from the Faculty Senate.

If the Vice President of Academic Affairs has a potential or an actual conflict of interest and/or bias, then the Vice President of Financial and Administrative Services or the Chief Human Resources Officer may review the grievance.

Step Four: Appeal to the College President

If the grievance remains unresolved, within ten (10) working days the grievant may present the grievance in writing, with documentation, to the College President. The College President shall meet with the grievant(s), the Grievance Committee Chair, and the Vice President of Academic Affairs within ten (10) working days of receipt of the Grievant's petition. The purpose of said meeting will be to seek resolution to the grievance that is satisfactory to all parties. In the event that a resolution cannot be affected, the President shall issue a written decision to the grievant and shall forward a copy of this response to the Human Resources Department within ten (10) working days from the date of the meeting.

B. Faculty-As-A-Whole Grievance

When the Faculty determines the need to grieve as a whole, the Faculty Senate shall initiate the

grievance and shall represent the Faculty upon the affirmation of a majority of voting members of the Faculty Association. The grievance shall be submitted in writing to the Vice President of Academic Affairs and Student Services shall conduct an investigation and respond in writing to the Faculty Senate within ten (10) working days.

If the grievance remains unresolved, the Faculty Senate shall present the grievance in writing to the College President. The College President shall respond in writing to the Faculty Senate within ten (10) working days. If at that time the grievance remains unresolved, the Faculty Senate may vote to require the President of the Faculty Association to present the grievance to the Governing Board. The College Governing Board shall consider the grievance at its next meeting or as soon as practicable thereafter. The Faculty Senate, the College President, or the Governing Board may request a position statement from the AAUP at any point in the process.

OPERATIONAL POLICY HISTORY

Formerly Policy 2.7.5, Adopted 1/23/2007

Renumbered to Policy 2.37 in 10/2014

Revised 03/21/2017

Revised 10/12/2020

Revised to “Operational” Policy and employee titles updated 3/5/2021
