

## **Grievance Policy and Procedures**

**Scope:** This policy and procedures applies to all regularly benefitted full-time and part-time employees, except senior executives on contract and those employees serving a probationary period.

**Policy:** The purpose of the internal grievance policy and procedures is to encourage cooperative, collegial and respectful relationships between and among employees and to assure that employee complaints regarding working conditions, disciplinary actions or alleged violations of policy and/or procedures receive prompt and careful consideration and are resolved in an equitable manner. The purpose of grievance procedures is to make maximum effort to secure equitable solutions to grievance matters at the lowest possible administrative level.

**Definition:** A grievance is a complaint regarding working conditions, disciplinary actions, or alleged violations of college policies and/or procedures that do not have a specific complaint procedure.

**Exclusions:** The following issues are excluded from the grievance policy:

1. An employee's performance appraisal. Including salary increases tied to the appraisal.
2. The grade or step of an employee's position or salary established within that grade or step. (considered under HR: 4140A, Classification Policy and Procedures and HR:4140B Salary Administration Policy)
3. The content or desirability of a college policy.
4. Employee's exempt or non-exempt status under state or federal laws matters which are subject to appeal or separate process under any other established procedures authorized elsewhere in college policies and procedures, including but not limited to HR: 4130, Protection from Discrimination and Retaliation, GA 3070, Sexual Misconduct; GA 3060, ADA Grievance Procedures; HR 4085F, Dismissal of Faculty: and granting of Tenure to faculty.
5. Decisions on the status of probationary and temporary employees (e.g., whether or not to grant regular status, continued funding or need for the position, etc.)

**General Provisions:**

1. Employees using this grievance procedure shall be assured freedom from discrimination or retaliation for participation.
2. Any grievance submitted under these procedures will contain a statement of the grievance, including a statement of the facts, the parties involved, and the specific remedy the employee is seeking.
3. Another current employee may accompany the employee filing the grievance at any stage of the of the process. The accompanying employee should not be involved in a conflict of position, such as may be the case with a member of the Human Resources department or the Office of Institutional Equity and Diversity. The accompanying employee may not act as a spokesperson or legal counsel for the grievant.

4. After a formal grievance has been submitted, no additional issues may be added. If such issues are discovered and cannot be resolved, another grievance will need to be submitted.
5. A grievance may be withdrawn by the employee at any stage of the process by written request.
6. Every effort shall be made to issue responses within ten (10) working days. The Associate Vice President of Human Resources/Payroll may grant extensions under extenuating circumstances.
7. No decision may be made at any step of the grievance process which conflicts with or violates applicable laws or regulations or written policies adopted by the President or Board of Trustees.

## Procedures

### Step 1: Informal Resolution

The employee shall attempt to resolve any alleged grievance informally with the employee's immediate supervisor, or next-level supervisor, within ten (10) working days from the date of the incident or the date the employee became aware of the incident. Every effort should be made to resolve the problem at this stage. If a satisfactory solution is not reached within seven (7) working days of notice to the supervisor, the employee may then proceed to request Alternative Dispute Resolution or file a formal grievance.

### Step 2: Alternative Dispute Resolution

In the event the grievance is not resolved during the informal resolution procedure, an employee or the College may request the assistance of a mediator to resolve the grievance. Such a request must be made to the Director of Employee Relations in Human Resources within five (5) working days of conclusion of the informal resolution procedure. Any such mediation shall be completed within thirty (30) days.

### Step 3: Formal Grievance

If the matter is not resolved, within five (5) working days of the conclusion of the informal procedure and/or Alternative Dispute Resolution, the employee may submit the formal grievance, in writing, to his /her next-level supervisor (*e.g.*, director or dean) in the employee's chain of command, with a copy to the Associate Vice President of Human Resources. The formal grievance must include a description of the problem, the basis of the grievance including prior attempt to resolve the situation, and a proposed remedy. This supervisor shall schedule a meeting with the employee or request additional information from the employee within ten (10) working days of receipt of the written grievance. The next-level supervisor shall consult with the Director of Employee Relations as part of the review of the grievance.

Upon conclusion of the review, the next-level supervisor shall submit a written answer to the employee within ten (10) working days of such meeting, and provide a copy to the Associate Vice President of Human Resources. The answer shall include whether the grievance is upheld or denied or other action will be taken in response, and the basis for the decision.

#### Step 4: Final Appeal.

If the grievance is not resolved in Step 3, the employee may submit a written appeal within five (5) working days of receiving the supervisor's written response, of the Step 3 answer to the Associate Vice President, Human Resources, or designee. The employee must submit the Step 3 answer and any other documentation considered previously.

The Associate Vice President of Human Resources shall schedule a meeting with the employee(s) and/or request additional information from the employee within ten (10) working days of receiving the appeal.

#### Committee Review

The Associate Vice President may consider requests from the employee for a committee review. The review committee shall consist of three individuals: one member chosen by the employee, one member of Human Resources staff, and one member from another department chosen by the Associate Vice President of Human Resources. The review committee shall review the information already submitted, and within 10 working days submit a recommendation to the Associate Vice President of Human Resources.

Upon conclusion of the review, the Associate Vice President shall submit a written answer to the employee, usually within ten (10) working days of the conclusion of the review and provide a copy to the Vice President of the grievant's division. The answer shall include whether the grievance is upheld, denied, or other action will be taken in response, and the basis for the decision.

The Associate Vice President of Human Resources or designee's review shall be final.

October2022