GRIEVANCE AND APPEAL

The College has a grievance and appeal procedure available to process employee complaints promptly, equitably, and if possible, informally. All employees may access the grievance and appeal procedures except in those cases pertaining to termination of employment or in other instances specifically identified in other Board policies and procedures. Both employees and supervisors, however, should mutually try to resolve any problems as they arise. If an employee does use the grievance and appeal procedure, the supervisor cannot discipline or discriminate against that employee.

See following pages for professional and paraprofessional procedures.
GRIEVANCE AND APPEAL

Employees who believe that they have been treated unfairly or that a rule, plan, or policy has been incorrectly applied may file a grievance.

Employees must first try to resolve a grievance informally with their supervisor and if necessary with other college officers. If employees are dissatisfied with the resolution at this level, they may appeal to the President. For part-time and full-time employees there are separate procedures for filing this appeal.

Procedure for Part-time Employees
Part-time employees present their grievance directly to the President. The President’s decision is final.

Procedure for Full-time Employees
Full-time employees may appeal to the President via the Staff Grievance Committee. The College will grant release time, if necessary, to all employees involved in a grievance procedure. The College will pay for any administrative costs for processing the grievance.

Step I: Filing a Grievance
Employees must file a formal grievance with the Human Resources office within 30 calendar days after the act or omission that caused the dissatisfaction occurrence or within 30 calendar days after the grievant knew (or reasonably should have known) of this act of omission. A grievance submitted after the 30-day limit will not be considered.

Employees must complete and return a College grievance form to the Human Resource office. If an employee asks, the Vice President for Administrative Services will discuss the grievance, advise the employee on College policies and assist the employee to prepare the grievance.

Employees may choose to bypass Steps 2 and 3 and ask the Board for a hearing immediately. The Board may, however, insist that the grievance proceed through all the steps.

Throughout Steps 2 through 4, the grievant may choose to be represented by themselves, by another employee, or by an outside representative. Although the College would prefer to keep the hearings at Step 2 and 3 informal without lawyers present, the employee may choose to be represented by a lawyer. If that is the case, the College will also have its lawyers present at these stages.

Step 2: Committee’s Review of the Grievance
The Staff Grievance Committee will be selected and will meet at the earliest practical date. It will try to schedule meetings during regular working
hours of the personnel involved. The committee will hear the grievance, keep a record, and issue a written recommendation within seven (7) days after the final hearing. It will send the findings and recommendations to the President, appropriate College officers, the Human Resources office and other appropriate parties.

**Selection of the Staff Grievance Committee**

The committee will have five (5) members. The Senate Chair and Vice President for Student Learning are standing members. The Vice President of Administrative Services is an ex-officio non-voting member. The other three (3) members are professional employees chosen by the President from a list submitted by the grievant.

The grievant submits a list of three (3) professional employees to the President as prospective members. The President selects or rejects members from this list. If the President rejects any members, the grievant will submit additional nominations until mutually accepted members are chosen. If an impasse occurs, the Chairperson of the Board of Trustees will rule on the acceptability of the members.

If the Senate Chairperson, the Vice President for Student Success Services, or the Vice President for Administrative Services is involved in a grievance, the Senate Association or the College President will name the respective replacement.

**Option to Step 2**

Instead of using Step 2, the Staff Grievance Committee, an employee may bring in an advisory arbitrator from the American Arbitration Association. The employee would pay the cost unless the College agreed to share the cost. The arbitrator’s decision will be presented to the President as provided in Step 3 and is not binding.

**Step 3: Presidential Review**

After receiving the arbitrator’s or the committee’s recommendations, the President will send a final decision to the chairperson and/or to the grievant within 14 calendar days. The grievant will also receive a copy of the records. The grievant may appeal this decision to the Board of Trustees.

**Step 4: Board of Trustees Review and Hearing**

After receiving the President’s decision, the grievant may file an appeal with the Vice President for Administrative Services within seven (7) calendar days. This officer will forward the appeal to the chairperson of the Board of Trustees. The Board will hear and decide on the grievance in no less than 10 and no more than 30 days. The Board will notify the employee at least 10 days in advance of the time and place of the hearing.
The Board’s decision is final. If the grievant does not agree with the decision he or she may seek external remedies.

**Rights of the Grievant**

Employees filing a grievance with the Staff Grievance Committee have these rights at the hearing:

- To be present,
- To have their own representative or advisor,
- To consult with this representative or advisor,
- To hear and examine information presented,
- To question witnesses testifying against them, and
- To present evidence by witness.

**Right of the Committee**

The Staff Grievance Committee will have these rights at the hearing:

- To incorporate into the record any document or other thing that the respondent or grievant wishes,
- To question witnesses or information presented,
- To dismiss anyone who interferes with the hearing who does not abide by the chairperson’s rulings,
- To meet in a caucus,
- To call additional witnesses,
- To dismiss any action,
- To allow an informal and mutual solution, or
- To require further investigation.

**General Rules of Decorum**

Anyone attending a hearing will adhere to the following rules of decorum:

- The Committee will follow a standard written procedure for administering the hearing,
- Everyone will come to order at the request of the Chairperson,
- Common decency and courtesy will be expected at all times,
- The Chairperson will rule on all requests and point of order and may consult with the Committee before issuing a ruling. The Chair’s ruling is final unless, at the request of a member, the Chair presents the question to the entire Committee for a ruling. In this case, the ruling of the majority of the Committee is final,
- Requests to address the Committee are directed to the Chairperson. Advisors or representatives may request clarification of a procedure but must direct such requests to the Chair.
GRIEVANCE AND APPEAL

Non-probationary paraprofessionals who believe that they have been treated unfairly or that rule, plan, or policy has been incorrectly applied may file a grievance.

Employees must first try to resolve a grievance informally with their supervisor and if necessary with other College officers. If employees are dissatisfied with the resolution at this level, they may appeal to the President. For part-time and full-time employees there are separate procedures for filing this appeal.

Procedure for Part-time Employees
Part-time paraprofessionals present their grievance directly to the President. The President's decision is final.

Procedures for Full-time Employees
Full-time paraprofessionals may appeal to the President via the Staff Grievance Committee and the Vice President for Administrative Services, if necessary. The College will grant release time to all employees involved in a grievance procedure. The College will pay for any administrative costs for processing the grievance.

Step 1: Filing a Grievance
Employees must file a formal grievance with the Human Resources office within 30 calendar days after the act or omission that caused the dissatisfaction occurrence or within 30 calendar days after the grievant knew (or reasonably should have known) of this act of omission. A grievance submitted after the 30-day limit will not be considered.

Employees must complete and return a College grievance form to the Human Resource office. If an employee asks, the Vice President for Administrative Services will discuss the grievance, advise the employee on College policies and assist the employee to prepare the grievance.

Employees may choose to bypass Steps 2, 3 and 4 to ask the Board for a hearing immediately. The Board may, however, insist that the grievance proceed through all the steps.

Throughout Steps 2 through 5, grievants may choose to be represented by themselves, by another employee, or by an outside representative. Although the College would prefer to keep the hearings at Step 2, 3, and 4 informal without lawyers present, employees may choose to be represented by a lawyer. If that is the case, the College will also have its lawyers present at these steps.
Step 2: Committee’s Review of the Grievance

The Staff Grievance Committee will be selected and will meet at the earliest practical date. It will try to schedule meetings during regular working hours of the personnel involved. The Committee will hear the grievance, keep a record, and issue a written recommendation within seven (7) days after the final hearing. It will send the findings and recommendations to the Vice President for Administrative Services, appropriate College officers, the Human Resource office, and other appropriate parties.

Selection of the Staff Grievance Committee

The Committee will have six (6) members. The Vice President for Administrative Services is an ex-officio non-voting member who will act as Chairperson to facilitate the procedure. The Vice President for Administrative Services selects two (2) members with the approval of the grievant. If mutual agreement on these members reaches an impasse, the President will rule on the acceptability of these members. The other three (3) members are staff members chosen by the Vice President for Administrative Services from a list submitted by the grievant.

The grievant submits a list of three (3) staff members to the Vice President for Administrative Services as prospective members from this list. If the Vice President rejects any members, the grievant will submit additional nominations until mutually accepted members are chosen. If an impasse occurs, the President will rule on the acceptability of the members.

If the Vice President of Administrative Services is involved in a grievance the President will name the replacement.

During a Staff Grievance Committee hearing, the standards set forth in the professional employees’ procedure under Rights of the Grievant, Rights of the Committee, and the General Rules of Decorum will apply.

Step 3: Review by the Vice President for Administrative Services

After receiving the committee’s recommendations, the Vice President for Administrative Services will send a final decision to the chairperson and to the grievant within 14 calendar days. The grievant will also receive a copy of the records. The grievant may appeal this decision to the President.

Step 4: Review by the President

After receiving the Vice President’s decision, the grievant may appeal to the President by filing an appeal with the Vice President for Administrative Services within seven (7) calendar days. This officer will forward the appeal to
the President. After receiving the appeal, the President will issue a written decision within 14 calendar days.

Step 5: Board of Trustees Review and Hearing

After receiving the President’s decision, the grievant may file an appeal with the Vice President for Administrative Services within seven (7) calendar days. This officer will forward the appeal to the Chairperson of the Board of Trustees. The Board will hear and decide on the grievance in no less than 10 and no more than 30 days. The Board will notify the employee at least 10 days in advance of the time and place of the hearing.

The Board’s decision is final. If the grievant does not agree with the decision he or she may seek external remedies.

Adopted November 19, 1981
Revised June 26, 1986
Reformatted October 7, 1986
Reformatted March 2012