

I. Overview

It is natural that members of the College community will from time to time have personal dissatisfactions and concerns arising from their employment with the College. Often, dissatisfactions and concerns of this sort can be reviewed and resolved through a process of informal discussion. However, when a dissatisfaction or concern remains unresolved, employees are permitted to use a grievance procedure to seek a more structured final decision or resolution.

The College's grievance procedure for Staff employees includes stated time frames designed to ensure prompt yet thorough action. In cases of extenuating circumstances, the College may grant reasonable adjustments to the stated time frames.

The College does not discriminate against or take reprisal actions against any person who has filed a grievance. Any complaint of discrimination or reprisal should be reported immediately to the Office of the Chancellor which will initiate a separate investigation concerning the report of discrimination or reprisal.

II. Practice

Step I – Informal Discussion

In order for an employee to use the grievance procedure regarding a dissatisfaction or concern, the employee wishing to file a grievance should initiate the Informal Discussion within 10 working days from whichever of the following date is earlier:

- The date the employee first discovered the event(s) giving rise to the grievance, or
- The date the employee could have reasonably first discovered the event(s) giving rise to the grievance.

A Staff employee having a grievance should initially discuss the grievance with the employee's immediate supervisor and should make clear that the discussion concerns a grievance. If the grievance involves the immediate supervisor and the employee does not feel comfortable discussing the situation with the supervisor, the employee may contact the applicable Vice Chancellor or the Office of the Chancellor so that an alternate person may be designated to receive the grievance.

It is the supervisor's responsibility to give impartial, informal consideration to the matter being grieved; to make a reasonable investigation; and, if practicable, to arrive at an answer or resolution that is mutually agreeable. The supervisor is expected to reply orally to the staff member within ten (10) working days of receiving the grievance.

Step II – Formal Discussion

If a mutually agreeable settlement is not reached in Step I above within ten (10) working days after presentation of the grievance to the supervisor, the employee may submit an oral grievance to the applicable Vice Chancellor.

Within one workday of receiving the oral grievance, the Vice Chancellor notifies the Office of the Chancellor which maintains records on all grievances submitted at this level.

To the extent practicable, the Vice Chancellor receiving the grievance provides an oral response to the employee within ten (10) working days. Prior to providing the oral response, the Vice Chancellor consults the supervisor involved, studies the pertinent facts, carefully examines policies involved, discusses the issue with the employee and, if practicable, settles the matter within the framework of existing University policy to the satisfaction of the employee and the supervisor. The Vice Chancellor provides the Office of the Chancellor with a written summary including the nature and facts of the grievance, the efforts made to resolve the grievance, and the response provided to the employee.

Step III – Review Process

If the time period has expired without a response from the Vice Chancellor, or if the employee is not satisfied with the response from the Formal Discussion step, within 10 working days the employee may initiate the Review Process by providing a written grievance to the Office of the Chancellor.

The Review Process has two tracks depending on the nature of the Staff employee's dissatisfaction or concern:

Review Process Track I is the sole procedure for resolving those Staff employee grievances that arise from the College's exercise of its lawful discretion concerning one or more of these three types of matters:

- Decisions or actions by the College to not reappoint an employee who has been serving under a letter or contract of employment containing a time limitation. (Employment is not guaranteed for such employees. Repeated letters of appointment do not constitute an express or implied promise of subsequent reemployment. The College may decline to reappoint any such employee.)
- Compensation decisions or actions that are within the lawful discretion of the College, and
- Decisions or actions by the College that result in the employee's at-will discharge.

When a Staff employee submits a written grievance covered under Review Process Track I, the employee is encouraged to state what decision or action of the College gave rise to the grievance.

Normally within ten (10) working days after receiving the Staff employee's written grievance falling under Review Process Track I, the Chancellor meets with the employee.

After meeting with the employee, the Chancellor provides a written decision as soon as practicable, normally within five (5) working days following the meeting between the Chancellor and the employee.

The decision of the Chancellor is final regarding matters under Review Process Track I.

Review Process Track II pertains to Staff employee grievances that are not covered in Review Process Track I. Examples of Track II issues include but are not limited to issues concerning:

- Violations of law,
- Violations of public policy, and
- Violations of Board policy.

When a Staff employee submits a written grievance covered under Review Process Track II, the employee is encouraged to state what law, public policy, or Board policy, if any, the employee believes may have been violated.

Note that the Review Process Track II includes and is not limited to grievances concerning violations of law such as unlawful discrimination; unlawful harassment; violation of whistle blower rights; retaliation and reprisal violations; and violations of the Fair Labor Standards Act such as exempt/non-exempt classification errors, overtime pay errors, minimum wage errors, etc.

Upon receiving a grievance covered under Review Process Track II, the Office of the Chancellor convenes an Ad Hoc Grievance Committee and refers the grievance to the Grievance Committee.

Composition of the Grievance Committee

The Ad Hoc Grievance Committee consists of five (5) voting members, a majority to be selected from the Staff Senate. The Committee members elect one (1) of the five (5) members as the chair. The Office of the Chancellor will also appoint an ex-officio, non-voting additional member of the Committee whose role is to offer technical assistance on procedural and policy matters.

Functions of the Grievance Committee

The Ad Hoc Grievance Committee functions in a flexible and informal manner to determine whether institutional error has occurred. If by majority vote the Committee determines that institutional error has occurred, the Committee recommends to the Chancellor an appropriate corrective action. If after majority vote the Committee does not determine that institutional error has occurred, the Committee does not recommend a corrective action.

The Committee has twenty (20) working days to prepare a written response after it has received a grievance file. All proceedings are in closed session. The Committee determines whether and from whom to request oral testimony. The Committee is not required to hear oral testimony and may complete its responsibilities based on review of the record, including but not limited to items submitted for the record by the employee who filed the grievance.

If oral testimony is taken, the grievant is afforded the opportunity to be present for such testimony and is afforded the opportunity to ask questions of any and all witnesses. If the grievant wishes to call witnesses, at least three (3) working days in advance the grievant will inform the chair of the Committee of the names of the witnesses the grievant wishes to be called. If oral testimony is taken, the grievant is afforded the opportunity to be accompanied by a person of the grievant's choosing, including an attorney. If the grievant elects to be accompanied, the grievant notifies the Chair at least three (3) working days in advance as to the name and occupation of the person who will accompany the grievant. The sole role of the person accompanying the grievant is to advise the grievant.

Findings of the Grievance Committee

In reviewing a grievance, several options are open to the Committee:

1. It may find that no institutional error has occurred and therefore make no recommendation.
2. It may request that the parties involved provide additional information.
3. It may find that institutional error has occurred and recommend action(s) to remedy the error.

In all instances the Committee makes a record of its findings, a statement of its conclusion, including the reason or policy criteria used in reaching a decision, and its recommendation(s) for resolution of the grievance if an institutional error has been found. The Committee decision is forwarded to the Chancellor. Copies are also forwarded to the grievant and the applicable Vice Chancellor.

Decision of the Chancellor

The Chancellor may accept or reject the Committee findings and recommendation, if any. Normally a decision will be communicated within five (5) working days. The decision of the Chancellor completes the grievance process. The decision of the Chancellor is provided to the employee in writing with a copy to the applicable Vice Chancellor.

Document Collection

When a Grievance Committee proceeding has been completed, all materials relating to that grievance are retained in the Office of the Chancellor for three (3) years.

Adopted: September 15, 2005