


# PROCEDURE MANUAL

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## PURPOSE

The Grievance Procedure is to afford full-time employees an opportunity to resolve grievances.

## PROCEDURE

1. Definitions
  - 1.1 *Grievance* is a complaint involving either an alleged violation, misinterpretation, or inappropriate application of any College policy or procedure, or any other dispute within the College, excluding separation from employment.
  - 1.2 *Petitioner* is the person initiating the grievance proceedings.
  - 1.3 *Respondent* is the person against whom the grievance is directed or, in situations deemed appropriate by the College, an administrator assigned by the College President or designated representative.
  - 1.4 *Grievance Hearing Committee* is the three-member group responsible for hearing a specific action.
2. Selection of Grievance Hearing Committee Pool
  - 2.1 Full-time faculty members, counselors and professional/administrative employees will be randomly selected from the established Due Process Hearing Panel Pool (450.1).
  - 2.2 Classified employees will be notified by the Director of Personnel by September 1 that a Grievance Hearing Committee Pool will be formed and they may volunteer to serve for a term of one year.
  - 2.3 The Director of Personnel will list on a ballot those classified employees who have indicated a willingness to serve and distribute the ballots for an election.
  - 2.4 The elected classified pool will be comprised of a maximum of twelve (12) classified employees.
3. Informal Resolution
  - 3.1 Before initiating the grievance process, the prospective petitioner will make every effort to resolve the problem at the division or department level by communicating the substance of the problem to the division or department supervisor and meeting with the supervisor to discuss the problem. These steps must be taken within thirty (30) calendar days after the event giving rise to the grievance.
  - 3.2 If a petitioner is unable to resolve the problem at the division or department level and wants to pursue the resolution further, the petitioner may request the intervention of the Vice President responsible for the petitioner's division or department. If the petitioner does not have a Vice President in the chain of command and wants to pursue the resolution further, the petitioner will request a grievance hearing. To request the intervention of a Vice President, or to request a grievance hearing in those situations

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where there is no Vice President in the chain of command, the petitioner must submit a written summary of the problem to the appropriate Vice President or Director of Personnel within twenty (20) calendar days of the date that the matter was the subject of discussion with the petitioner's supervisor.

3.3 The Vice President will review and, to the extent deemed appropriate, will attempt to resolve the problem and will notify the petitioner in writing of the action or decision within fourteen (14) calendar days.

3.4 The supervisor and Vice President will keep a record of informal discussions held.

#### 4. Requesting a Grievance Hearing

4.1 If the petitioner is not satisfied with the action or decision of the Vice President or does not have a Vice President in the chain of command, the petitioner may request a review of the problem by submitting the grievance and a request for a grievance hearing in writing. This request must be made to the Director of Personnel within seven (7) calendar days after the last action taken. This request for a hearing must also include a list of witnesses who will testify on behalf of the petitioner.


4.2 The respondent will be notified of the request for a grievance hearing by the Director of Personnel. The respondent will submit a written rebuttal and a list of witnesses to the Director of Personnel within seven (7) calendar days after the notification. In situations deemed appropriate by the College, the College administration may assume the rights and responsibilities of the respondent. These include, but are not limited to, situations where the respondent fails to submit a timely or adequate rebuttal or list of witnesses and the College maintains an interest in the outcome of the grievance. In such cases, the College administration will have seven (7) additional calendar days after the respondent's rebuttal was due to submit a rebuttal or supplement to the rebuttal and a list of witnesses.

#### 5. Forming the Grievance Hearing Committee

5.1 The Grievance Hearing Committee will consist of two (2) members (one faculty member or counselor and one professional/administrative employee) randomly selected by the Director of Personnel from the Due Process Hearing Panel Pool and one (1) member randomly selected from the Classified Pool. The Director of Personnel will exclude from the selection process employees who have been named as witnesses.

5.2 If a selected Grievance Hearing Committee member feels there is a conflict of interest or other pertinent reason that would preclude serving on the committee, the committee member may decline to serve. Random selection will be repeated for replacement provided that the ratio of one (1) faculty and/or counselor, one (1) professional/administrative employee, and one (1) classified employee is retained.

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5.3 Prior to the commencement of the hearing, each party will be notified of the selection by the Director of Personnel. The petitioner and/or respondent may challenge one of the elected members of the committee for any reason or no reason within four (4) calendar days. Substitutes for the challenged members will be selected randomly from the remaining pool(s) provided that the ratio of one (1) faculty and/or counselor, one (1) professional/administrative employee, and one (1) classified employee is retained.

## 6. Convening the Grievance Hearing Committee

6.1 Within seven (7) calendar days after their selection, the Grievance Hearing Committee will select a chair who will also be a voting member. The Grievance Hearing Committee will meet to read and review all documentation of the petitioner and the respondent and make a ruling on whether the grievance should proceed to a hearing. The chair of the committee will notify the petitioner and respondent of the committee's decision whether to convene the Grievance Hearing and, if so, the date, time, and place of the Grievance Hearing. This notification will be in written form and mailed or delivered to the petitioner, respondent and Director of Personnel within seven (7) calendar days after the committee meeting.

6.2 If a hearing is granted by the Grievance Hearing Committee, the chair will convene the hearing not less than three (3) calendar days nor more than seven (7) calendar days after the notification of the hearing.

### 6.3 Authority of the Chair

6.3.1 The chair will preside over and conduct the hearing and will rule upon all matters of procedure, including the submission of evidence, subject to being overruled by a majority vote of the committee. The formal rules of evidence as used in courts will not apply in the grievance hearing.

6.3.2 The chair may initiate a written request for a postponement of the hearing for good cause upon written request of the petitioner or the respondent.

### 6.4 Instructions to the Grievance Hearing Committee

6.4.1 The Director of Personnel will provide the necessary instructions and other matters of procedural concern to the members of the committee prior to the hearing. During the hearing, the Director of Personnel may be present and will serve as the liaison between the petitioner, the respondent, and the Grievance Hearing Committee.


6.4.2 A record of the hearing will be made (written, audio, video, etc.).

### 6.5 Other Persons Permitted to be Present at the Hearing

6.5.1 One full-time College employee chosen by the petitioner may accompany the petitioner.

6.5.2 One full-time College employee chosen by the respondent may accompany the respondent.

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6.5.3 Other than the petitioner and respondent and their employee representatives as described above, persons called to testify at the Grievance Hearing will be present only when presenting evidence or testimony.

## 6.6 Grievance Hearing Agenda

6.6.1 The chair calls the meeting to order.

6.6.2 The chair reads the grievance statement.

6.6.3 The petitioner and respondent will each be permitted to make an opening statement.

6.6.4 The petitioner's witnesses will testify, then the respondent's will testify. Any person at the hearing may question any witness. The petitioner and respondent will be responsible for summoning their own witnesses and having them present at the hearing.

6.6.5 The petitioner will be permitted to make a closing statement.

6.6.6 The respondent will be permitted to make a closing statement.

6.6.7 Following the completion of the hearing, the committee deliberates, after which the committee's recommendation will be rendered within six (6) working days. At that time, the recommendation of the committee will be sent in writing to the petitioner, respondent and the Director of Personnel.

6.7 The Director of Personnel will submit the committee's recommendation to the President within two (2) working days.

6.8 All testimony, records, documents, etc. pertaining to the grievance, including the committee's recommendation, will to the extent permitted by law, remain confidential and will be maintained in the office of the Director of Personnel.

## 7. President's Review and Decision

7.1 The recommendation of the Grievance Hearing Committee will be reviewed by the College President after which the President will render and, as appropriate, implement a decision.

7.2 The President's decision will be submitted in writing to the chair of the committee, petitioner, respondent and Director of Personnel within fourteen (14) calendar days of the receipt of the committee's recommendation. For good cause, the President may extend the fourteen-calendar-day requirement to no longer than a maximum of twenty-one (21) calendar days.

7.3 The decision of the President is final and not subject to appeal or other internal review.