

Procedure IV.4002.F.a, Employee Concerns and Grievances

Associated Policy

Policy IV.4002.F, Employee Concerns and Grievances

Procedure

This procedure specifies the process for bringing forth an employee concern or grievance in accordance with Policy IV.4002.F, Employee Concerns and Grievances.

Concerns and grievances are different in terms of the nature and severity of the circumstances. Generally:

- A. A concern is characterized by behaviors and actions that, while not unlawful, are of concern to an employee because they are not consistent with the College values or with reasonable standards of behavior.
- B. A grievance is a more serious claim than a concern; a grievance is typically brought forth as the result of unlawful actions or failure to comply with certain federal or state statutes or regulations.

Because of the differences between a concern and a grievance, different processes will be used for each.

Any employee, whether full-time or part-time, may submit a concern or grievance. Employees presenting a complaint about the terms or conditions of work may represent themselves or proceed through a representative, including an attorney.

Investigation into a concern or grievance is a serious and time-consuming endeavor. The College recognizes that the expenditure of time and resources is necessary to ensure the fair and equitable resolution of employee concerns and grievances. The College further recognizes that, in rare instances, an employee may misuse the concerns or grievance process to disrupt College operations or to humiliate or harass others. Employees are subject to discipline, including termination, if they demonstrate a pattern of filing complaints that have been determined to be unfounded or that lack a good faith basis, file a concern or grievance that intentionally or knowingly contains a materially false statement, and/or repeatedly file grievances or concerns on the same matter that has already been addressed. Before determining that an employee has acted in bad faith, made false statements, or filed unfounded or repetitive complaints, the appropriate leader, in conjunction with the Human Resources, Employee Relations, will carefully evaluate the evidence and will provide the employee an opportunity to respond to the allegation that the employee has acted in bad faith, made false statements, or filed unfounded or repetitive complaints.

Procedure for Employee Concerns

A “*concern*” is an employee complaint as defined in Board Policy IV.4, Employee Concerns and Grievances.

The College expects all leaders to maintain an "open door" policy to provide an opportunity for employees to share their concerns, problems, or suggestions and to obtain, when possible, resolution of those concerns. Concerns should be resolved with the first level leader when possible. If the concern is not resolved, employees will meet with the next level leader in presenting their concerns.

A. A concern is a complaint or problem regarding behaviors, social interactions, and leadership issues that occur in the workplace. Examples of concerns include, but are not limited to:

1. Disagreements with or concerns about office procedures, work assignments and directives, or work allocation within a group.
2. Disagreements with or concerns about the application of a policy or regulation.
3. Disagreements with or concerns about an employee's corrective action regarding performance or behavior expectations.
4. Disagreements with or objections to employee discipline or an investigatory finding of employee wrongdoing.
5. Allegations of bullying against another employee.

B. Procedure to submit a concern:

1. Within ten (10) working days of the date the employee knew or should have known of the event or decision that is the basis of the concern, the employee will present the problem, concern, or suggestion to their immediate leader.
2. Because some concerns are capable of immediate resolution when brought to the attention of a leader, employees are not required to put their concerns in writing as this may unnecessarily delay immediate resolution; however, when necessary to assist the administration in understanding and defining the concern, the employee may be requested to put the concern in writing.
3. If the concern is of such a nature that conferring with the leader would cause the employee undue embarrassment or stress, if previous discussions with the leader on the issue have been unproductive, or if the employee's immediate leader is the source of the concern, the employee may direct their concern to the next level leader. Additionally, if the employee's concern is urgent and the leader is unavailable for an extended period of time, the employee may direct their concern to the next level leader.
4. Most concerns should be resolved within fifteen (15) working days from the date the concern was brought to the attention of the leader; however, if the leader needs more than fifteen (15) working days to consider the concern or to gather information related to the concern, the leader will notify the employee in writing of how much time reasonably will be needed to provide a response.
5. If the employee is dissatisfied with the decision at any level of review, or if the leader has failed to provide a response, the employee may present the concern to the next level leader. The request for further review will be submitted in writing within five (5) working days of receipt of the leader's response or the date the leader should have provided a response. The request for further review will be submitted in writing to the appropriate level of leadership up to the respective Strategic Leadership Team (SLT) member.

6. The respective leader up to the SLT member will respond in writing to the employee within fifteen (15) working days of the request for review.
7. The decision of the respective SLT member will be in writing and will be final; however, the employee may bring their concern to the Board of Trustees at the next regular meeting in accordance with the provision for hearing of citizens.

Procedure for Employee Grievances

A grievance is a complaint or disagreement regarding policy, administrative procedure, or law that adversely and materially impacts the employee's wages, hours, or conditions of work as defined by Board Policy IV.4002.F, Employee Concerns and Grievances. A grievance includes a complaint that the employee has been subjected to retaliation for exercising a constitutional right or statutory right.

A. Procedure to submit a grievance:

1. An employee must discuss the matter with their immediate leader within ten (10) working days of the date the employee knew or should have known of the event or decision that is the basis of the grievance. If conferring with the immediate leader would cause the employee undue embarrassment or stress, if the leader is the source of the concern, or if immediate disclosure to the leader could jeopardize the safety of the employee, other persons, or the assets of the College, the employee may direct their grievance to the next level leader. Additionally, if the employee's grievance is urgent and the leader is unavailable for an extended period of time, the employee may direct their grievance to the next level leader.) The leader has fifteen (15) working days from the time of the discussion to respond in writing.
2. If the leader's response is unsatisfactory to the employee (or if the leader fails to respond), the employee may initiate the formal grievance process by submitting a written grievance within five (5) working days of receipt of the leader's response or the date on which the leader should have provided a response. The employee will submit a copy of the grievance to Employee Relations.
3. The employee's written grievance must contain sufficient detail and facts to identify the basis of the grievance, date(s) of the occurrence(s) at issue, individuals involved and material witnesses (and their contact information, if known), and the proposed remedy. If the grievance alleges retaliation, the statement should explain why the employee believes that retaliation was the motive for the challenged decision or action. When applicable, the employee will include copies of relevant documents or other tangible evidence, such as emails, memoranda, correspondence, or other items relevant to the issues in the grievance. The grievance must be signed and dated.
4. Employee Relations will evaluate whether the allegations in the complaint are subject to this procedure or a different procedure. If the allegations, even if assumed to be true, do not implicate this procedure or if the requested relief has already been implemented, Employee Relations will notify the grievant in writing and dismiss the grievance. If this procedure applies, the respondent will receive a copy of the grievance from Employee Relations and will be provided a reasonable opportunity to submit a written response to

the grievance. Employee Relations may redact the grievant's home address and personal email address or cell phone number if contained in the grievance.

5. If the respondent provides a written response to the grievance, Employee Relations will provide a copy to the grievant who will be provided a reasonable opportunity to submit a written response. Employee Relations may redact the respondent's home address and personal email address or cell phone number if contained in the grievance.
6. Employee Relations will facilitate an investigation of the grievance. The investigation may include review of relevant documents, electronically stored information, and tangible evidence; interviews with the grievant, respondent, or other witnesses; inspection of a workspace; and other evidence-gathering to understand the issues in the grievance and to evaluate potential remedies.
7. Upon receipt in Employee Relations, most grievances will typically be resolved within fifteen (15) working days; however, if more than fifteen (15) working days are required to investigate and process the grievance properly, Employee Relations will notify the employee and respondent in writing of how much time reasonably will be needed to provide a response.
8. At the conclusion of the investigation, the designated investigator(s) will prepare a written report with findings of fact. Findings will be based on a preponderance of the evidence. The leader and investigator will provide a recommended remedy, if any is warranted, to the respective SLT member. The findings will be communicated in writing to the relevant leader(s), grievant, and the individual(s) identified in the grievance as the respondent(s).
9. If the findings and/or remedy are not satisfactory to the employee who brought forth the grievance or the respondent, the affected employee(s) may appeal the decision to the respective SLT member or designee by providing a signed letter of appeal within five (5) working days. The statement of appeal must:
 - a. Identify all points of disagreement with the report and identify the remedy requested.
 - b. Contain sufficient detail to explain and support the basis of the appeal.
 - c. Explain the reasons why the appeal should be granted.
 - d. Not refer to evidence that was not presented during the investigation (unless the party establishes good cause for not providing the information during the investigation).
 - e. Not to exceed 2,500 words.
10. The respective SLT member, or designee, will review the statement of appeal and at their discretion may:
 - a. Request additional information from the grievant or the employee named in the grievance.
 - b. Schedule a meeting to discuss the appeal.
11. The respective SLT member or designee will provide a written response to the appeal within fifteen (15) working days. The written response will be provided to Employee Relations, the grievant, the relevant leader, and the respondent. If more than fifteen (15) working days will be required to consider the appeal, the administrator hearing the appeal will notify the parties in writing how much time likely will be needed to provide a response.

12. The decision of the respective SLT member is final; however, the employee may address the Board of Trustees at the next regular meeting in accordance with the provision for hearing of citizens.
- B. If multiple grievances are filed that relate to a common question, management decision, or circumstance, Employee Relations may consolidate and process the grievances as a Group Grievance. A Group Grievance will be investigated in accordance with the standards and procedures established in this procedure.
- C. Employees who violate the privacy rights of other individuals or who engage in conduct that reasonably may be perceived as witness intimidation or retaliation against persons who are participating in the investigation or grievance process may be subject to disciplinary action up to and including termination.
- D. The College strives to resolve any grievance fairly and equitably and encourages employees to seek remedy through the grievance process; however, the Grievance Procedure will not be construed to limit, terminate, or waive any right of an employee to seek remedy in a court of proper jurisdiction regarding an employee grievance for which a remedy is provided under state or federal laws.

Definitions

“Bullying” is the repeated or persistent infliction of abusive or inappropriate behaviors that a reasonable person would find threatening, intimidating, or humiliating. Bullying may be verbal (i.e., derogatory comments, insults, threats), physical (i.e., repeated or persistent instances of physical contact that a reasonable person would view as offensive, undesirable, or uncomfortable), or demonstrative (i.e., repeated or persistent use of threatening or offensive gestures, repeatedly trying to embarrass or humiliate an individual, or persistently engaging in behavior or activity to prevent an individual from being successful in their position) Not all confrontation, disagreement, or behavior perceived as unfriendly or rude will constitute bullying under the Board’s policy.

“Conditions of work” include hours of work, wages, duties, health and safety practices, and other practices or actions impacting the employee’s work environment.

“Retaliation” is conduct or decisions that a reasonable employee would view as materially adverse and whose purpose or effect is to discourage employees from exercising their rights under this policy or the law and which would not have occurred but for the employee’s complaint or the employee’s exercise of their constitutional or statutory rights. Retaliation does not include petty slights and annoyances.

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Effective Date	April 2, 2024
Associated Policy	Policy IV.4002.F, Employee Concerns and Grievances

Primary Owner of Policy Associated with the Procedure	Vice Chancellor, Human Resources, Organizational and Talent Effectiveness
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Secondary Owner of Policy Associated with the Procedure	Vice President, Human Resources
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