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Chapter: Personnel

Modification No. 001

Subject: **Personnel Grievance Process for Associate and Support Staff Employees**

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- I. The Board of Trustees recognizes the need for a grievance process for associate and support staff employees 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. Prior to filing a formal grievance, employees are required to make every effort to settle such matters informally in the normal system of supervision and administration. The purpose of grievance procedures is to make maximum effort to secure equitable solutions to grievance matters at the lowest possible administrative level.
  
- II. The President is authorized to establish procedures to implement this policy.

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Board Approval: September 21, 1987.

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I. Grievance - General

- A. Definition: A grievance is a complaint in regard to working conditions, disciplinary actions, or alleged violations of policy and/or procedures.
- B. Complaints which are exempt from the grievance procedure are:
  - 1. The content of published policy of the College.
  - 2. An action terminating a temporary promotion within a maximum period of two years and returning the employee to the position from which temporarily promoted or reassigning or an action demoting the employee to a different position that is not at a lower pay range than the position from which temporarily promoted.
  - 3. An employee's performance evaluation.
  - 4. Matters which are subject to appeal under any other established appeal procedure authorized elsewhere in College policies and procedures, including but not limited to 31006CP, Equal Opportunity, Non-Discrimination, and Sexual Harassment Complaint Procedures.
- C. All decisions rendered at all levels of the grievance procedure shall be in writing setting forth the decision and shall be transmitted promptly to all of the principal parties involved in the grievance and its adjudication.
- D. Each supervisory level shall give each grievance full, impartial, and prompt consideration. Since it is important that grievances be processed as rapidly as possible, the number of days indicated for each step should be considered as a maximum and every effort should be made to expedite the process. The time limits specified may, however, be extended by mutual agreement of the grievant and the "appropriate" official or "deciding" official. To provide for orderly processing, the following limits in calendar days shall be observed except in cases of suspension and discharge (see Section IV, Processing Grievances Involving Suspensions or Discharge):
  - 1. Under the informal procedure, the employee should present grievance to supervisor or appropriate administrator within 14 calendar days of the occurrence of the act or date the employee should reasonably have know of the act.
  - 2. If, within seven (7) calendar days, the supervisor cannot resolve the issue, the supervisor should return the form to the employee and the employee may then forward the informal grievance to the next level supervisor within seven (7) days of the supervisor's response. The next level supervisor should attempt to informally achieve a satisfactory resolution within seven (7) calendar days. The Informal procedure

should be completed within 21 calendar days after the initiation of the informal procedure.

3. In the event no resolution is reached, the employee may, within seven (7) calendar days, elect to request alternative dispute resolution, file a formal grievance, or take no further action.
4. If alternative dispute resolution is utilized, mediation should be completed within 21 calendar days of the employee's request.
5. For filing a grievance under the formal procedure, seven (7) additional calendar days after completion of action under the informal procedure or alternative dispute resolution.
6. For processing the grievance under the formal procedure, the Director of Employee Engagement & Labor Relations shall determine whether the informal requirements have been satisfied within seven (7) calendar days.
7. For processing the grievance under step one of the formal procedure, the Collegewide administrator or Vice-President/Provost shall issue a response within 14 calendar days.
8. In the event no resolution is reached, the employee may, within seven (7) calendar days, appeal to step 2 of the formal grievance procedure.
9. For processing the grievances under step two of the formal procedure, the Director of Employee Engagement & Labor Relations shall issue a response within 14 calendar days.

In calculating time limits as stated above, the following applies: (a) the day of the act or event is not counted; (b) days on which the College is officially closed or operations have been suspended are not counted; (c) the last day of the time period is counted unless it is a Saturday or Sunday; and (d) if the last day of the time period is a Saturday or Sunday, the time period runs until the end of the next business day on which the College is open.

In the event the time lines would be In the event the employee does not receive a response within the specified time limits and the time limits were not extended by mutual agreement, the employee may forward the grievance to the next appropriate procedure or step.

- E. An employee, in presenting a grievance under this grievance procedure, shall:
1. Be assured freedom from restraint, interference, coercion, discrimination, or reprisal.
  2. Have the right to be accompanied, represented, and advised by an employee representative who has been freely chosen and is willing and free to represent the employee; that is, the representative should not be involved in a conflict of position, such as might be the case with a member of the Human Resources Office or the Office of Equity and Diversity.

- 3. Be assured a reasonable amount of official time for preparation of the grievance (up to four (4) hours) and be assured a reasonable amount of official time for the presentation of the grievance if otherwise in an active duty status.
- F. When an employee designates another employee of the College as his/her representative, the representative, in presenting a grievance under this grievance procedure, shall:
  - 1. Be assured freedom from restraint, interference, coercion, discrimination, or reprisal;
  - 2. Be assured a reasonable amount of official time if otherwise in an active duty status, for preparation and presentation of the grievance; and
  - 3. Be involved in the preparation and presentation of the grievance during the informal procedure, alternative dispute resolution, and/or formal procedure.
- G. An employee may choose to present a grievance without a representative.
- H. All materials included in a grievance file are confidential personnel records.

**II. Informal Grievance Procedure**

- A. An employee shall present a grievance concerning a particular act or occurrence within 14 calendar days of the date of that act or occurrence or the date the employee should reasonably have known of that act or occurrence. If warranted, a supervisor may extend this time limit for good cause shown by the employee.
- B. In the event that an employee feels he or she has a grievance, the employee is required to present his or her supervisor with the complaint on the form approved by the Director of Employee Engagement and Labor Relations and to discuss the complaint with his or her supervisor prior to filing a formal grievance. If the matter is not resolved at that level within seven (7) calendar days, it should then be forwarded by the supervisor and discussed by the employee with the next level supervisor in the normal channels of supervision and administration. Whenever possible the official contacted should attempt informally to achieve a satisfactory resolution of the grievance within seven (7) calendar days. The informal procedure should be completed within 21 calendar days.
- C. An employee who feels he or she has a grievance may, at any time, contact other employees of MC for advice and assistance.
- D. A grievance shall be submitted for informal adjustment to his or her supervisor or management official (1) who has authority to approve the relief sought by the employee and (2) who is at the lowest organizational level with such authority. An employee who is in doubt as to the appropriate official should consult either the supervisor or the Director of Employee Engagement and Labor Relations.
- E. The officials receiving a grievance for informal adjustment shall make whatever inquiry he or she believes necessary and seek a solution to the matter on an

informal basis.

III. Alternative Dispute Resolution Mechanism

In the event a dispute is not resolved during the informal process, an employee may request the assistance of a mediator to aid in the resolution of the dispute. Such a request must be made to the Office of Employee Engagement & Labor Relations within seven (7) calendar days of conclusion of the informal procedure. The Office of Employee Engagement & Labor Relations will facilitate the appointment of an appropriately trained employee as a neutral mediator to help the parties resolve a workplace dispute. In no case shall an employee who works in the same unit be appointed to help resolve the dispute. In instances where no employee mediator is available, the Director of Employee Engagement & Labor Relations may appoint an outside mediator, subject to budgetary constraints. In the event mediation yields an agreement between the parties, the resolution shall be reduced to writing and the grievance shall be withdrawn. A mediator shall keep confidential all information derived during the mediation session and shall not be permitted to testify in any subsequent proceedings.

IV. Formal Grievance Procedure

A. Presenting Grievance Under Formal Procedure

1. An employee is entitled to present a formal grievance only after informal resolution has been attempted.
2. Within seven (7) calendar days after actions under the informal procedure and, if utilized, alternative dispute resolution have been completed, the employee shall forward the complaint in writing to the Director of Employee Engagement & Labor Relations.
3. The completed grievance form must: (a) contain sufficient detail to identify and clarify the basis for the grievance, (b) specify the relief requested, and (c) state, as appropriate, either that the employee has completed action under the informal procedure, furnishing the date of such completion and the name, address, and title of the official to whom the grievance was referred for consideration under the informal procedure or, in the case of a contested disciplinary action, cites the actions taken by the employee to contest the disciplinary action before it became final.
4. After receiving the written grievance, the Director of Employee Engagement & Labor Relations shall assure that:
  - a. The employee has, in fact, satisfied the requirement for informal consideration.
  - b. The subject matter of the grievance presented under the formal procedure is substantially the same as the subject matter of the grievance considered under the informal procedure (or equivalent procedure).
5. If the grievance is not acceptable, the Director of Employee Engagement

& Labor Relations shall return the grievance to the employee with a written explanation of the reasons for its rejection.

6. If the Director of Employee Engagement & Labor Relations determines that conditions (a) and (b) above have been met, he or she will forward the grievance to the appropriate collegewide administrator or Vice-President/Provost who shall convene a Step I review of the grievance. If it seems advisable, the Director of Employee Engagement & Labor Relations will place the employee on administrative leave with pay pending conclusion of the formal grievance process.
  - a. Step I. Within 14 calendar days of receipt of the complaint, the collegewide administrator or vice-president and provost shall meet with the employee and any additional person or witnesses deemed necessary by the employee and/or the collegewide administrator or vice-president and provost and render a decision in writing to the employee. A copy of the decision shall also be forwarded to the Director of Employee Engagement & Labor Relations.
  - b. Step II. The employee may appeal the decision of the collegewide administrator or vice-president and provost to the Director of Employee Engagement & Labor Relations. The employee must present the appeal in writing on the approved form, including reasons for the appeal, within seven (7) working days after receipt of collegewide administrator or vice-president and provost decision. Within 14 calendar days of receipt of the complaint, the Director of Employee Engagement & Labor Relations shall meet with the employee and any additional person or witnesses deemed necessary by the Director of Employee Engagement & Labor Relations and render a decision in writing to the employee. A copy of the decision shall also be forwarded to the collegewide administrator or vice-president and provost as well as any other party directed to comply with the remedy ordered, if any.

V. Processing Grievances Formal Procedure Involving Suspensions and Discharge

1. A regular associate or staff employee who has received notification of suspension without pay or dismissal may appeal the decision within seven calendar days of receipt of the notification of suspension without pay or dismissal. The written appeal must be forwarded to the Senior Vice President for Administrative and Fiscal Services and shall state specific reasons why the suspension without pay or dismissal action should be reversed or modified. A hearing may also be requested.
2. The Senior Vice President may establish a three employee panel consisting of: a non-bargaining employee with supervisory responsibilities, a non-bargaining employee without supervisory responsibilities, and an administrator who shall serve as chair of the panel. In selecting a pool of employees to serve on panels, the Senior Vice President may solicit nominations.

23. The appointed panel shall conduct an inquiry of a nature and scope appropriate to the issues involved in the grievance. The inquiry may consist of:
  - a. The securing of documentary evidence;
  - b. Interviewing individuals;
  - c. A closed hearing; or
  - d. Any combination of the foregoing.
  
34. If a hearing is requested by the employee, the appointed panel shall conduct it in conformity with the following:
  - a. The panel shall serve as hearing officers with the administrator appointed as chair.
  - b. The College's General Counsel shall serve as legal adviser to the panel.
  - c. The hearing will be closed to the public and the press. Only those persons whose presence is required, as determined by the chair, will be permitted to attend.
  - d. The employee may select an advocate, who may be an attorney.
  - e. The panel will not apply technical rules of evidence or procedure as followed in judicial proceedings nor entertain technical legal motions. Reasonable rules of relevancy will guide the panel in ruling on the admissibility of evidence.
  - f. All evidence against an employee will be presented in his/her presence. The employee (or advocate) shall be permitted to question and confront any witness, to speak for himself/herself, and to present witnesses and evidence on his/her behalf.
  - g. The charges and evidence against the employee shall be presented by the Director of Employee Engagement & Labor Relations or his/her designee.
  - h. Either a stenographic record or audiotape of the hearing will be made, as determined by the panel after discussion with the employee and the Director of Employee Engagement & Labor Relations or designee. If a stenographic record or audiotape is made, copies will be made available to the employee at his/her expense. If a court reporter is used, the employee will be responsible for obtaining his/her own copy from the reporter.
  - i. The recommendation of the panel will be based only on the record developed at the hearing. The record shall consist of the record of the proceedings and all written reports, documents and other material submitted at the hearing. The majority of the

panel may recommend that the Senior Vice President uphold the suspension or discharge action, apply a lesser disciplinary action, or rescind the suspension or discharge. The recommendation of the panel shall be made to the Senior Vice President within 21 calendar days after the conclusion of the hearing.

- j. The Senior Vice President shall inform the employee of his/her final decision in writing within 7 calendar days of receipt of the recommendation. Any personnel action to be carried out as a result of this decision shall be implemented by the Chief Human Resources Officer and Director of Employee Engagement & Labor Relations in accordance with directions from the Senior Vice President.
  - k. At the conclusion of the appeal process the Senior Vice President shall send all records pertaining to said appeal to the Director of Employee Engagement & Labor Relations for storage in a separate grievance file.
  - l. A person engaged in the appeal process or who participates in the inquiry shall not be subject to retaliation.
5. The policies and procedures which apply in instances of termination as a result of reorganization, position abolishment, lack of funding, or economic difficulties are stated elsewhere in College policies and procedures.

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Administrative Approval: September 21, 1987; September 27, 1990; April 12, 2005; August 25, 2010.

**GRIEVANCE PROCESS STEPS**

<b>STEP IN PROCESS</b>	<b>TIME LINE</b>	<b>RESPONSIBILITY</b>
Informal Process STEP ONE	Within 14 calendar days of the date when the employee knew or should have known of the act or occurrence	Employee initiates the process by presenting and discussing the informal grievance (on approved form) to supervisor
Informal Process STEP ONE	Within 7 calendar days from the date on which the employee presented the informal grievance	Supervisor to respond in writing on approved form indicating whether or not the issue has been resolved & employee may forward to next level supervisor within 7 calendar days
Informal Process STEP TWO	Within 7 calendar days from the date on which the employee forwarded the informal grievance	Next level supervisor to discuss with supervisor & employee & respond in writing on approved form indicating whether or not the issue has been resolved
Alternative Dispute Resolution	Within 7 calendar days of the conclusion of the informal process	Employee may request the help of a mediator to resolve the dispute (prior to initiating the formal grievance process) by forwarding the request to Employee Engagement & Labor Relations
Alternative Dispute Resolution	Within 21 calendar days of the request, mediation completed	Employee Engagement & Labor Relations to appoint the mediator. The mediator will inform the parties & Employee Engagement & Labor Relations whether or not mediation successfully resolved the dispute
Formal Process STEP ONE	Within 7 calendar days from the date on which the informal process concluded or, if utilized, alternative dispute resolution concluded.	Employee forwards approved form to Employee Engagement & Labor Relations with a copy to the supervisor.
Formal Process STEP ONE	Within 7 calendar days from the date on which the form is received	Employee Engagement & Labor Relations determines if informal step satisfied and, if so, forwards to college level administrator
Formal Process STEP ONE	Within 14 calendar days from the date on which the form is received	College level administrator issues a response
Formal Process STEP TWO	Within 7 calendar days from the date of the response	Employee may appeal on approved form to Employee Engagement & Labor Relations
Formal Process STEP TWO	Within 14 calendar days from the date on which the form is received	Employee Engagement & Labor Relations to issue a response

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Grievance Process Steps for Certain Disciplinary Actions – Suspension & Discharge

<b>Step in Process</b>	<b>Time Line</b>	<b>Responsibility</b>
Formal Process	Within 7 calendar days of the date when the employee knew or should have known of the disciplinary action	Employee initiates the process by presenting a written formal grievance to the senior vice president with a copy to Employee Engagement & Labor Relations
	Within 7 calendar days of receipt of the appeal	Senior Vice President appoints a three member panel with an administrator serving as chair
	Within 21 calendar days of appointment	Chair of panel schedules and conducts a review of the grievance, including a hearing, if requested by the employee
	Within 21 calendar days of completion of review or hearing	Chair of panel forwards recommendation to Senior Vice President with a copy to employee and Employee Engagement & Labor Relations
	Within 7 calendar days of receipt of recommendation	Senior Vice President issues decision

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