

## Grievance Policy

### Employee Grievance Policy

Any employee who claims a grievance (or who is reporting an observed grievance) must file a written statement within a reasonable time from the date of the alleged incident. (See **Appendix F/7.1-A** for form)

Any employee must file the written statement with his/her direct supervisor, unless the direct supervisor is the alleged offender. In such cases, the employee must file the statement with the next supervisor in line. The supervisor (or other person receiving a written grievance) will notify the Title IX Coordinator, HR personnel, and/or President as appropriate.

The supervisor, or other person appointed to address the grievance, must review the written statement and conduct an investigation of the claims within 30 days or as otherwise agreed. The supervisor must then make a written report of findings/decision and provide to the employee within 45 days of receipt grievance. The employee must, within 10 calendar days of the written report, provide specific written objections to the report of findings/decision to the supervisor, which will be considered a request for appeal. Failure to timely provide the specific written objections is a waiver of the employee's right to appeal the supervisor's findings/decision.

All appeals will be sent to the President or his/her designee, and the President or his/her designee will convene a three person grievance committee to hear the appeal within 30 calendar days. The President or his/her designee will appoint one person to sit on the grievance committee, and the President will allow both the aggrieved and accused to select an employee of the College to sit on the grievance committee (excluding the President and his/her designee). Should the aggrieved or accused fail to select a member of the grievance committee in the time period required by the President or his/her designee or the selected employee does not agree to participate as a member of the grievance committee in the time required by the President or his/her designee, then the President or his/her designee will select the grievance committee member.

The grievance committee will hold a hearing and allow the aggrieved employee to present the grievance and the accused will have an opportunity to respond within 45 days of the appeal. The grievance committee will also have access to the original grievance, report of the supervisor, and appeal notice by the employee. The grievance committee will provide its findings and decision following the hearing in a timely manner. Either party will have 10 calendar days from receipt to file a written appeal to the grievance committee decision. If timely appealed, the President will issue a final decision based on the original grievance, report of the supervisor, appeal notice by the employee, and grievance committee decision.

**NOTE:** If the last day for filing notice of appeal falls on either Saturday, Sunday, or a legal holiday, aggrieved will have until 5:00 p.m. the first working day following the 10th calendar day to file.

## Employee Grievance Procedure

Consistent with ACCS Policy 620.01: Employee Grievance Policy, it is the intent of Gadsden State Community College to establish a procedure for resolving employee complaints and grievances in an efficient and effective manner. This internal resolution process is designed for employees who have a complaint or grievance except for complaints of sexual harassment or discrimination. Such complaints should follow the policies and procedures specific to those types of complaints. Employees may use this procedure without penalty or fear of reprisal in that retaliation for good faith participation in this process is strictly prohibited.

A **complaint** is defined as a claim of an individual employee alleging a violation, misinterpretation or misapplication of a rule, policy or procedure in relation to human resource policies, including working hours, working conditions, types of leaves, promotions, compensation, and other conditions of employment.

A **grievance** is a complaint that justifies an appeal to step three (3), as discussed in this procedure.

### Filing a Complaint

The College has a four-step staff complaint procedure. Particular attention must be given to the time period shown for each step. All timelines are based on normal work days and working hours of the College (Monday through Friday and does not include weekends or holidays).

#### STEP 1: Informal Procedure - Discussions

The first step in the procedure is to discuss the complaint with the immediate supervisor (unless the complaint involves the immediate supervisor; if this is the case, discuss the complaint with the next supervisor in your chain of command who is not an alleged offender) within seven (7) working days after the occurrence of the action leading to the complaint or after the complainant knows or should have known of the occurrence of the action. It is anticipated that most problems should be resolved at this point. The supervisor should meet with the employee, investigate the facts, and render a written decision to the employee within seven (7) working days.

If the complaint is not satisfactorily resolved by the immediate supervisor, the complainant may proceed to the next supervisor (department/division chair/director) to resolve the matter. If the next supervisor is the dean, proceed to Step 2. The department/division chair/director must render a written decision to the employee on the complaint within seven (7) working days.

All discussions should be documented by the complainant and the supervisor and submitted as evidence for the next level of supervisory discussion.

#### STEP 2: Review by the Dean

If the employee is dissatisfied with the decision of the department/division chair/director, or if the decision was not rendered in a timely manner, the employee may complete the Employee Grievance Form and submit a written statement of the grievance to his/her Dean. All prior decisions and documented discussions should be submitted in writing for the Dean's review and deliberation. The Dean may meet with

the involved parties to seek additional information or clarify the written documentation before rendering a decision.

The Dean should (1) notify any appropriate personnel of the grievance (e.g., as the Title IX Coordinator, SPO, President as applicable); (2) Review the written materials and conduct an investigation; (3) Prepare a written report and provide to the employee within fifteen (15) working days of receipt of the grievance; (4) Advise the employee of the ten (10) calendar day deadline to appeal the decision to the President.

### **STEP 3: Formal Procedure: Employee Grievance Committee**

A formal grievance may take place only after Steps 1 and 2 are completed without satisfactory resolution of the complaint. The employee should complete another Employee Grievance Form (**Appendix F/7.1-A**) to the President and request a hearing by an Employee Grievance Committee.

The Employee Grievance Committee is an administrative process designed to allow both parties to the grievance to be heard. It is not a "legal process" with formal rules of evidence or other practices. Its primary purpose is to resolve disputes in an equitable manner. The investigation and deliberations of the Grievance Committee shall result in a recommendation on the resolution of the grievance.

### **Membership on the Employee Grievance Committee**

The President (or designee) will appoint an Employee Grievance Committee to hear the appeal. The grievant, respondent (the accused), and the President (or designee) may recommend an employee as a member of the Committee; however, each member must remain impartial on the issues and be available for the hearing. The President (or designee) will appoint the Chairperson of the Committee. Any Committee member who has an actual or apparent conflict of interest with an involved party shall be replaced by an impartial substitute appointed by the President. As each committee is constituted based on need, the first meeting will specifically discuss the responsibilities of the committee members in the investigation/deliberation, conduct of the hearing, and documentation requirements for the Committee. Confidentiality of all committee discussions must be maintained.

### **Submission of Information/Evidence**

All evidence other than oral testimony to be presented by the complainant and respondent during the Employee Grievance Hearing must be submitted to the Office of Human Resources and the other party at least five (5) working days prior to the hearing. Also, a list of any witnesses and advisors if applicable must be included in the submission. Any evidence, exhibit or document introduced or offered to the Committee by any person will become the property of the College.

## Attendance at Grievance Hearing

Because of the sensitive nature of the information involved, the hearing is closed to the public. The following persons may be present: the complainant, the respondent(s), an advisor/representative for each party and the committee, a Human Resources representative, and witnesses. The Chairperson will instruct all other persons to leave the hearing room.

If the complainant or respondent(s) chooses to bring an advisor/representative to the hearing, **it will be at no expense** to the College. The advisor/representative may be an attorney-at-law, a faculty member, another staff member, a relative, or a citizen-at-large. If the parties involved wish to have an advisor/representative at the hearing(s), they must inform the Office of Human Resources at least five (5) working days prior to the hearing. Advisors/representatives may advise the employee/involved parties, but cannot address the committee panel, question witnesses, or otherwise speak during the hearing.

## Employee Grievance Committee Conduct and Responsibilities

1. The Employee Grievance Committee shall conduct hearings, investigations, and all other activities that will bring to light all of the facts of the case that form the basis for resolution of the issue.
2. The Committee will ensure a complete, fair, and impartial hearing for the benefit of all parties concerned.
3. The Committee will meet in executive session after completion of all hearings and investigations to deliberate the findings and submit a written recommendation within thirty (30) working days following the appointment of the committee.
4. The Chairperson of the Employee Grievance Committee is given discretion in orchestrating the hearing to ensure order and fairness. The Chairperson shall describe the intended sequence and format of the hearing to the respective parties at the beginning of a hearing.
5. The majority vote carries.
6. Retaliation against the person who seeks relief, the complainant, witnesses, or any advisor is forbidden.
7. The Director of Human Resources shall serve as an advisor to the Employee Grievance Committee unless a conflict of interest exists. An alternate advisor for the committee may be appointed by the President if appropriate.
8. Each party is responsible for securing the attendance of their respective witnesses. The list of witnesses must be submitted to the Office of Human Resources at least five (5) working days prior to the hearing.
9. Witnesses should appear in person to present evidence; however, if approved by the Committee Chairperson, signed written statements may be obtained and used as evidence. The Committee may reserve the right to question the witness after the hearing to clarify elements of the written statement.

10. Witnesses appearing at the hearing shall present testimony and be questioned regarding their direct knowledge of relevant facts. Each witness is instructed not to discuss the hearing or the identity of the person(s) making the complaint or the accused with anyone. **All aspects of the proceedings must be kept confidential**, to the extent permitted by Alabama law.
11. Hearings are to take place on normal workdays during working hours (Monday through Friday).
12. Any written records of the hearing, together with the findings and recommendation of the Committee (See **Appendix F/7.1-B**), and a record of the recommendation(s) for resolution are placed in the confidential files in the Office of the Director of Human Resources.

Within ten (10) calendar days after having been informed of the Employee Grievance Committee's recommendation, either party to the hearing may appeal the matter to the President. All materials will be forwarded, with the Committee's recommendation, to the President. If not appealed, the Committee recommendation is considered to have resolved the matter.

#### **STEP 4: Appeal to the President**

The grievant or respondent in the Employee Grievance Hearing may request a review by the President in writing within 10 calendar days of the Grievance Committee's decision. The party initiating the request for an appeal must provide a written request for consideration of the matter, provide evidence supporting the appeal, and clearly state the proposed resolution. Such appeal will be decided by the President. The President will review written materials from the previous steps in the process and the Grievance Committee recommendations and enter a decision. The President has thirty (30) working days from the receipt of the request for an appeal to render a decision on the grievance. The decision of the President is final.

Failure to exhaust an available administrative remedy as defined in this procedure may adversely affect an individual's ability to later pursue a remedy elsewhere. Therefore, aggrieved persons are encouraged to make use of this process in a timely manner.

#### **EVALUATION**

This procedure will be evaluated biennially by the Director of Human Resources.