

## **Personnel - Management**

### **Administrative Rules and Procedures**

#### **4165 Grievances**

##### **Procedure for Grievances**

##### **Level I - Informal Resolution**

1. Within ten (10) calendar days of the time the aggrieved person knows of the event or condition which gave rise to the grievance, the aggrieved shall meet to discuss the grievance issue with the immediate supervisor. The aggrieved may have a representative at the meeting. The grievant and the immediate supervisor shall make every effort to resolve the problem by consultation and informal means.
2. If the employee is unable to obtain a satisfactory resolution of the problem through these means, the grievance shall be referred by the employee to successively higher levels of administrative channels in order to attempt satisfactory resolution through informal resolution with the parties involved. All administrative channels should be exhausted before moving to Level II.

This level shall be completed within ten (10) calendar days following the first discussion with the immediate supervisor.

##### **Level II – Hearing and Decision**

1. If the aggrieved is not satisfied with the disposition at Level I and wishes to pursue the grievance, the aggrieved must submit a written grievance to the appropriate College President, or Chancellor within five (5) calendar days following the informal discussion provided at Level I. This document shall contain the circumstances of the grievance, the law, policy, rule or regulation, procedure or administrative order allegedly violated, the results of the informal meeting and the remedy desired by the grievant.
2. The alleged grievance is referred to a grievance committee of three full-time permanent employees of the District; one selected by the aggrieved employee, one selected by the individual against whom the grievance is made, and in turn, those persons shall select a third member from management. If the parties cannot agree on the selection of a third member, the College President or Chancellor shall make the selection.

## Personnel - Management

### Administrative Rules and Procedures

#### 4165 Grievances

The selections for the committee shall be complete within five (5) calendar days after the receipt of the written grievance by the assigned grievance officer.

3. Within five (5) calendar days after members of the grievance committee have been selected, the grievance officer shall convene the three-member grievance committee.
4. The grievance committee shall conduct its proceedings as follows:
  - a. The hearing shall be closed and all proceedings shall be kept confidential, unless either party requests an open hearing;
  - b. The committee shall investigate, discuss the matter with the principals involved, and receive all available evidence pertaining to the alleged grievance in order to determine the facts and intent;
  - c. Parties to the grievance shall have the right to present statements, testimony, evidence and witnesses, and to be represented there at. No formal record or written minutes concerning the testimony and evidence shall be maintained;
  - d. The committee shall make an effort to conciliate and reach a resolution agreeable to both parties. If this conciliation effort is successful, the proceedings shall terminate forthwith and the grievance officer shall so notify the College President or Chancellor. If not, the committee will make recommendations for disposition of the alleged grievance;
  - e. The committee shall judge the relevancy and weight of the testimony and evidence and make its findings of facts based on the preponderance of the evidence presented regarding the alleged grievance;
  - f. The committee shall submit a written report of its findings of facts and recommended action to the College President or Chancellor, with copies to each party;
  - g. The grievance officer shall serve with the committee, non-voting, as a

## **Personnel - Management**

### **Administrative Rules and Procedures**

#### **4165 Grievances**

resource person to assist the committee and shall assure that all proceedings are conducted in accordance with this policy and procedures;

- h. Level II shall be completed within twenty (20) calendar days following the first meeting of the committee.
- 5. Upon receiving the findings and recommendations of the grievance committee, the College President or Chancellor shall dispose of the matter in one of the following ways:
  - a. Accept the findings and recommendations;
  - b. Modify them for a stated reason;
  - c. Reject them for a stated reason.
- 6. The College President or Chancellor shall transmit his/her final decision as stated above to both parties and to the committee within ten (10) calendar days after receiving the committee's recommendation.

#### **Level III – Appeal**

If the aggrieved is not satisfied with the resolution of the grievance at Level II and wishes to pursue the grievance further, the aggrieved must within five (5) calendar days of receipt of the written decision of the College President or Chancellor, submit a written request through the Chancellor for an appeal to the Board of Trustees. The written appeal shall include reasons, and copies shall be sent to the grievance committee members, the grievance officer and the College President. The grievance officer shall provide the Board of Trustees with copies of the committee's findings of facts and conclusions. No material, evidence, allegation or remedy that was not presented at Level II may be introduced at Level III. The Board of Trustees shall limit its review to a consideration of the findings and conclusions of the Chancellor and the grievance committee. The Board of Trustees shall make a final determination of the matter and notify the grievant within forty-five (45) calendar days.