**5.3 Employee Grievance *(Approved 6-4-1990; Revised 5-8-2006, 12-2-2013)***

East Central College employees may file a grievance. For the purposes of this Policy, the term “grievance” shall refer to a violation or inequitable application of College policies, regulations, procedures, federal/state statutes, including the Americans with Disabilities Act of 1990 (ADA) as amended, Section 504 of the Rehabilitation Act of 1973, or other disability related statutory rights, or other existing laws. Individuals who have been terminated or whose employment contracts have not been renewed are not permitted to grieve the termination or nonrenewal, nor any action leading up to the termination or nonrenewal. (Note:Claims of discrimination or sexual harassment are covered in the Illegal Discrimination and Harassment Policy.)

 **Procedures:**

###  5.3.1 Grievance Process *(Revised 12-2-2013)*

The College provides a process to resolve grievances for employees. The purpose of the grievance process is to secure, at the lowest possible administrative level, a prompt and equitable solution to individual grievances.

All College personnel who supervise employees are responsible for making certain that employees under their supervision have knowledge of the grievance process and understand that they may use the process without fear of retaliation.

Any false statement(s) or breach of confidentiality made in the course of or following the grievance proceeding shall be grounds for disciplinary action for any employee participating in the grievance process.

 **5.3.2 Definitions *(Revised 12-2-2013)***

1. Grievance – A grievance, as defined above, and presented in writing utilizing the Grievance Form.

1. Grievant – The individual filing a grievance in writing.
2. Employee – Shall refer to an individual hired by East Central College to perform services for compensation. Individual~~s~~ must be a current employee to use the grievance process.

1. Grievance Review Committee – A committee of three to five employees the College President annually at the beginning of the fall semester.

1. Working Day – A working day means a normal College business day, exclusive of Saturday, Sunday, a scheduled holiday or recess observed by the College, or an unscheduled closing of the College.

1. Advisor – A person selected by the grievant to provide advice, support, consultation, and representation. The grievant is responsible for informing the supervisor and Human Resources Director that an advisor shall be present. The grievant’s advisor shall not be legal counsel and must be a current employee of the College.

###  5.3.3 Steps in Grievance Process *(Revised 12-2-2013)*

If appropriate, a good faith effort should be made to resolve the problem through the employee’s supervisor, Vice President and/or Human Resources prior to filing a formal, written grievance.

In any formal meeting of an investigative nature between the grievant, Supervisor and/or Human Resources the grievant shall have the right to be accompanied by his/her advisor. The Director of Human Resources or designee is responsible for coordination of the grievance process.

Step 1: Filing of Written Grievance - Present the grievance to the Human Resources Director in writing within 60 working days after the event or occurrence giving rise to the alleged grievance. The formal grievance will include the completed “Grievance Form” which shall include:

1. The name(s) of the grievant(s)
2. Date of submission
3. A statement of the incident/complaint of the grievant
4. Relevant Board Policy(ies) or relevant administrative

procedure(s) alleged to be violated

1. The date on which the event or occurrence first transpired
2. Explanation of what actions have been taken
3. Supporting documentation
4. Names of witnesses
5. Such other information which the grievant deems relevant
6. The resolution or relief requested
7. The grievant(s)’ signature

The Director of Human Resources shall collect all relevant evidence, conduct interviews, hold any necessary meetings with all parties and their advisors (if requested), and render a decision and the reason(s) for that decision to the grievant in writing within 10 working days after receipt of the grievance.

New grievance issues that were not raised at Step 1 may not be raised by either party in subsequent steps.

Step 2: Appeal to the Grievance Review Committee - In the event the grievant is not satisfied with the decision at Step 1, he/she may appeal to the Grievance Review Committee through the Director of Human

Resources within 10 working days of receipt of the Step 1 findings. The Grievance Review Committee will meet, elect a chairperson and secretary, and receive their charge from the Director of Human Resources.

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|  In the event that an elected committee member wishes to disqualify himself/herself, the alternate committee member shall serve on the committee. The grievant may also challenge a committee member, who should then recuse himself/herself, and the alternate committee member shall serve. The grievant may only challenge one committee member. Disqualification must occur within 10 working days of the committee's receipt of the grievance. An alternate member must be selected by the 12th working day. No member may abstain from voting.  The committee will review all information submitted at Step 1 and render a decision of the majority of the committee as a whole and reason(s) for that decision no more than 10 working days from the hearing of the grievance. The decision will be a written finding of the committee sent to the grievant and the Director of Human Resources. Any committee member may include a written dissent.   Step 3: Appeal to the College President - In the event that the grievant is not  |
|    | satisfied with the decision at Step 2, he/she may within 10 working days of receiving the decision, present an appeal in writing to the College President. The appeal should include a copy of the original grievance and all applicable documentation along with the replies from Step 1 and Step 2. The College President shall make such inquiries and review documents pertaining to the grievance and may convene a conference of the parties. The College President shall render a decision and the reasons for that decision, in writing, within 10 working days after the conference.  |
| Step 4:  | Appeal to the Board of Trustees - In the event the grievant is not satisfied with the decision at Step 3, he/she may within 10 working days of receiving the decision, present an appeal in writing to the President of the Board of Trustees through the College President. The appeal should include a copy of the original grievance and all applicable documentation and be submitted no later than the Board’snext regularly scheduled meeting along with the replies from Steps  |

1, 2, and 3. The Board of Trustees shall, in its sole discretion, either hold a hearing on the appeal or decide the appeal following a review of the documentation. In the event the Board decides the appeal following a review of the record, the Board’s decision shall be in writing and shall be final.

In the event the Board of Trustees chooses to hold a hearing, the following procedures shall apply. The Board shall give notice to the grievant that a hearing to consider the grievance shall be held before the Board on the particular day and at a certain time and place; that the grievant may be present with or without an advisor; and that he/she may produce witnesses or other evidence on his/her behalf at the hearing.

Should the grievant or his/her advisor request additional time in which to prepare, the President of the Board of Trustees may or may not grant such additional time and continue or postpone the hearing to another day and time. This request shall be submitted through the College President.

The President of the Board of Trustees shall conduct the hearing at the time and place called for in the notice or at the postponed time, if additional time is requested. Should the grievant not appear for the hearing, the grievance shall be dismissed. Such hearing shall not be public and either party may ask that all witnesses not be present while any other person is testifying. In addition, a transcription or electronic recording shall be made of the hearing proceedings.

The grievant may produce witnesses in his/her behalf who may be questioned. He/she may also produce any other evidence which he/she may deem favorable to his/her position.

The proper College administrative official(s) or attorney shall represent and present the institution’s position as applicable, and such grievant or his/her advisor may have the right to question any witness called by the institution.

At any time during the proceedings any member of the Board of Trustees may question any witness or call for a point of order of procedure to be clarified.

The Board shall review all information submitted and render a written determination of their findings and conclusions to the grievant no more than 40 working days from the hearing. The Board of Trustees may determine that the grievance is not properly founded and if so declare. If the Board decides that the grievance has merit, the Board shall take whatever corrective action is appropriate. The findings and conclusions of the Board of Trustees shall be in writing. The decision of the Board of Trustees shall be final.

### 5.3.4 Administrative Guidelines

1. Multiple grievances filed simultaneously over a common occurrence or event may be processed in a joint action at the discretion of the Director of Human Resources.

1. In the interest of the prompt resolution of employee complaints, the action at each step of the grievance procedure should be taken as rapidly as possible. In the event of extenuating circumstances, an additional 10 working days may be allowed.

1. If the grievant skips a step or files with an outside compliance agency before completion of the College's grievance process, all College grievance processes shall be terminated.

1. All discussion in the grievance process shall be conducted in a civil manner.