

Policy IV.4002.F, Employee Concerns and Grievances

Associated Procedure

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

Purpose

This policy establishes a uniform process for resolving employee concerns and grievances using a fair and consistent process that complies with state and federal laws. Employees who use the concerns or grievance procedures may do so with the knowledge that they will be protected from prejudice, disparate treatment, restraints, retaliation, or reprisal of any nature for having filed a concern or grievance.

Policy

This policy recognizes two categories of employment complaints:

1. Concerns
2. Grievances

Categorizing a complaint as a concern or grievance is not intended either to diminish or to elevate the issues identified in any complaint. The objectives of this policy are to channel employee complaints in a manner that is responsive to the nature and complexity of each complaint, to encourage prompt resolution, and to ensure the efficient use of College resources.

Exclusions: The following subjects are excluded from the Employee Concerns and Grievances policy because other policies govern the subject matter:

1. Termination of contractual and non-contractual employees. Termination of contractual employees is addressed under Policy IV.4002.B, Termination or Demotion for Contractual Employees and Procedure IV.4002.B.a, Termination or Demotion for Contractual Employees. Termination of non-contractual employees is addressed under Policy IV.4002.C, Termination or Demotion for Non-Contractual Employees and Procedure IV.4002.C.a, Termination or Demotion for Non-Contractual Employees.
2. Non-renewal of an employment contract is addressed in Policy IV.4002.D and Procedure IV.4002.D.a. However, an employee may file a grievance under this policy relating to a non-renewal in those instances in which the employee makes specific factual allegations that the non-renewal of employment was in violation of constitutional or statutory rights. The employee must identify the specific constitutional or statutory right at issue.
3. Employee performance evaluations are addressed in Policy IV.4004.A and Procedure IV.4004.A.a.
4. Employee complaints about discrimination or harassment on the basis of race, color, national origin, citizenship, age, disability, pregnancy and pregnancy-related conditions (including childbirth and termination of pregnancy), religion, gender, sexual orientation,

gender expression or identity, genetic information, marital status, or veteran status are addressed in Policy IV.4002.G, Employee Harassment and Discrimination, Procedure IV.4002.G.a, Employee Harassment and Discrimination, and Procedure IV.4002.G.b, Sexual Harassment and Sexual Misconduct. However, an employee may file a grievance under this policy if they are alleging retaliation based on their constitutional or statutory rights. The employee must identify the specific constitutional or statutory right at issue.

5. Employee complaints about sexual misconduct, including sexual harassment, sexual assault, dating violence, domestic violence, and stalking, are addressed in Policy IV.4002.G.a, Employee Harassment and Discrimination and Procedure IV.4002.G.b, Employee Sexual Harassment and Sexual Misconduct.
6. Grievances asserting whistleblower allegations generally will be processed under Policy IV.4002.A, Protection from Retaliation for Reporting Suspected Wrongdoing and Procedure IV.4002.A.a, Protection from Retaliation for Reporting Suspected Wrongdoing.

When a complaint is filed, Human Resources, Employee Relations will evaluate the employee's allegations to ensure that the complaint has been filed under the correct policy. If the employee invokes an inapplicable policy, Employee Relations will inform the employee which policy applies to the complaint. The employee's complaint under the correct policy will be deemed filed as of the date of the filing of the initial complaint.

Employees will:

1. Act in good faith in bringing forth a concern or grievance.
2. Cooperate and provide truthful information during an investigation.
3. Provide all relevant information necessary for the decision-maker to understand the factual background of the complaint.
4. Comply with deadlines and requests for information and cooperate in the scheduling of meetings or hearings.

Leaders will:

1. Respond to a concern or grievance in a timely manner.
2. Leaders will exercise appropriate judgment and discretion and will refrain from discussing employee complaints except on a need-to-know basis or as may be reasonably necessary during the course of an investigation.
3. Ensure the integrity of the process by conducting a thorough inquiry.
4. Take action reasonably calculated to prevent retaliation against employees who file complaints pursuant to this policy.

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.

Definitions

A **“concern”** is a complaint or problem regarding:

- A. Co-worker behaviors, social interactions, and leadership issues that occur in the workplace.
- B. Administrative matters such as office procedures and policy interpretation.
- C. Incidents or events that, while not unlawful, are contrary to College values or reasonable standards of workplace behavior.
- D. Bullying by another employee. Any disagreement or concern not encompassed by the definition of grievance.

A **“grievance”** is a dispute or disagreement regarding any of the following:

- A. A violation of a specific Board policy, administrative procedure, state or federal law, or state or federal constitution that adversely and materially impacts the employee’s wages, hours, or conditions of work.
- B. Retaliation based upon the employee’s exercise of one’s constitutional rights, including the right of free expression.
- C. Retaliation based upon the exercise of rights conferred by statute, including, but not limited to, the Title VI and Title VII of the Civil Rights Act of 1964, Family Medical Leave Act (FMLA), the Age Discrimination in Employment Act, the Americans with Disabilities Act (ADA), Uniformed Services Employment and Reemployment Rights Act, and Title IX of the Education Amendments of 1972.
- D. Retaliation because an employee filed a previous grievance or concern under this policy.

“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.

The Authority, Applicability, Sanctions, Exclusions, and Interpretation do not differ from Policy II.2000.A, Policy and Procedures Development, Review, Revision, and Rescission.

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Secondary Owner	Vice President, Human Resources
