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POLICIES & PROCEDURES FOR EMPLOYEES

Southwestern Community College - Policies and Procedures Manual

Procedure Title: **Employee Grievance Procedure** **4.23.1**

Responsible Division: Administrative

Date Approved: April 2005



3.7.4

1. In order to maintain a harmonious and cooperative relationship between the college and its employees, the college provides for the settlement of problems and differences through an orderly grievance procedure. Every employee shall have the right to present his/her problem or grievance free from coercion, restraint, discrimination or reprisal. The procedure provides for prompt and orderly consideration and determination of employee problems or grievances by supervisors and the President.

A grievance is any matter of employee concern or dissatisfaction within the control of the institution except: (a) the content of institution policies; or (b) the non-renewal of a contract.

2. **Informal Grievance Procedure**
If an employee has a grievance, it should first be discussed with his/her immediate supervisor within five (5) working days from the date of the situation which is grieved. The supervisor may call higher level supervisors

into the discussion if the employee agrees. Or, the supervisor may consult with higher level supervisors to seek any needed advice or counsel from his/her administrative superiors before giving an answer. The employee shall receive an answer within five working days, or be advised as to the conditions which prevent an answer within five working days and when an answer may be expected. The circumstances should be documented by both the supervisor and the grievant.

3. **Formal Grievance Procedure**

If the Informal Grievance Procedure above is not satisfactory to the employee, or if he/she fails to receive an answer within the designated period provided in the Informal Grievance Procedure, he/she may file a grievance in writing stating in detail the facts of which he/she complains and request that the Vice President of Administrative Services consider the matter within five working days after receipt of the Informal Grievance Procedure decision. Depending on the nature of the appeal, the Vice President of Administrative Services will determine to what extent additional facts will be required in writing. The supervisor and employee shall provide all pertinent information to the Vice President of Administrative Services who will review the facts and hold whatever discussions he deems desirable or the employee or supervisor may request. The Vice President of Administrative Services shall provide a recommendation to the proper administrators or superiors within five working days after all necessary discussions are held; and shall, at the same time, advise the employee of his recommended course of action. In the absence of objection or appeal, by either the supervisor or the employee, the recommendation of the Vice President of Administrative Services will be carried out within a reasonable period of time and the grievance considered resolved.

4. **Appeal to the President's Council**

If the decision reached by the Formal Grievance Procedure above is not satisfactory to the grievant or is not promptly implemented, the matter may be referred to, by the grievant, within five working days, through the Vice President for Administrative Services to the President's Council. The grievant shall provide a written summary of the specific facts of the complaint, copies of which shall be provided at the same time to all other parties concerned. Upon receipt of the grievance, a three member subcommittee will be appointed from the membership of the President's Council by the President to investigate the issues. At the conclusion of the investigation, not later than 15 working days after the referral, which will be conducted by the full sub-committee, it will be the responsibility of the chairperson of the sub-committee to inform the college President in writing, within five working days of the conclusion of the investigation, of the recommendations of the sub-committee. The President, or his designee, can accept, reject, or modify the recommendation and will make a decision within five working days, and his decision will be communicated to all appropriate persons. If the grievant is not satisfied with the decision, he may appeal to the Board of Trustees within five working days after receipt of the decision of the President. Appeal to the Board of Trustees will be addressed to the Board and submitted to the college President for delivery to the Board.

5. **Appeal to the Board of Trustees**

Upon appeal to the Board of Trustees, the Board Chairman may refer the grievance to the Board of Trustees Executive Committee of the Board to review the record of the grievance, to determine if additional information is required, and to conduct a hearing of the facts and issues. The Board of Trustees Executive Committee, or the designated agent, shall report its findings to the Board

with recommendations. The Board at its next meeting, or as soon as possible thereafter, shall consider the report and modify, alter, set aside, or affirm said report and certify to the President its findings, in writing, stating findings of facts and reasons which shall be binding. The President will notify the grievant of the decision rendered by the Board of Trustees.

6. **Discrimination**

A college employee who has reason to believe that employment, promotion, training, or transfer was denied him or that demotion, lay-off or termination of employment was forced upon him because of his age, sex, race, color, national origin, religion, creed, political affiliation, or physical disability, except where specific age, sex, or physical requirements constitute a bona fide occupational qualification necessary to proper and efficient administration, shall have the right to appeal directly to the Board of Trustees Executive Committee of the Board of Trustees, through the college President. A college employee has the right to appeal using the grievance procedure if he so desires. An employee must appeal an alleged act of discrimination to the Board of Trustees Executive Committee of the Board of Trustees, through the college President, within 20 days of the alleged discriminatory action.

7. **Rules**

Grievances shall be processed according to the following rules:

- a. If at any stage of the grievance procedure the grievant does not take the next step within the time allotted, the grievance shall be settled in the manner recommended or decided by the administration at the last step.
- b. All reference to number of days in this procedure

shall be determined to mean college working days. In the event a grievance is not filed or processed in the manner and within the time set forth above, it shall be forever barred.

- c. The grievant may withdraw the grievance at any level.
- d. Employees of the college, individually or as a group, are prohibited from communicating in any form with members of the Board of Trustees concerning any matter which is before the Board as an action under this procedure unless so directed through official channels.
- e. Representation by an attorney will be permitted during a hearing before the Board of Trustees or committee thereof which has been designated to conduct a hearing. Representation will not be permitted during the interviews and investigations which are described in the Informal Grievance Procedure, Formal Grievance Procedure and Appeal to the President's Council portions of this procedure.
- f. A grievant or other employee who secures legal representation in connection with a grievance will bear the cost of such representation.

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