

## MANUAL OF POLICY

<b>Title</b>	<b>Employee Complaint Procedure</b>	<b>4904</b>
<b>Legal Authority</b>	<b>Approval of the Board of Trustees</b>	<b>Page 1 of 4</b>
<b>Date Approved by Board</b>	<b>As Amended by Board Minute Order dated December 10, 2019</b>	

### **I. Purpose**

College employees have the right to present grievances concerning their wages, hours of employment, or conditions of work, either individually or through a representative that does not claim the right to strike. An employee having a grievance regarding his/her wages, hours of employment, or conditions of work may seek redress of such grievance by filing a complaint in accordance with this policy.

An employee may file a complaint after a disciplinary action (other than termination) becomes final or from placing a written response in his/her personnel file to any disciplinary action.

### **II. Policy**

In this policy, the terms “complaint” and “grievance” shall have the same meaning. A complaint or grievance is defined as an unresolved issue concerning an employee’s wages, hours of employment, or conditions of work.

No employee shall be penalized, disciplined or prejudiced for exercising the right to file and pursue a complaint under this policy.

#### **INFORMAL COMPLAINT PROCESS**

Employees are encouraged to seek resolution of their employment-related grievances within five (5) working days of the action which is the subject of the complaint, at the lowest administrative level, by discussing their concerns or complaints through informal conferences as follows:

1. Speak with the individual whom the complaint is against; or
2. Speak with the immediate supervisor or next higher level supervisor; or
3. Mediation between employees. The Office of Human Resources may facilitate the mediation.

The supervisor will provide written notice to the employee, within five (5) working days after the meeting, whether the remedy being requested by the employee is being granted or denied, or offer an alternative resolution.

If an employee’s complaint is not resolved through an informal conference or when the informal complaint process was bypassed, the employee may initiate the formal complaint process, as provided by this policy.

#### **FORMAL COMPLAINT PROCESS**

If the employee complaint is not resolved through an informal conference, the employee and/or the employee’s representative shall complete an Employee Complaint Procedure Form, and submit to the employee’s own immediate supervisor within 20 working days from the date of the informal conference or if the informal conference was bypassed or from the date the employee becomes aware or should have been aware of the action which is the subject of the complaint.

The Employee Complaint Procedure Form requires the following information:

1. A clear explanation of the employee’s specific concern;
2. A description of how the employee’s employment has been affected.
3. A description of the relief the employee is seeking.

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The employee may submit the Employee Complaint Procedure Form via email, inter-office mail, or hand deliver the form.

If the complaint is against the employee's own immediate supervisor, the employee will submit the complaint to the respective next higher level supervisor. If the employee's next higher level supervisor is a Vice President or President, Level One shall be bypassed and the employee shall proceed to Level Two, accordingly.

### LEVEL ONE (Immediate Supervisor)

1. The employee's immediate supervisor shall review the complaint. The immediate supervisor will meet with the next higher level supervisor and other supervisor in the employee's chain of command, including the Dean/Director, and may include the respective division Vice-President, to review the complaint. The immediate supervisor, Dean/Director, and any other administrator may consult with the Director of Human Resources or designee.
2. The employee's immediate supervisor will meet with the employee to discuss the complaint and the remedy requested, not later than 20 working days from date the complaint is filed. Any other supervisor in the employee's chain of command, but not including the respective Vice-President, may attend this meeting with the employee.
3. The employee's immediate supervisor, or other supervisor in the employee's chain of command, up to, but not including the Vice President, will provide written notice to the employee, within 20 working days after the meeting, whether the remedy being requested by the employee is being granted or denied, or offer an alternative resolution.

If the complaint is not resolved to the employee's satisfaction at Level One, the employee may proceed to present the complaint at Level Two.

### LEVEL TWO (Vice-President or President)

#### Vice-President

1. An employee may submit a written complaint to the respective division Vice-President, if the employee is not satisfied with the outcome in Level One or if Level One is bypassed as addressed by this policy. The written complaint must be submitted to the Vice-President not later than 10 working days from the date of the decision at Level One. The employee shall provide a clear and concise statement detailing the reason(s) why the Level One decision was not acceptable to the employee.
2. The Vice-President may consult with the Director of Human Resources or designee and shall not later than 20 working days following receipt of the complaint, issue a written decision, which shall be mailed and/or emailed to the employee. The decision of the Vice-President may grant or deny the remedy being requested by the employee, or offer an alternative resolution. The employee complaint decision of the Vice-President is final and not appealable under this policy.

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### President

In instances where the respective department does not have a Vice-President, the employee may present the written complaint to the President. A complaint concerning the proposed termination of an at-will employee may be presented to the President, if the employee has alleged unlawful retaliation, harassment, or discrimination in the complaint.

1. If the complaint is not resolved to the employee's satisfaction at Level One and if the employee's supervisor is a Vice President or the employee's respective department does not have a Vice President, the employee may present the complaint to the President. The complaint shall be submitted to the President not later than 10 working days from the date of the decision at Level One. The employee shall provide a clear and concise statement detailing the reason(s) why the Level One decision was not acceptable to the employee.
2. The President may consult with the Director of Human Resources or designee and shall not later than 20 working days following receipt of the complaint, issue a written decision, which shall be mailed and/or emailed to the employee. The decision of the President may grant or deny the remedy being requested by the employee, or offer an alternative resolution. The employee complaint decision of the President is final and not appealable under this policy.

### Proposed Termination of an At-Will Employee

An at-will employee who is proposed for termination may file a complaint concerning the proposed termination directly with the President, by-passing Level One and Level Two (Vice-President), if the employee's complaint alleges that the proposed termination constitutes unlawful retaliation, harassment, or discrimination. A complaint concerning the proposed termination of an at-will employee may be presented to the President within 3 working days from the date the employee was informed of the proposed termination. The decision of the President is final and not appealable under this policy.

### OTHER COMPLAINT PROVISIONS

The process described in this policy shall not be construed to create new or additional rights beyond those granted by law or Board policy, nor is it intended to create constitutional due process rights or to require a full evidentiary hearing or "mini-trial" at any level.

Complaints arising out of an event or a series of related events that occurred prior to the filing of the complaint shall be addressed in one complaint. Employees shall not bring separate or serial complaints arising from any event or series of events that have been or could have been addressed in a previous complaint.

### Retaliation

The College prohibits retaliation against an employee who files a complaint or grievance under this policy, serves as a witness, or otherwise participates in an investigation.

The provisions of the policy do not extend into a due process procedure. The policy is an internal procedure designed to provide employees with the opportunity to address complaints.



# Employee Complaint Procedure Form

## Policy 4904: Employee Complaint Procedure



Employee Name: \_\_\_\_\_

Employee A#: \_\_\_\_\_

Employee Title: \_\_\_\_\_

Department: \_\_\_\_\_ Phone: \_\_\_\_\_

Employee's Immediate Supervisor: \_\_\_\_\_

Date of Event or Action: \_\_\_\_\_

*Give specific details for each section and continue on reverse side if necessary.  
Employee to send via email, inter-office mail, or hand delivery.*

**1. Provide a clear explanation of your specific concern and the person/department it is against.**

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**2. Provide a description of how your employment has been affected.**

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**3. Provide a description of the relief you are seeking.**

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Employee Signature: \_\_\_\_\_ Date Submitted: \_\_\_\_\_

Received by Signature: \_\_\_\_\_ Date Received: \_\_\_\_\_

Title of Receiving Party: \_\_\_\_\_