

# GRIEVANCE PROCEDURE

## Function & Purpose

Temple College is committed to assisting employees in finding fair and equitable solutions to issues related to the professional performance of their duties and responsibilities. This Grievance Procedure provides a method for the expeditious and equitable settlement of grievances. An employee who initiates a grievance in good faith shall be free from harassment, intimidation, coercion, or reprisal because of the filing of the grievance. This policy is not a contract and any failure to abide by its terms does not give any person any legal rights. It must be noted that a grievance or grievance appeal is distinctly different from an appeal to a disciplinary or dismissal action and should not be confused with that process. Employees may not pursue a grievance on the same issue which has been the subject of a disciplinary or termination notice or appeal. These procedures are established to address the following grievance types:

1. **Type I** - Involving alleged acts of unlawful discrimination on the basis of gender, disability, ethnicity, color, age, religion, national origin, or veteran status (acts prohibited by Title IX, Section 504 of the Education Amendments of 1972 or Americans with Disabilities Act of 1990) against him/her on the part of the College or its employees. The Associate Vice President, Resource Management is the designated Title IX Coordinator.

and

2. **Type II** - Involving alleged errors in the interpretation or application of stated policy, internal operating procedure, or working conditions.

All other grievances will be handled through regular administrative and organizational channels or in accordance with other formal policies.

Interpretation of Coverage - Where a dispute exists concerning the application of these procedures, the President of the College will make final judgment on the question.

These procedures are not intended to change or to establish new policy. They are only to establish whether or not an error has occurred, and if so, what might constitute appropriate redress for the aggrieved.

## Initial Phase

1. Initial grievant and respondent meeting – Prior to filing a written grievance, the employee (grievant) may first wish to attempt to resolve his/her grievance by discussing the matter with the person (respondent) alleged to be responsible for the discrimination or interpretation. This discussion should occur within ten (10) business days of the alleged grievance or when the alleged violation was first

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discovered. If the grievance lies outside the authority of the respondent, the respondent shall refer the employee to the appropriate administrative official for consideration.

2. If the grievance is not resolved at this level, the employee will then move to the mediation phase. Any retaliatory action of any kind taken by an employee of the College against any other employee and/or student of the College as a result of that person's seeking redress under these procedures is prohibited and the employee taking retaliatory action will be subject to disciplinary action up to and including discharge.

### **Mediation Phase**

1. The employee must submit the grievance in writing within five (5) business days after unsatisfactory resolution of the Initial Phase meeting to the respondent and to the AVP, Resource Management. If the Initial Phase is omitted, the written grievance should occur within ten (10) business days of the alleged incident or when the alleged incident was first discovered. The AVP, Resource Management will review the grievance to determine if it qualifies as a Type I or Type II grievance.
2. The AVP, Resource Management will conduct a mediation meeting within five (5) business days after receipt of the written grievance. The process is designed to be pro-active and not adversarial. Therefore, no outside representation will be allowed during the mediation phase. The AVP, Resource Management will review the issues of confidentiality with the parties involved and serve as mediator in the meeting.
3. The AVP, Resource Management will provide written documentation of the meeting within three (3) business days to the grievant and the respondent. The documentation will be retained by the HR Office for two (2) calendar years from the date of the meeting. If no resolution is attained during this phase, the employee may move to the Formal Grievance Phase.

### **Formal Grievance Phase**

1. Grievant files written grievance within five (5) business days after receiving the written mediation meeting results as follows:

A faculty member must submit the grievance in writing to the Faculty Council President by close of business on the fifth (5) day after the faculty member receives the mediation meeting documentation.

A non-faculty member must submit the grievance in writing to the AVP, Resource Management by close of business on the fifth (5) day after the non-faculty member receives the mediation meeting documentation.

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The written grievance shall provide the following information:

- a) Name(s) and address(es) of the grievant(s);
  - b) Nature and date of the alleged violation;
  - c) Name(s) of the person(s) responsible for the alleged violation (where known);
  - d) Requested relief or corrective action (redress). (The grievant has the option of not specifying this information); and
  - e) Other background information the grievant believes to be relevant, e.g., names of others affected by the alleged violation or error.
2. The Faculty Council President or AVP, Resource Management will within three (3) business days:
- a. Send the grievant receipt verification via Temple College email
  - b. Notify the respondent and provide them a copy of the grievance via their Temple College email
  - c. Assemble Grievance Committee

#### Composition and Selection of the Grievance Committee for Faculty Members

The Grievance Committee for faculty members shall consist of five (5) tenured faculty members, including the chair, who shall be elected during Spring Faculty Council elections. At its first meeting, the members of the Grievance Committee shall elect a Chair. The names of all members of the Grievance Committee and the proceedings of the committee shall be kept confidential. The Faculty Council President may grant a time extension within the Formal Grievance Procedure due to the unavailability of committee members.

#### Composition and Selection of the Grievance Committee for Non-Faculty Members

The Grievance Committee for non-faculty members shall consist of five (5) staff members, including the chair, selected by the AVP, Resource Management. At its first meeting, the members of the Grievance Committee shall elect a Chair. The names of all members of the Grievance Committee and the proceedings of the committee shall be kept confidential. The AVP, Resource Management may grant a time extension within the Formal Grievance Procedure due to the unavailability of committee members.

3. Respondent submits grievance reply to the Faculty Council President or AVP, Resource Management within five (5) business days after receipt of the grievance notification, who in turn will submit the grievance reply to the Grievance Committee Chair

The respondent's written reply shall be as follows:

- a) Confirm or deny each alleged violation in the grievance,
- b) Indicate the extent to which the grievance has merit, and
- c) Indicate acceptance or rejection of the corrective action sought by the grievant or outline an alternative corrective action

If no written reply is submitted to the Faculty Council President or AVP, Resource Management within five (5) business days, the Faculty Council President or AVP, Resource Management shall issue a notice of non-response to the grievant, respondent, appropriate Vice President, and to the Grievance Committee Chair. If the respondent fails to submit a written response, the respondent forfeits any right to appeal.

If a written reply is received within five (5) business days, the Faculty Council President or AVP, Resource Management will submit the grievance reply to the Grievance Committee Chair

4. The Grievance Committee Chair will convene the Grievance Committee to conduct a review of the materials presented within five (5) business days after receipt of the grievance reply

The Grievance Committee shall consider the written statements submitted by both parties. All official documentation regarding the grievance shall be maintained by the Committee Chair without notes or comments. Any notes taken by the committee members will be collected and retained by the Committee Chair as part of the documentation of the grievance process.

Within three (3) business days after the review has been conducted and all written statements and evidence have been delivered to the Grievance Committee Chair, the committee shall determine by majority vote if the issue is one "which involves the interpretation, application or alleged violation of administrative practices or policy." The Committee Chair shall notify both parties and the Faculty Council President or AVP, Resource Management of its recommended corrective action, if appropriate, with rationale by written memorandum.

At the conclusion of the review, the Grievance Committee Chair shall deliver all documentation of the grievance process to the Faculty Council President or AVP, Resource Management.

### **Appeal Phase**

1. Grievant or respondent (if the respondent submitted a written response during the Formal Grievance Phase) may appeal in writing the recommendation of the Grievance Committee to the appropriate Vice President and the Faculty Council

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President or AVP, Resource Management within two (2) business days of receipt of the Grievance Committee recommendations. No new information may be introduced to the appropriate Vice President unless the parties can show cause as to why it was not introduced in previous phases of this procedure.

2. The Faculty Council President or AVP, Resource Management shall deliver all documentation to the appropriate Vice President within three (3) business days of receipt of the appeal and notify the other party that an appeal has been submitted
3. The appropriate Vice President shall consider the written statements, other materials submitted by both parties, and the recommendation of the Grievance Committee. The appropriate Vice President shall render a decision with rationale and notify both parties and the Faculty Council President or AVP, Resource Management by written memorandum within five (5) business days.

NOTE: Should the grievance be directed at the vice presidential level, this step shall be bypassed.

4. At the request of either party, the decision of the vice president may be appealed to the President of the College. Written notice of appeal to the President, the Vice President, and the Faculty Council President or AVP, Resource Management will be submitted within two (2) business days of receipt of the prior decision.

The Vice President will forward all materials pertaining to the grievance to the President of the College and notify the other party that an appeal has been submitted. If the grievance is directed at the vice presidential level, the President shall consider the written statements submitted by both parties and the recommendation of the Grievance Committee.

5. The President shall render a final decision with rationale within ten (10) business days. The President's decision shall be sent in memo form to each party, the appropriate Vice President, and the Faculty Council President or AVP, Resource Management. No new information may be introduced to the President unless the parties can show cause as to why it was not introduced in previous phases of this procedure.

The decision of the President is final and is not subject to appeal.

At the conclusion of the grievance procedure, all documentation will be submitted to Human Resources.