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## **Purpose**

The purpose of this procedure is to outline the steps to be taken in the complaint and grievance process. Complaints and grievances shall be processed promptly and expeditiously.

## **Procedure**

### **A. Definitions**

1. Complaint and grievance: the dispute resolution processes established by this procedure to resolve employee concerns of an alleged violation of a College Board Rule or Administrative Procedure that results in an adverse employment action against the employee.
  - a. Matters that cannot be a subject of a complaint or grievance include: allegations of harassment, discrimination, retaliation (refer to APM 02-1303), personnel evaluations or performance improvement plans, interpersonal disagreements, work assignments and schedules that are within established job descriptions and qualifications, contract nonrenewal, selection or non-selection for a position.
  - b. The filing of a complaint or grievance does not prevent or delay the College from taking any proposed action.
2. Grievant: an employee or a group of employees that file a grievance.
3. Complainant: an employee or a group of employees that file a complaint.
4. Time Limits: as used in this procedure, time limits shall mean working days unless “calendar days” are specifically referenced. The number of days indicated at each step is the maximum, and every effort should be made to expedite the process. Time limits may be extended by mutual written consent of the parties to the grievance.
5. Respondent: the designated administrator at each step.

### **B. General Provisions - the following shall apply to all complaints and grievances:**

1. Complaints and grievances shall be resolved according to the terms of this procedure.
2. Only full-time and regular part-time employees can proceed with a grievance to a review and final decision at Step IV. Temporary and probationary employees may proceed with a grievance to Step III.
3. All communications and decisions concerning the formal grievance process shall be in writing as

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provided in this procedure.

4. Either party may have an observer present at all levels of the formal grievance process. The observer will serve in the role of support. The observer will not be allowed to act as an advocate and will not be allowed to speak or operate in place of the employee during the grievance process.
5. There shall be no additional facts or information submitted during the grievance process once the formal grievance has been submitted.
6. Failure by the employee to file or process a grievance within the specified time limits shall render the grievance as settled in favor of the College.
7. Failure by the College to issue a decision within the specified time limits shall render the grievance advanced to the next level. The final step of the grievance process cannot be waived by the College. The reasons for any delay in the decision of the College shall be provided to the grievant in writing prior to the expiration of the time limit(s) specified in the final step.
8. The grievant shall bear the cost of preparing and presenting his/her own grievance.
9. A copy of the written decision rendered at each step of the formal grievance process shall be forwarded to the Chief Human Resource Officer.

### C. Complaint and Grievance Process

#### 1. Step I: Informal Resolution

- a. Any employee of the College who believes that they have a basis for a complaint or grievance shall first discuss the matter with their immediate supervisor. It is the responsibility of the supervisor to make every reasonable effort to resolve the employee's concern utilizing the rules and procedures of the College.

#### 2. Step II Formal Grievance Process (Department Level)

- a. If the issue is not resolved during the informal process or the grievant is not satisfied with the outcome, the employee may file a formal grievance in writing.
- b. The grievant shall ensure delivery of the written grievance to the department head or dean (or other administrative official who is a direct report to a vice president or executive chair/campus president) within thirty (30) days following the event which gave rise to the alleged grievance. All facts or information that support the allegation shall be provided with the written grievance, including the Board Rule or College APM violated, any relevant documents and the names and contact information of any witnesses to the allegations.

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- c. Within ten (10) days following receipt of the grievance, the administrator shall meet with the employee after providing a written notice of the meeting unless a mutually agreed upon date is established. Within five (5) days following the meeting, the administrator will issue a written response to the employee.
3. Step III of Formal Grievance Process (Vice President/Executive Chair/Campus President Level)
- a. The employee may appeal the decision rendered in Step II within five (5) days by forwarding a written notice of appeal which explains why the grievant is appealing the previous decision. A copy of this appeal shall be provided to the administrator of the previous step who will forward the grievance materials to the appropriate vice president/ executive chair/campus president.
  - b. The Vice President/ Executive Chair/Campus President's office shall provide the grievant with written notice of a time for a meeting on the appeal which shall take place within ten (10) days following receipt of the appeal unless a mutually agreed upon date is established.
  - c. The Vice President/ Executive Chair/Campus President shall render a written decision on the appeal within (10) days following the meeting. For temporary and probationary employees, this decision will be final.
4. Step IV of Formal Grievance Process (College President)
- a. The employee may appeal the decision of the Vice President/Executive Chair/Campus President by forwarding a written notice of appeal to the College President with a copy to the Vice President/ Executive Chair/Campus President within five (5) days following the Step III decision. The Vice President/ Executive Chair/Campus President shall forward the grievance materials to the Office of General Counsel. Within ten (10) days following receipt of the appeal from Step III the College President, or designee, shall appoint three (3) employees to serve on a Grievance Review Committee ("Committee"). The composition of the Committee shall include at least one (1) person from the employee's employment category (faculty, career, or administrative/professional). The Office of the General Counsel will be responsible for coordinating the schedule and actions required by the Committee. The General Counsel, or other legal designee, will serve as an advisor to the Committee and will provide legal counsel with respect to policies, procedures and process.
  - b. The Committee will schedule a final hearing on the grievance within ten (10) days of the Committee's formation unless a mutually agreed upon date is established. Prior to the final hearing, the Committee shall review the record of the grievance and provide the grievant and other concerned parties with at least five (5) days prior written notice of the time, date and location of the final hearing.
  - c. An audio recorder will be used by the Committee with said recordings becoming part of the official record. The Committee will hear the grievance during which the grievant and respondent have an opportunity to clarify the evidence supporting their cases. Each party will have an opportunity to provide statements and responses. The Committee may ask questions

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of the grievant, respondent and any witness(es). In addition, the Committee may request additional documentation from either party to include additional witnesses at any time during the process.

- d. During the hearing, the grievant may only assert or rely on any facts or information substantially similar to that presented in the original formal grievance materials.
- e. Within five (5) days following the hearing, the Committee, through its chairman, shall forward its findings and recommendations to the College President, who shall, after reviewing said findings and recommendations, render a final determination of the grievance within ten (10) days following receipt of the Committee's recommendations. The College President shall transmit a copy of the recommendations, findings and final determination to the employee with a copy to the General Counsel.
- f. The decision of the College President shall be accepted in good faith as the final College action to the grievance and shall be immediately implemented.

REFERENCES: F.S. 1001.64, 1001.65

Adopted Date: January 20, 2015

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