

PERSONNEL-MANAGEMENT RELATIONS
EMPLOYEE GRIEVANCES

DGBA
(LOCAL)

Purpose

The College District is committed to providing a fair, safe, and productive work environment where grievances are dealt with sensitively and expeditiously. The purpose of the College District's grievance policy is to assist in resolving all workplace issues and problems. The College District believes the best way of maintaining employee job satisfaction and good working relationships is to follow a procedure for solving problems and grievances as they arise.

In most situations, employees should make every effort to attempt to resolve matters informally by meeting with the person or persons involved, or if that is not feasible, with the immediate supervisor of the person involved prior to accessing the formal complaint process. Exceptions may include cases involving allegations of unlawful harassment, whistleblower allegations, and other instances where it may be impractical to do so.

Freedom from Retaliation

The College District will not tolerate any form of retaliation against an employee who brings a complaint pursuant to this policy. [See DG]

Notice

College District employees and students are informed of this policy through a variety of meetings and publications, such as orientations, the student handbook, and the human resources website.

Definitions

The complainant is the person filing the complaint.

The respondent is the person or entity that the complaint is filed against.

A Resolution Review Panel (RRP) is a group of College District administrators appointed to hear complaints. Each RRP is generally composed of three to five administrators.

The terms "complaint" and "grievance" have the same meaning and may be used interchangeably.

Complaint Types

A complaint or grievance may include:

1. Concerns about an employee's wages, hours, or conditions of work, including performance evaluations or reviews;
2. Violations of College District policy;
3. Specific allegations of unlawful discrimination or harassment based on the sex, race, color, religion, national origin, age, veteran's status, disability, genetic information, or any other legally protected classification [see DIAA and DIAB];
4. Specific allegations of unlawful discrimination or retaliation based on the exercise of legally protected rights;

PERSONNEL-MANAGEMENT RELATIONS
EMPLOYEE GRIEVANCES

DGBA
(LOCAL)

5. Specific allegations of adverse personnel actions based on the employee's good faith report to an appropriate law enforcement authority of a violation of a law by the College District or a College District employee, i.e., whistleblower complaints [see DG];
6. Complaints resulting from the termination of an at-will employee [see DDC];
7. Complaints arising from the recommendation for nonrenewal or termination of a contract employee [see DMAA and DMAB];
8. Complaints concerning the withdrawal of consent to remain on campus [see GDA]; or
9. Any other complaint brought by an employee against another employee, supervisor, manager, vendor, or the College District.

**Information
Regarding Specific
Complaints**

For more information on complaints regarding:

1. Alleged discrimination/harassment/retaliation, including violations of Title IX or Section 504, see DAA.
2. Dismissal of term contract employees, see DMAA.
3. Nonrenewal of term contract employees, see DMAB.
4. A commissioned peace officer who is an employee of the College District, see CHA.
5. An employment preference for former foster children, see DC.
6. Alleged harassment, see DIAA and DIAB.
7. Alleged retaliation (Whistleblower), see DG and DH. Whistleblower complaints must be initially filed within the time period specified by law, regardless of the time period specified herein. Additional time lines for the employee and the College District to respond as set out in this policy may be shortened to allow the Board to make a final decision within 60 days of the initial complaint.

Multiple Complaints

Where it is determined that two or more individual complaints are sufficiently similar in nature and remedy to permit resolution through one proceeding, such complaints may be consolidated at the discretion of the chief human resources officer.

Untimely Complaints

If a complaint form or appeal notice is not submitted on time, the complaint may be dismissed, with or without a hearing, and the complainant will be notified in writing. An employee may appeal the

PERSONNEL-MANAGEMENT RELATIONS
EMPLOYEE GRIEVANCES

DGBA
(LOCAL)

determination of timeliness. The appeal will be limited to the question of timeliness and not the underlying merits of the complaint.

Extensions of Time

Any time limits set by these procedures, other than the time line for the initial filing of the complaint, may be extended by the manager of HR/employee relations for extenuating and unforeseeable circumstances.

**Recordkeeping /
Confidentiality**

Employee complaints are kept separately from the employee's personnel file, in accordance with the College District's records retention policy. Complaint records are confidential to the extent permitted by law. Limited disclosures may be necessary in order to conduct a thorough investigation. Additionally, information may be disclosed in response to a subpoena or as otherwise may be required by law.

Recording Meetings

Meetings held with the RRP are recorded by the College District. A complainant, respondent, or witness whose interview is recorded may request a copy of the recording of his or her interview. Release of records will be in compliance with the Texas Public Information Act.

Representative

The complainant may designate a representative to represent him or her at any level of the process by notifying the manager of HR/employee relations in writing. If necessary, the College District may reschedule any meetings to include the College District's counsel. Each party will pay its own costs incurred in the course of the complaint process.

Neutral Third Party

Depending on the complexity of a matter or an unanticipated conflict of interest, a neutral third party may be designated to hear and/or investigate a complaint or review an appeal if deemed necessary by the chief human resources officer.

**General Complaint
Procedure**

Detailed procedures may be obtained from the human resources department. The general complaint procedures are as follows.

Step 1

Generally, employees are expected to attempt to resolve matters informally by meeting with the person or persons involved, or if that is not feasible, with the immediate supervisor of the person involved.

Note: Attempting to resolve matters informally concerning complaints involving any form of unlawful harassment, whistleblower allegations, and cases where it is impractical to do so is not required, and employees may proceed to Step 2.

PERSONNEL-MANAGEMENT RELATIONS
EMPLOYEE GRIEVANCES

DGBA
(LOCAL)

Step 2

If it is not possible to resolve a matter informally, a formal complaint may be submitted to the Human Resources Department by using the College District's online complaint form or via hand-delivery during regular business hours. Except in cases involving unlawful harassment, discrimination, or retaliation, the employee must submit his or her complaint within ten business days of the date the complainant knew or reasonably should have known of the action that caused the concern. In cases involving unlawful harassment, discrimination, or retaliation, the employee must report the prohibited conduct as soon as possible after the alleged act or knowledge of the alleged act so that the College District can take appropriate action at the earliest possible stage. A delay in reporting may impair the College District's ability to investigate, gather evidence, and/or take corrective action.

The [employee complaint form](#)¹ can be accessed on the College District's website.

If the complainant needs a reasonable accommodation in order to communicate his or her complaint, the individual may contact the chief human resources officer for assistance.

The complaint will describe all incident(s) at issue. Complaints will identify any relevant dates or witnesses and provide sufficient factual detail to support the alleged violations.

Upon an initial review of the complaint, the chief human resources officer will determine whether the allegations, if proven, could constitute prohibited conduct as defined by this policy or applicable law. If the allegations do not rise to the level of prohibited or unlawful conduct, the complaint will be dismissed. Otherwise, the complaint will be referred to the next step under this policy. Any appeal will be limited to a determination of whether the complaint falls within the purview of this policy.

Step 3

A meeting with the RRP will be scheduled to provide the complainant with the opportunity to present his or her concerns. Barring unforeseeable circumstances or difficulty with scheduling, the meeting will be scheduled within ten business days of receipt of the complaint. After meeting with the complainant, members of the RRP will undertake an investigation appropriate to the circumstances to reach a determination of the complaint.

The respondent will also receive a copy of the complaint and be asked to provide a written response that will be shared with the RRP for review.

The College District will make reasonable attempts to schedule conferences at a mutually agreeable time. If the individual fails to

PERSONNEL-MANAGEMENT RELATIONS
EMPLOYEE GRIEVANCES

DGBA
(LOCAL)

appear at a scheduled conference without a compelling reason, the complaint will be considered withdrawn.

In most cases, the RRP will issue a written summary determination within ten business days of completing all meetings related to the complaint and recommend granting or denying each request for relief in the complaint. As part of its determination, the RRP may also, but is not required to, recommend alternative relief. The standard of review at this step will be by a preponderance of the evidence.

In some cases, including those involving allegations of unlawful harassment, discrimination, or retaliation, the RRP may require additional time in which to conduct an investigation and prepare a determination. In such cases, the RRP will notify the complainant and respondent in writing how much time reasonably will be needed to conclude the investigation and prepare a determination.

Step 3 for
Determinations
Related to Mid-
Contract
Termination

For those cases involving the recommended termination of a full-time contract employee during the term of the contract, and where the contract employee appeals the recommended termination, the meeting with the RRP will proceed as follows. The RRP will ensure that the College District/respondent provides specific notice of the basis for the proposed termination to the complainant, if such notice has not been previously provided. Before the meeting scheduled with the RRP, the College District/respondent and the complainant will provide to each other and the members of the RRP a list of witnesses they may present at the meeting, along with a general description of the nature of their testimonies and documents that they intend to use at the meeting with the RRP.

Both parties will have the right to present witnesses and documentary evidence and to cross-examine witnesses presented by the other party subject to the guidelines imposed by the RRP. The RRP will provide to both the College District/respondent and the complainant the procedures for the meeting including any time restraints placed on the parties' presentations, as well as when each party will be required to provide exhibits and a witness list to the other party and to the RRP, and any other procedures applicable to the meeting before the RRP. The RRP will make a record of the hearing, either by tape recording or by court reporter. The strict rules of evidence will not apply, although all evidence should be relevant. The College District/respondent has the burden of proof and will make its presentation first.

The College District will make reasonable attempts to schedule RRP meetings at a mutually agreeable time. If the individual fails to appear at a scheduled meeting, the College District may hold the meeting and issue a decision in the individual's absence.

PERSONNEL-MANAGEMENT RELATIONS
EMPLOYEE GRIEVANCES

DGBA
(LOCAL)

Step 4

If either the College District/respondent or the complainant disagrees with the decision of the RRP, the College District/respondent or the complainant may appeal the determination to the appropriate vice president (generally the vice president of the respondent party). The appeal must be submitted to the appropriate vice president (or executive vice president or designee as noted below) within ten business days of the date of the RRP's decision. The statement of appeal must:

1. Identify all points of disagreement with the determination;
2. Contain sufficient detail to clarify the basis of the appeal; and
3. Explain the reasons why the appeal should be granted. The standard of review at this step will be by a preponderance of the evidence.

If neither party files a timely appeal, the determination of the RRP becomes final and is non-appealable.

Note: For those complaints that involve the termination or non-renewal of a full-time contract, the appeal of the RRP's determination will be reviewed by the executive vice president or designee. The standard of review at this step will also be by a preponderance of the evidence.

Within ten business days of receipt of the appeal, the vice president (or executive vice president or designee as noted above) will issue a written decision affirming, affirming in part/denying in part, or reversing the RRP's determination.

The decision of the vice president or executive vice president is final and non-appealable for all types of complaints, except complaints regarding the recommendation for termination of a full-time contract employee.

For those complaints that involve the recommendation for termination of a full-time contract employee only, the decision of the executive vice president or designee may be appealed to the District President and Board.

Nothing in this policy precludes an employee who has exhausted the procedures in this policy from addressing the Board of Trustees at the next regular public meeting in accordance with the provision for hearing of citizens. The Board is not required to take any action concerning a grievance but will listen to the employee's concerns.

[See BDB]

PERSONNEL-MANAGEMENT RELATIONS
EMPLOYEE GRIEVANCES

DGBA
(LOCAL)

**Appeals to the
District President
and Board**

Only complaints involving the termination of a full-time contract employee may be appealed to the District President and Board. If the College District/respondent or the complainant disagrees with the decision of the executive vice president or designee, either party may appeal to the Board by notifying the manager of HR/employee relations within ten business days of the receipt of the executive vice president or designee's decision.

Prior to placing the matter on the Board agenda, the District President will review the record. If the District President reverses the termination decision of the executive vice president, the recommendation for termination of the full-time contract employee will be vacated, and the College District/respondent and the complainant will be notified in writing of the District President's findings and related actions regarding the matter. In this case, the matter will not proceed to presentation to the Board.

If the District President affirms the decision of the executive vice president or designee to terminate the full-time contract, the matter will be placed on the agenda for presentation to the Board. In such cases, the matter will be placed on the Board agenda after review by the District President, providing at least ten business days' advance written notice to the complainant.

The complainant will be notified in writing of the date, time, and place of the Board meeting at which the complainant will present his or her concerns to the Board. The notice will include all applicable procedures for the presentation. The presentation will take place in closed meeting unless the complainant requests that it be heard in public. The Board may place time limits on the presentation.

The Board will consider the complaint, the record created at the meeting before the RRP, and the oral presentations and may give notice of its decision orally or in writing at any time up to and including the next regularly scheduled Board meeting after the Board hears the matter. However, the Board is not required to take any action. If for any reason the Board does not take any action by the end of the next regularly scheduled meeting, the lack of a response by the Board upholds the last prior administrative decision.

¹ Employee Complaint Form: http://www.collin.edu/hr/complaints/Employee_Complaints.html