

POLICIES AND PROCEDURES

Subject: Employee Grievance Procedure Reference: F-V-h

Source: President Eff. Date: August 28, 2018

Approval Auth.: President Approved: _____

Remarks: Replaces previous policy February 21, 2011

Date: August 28, 2018

A. Preamble

McLennan Community College, a public junior college district in the state of Texas, finds that harmonious relations between this college and its employees are a necessary and vital factor in the effective and efficient operation, and that a proper procedure and forum for the understanding and resolution of employee grievances will contribute to the establishment and maintenance of harmony, good faith, quality, and productivity of public service. Accordingly, it is hereby declared to be the policy of this college that it shall receive, process, and resolve employee grievances fairly, equitably, and promptly, and that its employees are free to make use of the grievance procedures herein established without fear of retaliation including but not limited to prejudice, discrimination, restraints, coercion, or reprisal of any nature whatsoever. It is the intent of McLennan Community College to comply with all applicable regulations as well as State and Federal laws.

Inquiries regarding discrimination should be directed to the Title IX Coordinator or the Section 504/ADA Title II Coordinator. Grievances related to discrimination claims shall be administered using the Discrimination Resolution Process (F-V-s)

B. Definitions

As used herein the word or term:

1. "College" shall mean McLennan Community College, a public junior college district of the state of Texas;
2. "President" shall mean the chief executive officer of the college;

3. "Employee" shall mean any person employed by the college;
4. "Contractual employee" shall mean any person granted a contract of a specified time--generally at least one year's duration;
5. "Non-contractual employees" shall mean employees at will;

6. "Grievance" shall mean a complaint related to wages, hours, or conditions of work except as specifically included herein. A "grievance" includes, but is not limited to, complaints of discrimination in employment based upon age, sex, race, color, religion, national origin, or disability, or upon the exercise of First or Fourteenth Amendment rights.

The non-renewal of an employment contract shall not be subject to this grievance procedure except when an employee makes specific factual allegations that the nonrenewal of employment was in violation of his/her constitutional or civil rights.

Terminations of contractual employees are not subject to this grievance procedure. Terminations of non-contractual employees are not subject to the grievance procedure unless an employee makes specific factual allegations that the termination of employment was in violation of his/her constitutional or civil rights.

7. "Immediate Supervisor" shall mean the officer or employee of the college who regularly supervises the day-to-day work of an employee.
8. "Grievant" shall mean the employee bringing the grievance.
9. Regular administrative channels means those individual supervisors at successive levels of supervision in the organized area in which the grievant works.

C. Freedom of Action

No employee of the college shall be disciplined, penalized, restrained, coerced, or otherwise prejudiced in employment in any manner whatsoever for exercising any rights or remedies in the grievance procedures hereby established.

D. Representation

In exercising any rights and remedies under these grievance procedures, an employee may represent himself or herself or may choose to be represented by a fellow employee, attorney, person or organization that does not claim the right to strike.

E. Whistle-blower Complaints

Employees who allege unlawful discrimination in retaliation for reporting a violation of law to an appropriate authority shall invoke this policy not later than 15 days after the date the alleged violation occurred or was discovered by the employee through the use of reasonable diligence. The complaint will be processed under provision of the Formal Procedure for Grievance only.

F. Grievance Procedure

Informal Procedure for Grievance

1. The employee should first attempt to resolve the grievance by discussing the matter with his/her immediate supervisor (unless supervisor is involved in grievance at which time the employee will contact the EEO Officer or next level of supervision). The employee should make the grievance known to his/her supervisor within thirty (30) calendar days after the alleged incident which caused the grievance. The immediate supervisor should respond to the complaint within a reasonable period of time, not to exceed ten (10) work days.
2. If the grievance remains unresolved, the grievant may discuss it with the administrator or supervisor at the next higher administrative level through regular administrative channels until the grievance has been reviewed by a Vice President.

Formal Procedure for Grievance

1. If the employee's grievance has not been resolved by informal procedures after being reviewed by all levels of supervision to the Vice President level, the grievant may submit a request in writing to the President of the College to have the grievance considered by a formal grievance committee. The request shall include (1) full details of the nature of the grievance and the evidence on which it is based and (2) a statement regarding the redress sought.
2. Upon request by the grievant and after other processes have been exhausted, the President shall appoint a Grievance Committee to meet promptly for the purpose of hearing the grievance.

The Grievance Committee shall be composed of five employees of the College, with at least two of them representing the same general employment type and level as that of the grievant. In addition, two alternate members will be appointed by the

President and designated as first alternate and second alternate. The alternates will serve only if a committee member(s) is successfully challenged for cause.

The Chairperson of the Committee shall be appointed by the President. Any member of the committee, including the Chairperson, is subject to challenge for cause. (*Cause is defined as prior contact with the persons or circumstances involved in the proposed dismissal that might prohibit the committee member from impartially considering the facts and making a recommendation.*) The Chairperson shall rule on all challenges except those involving the Chairperson. A challenge of the Chairperson will be ruled upon by the remaining committee members, with a majority vote being required to sustain the challenge.

The Vice President, Finance & Administration and the EEO Officer shall serve as advisors to the Committee, but shall have no vote.

3. The Chairperson of the Grievance Committee shall call a meeting as soon as possible to hear the grievance matter and to arrive at a recommendation(s) to the President of the College.

Participation in the hearing shall be limited to the Committee members, the advisors, witness(es) and legal counsel or representative for each party, who may be called or used by either side. Each party has the right to confront all witnesses and the opportunity to question all witnesses, and, if a witness cannot appear, the right to the name and statement of the witness. The Committee shall prepare a full written report of the proceedings, its findings and recommendation(s), and copies of the report will be sent to the President and to the person bringing the grievance.

4. The President shall accept or reject the recommendation(s) of the Committee, or may propose an alternative solution. The President's response shall be made in writing to the grievant.
5. In the event the decision of the President is not acceptable to the grievant, he/she may request a review of the case by the Board of Trustees of the College. Such requests shall be made in writing through the President within two weeks after receiving the President's response. The President shall forward the request to the Chairman of the Board of Trustees, along with a record of the

hearing.

The Board of Trustees shall review the record of the hearing and advise the President and the grievant of further proceedings or actions, if any, desired by the Board. The Board's decision is final and will be based upon the record of the hearing.

G. Group Grievance

In order to prevent the filing of a multiplicity of grievances where the grievance covers a question common to a number of employees (three or more), it may be processed as a single grievance commencing at the first common level of supervision.

H. General Provisions

1. All time limits may be extended by mutual consent.
2. The grievance shall be considered settled if the decision at any step is not appealed within the given time limit or mutually agreed extension thereof.
3. Any costs incurred in connection with a grievance shall be paid by the party incurring them.
4. All complaints arising out of an event or related series of events will be addressed in one complaint. An employee may not bring separate or serial complaints concerning events about which the employee has previously complained.

I. Judicial Review

Nothing in this policy shall be construed to limit, terminate, or waive any right of an employee to seek relief in a court of proper jurisdiction for any employee grievance for which a remedy is provided under the laws of the state of Texas or the United States of America.