

PERSONNEL-MANAGEMENT RELATIONS
EMPLOYEE GRIEVANCES

DGBA
(REGULATION)

DEFINITION	<p>A grievance means a work-related problem or condition that an employee believes is discriminatory or a hindrance to effective performance of the employee's job. A grievance includes the results of a performance evaluation except for faculty evaluation. A grievance also includes discrimination, harassment, or retaliation on the basis of race, color, religion, national origin, sex, disability, age, sexual orientation, gender identity, or gender expression but does not include sexual harassment, which is covered in DIA(REGULATION) in this manual.</p> <p>"College President" means the chief executive officer at a College District college, the College District Service Center, or the LeCroy Center, as appropriate.</p>
LIMITATION	<p>This grievance procedure applies to all employees, both full-time and part-time. A faculty member who wishes to file a grievance concerning a faculty evaluation rating or procedure shall use the grievance procedure provided in DLA(REGULATION) in this manual. The grievance procedure is not designed to include a grievance that relates to a change in policy, sexual harassment, termination, layoff, or matters of contract status, which are generally handled through other policies or regulations. A recommendation to initiate new policy or to change existing policy is handled through normal administrative channels. Sexual harassment is covered in DIA(REGULATION) in this manual.</p> <p>Personal problems, personality conflicts, or similar matters between employees will be addressed by appropriate administrative personnel rather than the grievance procedure.</p>
TIME LIMITATIONS	<p>A grievance must be handled with reasonable promptness both in submission and processing at each level. An employee may submit a grievance within 30 working days from the event or occurrence to the employee's first-level supervisor. College District human resources will create a form to submit a grievance with appropriate deadlines to comply with this regulation. Exceptions to the 30-day limit will be considered by the college president only in extraordinary circumstances. Ordinarily, the grievance process is completed within 30 working days of submission of a grievance, but delays may occur from time to time due to holidays, vacation, nature of investigation, or other valid reasons. A supervisor will report a delay to the location human resources representative.</p>
PRESENTATION	<p>Initial presentation of a grievance must be in writing on a grievance form and must specify reasons for the grievance. All supervisors will give an employee a full opportunity to present a grievance without fear of coercion or reprisal.</p>

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An attorney or other representative of a grievant may present a grievance to the appropriate supervisor at any time during this grievance procedure.

NONRETALIATION

The College District will not tolerate any form of retaliation against employees who use this procedure. Nothing in this procedure limits or delays the College District's right to take appropriate disciplinary action, up to and including termination, when an employee's behavior warrants the action.

PROCEDURE

An employee should make every effort to resolve a work-related problem or condition before initiating the grievance procedure. All employees who file a grievance must discuss the grievance with the employees' location human resources representative. During this discussion, the human resources representative and employee will review all written policies and procedures that they believe are pertinent to the grievance. If, after this discussion, an employee wishes to file a grievance, the employee will complete the grievance form and submit it to the employee's first-level supervisor. The most satisfactory solution may often be accomplished with the first-level supervisor. If discussion with an employee's supervisor does not resolve a grievance to the employee's satisfaction, the employee may proceed to the next level of supervision and eventually through the regular line of authority to the college president. The procedure is still quite informal, flexible, open, and designed to seek a satisfactory solution with a minimum of formality. A college president will conduct a formal review if an employee submits a written request for the review.

GUIDELINES FOR
FORMAL REVIEW

A formal review to a college president is governed by the following guidelines:

1. The college president is authorized to:
 - a. Require each employee to provide a written statement along with any documentation concerning the events, circumstances, and facts that give rise to a grievance;
 - b. Require appropriate personnel to appear and provide information; and
 - c. Question each employee who testifies.
2. A review by a college president is not an adversarial proceeding. A college president will conduct this review in a professional and cooperative manner and all participants are expected to do likewise.

A college president has authority to require production of documents, appearance of witnesses, or both that the college president deems relevant to a review. Failure of any employee to comply or

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cooperate with a request by a college president may subject the employee to disciplinary action, including termination.

FINAL DISPOSITION

A college president is the final level for review and decision unless the college president is an immediate supervisor of an employee who requests a formal review. In that event, the Chancellor will designate a senior College District staff member (DSM) to conduct a formal review. The designated DSM is the final level of appeal and is bound by the same regulations and guidelines as the college president. In any case, a college president may defer the final review process and decision to the designated DSM when the college president believes the deferral would provide a greater degree of confidence in this procedure.

The following will apply to final disposition:

1. A college president or the designated DSM will report a decision in writing to an employee within ten working days after conclusion of a review. The rationale for the decision must be included in the college president's or designated DSM's written report. A college president or the designated DSM may also make recommendations to resolve a grievance that are binding on all personnel.
2. If a college president or the designated DSM decides to uphold the employee's grievance, the college president or the designated DSM will return the matter to the employee's immediate supervisor for appropriate review, response, and action that is consistent with recommendations of the college president or the designated DSM.

COLLEGE DISTRICT
OFFICE

In the College District office, the grievance procedure is the same as above except the appropriate vice chancellor or provost is the final authority, as appropriate.

CHANCELLOR

If a grievance is filed against a college president, vice chancellor, provost, or a member of the Chancellor's staff, the Chancellor may designate an appropriate DSM to conduct a formal review under the same procedures and guidelines as a college president. The designated DSM will report findings from this review to the Chancellor, who will report a decision in writing to an employee in a prompt manner. The Chancellor is the final authority. The Chancellor may review any grievance at any location and take appropriate action if necessary.

BOARD ACTION

By law, the Board is not required to take any action concerning a grievance but is required to listen if the grievance is presented at a public meeting. Under the Texas Constitution, any employee may present a grievance to the Board regardless of the "Limitation" in this regulation.