

SEMINOLE STATE COLLEGE POLICY

GRIEVANCE

"In the interest of the equitable and efficient operation of Seminole State College, employees of the College shall be afforded a mechanism by which grievances can be resolved at the earliest opportunity. An employee may file a grievance regarding any action which allegedly violates or inequitably applies College policies and/or procedures and which affects the employee's working conditions. This policy shall be used to address complaints alleging discrimination or harassment on the basis of color, national origin, age, or disability, or other items protected under Board Policy II-4-1."

The President shall establish procedures to implement this policy. This policy and the associated procedures are separate from disciplinary and termination policies and hearings.

SEMINOLE STATE COLLEGE PROCEDURE

GRIEVANCE PROCEDURE

I. Definitions

A. Grievance: Grievances typically include one or a combination of the following: (a) When an employee of the College feels that a violation of a written College policy, procedure or established practice has taken place regarding them personally at the hands of another employee of the College, (b) When a policy, procedure or established practice has been perceived to have been intentionally and with malice misrepresented to an employee of the College by another employee of the College, or (c) When an inequitable or unreasonable application of a policy, procedure or established practice is felt to have been unfairly placed upon an employee of the College by another employee of the College.

B. Employee of the College: A person employed by Seminole State College for full-time administrative, teaching, professional, staff, or other services for nine (9) or more consecutive months to perform contractual obligations in compliance with appropriate College Policy, and any individual otherwise employed by the College in a full-time position who normally performs services in not less than thirty (30) hours per work week is considered an employee of the College for the purposes of this Procedure. NOTE: Part-time employees are those who are employed by the College in arrangements other than those cited here. Part-time employees are not covered by the Grievance Policy or this Procedure. Part-time employees and adjunct faculty who feel aggrieved are encouraged to seek satisfaction in the same manner as outlined in the INFORMAL process section of this Procedure.

C. Grievant: An employee of the College who initiates the Grievance Procedure; the person making a written and signed claim for relief or redress.

D. Respondent: An employee of the College specifically named in a grievance accused of being the cause of the grievance.

E. Party-in-interest: Any employee of the College who is neither the grievant nor the respondent in a Grievance Procedure but who may be required to take action to resolve the grievance.

F. Representative: Any employee of the College selected by the grievant or the respondent to stand beside and in the presence of both the grievant and the respondent to assist the grievant or the respondent in the grievance process.

G. Campus Grievance Committee: A three-member hearing panel which shall conduct hearings under this Grievance Procedure. This Committee shall include one full-time employee of the College selected by the respondent, one full-time employee of the College selected by the grievant, and one full-time employee of the College mutually selected by the grievant's and respondent's selectees who will serve as Chair of the panel. Each side nominates three people. The respective Vice President (or President) picks one of the three on each side. Those two pick the third from the remaining nominees, and those three pick which one of them will serve as Chair. The Human Resources

Director serves as a non-voting advisor to the Chair. In case of an impasse, the President of the College or his/her designee will select the third person. If the respondent is the President of the College, the Vice President of the area most closely relevant to the nature of the grievance will select the third person.

H. Day: For purposes of this Procedure, the term "day" will mean a regularly scheduled working day and will not include weekends, holidays or days during which the College is not open for regular business transactions.

I. Role of Human Resources Director: The role of the Human Resource Director will be to serve as a neutral, non-biased and non-voting member of the committee. The HR Director's goal in the process will be to advise all parties involved in order to reach an amicable agreement and avoid the need for future proceedings.

II. General Considerations

A. Once a formal grievance has been initiated, no information directly relevant to the grievance will be withheld from the grievant or the respondent or any Party-in-interest without the expressed approval of the President of the College. If the respondent is the President of the College, the Vice President of the area most closely relevant to the nature of the grievance will provide the above referenced approval in place of the President.

B. All discussions and hearings will be closed except as may be authorized by the President or his / her designee.

C. Unless the time period is extended by mutual consent of the grievant, the respondent and the Campus Grievance Committee, Step I through Step III shall be completed within forty-five (45) days of filing of the Grievance. Primary responsibility for assuring compliance with this time frame will rest with the grievant may request assistance from the Office of the President. If the respondent is the President of the College, the Vice President of the area most closely relevant to the nature of the grievance will assist the grievant.

D. The grievance process is an internal procedure that does not require the application of rules of law or evidence that are a normal part of the traditional civil or criminal judicial system. It is a mechanism for resolving problems that is not couched in legal jargon and rules. The process shall be driven by a sense of fair play and prudence rather than legalistic concerns.

III. Procedure

- A. Except as otherwise stated elsewhere in College Policies or Procedures, the Grievance Procedure shall not apply to suspension, termination, non-renewal, reduction in force or college policy directives and instructions from supervisors acting within the boundaries of their authority. Additionally, a reassignment without a corresponding reduction in salary shall not be subject to Grievance Procedures.
- B. A grievance for consideration in informal and/or formal proceedings must be submitted by the grievant in writing and must contain the following:
 - 1. A clear and detailed, signed statement of the grievance;
 - 2. The specific remedial action or relief sought;

3. A summary outlining with whom the points of dissatisfaction were discussed and the results of the discussion; and
 4. The reason(s) why remedial action or relief is sought.
- C. The grievant and the respondent shall have the right to be advised by an attorney of their choosing at any point during the formal process. If an attorney will be present to advise either the grievant or the respondent, the name, address and telephone number of the attorney must be supplied to the President of the College, the grievant, and the respondent at least two days prior to the hearing.
- D. A formal grievance must be filed within fifteen (15) days after written intent for filing formal grievance is delivered by the grievant to the President of the College. If the respondent is the President of the College, the Vice President of the area most closely relevant to the nature of the grievance will accept the written intent for filing a formal grievance. Otherwise, the grievance will be considered to no longer be valid.

IV. Proceedings

INFORMAL

Normally, the employee grievances can be resolved through informal discussions and conferences between the grievant, the respondent, appropriate administrators/supervisors and other parties-in-interest.

This informal proceeding has been determined by experience to be the best and most common avenue employed for resolving personnel problems. Because of this, the grievant will be required to fully utilize or attempt to utilize the informal approach to resolving his/her grievance prior to submitting a formal written grievance. However, if the informal proceeding extends beyond fifteen (15) days from the date recorded for beginning informal discussions, the grievant has the right to file a written request to move to a formal grievance process.

FORMAL

A formal grievance occurs when a written and signed statement is delivered in person to the office of: (a) the President of the College or the Vice President of the area most closely relevant to the nature of the grievance if the President of the College is the respondent, (b) the respondent, and (c) parties-in-interest citing the specific policy, procedure or practice alleged to have been violated, misinterpreted or inequitably applied. The written statement shall also contain the specific action(s) requested to be taken that will satisfy the grievant.

STEP I

A written statement is filed as stated above. This action will generate a meeting called by the President's designee involving that designee, the grievant, the respondent and, if appropriate, their immediate supervisor(s) for the purpose of resolving the dispute. If the grievance is satisfactorily resolved at the conclusion of Step I, the matter shall be considered closed with no need for continuation at a higher level. If it is not resolved, then the process will move to the next step. Evidence of resolution or impasse shall be put in the form of a written statement prepared by the President's designee and signed by the grievant and the respondent.

STEP II

If the grievant is not satisfied with the disposition of the grievance at Step I, then the grievant may refer the grievance to the Campus Grievance Committee. In the event that

the grievant fails to file his/her grievance within the time period set forth in the above stated Procedure, he/she shall be deemed to have waived all rights to have his/her grievance heard at Step II or any higher level and the matter will be considered closed.

Once the Campus Grievance Committee is impaneled, the grievant will be granted a hearing before the Committee in which he/she shall have the right to present his/her own evidence relevant to his/her grievance and be permitted to cross-examine the respondent and witnesses brought forward by the respondent. Similarly, the respondent will be allowed to cross-examine the grievant and the grievant's witnesses. The order of these events will be determined by the Grievance Committee.

The Campus Grievance Committee's role is not to create peace between the grievant and the respondent; however, if that is a result of their deliberations, it will be appreciated. The Committee's task is to rule on the legitimacy of the claim(s) of the grievant. Its responsibility is to judge and rule rather than mediate.

The recommendation(s) of the Grievance Committee shall be arrived at as fairly and impartially as possible based solely on the relevant information presented to the Committee. The Committee's decision(s) shall be based on findings of fact and consistent conclusions resulting from those facts. The Committee will address each written charge made by the grievant but it is not required to respond to new charges that might arise during the process. The findings and conclusions reported by the Grievance Committee will be presented as one written report with one recommendation even though the decision of the Committee is split 2-to-1 (it is this 2-to-1 possibility that dictated the makeup of the Committee as a group of three with the most objective member of the panel likely being the third member who was selected by neither the grievant or the respondent--this is also the reason for identifying this third party to serve as the panel's chair).

STEP III

If the decision of the Campus Grievance Committee is not acceptable to either the grievant or the respondent, the matter may be appealed to the President of the College. If the President of the College is the respondent the matter may be appealed to the College's Board of Regents.

The appeal designee will be furnished all information considered by the Grievance Committee along with a recording or transcript of the Committee's hearings and a written copy of the Committee's recommendation(s). Following the review of these materials, the appeal designee will meet with the grievant and the respondent to attempt to resolve the grievance.

The appeal designee findings of fact and conclusions will be put in writing, along with recommendation(s), and given to the grievant and the respondent. The appeal designee's latitude shall be as broad as necessary to attempt to bring about a mutually satisfactory resolution to the dispute.