

POLICY & PROCEDURES MEMORANDUM

**TITLE: GRIEVANCE PROCEDURES
FOR FACULTY**

EFFECTIVE DATE: October 8, 2026*
*(*Procedural Update 10/8/26)*

CANCELLATION: AA-2534.1C (5/23/17)

CATEGORY: Academic Affairs (AA)

POLICY STATEMENT

A major goal of Delgado Community College is to maintain a satisfied and efficient work force. It may be expected, however, that misunderstandings or dissatisfaction will occur in day-to-day relationships between employees or between employees and their supervisors. The College recognizes the rights of employees to express their views and request solutions concerning disagreements between themselves and their supervisors, without fear of the loss of position or status or of retaliation. Personnel in the Office of Human Resources are available to employees, supervisors, or department heads for consultation before, during, or following any of the steps in the grievance process.

It is preferable that differences be resolved quickly and equitably by the employee and his/her immediate supervisor. Open communication is encouraged between supervisors and employees in order to resolve problems before they become grievances. For this reason, the College has implemented a Two-Phase Procedure: (1) Phase I: Informal Problem-Solving and (2) Phase II: Formal Grievance. This policy excludes grievances relevant to the termination of tenured faculty-- a separate procedure.

If an employee is of the opinion that the Problem Solving Phase has not resolved the issue(s), he/she may choose to continue the process through the Formal Grievance Phase. *This policy includes recommended timelines for each step of the process to ensure prompt resolution of problems. In most cases the timeline should be followed unless holidays, vacations, illnesses, professional leave, examination schedules, semester breaks, school closings, or unexpected emergencies require a rescheduling of the timeline.*

Electronic communications sent with read or delivery receipts to ensure delivery are acceptable, when applicable, throughout the process. All meetings may be recorded if all parties present are notified of the recording. All parties are encouraged to take notes on all relevant meetings, whether formal or informal. Unless otherwise specified, one impartial, silent observer for each party may be present during any meetings that are part of the process if all parties are notified prior to the meeting. The College provides employees an opportunity to be heard without fear of reprisal in accordance with the procedures contained in this policy and procedures memorandum. All participants in the process are expected to exercise discretion and to maintain confidentiality as much as possible.

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1. Purpose

To establish policy and procedures that will provide equitable means for the resolution of employee/employer problems.

2. Scope and Applicability

This policy and procedures memorandum applies to current 9-Month Faculty, 12-Month Faculty, Librarians, Adjunct Faculty, and Grant Employees who are in grant positions comparable to teaching faculty and librarians, unless other employment conditions are specified in the grant. This policy excludes grievances relevant to the termination of a tenured faculty member.

3. Protection Against Retaliation

Retaliation against an employee addressing a problem, filing a grievance, or serving as a witness at a grievance hearing is prohibited. Notice of the continued availability of the faculty grievance procedures and prohibition of retaliation to employees involved are hereby provided in this policy and procedures memorandum, which is a public document permanently posted on the College's website. Throughout each grievance process, the College's Grievance Officer is responsible for ensuring employees involved are made aware of this "Protection Against Retaliation" Section. The name of the Grievance Officer is published annually in the College's [Operational Guidelines](#).

If an employee believes that retaliation has taken place, he or she may notify the Grievance Officer and/or the Vice Chancellor for Academic Affairs within thirty (30) calendar days of knowledge of the alleged retaliatory situation/incident. However, when deemed necessary, the Vice Chancellor for Academic Affairs has the discretion to determine and document if there is sufficient justification to extend the statute of limitation to no longer than ninety (90) days after the employee's knowledge of the alleged retaliatory situation/incident. If the employee is not satisfied with the Grievance Officer and/or the Vice Chancellor's response, he or she may notify the Chancellor or choose to pursue a formal grievance in Phase II to address the alleged retaliation and, if applicable, the original problem/grievance.

4. Components of the Grievance Process

The phases and steps of the grievance process are:

Phase I: Informal Problem Solving

Step 1: Informal Problem Solving

Phase II: Formal Grievance

- Step 2: Request for Grievance Hearing
- Step 3: Grievance Committee Review of the Request for Grievance Hearing
- Step 4: Grievance Hearing
- Step 5: Findings and Recommendations

5. Definitions

For the purposes of this policy, the following definitions apply:

Grievance

A "grievance" is defined as:

- (1) an alleged violation or an inequitable or discriminatory application of a specific provision of the College's official policy and procedures, or an allegedly unfair policy and/or procedure; or
- (2) an allegation of a work-related problem or condition that an employee believes to be inequitable, discriminatory, or a hindrance to his/her effective performance.

Employees who allege violations of discriminatory behavior on the basis of race, color, religious or political affiliation, sex, sexual orientation, citizenship, national origin, age, disability, marital status or veteran's status, pregnancy, child birth and related medical conditions, or the sickle cell trait should consult the Chief Human Resources Officer and the current College policy on [Discrimination](#). In accordance with LCTCS Policy #6.015 "Grievance for All Employees," performance evaluations are not grievable. Also, this policy excludes grievances relevant to the termination of a tenured faculty member.

Grievant

A "grievant" is defined as an employee who alleges a grievance (as defined above).

Respondent

A "respondent" is defined as the person(s) whom the grievant alleges has caused the alleged problem.

Mediator

The employee wishing to address a problem determines a "Mediator" through the chain of command to serve as a neutral party with whom the Informal Problem Solving Phase is initiated and to impartially move the process forward. The Mediator must be either the (1) the immediate supervisor, (2) the intermediate supervisor, or (3) the Vice

Chancellor for Academic Affairs, but cannot be the Respondent. The Mediator must have familiarity with the grievance procedures and must remain impartial throughout the process.

Working Day

A "working day" is defined as a working day for the individuals involved at each step.

6. Grievance Committee Pool

At the beginning of the academic year, each academic division will elect faculty members to form the grievance pool. The Vice Chancellor for Academic Affairs will set the date and time for the election to be conducted in each division by the Division Dean. [The division *nomination* and *balloting* will be done by written ballot and in a manner that will afford *all* full-time faculty members (regular faculty) of the division an opportunity to participate in the nomination and election process.] Divisions having fewer than twenty (20) regular (i.e., full-time, non-temporary) faculty members will elect two (2) individuals. Divisions having twenty (20) or more, but fewer than 40, regular faculty members will elect three (3) individuals. Divisions having 40 or more regular faculty members will elect four (4) individuals. To be eligible for election to this pool, a faculty member must have been a full-time regular faculty member at the College for four (4) years. Faculty members so elected will form the Grievance Pool.

7. Roles and Responsibilities

Grievance Officer

Each year, the Vice Chancellor for Academic Affairs will appoint a Grievance Officer for grievances alleged by 9-Month Faculty, 12-Month Faculty, Librarians, Adjunct Faculty, and Grant Employees who are in grant positions comparable to teaching faculty and librarians. The name of the Grievance Officer is published annually in the College's [Operational Guidelines](#). However, if the appointed Grievance Officer is a respondent in a grievance alleged by an employee in one of the categories listed above, the Vice Chancellor will appoint another Grievance Officer for that particular grievance process.

The Grievance Officer:

- (1) serves as the resource person to all members involved in the grievance process;
- (2) initiates and distributes the documents to initiate grievance reviews and grievance hearings;
- (3) coordinates the selection (by lot) of the Grievance Committee(s);
- (4) provides an orientation to the Grievance Committee(s) in regard to its role in reviewing a hearing request and its role in a formal hearing;

- (5) is responsible for the maintenance of all grievance records throughout the grievance process and forwards all records to the Chief Human Resources Officer upon completion of the grievance process; and
- (6) is responsible for ensuring due process throughout all proceedings.

Grievance Committee

The Grievance Committee is an ad hoc committee, not a standing committee, and is convened as described to perform the following responsibilities:

- (1) reviews materials submitted by the grievant and the respondent(s), as well as all other materials submitted throughout the process prior to the review;
- (2) determines if a grievance hearing is necessary, or, if possible, makes a recommendation about how to solve the grievance without the necessity of a hearing;
- (3) conducts the hearing fairly and equitably in accordance with hearing guidelines;
- (4) provides findings and recommendations:

If as a result of the hearing the Committee finds that a grievance is not justified, a justification is presented stating why the alleged grievance should be dismissed; or

If as a result of the hearing the Committee finds that a grievance is justified, the Committee documents in its findings the specific provision of College policy or procedure that has been violated or applied in an inequitable or discriminatory fashion or that a work-related problem does exist. Specific recommendations for possible solution to the grievance are made.

Grievance Committee Chair

The Grievance Committee Chair:

- (1) presides over all pre-hearing and hearing activities of the Grievance Committee;
- (2) determines the length of the presentation time required for a hearing;
- (3) is responsible for maintaining a fair and impartial hearing;
- (4) in concert with all committee members, rules on all questions of relevancy, redundancy, or immateriality of evidence and/or testimony during a hearing; and
- (5) writes and routes hearing report (See *Step 5, Findings and Recommendations*).

Grievance Committee Recorder

The Grievance Committee Recorder:

is responsible for recording (written and tape-recording) of all pre-hearing and hearing activities for the Grievance Committee Chair.

Note: The Chancellor, or his/her designee, may choose to be present at any of the steps of the process, excluding Grievance Committee deliberation or circumstances where the Chancellor is the respondent. When the Chancellor is a respondent, the Chancellor may be present only during times when respondents are allowed to be present.

8. Recommended Timeline

To provide for effective resolution of the problem, the College maintains a statute of limitation of thirty (30) calendar days. The employee has thirty (30) calendar days after knowledge of the impact of the situation/incident causing the problem for him/her to pursue Phase I. However, when deemed necessary, the Vice Chancellor for Academic Affairs has the discretion to determine and document if there is sufficient justification to extend the statute of limitation to no longer than ninety (90) days after the employee's knowledge of the impact of the situation/incident causing the problem.

Failure to begin Phase I within the statute of limitation will result in a waiver of the employee's right to pursue the grievance process. The process includes recommended timelines for each step to ensure prompt addressing of problems. In most cases the timeline should be followed unless holidays, vacations, illnesses, professional leave, examination schedules, semester breaks, school closings, or unexpected emergencies require a re-scheduling of the steps or components of the timeline. The Vice Chancellor for Academic Affairs has the authority to adjust the timeline at any step of the process due to extenuating circumstances when deemed necessary and with sufficient, documented justification.

If the Grievance Officer determines that the timeline has not been followed because of reasons other than those listed above, he/she will move the process forward to the next step. At such time, the Grievance Officer will communicate this to all parties involved. Generally, unless otherwise specified, submission of forms is permitted five (5) working days throughout the process.

9. Steps of the Grievance Process**A. Phase I: Informal Problem Solving*****Step 1: Informal Problem Solving***

When an employee is of the opinion that he/she has a problem as a result of a violation of or inequitable/discriminatory application of a provision of College policy or procedure or that a problem affecting his/her working conditions exists, he/she should notify his/her immediate supervisor, intermediate supervisor, or Vice Chancellor by submitting the [Notification of Problem Form \(Form 2534/001\)](#) within thirty (30) calendar days after knowledge impact of the of the situation/incident causing the problem. However, when deemed necessary, the Vice Chancellor for Academic Affairs has the discretion to determine and document if there is sufficient justification to extend the statute of limitation to no longer than ninety (90) days after the employee's knowledge of the impact of the situation/incident causing the problem.

This step allows the employee to determine which individual in the chain of command is to serve as a neutral party to address the problem and to impartially move the process forward. In the case where the employee identifies the Respondent as his or her immediate supervisor, this provides an option to initiate problem solving instead through the intermediate supervisor or Vice Chancellor. The individual in the chain of command to whom the employee chooses to notify regarding the problem will serve as the employee's Mediator as described in the "Definitions" Section.

Upon receipt of the [Notification of Problem Form \(Form 2534/001\)](#), the Mediator ensures the Grievance Officer is immediately notified regarding the problem by providing a copy of the form. The Mediator schedules a meeting with the employee submitting the Notification of Problem Form to determine if the employee wishes to proceed with a Mediation Conference. If the employee elects to proceed with a conference, the Mediator sends a copy of the form to the respondent within five working days of the employee's decision to proceed with the mediation conference. The Mediator sends a copy of the form to the respondent and requests in writing a written request on [Respondent's Problem Solving Response Form \(Form 2534/002\)](#).

The Respondent has five (5) working days to respond in writing as requested by the Mediator. If the Respondent does not respond, the employee may request the process to proceed to Phase II: Formal Grievance.

Next, the Mediator schedules a meeting with the employee and the Respondent to be held at a time that is convenient to all parties after receipt of Form 2534/002 from the respondent. The Mediator sends a copy of the Form 2534/002 to the employee at this same time.

The goal of this meeting is to (1) identify the problem in detail, (2) identify and discuss the facts that are relevant to the problem, and (3) agree or disagree on proposed solutions. A record of the meeting and a description outcome is recorded on [Problem Solving Meeting Summary Form \(Form 2534/003\)](#). A copy of Form 2534/003 is provided to both parties within five (5) working days after the meeting. This constitutes the end of the Phase I: Informal Problem Solving. If the employee is not satisfied that the matter has been resolved in Phase I, he/she may choose to file a grievance by moving forward to Phase II: Formal Grievance.

B. Phase II: Formal Grievance

Step 2: Request for Formal Grievance Hearing

Request for Formal Grievance Hearing

Within five (5) working days after the problem solving meeting as documented on the [Problem Solving Meeting Summary Form \(Form 2534/003\)](#), if the employee is not satisfied that the matter has been resolved through the Problem- Solving Phase, he/she may choose to file a grievance. At this phase, the employee is referred to as the grievant.

The grievant begins the process by notifying the Grievance Officer by telephone and following up by hand delivering or emailing with read/delivery receipts the completed *Part A* of the [Request for Grievance Hearing \(Form 2534/005\)](#) to the Grievance Officer. Part A of the form requires the grievant to outline in detail the specific grievance and his/her requested remedy(s). The issues and remedies must be clearly stated as the grievant will be limited only to those issues and remedies directly related to the grievance as outlined on the form. A grievant who requires assistance in formulating a complaint in writing may receive assistance from the Office of Human Resources.

Selection of Grievance Committee

Within five (5) working days of receipt of the completed Part A of Form 2534/005, the Grievance Officer will notify (by telephone) both parties to set up a meeting for the purpose of selecting a Grievance Committee. The Grievance Officer will then follow up by hand delivering or emailing with read/delivery receipts to the grievant and respondent [Notice of Grievance Committee Selection \(Form 2534/006\)](#) confirming the committee selection date, time, and place. The grievant and the respondent(s) must be present for this meeting. The Grievance Officer will also provide the respondent(s) with a copy of the Part A of Form 2534/005 completed by the grievant. The respondent(s) must complete Part B of the form, and return it to the Grievance Officer prior to or at the committee selection meeting.

The Grievance Officer, in the presence of both the grievant and the respondent(s), will select by lot five (5) members and two (2) alternates of the Grievance Pool to serve on the ad hoc Grievance Committee for the specific grievance. Any variation of this selection process must be agreed upon in writing by both parties. After all names are selected by lot, the grievant and/or the respondent(s) may each challenge one member. Should challenges be issued, the challenged member will be excused and replaced with one of the alternates, drawn by lot. New alternates must be drawn by lot to ensure two (2) alternates remain in the event they are needed at a later date.

If either party, the grievant or the respondent(s) are not present at the meeting for the purpose of selecting a Grievance Committee at the time and day for which each agreed, the selection cannot occur. The Grievance Officer will contact both parties to reschedule the meeting for the purpose of selecting a Grievance Committee. If either party, the grievant or the respondent(s) are not present at the rescheduled meeting for the purpose of selecting a Grievance Committee, the selection will occur in accordance with procedures outlined in this section. Failure to attend a second meeting for the purpose of selecting a Grievance Committee when the days and times for both meetings were agreed to by all parties means the party who did not attend, either the grievant or the respondent(s) have forfeited their right to be present for the selection and to challenge a member.

At or prior to the committee selection meeting, the grievant will be provided with a copy of the respondent's response to the grievance in Part B of Form 2534/005. At the committee selection meeting, the grievant may choose to provide a written reaction (to Part B) on Part C of the form to be provided to the Grievance Officer for delivery to the Committee at its first meeting. The Grievance Officer will call the first meeting of the Grievance Committee within five (5) working days of the committee selection meeting, using the [Notice of Grievance Committee's First Meeting \(Form 2534/008\)](#) with attached copies of all completed parts of Form 2534/005.

Step 3: Committee Review of Request for Grievance Hearing

a. Orientation of the Role of the Committee and Selection of Recorder and Chair

At the first meeting of the Grievance Committee, the Grievance Officer will provide an orientation of the Committee's expected role and responsibilities in reviewing a request for a hearing. Only members of the Grievance Committee, the Grievance Officer, and the Chancellor, or his/her designee, may attend the first meeting. At this time, the Grievance Committee will elect a chair and a recorder. The Grievance Officer will serve as a resource person to the Committee and will bring to the meeting copies of documents pertaining to the grievance case (Part A, Part B, and if applicable, Part C of Form 2534/005). As time is of the essence, the Committee is strongly encouraged to begin a discussion of the grievance at this meeting.

b. *Review of Hearing Request*

Within five (5) working days after the first meeting, the Committee will meet as needed to determine one of three outcomes. At this step, the Committee is not required to request the presence of the grievant and the respondent, but, if more clarification is needed, both the grievant and respondent must be requested to attend together. If either the grievant and/or the respondent intend to have another person serving in a silent observer capacity at the meeting, notification of this intent must be given to the Committee Chair three (3) days prior to the meeting. Since this meeting is an internal, administrative procedure, not a legal proceeding, legal representation is not appropriate.

c. *Outcome of the Review*

After the Committee has completed its review of the request for a hearing and made a decision, the Chair will issue a written report on the [Review of Request for Grievance Hearing \(Form 2534/009\)](#), signed by all Committee members, and deliver the form in person or through email with read/delivery receipt to the Grievance Officer, with copies to the grievant and to the respondent(s) within five (5) working days. On the form, the Chair will issue one of three decisions:

(1) *Solution to the Grievance*

Agreement by majority vote that a grievance does exist, as defined in the “Definitions,” Section, but that a full hearing is not necessary for resolution. The Committee delineates specific recommendations to resolve the grievance. If the grievant does not accept the recommended solution, the process may go to Step 4, the Grievance Hearing.

The grievant has five (5) working days from the date of notification of the Committee's recommendations to put in writing to the Grievance Officer that he/she wishes to either (1) accept the recommendation or (2) pursue Step 4, the Grievance Hearing.

(2) *Recommendation for a Full Hearing*

Agreement by majority vote that a potential grievance, as defined in the “Definitions,” Section, may exist; therefore, a full hearing is necessary to reach a determination.

When a hearing is deemed necessary, the Chair of the Grievance Committee will provide the grievant and respondent(s) with notification of (1) the specific provision(s) of official College policy and procedure that may have been violated and/or applied in an inequitable or discriminatory fashion; and/or (2) the specific issues affecting working conditions to be resolved at the hearing.

(3) *Denial of a Hearing*

Denial by majority vote that a potential grievance, as defined in the “*Definitions*,” Section, exists. A specific provision(s) of official College policy and procedures was not violated or applied in an inequitable or discriminatory fashion or a work-related problem does not exist; therefore, a hearing is not necessary to reach a determination.

The grievant and respondent(s) will receive notification for the reason of the denial. In its report, the Committee must include a justification (listing the specific provision(s) of official College policy and procedure that clearly was not violated or applied in an inequitable or discriminatory fashion or reasons as to why a work-related problem does not exist) as to why a hearing is deemed unnecessary.

d. *Appeal to the Chancellor*

If a request for a hearing is denied, the grievant may appeal once to the Chancellor of the College through the procedures outlined in the “Employee’s Right to Appeal” Section. If the Chancellor accepts the appeal, a grievance hearing is granted; however, a new Grievance Committee is selected, following the same procedures outlined in Step 2. The process then moves forward to Step 4, the Grievance Hearing.

Step 4: Grievance Hearing

a. *Purpose of the Hearing*

The purpose of a grievance hearing is to allow the Grievance Committee to hear the complaint brought by the grievant and to hear the response of the respondent(s). Specifically, the Grievance Committee will consider only the issue(s) specified by the Committee in Step 3. The hearing is a College administrative procedure designed to reach an internal resolution. It is not to be confused with any external civil procedures.

b. *Pre-Hearing Activities*

Both the grievant and respondent(s) are required to appear at the hearing. Within five (5) working days after Committee’s decision to grant a full hearing or within five (5) working days after Chancellor’s decision to accept grievant’s appeal and grant a hearing, the Grievance Officer will send the [Notice to Appear at Grievance Hearing \(Form 2534/010\)](#) to all parties involved, notifying them of the date, time, and place of the hearing. The hearing should take place within ten (10) working days of the date of notification of the hearing. If the grievant or respondent is unable to attend, he/she must request a postponement of the hearing, in writing, within three (3) working days of the receipt of notification to appear at the hearing if he/she has a valid reason (for example, scheduled vacation, away on College business, or a prior commitment that he/she is unable to rearrange). The postponement may not be longer than ten (10) working days from the date of the originally scheduled hearing. However, if either party

chooses not to be present at the agreed upon scheduled date and time for the hearing, the hearing will proceed and the party's right to participate in the hearing will be forfeited.

Within three (3) working days of receiving notice of the date of the hearing, the grievant and respondent(s) should submit a list of witnesses/parties that they want called to be present at the hearing to the Chair using the [List of Witnesses/Parties Called to Be Present At Grievance Hearing \(Form 2534/011\)](#). Both sides should show restraint in this matter and should restrict the witnesses/ parties who are being called to only members of the College community. Former members of the Delgado community, if directly relevant to the proceedings may be called. For example, if an individual has left Delgado as a direct result of the grieved policies, this person may be deemed relevant by the Grievance Committee. Since the hearing is an internal, administrative procedure, not a legal proceeding, legal representation is not appropriate.

The Committee Chair, within three (3) working days after receipt of the lists of witnesses/parties that are being called to be present at the hearing from both the grievant and respondent(s), will (1) send a [Notice to Appear at Grievance Hearing \(Form 2534/010\)](#) to the witnesses/parties who are being called to be present at the hearing, and (2) send a copy of the completed grievant and/or respondent's Form 2534/011 designating the witnesses/parties who are being called to be present at the hearing to the Grievance Officer, grievant, respondent(s), witnesses/parties called, and all committee members chosen from the committee pool.

The Grievance Committee may, with the consent of the parties concerned, hold joint pre-hearing meetings with the parties to (1) clarify the issues; (2) effect stipulations of facts; (3) provide for the exchange of documentary or other information; (4) determine the amount of presentation time that may be required during the hearing; and (5) achieve other appropriate pre-hearing objectives to make the hearing fair, effective, and expeditious. Committee members may not discuss pre-hearing items with the grievant, respondent(s), or witnesses/parties called to be present at the hearing outside of the official pre-hearing meetings.

c. *Witnesses*

According to the provisions outlined in "b," the grievant and respondent(s) will be afforded an opportunity to submit the names of witnesses and documentary or other evidence. The College administration will cooperate with the Committee in securing witnesses and making available documentary and other evidence. If called to appear at the hearing, witnesses will be called one at a time and may not remain during the testimony of other witnesses.

As described in the "*Prohibition Against Retaliation*" Section, no person will be subject to discharge, suspension, discipline, harassment, or any form of retaliation for serving as a witness.

d. *Hearing Guidelines*

The following guidelines will be followed to maximize the effectiveness of the Hearing on the Grievance:

- (1) All five members of the Grievance Committee must be present to conduct the hearing.
- (2) The hearing is closed to the public (only the Chancellor, or his/her designee, and those individuals who are members of the Committee or who have been requested to appear before the Committee will be allowed to be present). All matters concerning the hearing will remain confidential. A tape recording of the proceedings will be maintained by the Committee Recorder during the hearing, in addition to documentary evidence and written materials presented by all parties. Upon completion of the hearing, all materials used to record the hearing will be given to the Grievance Officer for filing.
- (3) The Committee will be scheduled to meet thirty (30) minutes prior to the hearing to discuss the procedures and review the statements. Generally, all hearings will be scheduled for a maximum three (3)-hour period. Any exceptions to this will be handled by the Committee.
- (4) The Chair or a committee member designated by the Chair may serve in the role of mediator at any time in an attempt to propose a settlement agreeable to all parties. The Chair, or a committee member designated by the Chair, in concert with all five committee members, will rule on all questions of relevancy, redundancy, or immateriality of evidence and/or testimony, by motion of one of the parties, a committee member, or the Chair.
- (5) The grievant and respondent(s) will be given the opportunity to state their positions to the Committee. Generally, the grievant and respondent(s) each will be allowed up to one (1) hour for their presentations including witnesses; however, the Chair is responsible for decisions regarding the amount of presentation time required. Both the grievant and respondent(s) will be offered the same amount of presentation time. The presentation time may be used in any manner deemed appropriate by either the grievant or respondent(s).
- (6) The hearing will be conducted in a professional manner. A hearing can be a stressful procedure for everyone involved, and cooperation is the key to an orderly process. Procedures utilized by the Committee will be such as to allow a fair and impartial hearing. No disruptions of the proceedings will be tolerated. This means no verbal protests while testimonies are being given, no asides, nor other behavior that interferes with the hearing. It is expected that all witnesses and testimony will bear direct relevance to the complaint submitted.

Step 5: Findings and Recommendations

At a meeting of committee members only, the Committee will review all of the submitted information and reach a consensus by majority on 1) findings of fact, and 2) recommendations. The Committee may, through the Grievance Officer, seek technical advice at any time before rendering its decision.

The Grievance Committee will consider all materials presented to it. The decision of the Committee will be conducted by majority vote with a minimum of three members concurring. The Committee will, within ten (10) working days after the hearing, issue a written report. The written report, [Grievance Committee's Report of Findings and Recommendations \(Form 2534/012\)](#), must be signed by all committee members. The Chair will give the report to the Grievance Officer, for transmittal to the Chancellor.

The following are in reference to the Grievance Committee's Report of Findings and Recommendations:

1. Findings and recommendations of the Committee will be limited to:
 - (a) A finding that the complaint is not justified (that no provision(s) of official College policy and procedures has been violated or applied in an inequitable or discriminatory fashion or that no significant work-related problem exists) with a recommendation that all charges be dismissed; or
 - (b) Concurrence with the grievant (that a provision(s) of official College policy and procedures has been violated or applied in an inequitable or discriminatory fashion or that a significant work-related problem does exist) with a specific recommendation for solving the grievance.

A justification supporting the Committee's decision must be included in the Grievance Committee's written report, Form 2534/012. It must state, if applicable, the specific policy and procedures involved, the exact reasons for the findings, and the specific steps recommended to remedy the situation.

2. After reviewing the Committee's findings and recommendations, the Chancellor will indicate his/her action in the appropriate section on the back page of the report. The Chancellor will either:
 - (a) Accept the findings and agree to take the Committee's recommended step(s) to remedy the situation;
 - (b) Accept the findings and modify the Committee's recommended step(s) to remedy the situation; or
 - (c) Deny the findings with an explicit explanation as to why he/she is denying the findings.

3. The Chancellor will send the original of the final report to the Grievance Officer, with copies to the Committee Chair, the grievant, and the respondent(s) within ten (10) working days after he/she receives the Committee's report from the Grievance Officer.

10. **Employee's Right to Appeal**

Right of Appeal to the Chancellor

If as in Case 1 below, the grievant is not satisfied with the Committee's denial of a formal hearing or, as in Case 2 below, the grievant is not satisfied with the Chancellor's action on the Grievance Committee's findings and recommendations, he/she may appeal once to the Chancellor of the College within ten (10) working days of receipt of the decision. To appeal to the Chancellor, the grievant must use the [Grievance Outcome Appeal to the Chancellor \(Form 2534/013\)](#), which requests specific reasons as to why the decision and recommendations are not acceptable.

In the case of denial of a formal hearing (*Case 1*) and upon receipt of the appeal form, the Chancellor will request copies of all documents relevant to the grievance from the Grievance Officer. After review of the appeal, the Chancellor will issue his/her decision, on the bottom half of the appeal form, to the grievant within five (5) working days of receipt of the appeal form. (One focus of the Chancellor's decision is to determine whether or not the employee received due process.) Specifically, the Chancellor's decision will include one of the following:

Case 1:

- (1) To uphold the committee's decision; or
- (2) To grant a hearing.

Case 2:

- (1) To uphold the Chancellor's original decision; or
- (2) To specify another course of action that will remedy the situation.

The Chancellor will send the original of the appeal form to the Grievance Officer with copies sent to the Vice Chancellor, the Committee Chair, the grievant, and the respondent(s).

Right of Appeal to the Louisiana Community and Technical College (LCTC) System Board of Supervisors

If the grievant appeals to the Chancellor and is still not satisfied with the outcome of the College process, the grievant has the right to make a final appeal to the Louisiana Community and Technical College (LCTC) System Board of Supervisors. The Board makes this appeal procedure available only after the employee has exhausted all administrative procedures at the College.

Upon completion of the grievance process, the Grievance Officer gives the originals of all records to the Chief Human Resources Officer to maintain. All records of the grievance proceedings will be maintained for a period of three (3) years in the Office of Human Resources.

11. **Right of Access to Files**

Following conclusion of the process, each grievant and respondent has a right to review all information that is contained in his/her file, which is located in the Office of Human Resources.

12. **Cancellation**

This policy and procedures memorandum cancels AA-2534.1C, *Grievance Procedures for Faculty*, dated May 23, 2017.

Forms:

[Notification of Problem Form \(Form 2534/001\)](#)

[Respondent's Problem Solving Response Form \(Form 2534/002\)](#)

[Problem Solving Meeting Summary Form \(Form 2534/003\)](#)

[Request for Grievance Hearing \(Form 2534/005\)](#)

[Notice of Grievance Committee Selection \(Form 2534/006\)](#)

[Notice of Grievance Committee's First Meeting \(Form 2534/008\)](#)

[Review of Request for Grievance Hearing \(Form 2534/009\)](#)

[Notice to Appear at Grievance Hearing \(Form 2534/010\)](#)

[List of Witnesses/Parties Called to Be Present At Grievance Hearing \(Form 2534/011\)](#)

[Grievance Committee's Report of Findings and Recommendations \(Form 2534/012\)](#)

[Grievance Outcome Appeal to the Chancellor \(Form 2534/013\)](#)

Policy Reference:

Louisiana Community and Technical College (LCTC) System Policy #6.015, *Employee Grievance*

Delgado Policy and Procedures Memorandum, [Discrimination](#)

Review/Approval Process:

Ad Hoc Grievance Policy Committee Recommendations to Faculty Senate 12/1/16
Deans' Council 3/15/17
Academic Affairs Council 4/20/17
College Council 5/23/17
Vice Chancellor for Academic Affairs Procedural Update 10/8/26

Distribution:

Distributed Electronically Via the College's Website