

## POLICY & PROCEDURES MEMORANDUM

<b>TITLE:</b>	<b>GRIEVANCE PROCEDURES FOR UNCLASSIFIED ADMINISTRATORS &amp; STAFF</b>
<b>EFFECTIVE DATE:</b>	<b>October 7, 1997*</b> <i>(*Procedural/Title Update 12/7/12; LCTCS Policy Reference 5/17/07; Title Updates 4/30/09; 2/14/05)</i>
<b>CANCELLATION:</b>	Grievance Policy & Procedures for Unclassified Staff in BA-2100.2 (3/31/96)
<b>CATEGORY:</b>	HR (Human Resources) <i>Formerly issued as PR-2534.2</i>

### POLICY STATEMENT

A major goal of Delgado Community College is to maintain a satisfied and efficient work force. Nevertheless, misunderstandings or dissatisfaction 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 resolution of work-related issues.

The College provides employees with an opportunity to be heard without fear of reprisal in accordance with the procedures contained in this document. All parties involved in the grievance process (the grievant, respondent, witnesses, and grievance committee members) are not to be subject to any form of retaliation for being involved in grievance. All participants in the process are expected to exercise discretion and to maintain confidentiality.

In accordance with [Louisiana Community and Technical College System Policy](#), it is preferred that differences be resolved quickly and equitably by the employee and his/her immediate supervisor; open communication is encouraged between supervisors and employees to resolve issues before they require a formal grievance hearing. For this reason, employees must first attempt to resolve the issue by following through his/her chain of command (except in cases of discrimination, sexual harassment and disability concerns where other informal procedures are used). If the employee has pursued the informal process for resolving the issue and continues to believe that the issue has not been resolved, he/she may request a formal grievance hearing. The staff in the Office of Human Resources is available to employees, supervisors, or department heads for consultation before, during, or following any of the steps in the grievance process.

Employees who allege sexual harassment or discrimination based on race, color, religious or political affiliation, gender, sexual orientation, citizenship, national origin, age, disability/handicap, marital status or veteran's status, pregnancy, child birth and related medical conditions or the sickle cell trait should consult with the College's Equal Access Equal Opportunity Officer and the current policy and procedures memorandum on [Discrimination](#) or [Sexual Harassment](#), as applicable.

## **PROCEDURES & SPECIFIC INFORMATION**

### 1. **Purpose**

To establish policy and procedures that provide equitable means for the resolution of employee issues.

### 2. **Scope and Applicability**

This policy and procedures memorandum applies to Unclassified Staff; Temporary Unclassified Staff; Administrators with Faculty Rank; and Grant Employees who are in grant positions comparable to unclassified administrator/staff positions.

### 3. **Definitions**

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

#### ***Grievance***

A "grievance" is defined as one of the following:

- (1) an allegedly unfair policy and/or procedure\*\*; **or**
- (2) an alleged violation or an inequitable, discriminatory, capricious application of a specific provision of the College's official policy and procedures\*\*; **or**

*\*\*A grievance is not solely a disagreement with an administrative decision; it must meet the requirements of the above definition. In accordance with [LCTCS Policy #6.015 "Grievance For All Employees,"](#) performance evaluations are not grievable. In accordance with [LCTCS Policy #6.014 "Discipline – For All Employees,"](#) an employee recommended for termination is given the opportunity to present reasons why the termination should not be implemented, in order that the employee is afforded due process; the employee may not grieve the recommended termination as additional rights of substantive or procedural process not mandated by law are not afforded.*

- (3) an allegation of a work-related problem or condition which an employee believes to be inequitable, discriminatory, or a hindrance to his/her effective performance.\*\*\*

*\*\*\*Employees who allege sexual harassment or discrimination based on race, religious or political affiliation, gender, sexual orientation, national origin, age, disability/handicap, marital status or veteran's status should consult with the College EAE0 Officer and the current policy and procedures memorandum on Discrimination or Sexual Harassment.*

***Grievant***

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

***Respondent***

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

***Grievance Officer***

The "grievance officer" is the person who oversees the process, to ensure a swift and equitable resolution, once it reaches the Formal Grievance stage. The Assistant Vice Chancellor for Human Resources serves as the Grievance Officer for grievances alleged by unclassified, non-teaching staff. However, if the Assistant Vice Chancellor for Human Resources is a respondent in a grievance alleged by an unclassified, non-teaching staff member, the Chancellor appoints a Grievance Officer for that particular grievance process.

4. **Unclassified Administrators/Staff Grievance Committee Pool**

At the beginning of each academic year, each of the Vice Chancellors coordinates the election of members to the Unclassified Administrators/Staff Grievance Committee Pool, which will be equally divided into Unclassified Administrators/Supervisors\*\*\*\* and Unclassified Staff Members\*\*\*\*. (The Assistant Vice Chancellor for Human Resources sets the date by which each Vice Chancellor is to have conducted the election.) As a result of the election, the Unclassified Administrators/Staff Grievance Committee Pool totals 28 elected members—14 Unclassified Administrators/Supervisors and 14 Unclassified Staff Members. The following outlines the elected pool:

<i>Academic Affairs and Chancellor's Office:</i>	4 Unclassified Administrators/Supervisors 4 Unclassified Staff Members
<i>Business and Administrative Affairs:</i>	4 Unclassified Administrators/Supervisors 4 Unclassified Staff Members
<i>Student Affairs</i>	4 Unclassified Administrators/Supervisors 4 Unclassified Staff Members
<i>Workforce Development and Education</i>	2 Unclassified Administrators/Supervisor 2 Unclassified Staff Members
Total Pool	28 Unclassified Administrators/Supervisors 28Unclassified Staff Members

\*\*\*\* For the purpose of selecting a grievance pool for this policy, an *Unclassified Administrator/Supervisor*, often referred to as a Unit Head, is defined as an employee who is responsible for the operation of a budget unit and is ultimately responsible for the supervision of the employees in that unit. *Unclassified Staff* is defined as an employee who is not responsible for a budget unit and, therefore, is not ultimately responsible for the supervision of the employees in that unit.

## 5. **Timeline**

To reach an effective resolution of the issue, the College maintains a statute of limitation of thirty (30) working days. The employee has thirty (30) working days after knowledge of the situation/incident causing the alleged problem to initiate the process which begins with a written complaint to his/her immediate supervisor and a request for a meeting to reach a resolution. Generally, the process should move swiftly to ensure quick and equitable resolution of employee issues. In cases where a party believes that the process is not moving swiftly, the Grievance Officer may respond by moving the process forward to the next step. At such time, the Grievance Officer communicates this to all parties involved.

## 6. **Resolution Through the Chain of Command**

An employee with a complaint first communicates the complaint using the [Unclassified Employee Problem Solving Form, Form 2534/014](#) (Attachment A) to his/her immediate supervisor within thirty (30) working days after knowledge of the alleged situation/incident causing the problem. The written complaint is to contain a statement of the complaint, any appropriate written materials in support of the complaint, and a statement of the requested remedy desired. Both the immediate supervisor and employee then meet to attempt to resolve the matter by mutual consent. After the meeting, the immediate supervisor replies to the employee's initial complaint on the [Unclassified Employee Problem Solving Form, Form 2534/014](#).

Should the immediate supervisor not resolve the issue to the employee's satisfaction, the employee may bring the complaint to the next supervisory level and continue as needed through the chain of command up to, and including, the Executive Dean if applicable. For employees not reporting through a Campus Executive Dean, the chain of command goes up to the supervisory level one step below the Vice Chancellor over that unit to reach a resolution. (For situations where an employee's chain of command has no supervisor one step below the Vice Chancellor over that unit, the employee meets with the Assistant Vice Chancellor for Human Resources.) The [Unclassified Employee Problem Solving Form, Form 2534/014](#) (Attachment A) is used to document each step of the resolution through the chain of command process --the original written complaint and all subsequent supervisors' written responses following the meetings. Each supervisor in the chain of command responds in writing to the employee after their meeting.

## 7. **Request for Grievance Hearing**

If the employee has met with all supervisors through his/her chain of command and is not satisfied that the matter has been resolved, he/she may request a formal grievance hearing. To request a formal grievance hearing, the employee puts this request in writing to the Grievance Officer. In this written request, the employee must clearly state who the respondent(s) is, define the grievance, describe the specific issues of the grievance; and state his/her requested remedies. A copy of the [Unclassified Employee Problem Solving Form, Form 2534/014](#) (Attachment A), must be attached to document that the problem-solving steps have been completed in an attempt to reach a resolution through the chain of command. (A grievant who requires assistance in formulating a complaint in writing may receive assistance from the Office of Human Resources.)

### *Selection of Grievance Committee*

Upon receipt of the written request for a grievance hearing, the Grievance Officer notifies both parties--the grievant and respondent(s)--to set up a meeting for the purpose of selecting a Grievance Committee. The grievant and the respondent(s) must be present for this meeting. The Grievance Officer also obtains from the respondent(s) a written response to the grievant's written complaint.

The Grievance Officer, in the presence of both the grievant and the respondent(s), selects by lot five (5) members and two (2) alternates of the Unclassified Administrators/ Staff Grievance Committee Pool to serve on the ad hoc Grievance Committee for the specific grievance. (If the respondent is a faculty member, the Faculty Grievance Pool is added to the Unclassified Administrators/Staff Grievance Committee Pool prior to the selection. If the respondent is a classified staff member, the case will be handled so as not to conflict with Civil

Service guidelines.) 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 is excused and replaced with one of the alternates, drawn by lot.

### ***Orientation of Grievance Committee***

At the first meeting of the Grievance Committee, the Grievance Officer provides an orientation of the Committee's expected role and responsibilities. At this time, the Grievance Committee elects a chair and a recorder. The Grievance Officer serves as a resource person to the Committee and brings to the meeting copies of documents pertaining to the grievance case.

### ***Review of Hearing Request***

The Committee meets, as needed, to determine if the employee's complaint is "grievable" (the complaint meets the definition of a grievance):

- If the Committee determines that the issue is grievable but a hearing is not necessary for resolution, the Committee Chair puts in writing to the grievant and respondent(s) specific recommendations to resolve the grievance.
- If the Committee determines that the issue is grievable and a hearing is necessary for resolution, the grievant is granted a hearing.
- If the Committee determines that the issue is not grievable, the Committee Chair puts in writing to the grievant and respondent(s) that a hearing is denied because the issue is not grievable and reason(s) why it is not.

### ***Appeal to the Vice Chancellor***

If a request for a hearing is denied or a resolution recommended in place of a hearing is not acceptable, the grievant and/or respondent may appeal in writing to the appropriate Vice Chancellor over his/her unit. (Employees not reporting through a Vice Chancellor appeal directly to the Chancellor.) If the Vice Chancellor accepts the appeal, a grievance hearing is granted and a new Grievance Committee is selected for the purpose of hearing the case.

## **8. GRIEVANCE HEARING**

### ***Purpose of the Hearing***

The purpose of a grievance hearing is to allow the Grievance Committee to hear the grievance and to hear the response. The Grievance Committee considers only the issue(s) specified previously by the grievant.

The hearing is a College administrative procedure designed to reach an internal resolution; it is not to be confused with any external civil procedures. An advisor for the grievant or a respondent may be present during the hearing but must serve in an advisory capacity only and may not participate in the hearing.

### ***Pre-Hearing Activities***

Both the grievant and respondent(s) are required to appear at the hearing. The Grievance Officer notifies all parties involved of the date, time, and place of the hearing. If the grievant or respondent is unable to attend, he/she may request a postponement of the hearing. The grievant and respondent must notify the Grievance Officer of any witnesses/ parties who they want to be present at the hearing. To ensure fairness, the Grievance Officer reserves the right to reschedule the hearing should the grievant or respondent fail to give reasonable notification of a witness/party requested to be present at the hearing. Witnesses must be limited to members of the College community (faculty, staff and/or students). The Grievance Officer cooperates with the Committee in securing witnesses and making available documentary and other evidence. If called to appear at the hearing, witnesses are called one at a time and may not remain during the testimony of other witnesses.

### ***Hearing Guidelines***

The following guidelines are followed to maximize the effectiveness of the hearing:

- (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 are allowed to be present). Both the grievant and respondent are present throughout the hearing; witnesses are present only for their testimony. All matters concerning the hearing are to remain confidential. A tape recording of the proceedings is 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 are given to the Grievance Officer for filing.
- (3) Generally, all hearings are scheduled for a maximum three (3)-hour period. Any exceptions to this are 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, rules on all questions of relevancy, redundancy, or immateriality of evidence and/or testimony, either by motion of one of the parties, a committee member, or the Chair.
- (5) The grievant and respondent(s) are given the opportunity to state their positions to the Committee. Generally, the grievant and respondent(s) each is 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) are 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 is conducted in a professional manner. Procedures utilized by the Committee are such as to allow a fair and impartial hearing. No disruptions of the proceedings are tolerated. This means no verbal protests while testimonies are being given, no asides, nor other behaviors that interfere with the hearing. It is expected that all witnesses and testimony bear direct relevance to the grievance.

### ***Findings and Recommendations***

At a meeting of committee members only, the Committee reviews the submitted information to reach a consensus, by majority, regarding the findings of fact and recommendations for resolution. The Committee may, through the Grievance Officer, seek technical advice at any time before rendering its decision.

The Grievance Committee considers all materials presented to it. The decision of the Committee is conducted by majority vote. The Committee promptly issues a written report to the Grievance Officer, for transmittal to the appropriate Vice Chancellor. A justification supporting the Committee's decision must be included in the Grievance Committee's written report. It must state, if applicable, the specific policy and procedures involved, the exact reasons for the findings, and the specific steps recommended remedying the situation.

After reviewing the Committee's findings and recommendations, the Vice Chancellor gives a decision on the case. The Vice Chancellor either: accepts the findings and agrees to take the Committee's recommended step(s) to remedy the situation; accepts the findings and modifies the Committee's recommended step(s) to remedy the situation; or denies the findings with an explicit explanation as to why the findings are denied. The Vice Chancellor gives the final report to the Grievance Officer, who in turn provides the grievant, respondent(s), and Committee Chair with a copy of the report.



9. **Right of Appeal*****Right of Appeal to the Chancellor***

If the grievant or respondent is not satisfied with the Vice Chancellor's decision, he/she may appeal the decision in writing to the Chancellor of the College. The appeal must include specific reasons as to why the decision and recommendations are not acceptable.

The Chancellor may uphold the Vice Chancellor's decision or specify another course of action to remedy the situation. The Chancellor responds in writing to the Grievance Officer who gives notification of the appeal's outcome to the grievant, respondent(s), and Committee Chair.

***Right of Appeal to the LCTCS Board of Supervisors***

If the grievant or respondent appeals to the Chancellor and is still not satisfied with the outcome of the College process, he/she has the right to make a final written appeal to the LCTCS Board of Supervisors. The Board makes this appeal procedure available only after the employee has exhausted all administrative procedures at the College.

10. **Maintenance of Grievance Records**

Upon completion of the problem solving and grievance processes, the Assistant Vice Chancellor for Human Resources maintains all records for a period of three (3) years in the Office of Human Resources. The grievant and respondent have a right to review all information that is contained in their files, which are located in the Office of Human Resources.

11. **Cancellation**

This policy and procedures memorandum cancels the Grievance Policy and Procedures for Unclassified Staff as described in Policy and Procedures Memorandum BA-2100.2, *Human Resources Guide for Managers*, dated March 31, 1996.

*Attachment:*

Attachment A- [Unclassified Employee Problem Solving Form \(Form 2534/014\)](#)

*Policy Reference:*

[LCTCS Policy #6.015 "Grievance for All Employees"](#)  
[LCTCS Policy #6.014 "Discipline – For All Employees"](#)

*Review Process:*

Ad Hoc Committee on Unclassified Staff/Administrators Grievance Policy 9/15/97  
Executive Council 10/7/97

*Distribution:*

Currently Distributed Via College's Intranet