

ARTICLE XIX GRIEVANCE PROCEDURE

A. Definitions

1. **Grievance:** A grievance is defined as a complaint or dispute regarding the meaning, interpretation, or application of any provision in this agreement or policy contained in the Board of Trustees Policy Manual. In such cases, the Faculty and/or the Association are required to follow the processes set forth in this article.
2. **Grievant:** An employee, employees, or Association covered by this Negotiated Agreement who files a grievance.
3. **Days:** Except when otherwise indicated, days shall mean college-scheduled working days for the party in interest. The number of days indicated at each level should be considered as a maximum and every effort should be made to expedite the process. The time limits specified may, however, be extended by mutual agreement.
4. **Filing:** The act of submitting the formal, written complaint, using the form that appears at the end of this article. This will be done electronically, by in-person delivery, or by registered mail. A grievance shall be considered to have been filed and received at the time of delivery to the office of the appropriate administrator, or in the case of filing with the Board, delivery to the Clerk of the Board.

B. Purpose

The purpose of these procedures is to secure, at the lowest possible level, equitable solutions to the problems affecting employees which may arise from time to time.

C. Provisions Related to Grievances Alleging Contract Violations

If a grievance pertains to an alleged violation, misinterpretation or misapplication by the college of this Negotiated Agreement, the Faculty Association shall be a party in interest at all stages. The College shall promptly transmit copies of such written grievances, grievance responses, and supporting documents to the Association. The Association shall be notified of any meetings with grievant(s) or their representatives and shall have the right to be present and to state its views. For the purposes of these procedures, the President of the Faculty Association or his/her designee shall represent the Association.

D. Grievance Procedure

- (a) Prior to filing a formal grievance, the grievant is permitted to have an informal conversation with the party the faculty is in disagreement with for the purpose of resolution or fact-finding with no procedural obligations or implications for either party.
1. **Level One** The grievant begins the formal process by filing a written formal grievance with their Division Chair. If the grievance concerns the division chair Level One can be skipped and the grievance be filed at Level Two.
 - a. The grievant shall state what act they find to be a violation of policy or the Negotiated Agreement and their reasoning.
 - b. Within 10 days Division Chair shall review the grievance and investigate the matter. Also, within ten days after receipt of the written grievance the Division Chair will have a meeting with the grievant at a mutually convenient time in an effort to resolve the grievance. The Division Chair may ask for additional clarifying information from the grievant. The Division Chair shall take all measures to safeguard the process and procedures including not discussing

the grievance with the Board of Trustees [BOT] or any other employees not directly involved in the situation.

- c. The Division Chair shall submit his/her decision in writing to all parties within ten days of the meeting.

2. Level Two

- (a) If either the grievant or the College is not satisfied with the disposition of the grievance at Level One, he/she may file the grievance with the Director of Human Resources, within ten days of the Level One response. If the grievance is against the Director of Human Resources Level Two may be bypassed and the grievance filed directly at Level Three. If the formal grievance has not been filed at level two within ten days, the matter shall be considered resolved.
- (b) Within 10 days the Director of Human Resources, shall review the grievance and investigate the matter. Also, within ten days after receipt of the written grievance, he/she will have a meeting with the grievant at a mutually convenient time in an effort to resolve it. The Director of Human Resources may ask for additional clarifying information from the grievant and/or the College. All measures to safeguard the process and procedures, including not discussing this with any other employees not directly involved in the situation or the Board of Trustees, shall be taken.
- (c) Within ten days of the meeting, the Director of Human Resources shall submit his/her decision in writing to all parties.

3. Level Three

- (a) If the grievant is not satisfied with the disposition of the grievance at Level Two, he/she may file the grievance with the Board of Trustees within ten days of the Level Two response. If the grievance has not been filed with the BOT within ten days, the matter shall be considered resolved.
- (b) Within 40 calendar days after receipt of the written grievance, the BOT shall hold a hearing with the grievant in an effort to resolve it. The grievant shall receive at least three days' notice of the hearing, excepting any waiver of this right by the grievant. The grievant shall be accorded all procedural safeguards related to such a hearing, including the right to present and cross-examine witnesses, and to be represented by legal counsel or Faculty Association representation. The Clerk of the BOT shall submit the Board's decision in writing to all parties within 5 days of the hearing.
- (c) The Level Three decision of the Board of Trustees shall be considered the completion of the grievance process.

E. Miscellaneous

1. The number of days indicated at each level should be considered as a maximum and every effort should be made to expedite the process. The time limits specified may, however, be extended by mutual agreement.
2. A grievant may be represented at all stages of the grievance procedure by himself/herself or by his/her designated representative or a representative designated by the Association.
3. If the Board of Trustees or any of its administrative staff do not present a written decision within the time allotted after a grievance meeting or hearing, grievant shall receive the remedy sought.
4. Only current employees may be a party to a grievance, and the Association may not file grievances on behalf of former employees.
5. Decisions rendered at Levels One, Two and Three of the grievance procedure will be in writing setting forth reasons for the decisions and will be transmitted promptly to all parties in interest.
6. When it is necessary for the Faculty Association or its representatives to investigate a grievance or attend a grievance meeting or hearing during the school day they will, upon notice to the President or

appropriate Vice-President, be released without loss of pay. Any employee whose appearance in such investigations, meetings, or hearings as a witness is necessary will be accorded the same right.

7. All documents, communication, and records dealing with the processing of a grievance will be filed in a separate grievance file and will not be kept in the personnel file of any of the participants.
8. No reprisals of any kind will be taken by the Board of Trustees or by College employees against any participant in a grievance procedure by reason of such participation.
9. Multiple grievances filed by an employee may be consolidated into a single grievance and separate grievances filed by two or more employees or other members of the Independence Community College community regarding the same issue(s) may be consolidated into a single grievance in the discretion of the college.
10. The grievance must be filed within 90 calendar days of the date the grievant should have reasonably been aware of the issue being grieved, or the grievant shall forfeit the right to file the grievance.
11. Should the grievant fail to respond to requests for clarifying information from the Division Chair or Director of Human Resources, as appropriate for the step, the grievance shall be decided based on the available information.
12. All parties must act in all ways to preserve the integrity of the process, respect that the Board of Trustees has no role or authority at the College other than its statutory collective role and authority, and respect the laws regarding due process and the Kansas Open Meetings Act. All parties are forbidden to discuss an unresolved grievance with the Board until a Level 3 hearing is commenced. The grievance will be considered withdrawn if the grievant communicates with the Board. The grievant will be deemed correct and receive their remedy if any member of administration discusses the grievance with the Board. Any Board member must report such communication to the Board Chair who will communicate the disposition to the Association.
13. If the grievant is the Association, then the filing at every level must include a statement by the Association detailing the date, time, place, text of motion, and outcome of a vote by the Association to proceed to the level at which the grievance is being filed.
14. Failure to follow correct procedures shall not bear on the outcome of the grievance unless specifically stated in this article.

Grievance Complaint

Form A

This grievance form has been created to assist all parties to comply with the requirements of the policy governing work related complaints. After the grievant has read the policy; "Grievance Procedure", which is published in the negotiated agreement, the form should be completed and submitted at the appropriate step with the appropriate administrator or Clerk of the Board.

(Additional sheets may be submitted and grievant may seek help in completing the form.)

Name of Grievant: _____

Title of Grievance: _____

Filed at Step (circle one): 1 2 3

Date Filed: _____

Alleged violation being grieved.

Synopsis of facts giving rise to the grievance (Include dates and times, etc.. Attach additional pages as needed):

Specific relief requested:

Signature of Grievant:

Date:

Signature of Appropriate Administrator or Clerk of the Board:

Date:

After completing this form the grievant shall make a copy for their records and submit the original to the appropriate office.

Step 1
I have discussed the grievance with: _____
My decision is (Attach additional pages as needed):
Date:
Signature: Vice president of Academic Affairs
<input type="checkbox"/> I accept the decision of the Vice President of Academic Affairs. <input type="checkbox"/> I do not accept the decision and it is my intent to proceed to step 2.
Date:
Employee Signature

Step 2
I have discussed the grievance with: _____
My decision is (Attach additional pages as needed):
Date:
Signature: President
<input type="checkbox"/> I accept the decision of the President. <input type="checkbox"/> I do not accept the decision and it is my intent to proceed to step 3.
Date:
Employee Signature

Step 3
The grievance has been reviewed by the Board of Trustees and their decision is as follows:
Date:
Signature: Chairperson, Board of Trustees