

CODE:	TRU – 909
SUBJECT:	Complaint Process
ADOPTED:	January 12, 1999
REVISED:	August 11, 2016

The Board shall assure that a due process procedure for resolving complaints within the college is established. Complaints received by the Board will be referred to the appropriate administrative office for resolution with an outcome report provided to the Board within 60 days.

Procedure

The Student Grievance Procedure provides the student due process in the resolution of appeals and is available in the student handbook and in the procedure section of Board Policy STU-803. Where a specific College process is provided for resolution of a complaint it must be used.

Employee Grievance

Independence Community College is an at-will employer. Faculty members shall refer to the Faculty Negotiated Agreement for grievance procedures and to the clarifying processes below. Any non-faculty employment conflicts unrelated to termination or any other adverse employment status can be resolved between the College and employees in the following way.

Level I

The concerned employee should first discuss their problem with their immediate supervisor. During this discussion, the employee and supervisor shall seek to resolve the matter informally. A process is currently in place to document and keep on file grievances that have been formally submitted and subsequently addressed.

Level II

If the concerned employee is not satisfied with the disposition of the grievance at Level I, or if no decision has been rendered by the supervisor within five (5) work days after the discussion of the concern, the employee may file a grievance in writing to the Human Resources Office. An account of the grievance will be filed in the HR incident log and the administrative department head shall be notified of the grievance.

Level III

If the concerned employee is not satisfied with the response from the Human Resources Officer or has not received a response from the Human Resources Officer within five (5) work days at Level II, the employee may file a grievance in writing to the College President. Within five (5) work days after the receipt of the written grievance by the College President, the President will meet with the employee in an effort to resolve the grievance. The President shall submit a decision in writing to the concerned employee within five (5) days after the meeting. If necessary, the Board of Trustees may be called upon for resolution. The Board of Trustees action is final.

The following clarifying processes will be observed with respect to faculty grievances:

1. Level Two of the grievance procedure must be initiated by the grievant within 90 calendar days of the date the grievant first became aware of the issue being grieved, or the grievant shall forfeit the right to initiate the grievance process.
2. Any grievance that seeks to resolve financial harm to the grievant must include supporting documentation of the actual financial impact on the grievant.
3. If a grievance is denied at levels Two or Three, the administration must explain the reason(s) for the denial, or the grievance shall be considered successful.
4. If a grievant pursues the grievance at level Three, the grievant must respond to the previous level's administrative response, and offer either additional factual information or demonstrate that the administrative response was flawed in some way. Should the grievant fail to do this, the grievance may be denied on that basis.

Matters related to Employee Civil Rights Compliance, including allegations of discrimination on the basis of race, religion, color, national origin, sex, age, tenure, disability or any other factor that cannot be lawfully considered in College programs and/or activities under any applicable laws and/or regulation shall be referred to Human Resources and resolved in accordance with the grievance procedures outlined above with the following exceptions:

1. Harassment: Allegations of harassment, generally defined as consistent, persistent or unwelcome behaviors, comments (written or spoken) or physical contact that in any way promotes an environment of violence, hostility, degradation, exploitation, intimidation, or fear, including but are not limited to the following types of prohibited harassment: bullying, sexual harassment (including gender identity and sexual orientation), racial harassment, age based harassment, country of origin harassment, belief based harassment, Veteran status based harassment, disability based harassment, hazing, stalking, mobbing, and abuse shall be resolved under Board Policy TRU –915.
2. Sexual misconduct: Allegations of sexual misconduct, generally defined as non-consensual or unwelcome sexual advances, requests for sexual favors and any other verbal or physical conduct of a sexual or gender-based nature, whether intentional or unintentional, and which includes but is not limited to rape, acquaintance rape, domestic violence, dating violence and stalking, shall be resolved under Board Policy TRU – 917.