



## **College of The Albemarle Policy**

**Policy Number: 3.3.8**

**Pages: 1 of 3**

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### **Title: Grievance**

**Related Policy and Procedures: Policy 3.3.4 Discipline Action, Suspension, and Dismissal; Policy 3.3.5 Contract Non-Renewals and Resignations; Policy 3.3.7 Discrimination and Harassment; Policy 3.3.9 Reduction in Force - Involuntary Leave Without Pay**

### **Division of Responsibility: Human Resources**

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To maintain a harmonious and cooperative relationship between the College and its employees, the College provides for the settlement of problems and differences through an orderly grievance procedure. Every employee shall have the right to present their problem or grievance free from coercion, restraint, discrimination, or reprisal. The Policy provides for prompt and orderly consideration and determination of employee problems or grievances by supervisors and the president.

A grievance is any matter of employee concern or dissatisfaction within the College's control except: (a) employee disciplinary matters pursuant to Policy 3.3.4 Discipline Action, Suspension, and Dismissal; (b) the non-renewal of an employment contract pursuant to Policy 3.3.5 Contract Non-Renewals and Resignations; (c) discrimination and harassment pursuant to Policy 3.3.7 Discrimination and Harassment; (d) reduction in force and/or involuntary leave without pay pursuant to Policy 3.3.9 Reduction in Force - Involuntary Leave Without Pay; or (e) any other matter that has a specific grievance process outlined in College policy.

#### **A. Informal Grievance Process**

If an employee has a grievance, it should first be discussed with their immediate supervisor within five (5) days from the date of the situation that is grieved. The supervisor may call higher level supervisors into the discussion if the employee agrees, or the supervisor may consult with higher level supervisors to seek any needed advice or counsel from their administrative superiors before giving an answer. The employee shall receive an answer within five (5) days or be advised as to the conditions which prevent an answer within five (5) days and when an answer may be expected. In any event, an answer shall be provided in writing within ten (10) days. The circumstances should be documented by both the supervisor and the grievant.

#### **B. Formal Grievance Process**

If the decision reached by the Informal Grievance Process is not satisfactory to the grievant, they may file a written grievance with the director of human resources ("director") within five (5) days after receipt of the Informal Grievance Process decision. The written grievance must contain with specificity the facts supporting the grievance. Depending on the nature of the appeal, the director will determine to what extent additional facts will be required. The supervisor and employee shall provide all pertinent information the director requests and the director will review the facts and hold



## College of The Albemarle Policy

**Policy Number: 3.3.8**

**Pages: 2 of 3**

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whatever discussions they deem necessary. The director shall provide a written decision to the proper administrators or superiors and grievant within ten (10) dates of receipt of the grievance. In the absence of an appeal, the director's decision will be carried out within a reasonable period of time and the grievance considered resolved.

### **C. Appeal to the President**

If the decision reached by the Formal Grievance Process is not satisfactory to the grievant, the grievant may, within five (5) days receipt of the director's decision, appeal the director's decision to the president. The appeal must be in writing and provided to the president. The president will conduct an "on the record review" of the documents and supporting materials presented during the Formal Grievance Process and, if needed, conduct any further investigation. The president can accept, reject, or modify the director's determination and will make a decision within ten (10) days and the decision will be communicated to all appropriate persons. The president's decision shall be final.

### **D. Grievances Involving the President**

In the event a grievance is being filed against the president, the grievant shall first follow the Informal Grievance Process outlined above and meet with the president. If the grievant is not satisfied with the resolution at the Informal Grievance Process, they may continue with the Formal Grievance Process but file the written grievance with the Board Chair. The Board Chair shall delegate the matter to the College Attorney to investigate. The Board Attorney will have the authority to conduct the investigation and will file a written report to the Board and the grievant within thirty (30) days.

The Board shall review the Board Attorney's report and if necessary, allow for the grievant and president to address the Board. The Board shall issue a written decision within thirty (30) days receipt of the Board Attorney's report.

If more time is necessary for either the Board Attorney to investigate and/or the Board to review the matter, the Board Chair may extend all deadlines as necessary.

### **E. Rules**

Grievances shall be processed according to the following rules:

1. If at any stage of the grievance the grievant does not take the next step within the time allotted, the grievance shall be settled in the manner recommended or decided by the administration at the last step.
2. All references to the number of days in this procedure shall be determined to mean College working days. In the event a grievance is not filed or processed in the manner and within the time set forth above, it shall be forever barred.



## College of The Albemarle Policy

**Policy Number: 3.3.8**

**Pages: 3 of 3**

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3. The grievant may withdraw the grievance at any level.

June 13, 2023

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N/A

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**Date Approved by Board of Trustees**

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**Date of Last Review**

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**Date of Last Revision**