

PERSONNEL-MANAGEMENT RELATIONS
EMPLOYEE GRIEVANCES

REWRITE

DGBA
(LOCAL)

PURPOSE

Collin College is committed to providing a fair, safe and productive work environment where grievances are dealt with sensitively and expeditiously. The purpose of the Collin College Grievance Policy is to assist in resolving all workplace issues/problems. We believe the best way of maintaining employee job satisfaction and good working relationships is to follow a procedure for solving problems and grievances as they arise.

In most situations, employees should make every effort to attempt to resolve matters informally by meeting with the person or persons involved, or if that is not feasible, with the immediate supervisor of the person involved prior to accessing the formal complaint process. Exceptions may include cases involving allegations of harassment, whistleblower cases, and other instances where it may be impractical to do so.

FREEDOM FROM
RETALIATION
NOTICE

The College will not tolerate any form of retaliation against an employee who brings a complaint pursuant to this policy. [See DG]

College employees and students are informed of this policy through a variety of meetings and publications, such as orientations, student handbook and the human resources web site.

DEFINITIONS

The complainant is the person filing the complaint.

The respondent is the person or entity that the complaint is filed against.

A Resolution Review Panel (RRP) is a group of College administrators appointed to hear complaints. Each RRP is generally comprised of 3 to 5 administrators.

The terms "complaint" and "grievance" have the same meaning and may be used interchangeably.

"Days" are counted beginning with the day following the triggering event.

COMPLAINT TYPES

A complaint or grievance may include:

1. Concerns about an employee's wages, hours, or conditions of work, including performance evaluations or reviews;
2. Violations of Collin College policy;
3. Specific allegations of unlawful discrimination or harassment based on the sex, race, color, religion, national origin, age, veteran's status, disability or any other legally protected classification [See DAA];

4. Specific allegations of unlawful discrimination or retaliation based on the exercise of legally protected rights;
5. Specific allegations of adverse personnel actions based on the employee's good faith report to an appropriate law enforcement authority of a violation of a law by the College or a College employee, i.e., whistleblower complaints [see DG];
6. Complaints resulting from the termination of an at-will employee [See DDC];
7. Complaints arising from the recommendation for nonrenewal or termination of a contract employee [see DMAA and DMAB]; or
8. Any other complaint brought by an employee against another employee, supervisor, manager, vendor, or Collin College.

INFORMATION
REGARDING
SPECIFIC
COMPLAINTS

For more information on complaints regarding:

1. Alleged discrimination/harassment/retaliation, including violations of Title IX or Section 504, see DAA.
2. Dismissal of term contract employees, see DMAA.
3. Nonrenewal of term contract employees, see DMAB.
4. A commissioned peace officer who is an employee of the College, see CHA.
5. An employment preference for former foster children, see DC.
6. Alleged harassment, see DIA.
7. Alleged retaliation (Whistleblower), see DH and DG. Whistleblower complaints must be filed within the time period specified by law, regardless of the time period specified herein.

MULTIPLE
COMPLAINTS

Where it is determined that two or more individual complaints are sufficiently similar in nature and remedy to permit resolution through one proceeding, such complaints may be consolidated at the discretion of the vice president of human resources.

UNTIMELY
COMPLAINTS

If a complaint form or appeal notice is not submitted on time, the complaint may be dismissed at any time, with or without a hearing, and the complainant will be notified in writing.

EXTENSION OF TIME

Any time limits set by these procedures, other than the time line for the initial filing of the complaint may be extended at the discretion

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of the manager of HR/employee relations. All complaints should be resolved within 180 days from the date the complaint is filed.

RECORDKEEPING /
CONFIDENTIALITY

Employee complaints are kept separately from the employee's personnel file, in accordance with the College's records retention policy. Complaint records are confidential. Permission may be given by the person who filed the complaint to release information. In accordance with applicable law, Collin College may also receive directives from state or federal agencies or courts to provide requested records.

RECORDING
MEETINGS

Meetings held with the Resolution Review Panel are recorded by Collin College. The person who filed a complaint may request a copy of the recordings.

REPRESENTATIVE

The complainant may designate a representative to represent him/her at any level of the process by notifying the manager of HR/employee relations in writing. If necessary, the College may re-schedule any meetings to include the College's counsel. Each party will pay its own costs incurred in the course of the complaint process.

NEUTRAL THIRD
PARTY

A neutral third party may be designated to hear a complaint or review an appeal if deemed necessary by the vice president of human resources.

GENERAL
COMPLAINT
PROCEDURE

The general complaint procedures are as follows. Detailed procedures may be obtained from the human resources department.

Step 1 – Generally, employees are expected to attempt to resolve matters informally by meeting with the person or persons involved, or if that is not feasible, with the immediate supervisor of the person involved. (Note: Complaints involving any form of harassment, whistleblower allegations, and cases where it is impractical to do so are not required to attempt to resolve matters informally.)

Step 2 – If it is not possible to resolve a matter informally, a formal complaint may be submitted using the College's online Complaint Form within 10 business days of the date the complainant knew (or reasonably should have known) of the action that caused the concern.

http://www.collin.edu/hr/complaints/Employee_Complaints.html

The complaint must provide sufficient factual detail to support the allegations, otherwise it may be dismissed.

Step 3 – A meeting with a Resolution Review Panel (RRP) will be scheduled to provide the complainant with the opportunity to present his/her concern. The meeting will be scheduled within 15 business days of receipt of the complaint. The RRP will issue a written summary decision within 5 business days of the meeting that either substantiates or does not substantiate each general complaint and recommends granting or denying each request for relief. The RRP may also, but is not required to, recommend alternative resolution relief. The standard of review at this Step will be by a preponderance of the evidence.

Step 4 – If the complainant disagrees with the decision of the RRP, he/she may appeal the decision to the appropriate vice president (generally the vice president of the respondent.) Note: If the complaint is regarding the termination or non-renewal of a full-time contract, the appeal will be reviewed by the executive vice president or designee. The standard of review at this Step will be by a preponderance of the evidence.

Within 10 business days of receipt of the appeal, the vice president (or executive vice president or designee as noted above) will issue a written decision affirming, affirming in part/denying in part, or reversing the RRP's decision. The decision of the vice president is final for all complaints except complaints regarding the termination or non-renewal of a full-time contract employee.

Note: Except as limited in the next section of this policy, any employee may present a grievance to the Board after he/she has exhausted the complaint procedures in this policy regardless of the limitation in this policy. The Board is not required to take any action concerning a grievance, but is required to listen if the grievance is presented at a public meeting. See BDB (Local) and BDB (Legal).

APPEALS TO THE
DISTRICT
PRESIDENT AND
BOARD

Only complaints involving the termination of a full-time contract may be appealed to the District President and Board. If the complainant disagrees with the decision of the executive vice president or designee, he/she may appeal to the Board by notifying the manager of HR/employee relations within 5 business days of the receipt of the executive vice president or designee's decision.

Prior to placing the matter on the Board agenda, the District President will review the record. If the District President affirms the decision of the executive vice president or designee, the matter will be placed on the agenda for presentation to the Board. If the District President reverses the decision of the executive vice president, the recommendation for termination or non-renewal will be vacated and the complainant will be notified in writing of the District President's findings and related actions regarding the matter. In this case, the matter will not proceed to presentation to the Board.

The matter will be placed on the Board agenda after review by the District President, providing at least 15 business days advance written notice to the complainant.

The complainant will be notified in writing of the date, time, and place of the Board meeting at which the complainant will present his/her concerns to the Board. The notice will include all applicable procedures for the presentation. The presentation will take place in closed meeting unless the complainant requests that it be heard in public. The Board may place time limits on the presentation.

The Board will consider the complaint and may give notice of its decision orally or in writing at any time up to and including the next regularly scheduled Board meeting after the Board hears the matter. However, the board is not required to take action. If for any reason the Board does not take action by the end of the next regularly scheduled meeting, the lack of a response by the Board upholds the administrative decision.