

Policy IV-I: Policy on Employee Concerns and Grievances

1. INTRODUCTION

This policy establishes a uniform process for resolving employee concerns and grievances using a fair and consistent process that meets all state and federal laws. Employees who use the concerns or grievance procedures may do so with the knowledge that they will be protected from prejudice, discrimination, restraints, retaliation, or reprisal of any nature.

This policy recognizes two general categories of employment complaints:

- A. Concerns
- B. Grievances

Categorizing a complaint as a concern or grievance is not intended either to diminish or to elevate the issues identified in any particular complaint. The objectives of this policy is to channel employee complaints in a manner that is responsive to the nature and complexity of each complaint, that encourages prompt resolution, and that ensures the efficient use of College resources.

2. DEFINITIONS

- A. A **“concern”** is a complaint or problem regarding:
 - 1. Co-worker behaviors, social interactions, and leadership issues that occur in the workplace.
 - 2. Administrative matters such as office procedures and policy interpretation.
 - 3. Incidents or events that, while not unlawful, are contrary to College values or reasonable standards of workplace behavior.
 - 4. Bullying is covered under this policy as a concern. **“Bullying”** is the repeated or persistent infliction of abusive or inappropriate behaviors that a reasonable person would find threatening, intimidating, or humiliating.
 - 5. Any disagreement or concern not encompassed by the definition of grievance.
- B. A **“grievance”** is a dispute or disagreement alleging a violation of the following:
 - 1. A violation of a specific Board policy, administrative procedure, or law that adversely and materially impacts the employee’s wages, hours, or conditions of work. **“Conditions of work”** are defined as a work environment that impacts the health or safety of employees.
 - 2. A violation of law that prohibits discrimination in employment based upon race, creed, color, national origin, citizenship status, age, disability, pregnancy, religion, gender, sexual orientation, gender identity, genetic information, marital status, or veteran status.
 - 3. Factual allegations of harassment based on a status protected by state or federal law.
 - 4. Factual allegations of retaliation based upon the employee’s exercise of rights guaranteed by the Constitution or rights conferred by statute, including, but not limited to, the Family Medical Leave

Act, Uniformed Services Employment and Reemployment Rights Act, and the Texas Whistleblower Act.

3. **GENERAL POLICY**

A. Exclusions: The following concerns and/or grievances are not subject to the Employee Concerns and Grievances policy:

1. Termination of contractual and non-contractual employees. Contractual employees may appeal the termination decision under Policy IV-G-1: Policy on Termination or Demotion for Contractual Employees. Non-contractual employees may request a review of the termination decision under Policy IV-G-2: Policy on Termination for Non-Contractual Employees.
2. Non-renewal of an employment contract is generally excluded from this policy. Non-renewal is addressed in subject to Policy IV-G-4: Policy on Non-Renewal of Contractual Employees; however, an employee may file a grievance under this policy relating to a non-renewal in those instances in which the employee makes specific factual allegations that the non-renewal of employment was in violation of constitutional or statutory rights.
3. Employee performance evaluations.

B. Employees may be subject to disciplinary action for bringing forward repeated allegations that have been unfounded and/or unsubstantiated.

C. Employees are expected to:

1. Act in good faith in bringing forth a concern or grievance.
2. Participate in an on-going inquiry truthfully and cooperatively.
3. Provide all relevant information necessary to understand the factual background of the complaint.
4. Comply with deadlines and requests for information and cooperate in the scheduling of meetings or hearings.

D. Leaders are expected to:

1. Respond to a concern or grievance in a timely manner.
2. Refrain from publicizing employee complaints. Leaders shall exercise appropriate judgment and discretion, and shall refrain from discussing employee complaints except on a need-to-know basis, or as may be reasonably necessary during the course of an investigation.
3. Ensure the integrity of the process by conducting a thorough inquiry.
4. Take action reasonably calculated to prevent retaliation against employees who file complaints pursuant to this policy.

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