

Lee College  
101501

PERSONNEL-MANAGEMENT RELATIONS  
EMPLOYEE GRIEVANCES

DGBA  
(LOCAL)

PURPOSE

The purpose of this policy is to provide a timely and orderly process for the resolution of employee complaints. The Board intends that, whenever feasible, complaints be resolved at the lowest possible administrative level with a supervisor or other appropriate administrator who has the authority to address the concerns.

FORMAL PROCESS

An employee may initiate the formal process described below by timely filing a written complaint.

Even after initiating the formal complaint process, employees are encouraged to seek informal resolution of their concerns. An employee whose concerns are resolved may withdraw a formal complaint at any time.

The process described in this policy shall not be construed to create new or additional rights beyond those granted by law or Board policy, nor to require a full evidentiary hearing or "mini-trial" at any level.

NOTICE TO  
EMPLOYEES

The College District shall inform employees of this policy through appropriate College District publications.

COMPLAINTS

In this policy, the terms "complaint" and "grievance" shall have the same meaning.

OTHER COMPLAINT  
PROCESSES

Employee complaints shall be filed in accordance with this policy, except as required by the policies listed below. Some of these policies require appeals to be submitted in accordance with DGBA after the relevant complaint process:

1. Complaints alleging discrimination, including violations of Title IX (gender), Title VII (sex, race, color, religion, national origin), ADEA (age), or Section 504 (disability). [See DIAA and DIAB]
2. Complaints alleging certain forms of harassment, including harassment by a supervisor and violations of Title VII. [See DIAA and DIAB]
3. Complaints concerning retaliation relating to discrimination and harassment. [See DIAA and DIAB]
4. Complaints concerning a commissioned peace officer who is an employee of the College District. [See CHA]
5. Complaints concerning an employment preference for former foster children. [See DC]
6. Complaints arising from the dismissal of term contract faculty members. [See DMAA]

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7. Complaints concerning the nonrenewal of term contract employees and those arising from the nonrenewal of term contract faculty members. [See DMAB]

8. Complaints concerning the withdrawal of consent to remain on campus. [See GDA]

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CONSOLIDATION

When the College President or designee determines that two or more individual complaints are sufficiently similar in nature and remedy sought to permit their resolution through one proceeding, he or she may consolidate the complaints.

WHISTLEBLOWER COMPLAINTS

Employees who allege adverse employment action in retaliation for reporting a violation of law to an appropriate authority shall initiate a grievance under this policy ~~within the time~~ no later than the 90th calendar day after the alleged adverse employment action occurred, as specified by law. [See DG]

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The complaint shall first be filed in accordance with LEVEL TWO below. Time lines for the employee and the College District set out in this policy may be shortened as reasonably necessary so as to allow the Board to make a final decision within 60 days of the initiation of the complaint.

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FREEDOM FROM REPRISALS

No reprisals or retaliation of any kind shall be taken at any level against an employee for bringing a complaint. Complaints shall neither be referred to nor filed in an employee's personnel file unless so requested by the employee in writing.

REPRESENTATION

The employee filing a complaint or any employee who is the subject of a complaint may be represented at his or her own expense by an attorney and/or a fellow employee, person, or representative organization that does not claim the right to strike. The College District may be assisted in processing complaints as it deems appropriate. A party choosing to be represented or assisted at any conference or hearing under this policy by the presence of an attorney or, if applicable, an employee representative, shall provide written notice to the other party in advance. If such notice occurs within five days of the conference or hearing, the other party may require the conference or hearing to be rescheduled to occur within the next three days following the originally scheduled date.

GENERAL PROVISIONS

All complaints arising out of an event or related series of events must be addressed in one complaint. An employee is precluded from bringing separate or serial complaints concerning events about which the employee has previously complained. Costs of any complaint shall be paid by the party incurring them.

If the employee is not satisfied within seven working days of a complaint conference, ~~or there has been no~~ after the time for a re-

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FILING	<p>sponse <del>within seven working days, the complaint shall be considered denied. The</del>has expired, the employee may immediately proceed to the next level. The complaint shall be considered concluded if at any level it is not appealed within the given time limit-..</p> <p>Complaint forms and appeal notices may be filed by hand-delivery, by electronic communication, including e-mail and fax, or by U.S. Mail. Hand-delivered filings shall be timely filed if received by the appropriate administrator or designee by the close of business on the deadline. Filings submitted by electronic communication shall be timely filed if they are received by the close of business on the deadline, as indicated by the date/time shown on the electronic communication. Mail filings shall be timely filed if they are post-marked by U.S. Mail on or before the deadline and received by the appropriate administrator or designated representative no more than three days after the deadline.</p>
SCHEDULING CONFERENCES	<p>The College District shall make reasonable attempts to schedule conferences at a mutually agreeable time: <del>and shall take into consideration the employee's individual circumstances and conflicts.</del> If the employee fails to appear at a scheduled conference <del>despite receiving timely notice of a conference scheduled in accordance with this requirement,</del> the College District may hold the conference and issue a decision in the employee's absence.</p>
TIME LIMITS	<p>In resolving complaints, time is of the essence. All time limits shall be strictly complied with, unless extended by mutual consent. All references are to working days- <del>unless the reference is specifically to "calendar days."</del></p>
INFORMAL PRESENTATION HEARING	<p>Employees shall be entitled to administrative review conferences as outlined at LEVEL ONE, LEVEL TWO, and LEVEL THREE below and to an informal presentation of the complaint to the Board as specified at LEVEL FOUR, unless the Board grants a hearing.</p>
HEARING	<p><del>If an employee alleges in writing specific facts that, if true, would constitute a violation of the employee's common law, statutory, or constitutional rights, the College President or designee shall investigate the allegations. If the employee does not accept the College President's resolution at Level Three and requests a Board hearing, the College President shall schedule a hearing as specified at LEVEL FOUR, below.</del></p>
LEVEL ONE	<p>An employee who has a complaint shall submit the complaint in writing to <del>his or her immediate supervisor</del><del>the lowest level administrator who has the authority to remedy the alleged problem,</del> within 15 days of the time the employee first knew or should have known of the event or series of events causing the complaint: <del>(except for Whistleblower Complaints, addressed above).</del> In most circum-</p>

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stances, employees shall file Level One complaints with their immediate supervisor. If the only administrator who has authority to remedy the alleged problem is the Level Two or Level Three administrator, the complaint may begin at Level Two or Level Three, respectively, following the procedure, including deadlines, for filing the complaint at Level One. If the grievance is with the immediate supervisor, it will proceed to Level Two. If the complaint is not filed with the appropriate administrator, the receiving administrator must note the date and time the complaint was received and immediately forward the complaint form to the appropriate administrator. The complaint must be submitted in writing, and the employee is strongly encouraged to submit the complaint on a form provided by the College District. If the receiving administrator determines use of the prescribed form will benefit the grievance process, an employee who did not use such a form can be required to resubmit the complaint on the College District's form. The ~~immediate supervisor~~ receiving administrator shall then schedule a conference with the employee ~~within seven~~ no earlier than four and no later than 10 days ~~of the~~ after receipt of the written complaint. The immediate supervisor shall respond in writing stating the decision and the reason(s) therefore within seven days of the complaint conference.

LEVEL TWO

~~For grievances that were initiated at Level One, if~~ the outcome of the complaint conference at Level One is not to the employee's satisfaction or if the time for a response from the Level One administrator has expired, the employee may submit the complaint to the appropriate dean or a designee within 14 days after the Level One conference. The employee shall submit in writing the original complaint, the supervisor's response, and, if desired, written comments regarding the supervisor's response. For grievances that are initiated at Level Two, the requirement of a written complaint and the deadline for filing the grievance as set forth above under Level One are applicable. The appropriate dean or designee shall schedule a conference with the employee ~~within seven~~ no earlier than four and no later than 10 days ~~of the~~ after receipt of the written complaint. The appropriate dean or designee shall respond in writing to the employee within seven days of the complaint conference.

LEVEL THREE

If the outcome of the complaint at Level Two is not to the employee's satisfaction or if the time for a response from the Level Two administrator has expired, the employee may submit the complaint in writing to the College President or a designee within 14 days after the Level Two conference. The complaint shall include the complete written documentation of the complaint and, if desired, written comments regarding the appropriate dean's or designee's response. The College President or designee shall schedule a conference with the employee ~~within seven~~ no earlier than four and

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LEVEL FOUR  
PRESENTATION

no later than 10 days of receipt of the complaint. The College President or designee shall respond in writing to the employee within seven days of the complaint conference.

If the written decision of the complaint at Level Three is not to the employee's satisfaction or if the time for a response from the Level Three administrator has expired, the employee may ~~request~~submit the complaint to ~~address~~ the Board.

The request shall be submitted to the College President in writing within 14 days of the ~~date~~receipt of the written decision of the College President, ~~and the or if no response was received, within 14 days of the Level Three response deadline.~~ The grievance shall then be placed on the agenda of the next regular meeting of the Board ~~provided that that will occur on or after 10 days following the notice requirements of the Texas Open Meetings Act can be complied with. In the event such notice requirements cannot be met at the time the request is filed, the grievance shall be placed on the agenda~~ College President's receipt of the next regularly scheduled Board meeting. The employee shall also submit the complete written that documentation of the ~~.~~ The College President will submit the complaint and all documentation to the members of the Board at least five days prior to the Board meeting.

The College President shall inform the employee of the date, time, and place of the meeting. -The Chairperson of the Board may set reasonable time limits on complaint presentations ~~- but in no event shall the time limits be any less than 15 minutes.~~ The Board shall listen to the complaint but is not required to respond or take any action on the matter, unless at its sole discretion, the Board determines some response is warranted. -No action by the Board upholds the administrative decision at Level Three.

HEARING

Employees ~~who are granted a hearing~~ shall be afforded ~~that a~~ hearing ~~either~~ with the Board in a meeting that includes the hearing as an item in the posted agenda ~~or with the Board's designee. If the~~ The Board conducts the hearing, it shall make and communicate its decision at any time up to and including the next regularly scheduled Board meeting.

~~If the Board's designee conducts the hearing, he or she shall make a recommendation to the Board at the first regular meeting following the hearing that affords adequate time to prepare a written recommendation. The employee shall be provided a copy of the recommendation before the meeting and shall be given an opportunity at the meeting to respond to the recommendation either orally or in writing. The Board shall then make and communicate its decision at any time up to and including the next regularly scheduled Board meeting.~~

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CLOSED MEETING

If the complaint involves the appointment, employment, evaluation, reassignment, duties, discipline, or dismissal of the employee, it will be heard in a closed meeting unless the employee requests it to be public. -If the complaint involves complaints or charges about another employee, it will be heard in a closed meeting unless the employee complained about requests it to be heard in public.

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