

Policy Number: 1120

Policy Name: Grievance Procedure for Administrative and Professional Employees

Responsibility for Maintenance: Director of Human Resources

Effective Date: February 5, 2016

Last Updated: August 15, 2023

I. Policy Statement

It is the policy of the College to provide an environment where employees can raise and seek resolution to employment-related concerns and complaints, openly discussing them with supervisors without fear of intimidation or retaliation. The College promotes informal, timely, and efficient resolution of employment concerns and complaints by encouraging Administrative and Professional (AP) employees to discuss these matters and to address concerns as they are raised. The College also provides this process to ensure that complaints that rise to the level of a grievance are given thoughtful consideration and fair treatment. The College does not tolerate any form of retaliation against an employee who has filed a grievance or assisted another employee who is filing a grievance. Employees will not be penalized or disciplined for raising employment-related concerns, complaints, or grievances in good faith, or for assisting another employee who is filing a grievance.

II. Reason for Policy

This policy establishes a process by which AP employees may have concerns or complaints related to their employment addressed.

III. Applicability of the Policy

This policy applies to the College’s AP employees and their supervisors. This policy does not apply to employment-related issues that are governed by other policies that provide a means of addressing violations, such as the Discrimination, Harassment, Sexual Misconduct, and Retaliation Policy.

IV. RELATED Documents

[DHRM Policy 1.60 Standards of Conduct](#)

V. Contacts

OFFICE	TITLE	TELEPHONE NUMBER	EMAIL
Human Resources	Director of Human Resources	(804)862-6100, ext. 6409	rbchr@rbc.edu

V. Definitions

“Grievance” means a complaint made by an employee about a decision, action, lack of action, or the application of a College policy that directly and adversely affects the work activity or professional well-being of the employee and which can be remedied by the College.

VI. Procedures

A. Informal Resolution

An employee who has an employment-related concern or complaint is encouraged to discuss it with his or her supervisor as soon as practicable, and in the spirit of problem solving. If the employee's immediate supervisor is the subject of or cause of the complaint, the employee may request a meeting with the immediate supervisor's manager. The employee should be mindful of the need for timely airing of the complaint as well as deadlines related to the filing of a grievance, should they become relevant. Although informal resolution does not require documentation, employees are encouraged to consider the information requirements set out below and provide the supervisor with the background and details needed to resolve the matter. If no resolution is reached through informal channels, the employee may: (1) ask the assistance of the Director of Human Resources to mediate a resolution; or (2) file a formal grievance.

B. Mediation

Mediation is an alternative for resolving employment-related issues. Mediation is a voluntary process through which a neutral third party assists people in conflict to explore their differences and develop their own solutions to these issues. A decision to mediate does not prevent an employee from initiating a grievance. Where the parties have agreed to mediate, the time requirements of the grievance procedure may be extended by mutual agreement. The Director of Human Resources will coordinate the mediation.

C. Grievance Process

Exclusions: Although many complaints can be handled under this policy, the following issues can be grieved through the process outlined below only to the extent the decision, action, or lack of action is arbitrary or capricious, or involves an alleged violation of College policy or applicable law:

- Reorganization;
- Reassignment of duties;
- Non-renewal of contract;
- Performance evaluation;
- Denial of promotion;
- Compensation matters or benefits;
- The contents of established policies, rules, procedures, regulations, ordinances, and statutes;
- Work activity accepted by an employee as a condition of employment or that reasonably may be expected to be a duty of the job; or
- Relief of employees from duties during emergencies.

The following process is designed to provide a formal structure for handling a grievable complaint. AP employees and supervisors are encouraged to seek amicable resolution at any time during this process.

1. Level One: If the employee has a concern or complaint that qualifies as a grievance, and which was not or could not be resolved to his or her satisfaction through the informal process, the employee may submit a written statement of the grievance. The employee will submit the grievance to the supervisor or, if the supervisor is the subject of the grievance, to the supervisor's manager. If informal resolution was used, the employee must submit the written grievance within ten business days of receiving the supervisor's (or the supervisor's manager's) response. If informal resolution is not used, the written grievance should be filed no later than thirty days after the decision or action being grieved occurred or the employee becomes aware of the decision or action.

- a. The employee will provide the following information in the written grievance:
 - i. The issue being grieved, including a clear statement of the facts upon which the complaint is based;
 - ii. Any documentary or other evidence in the employee's possession, and a list or description of requested records the employee believes pertinent to the grievance;
 - iii. An explanation of how the employee has been adversely affected;
 - iv. A copy of any pertinent College policies, contractual agreements, or other documents upon which the employee relies; and
 - v. A statement of the specific relief sought.

This information will constitute the grievance file. Failure to submit this information may result in the complaint being found non-grievable.

- b. Within ten business days of receiving the grievance (except as provided below), the supervisor (or the supervisor's manager, as appropriate) will provide the employee with a written response indicating either that:
 - i. The supervisor has determined that the grievance has no merit or is not grievable, and the relief sought is

denied. The supervisor will indicate the reasons for the determination; or

- ii. The supervisor has determined that the grievance has merit, the relief to be granted (which may differ from the relief requested by the employee), and the reasons for this determination. If the relief is beyond the authority of the supervisor to provide, the supervisor will notify the employee that further administrative approvals are necessary and will consult with the appropriate College officers or other parties. Additional time will be required in these instances. The supervisor, with input from the employee, will establish a reasonable time by which the relief granted is in place.

If the written response of the supervisor (or the supervisor's manager) is satisfactory to the employee, the employee will provide written notification to indicate conclusion of the grievance. If not, or if the relief granted is not provided by the established time, the employee may proceed to the next level. If the supervisor is the President, or if the grievance was against the supervisor and the President performed the role of the supervisor under the Level One process, the President's decision on the grievance is final.

2. Level Two: If the employee is not satisfied with the resolution at Level One, and the President has not already decided the grievance, the employee may advance the grievance to the President. Using the original grievance form, the employee will describe his or her dissatisfaction with the Level One resolution, provide any new, relevant information the employee wants the President to consider, and forward it to the President along with the rest of the grievance file within ten business days of receiving the written response from the supervisor. The President will meet with the employee within ten business days following receipt of the grievance form. The President may request the employee's supervisor to be present. The employee, similarly, may bring an observer of his or her choosing from among the College's employees. The President may conclude that the issue is not grievable, which decision is final; or may make a determination on the merits. The President will communicate the decision in writing to the employee within ten business days of their meeting, except as provided below. If the President makes a decision on the merits and decides in favor of the employee, the President will also indicate the relief to be provided, as well as a reasonable time for it to be provided. The decision of the President is final.

3. Any deadline may be extended by the Director of Human Resources for reason of absence due to vacation, illness, business travel, or other reasonable cause.
4. Legal counsel shall not attend counseling sessions.
5. An employee's legal counsel may not attend or participate in internal discussions or investigative meetings to determine the facts or if violations have occurred.
6. Legal counsel may not attend or participate in the agency's internal due process meetings.