

General Grievance Policy

(May 2015)



Applicability of this Policy

The College recognizes that in any work environment there are times when employees may choose to express concerns and work-related problems in a formal manner. This Policy establishes the process whereby College employees may present to the College their concerns and other work-related problems and provides for the prompt and considerate review of such issues. Nothing in this policy prevents employees from discussing the terms and conditions of their employment with one another.

This Policy applies to general grievances by employees made to the College alleging that a work-related problem or condition is unfair, inequitable or a hindrance to the effective performance of the employee's job.

In the case of concerns regarding, allegations of, or grievances relating to potentially unlawful harassment or discrimination, the following policies apply in lieu of (and not in addition to) this General Grievance Policy:

- The College's Sexual Misconduct Policy provides procedures for reporting concerns, sets forth available resources, describes prohibited conduct, and establishes procedures for responding to allegations of and grievances relating to Sexual Misconduct. Sexual Misconduct, as that term is defined in the College's Sexual Misconduct Policy, includes dating violence, domestic violence, sexual assault, sexual exploitation, sexual harassment, sexual intimidation, and stalking. Please see the College's Sexual Misconduct Policy for additional information. The Sexual Misconduct Policy is available at www.erskine.edu and in the College's *Employee Resource Handbook*.
- The College's Non-Harassment and Non-Discrimination Policy provides procedures for reporting concerns, describes prohibited conduct and establishes procedures for responding to allegations of and grievances relating to potentially unlawful harassment or discrimination other than Sexual Misconduct (i.e., harassment or discrimination based on sex, pregnancy, race, color, religion, national origin, age, disability, protected veteran status, or any other basis protected by applicable law). The Non-Harassment and Non-Discrimination Policy is available at www.erskine.edu and in the College's *Employee Resource Handbook*.

From the outset, Erskine expects all employees involved in a complaint or dispute to seek resolution of their differences with each other in a courteous, civil, and professional manner. Employees are encouraged to resolve their differences, whenever possible, without resorting to this formal grievance procedure.

Grievance Steps

Informal Grievance Step

An employee who believes he/she may have a grievance covered by this Policy should first meet with his/her supervisor (as defined in the next paragraph) for an informal discussion of the matter within thirty (30) calendar days of the date the employee knew or should have known of the adverse action, decision, or matter upon which the grievance is based.

For the purpose of the Informal Grievance Step, one's department chair or the Vice President for Academic Affairs will be considered the supervisor for any grievances brought by members of the faculty. One's director-level or vice president will be considered the supervisor for any grievances brought by members of the staff. Both parties will make a good faith effort to resolve the matter informally with the assistance of any supervisor, as appropriate. The supervisor seeking to resolve the grievance may consult with others as appropriate.

If the matter is not resolved by informal discussion, the grievant may pursue the matter through the Formal Grievance Steps below.

Formal Grievance Steps

If the grievant is not satisfied with the result of the Informal Grievance step, he/she may file a formal grievance. The formal grievance may be a simple written statement, but it should include the following minimum information:

- a. A full description of the problem and any relevant facts, including but not limited to the specific acts considered to be of issue, including when, by whom, and what was specifically done or not done, and its impact or consequence to the complainant;
- b. A summary of the steps, if any, the grievant has already taken in attempt to resolve the problem, including the names of the persons involved;
- c. A statement of the requested resolution and the grievant's rationale for the requested resolution for each perceived matter;
- d. Any supporting documentation; and
- e. The name, contact information, and signature of the person initiating the grievance.

The written grievance should be filed with the appropriate Grievance Officer, who is the Non-Discrimination Coordinator at Erskine College, within fifteen (15) calendar days of the conclusion of attempts to resolve the matter through the Informal Grievance process.

Once the complaint has been properly filed, the Grievance Officer should conduct a thorough review of the allegations and collect information necessary to determine the merits of the grievance. This review can include, but is not limited to, convening a meeting during which the grievant, the individual(s) against whom the grievance has been brought ("respondent(s)"), and witnesses can supply factual information about what occurred; interviewing those involved and any witnesses to determine the issues and facts that have occurred and to resolve any factual dispute, including those hinging on credibility; and/or obtaining, consulting with others as

appropriate, and reviewing any records, documents, emails, etc. relevant to the issues presented. The Grievance Officer will decide which steps are warranted by a particular grievance. Not all grievances will warrant a meeting, and those that do, may be limited in scope by, and in the Grievance Officer's discretion.

When a meeting of those involved is convened, persons present at the hearing will typically include the grievant and the individual who made the decision or took the action upon which the grievance is based, and any other person against whom the grievance complaint is directed. Witnesses may be called as appropriate, and all employees are expected to cooperate fully in providing or producing information. Only the Grievance Officer will question witnesses but any party to the grievance may suggest areas of inquiry to be explored. Because this is an internal employment matter, no legal counsel is permitted at grievance meetings.

Once the matter has been fully examined, the Grievance Officer will determine whether it is more likely than not that the actions complained of occurred and will then develop a documented report of findings and submit a written recommendation to the parties involved. The Grievance Officer's review and preparation of the report and recommendation normally should take no longer than thirty (30) calendar days unless the institution is closed or not in session, or absent reasonable excuse. When the Grievance Officer recommends that remedial or disciplinary action should be taken against anyone involved, the specific recommendations will be provided to the individual against whom the recommendation is made and that person's supervisor(s). The supervisor(s), in consultation with the Human Resources Department, will make the final decision regarding recommended discipline and are responsible for issuing any disciplinary action.

Appeals Process

If either the grievant or the individual(s) against whom the allegations were made is dissatisfied with the recommended resolution of the grievance, he/she has fifteen (15) calendar days from receipt of the Grievance Officer's findings and recommendations to appeal to the College Committee on Discipline and Appeals (CDA). Any appeal should be in writing and should specifically describe the point(s) on which the appeal is based. The Grievance Officer will forward the appeal and the file including facts, evidence, and results of the investigation to CDA which shall convene to hear the appeal.

Committee Action

When the Grievance Officer receives an appeal of his/her decision, the Grievance Officer shall schedule a hearing before the CDA and the CDA shall conduct a hearing on the complaint within thirty (30) calendar days, unless the Grievance Officer determines that more time is needed in order to further investigate the complaint or for other reasons. If the Grievance Officer determines that it is necessary to delay the hearing, the complainant and the respondent will be notified.

Hearings of the CDA

Hearings before the CDA will be conducted in accordance with the following procedures.

1. All parties shall be afforded reasonable opportunity for oral opening and closing arguments and for presentation of relevant witnesses and pertinent documentary evidence.
2. The CDA shall have the right to question any and all witnesses, to examine documentary evidence presented, and to summon other witnesses as the Committee deems necessary.
3. The hearing shall be mechanically recorded. Any party involved may obtain a copy of the recording from the Grievance Officer at the expense of the requesting party. Recordings shall be maintained by the Grievance Officer for a period of three (3) years from the hearing date.
4. All parties shall have the right to the advice of counsel of his/her choice; however, neither party may proceed through counsel or have counsel present at the hearing.
5. At the conclusion of the hearing, the Committee shall deliberate in closed session. Such deliberations shall not be recorded.

Decision of the CDA

After the hearing is concluded, the CDA shall convene to deliberate their findings and arrive at a majority decision as to any wrongdoing, including any policy violations and/or remedies, including disciplinary actions, and/or any other form of resolution. Within five (5) business days after the hearing is concluded, the CDA shall transmit a written copy of the decision to the Grievance Officer who will mail a copy of the decision to the complainant and respondent in the United States mail at the addresses provided by the complainant and the respondent.

Appeal of Decision of the CDA

Either the grievant or respondent may appeal the decision of the CDA, by giving written notice to the Grievance Officer of intent to appeal the decision within fifteen (15) calendar days of the decision. If no such notification is received by the Grievance Officer within fifteen (15) calendar days, any decision for corrective actions or sanctions by the CDA shall be final.

Presidential Appeals Committee

The Presidential Appeals Committee shall review all appeals from decisions of the CDA within thirty (30) calendar days from the date of the appeal. If either party has requested an interview or is requested to appear for an interview by the Presidential Appeals Committee, then both parties must be informed. The intent of the Presidential Appeals Committee's review is neither to hear new evidence nor to substitute the judgment of the Presidential Appeals Committee for that of the CDA. The intent of this review is to insure that the hearing and decisions were not arbitrary, capricious or discriminatory, did not violate the rights of the parties, and did not violate the concepts of fairness to both parties.

The Presidential Appeals Committee's review is the final institutional step for grievances under this Policy. Nothing precludes the student or employee from filing a complaint with any external agency that handles discrimination complaints.

Retaliation

No person shall be subjected to retaliation for having utilized or having assisted others in the utilization of, or having participated in any way in, the complaint or hearing process in good faith.

Reconciliation

Nothing in the procedure is intended to prevent the grievant and respondent from resolving the grievance at any point in the process by signing a written statement of agreement and submitting it for approval to the Grievance Officer. If the agreement is approved, the grievance process will end immediately and the statement of resolution will be placed in the file maintained by the Grievance Officer.

Remedies/Disciplinary Action

Erskine shall determine appropriate remedies on a case-by-case basis. Such remedies may include termination of employment or expulsion from Erskine, as well as any other remedy or disciplinary action.