



Red Rocks Community College Human Resources Operational Guideline

Category: College Personnel
Title: Employee Grievances
Number: RRPR 3-50
Effective: 05/09/12

Reference: Board Policy 3-50, SP 3-50a: Employee Grievances

Purpose: In the interest of equitable and efficient operation of Red Rocks Community College (RRCC), employees of the College shall be afforded a mechanism by which grievances can be resolved at the earliest opportunity.

Scope: This procedure applies to Administrator/Professional Technical employee(s), Faculty and Adjunct Instructor(s). This procedure shall not apply to College Presidents or Classified employee(s).

Attachment: Grievance Form

Definitions:

Complainant: is a person who is subject to alleged inequity as it applies to Board Policies, System President's Procedures, or College Procedures. For purposes of this procedure, a complainant is an RRCC Employee, with the exception to classified employees. Classified employees shall follow the grievance procedure established under the State of Colorado Personnel Rules.

Respondent: is a person whose alleged conduct is the subject of a complaint. For purposes of this procedure, a respondent can be a RRCC Employee(s), authorized volunteer(s), guest(s), or visitor(s), or college.

Appointing Authority/Disciplinary Authority: is the individual with the authority or delegated authority to make ultimate personnel decisions concerning a particular employee. A Disciplinary authority is the individual who or office that has the authority or delegated authority to impose discipline upon a particular employee. This individual will be collectively referred to as the "Appointing Authority". The College President has designated the Director of Human Resources/Title IX Administrator as the appointing authority for the college.

Grievable Offenses: Except as noted herein, an employee may grieve any action which violates or inequitably applies Board Policies, System President's Procedures, or College Procedures and which adversely affects the employee's working conditions.



Claims of discrimination and/or harassment based on federal or state civil rights laws are not covered under this procedure. Such claims are processed pursuant to either SP 3-50b or SP 4-31a .

<http://www.cccs.edu/SBCCOE/Policies/SP/PDF/SP3-50b.pdf>

<http://www.cccs.edu/SBCCOE/Policies/SP/PDF/SP4-31.pdf>

Nongrievable Matters:

The following matters are not grievable under this policy except as noted:

- Matters over which the employer is without authority to act.
- Evaluations (See Board policy on evaluations).
- Dismissals, nonrenewals, reductions-in-force, suspensions, disciplinary actions (See Board policies on due process).
- Reassignments except that a reassignment of a Regular Faculty member which results in a reduction in pay or a loss of due process rights shall be grievable.

Filing a Complaint: All complaints shall be made as promptly as possible after the occurrence. A delay in reporting may be reasonable under some circumstances; however, an unreasonable delay in reporting is an appropriate consideration in evaluating the merits of a complaint or report.

Procedure:

Employees must timely submit all grievances in writing (see attachment) to the Director of Human Resources. All grievances shall be assessed by the preponderance of evidence standard. The Director of Human Resources or their designee will be the investigator(s) over the complaint.

The investigator(s) shall initially determine whether the complaint is grievable or non-grievable.

- If grievable, the investigator(s) shall inform the complainant and respondent of the grievance.
- If the investigator(s) determines the complaint is not grievable, s/he shall inform the complainant of this decision in writing. This decision is final.

Informal Process:

Before pursuing a formal complaint process, every reasonable effort should be made to constructively resolve the issues with RRCC employees and students at the informal level. The investigator(s) shall be the facilitator over the informal resolution process. If informal resolution is not successful, the investigator(s) shall open a formal grievance case.

Formal Process:

The investigator(s) will contact or request a meeting with both the complainant and respondent. Both parties will be given the opportunity to discuss the allegations of the grievance and may offer any documentation, witnesses, or other materials in support of the complaint. During this meeting, neither party may have a representative, including attorneys or law students. These procedures are entirely administrative in nature and are not considered legal proceedings.

No audio or video recording of any kind other than as required by institutional procedure is permitted.



The investigator(s) may also contact or request a meeting with relevant college staff, students, or others as part of the investigation.

At the investigator's discretion, the investigator(s) may discontinue meetings with anyone that is causing disruption, and will proceed to make a determination based on the information known at that time.

Based on the preponderance of evidence, the investigator shall issue a decision, in writing, to both the complainant and respondent. The decision shall reject or grant the grievance and make recommendation(s) to

resolve the issue(s). The complainant and respondent shall be advised of his/her right to appeal the decision, subject to the grounds below, by filing a written appeal with the investigator within seven (7) calendar days of service of the decision.

In the event of an appeal, the investigator shall give written notice to the other party to allow him/her the opportunity to submit a response in writing. The investigator will also draft a response memorandum (also shared with all parties). All appeals and responses are then forwarded to the appointed appeals committee for initial review to determine if the appeal meets the limited grounds and is timely. The original finding will stand if the appeal is not timely or substantively eligible, and the decision is final. If the appeal has standing, the documentation is forwarded for consideration. The party requesting appeal must show error as the original finding is presumed to have been decided reasonably and appropriately. The **ONLY** grounds for appeal are as follows:

1. A procedural or substantive error occurred that significantly impacted the outcome of the decision (e.g. substantiated bias, material deviation from established procedures); or
2. To consider new evidence, unavailable during the original complaint or investigation, that could substantially impact the original finding. A summary of this new evidence and its potential impact must be included in the written appeal.

If the appeals committee determines that new evidence should be considered, it will return the complaint to the investigator to reconsider in light of the new evidence, only.

If the appeals committee determines that a material procedural or substantive error occurred, it may return the complaint to the investigator with instructions to reconvene the hearing to cure the error. In rare cases, where the procedural or substantive error cannot be cured by the investigator in cases of bias, the appeals committee may order a new grievance hearing be held by a different individual acting in the place of the designated investigator. The results of a reconvened hearing cannot be appealed. The results of a new hearing can be appealed, once, on the two applicable grounds for appeals.

Retaliatory Acts:

It is a violation of this procedure to engage in retaliatory acts against any employee or student who files a grievance or any employee or student who testifies, assists or participates in a grievance proceeding, investigation or hearing relating to such grievance.

Revising this Procedure:

RRCC reserves the right to change any provision or requirement of this procedure at any time and the change shall become effective immediately.



Appeal Committees: For faculty, the appeal committee process will follow the peer review process as outlined in BP 3-20. Administrator/Professional Technical (APT) Appeal committees will be comprised of three APT employees to be chosen by the college president in the event that an appeal is filed by the complainant or respondent.
