

ROCKY MOUNTAIN COLLEGE

FACULTY POLICY

SECTION: Faculty

NUMBER: F-001-01-0012

SUBJECT: Faculty Grievance Procedure

DATE: 4/2009

I. PURPOSE

- A. The purpose of the grievance policy is described in A-001-02-0008
- B. The definition of a grievance is described in A-001-02-0008

II. POLICY

- A. Rocky Mountain College policy requires that all employees be treated fairly and consistently in all matters related to their employment. The focus is on *what* is right and not *who* is right.
- B. Whenever possible, faculty are encouraged to pursue the resolution of job-related concerns through the informal process explained in the following procedure. In the event that a grievance cannot be resolved through these informal channels, the time limits contained in the formal procedure for processing grievances should be carefully noted. Promptness in resolving job-related concerns is a necessary condition of equity. Each individual is encouraged to become familiar with his or her responsibilities and rights as an employee. Questions concerning the grievance and appeals procedure should be referred to the academic vice president or to the personnel policies committee.
- C. It is the policy of Rocky Mountain College to provide both informal and formal avenues of resolution for employee job-related problems, or for any perceived violation of institutional procedures or standards of fairness. It is a means to ensure that employees have a method of redress in those instances where they feel they have been treated unfairly. Intimidation, harassment, coercion, or reprisal in any form against any employee for presenting a grievance is prohibited.
- D. If a faculty member has a grievance against the academic vice president or the president, the director of human resources will carry out all duties of the academic vice president in the following informal and formal procedures.
- E. If the job-related concern is resolved at any point during the informal or formal procedure, the matter is closed.
- F. Informal Grievance Procedure
  - 1. In the event that a job-related concern does not meet the definition of a grievance, as determined by the faculty members of the judicial council, the matter is closed.
  - 2. It is the College's policy to provide an informal means for the discussion and prompt, confidential and impartial resolution of job-related problems. If questions or misunderstandings are not resolved by joint discussion, either party may request a confidential review by the academic vice president. If an amicable solution does not result from such informal review, either party may then request an additional

information hearing, under mutually agreeable conditions by the academic vice president. The sole objective of this process is to provide prompt, confidential resolution to job-related problems. The focus is on *what* is right and not *who* is right. Employees with grievances are encouraged to use the informal process prior to instituting the formal procedures which follow.

#### G. Formal Grievance Procedure

1. If a mutually satisfactory resolution to a complaint cannot be reached by the parties, the following procedure will apply:
  - a. The matter will be presented as a written, signed grievance to the academic vice president within ten class days after completion of the informal grievance procedure. The written grievance will consist of a clear and concise statement of the grievance, including the date of the incident, the issue involved, and the relief sought.
  - b. The academic vice president has five class days to issue a ruling in writing and provide copies to all parties involved.
  - c. The grievant then has five class days to submit a written appeal of the ruling to the president, with notice to all parties involved.
  - d. The president has five class days to issue a ruling in writing, with copies to all parties involved.
  - e. If the grievant is not satisfied with the president's ruling, then the grievant has five class days to submit a written appeal to the faculty members of the judicial council, with copies to all parties involved.
  - f. All parties then have ten class days to prepare a presentation for the hearing before the faculty members of the judicial council.
    - i. The judicial council chair will be responsible for supervising the conduct of the hearing and maintaining decorum. The chair's decision on matters of procedure and evidence will be binding on all parties, subject only to review as specified in this policy.
    - ii. A hearing may be postponed by the judicial council chair for good cause upon a written request filed with the chair no later than 48 hours before the hearing. The chair will be the sole judge of what constitutes good cause.
    - iii. The chair may request the attendance of other College personnel at the hearing.
    - iv. The hearing will be recorded electronically, and the grievant may be allowed one copy of the recording at his or her expense.
    - v. No witness, before or after testifying, may remain in the hearing room unless the chair believes that person's presence is necessary.
    - vi. Legal rules of evidence will not apply.
    - vii. The grievant may be represented by counsel. Counsel need not be an attorney.
    - viii. The employee against whom the grievance is brought may be represented by counsel. Counsel need not be an attorney.
    - ix. The hearing will be closed and confidential.
  - g. Hearing procedural rules

- i. The issues before the judicial council will be limited to those raised by the grievant and the respondent in the original signed grievance (see G.1.a).
  - ii. The chair will review the nature of the grievance up to the time of the hearing. The chair may, at his or her discretion, ask each party, beginning with the grievant, to make a brief opening statement.
  - iii. The grievant will present evidence and may present witnesses in support of his or her grievance.
  - iv. The employee against whom the grievance is brought will present evidence and may present witnesses in support of his or her position.
  - v. Each party may ask questions of the other party or of witnesses appearing on the other party's behalf. The chair will have the sole discretion to determine the order and conduct of such questioning. In addition, the chair shall have the authority to rule questions out of order.
  - vi. Any member of the judicial council may ask questions of any party or witness at any time.
  - vii. When all evidence and witnesses have been presented by both parties, each party may make a closing statement, subject to a time limitation set by the chair.
  - viii. The judicial council will adjourn the hearing, and the judicial council will deliberate in private.
- h. The faculty members of the judicial council have ten class days to issue a ruling. The council's decision will be binding on all parties.
  - i. The judicial council will determine who has access to the proceedings and the results of the proceedings.
  - j. If a grievance reaches the hearing stage, the matter must be concluded by June 1<sup>st</sup> of the current academic year.

### III. REVIEW AND RESPONSIBILITIES

Responsible Parties: Faculty

Review: Bi-annually on or before May 31<sup>st</sup>

### IV. APPROVALS

Approved:

Faculty Chair \_\_\_\_\_  
Date: \_\_\_\_\_

Approved:

Chair, Board of Trustees \_\_\_\_\_  
Date: \_\_\_\_\_