
APPLIES TO: Faculty and staff

ISSUED: April 1, 2025

KEYWORDS: *grievance, complaint*

EFFECTIVE: April 1, 2025

PURPOSE:

This policy provides a prompt and efficient avenue for the fair and equitable resolution of grievances. The primary goal is the non-adversarial, mutually agreeable resolution of disputes.

DEFINITION OF TERMS IN THIS POLICY:

1. **Business Day:** Weekdays when the College is open for business, regardless of whether classes are in session.
2. **Faculty:** An individual who holds an appointment as a member of the Regular Faculty or Contract Faculty pursuant to the *Faculty Appointment* policy.
3. **Grievance:** A written complaint filed by a faculty or staff member alleging a violation of policy, procedure, criterion, or established practice by an administrator resulting in harm or adverse action to the grievant.
4. **Grievant:** The faculty or staff member who files the formal grievance.
5. **Respondent:** The administrator against whom the grievance is filed.
6. **Staff:** An individual who is appointed as a staff member with “regular” employment status at the College.

SCOPE:

These procedures are not intended to replace other institutional procedures governing certain types of conduct (e.g., complaints of sexual harassment, academic dishonesty) nor will they govern issues related to the termination of faculty members. These procedures may not be used to address alleged violations of law or other external regulations.

These procedures shall not be used to determine or challenge the policies and procedures of the College. Rather, these procedures may be used to determine whether, in a given instance, the College’s policies and procedures (1) were followed in reaching the challenged decision, (2) were applied uniformly and consistently, and (3) that in applying them, adequate consideration was given to all available and relevant information.

POLICY DETAILS:

The College is committed to promoting and maintaining a collegial spirit among members of the faculty, staff, and administration. To the extent possible, grievances should be settled through informal discussion at the lowest administrative level. The College expects all parties to use their best efforts to encourage the prompt settlement of differences. When either party feels a fair and equitable solution has not been reached through informal resolution, the procedures outlined below will be used to formally resolve disputes.

PROCEDURES:

1. Any faculty or staff member who feels aggrieved should attempt to resolve the concern informally with his or her immediate supervisor before initiating the grievance process. If the concern is with the immediate supervisor, the faculty or staff member can take the matter to the next level of authority. A faculty or staff member may contact Human Resources at any time during this informal process.

2. If attempts at informal resolution are unsuccessful, the faculty or staff member may file a formal grievance by submitting a written complaint to the chair of the Grievance Committee.
3. Formal grievances must be filed within thirty (30) days after the faculty or staff member knows or should have known of the basis for the complaint. This deadline may be excused if the grievant can demonstrate that good faith attempts at informal resolution occurred and the grievance was promptly filed after attempts at informal resolution proved unsuccessful.
4. The written grievance must contain the following information:
 - The administrator(s) against whom the grievance is filed;
 - The specific policy, procedure, or established practice that was allegedly violated;
 - The date(s) of the alleged violation(s);
 - Facts relevant to the alleged violation(s);
 - The identities of other College personnel with knowledge of the alleged violation(s);
 - A summary of the steps taken to resolve the complaint;
 - The resolution sought by the grievant; and
 - Any relevant information or documents that support the complaint.
5. Upon receipt of the grievance, the Grievance Committee will determine if the grievance contains the necessary elements and, if so, will provide a copy of the grievance (with all attachments) to the respondent and refer the matter to a Grievance Hearing Panel (the "Panel"). If the Grievance Committee determines that the grievance falls within one of the stated exclusions to this policy, it will be returned to the grievant with an explanation. If the Grievance Committee determines that the grievance would be more appropriately addressed by another established process at the College, the grievance will be transferred and the parties to the grievance informed of that action.
6. The respondent will have ten (10) business days after notification of the grievance to submit a written response to the chair of the Panel. The response should include all documents and information the Respondent deems pertinent to the grievance.
7. The Panel shall consist of three (3) individuals selected by the Grievance Committee. Where the grievant is a faculty member, the panel shall be drawn from the regular faculty. Where the grievant is a staff member, the panel shall be drawn from the staff ranks. No individual shall serve as a member of the Panel whose knowledge of the underlying dispute or personal or professional relationship with either party to the grievance may compromise or reasonably appear to compromise the individual's ability to render a fair and impartial decision.
8. The Panel shall review the grievance, response to the grievance, and all relevant documents submitted by the parties and determine whether the grievance can be decided based on the submitted materials or whether the facts as presented necessitate a hearing. If the Panel determines that a hearing is necessary, it will set a hearing date and give both parties the date, hour, and place of the hearing.
9. A grievant may receive the advice and support from a non-attorney advisor during the grievance process. The grievant may also consult with legal counsel at his/her own expense. However, legal counsel will not be permitted to attend or participate in any meetings or hearings.

10. All those involved with a grievance—whether it is as a grievant, respondent, or witness—are expected to cooperate and to provide truthful, accurate information related to the grievance. All individuals involved in the grievance process are expected to maintain the confidentiality of the proceedings.
11. Hearing Process. The following standards apply to all hearings:
 - a. All hearings will be limited to the issues specified in the written grievance.
 - b. The purpose of the hearing is to permit the parties to explain their positions and answer questions. The Panel has the discretion to determine the scope and conduct of such hearings.
 - c. Both the grievant and respondent are expected to be present at the hearing. A party who is unavailable in person may choose to appear by electronic means.
 - d. The hearing is intended to be an informal, peer-review, non-judicial proceeding. Accordingly, formal rules of evidence will not apply.
 - e. The chair of the Panel may, with the consent of all parties, hold an informal joint pre-hearing meeting with the parties to clarify the issues; effect stipulation of certain facts; provide for the exchange of documentary or other information; and achieve other appropriate pre-hearing objectives to make the hearing fair, effective, and expeditious.
 - f. Hearings will not be open to the public except by express agreement of the grievant and respondent, with approval of the Panel.
 - g. The grievant may have a non-attorney advisor present at the hearing. The advisor may not actively participate in the hearing (e.g., speak on behalf of the grievant or question the other party or witnesses).
 - h. Both the grievant and respondent will be given an opportunity to state their positions, present evidence relevant to the grievance, and call witnesses. While the College will reasonably cooperate with the grievant in securing witnesses and, to the extent not limited by law, in making available documentary evidence, it is the grievant's responsibility to secure his or her own witnesses and make specific requests for identifiable and relevant documentary evidence.
 - i. Witnesses must have information directly relevant to the matters in dispute in the grievance. Character witnesses are not permitted.
 - j. The Panel may call witnesses or require the production of documentary evidence, in the event such additional evidence is deemed necessary in order for the Panel to make a final determination.
 - k. At all hearings, the party presenting the witness will conduct the direct examination and the other party will have the right to cross examine. The Panel may question either party or any witness to the proceedings.
 - l. An audio recording of the hearing will be made and, upon request, a copy will be made to the parties involved without cost.
 - m. All evidence presented at any hearing before the Panel will be confidential but made available to either the grievant or respondent or his or her authorized representative; or produced in response to a properly authorized subpoena.
 - n. In carrying out its duties, the Panel has no power to alter or amend the provisions of the faculty or staff handbooks or to create policy for the College or its employees. The Panel shall not substitute its judgment for that of the original decision maker whose conduct, recommendation, or decision is under review.
12. Within ten (10) business days after completing its review of the grievance (including any hearing), the Panel shall issue to the Grievance Committee a written report with a summary of the hearing, findings of fact, and a recommendation regarding the resolution of the grievance. The report shall include a rationale for the Panel's

recommendation. The report and all other documents related to the grievance shall be provided by the Grievance Committee to the Dean for Academic Affairs. The report will also be provided by the Grievance Committee to the grievant and respondent. The Dean for Academic Affairs will accept, reject, or modify the recommendation from the Panel and notify the parties of the decision in writing.

13. The grievant bears the burden of proving there has been a violation of policy, procedures, or established practice. The standard of proof is a preponderance of the evidence.
14. Either party to the grievance may appeal the decision of the Dean of Academic Affairs in writing to the President within five (5) business days. The President will provide a copy of the appeal to the other party and solicit a written response. The appeal must be based on the information presented during the grievance investigation and no new information will be accepted unless it was previously unavailable to the party seeking its submission. The President will review the written appeal, any response to the appeal, the grievance decision, and all relevant documents submitted by the parties. The President may, but need not, hold an informal meeting to discuss the appeal with the parties and their non-attorney representatives. No hearings involving additional witnesses shall be held. The President will accept, reject, or modify the grievance decision and notify the parties of the appeal decision in writing within 30 business days after the appeal is filed. The President's decision is final and not subject to further review.
15. Retaliation against an individual who files a grievance or otherwise participates in this grievance process is prohibited. Any retaliation shall be grounds for disciplinary action, up to and including termination.
16. The President, or the President's designee, has the authority to resolve any disputes over alleged ambiguities about the meaning or application of these procedures in a particular case. In the event the President, or the President's designee, is called to resolve such an ambiguity, that resolution shall be final and the parties shall be notified of the resolution in writing.

RESOURCES/REFERENCES:

Related KH Policy:

Maintained by: Office of Academic Affairs

HISTORY OF REVISION:

Original date: April 1, 2025

Revision dates: April 1, 2025