



Title of Procedures: Administrators and Professional Staff Grievance, Faculty Grievance, Bargaining Unit Grievance Combined Procedures

Procedures (check one): New Revised

Applies to (check all that apply):

Faculty Staff Students Division/Department:

College _____

Topic/Issue:

College procedures implemented to address the grievances of all permanent (PIN) employees.

Background to Issue/Rationale for Policy or Procedure:

This revised procedures support Baltimore City Community College’s Grievance Policy and established the method in which employees may present a grievance to the College.

State/Federal Regulatory Requirements (cite if applicable):

Grievance Procedures Contained:

Administrators and Professional Staff Grievance Procedures

SUPERCEDED BY Grievance Procedures for Non-Bargaining Unit (and Non-Cabinet Level) Employees, adopted November 20, 2019

Page 2

Faculty Grievance Procedure

Page 7

Memorandum of Understanding Oct 28, 2008 – Dec 2010

between AFSCME and Baltimore City Community College

Article 32. Grievances

Page 15

1. **THIS SECTION HAS BEEN SUPERCEDED** BY Grievance Procedures for Non-Bargaining Unit (and Non-Cabinet Level) Employees, adopted November 20, 2019

Administrators and Professional Staff Grievance

Proposed Procedure Language:

A. For the purposes of this procedure, "employee" means administrators and professional staff as identified above except for those employed for less than six months of full-time employment. Employees who have started or completed six months of contractual employment may count that period of time for purpose of this procedure.

B. Definitions

- i. Respondent- The respondent is the person or persons responsible for making the decision about the employee complaint.
- ii. Grievor- The person who is filing the grievance, must be the injured party, grievances may not be filed on behalf of another person or party.

C. Grievance

Grievance means any cause of complaint arising between an employee covered by these procedures and the College concerning the interpretation and application of College rules, policies and procedures.

No decision can be rendered at any step of the grievance procedures under this policy that conflicts with or modifies:

1. A policy approved by the Board of Trustees
2. Applicable statutes

D. Grievable Matters:

Employees may file a grievance under this procedure for any action or inaction that they believe is unfair, or which is a violation, misapplication, or misinterpretation of a College policy, rule, regulation, or procedure. Grievance issues include but are not limited to open expression, salary, assignments, and the nature and conditions of an employee's work.

Grievances cannot be filed against written College policies and no complaint shall be reviewed under this grievance procedure if:

1. The complaint pertains to a subject that is reviewable under, or is specifically excluded from review by, any other College policy, including but not limited to the College's policies on nondiscrimination, sexual harassment, and sexual assault;

2. The complaint pertains to a College policy, regulation, procedure or any matter that would contravene or interfere with any such College policy, regulation, procedure, decision, or action;
3. The complaint pertains to broad areas of fiscal management, staffing, or structure of the College; or
4. The resolution of the complaint is not under the control of the College.

E. Applicability

In the event of any questions about the applicability of the procedure to a specific issue presented in a grievance, the Director of Human Resources, in consultation with the counsel for the College, shall determine the applicable policy and or procedure.

F. Work Day:

For the purposes of this procedure, work days are described as any business day, Monday through Friday, exclusive of recognized holidays or closings.

H. Representation:

Both parties to the grievance have the right to peer representation or legal counsel, and any employee authorized to present a grievance may be represented at any stage of the grievance procedure by any person or counsel of choice at the employee's own expense.

I. GRIEVANCE LEVELS

- A. Level One - A grievance should be raised within 10 working days following either the event giving rise to the grievance or the time when the employee had actual knowledge of the alleged violation. The employee should discuss the grievance with the employee's supervisor and the supervisor will respond verbally within five working days of the discussion. Every reasonable effort should be made by all parties to resolve the matter informally at this level, and no written record of the matter will be placed in the employee's official personnel file if the grievance is thus resolved.
- B. Level Two - If the employee is not satisfied with the disposition of the grievance at level one, the employee may file a written appeal to the Director of Human Resources within five working days of receipt by the

employee of the decision rendered by the supervisor. Within five working days of the receipt of the written appeal, the Director of Human Resources will set a mutually acceptable date for a meeting and notify

the employee and the supervisor. The meeting will take place within 10 calendar days after receipt of the written appeal by the Director of Human Resources. The Director of Human Resources will facilitate the level two proceedings. If the Director of HR recuses himself, he may designate an alternative from another State Agency or Assistant attorney General

If no settlement can be reached in this meeting, the Director of Human Resources will communicate the decision in writing within five working days after the meeting to the employee and to the supervisor.

C Level Three - If the employee is not satisfied with the disposition of the case at level two, the employee may file a written appeal to the Vice President for that division, with a copy to the Director of Human Resources within five working days of receipt by the employee of the decision rendered by the Director of Human Resources.

1. Within 10 days after receipt of the appeal, the Vice President will set a time and place for a meeting with the employee and will notify the employee, the employee's supervisor, and the Director of Human Resources.
2. Within 10 working days of the meeting the Vice President will render a decision in writing to the employee, to the supervisor, and to the Director of Human Resources.

D. Level Four – (Final Decision) If the employee is not satisfied with the disposition of the case at level three, the employee may file a written appeal to the Peer Review Panel, via the Director of Human Resources, with a copy to the President and the appropriate Vice President, within five working days of receipt of the Step 3 decision. The purpose of the Peer Review Panel is to advise the President with a recommendation.

1. The Director of Human Resources will, within five calendar days after the receipt of the written appeal, empanel a Peer Review Panel from the Hearing Committee Pool.
2. The Director of Human Resources will select the five panel members by lot, with the provision that each person selected will be from different departments and that none may be from the grievant department, or from the department of the person against whom the grievance is made. Two of the Peer Review Panel members will be management and three will be employee members of the panel.
3. The Peer Review Panel will select its own chairperson. Any member of the Peer Review Panel may recuse himself or

- herself from serving on the hearing panel if that member believes that he or she will be unable to render a fair and impartial decision, and a replacement will be selected.
4. Within 10 days after the Peer Review Panel has been designated by the Director of Human Resources, the chairperson of the Peer Review Panel will set a time and place for the hearing and notify the grievant, the grievant's supervisor, and the Director of Human Resources. The hearing will begin within 15 working days after the Peer Review Panel has been designated. The hearing must be concluded within five days from start.
 5. Evidence may be presented and witnesses may be called by either the supervisor or by the grievant. Hearsay evidence may be admitted. The Chair of the Peer Review Panel will be responsible for making all decisions concerning the admissibility of evidence and may exclude evidence that is incompetent, irrelevant, immaterial or unduly repetitious.
 6. The Peer Review Panel will make its decision by simple majority vote and communicate its findings in writing within five working days after the hearing is completed, to the grievant (by certified mail or hand delivery), the Director of Human Resources and the President.
 7. Within 10 working days of the receipt of the findings, the President will render a decision in writing, containing the reasons for the decision. The President will provide a copy of the written decision to the grievant, and the Director of Human Resources. A copy of the appeal, the findings of the Peer Review Panel, and the decision of the President will be placed in the grievant's official personnel file.
 8. The decision of the President shall be final.

II. TIME LIMITATIONS

- A. Each step of the grievance procedure shall be processed as quickly as practicable within the specified time limits.
- B. Extension of Time - The time limitations specified for either party may be extended or waived upon written request to the Director of Human Resources, who will notify the parties with a decision about the time limitations.
- C. Effect of Failure to Appeal within Time Limit - If there is a decision from the Director of Human Resources not to extend the time limits set herein or if a decision at one level is not appealed to the next level of the

procedure within the time limit specified, the grievance will be settled on the basis of the last decision rendered.

1. Failure to appeal at any step constitutes acceptance of the decision at the previous step.
 2. Failure of the employee to appear personally at a scheduled meeting or conference is considered an abandonment of the grievance appeal.
- D. Effect of Failure to Respond within Time Limit - Failure at any level of the grievance procedure to initiate communication of a decision to the employee within the specified time limit will permit the lodging of an appeal at the next level of the procedure within the time which would have been allotted had the decision been communicated by the final day. Failure to respond to a grievance or appeal is a denial from which an appeal can be made.

III. GENERAL PROVISIONS

- A. Identification - All written grievances and appeals will include the name and position of the employee and a brief statement of the nature of the grievance and the remedy sought by the employee.
- B. Informal Discussion - Nothing contained herein will be construed as limiting the right of the employee having a grievance to discuss the matter informally and having the grievance informally resolved.
- C. A file copy of each grievance complaint shall be maintained at the last step at which the grievance was processed. An additional copy shall be filed with the Director of Human Resources and shall be available to the employee.
- D. This grievance procedure will not be used to restrain employees in their exercise of constitutional rights, academic freedom, or open expression.
- E. The formal rules of evidence do not apply to any hearing, conference, or meeting conducted under this policy.
- F. The burden of proving the merits of the grievance rests with the employee.
- G. A grievance complaint or appeal must be in writing and must bear the personal signature of the employee in steps two and three of these procedures.

- H. Grievances by more than one employee may be put together in a single grievance, if each employee signs the grievance complaint, and the Director of Human Resources determines that the material actions or inactions and issues are substantially the same for each.
 - I. Only evidence made part of the official record shall be considered in the determination of the case.
 - J. A "need to know" standard shall apply to the confidentiality accorded to grievance procedures and those involved in such procedures who have a legitimate interest in resolving the grievance.
 - K. The original grievance complaint or appeal that has been considered on the merits will be considered de novo in its entirety at each successive step of the grievance procedure.
 - L. A grievance or appeal going forward on a procedural issue will be remanded to the lowest step to be heard on the merits, if the procedural dispute is found in favor of the employee.
-

Faculty Grievance Procedures

Grievance Policy and Procedures for Faculty

Because it is the responsibility of everyone in the College community to establish and maintain a work climate within which problems can be identified and resolved in a timely manner, the College has developed a grievance procedure for faculty. The procedure allows faculty members to file a complaint about actions that they believe are unfair, discriminatory or improperly reached. The procedure does not apply to matters that are reviewable under other College policies or procedures nor does it apply to complaints that pertain to a termination, which may be appealed in accordance with the applicable evaluation policy and procedure.

I. INTRODUCTION

A. Purpose

BCCC recognizes that legitimate problems, differences of opinion, conflicts, or complaints sometimes arise in the relationship between the College, as an employer,

and its faculty. It is the responsibility of everyone in the College community to establish and maintain a work climate within which a problem or complaint can be promptly identified, presented, discussed, and given fair and timely consideration. Each faculty member with a grievance and the College will benefit when the College responds to grievances promptly and fairly. This grievance procedure attempts to handle grievances as informally as possible and at a level in the College structure that is accessible to faculty. The procedure also attempts to handle grievances in a timely, consistent, and fair manner. Every faculty member shall have the right to make known a problem or complaint without fear of interference, coercion, restraint or reprisal.

B. Who may file a Grievance?

All persons with a full-time faculty status, at the time of the action or inaction prompting the grievance may use this grievance procedure.

C. Who is the Respondent?

The respondent is the person or persons responsible for making the decision about which the grievant is complaining.

D. What is a Grievance?

Grievance means any cause of complaint arising between a faculty member covered by these procedures and the College concerning the interpretation and application of College rules, policies and procedures.

No decision can be rendered at any step of the grievance procedures under this policy that conflicts with or modifies:

1. A policy approved by the Board of Trustees;
2. Applicable statutes; or
3. An administrative regulation issued under appropriate statutory authority.

E. Grievable Matters:

Faculty members may file a grievance under this

procedure for any action or inaction that they believe is unfair, discriminatory, or improperly reached. Grievance issues include, but are not limited to, academic freedom, salary, assignments, and the nature and conditions of a faculty member's work. Grievances cannot be filed against written College policies and no complaint shall be reviewed under this grievance procedure if:

1. The complaint pertains to a subject that is reviewable under, or is specifically excluded from review by, any other College policy;
 2. The complaint pertains to a termination that may be appealed in accordance with the faculty evaluation policy and procedure;
 3. The complaint pertains to a College policy, regulation, or procedure, or any matter the remedy for which would contravene or interfere with any such College policy, regulation, procedure, decision, or action;
 4. The complaint pertains to broad areas of fiscal management, staffing, or structure of the College; or
 5. The resolution of the complaint is not under the control of the College.
- F. In the event of any questions about the applicability of the procedure to a specific issue presented in a grievance, the Director of Human Resources shall determine the applicable policy and procedure.
- G. Work Day:
For the purposes of this procedure, work days are described as any business day, Monday through Friday, exclusive of recognized holidays or closings.
- H. Representation:
Both parties to the grievance have the right to peer or legal counsel, and any faculty member authorized to present a grievance may be represented at any stage of the grievance procedure by any person or counsel of choice at the faculty member's own expense.

II. PROCEDURE

- A. Level One. A grievance should be raised within 10 working days following either the event-giving rise to the grievance or the time when the grievant had actual knowledge of the alleged violation. The grievant should discuss the grievance with the grievant's chairperson and the chairperson will respond orally within five working days of the discussion. Every reasonable effort should be made by all parties to resolve the matter informally at this level, and no written record of the matter will be placed in the grievant's official personnel file if the grievance is thus resolved.

If the grievant cannot resolve the grievance informally, the grievant may file a written grievance with the grievant's chairperson within five working days following the chairperson's oral response. Within five working days of receipt of the written grievance, the chairperson will respond with a written decision on the grievance.

- B. Level Two. If the grievant is not satisfied with the disposition of the grievance at level one, the grievant may file a written appeal to the Vice President for Learning within five working days of receipt by the grievant of the decision rendered by the chairperson. Within five working days of the receipt of the written appeal, the Vice President for Learning will set a mutually acceptable date for a meeting and notify the grievant and chairperson. The meeting will take place within 10 calendar days after receipt of the written appeal by the Vice President for Learning. If no settlement can be reached in this meeting, the Vice President for Learning will communicate the decision in writing within five working days after the meeting to the grievant and to the chairperson.
- C. Level Three. If the grievant is not satisfied with the disposition of the case at level two, the grievant may file a written appeal to the Director of Human Resources within five working days of receipt by the grievant of the decision rendered by the Vice President for Learning. The Director of Human Resources will impanel an ad hoc hearing committee ("hearing committee") to hear the grievant's case.
1. If the grievant requests that the Director of

Human Resources impanel a hearing committee, the Director of Human Resources will, within five calendar days after the receipt of the written appeal, select a hearing committee of three disinterested persons from the hearing committee panel provided for such committees in Section F of this policy.

Two of the hearing committee members will be faculty members and will be selected by lot, with the provision that they be from different departments and that neither of the members selected may be from the grievant's department nor from the department of the person against whom the grievance is made. The third member appointed to the hearing committee will be selected by lot from among the named representatives selected for the hearing panel by the Vice President for Learning with the provision that that person is not in the chain of command of the grievant. The hearing committee will select its own chairperson. Any member of the hearing committee may reclude himself or herself from serving on the hearing panel if that member believes that he or she will be unable to render a fair and impartial decision.

2. Within ten days after the hearing committee has been designated by the Director of Human Resources, the chairperson of the hearing committee will set a time and place for the hearing and notify the grievant, the grievant's chairperson, and the Vice President for Learning. The hearing will begin within fifteen working days after the hearing committee has been designated.
3. The hearing committee will make its decision by simple majority vote and communicate its findings in writing within five working days after the hearing is completed, to the grievant (by certified mail or hand delivery), to the chairperson, to the Vice President for Learning, and to the President.

Within ten working days of the receipt of the findings of the committee, the President will accept or reject the findings of the committee. Should the President reject the findings of the committee, the President will set forth the rationale of the action in writing. The President will provide a copy of the written decision to the grievant, to the chairperson, to the hearing committee chairman, and to the Vice President for Learning.

A copy of the appeal, the findings of the hearing committee, and the decision of the President will be placed in the grievant's official personnel file. The decision of the President shall be final.

III. TIME LIMITATIONS

- A. Extension of Time. The time limitations specified for either party may be extended or waived by written mutual agreement.

- B. Effect of Failure to **Appeal** within Time Limit. If there is no written mutual agreement to extend the time limits set herein or if a decision at one level is not appealed to the next level of the procedure within the time limit specified, the grievance will be settled on the basis of the last decision rendered. Failure to appeal at any step constitutes acceptance of the decision at the previous step. Failure of the employee to appear personally at a scheduled meeting or conference is considered an abandonment of the grievance appeal.

- C. Effect of Failure to **Respond** within Time Limit. Failure at any level of the grievance procedure to initiate communication of a decision to the employee within the specified time limit will permit the lodging of an appeal at the next level of the procedure within the time which would have been allotted had the decision been communicated by the final day. Failure to respond to a grievance or appeal is a denial from which an appeal can be made.

- D. Each step of the grievance procedure shall be

processed as quickly as practicable within the specified time limits.

IV. GENERAL PROVISIONS

- A. Identification. All written grievances and appeals will include the name and position of the grievant and a brief statement of the nature of the grievance and the remedy sought by the grievant.
- B. Avoiding Interruptions. In pursuing the provisions of this procedure, every effort will be made to avoid interruption of classroom activity and the unnecessary involvement of students.
- C. Informal Discussion. Nothing contained herein will be construed as limiting the right of the grievant having a grievance to discuss the matter informally with any appropriate member of the College and having the grievance informally resolved.
- D. A file copy of each grievance complaint shall be maintained at the last step at which the grievance was processed. An additional copy shall be filed with the Director of Human Resources and shall be available to the grievant.
- E. Academic Freedom. This grievance procedure will not be used to restrain grievants in their exercise of constitutional rights or academic freedom.
- F. Hearing Committee Panel. There will be a hearing committee panel that will constitute prospective committee members for ad hoc committees as provided for in this section. Each of the nine academic departments of the Division of Learning will elect two faculty representatives who are not department chairpersons to the hearing committee panel. Additionally, the Vice President for Learning will select nine representatives to the hearing committee panel from among the chairpersons, and administrative and professional staff, in the Division.
- G. An employee may not file a grievance on behalf of another person.

- H. The formal rules of evidence do not apply to any hearing conducted under this policy.
- I. The burden of proving the merits of the grievance rests with the grievant.
- J. A grievance complaint or appeal must be in writing and must bear the personal signature of the grievant in steps two, three, and four of these procedures.
- K. Grievances by more than one grievant may be put together in a single grievance, if each grievant signs the grievance complaint, and the material actions or inactions and issues are substantially the same for each.
- L. Each party to the grievance may challenge the service of one potential member of the hearing committee. Following the challenge of a potential member of the hearing committee, a replacement will be selected by lot.
- M. Members of the hearing committee may question the grievant and any witness. The hearing committee may call witnesses as it deems necessary, but their testimony must be a part of the official hearing record.
- N. Only evidence made part of the official record shall be considered in the determination of the case.
- O. Both parties have the right to call witnesses, including members of the campus staff, in pursuance of their cases. The hearing committee cannot assure the presence of witnesses requested by either party. However, either party may request in writing that the hearing committee contact a witness or witnesses to request their appearance at the hearing. The hearing committee may contact such witness(es) if in its judgment the request is reasonable and the testimony to be given by the witness(es) is demonstrably relevant to the issues raised by the grievance.
- P. The grievant shall first present his or her case;

the respondent will then present a response.

- Q. The chairperson of the hearing committee shall make rulings on all questions concerning the course of the proceedings and the presentation of the evidence and may order the proceedings, as the chairperson deems appropriate. The chairperson, at its discretion, may set time limits for presentation of testimony and exclude redundant or irrelevant evidence.
- R. Before proceeding to the hearing itself, the hearing committee may decide to dismiss the grievance if all three committee members agree that the dispute is frivolous or without merit or insufficiently related to the concerns of the academic College community.
- S. A "need to know" standard shall apply to the confidentiality accorded to grievance procedures and those involved in such procedures who have a legitimate interest in resolving the grievance.
- T. All grievance hearings shall be open hearings unless either party requests that the hearing be closed.
- U. Upon request of either party, the chairperson of the hearing committee may exclude witnesses from the hearing room until called.
- V. The original grievance complaint or appeal that has been considered on the merits will be considered de novo in its entirety at each successive step of the grievance procedure.
- W. A grievance or appeal going forward on a procedural issue will be remanded to the lowest step to be heard on the merits, if the procedural dispute is found in favor of the grievant.

(Approved by the Board of Trustees: February 16, 1994)

Memorandum of Understanding Oct 28, 2008 –Dec 2010 between AFSCME and Baltimore City Community College

Article 32. Grievances

Grievance Procedure

The purpose of this Article is to provide a mutually acceptable method for the prompt and equitable resolution of grievances filed by bargaining unit employee(s), the Union or the College. This is the exclusive procedure available to bargaining unit employees, the Union or the College for the resolution of grievances alleging a breach of the provisions of this MOU. No reprisal shall be taken against any employee for the filing and processing of any grievance.

Section 1. Definitions

- A.** Grievance: A dispute alleging a violation, misapplication, or misinterpretation of this MOU, or applicable College policies, rules, regulations, or procedures.
- B.** Working Day: A day in which the main Administrative Offices of the College are open for regular business (Monday-Friday).
- C.** Grievable: Where the matter in dispute involves an alleged violation, interpretation, or application of the terms of this MOU, or applicable College policies, rules, regulations or procedures.
- D.** Arbitrable: Where the grievance that has been referred for arbitration was processed in accordance with the terms of the Grievance Procedure Article and is within the scope of the definition of a grievance.

Section 2. Resolution of Grievances

The Union and the College agree that grievances should be processed in an orderly, prompt, and equitable manner so that the efficiency of the College and the morale of employees shall be maintained. Every effort will be made by the parties to resolve grievances at the earliest possible step of this procedure. In this regard, the parties commit to fully discussing their positions and the facts and evidence supporting such position so that each party can make an informed decision on the appropriate resolution of the grievance under consideration.

Section 3. Grievability/Arbitrability Issues

In the event either party should declare a grievance non-grievable or nonarbitrable, the original grievance shall be considered amended to include this issue. The parties agree to raise any question of grievability or arbitrability of a grievance prior to the time limit for the written answer in the final step of this procedure.

Section 4. Exceptions

The negotiated grievance procedure will not be available to resolve a dispute concerning:

- A.** Any examination, certification, or training requirement.
- B.** The reclassification of any position, which does not result in the reduction in grade or basic pay of an employee.
- C.** The removal of an employee serving a probationary period.
- D.** Decisions on incentive awards.
- E.** Performance evaluations that do not impose a work improvement plan.
- F.** Any policy or regulation over which management does not have control.

Section 5. Procedure for Employee Grievances

Informal Procedure

- A.** Within fifteen (15) calendar days of the action involved, or within fifteen (15) calendar days of the employee having knowledge of such act, an informal meeting should take place with his/her immediate supervisor for the purpose of resolving the problem. The supervisor will issue an oral decision within three (3) working days from the date the employee presented the issue.
- B.** In the absence of the first level supervisor, the grievance may be submitted to his or her designee.
- C.** If the decision is not received within 3 working days, or if the decision is not satisfactory to the employee, the employee may proceed to Step 1 of the grievance procedure.
- D.** Time limits can be extended for good cause and with the written consent of the parties.

Step 1. Formal Procedure

If the grievance is not resolved at the informal meeting, the employee and/or his representative may submit the grievance, in writing on the approved grievance form, to the appropriate Dean or Director or his/her designee, with a copy to the Director of Human Resources.

- A.** The Dean or Director or designee will, within five (5) working days of the receipt of the grievance, schedule a meeting with the job steward and the grievant, along with the Director of Human Resources to attempt to resolve the grievance. The meeting will occur within fifteen (15) working days of the receipt of the grievance.
- B.** The Dean or Director or designee will render a written answer within ten (10) working days of the meeting. The answer will include the reasons for the decision. A copy of the written answer in a disciplinary grievance shall be provided to the appropriate Vice President(s).
- C.** In the event the Dean or Director or designee's answer is not satisfactory to the grievant, the grievance may be appealed to the Step 2 of this grievance procedure. Such appeal must be submitted in writing within five (5) working days of the Union's receipt of the first step answer.

D. Time limits can be extended for good cause and with the written consent of the parties.

Step II. Intermediate Decision

The Vice-President will make every effort to resolve the grievance.

A. The Vice-President will, within five (5) working days of the receipt of the grievance, hold a meeting with the grievant, the Union representative and the Director of Human Resources or designee to attempt to resolve the grievance.

B. The Vice-President shall, within ten (10) working days of the second step meeting, render a decision in writing containing the reason(s) for the decision.

C. Time limits can be extended for good cause and with the written consent of the parties.

D. If the decision is not deemed acceptable, the grievance may be appealed to Step 3 of this grievance procedure. Such appeal must be submitted in writing within five (5) working days of the Union's receipt of the second step answer.

Step III. Final Decision

The President or his or her designee will be the final step for any grievance. The President or his or her designee will make every effort to resolve the grievance.

A. The President or his or her designee will within five (5) working days of the receipt of the grievance, hold a meeting with the grievant, Union representative and the Director of Human Resources or designee to attempt to resolve the grievance.

B. The President or his or her designee shall, within ten (10) working days of the third step meeting, render a decision in writing containing the reason(s) for the decision.

C. Time limits can be extended for good cause and with the written consent of the parties.

D. If the decision is not deemed to be acceptable, the Union may refer the grievance to arbitration as provided for in Arbitration Article.

Section 6. General Provisions

A. If a dispute arises from the action of an authority higher than the immediate supervisor, such dispute may be initiated at the appropriate step of this procedure.

B. When meetings, conferences or arbitration hearings are scheduled or held under this Article, employees who are required to attend or who are called as witnesses by one of the parties shall, with 48 hours advance

notice, be excused from his duties. Grievance meetings shall be treated as work time.

C. A grievance may be withdrawn at any time. After withdrawal the grievant shall not file any subsequent grievance on the basis of the same event.

D. Upon the failure of the grievant, or his/her representative where appropriate, to file an appeal within the time limits provided in this Article, the grievance shall be deemed to have been resolved by the decision at the previous step.

E. Except for good cause shown as determined by the arbitrator selected for arbitration of the grievance, only those issues and sections of this MOU cited in the initial filing of the grievance may be considered at subsequent steps of the procedure.

F. Each party has an obligation to fully present its position and its evidence in support of its position at each step of the grievance procedure. No party may present evidence at an arbitration hearing if the party refused to present such evidence during the grievance procedure.

G. The decision to submit a case to arbitration shall be a waiver of all other remedies except as provided otherwise by statute.

**Proposed by: Tony Warner
Executive Director- Human Resources/Senior Staff Member**

Approved by the Board of Trustees: April 27, 2010

Procedures Revised: June 9, 2010; portions superceded by Grievance Procedures for Non-Bargaining Unit (and Non-Cabinet Level) Employees, adopted November 20, 2019

Originator/Division: Human Resources/Office of the President