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## BP 7355 Grievance Procedure

### Grievance Procedure

#### A. Definitions

1. A “grievance” is a claim by an applicant, employee, or group of employees, of a violation of the Civil Rights Laws, Affirmative Action Policy, Sexual Harassment Policy, the improper implementation of Board policy, unfair treatment, or disciplinary action resulting in suspension or termination.
2. “Informal Grievance” is that stage of a grievance procedure involving the grievant and the person responsible for the alleged grievance.
3. “Formal Grievance” is that stage of a grievance proceeding other than informal grievance. Formal grievance proceeds with the giving of written notice as herein provided.
4. “Parties or persons directly involved” are the grievant, the person responsible for the alleged grievance, any other employee, including the College President and the Board of Education who has rendered prior decisions in processing the grievance.
5. “Day” as used herein refers to a working day.

#### B. Board Policies

The Board of Education establishes that:

1. The grievant has the right to be assisted by counsel at all stages of the grievance procedure at the grievant’s expense.
2. Management has the right to be assisted by counsel at all stages of the grievance procedure.
3. The grievant shall be allowed time away from his/her job without loss of pay when required to attend meetings with management for the purposes of adjusting the grievance under the procedures defined herein.
4. The grievant may withdraw his/her grievance at any time.
5. Time limits may be extended by mutual agreement. If either party fails to comply with the established time limits, the grievance shall be declared settled in favor of the other party.
6. There shall be no restraint, interference, discrimination, or reprisal against an employee who uses these procedures for resolving a grievance.
7. Employees will be free from retaliation as a result of filing for a grievance or participating in any manner in an investigation or processing of a grievance. No employee shall be discharged, suspended, demoted or subjected to other adverse personnel actions because he or she acted in good faith pursuant to this policy and as provided for under Federal and State Law.

C. Informal Grievance Procedure

1. The aggrieved party shall, within ten (10) working days of the occurrence or of the aggrieved party's first knowledge of the facts of the occurrence, attempt to resolve the grievance informally. Every attempt shall be made to resolve the grievance at the lowest level possible. The grievant and the person responsible for the alleged grievance shall meet to attempt to resolve the grievance on an informal basis. Another administrative level employee may be requested by mutual consent of the parties to assist in the resolution of the grievance at the informal level.
2. The grievant may invoke the formal grievance procedure if the grievance is not resolved during the informal process.

D. Formal Grievance Procedure

1. The grievant shall submit to his/her supervisor or to the Director of Human Resources a written complaint which shall specify the factual details of the violation and the remedy requested. This statement shall be the basis for any further formal consideration of the grievance and requested remedy and shall not be materially altered when presented for consideration at various steps in the grievance procedure unless new facts or evidence appear.
2. No grievance shall be heard unless it is submitted pursuant to 505.0400 within twenty (20) days of the grievant's knowledge of the incident giving rise thereto. If there is more than one grievant, each grievant must meet this time limit. Any grievant not meeting this time limit shall be dropped from the grievance.
3. A meeting between the grievant and the supervisor or the Director of Human Resources shall occur within seven days of the written complaint. A meeting shall occur between the supervisor and the person responsible for the alleged grievance, who will be advised of the grievance and provided the opportunity to respond.
4. The supervisor or Director of Human Resources shall issue a written decision within seven days of the meeting as to whether or not the facts support the grievant's complaint and the requested remedy and state the rationale for the decision to all parties involved.
5. If the grievant is not satisfied with the written decision of the supervisor or Director of Human Resources, the grievant may, within seven days of the written decision, submit the grievance to the College President.
  - a. Within seven days of receipt of the appeal, the College President shall meet with the grievant and discuss the grievance. The grievant may present written or oral evidence in support of the written complaint. A written record shall be made of this meeting.
  - b. The person responsible for the alleged grievance will be afforded the opportunity to provide an oral or written response to the grievance. If an oral response is provided a formal record shall be made of this meeting.

- c. Within seven days of the meeting, the College President shall issue a written decision providing copies to the parties directly involved.
6. If the grievant is not satisfied with the written decision of the College President, the grievant may, within seven days of its receipt, submit the grievance to the College Board of Education.
  - a. Within fourteen days of receipt of the grievance, the Board of Education shall meet with the grievant and may meet with the person responsible for the alleged grievance to discuss the grievance.
  - b. The person responsible for the alleged grievance will be afforded the opportunity to provide an oral or written response to the grievance.
  - c. The Board of Education shall, within seven days of this meeting, issue a written decision providing copies to the parties directly involved. The decision of the Board of Education shall be final except as allowed for under Federal and/or State Law.

*Replaces former KCC Policy 505.0400*

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