

10.04 Employee Complaints and Grievances

Original Approval: **DATE**

Last Updated: **DATE**

Last Reviewed: **DATE**

Policy / Purpose:

It is the policy of Wallace Community College – Selma (WCCS) ensure compliance with Alabama Community College System (ACCS) [Board Policy 620.02](#) and [Board Policy 620.01](#).

Scope:

This policy applies to all WCCS employees during any activity involving the College, including the workday. In addition, visitors, vendors, contractors, and all other non-employees are expected to recognize and comply with College policies. This policy excludes the College President.

Definitions:

There are no definitions applicable to this policy.

Details:

1. **Employee Complaints:** This policy is intended to cover employee complaints related to discrimination, harassment, hostile work environment, ethical concerns, and other legal-related matters against any person associated with an ACCS entity. This policy does not cover general workplace grievances, conduct, or professionalism, which are addressed by [Board Policy 620.01](#) or complaints of sexual harassment, which are covered in [Board Policy 620.03](#) and [Chancellor's Procedures 620.03](#). This policy does not apply and cannot be used against a President. Any employee who believes they have been subjected to or observed:
 - discrimination based on race, color, national origin, religion, marital status, disability, sex, age, or any other protected class as defined by federal and state law,
 - harassment in forms other than sexual,
 - hostile work environment,
 - ethical violations or similar concerns,
 - criminal acts,
 - ACCS, College, or Chancellor policy or procedure violations,
 - or other legal-related issues,

by any person associated within the ACCS entity (other than a President), will report the action immediately, and in no event less than ten (10) calendar days following the event, to the Title IX Coordinator, Senior Personnel Officer, or President. In conjunction with the report, the employee will provide a written statement, as well as any evidence the employee believes substantiates the complaint, and will be required to assist in an appropriate investigation.

- a. **Review and Investigation of Complaint:** The College will designate an appropriate person to review and investigate the matter and may engage legal counsel for this purpose, as determined by the President. This review and investigation will be conducted promptly and within 45 calendar days if practical, but not later than 60

calendar days, unless this period is extended by agreement of the complaining and responding parties. The President or their designee will issue a written response to the reporting employee within 15 calendar days if practical, but not later than 30 calendar days unless this period is extended by agreement of the complaining and responding parties; once the review and investigation has been completed, and this written response will be final.

- b. **Good Faith Complaint:** An employee who brings a good faith complaint under this policy will not be retaliated against in any manner. Any employee who retaliates against an employee for making a good faith complaint under this policy will be disciplined.
2. **Employee Grievances:** This policy is intended to cover grievances between and amongst employees of an ACCS entity about general workplace issues, conduct, or professionalism. This policy does not apply and cannot be used against a President. This policy is not intended to cover complaints regarding discrimination, harassment, hostile work environment, ethical concerns, or other legal-related matters, which are covered under [Board Policy 620.02](#). Any employee who claims a grievance (or who is reporting an observed grievance) must file a written statement within 10 calendar days from the date of the alleged incident, otherwise the grievance will not be reviewed under this policy. Oral grievances do not comply with this policy. The written statement must be filed with the complaining employee's direct supervisor, unless the direct supervisor is the person about whom the grievance is lodged. In such cases, the employee must file the statement with the next supervisor in line.
 - a. **Notification of Grievance:** The supervisor (or other person receiving a written grievance) will notify Human Resources personnel and/or the President as appropriate.
 - b. **Grievance Investigation / Report of Findings and Recommendations:** The supervisor, or other person appointed to address the grievance, must review the written statement and conduct an investigation of the claims within 45 calendar days (or as otherwise agreed), and then make a written report of findings with recommendations within 60 calendar days of receipt of the grievance. The report must be given to the President, the complaining employee, and the person about whom the grievance is lodged.
 - c. **Findings Objections:** The complaining employee or the person about whom the grievance is lodged has 5 calendar days from receipt of the written report to provide specific written objections to the report of findings with recommendations to the President, which will be considered by the President or their designee before issuing a final decision. This decision will be final.
 - d. **Good Faith Grievance:** An employee who brings a good faith grievance under this policy will not be retaliated against in any manner. Any employee who retaliates against an employee for making a good faith grievance under this policy will be disciplined. The President's decision will be final.
 - e. **Employee Grievance Time Frames:** Adequate time is provided to complete activities prescribed within each step of the Grievance Procedure, and consideration should be given to completing each step as expeditiously as possible.

- 1) If the last day for filing a notice of appeal falls on a Saturday, Sunday, or a legal holiday, the appealing party will have until 5:00 p.m. the first working day following to file.
- 2) If a Grievance is not filed within the time limits, the dispute in question will be regarded as forfeited and will not be processed further.

Procedure(s):

Employee Complaint Procedures

1. An employee may file a formal complaint by completing an Employee Complaint and Grievance Form for an allegation based upon any of the following within 10 calendar days of the event:
 - Discrimination based on race, color, national origin, religion, marital status, disability, sex, age, or any other protected class as defined by federal and state law;
 - Harassment in forms other than sexual;
 - Hostile work environment;
 - Ethical violations or similar concerns;
 - Criminal acts;
 - ACCS, College, or Chancellor policy or procedure violations; and
 - Other legal-related issues.

NOTE: *The employee may attach any evidence to the Employee Complaint and Grievance Form.*

2. The **Employee Complaint and Grievance Form** will be reviewed by the Human Resources Office and the President.
3. Human Resources and/or the President will designate an appropriate person to investigate the matter. This review and investigation will be conducted promptly and within 45 calendar days if practical, but not later than 60 calendar days, unless this period is extended by agreement of the complaining and responding parties.

NOTE: *The College may engage legal counsel or a qualified third-party investigator, as determined by the President.*

4. The person designated to investigate the matter will provide a written letter of findings and recommendation to the President.
5. Upon review and approval by the President, the person designated to investigate the matter will issue a written letter of findings and recommendation to the reporting and responding parties within 15 calendar days, if practical, but not later than 30 calendar days unless this period is extended by agreement of the complaining and responding parties; once the review and investigation has been completed, and this written response will be final.

Employee Grievance Procedures

1. The employee may file a formal Employee Grievance by completing the Employee Complaint and Grievance Form within 10 calendar days from the date of the alleged incident, otherwise the grievance will not be reviewed under this policy.

NOTE: *Oral grievances are not accepted.*

2. The Employee Complaint and Grievance Form will be reviewed by the Human Resources Office.
3. Human Resources will contact the Complaining Party to discuss the information in the Employee Complaint and Grievance Form and determine the applicable supervisor to address the grievance.
4. Human Resources will distribute the Employee Complaint and Grievance Form to the employee's direct supervisor (unless the direct supervisor is the person about whom the grievance is lodged.) In such cases, Human Resources will distribute the Employee Complaint and Grievance Form to the next supervisor in line. Human Resources will notify the President as appropriate.
5. The supervisor, or other person appointed to address the grievance, must review the written statement, and conduct an investigation of the claims within 45 calendar days (or as otherwise agreed).
6. Upon the completion of the investigation (referenced in #4 above), the supervisor, or other person appointed to address the grievance will create a written report of findings with recommendations within 60 calendar days of receipt of the grievance. The report must be given to the President, the complaining employee, and the person about whom the grievance is lodged.
7. The complaining employee or the person about whom the grievance is lodged has five (5) calendar days from receipt of the written report to provide specific written objections to the report of findings with recommendations to the President, which will be considered by the President or his/her designee before issuing a final decision.
8. The President's decision will be final.

Additional Provisions / Information:

Refer to the Employee Discipline Policy.