



**Title of Procedures: Administrators and Professional Staff ( Non-Bargaining Unit) Grievance Procedures**

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**Procedures (check one):** New  Revised

**Applies to (check all that apply):** Faculty  Staff  Students

**Topic/Issue:**

College procedures implemented to address the grievances of all permanent (PIN) non-bargaining unit employees who are not members of the President's cabinet.

**Background to Issue/Rationale for Policy or Procedure:**

These procedures support Baltimore City Community College's Grievance Policy and establish the methods for conducting grievances brought by non-bargaining unit employees who are not members of the President's cabinet. Cabinet level employees serve at the will of the President and are not subject to these or any other grievance procedures.

**Proposed Procedure Language:**

- A. For the purposes of this procedure, "employee" means non-union and non-cabinet level administrators and professional staff 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 College, represented by the person or persons responsible for implementing the decision or action affecting the employee complainant.

- ii. Grieved- 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 a violation, misapplication, or misinterpretation of a College policy, rule, regulation, or procedure. Grievance issues are those that affect the terms and conditions of an employee's work, such as suspension or other form of discipline, demotion or termination.

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 broad areas of fiscal management, staffing, or structure of the College; or
3. 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.

G. Representation/Support:

The grievant and the college may submit written materials to the decision-maker, with copies to the opposing party, at every stage of the grievance process. At every grievance meeting, the grievant and the college may be supported by no more than two individuals. Legal counsel may attend the meetings at a party's request in a support/advisor capacity, but will not speak on behalf of a party.

## 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 Vice President/Cabinet Member 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 supervisor.
1. Within 10 days after receipt of the appeal, the Vice President/Cabinet Member 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/Cabinet Member will render a decision in writing to the employee, to the supervisor, and to the Director of Human Resources.
- C. Level Three – (Final Decision) If the employee is not satisfied with the disposition of the case at level two, the employee may file a written appeal to the President, via the Director of Human Resources, with a copy to the appropriate Vice President/Cabinet Member, within five working days of receipt of the Step 2 decision. 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 burden of proving the merits of the grievance rests with the employee.
- F. 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.
- G. 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.
- H. 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.
- I. The original grievance complaint or appeal that has been considered on the merits will be considered de novo. (De novo review means that the decision-maker at each step in the grievance process will make an independent determination of the issues, without deference to the conclusions made at an earlier grievance step.)

**Approved by the Board of Trustees: November 20, 2019**

**Procedures Revised:**

**Originator/Division: Human Resources/Office of the President**