

Section IV.F.10: Employee Grievance and Review Procedures

These procedures supplement and clarify Section IV.F.10 of the Lone Star College System District Policy Manual last revised by the Board of Trustees on November 5, 2015—setting out the College’s employee grievance policies. The Policy Manual controls when a conflict arises between it and the procedures below. These procedures were last updated on **February 15, 2016**. The notice and comment period was open online to the public from **January 6, 2016** through **February 5, 2016**.

1. Who May Bring a Grievance: Individual employees may submit grievances on their own behalf or on behalf of a group as an associational grievance. For ease of administration, associational grievances must designate a grievant-in-charge. The grievant-in-charge will be the associational grievance’s spokesperson for purposes of these procedures. Notices to the grievant-in-charge will be considered notice to the entire associational group. Finally, the word “bring” has the same meaning as submit, file, or tender for the purposes of this procedure.

2. Right of Representation: The grievant may have a representative help him or her during a grievance proceeding. The grievant may also have a representative present during a grievance conference. “Proceeding” refers to the entire process and procedure once an employee files a grievance whereas “conference” refers to specific meetings within that proceeding. The representative may be anyone who does not claim the right to strike—including a lawyer. Any College official may also have a representative present at the conference under these procedures or have a representative help him or her during a grievance proceeding. Representatives are there to assist their respective principal, not to question the other principal, or otherwise conduct the conference. The Office of General Counsel or its designee will help the College and is also bound by the same rules applicable to the grievant’s representative.

Representatives impeding a conference may be asked to leave the conference. A grievant is not entitled to a second conference merely because a representative was asked to leave a prior conference. The grievant will have the option of continuing without their representative, or terminating the grievance conference, but in no event will there be successive conferences merely because a grievant’s representative was asked to leave an initial conference.

The grievant is responsible for any fee or expense incurred by his or her representative. Nothing in these procedures entitles an employee to a representative in an employer-employee meeting not initiated under Section IV.F.10 of the Lone Star College System District Policy Manual.

3. Procedural Steps Overview: The Lone Star College System District Policy Manual sets out five distinct steps a grievant may take to attempt to resolve an employment grievance under Section IV.F.10: (1) informal resolution, (2) formal grievance, (3) first-level appeal, (4) second-level appeal, and in limited circumstances, (5) a board appeal. Each step must be exhausted before proceeding to the next step unless one of two conditions exists.

First, the grievant holds a higher administrative position than the would-be hearing officer. In such a case, the grievant will move from step (1) to the appropriate level depending on the grievant's position. For example, a president would never grieve to a vice president, but would instead grieve directly to the Chancellor via step (4). A vice president would likewise grieve directly to the President via step (3).

Second, the grievance is against the would-be hearing officer. In such a case, the grievant would move from step (1) to the respondent's immediate supervisor. For example, a grievance against an Associate Vice Chancellor would proceed from (1) to (3). Nothing in these procedures, however, absolves an employee or a supervisor from meeting informally under step (1) in an attempt to informally resolve the employee's concern.

4(a). Presenting an Informal Grievance. Informality requires flexibility on both sides of a grievance. The College encourages employees to discuss their concerns, complaints, and grievances through informal conferences before escalating concerns. Concerns should also be expressed as soon as possible to allow early resolution at the lowest possible administrative level. An adjunct faculty member should try to informally resolve their grievance with the help of their department chair. If resolution with the department chair proves unsuccessful, the adjunct faculty member is asked to then involve his or her dean.

The Office of Organizational Development offers a Conflict Resolution Course to all employees. All employees are encouraged to complete the course to facilitate resolution of employee concerns between themselves or between an employee and a supervisor.

Grievants and their supervisors should contact their location's Senior Human Resources Manager (SHRM) for advice on whether a mediation is appropriate if a supervisor and a grievant cannot resolve the grievant's concern.

The SHRM shall notify and brief the Chief Human Resources Officer. The Chief Human Resources Officer will designate a mediator if he or she believes a mediator is appropriate. The Chief Human Resources Officer may designate an outside party, an employee from another LSC-college or location, or an employee from the grievant's member-college or location, as a mediator. The Chief Human Resources Officer's decision regarding the appropriateness and designation of a mediator will be final.

The mediation will occur at a neutral site to the employee and the supervisor. The mediation should not occur in the everyday workspace of either the employee or the supervisor. The mediator shall issue no written decision, but shall endeavor to orally resolve the employment conflict the day of the mediation. Mediation shall in no event last longer than a business day (defined as from 8 a.m. to 5 p.m.).

4(b). Step 2: Presenting a Formal Grievance. An employee may submit a formal grievance if the employee is not satisfied with the resolution the informal process yields.

(1) Where and With Whom:

College employees must file their formal grievances with their supervisory vice president. For example, a faculty member files a formal grievance with the vice president of instruction; a facilities employee with the vice president of administrative services; and a student

services employee with the vice president of student success, student affairs, or enrollment management as the case may be at that college. If a particular vice president position is vacant, the grievance will be heard by the most senior vice president (in terms of uninterrupted longevity with the Lone Star College System District) in that college—assuming no interim or acting vice president exists supervising the grievant. If an employee works in a hierarchy with no vice president, the most senior official in the grievant’s division reporting directly to the college’s president, will be the appropriate individual to hear a grievance under this section.

System Office employees must file their formal grievances with their respective associate vice chancellor. If a System Office employee works in a hierarchy with no associate vice chancellor—either through the absence of the position or a vacancy—the person with the second-highest level authority in that division—whether in an acting, interim, or permanent capacity—will be the appropriate individual to hear a grievance under this section.

The appropriate individual to hear a grievance under this section, both for college and System Office employees, will forward a copy of the formal grievance to the college or System Office Senior Human Resources Manager (SHRM), who will start a file, separate from a routine personnel file, to document the grievance. The SHRM will then forward the formal grievance to the Chancellor’s Chief of Staff and the Chief Human Resources Officer.

(2) When:

The formal grievance must be submitted within 15 working days from the event, occurrence, or conclusion of the informal resolution process, whichever is later.

(3) Decision:

The appropriate hearing officer, typically a vice president or associate vice chancellor, must confirm in writing receipt of the grievance within three working days of receiving it. The confirmation may be made via email, but must be made through at least Certified Mail Return Receipt Request with the United States Postal Service. The return receipt must be forwarded to the location’s SHRM and be kept in the grievance file.

Receipt notice must be accomplished by using Grievance Form 1 attached to these procedures as an appendix. As Grievance Form 1 indicates, the appropriate hearing officer, typically a vice president or associate vice chancellor, must hold an in-person conference within ten working days of receiving the grievance. The appropriate hearing officer must complete Grievance Form 1, date it, sign it, and forward it to the applicable SHRM. The SHRM must include the form in the employee’s grievance file.

The hearing officer must deliver a decision within five working days of the grievance conference. The hearing officer’s written decision shall clearly explain the basis of his or her decision and any additional information or documents obtained after the grievance conference. In reaching a decision, the hearing officer may consider the information presented at the grievance conference, and any other relevant documents or information he or she believes will help resolve the grievance.

The timelines set out above may be extended by mutual written consent of the parties. Emails from both parties are sufficient for this purpose.

4(c). Step 3: First-Level Appeal. An employee may appeal a formal grievance decision if the employee is unsatisfied with the initial decision-maker's conclusion or if a decision is not timely rendered.

(1) Where and With Whom:

College employees may file a first-level appeal with their college's president. If a particular president's position is vacant, the first-level appeal will be heard by the interim or acting president of that college. If no permanent, acting, or interim president exists for that college, the most senior president (in terms of uninterrupted longevity with the Lone Star College System District) will hear the grievant's first-level appeal.

System Office employees must file their first-level appeal with their respective vice chancellor. If a particular vice chancellor position is vacant, the grievance will be heard by the interim or acting vice chancellor of that division. If a System Office employee works in a hierarchy with no vice chancellor—through the absence of the position—the person with the highest level authority in that division reporting directly to the Chancellor—whether in an acting, interim, or permanent capacity—will be the appropriate individual to hear a first-level appeal under this section.

The appropriate hearing officer will forward a copy of the first-level appeal to the location's SHRM, which will file the first-level appeal, in a separate file from a routine personnel file, to document the grievance. The SHRM will then forward the first-level appeal to the Chancellor's Chief of Staff and the Chief Human Resources Officer.

(2) When:

The grievant must submit his or her first-level appeal within ten working days of one of two events. First, within ten working days of the appealed decision, or second, within ten working days of when the decision should have been delivered to the grievant. The earlier date between the two dates is the controlling date.

(3) Decision:

The appropriate hearing officer, typically a president or vice chancellor, must confirm in writing receipt of the grievance within three working days of receiving it. The receipt confirmation may be made via email, but must be made through at least Certified Mail Return Receipt Request with the United States Postal Service. Receipt notice must be accomplished by using Grievance Form 2 attached to these procedures as an appendix.

The return receipt must be forwarded to the location's SHRM and be kept in the grievance file. The hearing officer must also request a copy of the grievance file from the SHRM before proceeding with the first-level appeal. The hearing officer will then, within three working days, prepare and provide a brief summary of the grievance to the Chancellor's Chief of Staff who will then forward the summary to the Board's Grievance Committee.

As Grievance Form 2 indicates, the appropriate hearing officer, typically a president or vice chancellor, must hold an in-person conference within ten working days of receiving the grievance. The appropriate hearing officer must complete Grievance Form 2, date it, sign it, and forward it to the applicable SHRM. The SHRM must include the form in the employee's grievance file.

The hearing officer must deliver a decision within five working days of the grievance conference. The hearing officer's written decision shall clearly explain the basis of his or her decision and any additional information or documents obtained after the grievance conference. In reaching a decision, the hearing officer may consider the information presented at the grievance conference, and any other relevant documents or information he or she believes will help resolve the grievance. The grievant shall be given three working days to respond to any documents or information considered by the hearing officer not previously provided to the grievant. Those three working days will start the day after the day of the conference and do not affect any other deadline.

The timelines set out above may be extended by mutual written consent of the parties. Emails from both parties are sufficient for this purpose.

4(d). Step 4: Second-Level Appeal. An employee may appeal a first-level appeal decision if the employee is not satisfied with the resolution of the first-level appeal.

(1) Where and With Whom:

All employees filing second-level appeals must submit those appeals to the Chancellor. The Chancellor's Office will forward a copy of the second-level appeal to the Chief Human Resources Officer, who will then add it to the employee's grievance file, separate from the employee's routine personnel file, to document the grievance.

(2) When:

The grievant must submit his or her second-level appeal within ten working days of one of two events. First, within ten working days of the appealed decision, or second, within ten working days of when the decision should have been delivered to the grievant. The earlier date between the two dates is the controlling date.

(3) Decision:

The Chancellor's Office, or his or her designee, must confirm in writing receipt of the grievance within three working days of receiving it. This must be accomplished using Grievance Form 3 attached to these procedures as an appendix.

The Chancellor will notify the grievant if a designee has been appointed and identify the designee. The receipt confirmation may be made via email, but must be sent through at least Certified Mail Return Receipt Request with the United States Postal Service. The Chancellor's Office shall forward a completed Grievance Form 3 to the Chief Human Resources Officer. The Chief Human Resources Officer must include the form in the employee's grievance file.

The Chancellor's Chief of Staff must also request a copy of the grievance file from the Chief Human Resources Officer before proceeding with the second-level appeal. The Chancellor will then, within three working days, prepare and provide a summary to the Board's Grievance Committee. The Board of Trustees has elected to create a Board Grievance Committee comprised of select Board of Trustees members.

As Grievance Form 3 indicates, the Chancellor must hold an in-person conference within ten working days of receiving the second-level appeal. The Chancellor must make a decision within five working days of the grievance conference. The Chancellor's written decision shall clearly explain the basis of his or her decision and any additional information or documents obtained after the grievance conference. In reaching a decision, the Chancellor may consider the information presented at the grievance conference and any other relevant documents or information he or she believes will help resolve the grievance.

The grievant shall be given three working days to respond to any documents or information considered by the Chancellor not previously provided to the grievant. Those three working days will start the day of the conference and do not affect any other deadline.

The timelines set out above may be extended by mutual written consent of the parties. Emails from both parties are sufficient for this purpose.

4(e) Step 5: Board Appeal. An employee may appeal a second-level appeal if the employee alleges a procedural irregularity that expressly violates a specific Board Policy.

(a) Where and With Whom:

A Board Appeal must be made in writing and must be received in the Chancellor's Office.

(b) When

A grievant must deliver a proposed Board Appeal, using Grievance Form 4, attached to these procedures as an appendix, no later than ten working days after receipt of the Chancellor's decision or the time when that decision was due and must be accompanied by applicable, specific references to the Policy Manual's procedures or the portion(s) of the grievance policy alleged to have been violated. It is the grievant's responsibility to initiate the appeal to the Board and to provide all documentation for the Board, including any correspondence with the College's administrators who heard the grievance at the various levels and those administrators' decisions.

The Chancellor's Office shall acknowledge receipt of the appeal and shall forward a copy to each Board member, along with all accompanying documentation, within five working days of the appeal being received in the Chancellor's Office.

(c) Decision

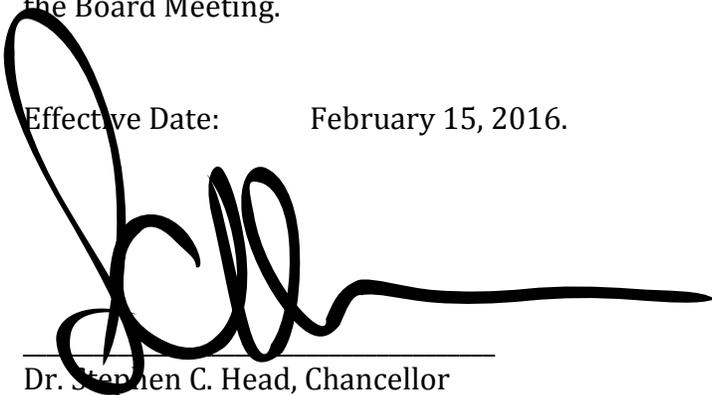
The Board will consider the grievance, in accordance with the Open Meetings Act, at the next regularly scheduled Board meeting that is scheduled to occur at least 15 working days after the appeal to the Board is received in the Chancellor's Office.

The Chancellor's Office shall forward a complete copy of the grievance file to all of the members of the Board of Trustees.

The Board shall set a reasonable time limit for presenting the Board Appeal, based on the information presented to the Board and allocating equal time to the grievant and the College. Appeals to the Board will be heard in closed session, unless the grievant specifically elects to have it heard in open session. Regardless of the grievant's election to have the appeal heard in open session, if the grievance is against another employee, that other employee may elect to have the appeal heard in closed session.

The Board may make a decision, but is not required to do so. If the Board does not make a decision, the decision of the Chancellor is upheld. If the Board elects to render a decision, the decision will be announced before the meeting adjourns and a written decision will be mailed by the Board's Liaison to the employee and the Chancellor within 30 calendar days of the Board Meeting.

Effective Date: February 15, 2016.

A large, stylized handwritten signature in black ink, appearing to be 'S. Head', written over a horizontal line.

Dr. Stephen C. Head, Chancellor
Lone Star College System

APPENDIX & FORMS

Formal Grievance Receipt (Form 1):

Receipt Notice Sent To:

Print Name

Receipt Notice Sent By:

Print Name

CMRRR No.:

Certified Mail Return Receipt Request No.

Date Notice Sent:



Formal Grievance Notice of Conference

Please note that under our Board Policy Manual, I have ten working days to hold a conference with you regarding your grievance. We may reschedule to a more convenient time, but a request for a postponement beyond those ten working days is not possible unless you request a postponement in writing as soon as practical.

I have tentatively scheduled your grievance conference for the place, date, and time below. If this time conflicts with your schedule, or you are otherwise unable to make this appointment, please let me know as soon as possible so we can reschedule to a more convenient time. You will receive my decision no later than five working days after the grievance conference is actually held. If you do not receive my decision within five working days of having a grievance conference with me, Board Policy allows you to escalate your grievance to my supervisor,
_____.

Time: _____

Location: _____

Date: _____

Hearing Officer Printed Name / Title

Date

Hearing Officer Signature

First Level Appeal of Grievance Request Receipt (Form 2):

Receipt Notice Sent To:

 Print Name

Receipt Notice Sent By:

 Print Name

CMRRR No.:

 Certified Mail Return Receipt Request No.

Date Notice Sent:



First-Level Appeal Notice of Conference

Please note that under our Board Policy Manual, I have ten working days to hold a conference with you regarding your grievance. We may reschedule to a more convenient time, but a request for a postponement beyond those ten working days is not possible unless you request a postponement in writing as soon as practical.

I have tentatively scheduled your grievance conference for the place, date, and time below. If this time conflicts with your schedule, or you are otherwise unable to make this appointment, please let me know as soon as possible so we can reschedule to a more convenient time. You will receive my decision no later than five working days after the grievance conference is actually held. If you do not receive my decision within five working days of having a grievance conference with me, Board Policy allows you to escalate your grievance to the Chancellor.

Time: _____

Location: _____

Date: _____

Hearing Officer Printed Name / Title

Date

Hearing Officer Signature

Second Level Appeal of Grievance Request Receipt (Form 3):



Receipt Notice Sent To:

Print Name

Receipt Notice Sent By:

Print Name

CMRRR No.:

Certified Mail Return Receipt Request No.

Date Notice Sent:

Designee:

Second-Level Appeal Notice of Conference

Please note that under our Board Policy Manual, I have ten working days to hold a conference with you regarding your grievance. We may reschedule to a more convenient time, but a request for a postponement beyond those ten working days is not possible unless you request a postponement in writing as soon as practical.

I have tentatively scheduled your grievance conference for the place, date, and time below. If this time conflicts with your schedule, or you are otherwise unable to make this appointment, please let me know as soon as possible so we can reschedule to a more convenient time. You will receive my decision no later than five working days after the grievance conference is actually held. If you do not receive my decision within five working days of having a grievance conference with me, Board Policy allows you to escalate your grievance to the Board of Trustees so long as you alleged a specific procedural irregularity that violates a specific, enumerated Board Policy via Grievance Form 4.

Time:

Location:

Date:

Hearing Officer Printed Name / Title

Date

Hearing Officer Signature

Request for Board Appeal of Grievance (Form 4):

Grievant:

Print Name

Signature



Specific Board Policy Allegedly Violated: _____
(Please reference specific policy sections) _____

Please remember to attach a summary of the basis for your appeal.

Grievance History Form (Form 5)

Formal Grievance (Part I)

Grievant/Grievant-in-Charge Name: _____

Date Received: _____ Notice of Receipt Sent: _____
(Within 3 working days of receipt)

Campus/Location: _____ Conference Date: _____
(Within 10 working days of receipt)

Division: _____

To be completed by the Grievance Conference Officer

Date of Conference: _____ Time: _____
Location: _____

Decision Due Date: _____ Notice of Appeal Deadline: _____
(Within 5 days of the Conference)

Decision Date: _____ Signature: _____

First-Level Appeal (Part II)

Date Received: _____ Notice of Receipt Sent: _____
(Within 3 working days of receipt)

Summary Sent to the Chancellor: _____
(Within 3 working days of receipt)

Appeal Conference Date: _____
(Within 10 working days of receipt)

To be completed by the Appeals Conference Officer

Date of Conference: _____ Time: _____
Location: _____

Deadline for Additional Information from Grievant: _____
(Within 3 working days of the Conference)

Decision Due Date: _____ Notice of Appeal Deadline: _____
(Within 5 working days of the Conference) (Within 10 working days of the Decision/Decision Due Date)

Second-Level Appeal (Part III)

Date Appeal Received: _____

Notice of Receipt: _____

(Within 3 working days of receipt)

Appeal Conference Date: _____

(Within 10 working days of receipt)

Summary Sent to the Board: _____

(Within 3 working days of receipt)

To be completed by the Chancellor/Designee

Date of Conference: _____

Time: _____

Location: _____

Deadline for Additional Information from Grievant: _____

(Within 3 working days of the Conference)

Decision Due Date: _____

(Within 5 working days of the Conference)

Notice of Appeal Deadline: _____

(Within 10 working days of the Decision/Decision Due Date)

Appeal to the Board (Part IV)

Date Received: _____

Time: _____

Location: _____

Notice of Receipt to Grievant: _____

(Within 5 working days of receipt)

Information Forwarded to the Board: _____

(Within 5 working days of receipt)

Board Appeal Conference Date: _____

(Next Board Meeting at Least 15 Days Away)

To be completed by the Board Chair

Date of Hearing: _____

Time: _____

Location: _____

Decision Due Date: _____

(Within 30 working days of Appeal Conference Date)

Signature: _____