

**LONE STAR COLLEGE SYSTEM DISTRICT
BOARD POLICY MANUAL
Fifth Edition**

Employees found to have made threats will be subject to discipline up to and including termination and the College's Police Department may be contacted. Employees found to have committed violent acts may be terminated or recommended for termination and the College's Police Department will be contacted.

IV.E.6. Employee Grievance and Review Process

IV.E.6.1. Policy

This policy establishes a fair and uniform process for resolving employee grievances that exceeds state and federal laws. Employees who use this process may do so without facing discrimination or retaliation. This policy nurtures an employee culture that values and respects all employees by encouraging early collaboration and resolution of employee concerns.

IV.E.6.2. Definitions

(a) Grievant. Grievant means the employee who initiates the procedures set forth in this policy.

(b) Procedural Irregularity. Procedural Irregularity means not following the processes described in the following Board policies: Employee Grievance and Review Process, Change in Contract Status, or Contractual Termination Notice and Appeal, whichever process is applicable to the employee's allegation. Procedural Irregularity does not include an allegation that the Chancellor's Procedures were not followed. Procedural Irregularity also does not include an allegation that these processes were not followed if the alleged violation was cured or if the alleged violation did not have an adverse effect on the Chancellor's decision.

(c) Working Days. Working days means the College's business days. In calculating timelines under this policy, the day a document is filed is "day zero." The following business day is "day one."

IV.E.6.3. Who May Bring A Grievance

Individual employees may submit grievances on behalf of themselves or multiple affected employees as an associational grievance.

IV.E.6.4. Serial Grievances

A grievant may not submit separate or serial grievances regarding the same issue. This includes grievances brought under another policy or procedure.

IV.E.6.5. Exclusions

The following concerns are not subject to this grievance policy and are addressed in other policies:

(a) Termination of contractual employees. See Policy IV.G.3.4.

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- (b) Change in contract status. See Policy IV.G.2.
- (c) Employee performance evaluations—before exhaustion of the procedure set out in Policy IV.F.3. Applicable time limits set forth in this grievance policy begin to run on the date that Policy IV.F.3. is exhausted.
- (d) Allegations of discrimination, harassment, and retaliation, except for allegations of retaliation for filing or participating in a non-discrimination or harassment grievance. That procedure is in Section IV.E.1. of this policy manual. An employee disciplined following an investigation may use this policy to challenge the disciplinary action.
- (e) Reduction in Force Terminations. See Policy IV.G.1.5.
- (f) Challenges to ownership of intellectual property before exhaustion of the procedure set out in Policy IV.H.1. The time limits set forth in IV.H.1. begin on the date the procedure set out in Policy IV.H.1. has been exhausted.

IV.E.6.6. Appeal to the Board for Certain Alleged Policy Violations

An employee may appeal the Chancellor’s decision to the Board of Trustees if the employee alleges a Procedural Irregularity. The policy section applicable to the challenged decision must directly reference this section for the decision to be appealable to the Board. The following policy sections currently directly reference this section: (1) Employee Grievance and Review Process, (2) Change of Contract Status, and (3) Contractual Termination Notice and Appeal. If no Board appeal is available or the Board declines to hear an appeal, the grievant may present the grievance during the Citizen Participation portion of a Board meeting in accordance with Board Policy I.E.1.43.

IV.E.6.7. Right to Representation

At all informal or formal grievance or appeal levels, the grievant and/or the administration may be represented, including by legal counsel, provided that the selected representative does not claim the right to strike. The College will not pay any fees or expenses for the grievant’s representation. The grievance and appeal conferences held at all levels of the grievance process are informal conferences and no cross-examination of any person who attends the conference is allowed. The College’s administrator handling the conference may ask questions to get information to help in reaching a decision. The grievant’s representative may assist the grievant.

IV.E.6.8. Informal Resolution

The Board encourages employees to discuss their concerns, complaints, and grievances through informal conferences with their supervisor or other appropriate administrator. Concerns should be expressed as soon as possible to allow early resolution at the lowest possible administrative level. An employee or group of employees who has a concern or

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grievance shall participate in an alternative dispute resolution process in an attempt to resolve the concern prior to presenting a formal grievance. Employees will be provided information on the alternative dispute resolution processes available. If the concern is not resolved by participating in such an informal resolution process, the employee can use the formal grievance process described below.

IV.E.6.9. Presentation of Formal Grievance

An employee who has a concern that has not been resolved through participation in the informal resolution process may file a formal grievance. Campus employees must file their grievance with their supervisory campus vice president. System Office employees must file their grievance with their respective associate vice chancellor or chief area officer. For assistance in determining to whom a formal grievance must be presented, a copy of the College's current organizational chart can be found at <http://org.lonestar.edu/orgchart/LSCS-Internal030115.htm>.

The initial grievance must be filed with the grievant's respective supervisor identified in the prior paragraph within 15 working days from the event, occurrence, or conclusion of the informal resolution process, whichever is later. Only in extraordinary circumstances will the respective supervisor consider exceptions to the 15 working day limit. The grievance must be made in writing and must include all supporting documentation the grievant wants considered. The grievant will be allowed to submit additional information in response to any information collected and relied upon by the vice president or associate vice chancellor/chief area officer. The Chancellor will be notified when a formal grievance has been filed.

The vice president or associate vice chancellor/chief area officer must confirm in writing receipt of the grievance within three working days. A grievance conference must be held within ten working days of receipt of the grievance. A decision must be rendered by the vice president or associate vice chancellor/chief area officer within five working days after the grievance conference. The written decision shall set forth the basis of the decision and any additional information or documents obtained after the grievance conference. In reaching a decision, the vice president or associate vice chancellor/chief area officer may consider the information presented at the grievance conference, and any other relevant documents or information he/she believes will help resolve the complaint.

The timelines set out above may be extended by mutual consent of the parties.

IV.E.6.10. First Level Appeal

In the event that the grievance has not been resolved or the timeframe has elapsed without the grievance being addressed or a decision rendered, the grievant may present the grievance to the college president or, for System office grievants, their vice chancellor in the form of a written appeal. A written appeal must be presented within ten (10) working days from receipt of the vice president or associate vice chancellor/chief area officer's decision. It is the responsibility of the grievant to initiate the appeal and to provide to the president or vice

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chancellor all documentation, including any correspondence about the grievance with the vice president or associate vice chancellor/chief area officer, and the vice president or associate vice chancellor/chief area officer's decision. The employee may submit additional information in response to any information collected and relied upon by the vice president or associate vice chancellor/chief area officer.

Within three (3) working days of receiving the appeal, the president/vice chancellor must confirm receipt of the grievance and provide a brief summary of the grievance to the Chancellor who will then immediately forward the summary to each member of the Board's Grievance Committee. A grievance appeal conference must be held within ten (10) working days of receipt of the grievance. A written decision must be rendered by the president/vice chancellor within five (5) working days after the grievance appeal conference. The written decision shall set forth the basis of the decision and any additional information or documents obtained after the appeal conference.

In reaching a decision, the president/vice chancellor may consider the information presented at the grievance conference, and any other relevant documents or information the president/vice chancellor believes will help resolve the complaint.

The timelines set out above may be extended by mutual written consent of the parties.

IV.E.6.11. Second Level Appeal

In the event that the grievance has not been resolved or the timeframe has elapsed without the grievance being addressed or a decision rendered, the grievant may present the grievance to the Chancellor in the form of a written appeal. A written appeal must be presented within ten (10) working days from receipt of the president/vice chancellor's decision. It is the responsibility of the grievant to initiate the appeal and to provide all documentation, including any correspondence with the president or vice-chancellor and the president or vice chancellor's decision to the Chancellor or his/her designee. The grievant may submit additional information in response to any information collected and relied upon by the president or vice chancellor.

The Chancellor, or his/her designee, must confirm receipt of the grievance within three (3) working days and provide a brief summary of the grievance to each member of the Board's Grievance Committee. A Second Level Appeal conference must be held within ten (10) working days of receipt of the grievance. A decision must be rendered by the Chancellor, or his/her designee, within five (5) working days of the Second Level Appeal conference. The written decision shall set forth the basis of the decision, and any additional information or documentation obtained after the Second Level Appeal conference. In reaching a decision, the Chancellor, or his/her designee, may consider the information presented at the Second Level Appeal conference, and any other relevant documents or information the Chancellor or designee believes will help resolve the grievance. The grievant shall be given three (3) days to respond to any documents or information considered by the Chancellor or his or her

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designee not previously provided to the grievant. If the Chancellor chooses a designee to consider the grievance, the designee may not be a supervisor of the grievant and may not have been involved in the grievance prior to designation by the Chancellor.

The timelines set out above may be extended by mutual written consent of the parties.

IV.E.6.12. Appeal to the Board

If the grievance is still unresolved and the employee alleges a Procedural Irregularity, as defined above, the grievance may be appealed to the Board of Trustees. An Appeal to the Board must be made in writing and must be received in the Chancellor's office no later than ten (10) working days of receipt of the Chancellor's, or his/her designee's, decision and must be accompanied by applicable references to the policy manual or the portion(s) of the Grievance policy that are alleged to have been violated. It is the responsibility of the grievant to initiate the appeal to the Board and to provide all documentation to the Board, including any correspondence with the prior 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 (5) working days of the appeal being received in the System Office.

The Board may consider the grievance, in accordance with the Open Meetings Act, at a Board meeting scheduled to occur at least 15 working days after the appeal to the Board is received in the System Office. The Board will designate a subcommittee to make recommendations to the full Board regarding whether it should hear a grievance. The Board's decision regarding whether to consider the grievance is made in open session.

If the Board decides to hear the Appeal, it shall set a reasonable time limit for presenting the Appeal to the Board, 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 or if the Board does not hear the Appeal, the decision of the Chancellor, or his/her designee, is upheld. If the Board elects to render a decision, the decision will be announced orally before the meeting adjourns and a written decision will be mailed to the employee and the Chancellor within 30 calendar days.

IV.F. EMPLOYEE RESPONSIBILITIES

IV.F.1. Employee Core Hours