A. Definition of Grievance

A grievance must be specific and must call attention to an unfair labor practice, an imposition of unfair duties or change of employment status, and not mere dissatisfaction with workplace rules, the latter of which should be addressed by the employee and his/her immediate supervisor. A grievance should involve a failure on the part of the supervisor to comply with the policies and procedures of the College.

B. Procedure for Informal Action

The employee should first attempt to resolve the problem informally with the persons concerned. All parties to an informal attempt at grievance resolution should participate within a positive spirit of mutual respect and cooperation.

C. Procedure for Formal Action

If a grievance cannot be resolved to the satisfaction of the grievant through informal procedures, a formal grievance may be filed as follows:

1. A written and signed formal grievance may be submitted to the grievant’s vice president within thirty (30) calendar days of the circumstances that caused the grievance.

2. The formal grievance must specify the policy, regulation, rule, procedure, contract, provision, or law which is alleged to have been violated, as applied, or misinterpreted; or the nature of the discrimination; or the condition which jeopardized the employee’s health or safety. It must also contain a complete statement of the facts and circumstances that caused the grievance as well as the remedy sought by the grievant.

3. Within five (5) working days after receiving a formal grievance, the vice president must meet with the grievant and attempt to resolve the matter. This meeting must be documented in a memorandum which includes the vice president's explanation of the problem as well as the facts and circumstances causing the problem, and the vice president’s decision and supporting reasons.

4. A copy of the memorandum must be given to the grievant as soon as possible after the meeting. If the grievant is not satisfied with the vice president's action, the vice president's decision may be appealed through the vice president to the President within (10) working days.
D. Procedure for Appeal

A grievant who disagrees with a vice president's action in resolving a grievance and who does not wish to accept the vice president's decision may appeal through the vice president to the President. A written appeal must be submitted to the vice president within ten (10) working days of the date the grievant was given a copy of the vice president's memorandum. The appeal must include the grievant’s reasons for believing that an appeal is justified. The vice president must forward the appeal to the President within five (5) working days, together with the vice president's report of the facts in the case and the supporting reasons for the vice president's action.

E. Procedure for Hearing

1. The President will conduct the hearing necessary for appealing a vice president’s decision in a grievance.

2. The purpose of a full due process hearing is to determine findings of fact as well as a conclusion consistent with those findings of fact that indicates whether or not there is sufficient evidence to support the grievance. Hearings will be conducted in confidential, closed session. Parties to the grievance may be represented by counsel or by a person of their choice. The President may have counsel serving in an advisory capacity during a hearing. Subject to reasonable rules of procedure, witnesses may present evidence and be cross-examined. The grievant will be given a copy of the President's decision.

F. Appeals to the Board of Trustees

Appeals to the Board of Trustees are limited to:

1. non-renewal of contract;
2. dismissal for cause;
3. reduction in rank;
4. reduction in force; and
5. any disciplinary action involving an employee who reports directly to the President.
G. Hearings Before the Board of Trustees

1. A hearing before the Board of Trustees will be mandatory in the instance of such appeals and will be conducted by a panel of three members of the Board of Trustees appointed by the Chair.

2. Should the three-member panel of the Board of Trustees fail to agree on the matter on appeal, the panel will refer the matter to the full Board for disposition.

3. The hearing shall be held at a time and place named by the Chair of the Board of Trustees in consultation with the employee and members of the panel. All Board hearings will be conducted in a manner consistent with College policies/procedures. The three-member panel shall elect their own hearing officer. The hearing shall be convened within sixty (60) days or such time as the hearing panel and grievant shall agree upon. The Board/hearing panel shall consider all prior findings and recommendations, may hear any testimony it considers appropriate, and may consider new evidence or information. Should a hearing of the full Board be necessary, the Board Chair will serve as the hearing officer.

H. Anonymous Letters/Complaints

Gaston College will respond to formal complaints or concerns as identified in the Grievances Policy 3-22, reference 3-22, C Procedure for Formal Action. The College will not respond to anonymous letters or complaints.