

**3357:13-16-28 Grievance Procedure. (Ref: [Article VI](#) of CBA dated 12/17/08)**

- (A) The College has established this grievance procedure to ensure fairness and consistency in employee relations and to resolve misunderstandings as quickly as possible. This grievance procedure applies to all College employees. If there are questions about the application of the grievance process, the employee should contact the Director of Human Resources for consultation and for details on the procedure (reference Article VI of CBA dated 12/17/08).
  
- (B) Informal Resolution Procedure
  - (1) As a normal and important part of our work environment, employees and supervisors are expected to discuss and resolve issues, concerns and complaints that may arise from time to time. Employees having complaints arising from their employment shall seek informal resolution of their grievances or concerns. This informal process is intended to encourage communication between the parties involved, either directly or through an intermediary, in order to facilitate a mutual understanding of what may be different perspectives regarding the complained of act or directive. Most difficulties can be resolved by talking to someone. Therefore, employees are required to discuss these problems with their supervisor or the Director of Human Resources.
  - (2) Any complaint alleging discrimination or any other violation of law shall also be reported to the Coordinator for Section 504 and Titles VII and IX Compliance, even when the employee is using the informal process.
  - (3) The employee is responsible for exploring all possibilities for discussion before initiating the formal grievance procedure. If the informal process does not result in resolution of the complaint to the satisfaction of the employee, the employee may utilize the formal grievance procedure for complaints which do not allege discrimination or if discrimination is alleged, the formal grievance procedure for complaints concerning discrimination.

- (C) Formal Grievance Procedure for Complaints not Concerning Discrimination
- (1) Grievable issues include a violation, misinterpretation, inequitable or inappropriate application of the College's policies or procedures, as defined in the College's Policies and Procedures manual, or law affecting the employee.
  - (2) The following issues are not grievable:
    - (a) Disciplinary actions, beginning with written warnings placed in the employee's personnel file in Human Resources through discharge where the employee questions the appropriateness of the cause;
    - (b) Termination resulting from reductions in force, unless discrimination is alleged;
    - (c) Termination for reasons stemming from stipulation of grants or contracts;
    - (d) The content of the College's published Policies and Procedures manual;
    - (e) Performance evaluations;
    - (f) Any issue not defined above as grievable.
  - (3) Step 1. The grievant shall initiate the grievance procedure within thirty calendar days of the last occurrence of the incident. Grievances may not be initiated beyond thirty calendar days of the date of the last occurrence of the incident, as determined by the "monitoring officer." The monitoring officer is the Director of Human Resources, unless that individual is the subject of the complaint, in which case the Vice President for Business and Administrative Services becomes the monitoring officer. The formal complaint must be submitted on the College's Grievance Information Form and should state the facts of the complaint; the policy, procedure, or law allegedly violated; and the specific remedy sought.

The Grievance Information Form must be filed with the monitoring officer. Only one complaint should be submitted per Grievance Information Form; multiple complaints that differ substantially are treated individually and require separate Grievance Information Forms.

- (a) The monitoring officer shall forward the complaint within five business days of receipt to the Vice President of the complainant's division for Step 1 Resolution. If the complaint is against the Vice President, then the grievance shall be forwarded to the President.
- (b) The Vice President shall, within five business days of receiving the complaint, conduct a formal conference with the grievant, permitting him or her to provide any information relevant to the complaint. The monitoring officer shall be present at the meeting. If the complaint arises from the conduct of another employee (the "respondent") and could result in disciplinary action for the respondent, the Vice President will meet with the respondent and conduct an appropriate investigation. Within five business days of the formal conference (unless an extension is agreed to by all parties), the Vice President will send a written recommendation to the grievant and respondent (if any), with a copy to the monitoring officer. The recommendation will state background information, the recommendation or remedy and the rationale.
- (c) If the outcome of Step 1 is not satisfactory to the grievant or the respondent (if any), or if a recommendation has not been rendered within five business days of the formal conference, the grievant or the respondent may initiate Step 2 of the grievance process.

- (4) Step 2. Step 2 must be initiated within ten working days of the date of the Step 1 recommendation or if no recommendation is rendered within fifteen working days of the Step 1 formal conference. Failure to initiate Step 2 within this timeframe constitutes acceptance of the recommendation and concludes the grievance process. To initiate Step 2, the grievant or respondent (if any) must submit a written request to the monitoring officer. Step 2 involves a formal hearing of the complaint by the grievance committee which consists of:
- (a) Five employees, one from each employee classification (occupational category as defined in the Policies and Procedures), selected by the President;
  - (b) The term of the five members will be for two years;
  - (c) The chair of the committee will be selected from among the five members by mutual consent of the five members;
  - (d) The vice president appointed by the President at the time Step 2 is initiated, but not the same person who was involved in Step 1;
  - (e) The monitoring officer as a non-voting member except as required to break a tie vote of the committee;
  - (f) Within ten working days of the receipt of the request to initiate Step 2, the chair will set and announce to all participants the date, time and place of the hearing by written notice. The hearing itself will begin within ten to fifteen working days of the announcement.
  - (g) The chair may appoint an investigator from the committee to conduct an investigation in preparation for the formal hearing. At least five business days prior to the start of the hearing, the grievant and respondent will provide a list of witnesses to the chair. The College will make provisions for employees to appear as witnesses without loss of pay. Witnesses shall be given written notice of the time, date, and location of the hearing.

- (h) The grievant and the respondent (if any) will attend the hearing. They may bring one other person to the hearing with them; however this person may not participate in the hearing in any way except to give advice to the grievant or the respondent. The grievant and the respondent in turn shall have the right to make a statement to the committee and to present relevant documentary evidence. The Hearing Committee shall call witnesses one witness at a time to testify, starting with those identified by the complainant and followed by those identified by the respondent. The Hearing Committee may also call any other witnesses as they see fit. Only the committee members are permitted to question the witnesses.
- (i) The chair will conduct the meeting following normal and accepted practices for such hearings by committee. Due to the sensitive nature of the hearing, strict confidentiality is required of all participants.
- (j) Within ten days after the end of the hearing, the Chair will send the hearing committee's findings and recommendations to the President and to the monitoring officer. Within ten working days of receiving the findings and recommendations, the President will review the results of the proceedings and notify the grievant, respondent (if any), hearing committee members and the monitoring officer in writing of his or her decision to accept, reject or modify the hearing committee's findings and recommendations. The decision of the President will be final and binding upon all parties.
- (k) The following summarizes the formal grievance process:

Time	Activity
Within 30 calendar days of the last occurrence of incident	Initiate Step 1 by submitting the Grievance Information Form to the monitoring officer
Within 5 business days of receipt of the form by the monitoring officer	Monitoring officer forwards complaint to the vice president

Time	Activity
Within 5 business days of receipt of the complaint by the vice president	Conduct a formal conference
Within 5 business days of the formal conference	Written recommendation sent to grievant
Within 10 business days of issuance of the written recommendation	Grievant may initiate Step 2
Within 10 business days of the request to initiate Step 2	Hearing committee chair announces date, time and place of hearing. Date is within 10 to 15 business days of the announcement
At least 5 business days prior to the hearing date	Grievant provides chair with list of witnesses. Chair sends written notice to witnesses.
Hearing date	Hearing is held
Within 10 business days of the end of the hearing	Chair sends the committee's findings and recommendations to the president
Within 10 business days of receiving the committee's findings	President issues final decision

(D) FORMAL GRIEVANCE PROCEDURE FOR COMPLAINTS CONCERNING DISCRIMINATION

- (1) Persons who are either students or employees of North Central State College and who feel that they are victims of discrimination on the basis of race, creed, color, religion, sex, age, handicap, national origin or ancestry may file a complaint with the College's coordinator of Section 504 and Titles VII and IX Compliance. They may also file complaints alleging sex or handicap discrimination directly with the Office for Civil Rights, U. S. Department of Education, or pursue both avenues of complaint resolution simultaneously.
- (2) The dean for student services is the College's coordinator for Section 504 and Titles VII and IX Compliance and may be contacted at the Student Development Office, North Central State College,

6200 Frank Avenue, NW, North Canton, OH 44720, phone (330) 494-6170.

- (3) Upon receipt of a written complaint, the coordinator for Section 504 and Titles VII and IX Compliance shall appoint a disinterested person to conduct an investigation of the complaint and shall appoint a time and place for a hearing to be conducted upon the complaint. The person who investigates the complaint must submit a written summary of the investigation to the coordinator within ten days of the receipt of the complaint. The hearing upon the complaint must be held within thirty days of the receipt of the complaint.
- (4) The grievant, the investigator, and any respondents named in the complaint or the summary of the investigation must be given ten days written notice of the hearing. Said notice shall include a copy of the summary of the investigation and a copy of the complaint. The notice shall indicate the time and place at which the hearing shall be conducted, and the notice shall inform the grievant and the respondents of their right to be present at the hearing and their right to be represented by a person of their choice.
- (5) The hearing shall be conducted by the Director of human resources.
- (6) The Director of human resources shall submit a written decision which includes a summary of the hearing and recommendations for corrective actions to the coordinator for Section 504 and Titles VII and IX Compliance within ten days after conducting the hearing.
- (7) The grievant and respondent(s) shall be given a written notification of any corrective actions recommended or that will be implemented. Said notification shall be issued by the coordinator within fifteen days after the hearing has been concluded. Said notification shall also include a copy of the written decision submitted by the Director of human resources, and the notification shall inform the grievant and respondent(s) of the procedure for initiating an appeal to review the written decision submitted by the Director of human resources.

- (8) To initiate an appeal the grievant and/or respondent(s) must file a written Notice of Intent to Appeal with the coordinator for Section 504 and Titles VII and IX Compliance. The Notice of Intent to Appeal must be filed within thirty days after the decision has been rendered.
- (9) In the event that a Notice of Intent to Appeal is filed, the coordinator for Section 504 and Titles VII and IX Compliance will hear the appeal within thirty days after the receipt of the Notice of Intent to Appeal. The grievant and respondent(s) shall receive notice of the time and place for the hearing upon the appeal.