

Grievance Committee Hearing Procedures

I. MEMBERS OF THE GRIEVANCE COMMITTEE

The Committee shall be appointed by the President and shall consist of five to seven employees from the following groups: (1) vice presidents; (2) supervisors; (3) support staff; (4) faculty; (5) and at least one additional non-administrator.

II. HEARING PROCEDURE

The hearing shall be conducted by the Chair of the Grievance Committee. The Chair shall be appointed by the President prior to convening the hearing. The Chair's duties and powers are set forth herein. Where these Procedures are silent, the Chair shall have discretionary authority to act after consultation with the members of the Committee.

The Chair shall call the hearing to order and shall record the date, time and place of the hearing. In addition, the Chair shall note the presence of the members of the Grievance Committee, the employee and the College employee against whom the grievance is directed ("College employee"). The Chair will instruct those persons present about the confidential nature of the proceedings. Such instruction will be repeated to each witness prior to the witnesses' testimony. The Chair shall ensure that all parties sign the required confidentiality statement. After the receipt of the signed statements, the Chair will briefly state the matter(s) at issue and receive into the record any materials provided by the employee prior to the hearing. All such materials must be given by the employee to the Director of Human Resources no later than two (2) business days prior to the hearing or such material will not be considered part of the record. If the grievance is against the Director of Human Resources, the President shall appoint an administrator to receive any information from the employee.

The Secretary of the Committee will be a representative from the Human Resources Department. If the grievance is against the Human Resources Department, the Secretary shall be appointed by the President. The Secretary shall be responsible for taking notes of the proceedings and providing such assistance as may be required by the Committee. The Secretary's notes along with any documentary evidence will be made part of the record of the hearing. The record shall remain confidential and will be disclosed as allowed herein.

The employee will present his/her concerns and/or work-related problems through the testimony of witnesses or the production of documentary evidence. After the employee has finished his/her presentation, the College employee shall also have the opportunity to present evidence. At the close of all evidence, the employee and the College employee shall have the opportunity to present a brief summation and/or rebuttal. The Chair shall have the right to set a time limit on the summation/rebuttal.

No cross-examination of witnesses or parties will be allowed; however, members of the Committee may ask questions of the employee, the College employee and any witness.

The Chair shall have the power to adjourn the hearing and reconvene it at a later date if necessary. After the close of all evidence, the Committee shall meet and reach a decision with regard to the issue(s) presented by the employee. The Committee's written decision supporting its recommendation or decision, and any relevant evidence,

shall be presented to the President within ten (10) days after adjournment of the hearing.

III. WITNESSES

Both the employee and the College employee have the right to present witness testimony. Witnesses eligible to give testimony are those who can present testimony or documentary evidence that is relevant and material to the issues before the Committee. Neither side shall be permitted to introduce general character witnesses. The Chair shall have the right to determine the relevance and materiality of any evidence presented by any witness. The Chair may exclude irrelevant testimony and may direct the witnesses to focus their presentations on the issue(s) before the Committee. Witnesses should avoid presenting repetitive and cumulative evidence.

The employee(s) or person(s) bringing the grievance is not considered a witness for purposes of this Policy. All witnesses will only be allowed in the hearing room during their own testimony. A waiting room will be provided for witnesses.

IV. ROLE OF COLLEGE'S LEGAL COUNSEL

The College's Legal Counsel may be present at the Committee hearing and may advise the Chair on procedural matters.

V. CONFIDENTIALITY

The very nature of these proceedings demands confidentiality. Consequently, all members of the Committee, the employee, the College employee and all witnesses shall sign a confidentiality statement prior to participating in the hearing. Confidentiality Agreements for employee and participants are attached hereto as Exhibits 1 and 2. Those persons who refuse to sign such a statement will be excluded from the hearing by the Chair.

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