

3358:11-5-06 Employee grievance policy.

(A) Definitions.

- (1) Grievance. A grievance is an allegation by a grievant that he/she has been adversely affected by a violation of one of the following:
 - (a) The rules and regulations of the college as approved by the board of trustees.
 - (b) The terms of a signed personnel contract between the grievant and the board.
- (2) Grievant. A grievant may be any one of the following:
 - (a) An employee of the college.
 - (b) A group of employees of the college.
- (3) Board. The board of trustees at Owens Community College shall be referred to as the “board” in this document.
- (4) Day. A day is a day Monday through Friday for which the college is open.
- (5) Immediate supervisor. The immediate supervisor is the lowest level administrator having immediate jurisdiction of the grievant.
- (6) Designated administrator. An administrator appointed by the president to act in lieu of the highest-ranking administrator with jurisdiction of a grievant.
- (7) Board of appeals. The three-person board of appeals shall be selected as follows for each grievance:
 - (a) Grievant shall select one member from his/her peer group.
 - (b) Highest-ranking administrator (or, where necessary, the designated administrator) shall select one member.
 - (c) The affirmative action officer will call a meeting of the persons selected in paragraphs (A)(7)(a) through (A)(7)(b) of this rule and, in the presence of the affirmative action officer, they shall choose the third member of the board of appeals. In the event the persons selected in paragraphs (A)(7)(a) through (A)(7)(b) of this rule cannot come to agreement on the third member of the board of appeals, the affirmative action officer will appoint the third member.
- (8) Peer. Peer groups under the grievance policy will be organized as follows:
 - (a) Administrative staff.
 - (b) Professional staff.
 - (c) Technical staff.
 - (d) Support staff.
- (9) Informal level. The informal level takes place between the immediate supervisor and appropriate line supervisors up to, but not including, the president and the grievant.

- (10) Formal level. The formal level begins after discussion at the informal level has been exhausted and once written communication starts between the immediate supervisor and the grievant concerning the offense.
- (B) Purpose. This grievance policy is used to handle disputes involving alleged violations of employee rights as defined in paragraph (A)(1) of this rule and covers administrative, professional, technical, and support staff. Salary and fringe benefit disputes are not included within the contents of the grievance policy. Actions to challenge or change the rules and regulations of this college must be undertaken through other legally acceptable processes. Other matters for which a specific method of review is provided by law or by action of the board are not within the scope of this procedure.
- (C) Informal grievance.
- (1) The informal aspect of the grievance procedure must be initiated in writing within ten days of the alleged violation of employee rights. The grievant should first discuss his/her problem or grievance on an informal basis with the supervisor closest to the origin of the problem. If a grievance still exists after this informal discussion with the immediate supervisor, the grievant should continue informal discussion with line supervisors up to, but not including, the president. The informal process must be completed within ten days, except when agreed upon by both parties. If there is a problem in contacting any supervisor, the grievant should contact the affirmative action officer.
- (2) If resolution to the grievance is not achieved through informal discussions, the grievant may initiate the formal aspect of the procedure. The formal aspect of the grievance procedure must be initiated in writing within ten days of the failure of the informal process outlined in paragraph (C)(1) of this rule. To ensure the expeditious handling of the matter on the formal level, there is a limitation at each step of the formal procedure. Dates are prescribed as outer perimeters. In this policy, it should be understood that it is in the best interest of all parties concerned that any grievance matter be handled as expeditiously as possible from the date of the filing of the said grievance.
- (D) Formal grievance.
- (1) Written communications. All written communications are to be signed by the sender. The recipient must initial and date the written communication upon receipt.
- (2) Step one.
- (a) The grievant must send a written statement to the immediate supervisor, with a copy to the affirmative action officer. The written statement must:
- (i) Detail the grievance.
- (ii) Request a conference.
- (iii) State specific remedy sought.
- (b) The written statement must be sent to both the immediate supervisor and the affirmative action officer within ten days of the grievable offense. A conference between the grievant and the immediate supervisor must take place within five days of receipt of the written statement by the immediate supervisor. A written response from the immediate supervisor to the grievant, with a copy sent to the affirmative action officer, must be sent within five days of the conference.
- (3) Step two.

- (a) In the event the grievance was not resolved to the satisfaction of the grievant at step one of the formal level, the grievant must send a written statement to the highest ranking administrator (exclusive of the president) with jurisdiction of the grievant within ten days of completion of step one of the formal level. A copy of the written statement must be sent to the affirmative action officer. In cases where the immediate supervisor and the highest-ranking administrator are the same or the immediate supervisor or the highest-ranking administrator is the president, the statement must be sent to a designated administrator through the affirmative action officer. The written statement must:
 - (i) Detail the grievance.
 - (ii) Request a conference.
 - (iii) State specific remedy sought.
 - (iv) Explain dissatisfaction with remedy offered at step one of the formal level.
 - (v) Have attached to it a copy of the decision rendered at step one of the formal level.
 - (b) When a designated administrator is required, the grievant must send a memorandum to the affirmative action officer, along with the written statement described above, stating the need for the appointment of a designated administrator. The memorandum must be sent to the affirmative action officer within ten days of the completion of step one of the formal level. Within five days of receipt of the memorandum, the affirmative action officer will notify the grievant in writing of the name of the designated administrator.
 - (c) A conference involving the immediate supervisor and the grievant will be called by the highest-ranking administrator or, where necessary, the designated administrator within ten days of receipt of the written statement from the grievant. The purpose of the conference will be to allow the grievant and the immediate supervisor to explain the incidents involved in the grievance and to come to an understanding of the grievance.
 - (d) Within ten days of the conference, the highest ranking administrator or, where necessary, the designated administrator will send a written statement to both the immediate supervisor and the grievant, with a copy sent to the affirmative action officer. The written statement will outline the administrator's understanding of the situation and the grievance remedy.
- (4) Appeals level.
- (a) If the grievance has not been resolved by the informal level or, subsequently, by the formal level, the dissatisfied party (namely, the grievant or the immediate supervisor) may file within ten days of receipt of the written statement by the highest ranking administrator a request for a hearing before the board of appeals with the affirmative action officer. The "Request for Board of Appeals Form" asks the dissatisfied party (namely, the grievant or the immediate supervisor) to list the following:
 - (i) Clear, concise statement of grievance.
 - (ii) Circumstances involved.
 - (iii) Copies of written decisions rendered at both steps of the formal level.
 - (iv) Specific remedies sought.
 - (v) Explain dissatisfaction with remedy offered at both steps of the formal level.

- (b) Within ten days of receipt of the "Request for Board of Appeals Form", the affirmative action officer shall select a date for the selection of the board of appeals members and will communicate that date in writing to (1) the grievant, (2) the immediate supervisor, (3) the highest ranking administrator or, where necessary, the designated administrator, and (4) the president. The board of appeals selection will take place within twenty days of receipt of the "Request for Board of Appeals Form" in the office of the affirmative action officer.
- (c) The board of appeals will meet within fifteen days of completion of the selection process. The board of appeals process is limited to employees of Owens Community College exclusively. Exceptions will be made for students if their statements are germane to the incident in question. Present at the board of appeals hearing will be the following persons:
 - (i) Board of appeals members.
 - (ii) Affirmative action officer.
 - (iii) Grievant.
 - (iv) Immediate supervisor.
 - (v) Highest ranking administrator or, where necessary, the designated administrator.
 - (vi) Witnesses (only during the time they are giving statements).
- (d) Prior to the hearing, the affirmative action officer will submit to the board of appeals a copy of the appeals request and a response to it, if one is available. During the hearing, the grievant and the immediate supervisor shall have the right to call witnesses to present evidence. The immediate supervisor and the grievant will have fifteen minutes each to question each witness. The grievant and the immediate supervisor must submit a listing of their witnesses to the affirmative action officer no less than three working days prior to the hearing. All proceedings of a board of appeals hearing will be recorded as a reference for the board during their deliberations.
- (e) The board of appeals must render a decision and communicate it in writing to the grievant, the immediate supervisor, the affirmative action officer, and the president within ten days after the board of appeals hearing.
- (f) The finding and recommendation of the board of appeals may be appealed to the president of the college by either the immediate supervisor or the grievant. The appeal to the president must be in writing, with a copy sent to the affirmative action officer, and occur within ten days of receipt of the board of appeals written decision. The president will have twenty days to meet with the parties involved, if necessary, and to render a written decision. The written decision will be sent to the grievant, the immediate supervisor, and the affirmative action officer. The decision of the president is final.
- (g) The grievant may not initiate legal action against the college or any employee of the college until the internal grievance process has been completed.

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Daniel R. Hauenstein
Certification

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Date

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