

## **06:07:02:04 Grievance Committee**

### **Purpose:**

Dyersburg State Community College (DSCC) has established a clear, distinct procedure through which all DSCC employees have access to present their grievance before a committee of their peers.

### **Scope:**

This policy describes the process of forming a grievance committee and the procedures the grievance committee must follow. The decision to request a review of a grievance by committee can only be made after all other steps have been utilized in DSCC Policies 06:07:02:01 (Employee Grievance), 06:07:02:02 (Support Staff Grievance) and 06:07:02:03 (Grievance Process for Discrimination and Harassment).

The grievance committee and hearing shall be governed by the procedures as set out in TBR Guideline P-110 (Employee Grievance/Complaint Guideline).

### **Policy:**

An employee may request a review by the grievance committee in the following situations:

- An employee grievance that cannot be resolved through DSCC Policy 06:07:02:01;
- A support staff grievance that cannot be resolved through DSCC Policy 06:07:02:02;
- A discrimination or harassment grievance that cannot be resolved through DSCC Policy 06:07:02:03;
- Actions relating to the suspension of an employee for cause or for the termination of an employee that is in violation of an employment contract (TBR Policy 1:06:00:05: Uniform Procedures for Cases Subject to the Tennessee Uniform Administrative Procedures Act);
- Actions relating to the suspension or termination of a tenured faculty member (TBR Policy 5:02:03:70: Academic Tenure, Section VI (G)(2)(b)).

DSCC may choose to utilize the procedure for review by the grievance committee when resolving a complaint regarding faculty promotions (TBR Policy 5:02:02:30: Faculty Promotion at Community Colleges).

A. A grievance committee will be appointed by the President and will be composed of at least three (3) employees, none of whom have a direct interest in the grievance to be considered. Any committee member who has a particular interest in the outcome of the decision will be replaced with an alternate to avoid a biased decision.

B. The members selected will allow for peer representation within each committee. Faculty will be included in the

committee when a faculty member files a grievance; secretaries when a secretary is the grievant, etc.

C. The President will appoint one committee member to chair the committee.

D. While the committee may review the material and decisions of previous decision-makers in the process, it will conduct a review of the relevant facts. In order to do so, the committee may receive evidence from the grievant, gather evidence from other sources and call witnesses.

E. The burden of proof necessary to establish the validity of a grievance (a violation of law, policy or constitutional right) is on the grievant and must meet a 'preponderance of the evidence' standard.

F. The committee may allow all witnesses to be present at one time or may hear each witness, including the grievant, separately. The grievant may present any pertinent evidence to the committee and may request the committee to call those witnesses having testimony pertinent to the decision.

G. The committee shall make a written report of its recommendation and reasons supporting its recommendation to the President. The President may then adopt the committee's recommendation, in whole or in part, or may make his/her decision independent of the committee's findings.

H. The grievant shall be provided a copy of the Committee's report along with the President's decision.

I. Grievances which are processed through the grievance committee and upon which the President has made a decision are appealable to the Chancellor only where the grievance falls within the parameters set out in TBR Policy 1:02:11:00: Appeals and Appearances before the Board.

## **Compliance:**

All Dyersburg State Community College employees are expected to adhere to this policy.

## **Definitions:**

**Support Staff:** Employees who are not faculty, executive, administrative or professional staff.

**Grievance:** A feeling of resentment or injustice expressed by an employee who believes they have been unfairly treated.

**Employee:** Administrators, faculty (including full-time faculty on term or temporary contracts), professionals, clerical and support personnel. Probationary employees are also included in this definition. Student workers, adjunct faculty, and temporary workers are not included in the definition of employee for the purposes of this policy.

**Grievance Review Committee:** Committee of at least three (3) employees, none of whom has a direct interest in the grievance to be considered. The President selects the members and chairperson.

## **Revision History:**

Policy created September, 2012; approved by Administrative Council on 12/14/12.

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**Dyersburg State Community College**

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