

Support Staff Grievance

I. Purpose

Dyersburg State Community College (DSCC) has established a clear, orderly and expedient procedure through which all DSCC support staff employees may process a bona fide grievance if they have been demoted, suspended without pay, or terminated.

II. Scope

This policy applies to all DSCC support staff employees. Support Staff employees are employees who are not faculty, executive, administrative or professional staff.

III. Policy

Application of Guideline

The following procedure is to be used for support staff employees who are demoted, suspended without pay, or terminated.

If the grievance involves or is based on unlawful discrimination or unlawful harassment, the process set out in Guideline P-080 must be utilized; however, if the President's, as appropriate, decision includes demotion, suspension without pay, or termination, the employee so disciplined may use this procedure or the procedures described in TBR policy 1:06:00:05.

Standard grievance forms shall be made available to support staff at each work site, but no grievance may be denied because a standard form has not been used.

Time for Filing

A grievance must be initiated within fifteen (15) work days after the employee receives notice or becomes aware of the action which is the basis for the grievance.

The administrator considering the grievance at each step shall issue a written decision with specific reasons stated for the decision.

If the employee is not satisfied with the decision at any step, he/she must carry the grievance forward to the next step within fifteen (15) work days after receiving the written decision.

If the employee does not carry the grievance forward within fifteen (15) work days, the grievance procedure shall be terminated and the grievance disposed of in accordance with the last written decision.

For purposes of this procedure, the term "work days" refers to Monday through Friday. Any party involved in the grievance proceeding may request an extension of any deadline set forth in the policy.

Testimony, Witnesses and Representation

At every step, the employee may testify and present witnesses and materials in support of his/her position. The testimony of an employee, given either on his/her own behalf or as a witness for another employee, will not subject an employee to retaliatory action.

At every step, the employee may be accompanied by an employee representative. At the discretion of the panel chair (see Steps of Review, Item 3 below), additional employees from the unit may be allowed to attend the employee panel hearing conducted as the final step.

STEPS OF REVIEW

1. Immediate Supervisor

- a. Within fifteen (15) work days after the employee receives notice or becomes aware of the action which is the basis for the grievance, the employee completes a Grievance form (obtained from Human Resources), submits it to Human Resources and provides a copy to his/her immediate supervisor.
- b. Within fifteen (15) work days after receipt of the Grievance form, the immediate supervisor and the employee meet and discuss the grievance in a face-to-face meeting.
- c. If the supervisor or administrator was not the one who recommended the original employment action, the supervisor completes a written recommendation to the administrator who made the original employment action within fifteen (15) work days after the face-to-face meeting.
- d. Any changes from the original employment action must be approved by the President, before being communicated to the employee.
- e. If the supervisor or administrator fails to respond or if the decision is not satisfactory to the employee, the employee may carry the grievance forward to Step 2.

2. Next Higher Level Supervisor

- a. Within fifteen (15) work days after receiving notice that the employee wants further review, Human Resources will schedule a face-to-face meeting between the division head/vice president and the employee to discuss the grievance.
- b. Within fifteen (15) work days after the face-to-face meeting, the division head/vice president will issue a written decision explaining the specific reasons for the decision.
- c. Any changes from the original employment action must be approved by the President before being communicated to the employee.

3. Hearing: If the decision is not satisfactory, the employee can elect to have a hearing before a Grievance Committee or a hearing under the Tennessee Uniform Administrative Procedures Act (TUAPA).

4. a.

- a. Within fifteen (15) workdays after receiving the written decision at Step 2, the employee can request a grievance hearing before a panel of employees.
- b. The employee must notify Human Resources in writing whether they want a hearing before an employee panel.
- c. Alternatively, the employee may request a hearing under TBR Policy No. 1:06:00:05 (Cases Subject to UAPA), if applicable.

- d. If the employee requests a hearing before an employee panel, Human Resources or the appropriate institutional person as defined by the institution policy selects the panel members, convenes the hearing and arranges for the grievance to be heard.
- e. The employee grievance panel may include non-exempt staff employees, exempt staff employees, or a combination of both exempt and non-exempt employees.
- f. The panel members representing the unit where the employee works may not serve on the grievance panel.
- g. Every effort should be made to include minorities, i.e. ethnic minorities and women, in the composition of the committee.
- h. The grievance panel shall hear the grievance within fifteen (15) workdays, if practicable, after the date on which the employee submits a written request to Human Resources.
- i. The written recommendation of the institutional panel or commission is subject to review by the President,

4. Step 4- Review by the President, as appropriate:

- a. The written recommendation of the grievance panel will be forwarded to the President, or Chancellor, as appropriate.
- b. Within fifteen (15) work days, if practicable, the President, or Chancellor, as appropriate, or a designee will notify the grievant of the final decision.

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.

Non-Retaliation

No employee shall retaliate or discriminate against another employee because of the latter employee's filing of a grievance or complaint.

In addition, no employee shall coerce another employee or interfere with the action of another employee in the latter employee's attempt to file a grievance or complaint.

Administrative, academic and supervisory personnel should also be informed that they are responsible for ensuring that the employee is free from retaliation, coercion and/or discrimination arising from the employee's filing of or intent to file a grievance or complaint.

Responsibility for Implementation

The President, as appropriate, or designee has ultimate responsibility for implementation of the grievance and complaint procedures.

Administrative, academic, and supervisory personnel are responsible for insuring that they inform and make available to all employees information concerning their right to file a grievance or complaint and their right to be protected from retaliation.

Maintenance of Records

Copies of written grievances and complaints, and accompanying responses and documentation should be maintained at DSCC in Human Resources for at least two years after the date of the employment decision.

If a finding adverse to the grievant/complainant is made, the finding shall be maintained in the grievant/complainant's personnel file.

DSCC shall provide an annual report summarizing grievance activities of the previous year to The Tennessee Board of Regents which reports to the Tennessee Legislative Education Oversight Committee.

IV. Compliance

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

V. 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 in matters regarding demotion, suspension without pay, termination for cause and/or work assignments or conditions of work which violate statute or policy.

Employment Action: means any action described under Grievance.

Complaint: (Committee review not available) – A complaint is a concern which an employee wants to discuss with supervisory personnel in an effort to resolve the matter. Personnel actions such as performance evaluations, rates of pay, position re-classifications, job assignments, or position terminations due to reduction in force do not fall under the definition of complaint.

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.

Immediate supervisor: That person who is directly responsible for the supervision of the employee's activities.

Next-higher-level supervisor: That person who is directly responsible for the supervision of the immediate supervisor's activities.

Working days: Days on which the business offices of the institution are officially open.

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.

VI. Revision History

Policy created September, 2012; approved by Administrative Council on 2/14/12.

Policy updated April 2023; approved by Administrative Council on April 27, 2023.