

WESTERN NEBRASKA COMMUNITY COLLEGE

Western Community College Area Board of Governors' Policy

TITLE: Employee Grievances

DIVISION: Human Resources

CATEGORY: Personnel

REFERENCE: Nebraska Revised State Statute(s): §85-9,175; §85-1532; §85-1534

NUMBER: BP-425

APPROVAL/DATE: F. Lynne Klemke, President, WCCA Board of Governors
Date: December 18, 2019

Purpose

To provide all WNCC employees with a clear, efficient, and transparent grievance process when resolution through informal means has not resolved the concerns.

Scope

This policy applies to Administrator/Professional and Support Staff employee(s), Faculty and Adjunct Instructor(s) and student employees, where applicable. The process for full-time Faculty grievances is covered by the negotiated agreement. The College President is excluded from this policy.

Definitions

Grievance: A claim by an employee that he or she is adversely affected by the misinterpretation or misapplication of a written College policy.

Policy

In the interest of equitable and efficient operation of the College, employees of the Board, when applicable, shall be afforded a mechanism by which grievances may be resolved at the earliest opportunity.

Applicability

The College President shall promulgate procedures necessary to implement this policy with the following parameters:

Grievable Offenses

Except as noted herein, an employee may grieve any action which violates or inequitably applies Board Policies, President's Procedures, or College Institutional Guidelines and Practices and which adversely affects the employee's working conditions.

Non-Grievable Matters

The following matters are not grievable under this policy except as noted:

- Matters over which the College is without authority to act, e.g., Federal, state or civil rights laws
- Salary matters, reappointments and promotions, and reassignments
- Evaluations
- Dismissals, non-renewals, reductions-in-force, suspensions, and disciplinary actions
- Allegations of protected class or harassment, which are covered by Appendix A-1-12.

Procedures

Filing a Complaint

All complaints shall be made as promptly as possible after the occurrence. A delay in reporting may be reasonable under some circumstances; however, an unreasonable delay in reporting is an appropriate consideration in evaluating the merits of a complaint or report.

Review

The College President shall develop and publish procedures for review of employee grievances. The College President shall implement separate grievance processes in accordance with the following guidelines:

- For incidences where the employee(s) claims an action(s) violates or inequitably applies Board Policies, President's Procedures, or College Institutional Guidelines and Practices and the basis of the claim is not discrimination and/or harassment.
- For incidences where the faculty member claims an action(s) violates or inequitably applies Board Policies, President's Procedures, or College Institutional Guidelines and Practices and the basis of the claim is not discrimination and/or harassment.

All grievance processes will require the following:

- All grievances shall be in writing.
- All grievances shall be assessed by the preponderance of evidence standard.
- Before pursuing a formal complaint process, every reasonable effort should have been exercised to constructively resolve issues with the WNCC employees and/or students at the informal level.

Policy Revision

This WCCA Board policy supersedes any prior WNCC policy, procedure, guideline or handbook on this subject matter.

If statutory provisions, regulatory guidance, or court interpretations change or conflict with this Board Policy, the Board retains the right to revise accordingly and for the changes to take effect immediately.

Original Adoption Date (and Board of Governor's Minutes Item Number): Various
Revision Date (and Board of Governors' Minutes Item Number): December 18, 2020

Prior Policy Number:

420.1000.81 (Grievances – Support Staff)
425-0800-79 (Grievances – Full Time Faculty)
435-1500.86 (Grievances – Full Time Temporary Faculty)
450-2700-81 (Grievances – Full Time Admin/Prof)
Appendix B-1-98 (Non-Faculty Employee Grievance Procedure)

Schedule for Review:

Divisions/Department Responsible for Review and Update: Human Resources

Sponsoring Division/Department: Human Resources

Repeal Date:**Cross Reference:**

Procedure(s) for Policy: PP-425 Employee Grievance Procedure

Related Policies/References: