

## GRIEVANCE

### **I. Procedure**

A. It is important that grievances be processed as rapidly as possible, so the number of days indicated at each level should be considered as a maximum, and every effort should be made to expedite the process. However, the time limit specified may be extended by the College President, a vice president, or designee(s).

#### B. Informal Level:

1. Western Dakota Technical College (WDTC) attempts to resolve all grievances at the lowest level possible and therefore has established an Informal Level resolution process. The aggrieved may choose not to attempt Informal Level resolution and can start at the Level One process. If the aggrieved chooses to attempt to resolve the concern at the Informal Level, they must follow the steps below.
2. Grievances involving discrimination or harassment based on a protected class: Prior to the expiration of twenty-five (25) calendar days after the aggrieved knew, or should have known, of the act or conditions on which the grievance is based, the aggrieved must notify the VP for Institutional Effectiveness and Student Success who serves as the Title IX Coordinator or the Senior Human Resources Generalist. Within ten (10) calendar days, the Title IX Coordinator will determine if the concern moves forward under this grievance procedure or if the concern falls under Policy 9090 and notify the aggrieved in writing.

All other grievances: Prior to the expiration of fifteen (15) business days, after the aggrieved knew, or should have known, of the act or conditions on which the grievance is based, the aggrieved must notify their supervisor and the Senior Human Resources Generalist in writing on the Grievance Form in the related Exhibit of their intent to start the Informal Level of a Grievance Proceeding. If the complaint involves either of those parties, the Grievance Form will be submitted to the noninvolved party.

3. The supervisor or Senior Human Resources Generalist will schedule a meeting with the aggrieved within ten (10) business days of receiving the request to discuss the concerns. The aggrieved may discuss the potential grievance personally or may request that a representative accompany him/her and/or act on his/her behalf during this meeting. The result of this meeting will be to determine if a meeting can be called with all parties to attempt to resolve the

grievance at the Informal Level. If yes, the meeting with all parties will be called no later than ten (10) business days from the date of the meeting. If no, the aggrieved must, within ten (10) business days from the date of the meeting, file a Level One grievance with the Senior Human Resources Generalist.

4. If the Informal Level resolution meeting with all parties provides no resolution, the aggrieved may move to Level One resolution process. The aggrieved must, within ten (10) business days, file a Level One grievance with the Senior Human Resources Generalist.

C. Level One Without Informal Resolution Attempt:

1. WDTC attempts to resolve all grievances at the lowest level possible and therefore has established an Informal Level resolution process. The aggrieved may choose not to attempt Informal Level resolution and can start at the Level One process.
2. Grievances involving discrimination or harassment based on a protected class: Prior to the expiration of twenty-five (25) calendar days after the aggrieved knew, or should have known, of the act or conditions on which the grievance is based, the aggrieved must notify the VP for Institutional Effectiveness and Student Success who serves as the Title IX Coordinator or the Senior Human Resources Generalist. Within ten (10) calendar days, the Title IX Coordinator will determine if the concern moves forward under this grievance procedure or if the concern falls under Policy 9040 and notify the aggrieved in writing.

All other grievances: Prior to the expiration of fifteen (15) business days, after the aggrieved knew, or should have known, of the act or conditions on which the grievance is based, the aggrieved must notify the Senior Human Resources Generalist in writing on the Grievance Form of their intent to start Level One of a Grievance Proceeding. Within five (5) business days of receiving the Grievance Form, the Senior Human Resources Generalist will designate a Vice President to oversee the Level One process. If the complaint involves the Senior Human Resources Generalist, the Grievance Form will be submitted to a Vice President of the aggrieved's choosing.

3. The Vice President will schedule a meeting with the aggrieved within ten (10) business days of receiving the Grievance Form. The aggrieved may discuss the potential grievance personally or may request that a representative accompany him/her and/or act on his/her behalf during this meeting. The objective of this meeting will be to resolve the matter.

4. Following the meeting, the Vice President shall notify the aggrieved and the Senior Human Resources Generalist of their decision within ten (10) business days. The Grievance Form will be utilized for notification.
5. Within five (5) business days of receiving notification of the Level One disposition, the aggrieved shall return the Grievance Form to the Senior Human Resources Generalist, indicating that the aggrieved either agrees or disagrees with the disposition.
  - a. If the aggrieved agrees with the disposition, any sanctions included in the disposition are to be carried out and the grievance is to be considered resolved.
  - b. If the aggrieved does not agree with the disposition, the grievance will move to the Level Two process.

D. Level One with Informal Resolution Attempt:

1. If the Informal Level resolution meeting with all parties provides no resolution, the aggrieved may move to Level One resolution process. The aggrieved must, within ten (10) business days from the conclusion of the Informal Resolution process, file a Level One grievance utilizing the Grievance Form, with the Senior Human Resources Generalist.
2. Within five (5) business days of receiving the Grievance Form, the Senior Human Resources Generalist will designate a Vice President to oversee the Level One process. If the complaint involves the Senior Human Resources Generalist, the Grievance Form will be submitted to a Vice President of the aggrieved's choosing.
3. The Vice President will schedule a meeting with the aggrieved within ten (10) business days of receiving the Grievance Form. The aggrieved may discuss the potential grievance personally or may request that a representative accompany him/her and/or act on his/her behalf during this meeting. The objective of this meeting will be to resolve the grievance.
4. Following the meeting, the Vice President shall notify the aggrieved and the Senior Human Resources Generalist of their decision within ten (10) business days. The Grievance Form will be utilized for notification.
5. Within five (5) business days of receiving notification of the Level One disposition, the aggrieved shall return the Grievance Form to the Senior Human

Resources Generalist, indicating that the aggrieved either agrees or disagrees with the disposition.

- a. If the aggrieved agrees with the disposition, any sanctions included in the disposition are to be carried out and the grievance is to be considered resolved.
- b. If the aggrieved does not agree with the disposition, the grievance will move to the Level Two process.

E. Level Two:

1. If the aggrieved is not satisfied with the disposition of the grievance at Level One, the aggrieved shall, within ten (10) business days from the conclusion of the Level One process, file a Level Two grievance utilizing the Grievance Form, with the Senior Human Resources Generalist.
2. Within five (5) business days of receiving the Grievance Form, the Senior Human Resources Generalist will notify the President that a Level Two grievance process has been submitted. If the complaint involves the Senior Human Resources Generalist, the Grievance Form will be submitted to a Vice President of the aggrieved's choosing. If the complaint involves the President, a subcommittee from the Board of Trustees will replace the President in all steps of the Level Two process.
3. The President, or designee(s), shall meet with the aggrieved and parties-in-interest within ten (10) business days of receiving notification of the Level Two grievance. The objective of this meeting will be to resolve the grievance.
4. Following the meeting, the President shall notify the aggrieved and the Senior Human Resources Generalist of their decision within ten (10) business days. The Grievance Form will be utilized for notification.
5. Within five (5) business days of receiving notification of the Level Two disposition, the aggrieved shall return the Grievance Form to the Senior Human Resources Generalist, indicating that they have been informed of the disposition. If the Grievance Form is not returned, it is assumed that the aggrieved has received the notification.

F. Rights of Employees to Representation:

1. WDTC shall not discriminate against any employee, any party-in-interest, or any other participant in the grievance procedure by reason of such participation. Any

aggrieved person or party-in-interest may be represented at any level of the grievance procedure by the employee and/or the employee's representative. Prior to the time of any grievance meeting, the employee shall advise the WDTC HR Office as to the name of the employee's representative.

**G. Miscellaneous Provisions:**

1. If a grievance affects a group of employees and upon submission of the grievance at the Informal Level or Level One Without Informal Resolution Attempt it is determined the grievance is governed by 9040.Procedure.01, the processing of such grievance may be commenced at Level Two.
2. The College HR office shall make available to the aggrieved and the aggrieved person's representative all pertinent information, not privileged under law, in its possession or control, which is relevant to the issues raised by the grievance.
3. When it is necessary for the employee and/or the employee's representative to attend a meeting or a hearing called during the school day, such person or persons shall make advance arrangements with their supervisor, and they shall be released without loss of pay for such time as their attendance is required at such meeting or hearing.
4. No grievance shall be recognized unless it has been presented within the required timeframes of this procedure and associated policies.
5. Failure by the aggrieved to comply with any time limitation shall constitute a withdrawal of the grievance.
  - a. Employees who voluntarily terminate their employment will have their grievances immediately withdrawn and will not benefit by any later settlement of an individual or group grievance.

**II. Definitions – None**

Legal References: None

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