

## GRIEVANCE PROCEDURE

This policy provides an avenue for use by staff members for the resolution of differences and misunderstandings in connection with claimed violations of established College policies, handbooks or practices.

### Definitions

- 1.A "grievance" shall mean a complaint by a staff member: (1) that there has been, as to him, a violation of any of the provisions of his employment offer or (2) that he has been treated inequitably by reason of any act or condition which is contrary to established College policy, handbooks or practice governing or affecting staff members; except that the term "grievance" shall not apply to any matter as to which the College is without authority to act and shall not apply to staff member performance reviews or discipline or termination of staff members.
- 2.A "staff member" means all staff members of the College excluding faculty.
- 3.The term "days" when used in this policy shall, except where otherwise indicated, mean working days; thus, weekend or vacation days are excluded.

### Purpose

The purpose of this procedure is to secure, at the lowest possible administrative level, equitable solutions to the problems which may from time to time arise, affecting the welfare or working conditions of staff members. Grievance proceedings will be kept as informal and confidential as may be appropriate at any level of the procedure. A staff member believing that he or she may have been subject to sexual harassment or discrimination by another staff member, faculty member or student should file a complaint at [compliance@eossc.edu](mailto:compliance@eossc.edu). The following procedures should be initiated.

#### *Option 1*

The College encourages informal resolution of complaints. If appropriate, the aggrieved individual(s) may first discuss the complaint directly with the individual against whom the complaint is made. If the alleged discrimination involves a department or unit rather than an individual, the aggrieved individual(s) may discuss the complaint with a representative of that department/unit. If the complaint is not resolved as a result of this discussion, or if the aggrieved individual(s) do not wish to proceed informally, they should proceed to Option 2.

#### *Option 2*

The aggrieved individual(s) may file a formal complaint with the Director of Human Resources. The complaint must be in writing and include the grievant's name and address, the nature of the alleged violation, name of the persons responsible for the alleged violation (where known), requested relief or corrective action (specification of desired relief shall be at the grievant), and any background information the grievant believes to be relevant (e.g. witnesses to the alleged violation, name or groups of other persons who may be affected, etc.).

A complaint should be filed in a timely manner following an alleged violation. The College will take affirmative steps to comply with the provisions of Title IX at any time a violation becomes known, but may not be able to address a specific instance of alleged violation if the passage of time has rendered memories unclear and relevant documentation is lacking. Aggrieved individual(s) are urged to initiate either option within a week of becoming aware of a perceived violation.

Upon receipt of the complaint, the Title IX Coordinator and/or Director of Human Resources will immediately begin conducting an investigation. All parties related to the complaint will be afforded the opportunity to submit evidence (including statements from witnesses) relevant to the complaint. The investigation will be completed within 20 working days of receiving the complaint and a statement of

findings will be issued by the Title IX Coordinator to the individual or department/unit against whom the complaint is made and to the grievant.

If it is determined that the allegations of discrimination have merit, a proposed resolution according to law and College policy will be submitted to the parties involved. If the proposed recommendations are acceptable to the grievant and the solutions are implemented, the complaint is considered resolved.

The grievant may request a reconsideration of the case (an appeal) in instances where he or she is dissatisfied with the resolution. The request for consideration should be filed in the President's Office within 10 working days of receipt of the resolution, or as soon as possible following evidence the accepted solution has not been implemented. The President will review the request and issue a final resolution in a timely manner. The decision of the President is final.

### **Withdrawal of Complaint**

The complainant may withdraw the complaint at any point.

### **Implementation of Recommendations**

Within 10 working days of receipt of the Title IX Coordinator's recommendation, the President will either implement the recommendations or indicate in writing to the parties involved the reasons for taking other actions or no actions.

Anyone at any time may contact the following:

Office for Civil Rights  
United States Department of Education  
400 Maryland Avenue, SW  
Washington, DC 20202  
Telephone: 202.245.6800

Or

Office for Civil Rights  
United States Department of Education  
1010 Walnut Street, Suite 320  
Kansas City, MO 64106  
Telephone: 816.268.0550

Complaints of discrimination will be treated as confidentially as possible, recognizing the potential need to notify the alleged perpetrator of the facts relative to the alleged violation, contact and interview witnesses and other knowledgeable parties, inform key staff of issues required for compliance, and reply to any state or federal agencies who may have been informed of the alleged violation.