

208: EMPLOYEE GRIEVANCE PROCEDURE

EFFECTIVE DATE:
APPROVED BY BOARD OF
TRUSTEES NOVEMBER 9, 2005

208 (A): Employee Grievance Procedure

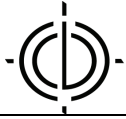
[FACULTY/ ADMINISTRATORS]/NON-REPRESENTED EMPLOYEES

1. PURPOSE. The Professional Affairs Committee of the College Senate of The Community College of Baltimore County has drafted an Employee Grievance Procedure which has been approved by the President’s Staff.

In the event of a conflict between the policies contained in the Policy Manual of The Board of Trustees of the Community College of Baltimore County (the “Policy Manual”) and this Procedure, the Policy Manual will control.

2. DEFINITIONS.

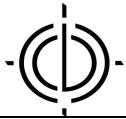
- 2.1 “Administrator” means an employee holding an Administrative contract or evaluated with an administrative form. "Administrator" does not include supervisors who are classified staff.
- 2.2 “Appointing Authority” means the individual or group of individuals who appoint or elect a Representative.
- 2.3 “Appropriate Grievance Committee” means the specific Administrator, Faculty or Exempt Grievance Committee in accordance with Section 3 of this Procedure.
- 2.4 “Business Day” means any day the College is officially open for business in accordance with the Board-approved Operating Calendar.
- 2.5 “CCBC” or the “College” means The Community College of Baltimore County, including, but not limited to the Catonsville, Dundalk and Essex campuses; Continuing Education and all of its locations, all off-campus centers and the systems office.
- 2.6 “Chair” means the elected head of each Appropriate Grievance Committee.
- 2.7 “Equity Officer” means the Executive Director of Human Resources, Institutional Equity and Labor Relations for the College.
- 2.8 “Faculty Member” means an individual who has, in effect, a full-time faculty contract with CCBC. "Faculty Member" does not include individuals with adjunct faculty or temporary contracts.



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- 2.9 “Grievant” means a Faculty Member or Administrator or classified employee not eligible for representation by a bargaining unit and who are identified as Unit 4 or C8 employees. All other members of the classified staff are subject to the grievance procedure contained in the AFSCME or CWA Agreements, whichever is appropriate.
- 2.10 “Grievance” means a written petition from a Grievant that:
- (a) describes an alleged violation, misinterpretation, or inequitable application of written rules, procedures, policies or orders that govern the work-related behavior of the Grievant as set forth in the Board approved Employee Handbook; or
 - (b) relates to a decision/recommendation involving tenure, promotion, discharge for cause, non-renewal of contract, or the performance evaluation process. Grievances related to the performance evaluation are limited to Process only and not the evaluation rating.
 - (c) The process is applicable to grievable events filed under this procedure within a period not to exceed 45 days from the date of event resulting in the grievance. For 10 month employees, the period of June 15 to August 15 will not be used in determining the 45 days.
- 2.11 “Hearing” means a formal hearing in front of the Appropriate Grievance Committee.
- 2.12 “Permanent Procedure” means the grievance procedure for Faculty Members and Administrators and Employees not eligible for bargaining unit representation submitted by the Professional Affairs Committee of the College Senate for adoption by the Cabinet.
- 2.13 “Procedure” means this written faculty grievance procedure. This Procedure DOES NOT apply to allegations of discrimination and sexual harassment, which are to be directed to the Director of Human Relations on each campus. Furthermore, this Procedure does not apply to recommendations by the President to the Board of Trustees. In that event, the Faculty Member or the Administrator shall have a right to appeal to the Board of Trustees.



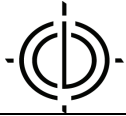
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- 2.14 “Professional Affairs Committee” means the committee created under the shared governance model to study employment related issues.
- 2.15 “Receipt Date” means the Business Day on which the Equity Officer receives the Grievance and stamps time, date received.
- 2.16 “Representative” means a member of the Appropriate Grievance Committee selected in accordance with the procedure set forth in Section 3 of this Procedure.

3. SELECTION OF THE GRIEVANCE COMMITTEE

- 3.1 The Appropriate Grievance Committee shall be comprised of a total of five (5) members to be selected as follows:
- 3.1.1 The Faculty Grievance Committee shall be comprised of five (5) Faculty members, self or Senator-nominated, and elected by a vote of the College Senators who are faculty members.
- 3.1.2 The Administrator Grievance Committee shall be comprised of five (5) Administrators, self or Senator-nominated, and elected by a vote of the College Senators who are administrators.
- 3.1.3 The Unit 4 Employee Grievance Committee shall be comprised of five (5) Unit 4 Employees, self or Senator-nominated, and elected by a vote of the College Senators who are Unit 4 employees.



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3.2 Chair of the Grievance Committee.

By majority vote, the members of each of the Appropriate Grievance Committees shall elect a chair. The Chair shall serve in that capacity until the end of his/her term unless removed as by (a) majority vote of the Grievance Committee, or (b) a majority vote of the College Senate.

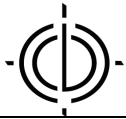
4. RESIGNATION AND REMOVAL.

4.1 The College Senate may remove the Representative, upon thirty (30) Business Days prior written notice, if, in the reasonable discretion of the College Senate, the continued service of that Representative would be detrimental to the operation of the Committee or the other responsibilities of the Representative make it difficult for the Representative to be an effective member of the Grievance Committee.

4.2 A Representative may request (self-decline) or the College Senate may require that the Representative not participate in a hearing due to a conflict of interest related to the Grievant or the Grievance. In such case, the College Senate shall select a temporary Representative – to participate in the Hearing. - The temporary Representative shall step down from the Committee, once the Hearing is concluded and the Committee has rendered its decision.

4.3 Any member of the Grievance Committee may resign upon thirty (30) Business Days prior written notice to the Chair of the Grievance Committee and to the College Senate.

5. VACANCY. In the event a vacancy arises on the Grievance Committee, the College Senate shall appoint or elect a new Representative to complete the term of the vacant position.



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6. OPERATING PROCEDURES.

6.1 Operation of the Grievance Committee.

6.1.1 A quorum shall consist of the Chair (or the temporary chair, as described below) and two (2) of the four (4) Representatives. The Chair shall make a reasonable effort to attend all Hearings. In the event, however, the Chair is unable to attend a Hearing, the Chair may designate, in writing, a temporary chair. Hearings and other formal business of the Grievance Committee can be conducted only when a quorum is present.

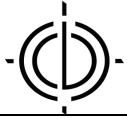
6.1.2 The Chair, as well as each other Representative shall have one vote. A majority vote of a quorum is required to pass any measure, except with respect to the election of the Chair, which is set forth in subsection 3.3 above.

6.2 Filing a Grievance.

6.2.2 A Grievant shall submit his/her Grievance in writing to the Equity Officer of CCBC or designee where it will be time/dated as received.

6.2.3 Within ten (10) Business Days of the Receipt Date, the Equity Officer shall send a copy of the grievance to the Chair of the Appropriate Grievance Committee and the Grievant's immediate supervisor, or if the Grievance involves the immediate supervisor to the supervising Dean.

6.2.4 Within ten (10) Business Days of the Receipt Date, the Equity Officer or his/her designee shall schedule a mediation with the Grievant and the Grievant's immediate supervisor and the Grievant's second level supervisor to attempt to resolve the Grievance. The Grievant can in writing within ten (10) working days, decline/accept the offer of mediation. The Equity Officer or designee shall act as mediator unless another individual is agreed upon, in writing, by the Equity Officer and the Grievant. The Equity Officer shall send the appropriate Grievance Committee Chair written notice of the meeting and its outcome within fifteen (15) Business Days after the meeting.



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- 6.2.5 If the Grievance is not resolved, as a result of the mediation, the Appropriate Grievance Committee Chair shall schedule a Hearing within fifteen (15) Business Days of the Chair's receipt of the written notice from the mediator. Prior to the date of the Hearing, the Chair and the Grievant shall agree, in writing, on the grievant's witnesses who will be called and the duration of the Hearing. The Grievant may provide any new documentation appropriate up to 48 hours before the scheduled Hearing but it must be presented to all parties.
- 6.2.6 The Grievance Committee, through the Chair, shall deliver its decision, in writing, to the grievant, within fifteen (15) Business Days of the conclusion of the Hearing.
- 6.2.7 Grievant may agree - to reasonable extensions of the time periods set forth in this Procedure. In addition, the Chair, in the sole discretion of the Chair, may postpone the Hearing for a Grievance that occurs at the end of the fall or spring semester or at any time during the summer session to the beginning of the next semester.
- 6.2.8 FINAL APPEAL. The Grievant may submit a final written appeal to the CCBC Appeals Committee or the appropriate cabinet level officer within thirty (30) Business Days of the Grievant's receipt of the written decision of the Committee. The Cabinet officer shall have thirty (30) Business Days from their receipt of the written appeal to render a decision and may rely on the record at the Hearing or conduct any further inquiry deemed appropriate. The appeal to the Cabinet level officer represents the final appeal in the process.
- 6.3.1.1.1 There are 3 CCBC Appeals Committees comprised of a nine (9) member board of three (3) Administrators, three (3) Faculty members, and three (3) Unit 4 Employees. Representatives for each Appropriate Appeals Committee are elected from the entire, at-large constituent group. Each Appropriate Appeals Committee will only deliberate over a grievance from their respective constituent group.
- 6.3.1.1.2 All recommendations from the CCBC Appeals Committees will be reviewed by the President or designee or the Board of Trustees.