

The college shall establish a grievance process that meets all requirements of federal and state statute and regulations (ARS 15-1445).

Harassment and False Testimony Prohibited

No employee may knowingly use or participate in the grievance or disciplinary process without a reasonable, good faith belief that there exist grounds for his/her position; no employee may use or participate in the grievance or disciplinary process solely for harassment purposes. Moreover, no employee may knowingly provide false information or testimony in the investigative or hearing process. Utilization of the grievance or disciplinary process without reasonable grounds or in bad faith or for the purpose of harassment or the falsification of information or testimony in the investigative or hearing process will be grounds for immediate termination from employment.

Grievance Procedures

A grievance occurs when it is alleged by an employee that a specific policy or procedure has been violated by the College administration, misinterpreted or inequitably applied to the detriment of the respective employee. Mohave Community College recognizes the importance of providing a prompt and efficient procedure for resolving grievances fairly and equitably, without fear of prejudice or retaliation for initiating a grievance or participating in its settlement.

Items that cannot be grieved

The grievance procedures do not apply to complaints solely related to:

1. Performance or progress reports; improvement plans; program review
2. Work assignments, including work location; schedule changes; reassignment and other work-related directives given by a supervisor.
3. Job classification and compensation, including salary adjustments.
4. Administrative leave or suspension with pay.
5. Recommendation and notification for non-reappointment; reduction in force.
6. Notification of failure to successfully complete initial probationary period.
7. Hiring decisions, including internal promotion decisions.
8. Decisions that a complaint is not grievable.

If Human Resources determine the complaint cannot be grieved pursuant to these procedures, the grievance will be returned to the aggrieved party with a written explanation.

Date of Adoption: Adoption of Manual

References: ARS 15-1445

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Grievances should be resolved at the division or department level whenever possible. Upon notification of a complaint to the immediate supervisor or to Human Resources, a conference will be held between aggrieved party, supervisor and, where appropriate, the college administrator. The Human Resources will participate in a mediator role. If the grievance is satisfactorily resolved at the conclusion of the conference, the matter will be considered closed with no need for advancement to formal grievance process. If the conference is unsuccessful, the aggrieved party will be advised by Human Resources to proceed with the formal grievance process within five business days. Failure of the aggrieved party to initiate Step 1 of the formal grievance procedures within the time allowed will constitute waiver.

Supervisors must document all informal grievance conferences by memorializing the date, time, persons present, issues in dispute, and agreements reached. Copies will be submitted to Human Resources within five (5) business days of the conclusion of any conference.

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Formal grievance procedures are not available until the informal grievance process has been exhausted or Human Resources determines there is a compelling reason to proceed directly to the formal grievance process.

Step 1: Submission of Written Statement

The aggrieved employee will submit, within three (3) business after being advised to proceed, to his/her immediate Supervisor, or to Human Resources, a written statement describing in detail, the nature of the complaint, setting forth times, dates, names of witnesses and the substance of each and every contributing event. The written statement will also include a description of any action taken to resolve the matter, the results of such action and how the employee has been impacted.

Step 2: Investigation

Upon receipt of the aggrieved party's statement, Human Resources will give written notification to the aggrieved party and the alleged offending college administrator(s) that the formal grievance process has been initiated. By the same notification, the parties will be advised that an investigation of the allegations will be conducted, the nature of the investigation and the expected time of completion. Human Resources may recommend to the President that an outside investigator be retained.

Human Resources will consult with the President about whether it is reasonable to place the employee and/or the college administrator on administrative leave with pay until the investigation is complete and a written response is delivered to all concerned parties. Human Resources will consider factors such as whether a hostile working environment may exist. Pending investigation, Human Resources may also determine to consult with the President to consider the reassignment of duties. A notification will include directions to affected parties regarding administrative leave and/or reassignment of duties.

In order to maintain the greatest possible confidentiality, all parties interested in or affected by the grievance will be expected to refrain from discussing with non-affected parties, any matters related to the grievance and/or the ensuing investigation.

The investigative process will include, but not be limited to, interviews of all interested parties and witnesses and the collection and indexing of pertinent documents, written statements and other evidence. The notes or transcriptions of the interviews and the evidence collected will be compiled in a record to which the investigator's findings and conclusions will be attached. The record will remain confidential (to the extent allowable by law).

Step 3: Findings, Conclusions and Recommendations

Human Resources or investigator will prepare a written summary of findings, conclusions and recommendations which will serve as the response to the aggrieved party and will be served upon the aggrieved party and accused party(ies) within five (5) business days after completion of the investigation.

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Step 4: Appeal to Hearing Panel

If unsatisfied with the findings, conclusions and recommendations of the investigation, the aggrieved party will submit a written notice of appeal to Human Resources within five business days. Failure to timely submit objections will constitute waiver of further proceedings. Human Resources will convene a hearing to proceed in accordance with administrative procedures section 5.165.

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