

SECTION 700.22

FACULTY GRIEVANCE PROCEDURE

1. Definition of “grievance”

“GRIEVANCE” means: an allegation of a violation of a specific Board or institutional policy, procedure or practice pertaining to the employment relationship. This includes the terms of the grievant’s employment contract and this policy. The discretionary actions of salary adjustments and performance evaluations may not be grieved, except to determine:

- a. Whether the discretionary action was made in accordance with relevant Board or institutional policies, practices, procedures, or criteria.
- b. Whether the action constitutes clear abuse of discretion. Complaints involving any matters covered under NDUS Policy Manual Sections [605.3](#) or [605.4](#) are not grievances under this policy.

Grievances cannot be filed against written Board and institutional policies per se.

- a. Purpose: It is the policy of Lake Region State College that all faculty of the college are provided specific and equitable procedures which afford due process for resolving grievances.
- b. Application: This policy only applies to faculty as defined in section [605.1](#) (NDUS Policy Manual). It does not apply to classified staff or to administrators or coaches.

2. The Informal Process:

Faculty have the right to present grievances to their supervisors and are assured academic freedom, freedom from discrimination, coercion, restraint or reprisal in presenting grievances. If the concern is not resolved informally, the faculty member has the right to file a formal written grievance or attempt to resolve through mediations. All references to work days shall be to actual days worked at the normal work site by the person required to respond. The purpose of the informal procedure is to require the parties involved in a grievance to attempt to resolve the problem themselves through the following steps:

- a. The faculty member should attempt to discuss the complaint with the person who appears to be the source of the grievance (the respondent).
- b. If the problem is not resolved at the first step, the faculty member should take the complaint to the respondent’s supervisor.
- c. If the problem is not resolved to the satisfaction of the faculty member through the informal process with the Vice President of the Academic and Student Affairs, then the faculty member may enter the Formal Grievance Process by filing a written grievance for a hearing within 20 working days of the initiation of the informal process.

3. The Formal Process:

- a. A faculty employee shall explain in writing the grievance to the Vice President of Academic and Student Affairs. A copy of each step should be submitted to the Personnel Director who shall keep official records of the progress of a grievance regarding specific time limits. The written grievance will include the cause of the grievance and provide a suggested remedy. A formal written grievance must be brought within five (5) working days after the Informal Grievance Process has been exhausted. The Vice President of Academic and Student Affairs shall reach a decision and communicate it in writing to the

faculty employee within ten (10) working days of their receipt of the written grievance. Every effort should be made to settle grievances at this stage.

- b. If the grievance is not settled in step one of the Formal Process, the faculty employee shall file an appeal to the Faculty Rights Committee within five (5) working days of the receipt of the Vice President of Academic and Student Affairs decision. The Faculty Rights Committee shall hold a hearing with the persons concerned in the grievance within ten (10) working days. The Faculty Rights Committee shall determine whether the grievance has merit, deciding whether to accept or reject the proposed remedy of the faculty employee. The Faculty Rights Committee may prescribe alternative remedies to otherwise resolve the grievance. Within five (5) working days after completion of the hearing, the Faculty Rights Committee shall present its written decision to the Vice President of Academic and Student Affairs, the employee, and the institution's President.
- c. If the grievance is not settled in either of the above steps of the Formal Process, the faculty employee or the Vice President of Academic and Student Affairs, within five (5) working days after receiving all information on the grievance, the President shall provide a written decision. The President's decision shall be final. Any disposition which is not appealed by the faculty employee within the time allowed at each level shall be considered settled and binding on the employee.

History

Administrative Council Approved 05/05/03