

CSN Instructional and Professional Faculty Employee Grievance Process and Form

What is a Grievance Procedure?

A grievance procedure provides a structured process for presenting and settling workplace disputes.

During the normal course of work:

- Managers/supervisors have the responsibility to assign and employees have the responsibility to carry out work tasks, assignments and goals that are reasonable.
- Managers/supervisors have the responsibility to monitor progress and employees have the responsibility to allow and assist managers in this process.
- Finally, Managers have the responsibility to provide accurate and honest feedback on progress and performance, and employees have the responsibility hear that feedback and act upon it.

However, during the course of work, as in any relationship, differences in perspectives, disagreements, and missteps occur. When these happen managers/supervisors and employees are encouraged to work out their differences together through an informal process. When that is not effective the employee has the means of formally requesting that the two parties work to a resolution by way of the grievance process. A grievance is the elevation of a dissatisfaction arising out an employee's job which he or she thinks is unfair, unjust or inequitable. In an organization, a grievance may arise due to several factors such as a perceived violation of:

1. Management's responsibility such as poor working conditions,
2. NSHE, CSN rules and regulations,
3. The Collective Bargaining Agreement, In the case of those covered by the CBA,
4. Federal or state labor laws,
5. OSHA or safety standards, and
6. Fair work procedures and processes such as unfair treatment in work assignments, evaluations, and the like.

Typically, sources of grievance are found under one of two categories: management policies and practices and working conditions.

1. Management policies and practices:

- Wage rates
- Application of leave policy
- Not adhering to the collective bargaining agreement
- Disparity the job responsibility and an employee's skills
- Reprisal or retaliatory action (typically handled by the Office of Institutional Equity)
- Discrimination based upon being a member of a protected class (typically handled by the Office of Institutional Equity)

2. Working conditions:

- Poor safety and bad physical conditions
- Unavailability of necessary tool to do a task
- Misapplication of discipline
- Unrealistic assignments and expectations
- Dismissal, demotion or suspension

Note on eligibility of topics

- Grievance involves a perceived injustice of the grievant by management.
 - It is never employee against employee
- An act, omission or occurrence with employee feels constitutes an injustice relating to any condition arising out of the relationship between employer and an employee to include, but not limited to
 - compensation,
 - working conditions,
 - membership in an organization of employees, or
 - the interpretation of any law, regulation, or
 - disagreement or a contested report on performance
- A of Letter of Instruction cannot be grieved.

The Informal Process

You should make every attempt to resolve issues informally, by holding direct discussions with those involved. This requires an open mind, the spirit of cooperation, and the willingness to listen and understand the other person. As a rule, issues that are addressed early on while they are small tend not to grow and escalate into grievances.

1. HR recommends that you attempt to resolve issues with your immediate supervisor and if necessary, with immediate supervisor's supervisor. Often in this process one will find that there has been a miscommunication or misunderstanding. Solutions brought about by this process tend to be longer lasting and build a foundation for future problem solving.
2. All managers/supervisors are responsible to resolve issues informally when possible. In the event the informal resolution process is not successful, and you wish to pursue the matter formally, you should meet with the Director of Employee Relations in the Human Resources Department.
3. The Director of Employee Relations will first attempt to work with the appropriate parties in an attempt to resolve the grievance informally. If this process fails to bring about a satisfactory resolution, you may initiate the formal grievance procedure. Be aware that HR typically does not resolve the issue on its own. They will hold discussions with your manager/supervisor and other relevant parties.

The Formal Grievance Process

The formal grievance process is outlined in the CSN Bylaws (appropriate section attached), and for those under the CSN-NFA collective bargaining agreement who want to grieve interpretations of the contract (appropriate sections attached) the process for them is stated in the contract.

The CSN Grievance Process

Step 1: An act or omission takes place that the employee wants to grieve.

Step 2: The employee has up to 10 working days to meet with the administrator (immediate supervisor) informally to discuss the matter.

Step 3: If the employee is not satisfied then the employee has 10 working days from the informal meeting to request a second level meeting with the administrator and their immediate supervisor.

Step 4: If the employee is not satisfied with the outcome of the second level meeting, then he or she has 10 working days to complete a grievance statement on the attached grievance form or on a memo. A copy is given to HR, the administrator and their supervisor.

Step 5: The administrator's supervisor has 10 working days to respond with a decision in memo form.

Step 6: If the employee is not satisfied with the outcome of the memo, then he or she has 10 working days to appeal to the next level manager and so on to the level of the CSN President

Step 7: THE CSN President may appoint aa administrator to engage in a fact-finding investigation and provide him or her with a report and recommendation. The President will provide the final decision in writing within 20 working days.

Governing Documents

COMMUNITY COLLEGE OF SOUTHERN NEVADA BYLAWS

CHAPTER THREE

Section 3.2 Employee Conditions

3.2.1 General Procedures

6. Conflict Resolution

a. Intent

Faculty are encouraged to resolve conflicts informally. (B/R 5/90)

b. Grievance Procedures

(1) Faculty of the College who feel aggrieved because of an action or an omission of an action resulting in an adverse impact on employment conditions, except those conditions specifically excluded by the NSHE Code, institutional Bylaws, shall follow these grievance procedures. Professional staff who feel aggrieved on the basis of discrimination or denial of promotion, pay, or merit, should consult with the Human Resources Director regarding procedures to follow. (B/R 12/93)

(2) Within 10 working days of the alleged event-giving rise to the grievance, the aggrieved faculty member shall request in writing an informal mediation conference with the administrator responsible for the alleged grievance. (B/R 5/90)

(3) If the grievance is not resolved as a result of the first conference, the aggrieved faculty member shall request in writing within ten working days following the first conference, a second level mediation conference with the involved parties and the administrator's supervisor. (B/R 5/90)

(4) If the grievance is not resolved as a result of the second conference, the aggrieved faculty member must submit a Grievance Statement to the supervisor of the administrator responsible for the alleged grievance within ten working days following the second level conference, with a copy to the administrator responsible for the alleged grievance. The supervisor of the administrator responsible for the alleged grievance must respond in writing with a decision on the grievance within ten working days after receipt of the Grievance Statement. (B/R 5/90)

(5) If the faculty member remains dissatisfied with the outcome of the grievance after step 4 and the next level of supervision is not the President, within ten working days after the decision referred to in step 4 is made, the Grievance Statement shall be submitted to the next higher level of administration for review and the decision which shall be made within ten working days after submission of the Grievance Statement. This step may be repeated for successive levels of administration until the faculty member is satisfied or the next level of administration is the President. (B/R 5/90)

(6) If the faculty member remains dissatisfied with the outcome of the grievance after the prior step, the aggrieved employee shall submit the Grievance Statement to, and request in writing a conference

with, the President of the College within ten working days of the conclusion of the previous step. (B/R 5/90)

(7) The President of the College shall make a decision within twenty working days of receipt of the Grievance Statement. The president may appoint an administrator not involved in the dispute to act as a fact finder. The President is the final authority on all grievances. The President will forward his/her decision in writing to the aggrieved faculty member and to the administrator responsible for the alleged grievance. (B/R 5/90)

c. Processing Grievances

(1) It is the responsibility of the Associate Vice President for Human Resources to maintain a supply of Grievance Statement Forms. (B/R 12/93)

(2) If at any stage of the grievance procedure, the grievant does not take the next step within the time allotted, the grievance shall be resolved in accordance with the decision of the administrator at the last step. (B/R 5/90)

(3) If an administrator does not respond within the specified time limit, the faculty member can declare that resolution was not achieved at that step and proceed with the next step in the procedure. (B/R 5/90)

(4) Grievances shall be processed as rapidly as possible. The number of days indicated at each level shall be considered a maximum and both the faculty member and administrators shall make every effort to expedite the process in a shorter period of time. The parties may mutually agree in writing to extend any of the time periods. (B/R 5/90)

(5) Grievance Statements and responses shall be copied to all parties previously involved in the process. (B/R 5/90)

(6) The aggrieved faculty member has the right to bring to any conference a colleague and/or to have the conference proceedings recorded. He/she may bring counsel to the conference with the President, who may determine the extent of participation permitted by counsel. (B/R 5/90)

(7) Faculty members and administrators have rights set forth in the United States Constitution, Federal laws, and the Nevada Revised Statutes. Nothing in the above procedures shall be interpreted to expand, reduce or otherwise modify such rights. (B/R 5/90)

NFA Contract¹
2020 – 2022
College of Southern Nevada

Article 18
Grievances

Section 1. Definitions

1. Grievant: A grievant shall be a member of the bargaining unit who, at the time of the alleged violation, has rights under a provision(s) of this Contract alleged to have been violated. A grievant shall also mean the CSN-NFA where it has rights under a provision(s) of this Contract alleged to have been violated. Nothing herein shall prevent CSN-NFA from filing a grievance, with the consent of and on behalf of a grievant who is a member of the bargaining unit.

2. Grievance: For purposes of this Agreement, a grievance is a procedure for resolution of disputes relating to interpretation or application of this collective bargaining agreement. Disputes outside the scope of this grievance process are exclusively subject to any institutional grievance procedures established pursuant to NSHE Code Section 5.7.

3. Days: For purposes of this Grievance Procedure, days shall mean working days (Monday through Friday and non-holidays) within the approved academic calendar. The timeline is not counted while the faculty member is off contract.

Section 2. Time for Filing Grievance

If an individual wishes to file a grievance, the grievance must be filed with the CSN Human Resources Office on forms to be provided by the CSN Human Resources office (or the Web site) within: 1. Twenty [20] working days following the act or omission giving rise to the grievance; or

2. Twenty [20] working days following the first time the grievant knew or should have known of the act or omission, if that is later. In this case the document must identify when the grievant first learned of the act or omission.

Section 3. Content of Initial Filing

The initial filing shall contain the grievant's:

1. Name
2. Office and home address
3. Description of the act or omission which gave rise to the grievance including the date of such act or omission, the Code, Bylaws or Contract section allegedly violated, if any
4. Remedy sought Section

¹ The CSN-NFA Contract governs the grievance process for Instructional Faculty. Per Section 1.2 of the CSN_NFA Contract, this process is for the resolution of disputes relating to interpretation or application of this collective bargaining agreement. Disputes outside the scope of this grievance process are exclusively subject to any institutional grievance procedures established pursuant to NSHE Code Section 5.7

4. Grievance Process

Disagreements disputes relating to interpretation or application of this collective bargaining agreement should be resolved in a timely manner and as close to the perceived problem as possible. A faculty member who seeks to grieve any of these issues shall proceed as follows:

1. Initial Meeting: The Dean, or designee, shall offer to meet with the grievant within ten (10) working days of the filing of a grievance. The meeting shall be informal in nature. The grievant shall have the opportunity to explain the circumstances surrounding the grievance and present witnesses, if any. The Dean, or designee, shall respond with a decision in writing to the grievance in writing within ten (10) working days following the meeting. The Dean, or designee, shall transmit one copy of the decision document to the grievant and one copy to the CSN-NFA. The decision document shall provide reasons for the decision.

2. Appeal to Vice President: If the grievant is not satisfied with the decision arising from the initial meeting, the grievant may appeal that decision to the appropriate Vice President, or designee, by filing an appeal with the CSN Human Resources Office on forms to be provided by the CSN Human Resources Office. The appeal must be filed within ten (10) working days following the issuance of the decision document arising from the initial meeting. The Vice President, or designee, shall offer to meet with the grievant within ten (10) working days following the filing of the appeal, and grievant and the Vice President, or designee, shall have the opportunity to discuss the circumstances surrounding the grievance. The meeting shall be informal in nature. The grievant shall not present witnesses at this meeting, but witnesses may be invited at the discretion of the Vice President or designee. The Vice President, or designee, shall issue a written decision to the President, which is advisory only, within ten (10) working days following the close of the meeting. The Vice President, or designee, shall transmit one copy to the grievant and one copy to the CSN-NFA. The decision document shall provide reasons for the decision.

3. Appeal to President: If the grievant is not satisfied with the decision from the appeal to the appropriate Vice President or designee, the grievant may appeal that decision to the President by filing an appeal with the Office of the President on forms to be provided by the CSN Human Resources Office within ten (10) working days following the issuance of the decision document from the appeal to a Vice President or designee. The appeal shall indicate whether a meeting with the President is requested. The President, or designee, shall offer to meet with the grievant within twenty (20) working days following the receipt of the appeal. The meeting shall be informal in nature. The grievant and the President shall have the opportunity to discuss the circumstances surrounding the grievance and the appeal. Witnesses will not be permitted at the meeting with the President. Witnesses may be invited at the discretion of the President, or designee. If the grievant does not request a meeting, the grievant shall submit a brief statement (10 pages or less) explaining why the decision from the Vice Presidential appeal was in error. The President shall issue a decision in writing within twenty (20) working days following the meeting, if any, or following the filing of the appeal with the President's Office in the event no meeting is held. The President shall transmit one (1) copy to the grievant and one (1) copy to the CSN-NFA. The decision document shall provide reasons for the decision. The decision of the President shall be final and binding on the parties. This decision does not preclude mediation.

Section 5. Timeliness; Filing; Issuance of a Decision

A grievance or an appeal shall be considered filed at the time a copy of the grievance or appeal is presented to the appropriate office as specified in this grievance procedure. A decision shall be

considered issued at the time it is handed personally to the grievant or mailed return-receipt requested, in an envelope bearing proper postage and an address indicated by the grievant on the initial grievance or at such other address subsequently indicated by the grievant in writing to the office issuing the response. If mailed, the date of issuance shall be five (5) working days following the U.S. postal service postmark.

Section 6. Failure to Respond

Failure at any step of this procedure to issue a decision document within the time limits specified shall mean that the grievant may deem the grievance to be denied and may, therefore, appeal to the next step. Failure at any step of this procedure to appeal a decision to the next step within the time specified shall be deemed an acceptance of the decision.

Section 7. Representation

Faculty members have the right to present to CSN a grievance that is outside the scope of interpreting and applying this CBA established pursuant to NSHE Code Section 5.7 and to have such a grievance adjusted without intervention of the CSN-NFA. All documents used by the grievant in presenting the grievance shall be made available to CSN in a timely and expeditious manner. All documents relevant to the process of the grievance requested by the grievant shall be made available to the grievant in a timely and expeditious manner. Any dispute over documents and their confidentiality shall be resolved by CSN's General Counsel.

Section 8. Consolidation of Grievances

Two (2) or more grievances involving the same act or omission and violation of this Contract may be consolidated for processing.

Section 9. Meetings

Meetings, for the purpose of discussing a grievance, shall be held at mutually agreeable places and times during working hours, unless agreed to in advance by all involved.

Section 10. Retaliation

No retaliation shall be taken against any employee by reason of having filed a grievance or participated in a grievance meeting.

Section 11. Expenses

Each party to a grievance shall bear the expense of presenting its case.

Section 12. Other Grievance Procedures

This procedure is the exclusive grievance procedure available to members of the bargaining unit for resolution of disputes relating to interpretation or application of this collective bargaining agreement.

Article 19

Alternative Dispute Resolution

If a grievant is not satisfied with the President's decision, the CSN-NFA may request the matter proceed to mediation by filing a Mediation Request with the Office of Human Resources on forms to be provided by the CSN Human Resources Office within twenty (20) working days following issuance of the decision document from the President or designee.

The parties agree that mediation of any and all disputes, claims or controversies arising out of or relating to this Agreement shall be submitted to Federal Mediation and Conciliation Service (FMCS), or its successor, for mediation.

Either party may commence mediation by providing to FMCS and the other party a written request for mediation, setting forth the subject of the dispute and the relief requested. The parties will cooperate with FMCS and with one another in selecting a mediator from the FMCS panel of neutrals and in scheduling the mediation proceedings.

The parties agree that they will participate in the mediation in good faith and that they will share equally in its costs.

All offers, promises, conduct and statements, whether oral or written, made in the course of the mediation by any of the parties, their agents, employees, experts and attorneys, and by the mediator or any FMCS employees, are confidential, privileged and inadmissible for any purpose, including impeachment, in any other proceeding involving the parties, provided that evidence that is otherwise admissible or discoverable shall not be rendered inadmissible or no discoverable as a result of its use in the mediation.

At no time prior to the conclusion of mediation shall a grievant initiate litigation related to this Agreement.

CSN Instructional and Professional Faculty Employee Grievance Report Form

Instructions: Complete each section of this form and submit it to the CSN the District Human Resources Department.

Definitions: The Grievant is the Faculty Member filing the Grievance. The Respondent is the employee against whom the Grievant is filing an alleged complaint.

Date of Incident:

Date of Filing Complaint:

Date

Grievant Name:

Grievant's Employee ID#

Grievant's Campus Address:

Grievant's Home Address:

Grievant's Contact Phone Number:

Grievant's Email:

Respondent(s) Name:

Respondent's Campus:

Details of Complaint

Describe in detail:

- The alleged act(s) or omission (herein called incident) and date.
- When and where the incident took place.
- When you became aware of the incident.
- Identify all individuals who witnessed the incident.
- The alleged violation of NSHE CODE, CSN Bylaw, CSN Policy, CSN-NFA CBA, OSHA Regulation, Federal Statute, or State of Nevada Legal Code.

- *Attach any supporting documentation and evidence.*

Remedy Requested

Please describe your requested outcome for this grievance:

Disclosure

To investigate your grievance, it will be necessary to interview you, the alleged respondent, and any witnesses with knowledge of the allegations or defenses. The statements and the information that you are providing may be attributed to you and could be included in any grievance reports that are prepared.

Acknowledgement

I, _____, am willing to cooperate fully in the investigation of my grievance and provide whatever evidence CSN deems relevant. I affirm that the information I am providing is true and correct to the best of my knowledge. I understand that my statements and the information that I am providing may be attributed to me and could be included in any investigation reports that are prepared. I also understand that this investigation is confidential to the extent to which it can remain confidential and for me to disclose any information to other parties that I have obtained during the course of this investigation could interfere with the investigation. I also understand that if I do not fully cooperate and meet the required timelines for submission, decisions will be made based on the best information available to the College.

Signature

Date

Witness

Date

CSN Human Resources Representative

Date

Informal Resolution

Date of meeting and list of people present.

Attach the supervisor or Dean’s memo of decision and reasons.

Is grievance resolved to Grievant’s satisfaction (Circle): Yes No

- If Yes, summarize the details of the informal resolution as agreed upon.
- If No, summarize why the Grievant was dissatisfied.

Is resolution being appealed by Grievant (Circle): Yes No

Grievant Signature

Date

Respondent Signature

Date

Formal 1st Step Resolution

Date of meeting and list of people present.

Please attach the supervisor or Dean's memo of decision and reasons

Is grievance resolved to Grievant's satisfaction (Circle): Yes No

- If Yes, summarize the details of the informal resolution as agreed upon.
- If No, summarize why the Grievant was dissatisfied.

Is resolution being appealed by Grievant (Please Circle): Yes No

Grievant Signature

Date

Respondent Signature

Date

Formal 2nd Step Resolution

Date of meeting and list of people present.

Please attach the supervisor or Vice President's memo of decision and reasons

Is grievance resolved to Grievant's satisfaction (Circle): Yes No

- If Yes, summarize the details of the informal resolution as agreed upon.
- If No, summarize why the Grievant was dissatisfied.

Is resolution being appealed by Grievant (Circle): Yes No

Grievant Signature

Date

Respondent Signature

Date

Formal 3rd Step Resolution

Date of meeting and list of people present.

Please attach the supervisor or Vice President's memo of decision and reasons

Is grievance resolved to Grievant's satisfaction (Circle): Yes No

- If Yes, summarize the details of the informal resolution as agreed upon.
- If No, summarize why the Grievant was dissatisfied.

Is resolution being appealed by Grievant (Circle): Yes No

Grievant Signature

Date

Respondent Signature

Date

Formal 4th Step Resolution

Date of meeting and list of people present.

Please attach the CSN President's memo of decision and reasons

If Grievant is under the CBA, is grievance resolved to Grievant's satisfaction (Circle): Yes No

- If Yes, summarize the details of the informal resolution as agreed upon.
- If No, summarize why the Grievant was dissatisfied.

If Grievant is under the CBA, is resolution being appealed by CSN-NFA for Mediation (Circle): Yes No

Grievant Signature

Date

President Signature

Date

Formal 4th Step Resolution

Date of meeting and list of people present.

Please attach the CSN mediator's memo of decision and reasons

Grievant Signature

Date

Mediator Signature

Date
