

**THREE RIVERS COLLEGE  
PERSONNEL REGULATION**

Section: 4000 Personnel	
Sub Section: 4800 Employee Welfare	
Title: PR 4850 Employee Grievance	Page 1 of 6
Primary Policy: PP 4850 Employee Grievance	
Associated Policies: GAP 1205 Code of Ethics; GAP 1210 Civil Rights	
Associated Regulation: GAR 1410 Record Retention and Destruction	
References: Title VII of the Civil Rights Act, Higher Education Act of 1972, Section 504, of the Rehabilitation Act of 1973, as amended on the ADA Act of 1992; College Complaint Form (found on the Three Rivers College Website); Missouri Community College Record Retention Schedule; General Record Retention Schedule; eCFR 382.307.	
Supersedes: NA	
Responsible Administrator: Director of Human Resources	
Initial Approval: 04-20-2011	Last Revision: 10-21-2020

Three Rivers College is committed to providing a work climate conducive to the personal and professional development of each individual. The College is dedicated to providing fair and impartial resolution of employee complaints. Therefore, it is the practice of the Three Rivers College Board of Trustees to resolve complaints at the lowest level possible. When complaints rise to the level that the resolution will require formal action, an employee will be given the option to file a grievance as appropriate. If the grievance is regarding an employee complaint of sexual misconduct or gender-based discrimination, please refer to the College regulation PR 4840 Title IX for Employees.

The College community is comprised of a diverse group of employees that believe most issues can be resolved informally. In the event of an unsatisfactory resolution, a grievance may be filed through the Director of Human Resources. The grievance procedure must be followed and include a written submission describing the nature of the complaint. The College grievance process must be followed as outlined herein:

- The employee should first address his or her concern with the College employee directly.
- If the employee is not satisfied, the matter should be brought to the attention of the employee's supervisor.
- If unresolved, the employee should submit the College Complaint Form, (found on the Three Rivers College Website), to the Director of Human Resources.
- Once filed with the Director of Human Resources, the College Complaint Form prompts an informal resolution meeting that is facilitated by the Director of Human Resources.
- If the employee is still not satisfied with the result of the resolution meeting, he or she should discuss the matter further with the Director of Human Resources.
- Should the matter still be unresolved, the Director of Human Resources shall coordinate

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with the Office of the President to appoint an ad hoc grievance panel to resolve the matter.

- The decision of the ad hoc grievance panel shall be final.

**Procedures for Submitting Grievance**

- 1) If the grievance cannot be solved in an informal manner, the details of the grievance must be submitted in writing to Director of Human Resources to determine if the matter is grievable as defined herein. This must be submitted within ten (10) calendar days after the event or occurrence giving rise to the grievance or within ten (10) calendar days from the date on which the employee could have reasonably known of its occurrence. If grievable, the Director of Human Resources will review the complaint, gather the pertinent facts, and discuss the grievance with the involved party or parties in order to reach a satisfactory settlement.

If the Director of Human Resources believes the matter is not grievable as described herein, he/she shall report so in writing to the grievant and the case will be closed.

- 2) A report of the grievance and review of the complaint, including whether or not the matter has been satisfactorily settled, will be shared with the appropriate Cabinet Member. The Director of Human Resources and/or the Cabinet Member shall make every effort to reach a satisfactory conclusion for all parties.
- 3) The outcome of the grievance will be provided to both the grievant and if applicable, to the person alleged to be responsible. In the event that neither party requests the matter be placed before the ad hoc grievance panel, the grievance shall be considered resolved.

Either individual may request the determination of the Director of Human Resources be brought before an ad hoc grievance panel by presenting a written request within three (3) calendar days of their being notified to the Office of the President.

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- 4) Upon receipt of the request for review by an ad hoc grievance panel from either party, a panel consisting of three employees shall be appointed to review the decision. The College will make every effort to complete the investigation and render a decision within a maximum of 45 calendar days from the College's first receipt of the written request for review. Both parties will receive written notice of the review panel decision from The Director of Human Resources.
- 5) The decision of the ad hoc grievance panel is final.

**I. Conditions in Relation to filing a Grievance**

- A. Termination of employment shall not be grievable nor shall issues which have been filed or adjudicated in another internal or external complaint resolution venue.
- B. A grievant must be a current non-supervisory "full-time" employee of the College except in the case of alleged discrimination, as defined herein, where any employee may file a grievance.
- C. The alleged grievance is limited to:
  1. An alleged violation of a written College policy.
  2. An alleged harassment or discrimination based upon race, color, creed, gender, religion, disability, age, or national origin. *NOTE: If the suspected harassment is of sexual misconduct or is gender-based discrimination it is handled through the Title IX Regulation for Employees, PR 4840.*

**II. Filing of Grievance**

- A. The grievance shall be filed within ten (10) calendar days after the event or occurrence giving rise to the grievance or within ten (10) calendar days from the date on which the employee could have reasonably known of its occurrence.

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- B. No reprisals of any kind shall be taken against an employee for participating in the employee grievance process.
- C. No materials pertaining to the grievance, including supporting documents submitted during the time the grievance is in process, shall become part of the employee's official personnel file, except to the extent that such documents were created prior to the filing of the grievance.
- D. A grievance shall be initiated with the filing by the grievant of a written grievance through the Director of Human Resources or designee except if the Director of Human Resources is the person against whom the grievance is directed. In such cases, the grievance shall be filed with a designee appointed by the Office of the President.
- E. The grievant must submit documentation substantiating the allegation and shall state the written College policy which is alleged to have been violated.
- F. The grievant shall include in the written statement all reasonable avenues utilized to achieve a solution prior to the filing of the grievance.
- G. All reference to specific number of days under this policy shall be calendar days. Date of receipt shall be date of personal receipt or within three (3) days of the mailing of a certified letter.

**III. Grievability**

- A. In addition to receiving the grievance, the Director of Human Resources shall:
  - 1. Determine if the grievance complies with the requirement of College policy.
    - a. If the Director of Human Resources believes the matter is not grievable, he/she shall report so in writing to the grievant.

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**IV. Adherence to Time Schedules**

It shall be the obligation of all parties to meet the time schedules. The Director of Human Resources, or designee may grant extensions for extenuating circumstances.

- A. In the event, the College determines additional time is needed beyond 45 days, all parties shall be notified by the Director of Human Resources.
- B. Failure on the part of the grievant to abide by the time schedule shall result in the grievance being disallowed.

**V. Safekeeping of Grievance Materials**

- A. Materials regarding an actual case of grievance shall be kept on file for five (5) years after final disposition in the Office of Human Resources. After that time, materials shall be destroyed unless a special request by the grievant and/or person alleged to be responsible has been petitioned for a copy of the file. However, the College may, at its discretion, retain copies of any such file given to a grievant and/or person alleged to be responsible.

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**DOCUMENT HISTORY:**

- 04-20-2011:** Initial approval of regulation PR 4850 Employee Grievance.
- 09-21-2016:** The College Board of Trustees approved the name change of the College from Three Rivers Community College to Three Rivers College.
- 07-19-2017:** Revision of process for clarification.
- 10-21-2020:** Updated record retention period for Employee Grievance from “(3) years” to (5) years after final disposition in alignment with GAP and GAR 1410 Record Retention and Destruction. Added Reference(s) to Regulation Grid: Missouri Community College Record Retention Schedule; General Record Retention Schedule; eCFR 382.307.