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Grievance Procedures

Purpose

To provide for the fair and equitable treatment of all employees, and to promote good working relationships among employees, supervisors and administrators, the grievance procedure affords an employee the opportunity to express his/her dissatisfaction and to seek action based on an impartial consideration of the merits of his/her grievance.

All harassment complaints are to be processed by the procedures outlined in the Non-harassment Policy (Index 107).


Definition

A "grievance" is an alleged violation of a policy or procedure contained within the staff policies and procedures document. This document defines the relationship or rules that exist between the employee and employer; a grievance exists only if there is a claim that an existing rule has been violated. A complaint over a matter outside the existing published, approved policies and procedures handbook cannot be taken through a grievance process. All formal grievances must be in writing.

This grievance procedure may also be used for the resolution of grievances alleging violations of Section 504 of the Rehabilitation Act of 1973, Title IX of the Education Amendments of 1972, or any other federal state or local non-discrimination laws.

Scope

1. It is the policy of Ringling College of Art and Design that the grievance procedure covers all Regular staff.
2. When a complaint, substantially similar to a grievance under this procedure, has been filed with an outside agency or court, the grievance need not be processed under this procedure, unless there is evidence that processing the grievance would facilitate resolution of the complaint. Any such complaint which has been filed and resolved by an outside agency may not then be presented as a grievance.
3. Employees presenting grievances under this policy shall be free from coercion, restraint, interference, discrimination or reprisal.
4. Should the President be a direct party to the grievance, the grievant may file an appeal to the Executive Committee of the Board of Trustees. Only when the President is directly involved will such a review take place. The Executive Committee shall be the sole judge of presidential involvement. A review of the record, and not a complete hearing, is all that is afforded under this grievance procedure.

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Objectives

The objectives of this grievance procedure are to:

1. Provide an orderly process for the handling of grievances.
2. Resolve grievances as quickly as possible before they are exacerbated and disruptive to the organization or to the individuals.
3. Encourage correction of the cause of the grievance through impartial consideration of the facts and free expression of views from both sides of the dispute.

Informal Grievance

It is recommended that all employees follow this informal grievance procedure prior to filing a formal grievance. The time requirements for filing a formal complaint will begin after you have completed the last step of the Informal Procedure, but will not exceed 10 days from the incident. The process is as follows:

Step I

If the employee and the immediate supervisor are unable to resolve the problem, then the employee should speak to the immediate supervisor's superior.

Step II

If the problem remains unresolved, the employee may seek, if available, at least one more level of review from an officer. During such a review the officer generally will speak with the employee as well as the supervisor and may bring all parties together.


If the problem remains unresolved, then the employee may choose to follow the Formal Grievance process.

Formal Grievance

Organization of Formal Grievance Procedure

There shall be four (4) parties in the Ringling College of Art and Design grievance procedure.

- a) **The Aggrieved:** the employee who has a grievance.

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- b) **The Respondent(s):** the employee(s) who engage in the act or omissions, out of which the grievance arises, and management-level personnel who will review the grievance.
- c) **The Review Committee:** staff appointed by the President, as needed, who shall hear all sides of the grievance, counsel with each party, and recommend action to the President.
- d) **A Human Resources Representative** shall coordinate the grievance, determine if the grievance is grievable and assist all parties to insure a fair and orderly process. The representative shall not participate directly in the decision-making aspects.


Step I

The Aggrieved shall in writing inform the Respondent(s) within ten (10) working days of the date of the action or omission or the Aggrieved's knowledge of its occurrence. A copy must be sent to the Office of Human Resources. Any claim not presented within the time provided shall be deemed to have been waived. The Respondent shall respond in writing to the Aggrieved within ten (10) working days after receiving notice of the complaint. A copy of the response must be sent to the Office of Human Resources.

Step II

If the grievance is not settled in Step I, the Aggrieved shall submit the grievance notice within five (5) working days to the next management-level person in his/her chain of command and forward a copy of the grievance to the designated human resources representative of the College. If the Aggrieved does not submit a written request for further review within five (5) working days of the Respondent's response, the grievance will be considered resolved to the aggrieved's satisfaction.

The Office of Human Resources shall open a grievance file and shall determine if the matter is grievable under the specifications of the grievance procedure within five (5) working days of receipt. The Aggrieved, the Respondent and the manager will receive the grievance determination. If the matter is determined not to be grievable, the process ends. If grievable, the manager must respond in writing to the Aggrieved and to the human resources representative within ten (10) working days of receipt of the grievance determination. If the grievance is not resolved in Step II, the Aggrieved may submit all materials to the Review Committee within five (5) working days after receipt of the manager's response.

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Step III

If the grievance is not settled in Step II, the Review Committee shall interview the Respondent(s), the Aggrieved, and any other appropriate parties, and may review material or records appropriate to the fact-finding or interpretation of policy within 12 working days of notification. The Review Committee shall then prepare a brief memorandum summarizing the facts within seven (7) working days following the review. The memorandum will include recommendation(s) for resolution. The memo is sent to the Aggrieved, Respondent(s) and the designated human resources representative. If the Review Committee does not receive a response to the committee recommendation by the Aggrieved within seven (7) working days of the date of the memo, the grievance is considered closed.

Step IV

If the grievance is not settled as a result of Step III, the Aggrieved may appeal to the President or his/her designee within seven (7) working days of the date of the memo from the Review Committee. The Human Resources representative shall arrange a 30-minute hearing with the President.

The President or his/her designee shall review the facts presented by the Aggrieved, the Respondent(s) and the Review Committee. The President shall make a decision within 15 working days. This decision shall be final and will be recorded in the grievance file and the individual's personnel file. There is no further appeal within Ringling College of Art and Design beyond the President.



Formal Grievance Flow Chart

