

Pacific Union College  
Grievance Policy  
and Procedures

Human Resources

## Grievance Policies and Procedures

Persons or groups who believe they have been or are being treated in an unjust or unethical, manner, or who believe they have been discriminated against because of disability, sex, race, color, ethnic or national origin are encouraged to follow the procedures outlined below.

The director of Human Resources, or an appointed designee in the office of Human Resources, is the College's Coordinator for Section 504 of the Rehabilitation Act of 1973 and Title IX of the Education Amendments of 1972. The director is responsible for receiving any disability, sex or race discrimination complaints. The director of Human Resources may be reached at (707) 965-6231.

### Definition of Grievance

A grievance is defined as (1) any real or perceived injustice, unfair treatment or wrong, that is personal or professional in nature; or (2) any action that is believed to be discriminatory based on disability, sex, race, color, ethnic or national origin.

There are informal and formal means for resolving grievances. Grievances, when possible, should be settled at the lowest possible level in the College organization. An informal effort to resolve a grievance is recommended before a formal process begins. If this has already been attempted, or the student feels uncomfortable approaching a faculty member/work supervisor or feels it will be ineffective, the student can move to the next step in the grievance process.

Any form of retaliation against persons utilizing or participating in the grievance process is prohibited.

### Informal Grievance Process

The student should try to resolve the problem with the individual believed to be responsible for the problem. If the student is not satisfied with the outcome of the first level of informal resolution, he or she may, but is not required to, pursue further efforts at informal resolution in one of the following sequences, up to the vice-presidential level. If the student decides to pursue further efforts at informal resolution, the grievance should be submitted in writing.

#### Student academic issues:

Student > Teacher > Department chair > Academic vice-president

#### Student Work/Miscellaneous:

Worker > Supervisor > Department manager > Appropriate vice-president.

#### Dorm/Student Life:

Student > Residence hall/Head dean > Student Services vice-president.

Any individual to whom a grievance is submitted may choose not to resolve the grievance for any reason. In that event, the individual should forward the grievance to the next

administrative level for resolution, with notification to the complainant.

The individual to whom an informal grievance is presented should respond in writing within six work days from the time the grievance is submitted. If the informal grievance is a complaint of discrimination, the individual to whom the informal grievance is presented must notify the director of Human Resources of the initiation of the grievance and the outcome of the informal process.

Appeals involving grades must be resolved within the academic structure, by the academic dean, and do not go to the Grievance Committee. Appeals involving student conduct go through the Student Conduct appeals process and do not go through the Grievance Committee

### Formal Grievance processes

#### I. Discrimination Complaints

If the student believes that he or she has been subject to discrimination by the College, based on race, sex or disability, the student should file a written complaint with the director of Human Resources.

- a. In cases involving the denial of a request for disability accommodations, the ADA/504 Compliance Officer will make an interim decision within five working days.
- b. In all grievances alleging discrimination, an investigation will be conducted by the director of Human Resources, leading to a final resolution within 60 working days. The final resolution will be a written determination to the complainant stating whether or not the College found that discrimination occurred and the reasons for the determination. If discrimination is found then the written determination will set forth what remedial actions will be taken.
- c. If the student disagrees with the compliance officer's decision, the decision may be appealed through the Grievance Committee process described herein.

#### II. Non-Discrimination or Other Complaints

The following Grievance Committee process will be implemented for student grievances concerning matters other than discrimination, and for student grievances concerning discrimination if the student disagrees with the outcome reached after an investigation by the director of Human Resources as described in section I.

- Appeals concerning course grades must be made through the academic dean. Appeals concerning student conduct decisions must be made through the dean of students.
- Grievance policy, initiation, resolution and release forms must be obtained by the grievant from Human Resources or the Chair of the Grievance Committee.
- Grievant submits the formal petition to the Grievance Committee. At this time the committee will notify the party against whom the grievance has been filed. Copies of any previous documentation from all parties to the grievance must be forwarded at this time on hard copy to the Chair of the Grievance Committee.

- The Grievance Committee will conduct hearings and make a definitive recommendation to resolve the grievance that will discuss the evidence considered and the basis for the recommendation. During Grievance Committee formal hearings, parties to the grievance have the right to be present, to submit evidence, and to present and/or question witnesses. The Grievance Committee reserves the right to set reasonable limits on the amount of time the parties may have during hearings or the number of witnesses parties may present.
- The Grievance Committee submits its findings whether for or against the grievant to the president. The president will review the findings of the Grievance Committee, with the right to override the findings of the Grievance Committee, and respond to the grievant normally within 14 days with the decision. The president or an appointee by the president would ensure that any actions required by the decision are carried out. The decision of the president is final.
- If the grievance/complaint is against the president, the Grievance Committee would report their findings to the Chair of the board. The Chair of the board will review the findings of the Grievance Committee, with the right to override the findings of the Grievance Committee, and respond to the grievant normally within 14 days with the decision. The decision of the Chair of the board is final.

The findings and recommendations resulting from each stage of the formal grievance process will be communicated to the complainant in writing. In cases involving discrimination, the document will specifically indicate whether or not it has been determined that discrimination took place, and the reasons for the determination. If it is found that discrimination occurred, the document will set forth what remedial actions will be taken.

### Formal grievance filing deadline

The formal grievance process must be initiated within six months of the date when the alleged grievance occurred, or within six months of the date when the grievant should have become aware of the grievance, but in no case should it be longer than one year.

### Petition format

At each step in the formal grievance process, a petition is submitted which conforms to each of the following:

- The petition must be presented in legible hard copy.
- The petition must state the nature of the grievance.
- The person, persons, and/or office against whom the grievance is directed must be specified.
- The time when the grievance occurred and when there was an awareness of it must be stated.
- Circumstances surrounding a delay between when the grievance occurred and an awareness of the grievance must be explained.
- The specific remedy or action desired must be stated.
- The attempts that have been taken to resolve the grievance and the results obtained must be described.

### Formal grievance response deadlines

The Grievance Committee has six work weeks to conduct its activities and reach a recommendation once a formal grievance petition is submitted to the Committee. This time may be extended where all parties to the grievance mutually agree.

### Record-keeping and confidentiality

All records on hard copy, from the initiation of the formal grievance procedure up through and including an action by the president must be forwarded to the Chair of the Grievance Committee to be kept in files in Human Resources. Access to these files may be obtained only if all parties to the grievance agree to their release by signing the Grievance Release Form, or the action becomes a subject of litigation.

### Problem-Solving Procedure (Grievance Procedure)

Misunderstandings frequently occur in the workplace; differences in personality and viewpoint, communication problems, and work pressure are only a few of them. The College encourages all misunderstandings to be handled at the department level, with assistance from the College Human Resources director, if needed.

The College has established a procedure that allows employees an opportunity to voice any concerns that they might have such as identifying and resolving differences concerning wages, hours, or working conditions. This procedure was created by choice, in order to have an effective means of communication. Still, this does not mean that the College intends to create or grant any procedural rights to employees.

This procedure does not cover terminations. It is re-emphasized that employment is at the mutual consent of the employee and the College. Accordingly, either the employee or the College can terminate the relationship at will, with or without notice at any time.

Employees are encouraged to use the Problem-Solving Procedure and will not, under any circumstances, be penalized for doing so. Information concerning an employee's problem is always kept confidential.

The following steps should be used by employees:

1. Employees should raise any problems first with their supervisor. If the problem is not resolved, the employee should verbally consult with his or her department head.
2. If the problem remains unsolved, an employee may file a written complaint at Human Resources within 10 working days. The Human Resources director may review the problem and provide the employee with a response. Unless it is determined that additional time is required, the response should come within seven working days.
3. If the employee is still dissatisfied after a response is received, the Human Resources director may be requested to submit the problem to the Grievance Committee for review. The written complaint and the response to the Committee should occur within three working days of the employee's request. The Committee will then decide what actions are

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to be taken, if any are necessary, to resolve the problem. The decision shall be final and will be communicated in writing to the employee and the department head.

4. Final decisions on problems will not be precedent-setting or binding on future problems unless they are officially stated as College policy. When appropriate, the decisions will be retroactive to the date of the employee's original complaint.
5. Information concerning an employee problem is to be held in strict confidence. Those investigating the problem will follow strict rules of confidentiality, only discussing the matter with those directly involved or with those who may supply necessary information.
6. Time spent by employees in problem-solving discussions with management will be considered normal working hours.