

ROCKY MOUNTAIN COLLEGE
ADMINISTRATIVE POLICY

SECTION: Human Resources

NUMBER: A-001-02-0008

AREA: Employment

REVIEWED: November 3, 2022

SUBJECT: Staff Grievances

UPDATED: November 3, 2022

I. PURPOSE

The Rocky Mountain College Equal Employment Opportunity Policy requires that all employees be treated fairly and consistently in all matters related to their employment. However, in the event of any purported or perceived adverse employment action, discrimination, retaliation, or other scenario negatively affecting an employee, which the employee finds to be improper or in which the employee desires Rocky Mountain College take a different action, an employee must proceed under this policy to notify Rocky Mountain College of the issue and seek any redress with regard to such issue. The process established by this policy is tailored broadly to allow for open communication amongst employees and their supervisors and Rocky Mountain College as a whole, and to address issues in a prompt and fair manner with a uniform process. Employees with grievances are encouraged to use the Informal Grievance process before they utilize the Formal Grievance process.

All non-faculty employee grievances are governed by this policy. Faculty grievances are governed by the faculty by-laws and are documented in Faculty Handbook (Policy F-001-01-0011). However, if the faculty grievance is with a staff member and is not academically related, this Staff Grievance Policy takes precedence. In addition, employees that are faculty and have a status whose scope of work has an administrative appointment of 50 percent or greater fall under this Staff Grievance Policy. As per this definition, staff status for grievance matters applies to administrative staff as defined above, including the Provost, Academic Vice President, and President. (See employee definitions under Employment Categories.)

II. GRIEVANCE PROCESS

A. Informal Grievance

1. Complainant must provide a detailed complaint to their supervisor, or if the supervisor is the subject of the complaint or is subordinate to the complainant, to the Chief Human Resource Officer (“Investigator”). As part of the Informal Grievance process, this may be in the form of an email and need not be signed.
2. If Rocky Mountain College deems it necessary, another individual may be appointed as “Investigator”. Should the complaint be against the President, the complaint must be submitted to the Chair of the Board of Trustees who will conduct the investigation.

3. The detailed complaint should include all matters relevant to the issue, including:
 - a. A list of all actions complained of as a result of the grievance;
 - b. A list of all persons involved, including a description of their role;
 - c. A list of all witnesses, and which acts they witnessed;
 - d. A description of all relevant documents, including communications;
 - e. A production of relevant oral communications
4. Complainant shall discuss the matter with the Investigator after all parties have a chance to review the complaint and its contents.
5. The Investigator shall discuss the matter with the person against whom the complaint was filed and interview any other party the Investigator deems to have material knowledge relevant to the grievance.
6. The Investigator shall provide an opportunity for the Complainant and the part(ies) against whom the grievance was made to discuss the matter informally and will assist in the conversation and provide potential resolutions or action plans to move forward.
7. At the end of the informal discussion, the parties and the Investigator shall make a written plan to resolve the issues. This shall be provided to each of the parties and kept in a separate file with the Chief Human Resources Officer. Neither the plan, nor the Informal Grievance documents shall be kept in the relevant employees' employment files.
8. If the Complainant is satisfied with the result, the matter shall be closed, and the internal file regarding the matters sealed. If the Complainant is not satisfied, the matter shall shift to a Formal Grievance, and shall begin at Formal Grievance Process #2, with the additional requirement of the Complainant explaining in writing the circumstances of the Informal Grievance Process that the Complainant found objectionable.

B. Formal Grievance

1. No employee shall utilize the Formal Grievance process unless the complained of action is unlawful, actionable in a civil matter, or otherwise violates the Complainant's rights at law or in equity.
2. Complainant must provide a written Formal Grievance to their Supervisor, or if the Supervisor is the subject of the grievance or is subordinate to the complainant, to the Chief Human Resources Officer. The Formal Grievance must be provided in either a physical or a digital document and signed by the Complainant.
3. If Rocky Mountain College deems it necessary, another individual may be appointed as "Investigator". Should the grievance be against the President, the grievance must be submitted to the Chair of the Board of Trustees who will conduct the investigation.
4. The Formal Grievance shall include a description of all matters relevant to the issue, including:
 - a. A list of all actions complained of as a result of the grievance;
 - b. A list of all persons involved, including a description of their role;
 - c. A list of all witnesses, and which acts they witnessed;
 - d. A description of all relevant documents, including communications;
 - e. A production of relevant oral communications;

- f. A statement of the requested reparations.
5. The Investigator shall immediately provide a copy of the grievance to the person against whom the grievance has been filed (“Respondent”).
6. The Respondent shall submit a written response to the grievance within ten (10) business days including:
 - a. A rebuttal of all actions articulated by Complainant;
 - b. A list of all persons involved, including a description of their role, and a declaration of which particular parties’ actions are to blame for Complainant’s grievance, if any;
 - c. A list of all witnesses, and which acts they witnessed;
 - d. A description of all relevant documents, including communications;
 - e. A production of relevant oral communications;
 - f. A list of any and all grievances against the Complainant (“Counter Grievance”);
 - g. A statement of the requested reparations.
7. If the response includes a counter grievance, the Complainant shall file a response to the counter grievance within ten (10) business days including such information as set forth in 5 above, except subsection f.
8. Once the Investigator receives all grievances and responses, the Investigator shall commence an investigation, including, but not limited to, interviews of all parties and witnesses, requests and reviews for documentation, and seeking legal counsel regarding the issues. The Investigator shall complete the investigation based on what the Investigator deems to be material and relevant to the parties’ allegations and claims as relates to whether such actions are unlawful, actionable in a civil matter, or otherwise violate the Complainant’s rights in law or in equity. The Investigator must conduct their investigation in a way that causes the least disruption to the ongoing business of Rocky Mountain College.
9. Upon completion of the investigation, Rocky Mountain College shall issue a written final decision based on the Investigator’s findings, including any necessary corrective action. Such corrective action may include but is not limited to disciplinary action, action plans, mediation, or internal discussions and training, and any other action that may be necessary to correct any wrongful act discovered in the Investigation.
10. Rocky Mountain College’s decision is final if no party appeals within fifteen (15) business days.

C. Appeal

1. If the Complainant or Respondent wishes to seek further redress after the decision of Rocky Mountain College, the matter may be appealed, by filing a written appeal within fifteen (15) days of the final decision, including:
 - a. A list of any and all facts the appealing party believes were mistaken in the decision and an explanation of any and all evidence that would prove such facts incorrect;
 - b. A list of any and all errors in the decision or reasoning contained therein, and
 - c. A statement of the requested relief and/or alteration to the decision or Rocky Mountain College’s corrective action.

2. The responding party to the person filing an appeal, defined in C.1. above, shall have ten (10) business days to file a written rebuttal to the Appeal. The rebuttal shall address each of the same three matters, as set forth in section C.1. above, but state responding party's agreement or disagreement with the same and provide any information which supports such agreement or disagreement.
3. Rocky Mountain College shall have the opportunity to complete additional investigation based on the contents of the appeal(s) and the rebuttal(s), at its discretion.
4. Rocky Mountain College shall issue an appellate decision within a reasonable time of reviewing the submissions of all parties on appeal, completing any necessary additional investigation, and seeking such counsel or other information as may be necessary for a decision on the appeal.

D. Settlements

Rocky Mountain College may, at any time, offer terms of settlement amongst the parties, in any grievance or appeal process, as a means to try to effectuate prompt and reasonable resolution of disputes. Such offers or suggestions shall not and cannot be used as a means to claim Rocky Mountain College has improperly or negligently investigated any Grievance or Appeal hereunder and shall be afforded the same protections as contemplated under Montana and Federal Rules of Evidence, Rule 408.

E. Investigations

All Complainants are expected and required to cooperate with investigations into their own claims, including promptly providing all information and documentation requested by the Investigator, which is reasonably related to the allegations in the grievance, response, rebuttal, or other information discovered in the investigation. Failure by the Complainant or Respondent to cooperate with regard to an investigation may result in summary dismissal of a grievance, an inference made by the Investigator that the non-complying party is not offering truthful information, or such other detrimental consequences reasonably related to the non-complying party's failure to cooperate with the investigation.

III. Policy Communication

The contents of this Staff Grievance Policy shall be communicated to every new employee. First line supervisor will review the procedure with employee and establish a mutual understanding of the need to resolve problems objectively with freedom from fear or retaliatory consequences or reprisals.

IV. Retaliation

In accordance with federal regulations, Rocky Mountain College is required to take all necessary steps to ensure that "no person intimidates, threatens, coerces, or discriminates against any individual for the purpose of interfering with the filing of a grievance, furnishing information, assisting, or participating in any manner in an investigation, compliance review, hearing, or any other activity related to the

administration of the Federal, State, or local laws requiring equal employment opportunity.”

V. REVIEW AND RESPONSIBILITIES

Responsible Parties: Chief Human Resource Officer

Review: As deemed as appropriate

VI. APPROVAL

Approved: _____ Date: _____
President

VII. INDEXING TERMS

Grievance
Faculty
Staff