



## Guidelines/Procedures

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SUBJECT: Resolution of an Employee Grievance  
Guideline/Procedure for AR#: 6.08.005  
Date Effective: 4/30/2009, amended 07/14/21

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### Purpose

ACC's Employee Grievance process will ensure:

- a timely and clearly communicated process
- issues brought forth by employees are addressed at the appropriate organizational level
- relevant expertise and consideration of the input of those impacted by the decisions
- accountability at all levels and in all phases of the grievance process

ACC will provide a fair, equitable, and timely process to address grievances. The Employee Relations Officer (ERO) will provide oversight for the grievance process. Grievances will be managed in conjunction with the supervisor. These procedures are administrative and are not legal proceedings, but rather internal College processes designed to effectively resolve workplace concerns that do not rise to the level of unlawful prohibited conduct. Workplace concerns should be resolved amicably at the lowest level possible.

### Guidelines

#### I. General Provisions for the Employee Grievance Processes

- A. **Informal Resolution:** Employees are encouraged to attempt to resolve workplace concerns informally before filing a grievance. Such concerns should be expressed as soon as possible to allow early resolution at the lowest possible administrative level. This should be done by discussing issues directly and professionally with all relevant parties. Employees may consult the Office of the Ombudsperson for additional information on informal resolution. The formal grievance process will inquire if an informal resolution has been attempted.
- B. **Formal Resolution of a Grievance:** Any ACC employee (hereafter referred to as the "grievant") may choose to initiate a grievance as articulated under this administrative rule. Submitting a Grievance: An employee who wishes to request the formal resolution of a workplace concern should submit a grievance through the online Maxient reporting portal or in writing to the ERO.

Chancellor: Richard M. Rhodes Date: 08/19/21

The grievance must include the nature of the workplace concern, the parties involved, the date and time (or range) of the alleged incident or subject of the grievance, and the remedy or resolution requested by the grievant. A grievance must include details concerning the conduct that gave rise to the grievance, the name of the person against whom the grievance is made, if applicable (hereafter referred to as the “respondent”), and the names of any potential witnesses.

Employees are encouraged to include as much documentation as possible with the initial grievance filing. If the employee does not have copies of these documents at the time the grievance is filed, they may be presented at the conference that occurs at the first level of the process. After this initial conference, no new documents may be submitted by the employee unless the employee did not know the documents existed before the conference, or for other good cause established in the next level of the process.

Submit grievances to:

ACC Employee Relations Officer  
[ero@austincc.edu](mailto:ero@austincc.edu)  
[Report an Incident](#)

### **C. Time Limits and Deadlines**

1. A grievance must be filed within 30 calendar days of the date the employee first knew, or from the most recent occurrence in a series of incidents, of the decision or action giving rise to the grievance. The 30 calendar day timeline begins after any attempted informal resolution.
2. The College will resolve workplace concerns within 90 College business days unless unusual circumstances prevent such resolution. In unusual cases, the College will notify all parties in writing of the delay.
3. The ERO can make decisions regarding timeline flexibility within the process in extenuating circumstances. The grievant will be informed if the timeline is modified.
4. If a supervisor fails to provide a response to the grievance within the stated timelines and without an extension granted by the ERO, the grievance will be heard by the appropriate Executive Vice President, or their designee, within ten business days.

### **D. Participation**

1. Grievances will be addressed at the lowest level possible. Employees are encouraged first to seek an informal resolution of a workplace concern directly with the relevant individuals prior to filing a grievance.
2. Current ACC employees must participate in the grievance process and respond in a timely manner.
3. An employee involved in a grievance may designate a representative by notifying the ERO within three business days prior to a conference. If the employee designates a

representative with fewer than three days' notice to the College before a scheduled conference or hearing, the College may reschedule the conference or hearing to a later date in order to include the College's legal counsel.

#### **E. Consolidation of Grievances**

1. When practical, grievances arising from related events should be addressed in one grievance. Employees are discouraged from filing multiple grievances that could have been addressed in a single grievance.
2. When two or more grievances are sufficiently similar in nature, the ERO may consolidate them in a single grievance process.

#### **F. Costs Incurred**

Each party shall pay its own costs incurred in the course of the grievance process.

#### **G. Grievance Record**

The ERO will keep and maintain a record of each case and resolution per ACC policy and procedures. The grievance record will include the employee's grievance, any documents submitted with the grievance or at the conference, any documents reviewed by the supervisor/ERO, and the decision issued. All cases will be tracked through the Maxient Software System. All records are subject to the Texas Open Records Act and other pertinent state and federal laws.

Recording by video or audio is not a part of the process. However, individuals who wish to record are asked to inform the College in advance.

### **II. Grievance Procedure**

**Step 1:** Upon receiving a grievance, the ERO will review the grievance to determine if it contains the necessary information. If the grievance documentation is not complete, the ERO will notify the grievant and allow the grievant an opportunity to submit the missing documentation. If a supervisor receives a grievance from an employee, the supervisor must notify and forward the grievance to the ERO within two business days.

**Step 2: Level One: Grievance Conference:** Within ten business days of receipt of the grievance, a conference will be scheduled with the lowest level College employee or administrator who has the authority to remedy the workplace concern. Reasonable time limits may be set for presentations during the conference.

**Step 3: Grievance Outcome:** In reaching a decision, the supervisor will review the information provided by the employee and any other relevant documents or information the supervisor believes will help resolve the grievance.

**Step 4: Notification of Outcome to Parties:** The ERO will notify the parties as to the outcome of a grievance within ten business days of the conference held by the grievant and the supervisor. This notification will be sent in writing to the employee's ACC-issued email

address and will summarize the grievance, identify any relevant documents reviewed, and set forth the basis of the decision.

**Step 5: Closure:** The ERO may follow up with the parties to determine whether the implemented resolution was effective in addressing the concern and, if it was not, to provide support and resources to seek to make it effective.

### **III. Appeals**

If an employee is not satisfied with the outcome of a grievance as provided by the lowest level administrator/supervisor, an employee may file a written appeal of that grievance decision with the ERO within ten College business days from the date of the email informing the parties of the outcome of the grievance.

#### **A. Level Two: Appeal to the Executive Vice President**

Within ten business days of receipt of the appeal, a conference will be scheduled with the appropriate Executive Vice President or their designee. Reasonable time limits may be set for the conference. In reaching a decision, the Executive Vice President will consider the information from the Level One record and the grievant's statements during the conference. No new documentation may be submitted to the EVP unless the new information was not known by the employee, or was not available to the employee at the Level One conference, or for other good cause shown.

The ERO will notify the parties as to the outcome of this appeal within ten business days of the conference held by the grievant and the appropriate Executive Vice President or their designee. This notification will be sent in writing to the employee's ACC-issued email address and set forth the basis of the decision.

#### **B. Level Three: Appeal to the Appeals Committee**

If an employee is not satisfied with the outcome of a grievance as provided by the Executive Vice President, an employee may file a written appeal of that grievance decision with the ERO within ten College business days from the date of the email informing the parties of the outcome of the appeal. Such appeals will be addressed by the Appeals Committee.

A standing pool of Appeals Committee members will consist of four representatives from each of the four employee associations, four administrators, and ten volunteer employee representatives selected by the ERO. Members of the committee pool will serve a minimum of two years. The training and direction of the Committee shall be provided by the ERO.

For each request for an appeal, a committee of five will be called to serve by the ERO from the committee pool of representatives eligible to serve. Individuals who are determined to have a potential conflict of interest will not be called to serve. The grievant will have an opportunity to veto one member who is called to serve on the Appeals Committee.

The purpose of the Appeals Committee is to review the decision made by the Executive Vice President and to make a recommendation to the Chancellor to either uphold, reverse, or remand the decision, in addition to any other recommendations that may be appropriate for the Chancellor's review. The Appeals Committee does not conduct a new investigation and shall only review the documentation submitted in the grievance record and hear a presentation from the grievant. Such presentations may have reasonable time limits applied. No new documentation may be submitted to the Committee unless the new information was not known by the employee, or was not available to the employee at the Level One conference, or for other good cause shown.

The ERO will notify the parties as to the outcome of this appeal within 15 business days of the hearing held by the Appeals Committee. This notification will be sent in writing to the employee's ACC-issued email address and include the Committee's recommendation and the final decision of the Chancellor.

#### **IV. Privacy**

The College will protect the individuals' privacy in a grievance to the extent that it is practical and allowed by law and College policy. However, there may be times when disclosure of information is required. In all cases, efforts will be made to protect the privacy of individuals.

#### **V. Grievance Review Council**

The Grievance Review Council is comprised of two representatives from each of the four employee associations appointed by the Association Presidents, and two administrators appointed by the ERO. Members will serve for a minimum of two years. Once a year, the ERO will coordinate the efforts of the Grievance Review Council to deliver a report to the Chancellor, the Board of Trustees, and the ACC community concerning the state of the grievance process at the College and recommendations for improvement. This report will include a review of and recommendation concerning the following areas:

- Compliance with Administrative Rule 6.08.005: Resolution of an Employee Grievance
- Grievance data, including outcomes
- Grievances indicating systemic issues
- Grievance processes
- Grievance Review Council composition and activities
- Continuous improvement plan