

**Manhattan Area Technical College  
Institutional Policy and Procedure Manual**

**Policy No. 3.7.4**

<b>Title: Employee Complaint &amp; Grievance Procedure</b>	
Originated by: President/CEO	Originated Date: 6/2007
President/Board of Directors Approval Date: 8.29.23	
Revised by: Human Resources / Executive Administration	Revised Date: 8/2023
Reviewed on: 7/08; 5/09; 7/11; 7/14; 7/19; 8/23	

**Policy Statement:** Manhattan Area Technical College (MATC) employees and administration attempt to resolve complaints and problems as they arise, in a timely manner and at the lowest possible level. This grievance procedure provides a means for employees to express their complaints in good faith, and ensures that grievances are addressed effectively, respectfully, and timely.

**Examples of Complaints**

A grievance is defined as an employee’s concern or complaint regarding interactions or relationships with other employees, job duties, or the workplace environment.

Grievances may include, but are not limited to:

- Concerns of workplace health and safety
- Harmful or combative employee behaviors and communications
- Discrimination, including illegal discrimination based on protected classes (*violation of Civil Right Act of 1964, American with Disabilities Act (ADA) and/or Section 504 of the Rehabilitation Act*)
- Workplace harassment and bullying
- Poor or unethical treatment by co-workers or managers
- Adverse changes in working conditions, hours, or the workplace environment
- Perceived violations of policies and procedures

**Procedure**

This policy applies to all active MATC employees and management who have a concern or complaint while performing duties on behalf of the college or acting within their position of employment.

*Grievance Procedures outside this policy:*

Grievances from Faculty concerning the Faculty Negotiated Agreement, including violations, misinterpretations and misapplications of specific provisions of the agreement will be resolved through the grievance procedure therein.

Formal complaints that involve sexual discrimination/sexual harassment are addressed under Title IX and are handled separately from the processes described below. Refer to the Sexual Harassment Policy 3.7.2. Should you wish to report a Title IX related incident, please utilize the online reporting form and select “Title IX” then the appropriate incident type.

Students or Visitors with Academic or Non-Academic Complaints are to resolve their concerns through the Policy 3.7.5 Student & Community Complaint Procedure. Grievances from Non-

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Active Employees or Position Applicants should also be resolved through the Student & Community Complaint Procedure.

**Informal Phase - Complaint**

MATC strives to act consistently and ethically when resolving employee grievances.

*Step 1: Employees should always work to resolve conflicts (concerns, expressions of dissatisfaction or disagreement) directly with appropriate parties (conversation, email) when possible. If such interactions become unprofessional or raise concerns then the informal complaint should be directed to either their or appropriate department/division supervisor.*

*Step 2: Informal Discussion with Supervisor*

Employee concerns should be discussed professionally and respectfully with either they're or the appropriate department/division immediate supervisor. Many concerns can be resolved informally when an employee and supervisor take time to review the concern and discuss options for workable resolution.

**Formal Phase – Grievance**

If the employee is not satisfied with the result of the informal discussion involving the supervisor(s), the employee may submit a formal grievance to Human Resources and the Office of Primary Responsibility (OPR). Human Resources is neutral and does not advocate for any party, but rather ensures a fair and compliant process. This communication should be delivered within five (5) college business days of the informal discussion.

The following items must be included in the formal grievance:

- Employees contact information
- An explanation on the nature of the complaint with dates, persons involved, clear details, etc.
- Details of previous efforts or actions taken to resolve the issue prior to filing formal grievance
- Supporting evidence should be included: documentation of issue and any written efforts for resolution, any additional communication records, timeframe/dates of occurrences, witness and/or participants names, relevant policies, etc.
- The desired remedy or outcome

**OPR Response**

The OPR, upon receiving the evidence, will evaluate, investigate, and consider the information and render a decision. The OPR will respond in writing via email to the complainant within ten (10) college business days. The response could include:

- Acknowledgement of receiving formal grievance and proceeding steps. *(Time limits will be suspended while personnel are off contract and will resume when they return to duty. Notice of delay will be provided.)*
- A written description of the complaint, including pertinent details, potential supporting or opposing evidence, etc.

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- A statement rendering verdict on the complaint, potential further action to be taken if applicable.

**Appeal OPR Response to President**

If the employee does not get a satisfactory resolution to his/her formal complaint from the OPR investigation, resolution may be sought by appealing to the President of MATC by submitting a formal appeal written request. The appeal must be received within ten (10) college business days after date of the OPR response. The same items as requested when filing the initial formal grievance must be provided, plus a copy of the OPR response and written explanation with supporting evidence as to why the resolution is unsatisfactory.

The President, upon conclusion and investigating the nature of the complaint, will respond in writing by email to the complainant within ten (10) college business days after receipt of the appeal request.

The response could include:

- Acknowledgement of receiving formal grievance and proceeding steps. (*Time limits will be suspended while personnel are off contract and will resume when they return to duty. Notice of delay will be provided.*)
- A written description of the complaint, including pertinent details, potential supporting or opposing evidence, etc.
- A statement rendering verdict on the complaint, potential further action to be taken if applicable.

**Appeal President response to College Board of Directors**

If a satisfactory resolution has not been reached with the President, the employee may appeal to the College's Board of Directors (BOD) by submitting a formal written request with the proceeding formal grievance, OPR response, and President response and written explanation with supporting evidence as to why the resolution is unsatisfactory within ten (10) college business days after receipt of the decision notification.

Once the Board Clerk receives the formal complaint, within five (5) college business days written notification of acceptance of the appeal to the BOD will be confirmed and the timeline for the complaint to be reviewed by the BOD, upon conclusion and investigating the nature of the complaint, will be provided.

Once the Board of Directors decides on the appeal the decision is not subject to further appeals.

**Recordkeeping**

Formal grievance documentation will be securely and confidentially maintained by HR in parties' employee's personnel records. Employees involved in the grievance process should communicate with HR as necessary to ensure the proper management of records during the grievance process.