

# MANUAL OF POLICY

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**POLICY NUMBER:** II-77A

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**POLICY TITLE:** ALL PERSONNEL: POLICY TO RESOLVE GRIEVANCES  
RELATING TO DISCRIMINATION

**LEGAL AUTHORITY:** TITLE VI, VII AND VIII, 1964 CIVIL RIGHTS ACT; EXECUTIVE ORDER 11246; TITLE IX, 1972 EDUCATION AMENDMENTS; SECTION 504, 1973 REHABILITATION ACT; 1990 AMERICANS WITH DISABILITIES ACT; FLORIDA STATUTES (F.S.) 228.2001, 240.152, AND 240.335(2); STATE BOARD OF EDUCATION RULES 6A-14.0247(9), 6A-19.001, 6A-19.010 AND 6H-1.041; AND CIVIL RIGHTS ACT OF 1991.

**DATE OF BOARD ACTION:** 11/10/76, 03/26/85 AND 10/23/01

## PURPOSE:

It is the desire of the District Board of Trustees of Miami-Dade Community College that employees of the College be able to perform their duties and responsibilities in a work environment that is free from discrimination because of one's race, gender, marital status, religion, national origin, ethnic background, age or disability.

## PROCESS:

Grievances alleging discrimination must be filed no later than 90 calendar days after the date the grievant knew or should have known of the act or omission giving rise to the claim.

Employees having a grievance and wishing to discuss acts, omissions, regulations, or procedural matters (other than contractual matters) that they consider discriminatory in nature may discuss the problem with any of the following:

1. The immediate supervisor or the administrative official of his/her choice within the structure of the department, division, or area where the alleged discrimination occurred.
2. The District Director of Equal Opportunity Programs.
3. The District Director of Employee Relations.

The Director of Employee Relations must be notified immediately by the person receiving the complaint. The Director of Employee Relations shall, within ten (10) working days of notification initiate the process toward informal discussions at Level 1.

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The Director of Employee Relations shall have the responsibility to keep the parties to the grievance fully informed throughout the various levels of this policy and to provide copies of documentation as required.

**Level 1:** The parties to the alleged discrimination will be brought together for an informal discussion regarding the issues involved. This meeting will be scheduled by the Employee Relations Office. The Director of Equal Opportunity Programs or an Employee Relations Officer will attend this meeting as a consultant to both parties to assist in the equitable resolution at the informal level. The employee may have a full-time College employee of his or her choice attend this and subsequent levels to act as an observer. The person so selected shall not take an active part in this or subsequent grievance discussions. Both parties to the alleged discrimination complaint have the responsibility to resolve the dispute as early as possible during informal discussions. If an equitable resolution cannot be established within ten (10) business days of the initial Level 1 meeting an impasse shall be declared by the College consultant monitoring the grievance.

**Level 2:** If, after the informal discussion, the dispute remains unresolved, the grievant or the person against whom the grievance was filed may request within five (5) business days through the Employee Relations Office, that the dispute be evaluated at the appropriate division director's level. (NOTE: The division director level, as used in this policy, may include the title Dean, Associate Dean, or School Director). The grievant will submit a written statement explaining the alleged act or omission that caused the grievance and explain why, in the grievant's opinion, the informal discussions were not satisfactory. No new evidence will be submitted to subsequent levels of the grievance policy following the division director's deliberation. The division director will review the documentation, meet with the parties separately or together and prepare a written response within five (5) business days from the conclusion of the grievance meetings, to resolve the grievance equitably within the division. The division director shall provide copies of his/her report to the parties to the alleged grievance, the appropriate Campus President, Vice Provost or area head, and to the Director of Equal Opportunity Programs. The grievance package (all documentation and the division

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director's report) shall be forwarded to the Director of Employee Relations. The division director's recommendations to resolve the dispute will be considered final unless the grievant within five (5) business days of the division director's recommendation provides a written request to the Employee Relations Office that the dispute be evaluated at the next appropriate management level (College Provost, Campus President, Vice Provost or area head).

**Level 3:** Upon being advised by the Director of Employee Relations that the alleged grievance has not been resolved, the next appropriate management level will review the evidence from Levels 1 and 2 only, findings of fact, and the division director's recommendations and prepare his/her decision in writing to the parties involved in the grievance, the Director of Equal Opportunity Programs, and the Director of Employee Relations. The decision at this level must be accomplished within ten (10) business days of notification that the grievance was not resolved in Level 2. The decision of the College Provost, Campus President, Vice Provost or area head, as applicable, will be final unless the grievant within five (5) business days of the decision, and in writing, requests, through the Employee Relations Office, that the dispute be evaluated by an ad hoc grievance committee.

**Level 4:** If, after the College Provost, Campus President, Vice Provost or area head has issued a decision, the dispute remains unresolved, the grievant may request, in writing, through the Employee Relations Office that the dispute be evaluated by an ad hoc grievance committee to be selected as follows: one (1) committee member selected by the aggrieved employee; one (1) member co-selected by the person against whom the grievance was filed and the College Provost, the appropriate Campus President, Vice Provost or area head; and one (1) member mutually selected by the two preselected ad hoc committee members from within the College. The three (3) ad hoc complaint committee members shall be voting members and their recommendations shall be advisory to the subsequent level. The committee shall have as its chairperson the Director of Equal Opportunity Programs, or an Employee Relations representative, or a College administrator selected by the College President, if essential to the timeliness of the hearing. The chairperson shall assist in the committee

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selection if requested by either party, coordinate notices to the appropriate college officials, establish schedules, govern the hearing procedure, guide, interpret policy and consult with the ad hoc grievance committee members and generally assist in their deliberations. The role of the ad hoc grievance committee will be to investigate, review evidence from Levels 1, 2, and 3, and hear the testimony of both parties so that they may evaluate the merits of the grievance. No evidence, other than that admitted at Level 2, may be submitted to the ad hoc grievance committee. The ad hoc grievance committee will issue its findings of fact and recommendations in writing within ten (10) business days of the conclusion of their hearings, through the Director of Employee Relations to the College President. The Director of Employee Relations will provide a copy of the committee's recommendations to all parties to the grievance.

Level 5: If, after the ad hoc committee has issued its recommendations, and the dispute remains unsolved, the grievant may within five (5) business days of the recommendation request, in writing, through the Employee Relations Office that the dispute be evaluated by the College President. The College President may affirm the position established at earlier levels of the process, remand it back to the College Provost, Campus President, or area head for further evaluation, or arrive at an independent decision. The College President's decision shall be in writing and shall represent the final position of the College.

The implementation of this policy does not eliminate other College policies permitting individual employees to seek relief through established administrative channels to the College President; however, the aggrieved employee may select only one internal process for the purpose of resolving any one grievance alleging discrimination. The employee's use of these policies may be terminated at any level, if the grievance has been mutually resolved, or, if the employee concurrently seeks relief through sources external to the College. If the matter is resolved internally, the matter shall be closed.

It is expressly to be understood that this complaint policy is separate from and does not in any way amend or abrogate, the policies relating to contractual matters established by the College under Florida Statutes or

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Florida State Board of Education Regulations.

<b>PRESIDENT</b>	<b>DATE</b>