

Staff Complaints and Appeals

TVCC employees who are not members of any collective bargaining unit with an established grievance procedure, should have an opportunity to present their work-related complaints and to appeal management decision through a dispute resolution or grievance procedure. TVCC will attempt to resolve promptly all complaints.

A “complaint” is defined as an employee’s expressed feeling of dissatisfaction concerning any interpretation or application of a work-related policy or procedure by management, supervisors, or other employees; or a belief that TVCC policies, practices, rules, regulations, or procedures have been applied in a manner detrimental to an employee.

Employees must notify TVCC, in a timely fashion, of any complaint considered appropriate for handling. The complaint procedure is the exclusive remedy for employees with complaints. As used in this regulation, the terms “timely fashion,” “reasonable time” and “promptly” will mean 10 work days.

Employees are not to be penalized for proper use of the complaint procedure. However, it is not considered proper if the employee abuses the procedure by raising complaints in bad faith or solely for the purposes of delay or harassment, or by repeatedly raising complaints that a reasonable person would judge to have no merit. The employee shall discuss the complaint informally with his/her supervisor promptly from the occurrence of the complaint. Informal discussion of the alleged complaint under this provision shall be a condition precedent to the filing of a written complaint under Step One herein. The employee may be accompanied by a neutral third party during this informal discussion and at any other step during the complaint process. For clarification, a neutral third party shall mean an “impartial person:”

1. Not working within the same department/division as the employee;
2. Having no vested interest in the outcome of the complaint; and
3. Mutually agreed to by the employee and supervisor.

Implementation of the complaint procedure by an employee does not limit the right of TVCC to proceed with any disciplinary action which is not in retaliation for the use of the complaint procedure.

The complaint procedure has a maximum of three steps, but complaints may be resolved at any step in the process. Complaints are to be fully processed until the employee is satisfied, does not file a timely appeal, or exhausts the right of appeal. A decision becomes binding on all parties whenever an employee does not file a timely appeal or when a decision is made in the final step and the right of appeal no longer exists.

Employees who feel they have a complaint should proceed as follows:

Step One - Promptly bring the complaint to the attention of the immediate supervisor in writing. The supervisor is to investigate the complaint, attempt to resolve it, and give a decision to the employee within a reasonable time. The supervisor should prepare a written and dated summary of the complaint and proposed resolution for file purposes. If the complaint involves the supervisor, then it is permissible to proceed directly to Step Two;

Step Two - Appeal the decision, in writing, to the appropriate administrator as defined by the College's current organizational chart, if dissatisfied with the supervisor's decision. The supervisor's version of the complaint and decision will then be submitted. The administrator will, in a timely fashion, confer with the appropriate parties, investigate the issues, and communicate a decision in writing to all the parties involved. If the complaint involves the supervising administrator, it is permissible to proceed directly to Step Three;

Step Three - Appeal an unsatisfactory administrative decision to the President. The timeliness requirement and procedures to be followed are the same as those in Step Two. The President will take the necessary steps to review and investigate the complaint and will then issue a written, final, and binding decision.

Final decisions on complaints will not be precedent-setting or binding on future complaints unless they are officially stated as TVCC policy. When appropriate, the decisions will be retroactive to the date of the employee's original complaint.

Information concerning an employee complaint is to be held in strict confidence. Supervisors, administrators, and other members of management who investigate a complaint are to discuss it only with those individuals who have a need to know about it or who are needed to supply necessary background information.

END OF POLICY

Legal Reference(s):

[ORS 341.290\(2\)](#)

[OAR 589-008-0100 \(1\)\(i\)](#)

Anderson v. Central Point Sch. Dist., 746 F.2d 505 (9th Cir. 1984).

Connick v. Myers, 461 U.S. 138 (1983).