Santa Fe College Rules Manual

# Title: Grievance Resolution Rule 3.23 for College Employees

General Authority: FS 1001.64(18)

Law Implemented: FS 1001.64(18)

Effective Date: XX, 2022

Purpose: To establish parameters for Santa Fe College employees to bring forth and resolve formal and informal disputes and grievances identified within the scope of this rule.

1. Introduction

Santa Fe College expects employees involved in a grievance or dispute to seek resolution of their differences in a courteous, civil, and professional manner. The College encourages its employees to use the Informal Resolution Procedure described in Procedure 3.23P to resolve grievances or disputes. However, the College recognizes that some disputes and grievances may arise in the workplace that require a Formal Hearing Procedure. For these reasons, the College shall provide a formal process to promote a prompt, efficient, and fair resolution of employee disputes and grievances.

This Rule defines which issues are appropriate for resolution under the Informal Resolution Procedure and Formal Hearing Procedure. For Formal Hearing Issues, the College encourages, but does not require, its employees to first use the Informal Resolution Procedure before pursuing a Formal Hearing.

1. Requirements for Procedures

Procedures for disputes and grievances shall:

1. Offer an efficient process;
2. Include formal and informal options for dispute and grievance resolution;
3. Encourage collegial dispute resolution;
4. Provide due process for dispute resolution; and
5. Prohibit retaliation against any employee who engages the process in good faith.
6. Informal Resolution Issues

Employees are encouraged to resolve the issues listed below with the Informal Resolution Procedure. The following issues, which are not appropriate for resolution through the Formal Hearing Procedures, shall include but not be limited to:

1. Interpersonal disagreements or treatment that falls short of arbitrary and capricious;
2. Issues related to employee benefits;
3. Selection or non-selection for a position;
4. Current position classification or re-classification, salary schedule, or salary within schedule;
5. Work assignment and work schedules that are **within** established job descriptions, requirements, and qualifications;
6. Layoff or proposed layoff;
7. Voluntary resignation, resignation without notice, or abandonment of position;
8. Requests for discipline of another employee or student;
9. Voluntary demotions or reductions in pay;
10. Correction of overpayment by College;
11. College determinations with respect to terminal pay and requests for leave;
12. Annual performance review process or performance improvement plans;
13. Counseling or individual action plans; and
14. Administrative leave of absence or suspension with pay.
15. Formal Hearing Issues

The College encourages, but does not require, its employees to first use the Informal Resolution Procedure before pursuing a Formal Hearing for Formal Hearing Matters. Matters eligible for consideration under the Formal Hearing Procedure shall be limited to:

* 1. Disputes regarding terms and conditions of employment (except those listed under Informal Resolution Matters above or required by law to be processed outside of the scope of this rule);
  2. Disciplinary actions including written reprimand, suspension without pay, demotion, and placement of an employee on administrative leave without pay;
  3. Violations of academic freedom;
  4. Arbitrary and capricious treatment resulting in adverse employment action; and
  5. Work assignment and work schedules that are **outside** established job descriptions, requirements, and qualifications.

1. Matters Outside the Scope of this Rule

The following matters are not eligible for informal or formal processes under this rule:

1. Allegations of conduct prohibited under College Rule 2.8 and 2.8P on Prohibition Against Discrimination and Harassment;
2. Allegations of conduct prohibited under College Rule 2.12 on Prohibition Against Fraudulent, Dishonest or Improper Acts;
3. Disputes related to College Rule 2.13 on Intellectual Property;
4. Allegations relating to violations of Rule 3.17 on Conflicts of Interest;
5. Allegations relating to Rule 3.9 on Employment Contracts, including but not limited to termination of employment or decisions pertaining to the award of continuing contracts;
6. Allegations of improper activities or retaliation involving one or more whistleblowers;
7. Remedies requested as part of a grievance that are outside the College’s scope of authority, ability, or control;
8. College determination to close a program or remove a course;
9. Allegations of Family and Medical Leave Act (FMLA) retaliation or violations of FMLA rights.
10. Delegation of Authority

The Board of Trustees authorizes the President to establish procedures to implement this rule and further authorizes the President to form a committee to determine whether the Formal Hearing Procedure can be used for matters not covered by this rule.

1. Exhaustion of Administrative Remedies

College employees seeking resolution of a Formal Hearing Issue (as defined above) must first exhaust the Formal Hearing Procedure set forth in this Rule 3.23 and Procedure 3.23P prior to seeking external judicial review.

Rule History

XX 2022 (410.xxx)

November 1994 (410.178)

October 1994 (410.176)

August 1982 (410.98)