

Affirmative Action Grievance Procedure

Purpose. The purpose of the affirmative action grievance procedure is to provide an informal structure for expeditious resolution of allegations of unlawful discrimination while assuring that legal options for filing complaints with enforcement agencies are not foreclosed. Employees who utilize the grievance procedure will not be subject to retaliation.

Who May Use This Procedure? The Board of Trustees encourages employees to use this internal grievance procedure when an employee believes that he or she has been subjected to discrimination in violation of the Board's equal opportunity policy statement.

Equal Opportunity Policy Statement. The community-technical college system of the State of Connecticut will not discriminate against any individual on the grounds of race, color, religion, age, sex, national origin or ancestry, past or present history of mental disability, marital status, genetic information, mental retardation, learning disability, physical disability, including, but not limited to, blindness, prior criminal record, , or, unless the provisions of sections 46a-60(b), 46a-80(b), or 46a-81(b) of the Connecticut General statutes are controlling, or sexual orientation, unless there is a bona fide occupational qualification excluding persons in one of the above protected groups. Although it is recognized that there are bona fide occupational qualifications which provide for exception from employment prohibitions, it is understood these exceptions are to be applied pursuant to section 46a-68-33 of the administrative regulations.

Further, the system will not discriminate against any individual on the grounds of political beliefs or veteran status.

How To File An Informal Grievance. A complaint must be made in writing to the college affirmative action person within fifteen calendar days of the alleged discrimination. Where the action complained of relates to an opportunity for appointment to a position for which a single vacancy exists, the complaint is to be filed with the Chancellor as soon as possible.

A written complaint consists of a statement of the facts which relate to the alleged discrimination, the date of the alleged discrimination, the basis of the grievant's complaint (e.g., sex, race, disability), and the remedy requested.

Recourse To Other Procedures. Utilization of this grievance procedure does not preclude the grievant from filing complaints under applicable collective bargaining agreements and state or federal law. Employees may file formal discrimination complaints with state and/or federal agencies.

Complaints may be filed with the Connecticut Commission on Human Rights and Opportunities; United States Equal Employment Opportunity Commission; United States Department of Labor, Wage and Hour Division; and any other agencies, state, federal or local that enforce laws concerning discrimination in employment. The Connecticut Commission on Human Rights and Opportunities can provide assistance in filing complaints and determining the legal options which may be available. In general, complaints must be filed within 180 days of the alleged discrimination. An exception exists for complaints which allege unlawful reliance on criminal records; Connecticut law requires that the complaint be filed within thirty days.

Noncompliance With Affirmative Action Program. If an employee believes that there has been a failure to comply with the Board's affirmative action program, a written complaint may be submitted to the President. If the response of the president is unsatisfactory or if the alleged violation is attributed to the President, a written complaint may be filed with the Chancellor. If the response of the Chancellor is unsatisfactory or if the alleged violation is attributed to the Chancellor, a complaint may be filed with the chairperson of the Board of Trustees. Review here under is separate from the grievance steps below.

Notice. The college president or designee is responsible for providing a notice to all employees indicating that an affirmative action grievance procedure is available [section enclosure A]. This notice shall provide a guarantee of non-retaliation for the exercise of rights granted pursuant to the affirmative action grievance procedure and state the name and work location of the college affirmative action person.

It will further provide advisement to employees of the local options to file complaints with the Connecticut commission on human rights and opportunities; the United States Department of Labor, Wage and Hour Division; and any other agencies, state, federal, or local that enforces laws concerning discrimination in employment.

Training. A plan for periodic training in counseling and grievance investigations will be developed and implemented by the Affirmative Action Officer at the central office in cooperation with the Equal Opportunity Council and such other individuals and agencies as the Chancellor may designate. Periodic training will be made available to all appropriately designated personnel responsible for administering affirmative action grievances.

Affirmative Action Plan Reports. In accordance with section 46a-68-46(c), a summary of matters alleged in grievances, the results of the grievances, and the time required to process it will be provided to the commission on human rights and opportunities. Where an informal complain results in a formal complain with an enforcement agency, such complaint and its status shall also be reported to the commission.

All records of grievances shall be reviewed on a regular basis by the Affirmative Action Officer to detect any patterns in the nature of the grievances. All records relevant to employee grievances filed under this section shall be maintained by the college.

Grievance Procedure Steps.

1. The grievant must file a written complaint, as provided above. Although not mandatory, grievants are encouraged to seek informal resolution of complaints filed with the college affirmative action person. The affirmative action person or other designated representative is available to the grievant for counseling. Such counseling shall be confidential, consistent with applicable law.
2. Upon receipt of the complaint, the affirmative action person should meet with the grievant. The purpose of this meeting is to clarify the complaint and to elicit relevant information and documents from the grievant.
3. The affirmative action person or other designated representative of the President will investigate all grievances. Following completion of his or her investigation, the affirmative action person shall make a report to the President. The report shall summarize the claim and the factual basis asserted by the grievant, the facts which the investigation has revealed, and whether the affirmative action person recommends (a) informal resolution or (b) further review by the President. The affirmative action person is not expected to determine the merits of the complaint or to make conclusions with respect to facts in dispute. Where the conduct complained of relates to the President, a copy of the report shall be submitted to the Chancellor. After consultation with the President, the affirmative action person may be authorized to attempt to mediate the dispute. The purpose of this mediation is to effect prompt resolution of informal grievances.
4. The disposition of the complain at the college level shall be determined by the President and communicated in writing to the grievant. Steps (2) through (4) should be completed within fifteen working days, except where informal resolution is implemented. In this case, the President may extend this period for up to an additional fifteen working days, the grievant may move the grievance to the level of the Chancellor, as provided in paragraph (5).
5. Within fifteen calendar days of receipt, the grievant may appeal the President's response by submitting a written statement of appeal to the Chancellor.
6. The appeal shall be reviewed by a designee of the Chancellor and two campus affirmative action persons.

In the case of appeals made directly to the Chancellor (claims regarding single vacancies), he or she shall make or authorize such investigation as is appropriate to the time frame.

The responses of the Chancellor shall be made in writing to the grievant within thirty working days of the date the grievance is received at his or her level or within seventy-five days of the initiation of the process specified in paragraph (2), whichever is later.

(Adopted October 10, 1975;
amended February 19, 1983,
April 23, 1984, November 17,
1986, March 23, 1987,
February 26, 1990 and March 16,
1998)

46a-68-46

GRIEVANCE RECORD

(AA Plan Period: January 1, 2005 to December 31, 2005)

There was one (1) grievance presented in this plan year.

A complaint was received from one (1) black male faculty member alleging discrimination based on race and age. The complainant cited the absence of promotion over a period of years as evidence of the **alleged discrimination**. His complaint was presented to the Connecticut Commission on Human Rights and Opportunities. The College has responded to the complaint. The complainant has filed an amendment to his complaint. The College has also responded to the amended charges.

Disposition is pending with the Commission on Human Rights and Opportunities.