

Following is a proposed policy on the pursuit of proposed disciplinary actions against college employees and the process for employees to pursue grievances regarding actions and situations related to employment with the college and appeals of college decisions.

Policy on Employee Affairs Reviews

A. General Information About Grievances and Appeals of Proposed Disciplinary Actions

I. Definitions (reference current policy IV.E.6.2)

(a) **Grievance.** A grievance is formal protest of a decision, action, communication or workplace situation or condition by one college employee or group of employees against another employee or group of employees and a request for remedy. Disagreement with a performance review is a valid reason for filing a grievance and the provisions of this policy will apply in such cases.

(b) **Disciplinary Action.** Disciplinary Action is defined to be any action taken against an employee that substantively alters the employee's status within the college. Examples include but are not limited to involuntary transfer to a different position, deleterious change in job classification, reduction of salary or wages, reduction in work hours, change of contract status, nonrenewal of contract, and termination.

(c) **Grievant.** Grievant means the employee who initiates the procedures set forth in this policy, section D, to pursue a grievance. Individual employees may submit grievances on behalf of themselves or multiple affected employees as an associational grievance.

(d) **Appellant.** Appellant means an employee who initiates the procedures set forth in this policy, section E, to appeal a proposed disciplinary action.

(e) **Respondent.** Respondent means an employee against whom a grievant is filing a grievance or an administrator whose recommendation for disciplinary action an appellant is appealing.

(f) **Direct Supervisor.** An employee's supervisor is the lowest level employee with hiring authority over that employee.

(g) **Second Level Supervisor.** The direct supervisor of an employee's direct supervisor.

(h) **Working Days.** Working days means the College's business days. In calculating timelines under this policy, the day a document is filed is "day zero." The following business day is "day one."

(i) **Clear and Convincing Evidence.** A medium level of burden of proof which is a more rigorous standard to meet than the preponderance of the evidence standard, but a less rigorous standard to meet than proving evidence beyond a reasonable doubt. In order to meet the standard and prove something by clear and convincing evidence, a party must prove that it is substantially more likely than not that it is true and the trier of fact must have a firm belief or conviction in its factuality.

II. Right to Representation (reference current policy IV.E.6.2)

At all informal or formal grievance or appeal levels, the grievant/appellant and/or the administration may be represented, including by legal counsel, provided that the selected representative does not claim the right to strike. Except at the level of an Informal Resolution meeting, the representative serves as an advocate for the grievant/appellant, may speak on behalf of the grievant/appellant and has the authority to call, question and cross-examine witnesses and other persons attending the conference. Please see below for discussion of the role of a representative at an Informal Resolution. The College's administrator handling the conference may ask questions to get information to help in reaching a decision.

III. Serial Grievances (reference current policy IV.E.6.4.)

A grievant may not submit separate or serial grievances regarding the same issue. This includes grievances brought under another policy or procedure.

IV. Exclusions (reference current policy IV.E.6.5)

The following concerns are not subject to this policy and are addressed in other policies:

- (a) Allegations of discrimination, harassment, and retaliation, except for allegations of retaliation for filing or participating in a non-discrimination or harassment grievance. That procedure is in Section IV.E.1. of this policy manual. An employee disciplined following an investigation may use this policy to challenge the disciplinary action.
- (b) Reduction in Force Terminations. See Policy IV.G.1.5.
- (c) Challenges to ownership of intellectual property before exhaustion of the procedure set out in Policy IV.H.1. The time limits set forth in IV.H.1. begin on the date the procedure set out in Policy IV.H.1. has been exhausted.

V. Protection for Whistleblowers. (reference UH policy manual)

The law known as the "Whistleblower Act" prohibits retaliation against public employees who report official wrongdoing. The act states that "a state or local governmental entity may not suspend or terminate the employment of, or take other adverse personnel action against, a public employee who in good faith reports a violation of law by the employing governmental entity or another public employee to an appropriate law enforcement authority." (Tex. Gov't Code Ann. §554.002(a).

In the event that a faculty member believes that she/he are being retaliated against for reporting, in good faith, the unlawful acts and/or practices by a state employee, she/he should report such acts to the appropriate administrative superior and may initiate the grievance/appeal process.

VI. Freedom From Retaliation (reference HISD policy manual)

Employees may utilize the procedures contained in this policy to address any issues related to these areas without fear of retaliation. Neither the board nor any LSC employee shall unlawfully retaliate against any LSC employee for bringing a concern or complaint or acting as a witness or representative in a complaint. If a supervisor subsequently files a Request for Disciplinary Action against any of these individuals in accordance with Chapter E, he or she must include documentation showing that the action is not retaliation.

The College prohibits retaliation by an employee or by the Board against an employee alleged to have experienced discrimination or harassment, including dating violence, or an employee who, in good faith, makes a report of harassment or discrimination, serves as a witness, or participates in an investigation. Examples of retaliation are not limited to but may include threats, rumor-spreading, ostracism, assault, destruction of property, unjustified punishments, unjustified performance evaluations or unjustified disciplinary actions.

B. Informal Resolution of Grievances / Office of Ombuds

I. Informal Resolution. (reference current policy IV.E.6.8)

Lone Star College values open communication and collaboration and is committed to establishing a positive working environment. The college firmly believes that employment issues should be resolved amicably at the lowest possible level avoiding adversarial practices.

Lone Star College encourages employees to discuss their concerns, complaints, and grievances through informal conferences with their supervisor or other appropriate administrator. Concerns should be expressed as soon as possible to allow early resolution at the lowest possible administrative level. An employee or group of employees who has a concern or grievance shall participate in an alternative dispute resolution process in an attempt to resolve the concern prior to presenting a formal grievance. In good faith, the college will guarantee that the employee will have expeditious access to this process. An Informal Resolution process can simply be a face to face meeting the employee requests with his/her supervisor or other appropriate administrator to discuss the issues at hand. Employees will be provided information on other alternative dispute resolution processes available. The employee will have access to an ombudsperson to act as a resource during an informal resolution process, as described in Subections III - V below. If the concern is not resolved by participating in such an informal resolution process, the employee can use the formal grievance process described in Section D.

II. Representation in Informal Resolution Processes.

Right to representation as described in subsection A.2 applies to the Informal Resolution process. At this stage, it is expected that the communication primarily should be between the employee and the supervisor. Representatives for each party may support the party they represent, may remind them of issues they wish to discuss, may ask them questions to help them clarify their point of view and otherwise assist in ways that enhance

communication between the parties involved. Representatives at this stage shall not question or cross-examine the other party or other persons in the room.

III. Ombuds Office (sourced from the website of the International Ombudsman Association)

The Ombuds Office of Lone Star College operates independently from all other organizational entities in the system. In particular, employees of the Ombuds Office do not report to the Human Resources Division, do not report to the Office of General Counsel, do not report to any office with compliance authority and do not report to the Chancellor. Instead, the director of the Ombuds Office reports directly to the Board of Trustees. The Board of Trustees is the ultimate hiring authority for the director of the Ombuds office.

All other staff of the Ombuds office report to the director of the Ombuds office. The Ombuds Office remains neutral, impartial, and unaligned. The Ombuds Office operates in compliance with the Code of Ethics and Standards of Practice of the International Ombudsman Association as found at: <http://www.ombudsassociation.org/standards>

IV. The Role of an Ombudsperson (sourced from the UH faculty handbook)

The Ombudsperson is a neutral and impartial Lone Star College employee whose major responsibility is to act as a resource for system faculty and staff members regarding issues and concerns related to their employment with the college.

As a neutral and impartial college employee, the Ombudsperson is not an advocate for any individual or the college, but rather, is an informational source for faculty and staff members. The Ombudsperson will assist faculty and staff members in accessing and interpreting Lone Star policies and procedures, including those of specific colleges and divisions. The Ombudsperson will aid in answering faculty and staff members' questions and concerns, and outline available options for the resolution of their concerns or complaints (grievances) that are available to them.

When appropriate, and upon request by the aggrieved faculty or staff member, the Ombudsperson may assist as a neutral third party in the resolution of faculty or staff concerns or complaints at the level of an Informal Resolution as defined in Section B.I. When agreed upon by all parties involved in a dispute, the Ombudsperson will organize and facilitate a meeting and discussion between the parties and act as a neutral person to assist the parties in coming to a resolution of the issue without the need to proceed with the formal grievance processes. The Ombudsperson will not impose his or her own judgment of the issues for that of the parties and will keep all matters confidential to the extent allowed by law.

During an Informal Resolution meeting, both parties retain their right to representation as described in B.II in an Informal Resolution.

The Ombudsperson will not participate in the formal grievance process, engage in administrative decisions, provide legal advice, or determine the merits of a faculty or staff member's grievance.

The Ombudsperson will periodically review the patterns of grievances, and will provide appropriate suggestions and recommendations to the Chancellor with regard to college policies and procedures that could reduce or eliminate recurring grievances, or enhance the efficiency of the grievance process.

V. Limitations on the Role of an Ombudsperson

Because of the informal, neutral, and confidential nature of ombuds services, the ombudsperson does not:

- Represent faculty or staff in any formal hearings, processes or procedures
- Engage in administrative decisions
- Determine the merits of an employee's complaint.
- Conduct formal investigation
- Provide legal representation or advice
- Provide psychological counseling

C. Employee Affairs Review Committees

I. College Level Employee Affairs Review Committee

Each of the colleges in the Lone Star College System shall establish a College Level Employee Affairs Review Committee. The purpose of these committees is to hear grievances, appeals, and Requests for Disciplinary Action as described in Sections D.III and E.V listed below. To limit the potential disruption of having to pass judgment on a matter relating to a close colleague, College Level Employee Affairs Review Committees will hear cases related to a college other than their own. Issues related to System Office or other employees not associated with a college will be referred to one of the College Level Employee Affairs Review Committee. Provisions in the policies below allow for recusal of committee members who may have a connection to an individual case

Each College Level Employee Affairs Review Committee shall submit an annual report to the Chancellor showing the number of hearings held, their disposition, and a summary narrative. The committee will provide appropriate suggestions and recommendations to the Chancellor with regard to college policies and procedures that could reduce or eliminate recurring grievances or enhance the efficiency of the grievance process. Membership of a College Level Employee Affairs Review Committee shall consist of nine (9) members: three faculty members, three (3) non-administrative staff employees, two (2) administrators and one (1) employee not associated with a specific college, primarily System Office. (Since the System Office does not employ employees of all categories, System Office employees will be represented on each of the other committees.)

Members will serve staggered three-year terms with three positions filled each year.

Procedures will be established on each college for election of members. In general, candidates for office will supply a detailed statement of interest including answers to essay questions determined at the college level. All positions will be filled by a vote of all college employees.

II. System Level Employee Affairs Review Committee.

In addition to the College Level Employee Affairs Review Committees, there will be a System Level Employee Affairs Review Committee. The purpose of this committee will be to hear grievances and appeals as described in Sections D.V and E.VII below. Provisions in the policies below allow for recusal of committee members who may have a connection to an individual case.

Membership of the System Level Employee Affairs Review Committee shall consist of seven (7) members: one employee from each of the six colleges and one employee from System Office.

Members will serve staggered three-year terms with approximately a third of all positions filled each year. Those members who are not rolling off the committee in a given year will serve as a nominating committee to recruit candidates for positions coming open. Procedures will be established on each college for election of members. In general, candidates for office will supply a detailed statement of interest including answers to essay questions determined at the college level. These statements will be made available to employees. All employees of the college will be eligible to vote.

III. Operation of Employee Affairs Review Committee

All Employee Affairs Review Committees will meet on an as-needed basis. All members of all committees will commit to confidentiality agreements and will participate in an annual training on System Policies and relevant State and National employment law.

Each member of all Employee Affairs Review Committees will receive an annual stipend for his/her service and all travel expenses will be covered.

Each committee will select its own chair on an annual basis and any other internal officers the committee feels necessary.

D. Grievance Review Process (reference current policy IV.E.6)

I. Presentation of Formal Grievance

An employee who has a concern that has not been resolved through participation in the informal resolution process may file a formal grievance. Campus employees must file their grievance with their supervisory campus vice president. System Office employees must file their grievance with their respective associate vice chancellor or chief area officer. For assistance in determining to whom a formal grievance must be presented, a

copy of the College's current organizational chart can be found at <http://org.lonestar.edu/orgchart/LSCS-Internal030115.htm>.

The initial grievance must be filed with the grievant's respective supervisor identified in the prior paragraph within 15 working days from the event, occurrence, or conclusion of the informal resolution process, whichever is later. Only in extraordinary circumstances will the respective supervisor consider exceptions to the 15 working day limit. The grievance must be made in writing and must include all supporting documentation the grievant wants considered. The grievance should include a statement indicating the remedy the grievant seeks. The grievant will be allowed to submit additional information in response to any information collected and relied upon by the vice president or associate vice chancellor/chief area officer. The Chancellor will be notified when a formal grievance has been filed.

The vice president or associate vice chancellor/chief area officer must confirm in writing receipt of the grievance within three (3) working days. A grievance conference must be held within ten (10) working days of receipt of the grievance. This grievance conference must allow both the grievant and the respondent and/or their respective representatives reasonable and equal time to present their cases. Witnesses may be called by either party and may be cross-examined. The vice president or associate vice chancellor/chief area officer may question any parties present and may request additional documentation to aid in her/his decision making process. A written decision must be rendered by the vice president or associate vice chancellor/chief area officer within five (5) working days after the grievance conference. The written decision shall set forth a statement of fact providing clear and convincing evidence as the basis of the decision and any additional information or documents obtained after the grievance conference. In reaching a decision, the vice president or associate vice chancellor/chief area officer may consider the information presented at the grievance conference, and any other relevant documents or information he/she believes will help resolve the complaint.

The timelines set out above may be extended by mutual consent of the parties.

II. Appeal to the College President/Vice Chancellor

In the event that the timeframe has elapsed without the grievance having been addressed or a decision rendered, the grievant's proposed remedy is granted. In the event that the grievance is addressed or a decision is rendered but the grievant believes the grievance has not been resolved the grievant may present the grievance to the college president or, for System office grievants, their vice chancellor in the form of a written appeal. A written appeal must be presented within ten (10) working days from receipt of the vice president or associate vice chancellor/chief area officer's decision. It is the responsibility of the grievant to initiate the appeal and to provide to the president or vice chancellor all documentation, including any correspondence about the grievance with the vice president or associate vice chancellor/chief area officer, and the vice president or associate vice chancellor/chief area officer's decision. The employee may submit additional information in response to any information collected and relied upon by the vice president or associate vice chancellor/chief area officer.

The president/vice chancellor, must confirm receipt of the grievance within three (3) working days. An appeal conference with the president/vice chancellor must be held within ten (10) working days of receipt of the grievance. This conference will follow the same rules as the appeals conference before the vice president/associate vice chancellor/chief area officer. A written decision must be rendered by the president/vice chancellor, within five (5) working days of the appeal conference. The written decision shall set forth statements of fact providing clear and convincing evidence as the basis of the decision. In reaching a decision, the president/vice chancellor may consider the information presented at the appeals conference, and any other relevant documents or information the president/vice chancellor believes will help resolve the grievance. The grievant shall be given three (3) days to respond to any documents or information considered by the president/vice chancellor not previously provided to the grievant.

The timelines set out above may be extended by mutual written consent of the parties.

III. Appeal to the College Level Employee Affairs Review Committee

In the event that the timeframe has elapsed without the grievance having been addressed or a decision rendered, the grievant's proposed remedy is granted. In the event that the grievance is addressed or a decision is rendered but the grievant believes the grievance has not been resolved, the grievant may request a hearing by a College Level Employee Affairs Review Committee (Review Committee). A written appeal must be presented within ten (10) working days from receipt of the president's or vice chancellor's decision. The appeal will be filed with the chief human resources officer at the college or location presided over by the president or vice chancellor who ruled on the grievance. It is the responsibility of the grievant to initiate the appeal and to provide to the human resources officer all documentation, including any correspondence about the grievance with the president or vice chancellor, and the president or vice chancellor's decision. The employee may submit additional information in response to any information collected and relied upon by the president or vice chancellor. Within three (3) working days of receiving the appeal, the human resources officer must confirm receipt of the grievance and must file a request with the president of another (different) college within the system for a review by a College Level Employee Affairs Review Committee.

Within ten (10) working days of receiving the appeal, the human resources officer must supply to the College Level Employee Affairs Review Committee all of the documentation supplied to her/him by the grievant, the respondent and the president or vice chancellor.

Within ten (10) working days of receipt of all documentation, a hearing will take place in front of the College Level Employee Affairs Review Committee. The committee shall establish its own procedures within the limitations established by the system procedures accompanying this policy. The grievant and/or her/his representative and the respondent and or her/his representative shall each be granted equal and reasonable amounts of time (to be determined by the Review Committee) to present their cases. Witnesses may be

called and cross-examined by both parties. Members of the Review Committee may ask questions of either party or of witnesses. Committee members will be recused from hearing any grievances in which they were involved at a previous level of review or in which they have a personal involvement.

Upon conclusion of the hearing, the Review Committee will meet in closed session and will provide the appropriate college president or vice chancellor within ten (10) working days with a written decision. The written decision shall set forth statements of fact providing clear and convincing evidence as the basis of the decision, a recommended remedy / course of action and the committee's reason for making their recommendation. The report shall also be supplied to both the grievant and the respondent within this same ten (10) working day window.

If the grievant does not appeal the decision of the Review Committee, the president / vice chancellor will instruct all relevant parties to implement the committee's recommendation.

The timelines set out above may be extended by mutual written consent of the parties.

IV. Appeal to the Chancellor

In the event that the timeframe has elapsed without the grievance having been addressed or a decision rendered, the grievant's proposed remedy is granted. In the event that the grievance is addressed or a decision is rendered but the grievant believes the grievance has not been resolved, the grievant may present the grievance to the Chancellor in the form of a written appeal. A written appeal must be presented within ten (10) working days from receipt of the decision of the College Level Employee Affairs Review Committee. It is the responsibility of the grievant to initiate the appeal and to provide all documentation, including any correspondence with the Review Committee and the Review Committee's decision to the Chancellor or his/her designee. The grievant may submit additional information in response to any information collected and relied upon by the Review Committee.

The Chancellor, or his/her designee, must confirm receipt of the grievance within three (3) working days and provide a brief summary of the grievance to each member of the System Level Employee Affairs Review Committee.

An appeal conference with the chancellor must be held within ten (10) working days of receipt of the grievance. This conference will follow the same rules as the appeals conference before the president or vice chancellor. A written decision must be rendered by the Chancellor, within five (5) working days of this appeals conference. The written decision shall set forth statements of fact providing clear and convincing evidence as the basis of the decision. In reaching a decision, the Chancellor may consider the information presented at the appeals conference, and any other relevant documents or information the Chancellor or designee believes will help resolve the grievance. The grievant shall be

given three (3) days to respond to any documents or information considered by the Chancellor or his or her designee not previously provided to the grievant.

The timelines set out above may be extended by mutual written consent of the parties.

V. Appeal to the System Level Employee Affairs Review Committee

In the event that the timeframe has elapsed without the grievance having been addressed or a decision rendered, the grievant's proposed remedy is granted. In the event that the grievance is addressed or a decision is rendered but the grievant believes the grievance has not been resolved, the grievant may request a hearing by a System Level Employee Affairs Review Committee (Review Committee). A written appeal must be presented within ten (10) working days from receipt of the chancellor's decision. The appeal will be filed with the system chief human resources officer. It is the responsibility of the grievant to initiate the appeal and to provide to the human resources officer all documentation, including any correspondence about the grievance with the chancellor, and the chancellor's decision. The employee may submit additional information in response to any information collected and relied upon by the chancellor. Within three (3) working days of receiving the appeal, the human resources officer must confirm receipt of the grievance and must file a request with the System Level Employee Affairs Review Committee.

Within ten (10) working days of receiving the appeal, the human resources officer must supply to the System Level Employee Affairs Review Committee all of the documentation supplied to her/him by the grievant, the respondent and the chancellor.

Within ten (10) working days of receipt of all documentation, a hearing will take place in front of the System Level Employee Affairs Review Committee. The committee shall establish its own procedures within the limitations established by the system procedures accompanying this policy. The grievant and/or her/his representative and the respondent and or her/his representative shall each be granted equal and reasonable amounts of time (to be determined by the Review Committee) to present their cases. Witnesses may be called and cross-examined by both parties. Members of the Review Committee may ask questions of either party or of witnesses. Committee members will be recused from hearing any grievances in which they were involved at a previous level of review or in which they have a personal involvement

Upon conclusion of the hearing, the Review Committee will meet in closed session and will provide the Chancellor within ten (10) working days with a written decision. The written decision shall set forth statements of fact providing clear and convincing evidence as the basis of the decision, a recommended remedy / course of action and the committee's reason for making their recommendation. The report shall also be supplied to both the grievant and the respondent within this same ten (10) working day window.

If the opinion of the Review Committee is not appealed, the chancellor will instruct all relevant parties to implement the committee's recommendation.

The timelines set out above may be extended by mutual written consent of the parties.

VI . Appeal to the Board

If the grievance is still unresolved, the grievance may be appealed to the Board of Trustees. An Appeal to the Board must be made in writing and must be received in the Chancellor's office no later than ten (10) working days of receipt of the decision of the System Level Employee Affairs Review Committee. It is the responsibility of the grievant to initiate the appeal to the Board and to provide all documentation to the Board, including any correspondence with the prior administrators who heard the grievance at the various levels and those administrators' decisions.

The Chancellor's office shall acknowledge receipt of the appeal and shall forward a copy to each Board member, along with all accompanying documentation, within five (5) working days of the appeal being received in the System Office.

The Board will consider the grievance, in accordance with the Open Meetings Act, at a Board meeting scheduled to occur at least fifteen (15) working days after the appeal to the Board is received in the System Office. The Board shall set a reasonable time limit for presenting the Appeal to the Board, based on the information presented to the Board and allocating equal time to the grievant and the respondent and/or to their respective representatives. Appeals to the Board will be heard in closed session, unless the grievant specifically elects to have it heard in open session. Regardless of the grievant's election to have the appeal heard in open session, if the grievance is against another employee, that other employee may elect to have the appeal heard in closed session.

The Board may make a decision, but is not required to do so. If the Board does not make a decision, the decision of the System Level Employee Affairs Review Board will stand. If the Board elects to render a decision, the decision will be announced orally before the meeting adjourns and a written decision will be mailed to the employee and the Chancellor within thirty (30) calendar days.

VII. Employee Right to Terminate an Appeal

At any point in the appeal process, an employee may elect to terminate her/his grievance without prejudice by filling a statement or explanation with the System Level Employee Affairs Review Committee. The Review Committee must approve the process termination.

E. Disciplinary Action Process

The administration of Lone Star College has the right to impose Disciplinary Action, as defined in subsection A.1(b), on an employee for good cause when the employee's performance consistently falls short of the expectations of his/her job description or when his/her actions violate college policy or state or federal law. Employees have rights to due process guaranteed by the 14th Amendment of the U.S. constitution and may,

additionally, have property rights guaranteed by contracts with Lone Star College. In particular, employees have the right to know if their supervisor is seeking to impose Disciplinary Action and the right to defend themselves before such action is authorized.

I. Prerequisites for Pursuing Disciplinary Actions

Supervisors, as defined in paragraph A.1(f), have a responsibility to assist employees to be successful in their jobs and must provide adequate training, supervision and support to help them to be successful. When an employee consistently falls short of the expectations of her/his job description in spite of routine coaching, a tool the supervisor has available is to place the employee on a corrective action plan. Corrective action plans specify actions for improvement required of the employee and means of support required of the supervisor as well as clear measures of progress and reasonable timelines for improvement. Corrective action plans must call, in writing, for a first, second and final warning and supervisors must document that these warnings did not result in the desired improvement before an employee may be considered for disciplinary action.

Disciplinary Action cannot be imposed on an employee for exercising free speech rights guaranteed under the First Amendment. Disciplinary Action cannot be imposed in violation of academic freedom. Disciplinary Action cannot be imposed in violation of whistleblower rights as defined in Section A.5. Disciplinary Action cannot be imposed in retaliation for an employee's exercise of their grievance rights as defined in Section A.6.

Disciplinary Action cannot be imposed until and unless a Request for Disciplinary Action is approved at all levels indicated in the following sections. A Request for Disciplinary Action cannot be requested against an employee if an active Request for Disciplinary Action is still in the approval process. Supervisors will not file serial Requests based on the same incidents.

II. Initial Request for Disciplinary Action

If a direct supervisor believes disciplinary action is warranted for an employee and all the prerequisites of Section E.1 have been met, he/she shall file a Request for Disciplinary Action with the second level supervisor as defined in A.1(g). The request must document:

- a. An outline of the employee's alleged behaviors that the supervisor claims to justify the action
- b. A detailed explanation of how this behavior is alleged to violate Lone Star College policy and procedure, the employee's job description and/or contract and/or state or federal law.
- c. All supporting documentation that corroborates the alleged negative behavior.

- d. Documentation of all warnings and corrective action plans the supervisor has pursued to help the employee to improve his/her behavior including the outcomes of those plans
- e. A clear statement of which Disciplinary Action(s) is (are) being requested and why the supervisor believes that action is appropriate.

If the Request for Disciplinary Action does not document all of these points, the second level supervisor is obligated to dismiss the request summarily. Particularly, if the direct supervisor failed to provide warnings and corrective action plans as described in the prerequisites in Section E.I, the second level supervisor is obligated to dismiss the request summarily. Once the Request for Disciplinary Action has been filed, the direct supervisor will not be allowed to amend the request or add additional documentation throughout the review process.

Concurrent with filing with the second level supervisor, the direct supervisor must deliver a complete copy of the Request for Disciplinary Action including all documentation to the employee in question. If this documentation is not provided to the employee, the second level supervisor is obligated to dismiss the request summarily. The employee must be granted a preparation period of fifteen (15) working days during which she/he can gather her/his own documentation of fact and can identify any witnesses he/she wish to call. He/she also has a right to discovery of any additional documents relative to the case. The employee will file any documentation and witness lists they wish to have considered by the end of these fifteen (15) working days.

At the conclusion of this preparation period, the second level supervisor will conduct a thorough investigation of fact, including documentation of evidence considered, regarding all the allegations and requests in the Request for Disciplinary Action and considering all materials provided by the employee. This investigation must include a hearing in which both the employee and the direct supervisor and/or their representatives will be given sufficient time to present their cases and to call and cross-examine witnesses. The second level supervisor may ask questions and seek additional witnesses and documentation.

Within five (5) working days of this hearing, the second level supervisor must provide a written ruling. The written ruling shall set forth statements of fact providing clear and convincing evidence as the basis of any decisions made. He or she may choose to take any of the following courses of action.

1. He or she may reject the Request for Disciplinary Action in which case the employees current work situation will continue as before and the case will be considered closed.
2. He or she may return the Request to the immediate supervisor with the option to revise. The immediate supervisor will have five (5) working days to prepare a revision of the Request. If no revised Request is filed within ten (10) working days, the original

Request for Disciplinary Action will be denied, and the case will be considered closed. If a revision is filed, a new investigation will begin following the procedures described above.

3. The reviewer may support the Request. In this case the Request and all supporting documents will be passed to the level of supervisor one higher who will investigate using the same rules and processes at the previous level with the same allowed outcomes.

If the second level supervisor fails to rule within five (5) working days of the hearing, the Request for Disciplinary Action will be dismissed.

III. Review by Vice President/Associate Vice Chancellor/Chief Area Officer

If the second level supervisor supports the Request for Disciplinary Action, he or she will forward the Request as follows: For campus employees, the Request will be filed with the employee's supervisory campus vice president. For System Office employees, the Request will be filed with the employee's respective associate vice chancellor or chief area officer. For assistance in determining to whom the Request for Disciplinary Action must be presented, a copy of the College's current organizational chart can be found at <http://org.lonestar.edu/orgchart/LSCS-Internal030115.htm>. If the campus or system official thus identified is the second level supervisor who has already ruled, the process proceeds immediately to the next level.

The second level supervisor must include any additional documentation she/he obtained in the course of investigation and must provide copies to the employee. Failure to do so will result in the immediate dismissal of the Request.

Within ten (10) working days of receiving the Request for Disciplinary Action, the vice president/associate vice chancellor/chief area officer will conduct a hearing in which both the employee and the direct supervisor and/or their representatives will be given sufficient time to present their cases and to call and cross-examine witnesses. The vice president / associate vice chancellor / chief area officer may ask questions and seek additional witnesses and documentation.

Within five (5) working days of this hearing, the vice president/associate vice chancellor/chief area officer must provide a written ruling. The written ruling shall set forth statements of fact providing clear and convincing evidence as the basis of any decisions made. He or she may choose to take any of the following courses of action.

1. He or she may reject the Request for Disciplinary Action in which case the employees current work situation will continue as before and the case will be considered closed.
2. He or she may return the Request to the immediate supervisor with the option to revise. The immediate supervisor will have five (5) working days to prepare a revision of

the Request. If no revised Request is filed within ten (10) working days, the original Request for Disciplinary Action will be denied and the case will be considered closed. If a revision is filed, a new investigation will begin following the procedures described above.

3. The reviewer may support the Request. In this case, the Request and all supporting documents will be referred for review by the appropriate President or Vice Chancellor as described in Section IV.

If the vice president/associate vice chancellor/chief area officer fails to rule within five (5) working days of the hearing, the Request for Disciplinary Action will be dismissed.

IV. Review by President / Vice Chancellor

If the vice president / associate vice chancellor / chief area officer supports the Request for Disciplinary Action, he or she will forward the Request as follows: For campus employees, the Request will be filed with the college president. For System Office employees, the Request will be filed with the vice chancellor who supervises the associate vice chancellor or chief area officer.

The vice president / associate vice chancellor must include any additional documentation she/he obtained in the course of investigation and must provide copies to the employee. Failure to do so will result in the immediate dismissal of the Request.

Within ten (10) working days of receiving the Request for Disciplinary Action, the president / vice chancellor will conduct a hearing in which both the employee and the direct supervisor and/or their representatives will be given sufficient time to present their case and to call and cross-examine witnesses. The president / vice chancellor may ask questions and seek additional witnesses and documentation.

Within five (5) working days of this hearing, the president/vice chancellor must provide a written ruling. The written ruling shall set forth statements of fact providing clear and convincing evidence as the basis of any decisions made. He or she may choose to take any of the following courses of action.

1. He or she may reject the Request for Disciplinary Action in which case the employees current work situation will continue as before and the case will be considered closed.
2. He or she may return the Request to the immediate supervisor with the option to revise. The immediate supervisor will have five (5) working days to prepare a revision of the Request. If no revised Request is filed within ten (10) working days, the original Request for Disciplinary Action will be denied and the case will be considered closed. If a revision is filed, a new investigation will begin following the procedures described above.

3. The reviewer may support the Request. In this case, the Request and all supporting documents will be referred for review by the College Level Employee Affairs Review Committee as described in Section V.

If the president/ vice chancellor fails to rule within five (5) working days of the hearing, the Request for Disciplinary Action will be dismissed.

V. Review by the College Level Employee Affairs Review Committee

If the president / vice chancellor supports the Request for Disciplinary Action, he or she will contact the College Level Employee Affairs Review Committee at another campus to review the request.

The president / vice chancellor must include any additional documentation she/he obtained in the course of investigation and must provide copies to the employee. Failure to do so will result in the immediate dismissal of the Request.

Within ten (10) working days of receiving the Request for Disciplinary Action, the College Level Employee Affairs Review Committee will conduct a hearing in which both the employee and the direct supervisor and/or their representatives will be given sufficient time to present their case and to call and cross-examine witnesses. The Review Committee may ask questions and seek additional witnesses and documentation. Upon completion of the hearing, the Review Committee will meet in closed session to discuss the evidence presented to them.

Within five (5) working days of this hearing, the Review Committee must provide a written ruling. The written ruling shall set forth statements of fact providing clear and convincing evidence as the basis of any decisions made. The Review Committee may choose to take any of the following courses of action.

1. They may reject the Request for Disciplinary Action in which case the employees current work situation will continue as before and the case will be considered closed.
2. They may return the Request to the direct supervisor with the option to revise. The immediate supervisor will have five (5) working days to prepare a revision of the Request. If no revised Request is filed within ten (10) working days, the original Request for Disciplinary Action will be denied and the case will be considered closed. If a revision is filed, a new investigation will begin following the procedures described above.
3. The Review Committee may support the Request. In this case, the Request and all supporting documents will be referred for review by the Chancellor as described in Section VI.

If the College Level Employee Affairs Review Committee fails to rule within five (5) working days of the hearing, the Request for Disciplinary Action will be dismissed.

VI. Review by the Chancellor

If the College Level Employee Affairs Review Committee supports the Request for Disciplinary Action, they will forward the Request to the Chancellor. The Review Committee must include any additional documentation obtained in the course of investigation and must provide copies to the employee. Failure to do so will result in the immediate dismissal of the Request.

Within ten (10) working days of receiving the Request for Disciplinary Action, the chancellor will conduct a hearing in which both the employee and the direct supervisor and/or their representatives will be given sufficient time to present their case and to call and cross-examine witnesses. The chancellor may ask questions and seek additional witnesses and documentation.

Within five (5) working days of this hearing, the Chancellor must provide a written ruling. The written ruling shall set forth statements of fact providing clear and convincing evidence as the basis of any decisions made. He or she may choose to take any of the following courses of action.

1. He or she may reject the Request for Disciplinary Action in which case the employees current work situation will continue as before and the case will be considered closed.
2. He or she may return the Request to the immediate supervisor with the option to revise. The immediate supervisor will have five (5) working days to prepare a revision of the Request. If no revised Request is filed within ten (10) working days, the original Request for Disciplinary Action will be denied and the case will be considered closed. If a revision is filed, a new investigation will begin following the procedures described above.
3. The chancellor may support the Request. In this case the Disciplinary Action requested will go into effect and the Chancellor will inform the employee.

If the Chancellor fails to rule within five (5) working days of the hearing, the Request for Disciplinary Action will be dismissed.

VII. Appeal of Disciplinary Action

An employee may appeal any Disciplinary Action taken by the Chancellor. Since the case has already been reviewed up through that level, the appeals process begins with the System Level Employee Affairs Review Committee following the Grievance Procedure Sections D.V and D.VI.

VIII. Decision Not to Appear

At any point in the review process, the employee may choose not to participate in a review hearing. Non-participation will not be construed to be an admission of wrong and the investigation will proceed in the absence of the non-participant. Choosing not to appear at any stage of the appeal does not negate the employee's right to appeal the Chancellor's final ruling.

IX. Administrative Leave During Review Process

Occasions will occur in which an employee's continued presence on campus during the review process for Disciplinary Action potentially puts other members of the college community at risk if the allegations are, in fact, true. This may especially be true if the employee is alleged to have committed a crime or if there is evidence of a mental health issue. If a direct supervisor or others in the review chain feel this is the case, they may request that the college president or vice chancellor place the employee on paid Administrative Leave. The college president or vice chancellor will consult with the chancellor and, if all are in agreement, the employee will be informed immediately. At any stage of the review process, if a reviewer rejects the Request for Disciplinary Action, the employee will be immediately reinstated. The employee may file a grievance for inappropriate imposition of Administrative Leave.

X. Accountability for Frivolous, Defamatory or Malicious Attempts at Disciplinary Action

A Request for Disciplinary Action may be rejected at any stage and that rejection does not necessarily reflect poorly on either the direct supervisor or others in the chain of review. If, however, a reviewer at any stage believes that the direct supervisor or others operated with malice, with the purpose of defaming the employee or in a frivolous manner in filing a request, a Request for Disciplinary Action may be filed immediately against that (those) person(s) bypassing the prerequisite steps in Section E.1. Review of a request in this case begins at the next level above the person filing the request.