

PERSONNEL-MANAGEMENT RELATIONS
EMPLOYEE GRIEVANCES

DGBA
(LOCAL)

PURPOSE	The purpose of this policy is to provide a timely and orderly process for the resolution of employee complaints. The Board intends that, whenever feasible, complaints be resolved at the lowest possible administrative level.
DEFINITION	An individual employee's wages, hours, or conditions of work may be the subject of a complaint. The definition of complaint shall also include specific allegations of unlawful discrimination on the basis of the employee's exercise of constitutional rights. [See also DIA(LOCAL)] The complaint must establish the individual harm suffered.
EXCEPTIONS	<p>Employee complaints shall be filed in accordance with this policy, except as provided below:</p> <ol style="list-style-type: none">1. Complaints alleging discrimination, including violations of Title IX (gender), Title VII (sex, race, color, religion, national origin), ADEA (age), or Section 504 (disability). [See DIA]2. Complaints alleging certain forms of harassment, including harassment by a supervisor and violations of Title VII. [See DIA]3. Complaints concerning retaliation relating to discrimination and harassment. [See DIA]4. Complaints concerning a commissioned peace officer who is an employee of the College District. [See CHA]5. Complaints concerning an employment preference for former foster children. [See DC]6. Complaints arising from the dismissal of term contract faculty members. [See DMAA]7. Complaints concerning the nonrenewal of term contract employees and those arising from the nonrenewal of term contract faculty members. [See DMAB]
CONSOLIDATION	When the College President or designee determines that two or more individual complaints are sufficiently similar in nature and remedy sought to permit their resolution through one proceeding, he or she may consolidate the complaints.
WHISTLEBLOWER COMPLAINTS	<p>An employee who alleges adverse employment action in retaliation for reporting a violation of law to an appropriate authority shall initiate a grievance under this policy within the time specified by law. [See DG(LEGAL)]</p> <p>The complaint shall first be filed in accordance with LEVEL TWO, below. Time lines for the employee and the College District set out</p>

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	<p>in this policy may be shortened to allow the Board to make a final decision within 30 days of the initiation of the complaint.</p>
FREEDOM FROM REPRISALS	<p>No reprisals or retaliation of any kind shall be taken at any level against an employee for bringing a complaint. Complaints shall not be referred to in an employee's personnel file unless so requested by the employee.</p>
REPRESENTATION	<p>The employee filing a complaint or any employee who is the subject of a complaint may be represented at his or her own expense by a fellow employee, attorney, or other person. The College District may be assisted in processing complaints as it deems appropriate.</p>
GENERAL PROVISIONS	<p>All complaints arising out of an event or related series of events must be addressed in one complaint. An employee is precluded from bringing separate or serial complaints concerning events about which the employee has previously complained. Costs of any complaint shall be paid by the party incurring them.</p>
TIME LIMITS	<p>In resolving complaints, time is of the essence. All time limits shall be strictly complied with, unless extended by mutual consent. "Days" shall mean College District business days. In calculating time lines under this policy, the day a document is filed is "day zero," and all deadlines shall be determined by counting the following day as "day one."</p> <p>If a complaint or appeal notice is not timely filed, the complaint may be dismissed, on written notice to the employee, at any point during the complaint process. The employee may appeal the dismissal by seeking review in writing within ten days, starting at the level at which the complaint was dismissed. Such appeal shall be limited to the issue of timeliness only, and the merits of the original complaint shall not be considered.</p>
FILING	<p>Complaints shall be presented in writing and may be filed by hand-delivery, fax, or U.S. Mail. Hand-delivered filings shall be timely filed if received by the appropriate administrator or designee by the close of business on the deadline. Fax filings shall be timely filed if they are received on or before the deadline, as indicated by the date/time shown on the fax copy. Mail filings shall be timely filed if they are postmarked by U.S. Mail on the deadline and received by the appropriate administrator or designated representative no more than three days after the deadline.</p>
RESPONSE	<p>"Response" shall mean a written communication to the employee at each level in which a response is required. Responses may be hand-delivered, faxed, or sent by U.S. Mail to the employee's mailing address of record. Faxed responses shall be timely if they are</p>

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received on or before the deadline, as indicated by the date/time shown on the fax copy. Mailed responses shall be timely if they are postmarked by U.S. Mail on the deadline and delivered to the employee's address of record.

COMPLAINT FORM

Complaints and appeal notices shall be submitted in writing on a form provided by the College District. Copies of any documents that support the complaint should be attached to the complaint form or be presented at the Level One conference. After the Level One conference, no new documents may be submitted by the employee unless the employee did not know the documents existed before the Level One conference.

A complaint form that is incomplete in any material aspect may be dismissed but may be refiled with all the requested information if refiled within the designated time for filing the original complaint.

PRESENTATION

An employee may be provided with an administrative review conference, as appropriate, as outlined at LEVEL ONE, LEVEL TWO, LEVEL THREE, LEVEL FOUR, and LEVEL FIVE, below. The employee may also be provided a presentation of the complaint to the Board as specified at LEVEL FIVE, below, unless the Board grants a hearing.

In some instances, it will be appropriate to skip a level or levels of the complaint process if the nature of the complaint or the remedy requested is not appropriate for the initial level or levels. Administrative determinations regarding the appropriate level at which to hold a complaint conference will be made promptly upon receipt of a timely written complaint.

HEARING

If an employee alleges in writing specific facts that, if true, would constitute a violation of the employee's common law, statutory, or constitutional rights, an investigation of such allegations shall be conducted by the appropriate administrator after receipt of the complaint. The results of an investigation may be considered at any level of the complaint process. If the employee does not accept the College President's resolution at Level Four and requests a Board hearing, the College President shall schedule a hearing as specified at LEVEL FIVE, below.

LEVEL ONE

An employee shall file a complaint on the proper form with the lowest level administrator who has the authority to address the complaint within ten days of the date the employee first knew, or with reasonable diligence should have known, of the decision or action giving rise to the complaint. In most circumstances, the Level One complaint shall be filed with the employee's immediate supervisor.

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If the complaint is not filed with the appropriate administrator, the receiving administrator must note the date and time the complaint form was received and immediately forward the complaint to the appropriate administrator.

The appropriate administrator shall hold a conference with the employee within ten days after receipt of the written complaint.

The administrator shall have ten days following the conference to provide the employee with a written response. In the event an investigation is necessary, the administrator shall have 15 days following the conference to provide the employee with a written response.

LEVEL TWO

If the outcome of the complaint conference at Level One is not to the employee's satisfaction, the employee may appeal to the dean of the employee's immediate supervisor within ten days from receipt of the Level One response. The appeal notice must be filed in writing on a form provided by the College District.

The appropriate dean shall hold a conference with the employee within ten days after receipt of the appeal notice. At the conference, only the issues and documents presented at Level One and identified in the Level Two appeal notice, as well as the Level One response and any related investigation and/or documents shall be considered. The appropriate dean shall have ten days following the conference to provide the employee with a written response.

LEVEL THREE

If the outcome of the complaint conference at Level Two is not to the employee's satisfaction, the employee may appeal to a grievance committee within ten days. The appeal notice must be filed in writing on a form provided by the College District. The grievance committee shall hold a conference with the employee within ten days from receipt of the Level Two appeal notice. At the conference, only the issues and documents considered at Level Two shall be considered. The grievance committee shall have ten days following the conference to provide the employee with a written response.

The grievance committee shall consist of three faculty members and/or professional staff and two administrators appointed by the College President.

LEVEL FOUR

If the outcome of the complaint conference at Level Three is not to the employee's satisfaction, the employee may appeal to the College President within ten days from receipt of the Level Three response. The appeal notice must be filed in writing on a form provided by the College District. The College President or designee shall hold a conference with the employee within ten days from re-

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ceipt of the Level Three appeal notice. At the conference, only the issues and documents considered at Level Three shall be considered. The College President or designee shall have ten days following the conference to provide the employee with a written response.

LEVEL FIVE
PRESENTATION

If the outcome at Level Four is not to the employee's satisfaction, the employee may submit a written request to place the matter on the agenda of a future Board meeting. The request must be in writing and must be filed within ten working days after receipt of the Level Four response. The College President shall inform the employee of the date, time, and place of the meeting [see BD].

The presiding officer may set reasonable time limits and procedural guidelines for the complaint presentations. The Board shall listen to the complaint and any responsive presentation from the administration. The Board shall consider only those issues and documents presented at the preceding levels and identified in the appeal notice. The Board is not required to respond or take any action on the matter, unless at its sole discretion, the Board determines some response is warranted.

The Board may give notice of any decision orally or in writing at any time up to and including the next regularly scheduled Board meeting. If for any reason the Board fails to reach a decision, the lack of a response by the Board upholds the administrative decision at Level Four.

HEARING

A "hearing" may be more extensive than a complaint presentation; however, nothing in this policy shall be construed to confer "due process" or "due course of law" rights to an employee who is provided with a hearing. An employee who is granted a hearing shall be afforded that hearing either with the Board in a meeting that includes the hearing as an item in the posted agenda or with the Board's designee. If the Board conducts the hearing, it shall make and communicate its decision at any time up to and including the next regularly scheduled Board meeting.

If the Board's designee conducts the hearing, he or she shall make a recommendation to the Board at the first regular meeting following the hearing that affords adequate time to prepare a written recommendation. The employee shall be provided a copy of the recommendation before the meeting and shall be given an opportunity at the meeting to respond to the recommendation either orally or in writing. The Board shall then make and communicate its decision at any time up to and including the next regularly scheduled Board meeting.

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CLOSED MEETING

If the complaint involves the appointment, employment, evaluation, reassignment, duties, discipline, or dismissal of the employee, it will be heard in a closed meeting unless the employee requests it to be public. If the complaint involves complaints or charges about another employee, it will be heard in a closed meeting unless the employee complained about requests it to be heard in public.