

ARTICLE 7 - COMPLAINT

7.1 Definitions

7.1.1 Complaint

A "complaint" is an allegation made by an employee who has been adversely affected on an employer-employee matter not covered by this Agreement or federal, state or local statutes, regulations or mandates. Alleged violations of this article shall not be processed as a grievance, nor shall complaints be processed as grievances.

7.1.2 Complainant

The "complainant" is the employee(s) making the claim or the designated representative of the Association when an Association complaint is alleged.

7.2 General Provisions

7.2.1 Service of Other Parties

The services of the Office of Human Resources, other district officials, or Association President may be requested by either the District or the complainant in the process of resolving the complaint.

7.2.2 Time Limits

A supervisor's failure to give a decision within the time limits shall permit the complainant to proceed to the next step. The time limits, however, may be extended by mutual agreement.

7.2.3 Conduct of Complaint Processing

An investigation or other handling or processing of any complaint shall be conducted so as to result in minimal interference with, or interruption of, the instructional program and related work activities.

7.2.4 Records

All documents dealing with the processing of a complaint shall be filed separately from the personnel files of the participants. This file shall be available for inspection only on the basis of legitimate need. A complaint record/log shall be maintained of the persons having access, the nature of the need, and the purpose for which the information is to be used. All records used in the complaint which may have derived from personnel, evaluation, or other files maintained by the District, shall be returned to those files without indication that they have been used in the complaint procedure.

7.3 Procedure

7.3.1 First Step

An attempt shall be made to resolve any complaint in informal verbal discussion between complainant and the person who has immediate responsibilities (division chairperson, equivalent of division chairperson, or immediate supervisor or manager where no division chairperson or equivalent exists). This first step may be bypassed, if the complaint is directed toward the person who has immediate responsibility over that individual.

7.3.2 Second Step

If the complaint cannot be resolved informally, the complainant shall file the complaint in writing and, at a mutually agreeable time, discuss the matter with the person who was involved at step one. The written complaint shall state the nature of the complaint and shall state the remedy requested. The filing of the formal, written complaint at the second step should, if possible, be within twenty (20) days from the date of occurrence of the event giving rise to the complaint. The supervisor shall render a decision on the complaint and communicate it in writing to the unit member within ten (10) days after receipt of the complaint.

7.3.3 Third Step

If the complaint is not resolved satisfactorily at the second step, there shall be available a third step, that of the Superintendent/President or designee. The complainant shall meet with or Superintendent/President designee within ten (10) days of receipt of the second step answer. Within ten (10) days of the meeting, the Superintendent/President or designee shall render a decision in writing regarding the complaint.

7.3.4 Appeal to the Governing Board

Should the complainant not be satisfied at the third step, the employee shall have ten (10) days to so notify the Superintendent/President who shall then forward the written materials to the Governing Board. The Governing Board shall review the written records at an executive session of the next regularly scheduled Board meeting. The Board may make a final decision, request further information, schedule a hearing, or take whatever action it deems appropriate. If the Board requests further information or a hearing, a reasonable notice and an opportunity to prepare shall be given to the employee.