

MONTEREY PENINSULA COLLEGE
GOVERNING BOARD POLICIES

5000 SERIES PERSONNEL

F. Management, Supervisory and Confidential Personnel

5595 Complaints

1. Complaints Against MSC Personnel

A. Complaints to the Board

In accordance with Governing Board policy, all charges or complaints made against employees of the District and presented to the Board directly shall be referred to the Superintendent/President for investigation and report unless they refer directly to the Superintendent/President.

Any complaints received by an individual Board member will be referred to the Superintendent/President for investigation. Following the investigation, the Superintendent/President will then communicate to the person making the complaint with a copy to all Board members. If the Board member prefers, the Superintendent/President will communicate his/her findings back to the Board member, who will be responsible for contacting the complainant, and copies of the investigation report will be sent to all Board members.

Complaints, attacks, or criticisms brought up at a Board meeting will be referred to the Superintendent/President for investigation. No attempt will be made to respond at the time the complaint is made, but a written report will be prepared after the facts have been investigated.

B. Complaints to Other College Personnel

All charges made against MSC employees of the District and presented to College personnel shall be referred to the employee's immediate supervisor for investigation and action, if appropriate. Anonymous complaints shall be disregarded.

2. Complaints by MSC Personnel

A. Definition

A "complaint" is an allegation made by an MSC employee that the employee has been adversely affected on an employer-employee matter not covered by alternate complaint or grievance procedures.

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5595 Complaints (continued)

2. Complaints by MSC Personnel (continued)

B. Special Provisions

(1) Service of Other Parties

The services of the Personnel Office, Affirmative Action Officer, or other District officials, may be requested in the process of resolving the complaint.

(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.

(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 institutional activities.

C. Procedure

(1) First Step

An attempt shall be made to resolve any complaint in informal verbal discussion between complainant and the person who has immediate supervisory responsibilities.

(2) Second Step

If the complaint cannot be resolved informally, the complainant shall file the complaint in and, at a mutually agreeable time, discuss the matter with the person who was involved at step one. If the complaint is against the supervisor, the written complaint shall be filed with the appropriate Dean. 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

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5595 Complaints (continued)

should, if possible, be within twenty (20) days from the date of occurrence of the event giving rise to the complaint. The supervisor or Dean 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.

(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 the Superintendent/President or designee within ten (10) days of receipt of the second-step decision. Within ten (10) days of the meeting, the Superintendent/President or designee shall render a decision in writing regarding the complaint.

(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 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.

Reference: Governing Board Policy 1055.

Originally Adopted as Governing Board Policy: March 10, 1982.

Numbered and Re-adopted: May 10, 1989.