

Notice to Employees	<p>The College District shall inform employees of this policy through appropriate College District publications.</p> <p>The processes described in this policy shall not create new or additional rights beyond those granted by law or other Board policies.</p>
Freedom from Retaliation	<p>Neither the Board nor any College District employee shall unlawfully retaliate against an employee for bringing a concern, complaint, or grievance.</p>
General Guiding Principles Informal Process	<p>The Board encourages employees to discuss and resolve concerns with a supervisor or other appropriate administrator who has the authority to address the concerns.</p> <p>Employees should express concerns as soon as possible to allow early resolution at the lowest possible administrative level.</p> <p>Even after initiating the formal grievance process, the College District encourages employees to seek informal resolution of concerns. An employee whose concerns are resolved may withdraw a formal grievance at any time. Informal resolution shall not extend any deadlines in this policy, except by mutual written consent.</p>
“Complaint” and “Grievance” Defined	<p>For purposes of this policy as well as any corresponding administrative procedures, a “complaint” is a written request for the resolution of an issue regarding an employee’s work conditions. Examples include issues with: the interpretation of College District administrative procedures; job duties, responsibilities, assignments, evaluation, and compensation; workplace safety; and/or environmental concerns. The Chancellor shall establish administrative procedures for resolving employee complaints.</p> <p>For purposes of this policy as well as any corresponding administrative procedure, a “grievance” is a written request for the resolution of an issue related to one’s employment status within the College District such as probation, suspension, and/or termination. The College District shall resolve employee grievances using the procedure outlined at Grievance Process, below, unless otherwise agreed in writing by the aggrieved employee and the College District.</p>
Complaints Against Supervisors	<p>Employees may submit complaint forms alleging a violation of law by a supervisor to the Chancellor or designee. Employees may submit complaint forms alleging a violation of law by the Chancellor directly to the Board or designee.</p>
Whistleblower Complaints	<p>Employees shall file whistleblower complaints within the time specified by law. Employees shall first file such complaints in accordance with Level Three, below. The College District may shorten the</p>

timelines set out in this policy to allow the Board to make a final decision within 60 days of the initiation of the complaint. [See DG]

**Other Complaint or
Grievance Processes**

Employees shall file complaints according to the procedures established by the Chancellor, except as required by law. For complaints protected by law, employees shall file according to the policies listed below. Some of the policies require that the employee submit appeals in accordance with DGBA(LOCAL) after the respective process:

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 DIAA and DIAB]
2. Complaints alleging certain forms of harassment, including harassment by a supervisor and violations of Title VII. [See DIAA and DIAB]
3. Complaints concerning retaliation relating to discrimination and harassment. [See DIAA and DIAB]
4. Complaints concerning a commissioned peace officer who is an employee of the College District. [See CHA]
5. Complaints concerning an employment preference for veterans or former foster children. [See DC]
6. Grievances arising from the dismissal of term contract faculty members. [See DMAA]
7. Grievances concerning the nonrenewal of term contract faculty members. [See DMAB]

**Grievance and
Appeal Process**

General Provisions

Filing

Employees shall file grievances and appeals in writing to the Vice Chancellor of Human Resources (VCHR) or designee. The College District shall provide an appropriate filing form.

An employee shall file a grievance 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 grievance.

Employees may file forms and supporting documentation by hand-delivery, electronic communication, including email and fax, or by United States Postal Service. Hand-delivered filings shall be timely if the VCHR or designee receives the form and/or documents by the close of business on the deadline. Electronic filings shall be timely if the VCHR or designee receives the filing by the close of business on the deadline, as indicated by the date/time shown on the electronic communication. Mail filings shall be timely if they are postmarked by the United States Postal Service on or before the

deadline and received by the VCHR or designee no more than three days after the deadline.

The employee shall attach copies of any documents that support the grievance to the filing form. If the employee does not have copies, the employee may present the original documents at the Level One conference. After the Level One conference, the employee may not submit new documents unless the employee did not know the documents existed before the Level One conference.

The College District may dismiss any grievance form that an employee submits incomplete in any material aspect. The employee may refile the grievance with all the required information if the refiling is within the designated time limit.

Time Limits	The parties shall strictly adhere to all time limits unless modified by mutual written consent.
Scheduling Conferences	<p>For purposes of this policy and any others referring hereto, "conference" shall mean a meeting at which the employee filing the grievance has the opportunity to hear the evidence pertaining to the concerns at issue and to rebut any evidence presented. When applicable, the College District shall comply with confidentiality laws.</p> <p>The College District shall make reasonable attempts to schedule conferences at a mutually agreeable time. If the employee fails to appear at a scheduled conference, the College District may hold the conference and issue a decision in the employee's absence.</p>
Response	"Response" shall mean a written communication to the employee from the appropriate administrator.
Days	"Days" shall mean College District business days, unless otherwise noted. In calculating timelines under this policy, the day an employee files a form or document is "day zero." The following business day is "day one."
Representative	<p>"Representative" means any person who or an organization that does not claim the right to strike and is designated by the employee to represent him or her in the grievance process.</p> <p>The employee may designate a representative through written notice to the College District at any level of this process. If the employee designates a representative with fewer than three days' notice to the College District before a scheduled conference or hearing, the College District may reschedule the conference or hearing to a later date, if desired, in order to include the College District's counsel. The College District may be represented by counsel at any level of the process.</p>

**Consolidating
Complaints**

The College District shall address grievances arising out of a single event or series of related events in one grievance process under this policy. Employees shall not file separate or serial grievances arising from any event or series of events that have been or could have been addressed in a prior grievance.

When two or more grievances are sufficiently similar in nature and remedy sought to permit resolution through one proceeding, the College District may consolidate the grievances.

Costs Incurred

Each party shall pay its own costs incurred in the course of the grievance.

Level One

Upon receiving a grievance form, the VCHR or designee shall notify the Level One administrator. The Level One administrator shall be the lowest level administrator in the employee's chain of command with the authority to remedy the alleged problem. If that administrator is the Vice Chancellor in the employee's chain of command or the Chancellor, the grievance procedure shall begin at Level Two or Level Three, as appropriate.

Level One procedure:

1. The administrator shall investigate as necessary and schedule a conference with the employee within ten (10) days after the grievance filing date. The administrator may set reasonable time limits for the conference.
2. The administrator shall provide the employee a written response within ten (10) days following the conference. The written response shall set forth the basis of the decision. In reaching a decision, the administrator may consider information provided at the grievance conference and any other relevant documents or information the administrator believes will help resolve the grievance.
3. The administrator shall forward the Level One record to the VCHR or designee. The Level One record shall include:
 - a. All documents submitted by the employee at Level One.
 - b. The written response issued at Level One and any attachments.
 - c. All other documents relied upon by the Level One administrator in reaching the Level One decision.

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 form to the appropriate administrator.

The appropriate administrator shall investigate as necessary and schedule a conference with the employee within ten days after receipt of the written complaint. The administrator may set reasonable time limits for the conference.

Absent extenuating circumstances, the administrator shall provide the employee a written response within ten days following the conference. The written response shall set forth the basis of the decision. In reaching a decision, the administrator may consider information provided at the Level One conference and any other relevant documents or information the administrator believes will help resolve the complaint.

Level Two

An aggrieved employee may appeal a Level One response. The employee must file the appeal notice within ten days of receiving the Level One response. The Level Two administrator is the Vice Chancellor in the employee's chain of command.

Level Two procedure:

1. After receiving the notice of appeal, the VCHR or designee shall forward the record of the Level One grievance to the Level Two administrator. The employee may request a copy of the Level One record.
2. The Vice Chancellor shall schedule a conference within ten (10) days after the employee files the appeal notice. The Vice Chancellor shall limit the conference issues to the issues and documents presented by the employee at Level One and identified in the Level Two appeal notice. The Vice Chancellor shall limit all other Level Two conferences to the issues relevant to the grievance. The Vice Chancellor may set reasonable time limits for the conference.
3. The Vice Chancellor shall provide the employee a written response within ten days following the conference. The written response shall set forth the basis of the decision. In reaching a decision, the Vice Chancellor may consider the Level One record and any other relevant documents or information the Vice Chancellor believes will help resolve the appeal.
4. The Vice Chancellor shall forward the Level Two record to the VCHR or designee. The Level Two record shall include:
 - a. The Level One record.
 - b. The written response issued at Level Two and any attachments.

- c. All other documents relied upon by the Level Two administrator in reaching the Level Two decision.

Level Three

An aggrieved employee may appeal a Level Two response. The employee must file the appeal notice within ten days of receiving the Level Two response. The Level Three administrator is the Chancellor or designee.

Level Three procedure:

1. After receiving the notice of appeal, the VCHR or designee shall forward the record of the Level Two grievance to the Chancellor or designee. The employee may request a copy of the Level Two record.
2. The Chancellor or designee shall schedule a conference within ten days after the file date on the appeal notice. The Chancellor or designee shall limit the Level Three conference to the issues and documents considered at Level Two. The Chancellor or designee may set reasonable time limits for the conference.
3. The Chancellor or designee shall provide the employee a written response within ten days following the conference. The written response shall set forth the basis of the decision. In reaching a decision, the Chancellor or designee may consider the Level One and Level Two records, and any other relevant documents or information the Chancellor or designee believes will help resolve the grievance.

The decision of the Chancellor is final. Nothing in this policy precludes the employee from addressing the Board during the public comment portion of a Board meeting.