DEFINITION

A grievance may arise from action which has an adverse effect on a certificated employee with respect to his/her individual rights, personal benefits, or working conditions. A grievance is defined as a claim that a certificated employee has been the subject of unjust action or has been denied his/her rights by another employee of the District, or by a student. Excluded from the grievance process are any matters for which a specified method of review is provided either by law or by District policy.

INFORMAL RESOLUTION

Before initiating a grievance, the certificated employee shall first attempt to resolve the issue by informal discussion with the person directly involved in the matter.

FORMAL RESOLUTION - LEVEL I

If the issue is not resolved informally, the certificated employee may submit a written statement specifying the time, place and nature of his/her grievance to the President of the Academic Senate. Within ten (10) days of receiving the statement, the President of the Academic Senate with the help of the appropriate administrator, when necessary, will mediate discussion between the individuals involved and attempt to resolve the grievance.

FORMAL RESOLUTION - LEVEL II

If the President of the Academic Senate is unable to bring about a resolution of the grievance, s/he shall convene a hearing committee within thirty (30) days of the receipt of the written grievance. Hearing committees shall be formed as follows:

A. **Formation of Hearing Committees**

1. Hearing committees shall be composed of four individuals who are not parties to the dispute, selected by lot, by the President of the Academic Senate.

2. Two alternates shall also be selected by lot.

3. Each party to the dispute shall be entitled to one peremptory challenge.

4. Each party to the dispute shall be entitled to an unlimited number of challenges for cause. Removal of a member from a hearing committee for cause shall be decided by the President of the Academic Senate. The Academic Senate President’s decision may be appealed by either party to the grievance to the Representative Council whose decision shall be final.

5. A committee member may be excused for good cause by the President of the Academic Senate.

Encl. 1
Item2.2-a
10/10/85
B. Composition of Grievance Committees

1. Dispute Between Certificated Employees: Four certificated employees shall be selected.

2. Dispute Involving a Certificated Employee and a Student: Two certificated employees and two students shall be selected.

3. Dispute Involving a Certificated Employee and a Classified Employee: Two certificated employees and two classified employees shall be selected.

4. Dispute Involving a Certificated Employee and an Administrator/Manager: Two certificated employees and two administrator/managers shall be selected.

C. Conduct of Grievance Hearing

1. The President of the Academic Senate shall convene the session, preside, and will be responsible for compliance and administration of the grievance process.

2. The President of the Academic Senate shall cause a copy of the grievance to be delivered to each party and the Superintendent/President together with notification of the time and place of the hearing, and a copy of the Grievance Policy.

3. The committee shall discuss the charge, hear testimony, examine witnesses, and receive evidence.

4. Both parties shall have the right to present statements, testimony, evidence, and witnesses. Each party shall have the right to be represented by counsel of his/her choice and to question witnesses.

5. The accused must either be present at the hearing or be represented by a person of his/her choice. In the event the accused fails to appear, the committee will proceed in his/her absence.

6. The hearing shall be open to the public, unless either party requests otherwise.

7. The burden of proof rests with the person initiating the grievance.

8. The President of the Academic Senate shall not vote. Three members of the committee must concur in any decision rendered by the committee.

9. The committee shall state its findings and decision in writing to both parties and to the Superintendent/President.

10. Either party may appeal, in writing, the decision of the committee, to the Superintendent/President within 10 days of the decision.
FORMAL RESOLUTION LEVEL III

The Superintendent/President will consider the decision of the committee or an appeal. If the Superintendent/President disagrees with the decision of the hearing committee in a case involving a student, a classified employee or an administrator/manager s/he shall submit a written statement to that effect, to both parties and to the Academic Senate President. The Superintendent/President will then review the case and submit a report on the matter with his/her decision to the Board of Trustees. In a dispute between faculty members, it is expected that the Superintendent/President shall be governed by the decision of the committee.

Either party may appeal, in writing, the decision of the Superintendent/President to the Board of Trustees within 30 days of the date on which the Level III decision is reached.

FORMAL RESOLUTION LEVEL IV

The Board of Trustees shall, within 30 days after submission of the appeal, render a final determination of the matter at the college level.
GRIEVANCE PROCEDURE

Definitions

A "grievance" is an allegation by a grievant that s/he has been adversely affected by a violation of written Board policies. Actions to challenge or change the policies of the District as set forth in the rules and regulations or administrative regulations and procedures must be undertaken under separate legal processes. Other matters for which a specific method of review is provided by law, by the rules and regulations of the Board of Trustees, or by the Administrative regulations and procedures of this college district are not within the scope of this procedure.

A "grievant" may be any certificated administrator employee of the District.

A "day" is any day in which the central administrative office of the Santa Barbara Community College District is open for business.

The "immediate supervisor" is the lowest level supervisor designated as management having immediate jurisdiction over the grievant who has been designated to administer grievances.

Informal Level

Before filing a formal grievance, the grievant should attempt to resolve it by an informal conference with his/her immediate supervisor.

Formal Level

Level I

a. Within ten (10) days after the occurrence of the act or omission giving rise to the grievance, the grievant must present his/her grievance in writing on the appropriate form to his/her immediate supervisor.

b. This statement shall be a clear, concise statement of the grievance, the circumstances involved, the decision rendered at the informal conference, and the specific remedy sought. The supervisor shall communicate his/her decision to the employee in writing within ten (10) days after receiving the grievance. If the supervisor does not respond within the time limits, or the grievant is not satisfied with the decision, the grievant may appeal to the next immediate supervisor, if there is one or if there is not one, to the next level. (Level II)

c. Within the above time limits either party may request a personal conference with each other.
1204  Level II
a. In the event the grievant is not satisfied with the decision at Level I, s/he may appeal the decision on the appropriate form to the appropriate Vice President within ten (10) days.

b. This statement should include a copy of the original grievance, the decision rendered, and a clear, concise statement of the reasons for the appeal.

c. The appropriate Vice President shall communicate his/her decision within ten (10) days after receiving the appeal. Either the grievant or the appropriate Vice President may request a personal conference within the above time limits. If the appropriate Vice President does not respond within the time limits, the grievant may appeal to the next level. (Level III)

1205  Level III
a. If the grievant is not satisfied with the decision at Level II, s/he may within ten (10) days appeal the decision on the appropriate form to the Superintendent/President or his designee.

b. This statement shall include a copy of the original grievance and appeal, the decisions rendered and a clear, concise statement of the reasons for the appeal.

c. The Superintendent/President or his designee shall communicate his decision to the grievant within ten (10) days.

1206  Level IV
a. If the grievant is not satisfied with the decision at Level III, s/he may within ten (10) days appeal the decision on the appropriate form to the Board of Trustees.

b. This statement shall include a copy of the original grievance and appeal, the decisions rendered and a clear, concise statement of the reasons for the appeal.

c. The Board of Trustees, or their designee, shall communicate their decision to the grievant within ten (10) days.
Right of a Certificated Employee to Inspect Materials in his/her Personnel File:

Official certificated personnel files shall be maintained under the following circumstances:

a. Upon appropriate advance written request by the employee, s/he shall be permitted to examine his/her file.

b. No derogatory material relative to an employee's conduct, service, character or personality shall be placed in the file unless the employee has had an opportunity to read the material and comment thereon. An employee shall have the right to enter, and have attached to any derogatory material, his/her own comments. An employee shall receive a copy of all evaluations put in his/her file.

c. The employee shall be permitted to request that any such derogatory material in his/her file be reproduced.

d. Nothing in this policy shall allow the employee access to confidential references.