CERTIFIED EMPLOYEE GRIEVANCE POLICY

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 Dean, when necessary, will mediate 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 pre-emptory
challenge.

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

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.

FORMAL RESOLUTION - LEVEL III

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.

FORMAL RESOLUTION - LEVEL IV

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. The Board of Trustees shall, within 30 days after submission of the appeal, render a final determination of the matter at the college level.
2420 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.