

**Complaints Concerning Employees**

Reference: Education Code Section 45113

The intent of the policy is to allow an individual to receive appropriate due process for resolving a legitimate concern. Complaints concerning employees of the Palo Verde Community College District should be directed to the employee's immediate supervisor. Administrative procedures shall be developed which provide for various levels of review. The Board of Trustees shall not intercede in such matters except on appeal of the final administrative decision.

Complaints involving a claim of discrimination or harassment should be referred to Board Policy 3410, Nondiscrimination, and/or Board Policy 3430 Prohibition of Discrimination and Harassment and their respective administrative procedures.

**Procedures for Complaints Concerning Employees**

The primary purpose of this procedure is to secure equitable, timely solutions to complaints. This procedure is not to be used for grievances under a bargaining contract or for any problem for which there is another procedure provided by law and/or implementing District policy/procedure. The complainant must have met first with the employee explaining the situation prior to the District's acceptance of a formal complaint.

**Informal Level**

Complaints related to the duties of an employee shall be called to the attention of employee's immediate supervisor or the Superintendent/President. An attempt will be made to reconcile the problem in an informal manner by consultation with the complainant, the employee and the employee's immediate supervisor.

**Formal Level**

**Step 1**

If the complainant is not satisfied with the informal resolution, a written complaint may be filed with the employee's immediate supervisor within ten (10) school days\* of the incident. This statement shall be a clear, concise statement of the complaint, the circumstances involved, the decision rendered at the informal level and the specific remedy expected. The statement of the complaint shall include: (a) the name of the complainant; (b) a statement of the facts giving rise to the complaint, the name of the employee involved and names of any witnesses that directly observed the event; (c) the date on which the event or occurrence first occurred or the date on which the complainant knew or should have known of the event or occurrence which gave rise to the complaint; (d) the date of the initial submission of the complaint in writing; and (e) the remedy or correction requested.

The employee's immediate supervisor shall investigate the complaint and consult with the employee and any witnesses and shall communicate his/her decision, in writing, to the complainant within ten (10) school days after receiving the appeal.

### Step 2

If the complainant is not satisfied with the decision by the employee's immediate supervisor, he/she may appeal the decision in writing ten (10) school days after receipt of the decision to the Superintendent/President. The statement shall indicate the decision reached at Step 1 and a clear, concise statement of the reasons for the appeal. The Superintendent/President shall communicate his/her decision in writing to the complainant within ten (10) school days after receiving the appeal.

### Step 3

If the complainant is not satisfied with the decision at Step 2, he/she may make a written appeal within ten (10) days after receipt of the Superintendent/President's decision to the Board of Trustees to review in closed session. This complaint must be made through the Superintendent/President and the decision of the Board of Trustees is final. The appeal shall be in writing and shall be accompanied with copies of all communications pertinent to the complaint at each proceeding step of the procedure.

- a. The trustees shall hold a hearing on the complaint at the following meeting of the Board of Trustees, but in no case more than ten (10) working days following receipt of the appeal.
- b. The complainant and the Superintendent/President shall be given at least two (2) school days notice of the time and place of the hearing.
- c. Within ten (10) school days after the Trustee's hearing on the appeal, the Trustees shall communicate their decision in writing, together with reasons, to all parties at the hearing.

### Failure to observe Time Limits

In the event the complainant fails to exhaust all remedies under the procedure or to abide by the time limits with respect to each step, the complaint shall be presumed to be abandoned and the matter settled, in accordance with the District's last response.

In the event the District fails to give its answer at any step with the time limits prescribed, the complainant shall have the right to proceed to the next step.

Any time limit may be extended by written mutual agreement of the complainant and the District. However, such written mutual agreement to extend must be completed before expiration of the complaint time limits.

\* A "school day" is defined as any day in which the District administration office is open for business.

*(Formerly PVC Administrative Regulation 1130)*

09/03/08 College Council Approval  
09/23/08 Board First Read  
10/28/08 Board Second Read and Approval