



## **AP 7280 Complaint Procedure**

1. This voluntary procedure for employee complaints provides a means for an employee to clarify a situation, which the employee believes is impacting their ability to perform their job duties or occur in the work environment. This includes intimidation, coercion, and written, verbal or non-verbal abuse by another employee. The review and resolution may be carried out informally or may, at the employee's option, involve the filing of a formal written complaint.
  
2. The following matters are excluded from the Complaint Procedure:
  - a. Written reprimands or charges recommending suspension, demotion, or dismissal;
  - b. Performance evaluations;
  - c. Matters resolvable pursuant to processes set forth in other District rules, policies, or procedures;
  - d. Matters covered by a collective bargaining agreement; and
  - e. Complaints of discrimination or harassment.
    - i. Allegations of discrimination are subject to the District's Board policy and procedure 3410 and 3435, "Non-Discrimination and Discrimination and Harassment Investigations." Now
    - ii. Allegations of sexual harassment are subject to the District's Board Policy and Administrative Procedure 3430 "Prohibition of Harassment," Administrative Procedure 3435 "Discrimination and Harassment Investigations," Board Policy and Administrative Procedure 3433 "Prohibition of Sexual Harassment under Title IX," and Administrative Procedure 3434 "Responding to Harassment Based on Sex under Title IX."

### **3. Filing a Complaint**

District employees are to file their complaint, either informal or formal, with their immediate supervisor and send a copy of the complaint to the Director of Human Resources. When the complaint involves the Director or Vice President of Human Resources, the report should be made to the CEO. When the complaint involves the CEO, the report should be made to the president of the board of trustees. When the complaint involves the board of trustees or one of its members, the report should be made to the CEO who will confer with the president of the board of trustees and/or legal counsel on how to proceed.

#### **4. Informal Resolution**

- a. Each supervisor and employee is encouraged to resolve on-the-job complaints in an atmosphere and attitude of mutual respect. An employee should bring any work-related problem to the attention of their immediate supervisor as soon as possible so the problem may be resolved. The supervisor should discuss with the employee those concerns in an effort to resolve the problem in a timely fashion.
- b. If they wish, the employee or the supervisor may seek assistance in resolving problems from the Director of Human Resources.

#### **5. Formal Resolution**

The formal complaint process may be used at any time by an employee to request an investigation of their complaint. The formal process may include the employee filing a written complaint with the supervisor, management review of the supervisor's decision, and final review in an appeal process. Each complaint filed must be made by an individual employee.

#### **6. Initial Written Complaint**

- a. To initiate a formal complaint review, the employee must notify their immediate supervisor in writing within thirty (30) working days of the occurrence on which the complaint is based. The employee must forward a copy of the complaint to the Director of Human Resources.
- b. The written complaint should contain the following information:
  - i. Name;
  - ii. Work location;
  - iii. Position;
  - iv. Description in detail of the nature of the complaint;
  - v. The time and date when the basis for the complaint is alleged to have occurred;
  - vi. The names and positions of all persons alleged to be involved in the complaint;
  - vii. Other supporting material;
  - viii. Date submitted;
  - ix. Employee's signature, electronic submission is also accepted.
- c. Within twenty (20) working days after receiving the complaint, the employee's supervisor will confer with the employee to discuss the complaint. In addition, the supervisor may make additional inquiry regarding the complaint in an effort to investigate the matter.
- d. Within twenty (20) working days after conferring with the employee, the supervisor will render a decision in writing, furnishing a copy to the employee and to the Director

of Human Resources. If the employee accepts the supervisor's decision in writing, the complaint is resolved. If the employee does not accept the supervisor's decision, they may ask for a review at the next supervisory level. If the supervisor does not render a decision on a complaint within the prescribed time limit, the complaint is deemed denied, and the employee may ask for a review at the next supervisory level.

## **7. Review of Supervisor's Decision**

- a. The employee must submit a signed complaint packet to the next supervisory or appeal level within twenty (20) working days after the employee is informed of the supervisor's written decision. The complaint packet should include the original complaint, supervisor's written response and an explanation why the employee feels the supervisor's decision should be overruled or modified. The employee must forward a copy of this statement to the Director of Human Resources.
- b. The next supervisory level reviewer shall consider the employee's complaint and the immediate supervisor's decision, taking into account the initial formal complaint and all material submitted by the employee. The reviewer may make additional inquiry regarding the complaint. Within 20 days of receiving the complaint packet, the next supervisory level reviewer shall meet with the employee.
- c. Within twenty (20) working days after meeting with the employee, the reviewer shall render a decision in writing to the employee with a copy to the first level supervisor and to the Director of Human Resources.

## **8. Appeal Process**

- a. If the employee is dissatisfied with the review of the supervisor's decision, the employee must forward an appeal, including all past documentation related to the complaint process thus far, to the Vice President of Human Resources within ten (10) working days of receiving written notice. The appeal shall be in writing and include the reason(s) for the appeal.
- b. The Vice President of Human Resources will conduct the appeal proceeding within twenty (20) working days of received the complaint packet and, within an additional twenty (20) working days after the conclusion of the proceeding, will render a final decision. A copy of the appeal decision will be forwarded to the district Chancellor's office. The decision of the Vice President of Human Resources is final.
- c. The time limits specified in this complaint procedure will be observed and applied strictly and will not be extended without the prior written consent of the employee and the applicable level of supervisor responsible for the review. If an employee fails to comply with any time limit, the complaint shall be deemed automatically withdrawn and the proceeding terminated.

Board approved 2/10/2021

Next review date spring, 2027