

## Human Resources

**AP 7280 UNREPRESENTED EMPLOYEE COMPLAINTS****References:**

No specific references

For purposes of this procedure, “complaint” is defined as a misapplication or misinterpretation of a Board Policy and/or Administrative Procedure. This procedure does not apply to employee evaluations or disciplinary actions.

This procedure is not applicable when another existing District process exists to address the concern.

The Employee Complaint Process is available to employees not covered by collective bargaining agreements and shall include the following:

- Initial meeting with his/her/their supervisor to attempt to resolve the issue informally (*see* informal process below).
- If the issue cannot be resolved informally with his/her/their supervisor, the complainant may submit the matter to Human Resources.
- If the issue cannot be resolved by Human Resources or if the matter directly involves the Human Resources department, the complainant may submit the matter to the Superintendent/President or his/her/their designee.
- If the complaint is against the Superintendent/President, the issue could be submitted to the Board of Trustees.

**Complainant** – An unrepresented employee who meets the criteria listed above may use the AP 7280 complaint process.

**Day** - Any day that the District Administrative offices are open for business.

**Procedural Timing and Appeal of Decision**

The time limit provided for in this procedure may be extended by mutual written agreement of the parties. Any decision not appealed within the limits from one level to the next level shall be considered settled on the basis of the last decision and not subject to further appeal.

**Informal Process**

Before filing a formal complaint, the complainant must attempt to resolve it by an informal conference with the first supervisory/management team member in the chain of command within thirty (30) days after the employee’s knowledge of the occurrence or through reasonable diligence he/she/they could have known of the act or omission. Failure by a complainant to appeal the decision within twenty (20) days of the decision will be deemed an acceptance of the decision.

**Formal Process**

If the complainant is not satisfied with the decision at the informal conference, within ten (10) days the complainant must present to the Human Resource Department in writing the following:

1. The Board Policy or Administrative Procedure allegedly misapplied,
2. The circumstances on which the complaint is based,
3. The person involved, and
4. The remedy sought.

Within ten (10) days the Human Resource Department shall communicate the determination to the employee in writing.

Either party to the complaint shall have the right to request a personal conference in order to resolve the problem.

If the complainant is not satisfied by the determination made by the Human Resources Department then he/she/they may seek a final decision by the Superintendent/President.

**Complaints Against the Superintendent/President by a Direct Report:**

If the complainant is not satisfied with the determination made by the Human Resource Department, he/she/they may appeal in writing to the Board of Trustees for final a decision.

*Office of Primary Responsibility:* Human Resources

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Date Approved: March 19, 2013 (*Replaced College of Marin Procedure 5.0018 DP.1*)

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