



State Center Community College District
 Human Resources
 1525 E. Weldon Avenue
 Fresno, CA 93704
 TEL: 559-244-5989
 FAX: 559-499-6007

Memorandum

From: Stacy Zuniga, EEO/Diversity & Staff Development Manager

Re: District Complaint Forms and Instructions (Non-Grievance)

The District has classified non-grievance complaints into three different categories:

1. Discrimination/Harassment/Misconduct or Other Complaint
2. Equal Employment Opportunity (EEO) Plan Violation Complaint
3. Personnel Commission Rules Violation Complaint

The following describes each category of complaint, the associated form, and instructions regarding how to submit the complaint.

Discrimination/Harassment/Misconduct/Other Complaint

Complaint description	A complaint regarding discrimination, harassment, misconduct or other non-grievance issue that is not related to EEO or Personnel Commission Rules.
How to submit a complaint	Complete the attached Complaint Form and submit to your manager, College Administrator, Human Resources Department or stacy.zuniga@sccd.edu . You can also submit a complaint verbally, or in any written format (example: letter, email).
Location of form	The Complaint Package can be found under Diversity, Equal Employment Opportunity, & Non-Discrimination on the SCCCD website.

*Please note that you may also submit a formal complaint regarding discrimination and harassment to the State Chancellor’s office by completing the appropriate CCCC complaint form located in this packet and submitting it directly to the address on the form, or to Human Resources.

Equal Employment Opportunity (EEO) Plan Violation Complaint

Complaint description	A complaint alleging a violation of the District’s Equal Employment Opportunity (EEO) Plan as found on the SCCCD website.
How to submit a complaint	A complaint alleging a violation of the District’s EEO Plan must be documented on the EEO Plan Violation Complaint Form or via written letter or email (verbal complaints are not accepted). Submit your completed form or written complaint to your manager, College Administrator, the Human Resources Department, or stacy.zungia@sccd.edu .
Location of form	The Complaint Package can be found under Diversity, Equal Employment Opportunity, & Non-Discrimination on the SCCCD website.

Personnel Commission Rules Violation Complaint

Complaint description	Any complaint alleging a violation of the <u>Personnel Commission Rules</u> as found on the SCCCD website.
How to file a complaint	Review the attached document titled Personnel Commission Rules – Chapter 18, Complaint Procedure and contact the Director of Classified Personnel, Elba Gomez, at elba.gomez@sccd.edu or the SCCCD Personnel Commission Office at 559-244-5900 or 1525 E. Weldon Avenue, Fresno, CA 93704.

If you have any questions or need additional information, please let me know. I can be reached at ext. 5990 or email address stacy.zuniga@sccd.edu.



STATE CENTER COMMUNITY COLLEGE DISTRICT

1525 East Weldon Avenue, Fresno, California, 93704 • (559) 226-0720

• FAX 559-229-7039 • www.scccd.edu

COMPLAINT FORM

Name:

Last

First

Address:

Street/P.O. Box

City

State

Zip

Email:

(Note: Unless otherwise indicated, email will be the primary means of contact)

Home Phone:

Cell Phone:

I am a/an (circle one): Applicant Student Faculty/Staff Management Other

I wish to complain against:

Name(s):	
Title(s) if known:	

DESCRIBE the CONDUCT or EVENT

What was the date, or approximate date(s), of conduct, act(s) or event(s) being reported?

If reporting unlawful harassment or discrimination, you must select at least one of the following California protected category(ies):

Age (40 or over)		Marital Status		Religion	
Color/Race/Ethnicity		Medical Condition (including anything associated with pregnancy or childbirth)		Retaliation	
Gender/Gender Identity/Gender Expression		Military or Veteran Status		Sexual Orientation	
Genetic Information		Physical or Mental Disability		Perceived association with a member of a protected group	

Describe the conduct, act(s) or event(s) that you are submitting a complaint about. Add additional pages if you wish to include more detail.



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List the names and contact numbers/emails of any witnesses

Name	Contact Information

By signing below, I certify that this information is correct to the best of my knowledge.

Signature	
Date	

Employees may return this form to their Department Manager, College Administrator or:

Human Resources

District Office

1525 East Weldon Ave.,

Fresno, CA 93704

stacy.zuniga@scccd.edu or julianna.mosier@scccd.edu

559-244-5900



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EQUAL EMPLOYMENT OPPORTUNITY (EEO) PLAN VIOLATION COMPLAINT FORM

Name: _____
Last First

Address: _____
Street/P.O. Box City State Zip

Email: _____
(Note: Unless otherwise indicated, email will be the primary means of contact)

Home Phone: _____

Cell Phone: _____

I am a/an (circle one): Applicant Student Faculty/Staff Management Other

I wish to complain against:

Name(s):	
Title(s) if known:	

DESCRIBE the EVENT

What was the date, or approximate date(s), of act(s) or event(s) of the violation of the EEO Plan?

Describe the act(s) or event(s) that you believe is/are in violation of the Equal Opportunity Plan. If possible, detail the part of the EEO Plan which you feel has been violated. You may add an addition sheet of paper if needed.

By signing below, I assert that I have a reasonable belief that an Equal Employment Opportunity Violation has occurred in violation of state or federal law and the District.

Signature	
Date	

PERSONNEL COMMISSION RULES

CHAPTER 18

COMPLAINT PROCEDURE

18-1 PURPOSE OF COMPLAINT PROCEDURE:

The purpose of this chapter is to establish an orderly process through which employees may receive timely consideration of their complaints. It is also the intent of this chapter to emphasize the need for employee complaints to be submitted through established channels and for resolution of complaints at the lowest possible level. Employees may utilize this chapter to seek adjustment of complaints arising in the following areas:

- (a) Established Commission Rules and Regulations.
- (b) Established provisions of the Education Code noted in Section 88081: applications, examinations, eligibility, appointments, promotions, demotions, transfers, dismissals, resignations, layoffs, reemployment, vacations, leaves of absence, compensation within classification, job analyses and specifications, performance evaluations, public advertisement of examinations, rejection of unfit applicants without competition, and any other matters necessary to carry out the provisions and purposes of the merit system.
- (c) Complaints against employees of the Personnel Commission.

REFERENCE: Education Code Sections 88080, 88081

18-2 CERTAIN MATTERS EXCLUDED FORM PROCEDURE

There are certain subjects and matters that are not covered by this complaint procedure:

- (a) An alleged violation of any provision of a collective bargaining agreement. Such allegations shall be adjudicated through the provisions contained in the collective bargaining agreement.
- (b) An alleged disciplinary action. If formal disciplinary action has been initiated, it shall be adjudicated through the disciplinary action appeal process contained in Chapter 19.
- (c) Complaints about the content of a Commission Rule, Administrative Regulation, Board Policy, law, or administrative practice. Any employee with such a complaint should direct his/her concerns and suggestions for change through the administrative channels to the responsible authority.
- (d) The content of employee evaluation or performance reviews.
- (e) A reclassification, layoff, transfer, denial of reinstatement or denial of a step increase.
- (f) Examinations of or appointment to positions.

REFERENCE: Education Code Sections 88080, 88081

18-3 COMMISSION STAFF WILL LEND ASSISTANCE

At any stage in the procedure, the services of the Personnel Commission's staff will be available to all parties to provide requested information and to assist in the settlement of the problems.

18-4 APPROVAL BY DIRECTOR OF CLASSIFIED PERSONNEL

If any settlement at Level 1, 2, or 3 of any complaint covered by these procedures is reached without the involvement of the Commission or Director of Classified Personnel, the Director of Classified Personnel, shall be informed of all proceedings, receive copies of all communications submitted in the case, and be notified of the proposed settlement and have an opportunity to comment on it prior to finalization:

- (a) When the complaint involves any Personnel Commission Rule or Regulation.
- (b) When the complaint involves any Personnel Commission administrative procedure.
- (c) When the complaint involves any Personnel Commission employee.
- (d) When the complaint involves any alleged violation of the subjects noted in Education Code Section 88081.
- (e) Any matter touching upon the authority or responsibilities of the Personnel Commission or, the application of Merit System laws and procedures.

REFERENCE: Education Code Sections 45260 and 45261 (88080, 88081)

18-5 COMPLAINT TIME LIMITS SHALL BE CONSIDERED MAXIMUMS

It is important that complaints be resolved as quickly as possible, therefore the times indicated at each level shall be considered as maximums. Time limits may be extended by mutual agreement in writing.

18-6 COMPLAINT MUST BE FILED WITHIN 15 WORKING DAYS

A complaint must be filed at step 1 of this procedure within fifteen (15) working days of the occurrence of the violation or infraction, or within fifteen (15) working days of when the complaining party could reasonably have known of the occurrence of the act or omission giving rise to the complaint.

18-7 DEFINITION OF COMPLAINANT

A complainant is defined as an employee, employees, applicant, or any recognized classified employee organization filing a complaint involving one of the subjects covered by Rule 18-1.

18-8 EMPLOYEE REPRESENTATION

Any employee may have an employee organization represent his/her interests at any level of this complaint procedure.

18-9 NO REPRISALS FOR FILING OF COMPLAINT

No reprisals of any kind shall be taken by the District against the complainant or any representative of the complainant by reason of his/her bringing a complaint or participating in a complaint.

18-10 REASONABLE RELEASE TIME

The complainant and/or his/her representative shall be provided reasonable release time, without loss of compensation, to attend conferences or hearings described in this Chapter.

18-11 MAINTENANCE OF COMPLAINT FILES

Records pertaining to complaints filed under this Chapter shall be maintained in the Personnel Commission Office. All complaint records shall be maintained separately from the complainant's and/or his/her representative's personnel files.

18-12 LEVEL ONE - INFORMAL

The complainant shall meet with the immediate supervisor to discuss the potential complaint in an attempt to resolve it informally if District staff were responsible for the actions leading to the complaint or with the Director of Classified Personnel if Commission staff were responsible for the actions leading to the complaint. The immediate supervisor shall attempt to hold a conference within five (5) working days of the request by the employee for a conference. The immediate supervisor shall consider the facts and provide a decision with supporting reasons within five (5) working days after the informal conference.

18-13 LEVEL TWO – FORMAL WRITTEN COMPLAINT

If successful resolution was not reached at the discussion level and the employee chooses to pursue a complaint, the employee must submit the complaint in writing to the alleged rule breaker's immediate supervisor within ten (10) working days of the conclusion of the informal step at level 1. The written complaint shall be a clear, concise statement of the complaint, including the Rule, allegedly violated, attachment of all relevant evidence and documentation including previous level complaint correspondence, and a statement of the specific remedy sought. The supervisor shall submit a written response to the complainant within ten (10) working days after the conference. If Commission staff were responsible for the conduct leading to the complaint, the written complaint will initiate at Level 4 with the Director of Classified Personnel.

18-14 LEVEL THREE – DEPARTMENT/SITE ADMINISTRATOR

If the complaint is not satisfactorily adjusted by the immediate supervisor, the complaint may be submitted in writing to the appropriate highest level administrator in the department/site chain of authority within ten (10) working days of receipt of the level 1 decision, or if the immediate supervisor has failed to respond, within ten (10) working days after the level 1 response deadline. The written complaint shall be a clear, concise statement of the complaint, including the Rule, allegedly violated, attachment of all relevant evidence and documentation including previous level complaint correspondence, the reasons why the response from the Level 2 supervisor was unsatisfactory, and a statement of the specific remedy sought. The administrator shall hold a conference if requested with all interested parties regarding the complaint within five (5) working days of receipt of the complaint. The administrator shall submit a written response to the complainant within ten (10) working days following the conference.

18-5 LEVEL FOUR – DIRECTOR OF CLASSIFIED PERSONNEL

Complaints shall be submitted to the Director of Classified Personnel. If successful resolution was not reached at level 3, the complaint may be submitted in writing to the Director of Classified Personnel as dictated by this Chapter, within ten (10) working days of receipt of the level 3 decision, or if the department/site administrator has failed to respond, within ten (10) working days after the level 3 response deadline. The written complaint shall be a clear, concise statement of the complaint, including the Rule, allegedly violated, attachment of all relevant evidence and documentation including previous level complaint correspondence, the reasons why the response from the level 3 department/site administrator was unsatisfactory, and a statement of the specific remedy sought. The Director of Classified Personnel shall hold a conference if requested with all interested parties regarding the complaint within ten (10) working days of receipt of the complaint. The Director of Classified Personnel shall submit a written response to the complainant within ten (10) working days following the conference.

18-16 LEVEL FIVE – PERSONNEL COMMISSION:

Complaints shall be submitted to the Personnel Commission. If successful resolution was not reached at level 4, the complaint may be submitted in writing to the Personnel Commission as dictated by this Chapter, within ten (10) working days of receipt of the level 4 decision, or if the party has failed to respond, within ten (10) working days after the level 4 response deadline. The written complaint shall be a clear, concise statement of the complaint, including the Rule, allegedly violated, attachment of all relevant evidence and documentation including previous level complaint correspondence, the reasons why the response from the Director of Classified Personnel was unsatisfactory, and a statement of the specific remedy sought. If timely complaint appeal is filed, the Personnel Commission shall hold a complaint hearing to hear witnesses, take evidence, and permit

the submission of oral and written arguments in the case pursuant to Rule 19-8. This hearing shall be held in closed session unless provisions of the Brown Act permit and/or require an open session of the Personnel Commission. The deliberations of the Commission that are necessary to make the final decision and ruling shall be held in closed session. Within a reasonable time after receiving the record, the Personnel Commission shall render a decision on the matter. Either party may request in writing an extension up to thirty (30) working days for good cause. The decision of the Personnel Commission shall be final and binding on all parties.

REFERENCE: Education Code Sections 88080, 88081



Unlawful Discrimination Complaint Form

Name: _____
Last *First*

Address: _____
Street or P.O. Box *City* *State* *Zip*

Phone: Day (_____) Evening (_____)

I Am A: Student Employee Other: _____

I Wish To Complain Against: _____

District: _____ College: _____

Date of Most Recent Incident of Alleged Discrimination: _____

(Nonemployment complaints must be filed within one year of the date of the alleged unlawful discrimination. Employment complaints must be filed within six months of the date of the alleged unlawful discrimination.)

I Allege Discrimination Based on the Following Category Protected under Title 5 (you must select at least one):

- Age Ethnic Group Identification Physical Disability Retaliation**
- Ancestry Mental Disability Race Sex/Gender (includes Harassment)
- Color National Origin Religion Sexual Orientation
- Perceived to be in protected category or associated with those in protected category

Clearly state your complaint. Describe each incident of alleged discrimination separately. For each incident provide the following information: 1) date(s) the discriminatory action occurred; 2) name of individual(s) who discriminated; 3) what happened; 4) witnesses (if any); and 5) why you believe the discrimination was because of your religion, age, race, sex or whatever basis you indicated above. **If applicable, explain why you believe you were retaliated against for filing a complaint or asserting your right to be free from discrimination on any of the above grounds. (Attach additional pages as necessary.)

What would you like the District to do as a result of your complaint -- what remedy are you seeking? _____

I certify that this information is correct to the best of my knowledge.

Signature of Complainant *Date*

Send **Original** to the District, or:

Chancellor's Office, California Community Colleges
1102 Q Street, Sacramento, California 95811-6549
Attention: Legal Affairs Division

(Revised 02/08)