

ARTICLE 11
PUBLIC CHARGES

11.1 A complaint regarding a bargaining unit member made to any member of the administration by any parent, student, or other person, which does or may influence the evaluation of a bargaining unit member, shall be discussed with a bargaining unit member as soon as possible to the extent such disclosure prior to investigation would not jeopardize the District's ability to competently investigate the matter.

11.2 Except where the complainant is a bargaining unit member, if the administrator who receives the complaint for initial investigation or consideration or the involved bargaining unit member believe that a meeting with the complainant would help to resolve the problem, the administrator will attempt to schedule and hold a meeting involving the administrator, the bargaining unit member and the complainant. If the bargaining unit member feels he/she did not have an adequate opportunity to fairly present his/her response to the specific complaint, the bargaining unit member may request a second meeting. The bargaining unit member, at his or her discretion, shall be accompanied by an association representative at any meetings held pursuant to this section.

11.2.1 Where the complainant is a bargaining unit member, the administrator shall, in lieu of the meeting set forth in Section 11.2 above, offer mediation to resolve the dispute or conflict. Participation in mediation shall be voluntary on the part of the complainant and the bargaining unit member about whom the complaint has been lodged. If both bargaining unit members agree to mediation, the following considerations shall apply:

11.2.1.1 A qualified mediator who is not an employee of the District or a representative of the Association shall conduct the mediation.

1 11.2.1.2 The mediator shall maintain the confidentiality of the mediation consistent with
2 the requirements of Section 9.2 of this Collective Bargaining Agreement as amended.

3 11.2.1.3 The mediator shall not discuss or share any document, conversation or materials
4 arising from the mediation with the District, the Association or any other person or
5 agency except the final written agreement, if any, of the parties.

6 11.2.1.4 Representatives of the District or the Association shall not be present for, or
7 privy to, any mediation sessions.

8 11.2.1.5 Prior to the commencement of the mediation, both bargaining unit members
9 involved shall agree in writing as follows:

10 (A) The bargaining unit members involved will make a good faith effort to reach a
11 resolution of their dispute through mediation.

12 (B) The bargaining unit members involved will maintain the confidentiality of the
13 mediation consistent with the requirements of Article 19.2 of this Collective
14 Bargaining Agreement as amended.

15 (C) While the bargaining unit members involved are engaged in mediation, neither
16 person will take any action adverse to the interest of the other party, including,
17 but not limited, filing civil or criminal complaints against the other bargaining
18 unit member.

19 (D) Either bargaining unit members involved may terminate the mediation upon
20 written notice to the mediator, provided that, at discretion of the mediator,
21 both bargaining unit members involved will attend one additional mediation
22 session after the written termination notice is given.

1 11.2.1.6 At the conclusion of mediation, the resolution, if any, of the complaint or
2 dispute shall be reduced to writing and signed by the complainant and the bargaining
3 unit member against whom the initial complaint was lodged.

4 11.3 If the matter is not resolved to the satisfaction of the complainant or the proposed
5 resolution is disputed by the bargaining unit member, the complainant may put his/her
6 complaint into written form. If such written complaint is received by administration in
7 support of a complaint, the administration shall notify the bargaining unit member and
8 his/her representative and shall afford them notice of the accusations as described
9 below:

10 11.3.1 The bargaining unit member and his/her identified representative(s) shall submit a
11 written request to personally review the written complaint(s) which shall include an
12 acknowledgement of such legal obligations as contained in Title 5 of the California
13 Code of Regulations at ¶4600, et seq. in regards to retaliation.

14 11.3.2 The bargaining unit member and his/her identified representative(s) shall be allowed to
15 personally review the written complaint(s). Said bargaining unit member and
16 representative shall initial and date the written complaint. In addition, the administrator
17 shall provide the bargaining unit member a copy of the complaint or, if necessary for
18 reasons of privacy, a written document detailing the substance of the specific
19 accusations of the complaint. The bargaining unit member shall be advised of his/her
20 opportunity to prepare a written response to such complaint, which shall be attached to
21 the written complaint.

22 11.3.3 The bargaining unit member shall be given a copy of any written summary or
23 document, which is prepared as a resolution of the complaint and shall be notified if
24 such document is to be placed in the bargaining unit member's District personnel file.

1 11.3.4 Notwithstanding the above, the District's good faith refusal to provide the bargaining
2 unit member a copy of a complaint shall not prevent the District from imposing
3 disciplinary action against the bargaining unit member as provided for in Article 19,
4 Just Cause.

5 11.4 All provisions of this article shall be subject to the provisions of Article 26, section
6 26.2.