



DISTRICT INVESTIGATION OF COMPLAINTS

SUMMARY INFORMATION

OUR ROLE

We are neutral: Our role is to conduct an impartial, fair, and unbiased investigation into allegations of violations of District policies and procedure (“Policy”).

ADVISOR/SUPPORT PERSON

You have the right to bring an advisor or support person of your choice to all meetings called by us in connection with the investigation of the complaint.

Employees who are part of a union (AFT, AFSCME, CSEA) may bring a union representative.

INTERIM AND PROTECTIVE MEASURES

Interim measures are accommodations and other assistance provided to a complainant or respondent to temporarily address issues identified in a complaint. The measures are implemented on a case-by-case basis when we receive a notice of an incident. Interim measures can include no-contact orders, changes to class-work schedules, and other accommodations. Interim measures remain in place while the investigation is being conducted.

INVESTIGATION TIMELINE

Every reasonable effort will be made to complete a formal investigation within 60 calendar days from the date the complaint is received, recognizing that delays may be necessary based on such things as availability of parties, witnesses, documents, vacations, and academic breaks during the year. We will provide notice if the investigation timeline is extended beyond 60 calendar days.

SUMMARY OF INVESTIGATION PROCESS

An investigation typically involves the following:

- Interviews of the complainant (the person making the complaint), the respondent (the individual responding to the complaint), and any relevant witnesses;
- Collection of any relevant documentary evidence, including audio and video evidence;
- Drafting of a preliminary report that describes all of the evidence collected. Both complainants and respondents will have an opportunity to review their own statements that are contained in the preliminary investigation report and provide feedback prior to the issuance of the final investigation report; and
- Drafting of a final report that includes a determination of whether the respondent violated District policy.
- The District uses the preponderance of the evidence standard to review allegations of Policy violations. This standard means that, in determining whether the policy has been violated, the investigator will assess whether, based on the evidence, it is more likely than not that the respondent engaged in the prohibited conduct.
- Information received is not confidential, and may need to be disclosed to the other party and/or included in the investigation report to ensure a fair investigation.

NOTICE TO POLICE

For complaints that potentially involve criminal conduct, complainants may choose to file a complaint with local law enforcement agencies in addition to filing a complaint with the District. In some cases, the District may have an obligation to notify the police directly of allegations of misconduct.

The Police investigate to determine whether there has been a violation of criminal law. The Police and District investigations may proceed at the same time, and the outcome of one investigation does not determine the outcome of the other investigation.

RIGHT TO FILE A COMPLAINT WITH THE U.S. EEOC OR DEPARTMENT OF FAIR EMPLOYMENT AND HOUSING

In addition to filing a complaint with the District, all Employees also have the right to file employment discrimination/harassment/retaliation complaints with the U.S. Equal Employment Opportunity Commission (<https://www.eeoc.gov/employees/howtofile.cfm>) or the CA Department of Fair Employment and Housing (<https://www.dfeh.ca.gov/complaint-process/>).

PROHIBITION ON RETALIATION

We want you to know that, you have a right to be protected from retaliation related to the information you share with the District as part of an investigation.

Federal and state civil rights laws, as well as District policy, prohibit retaliation against an individual who brings concerns about possible civil rights violations or against an individual (such as a witness) for participating in the complaint or investigation process. If the District is made aware of retaliation against a complainant, witness, or respondent by other students, employees, or third parties, the District will immediately investigate to determine what has occurred. The District will take strong responsive action if it determines that retaliation occurred.

If you believe that you are experiencing retaliation, please contact us at (650) 358-6808 immediately.

AFFIRMATION

I affirm that I have received the Summary Information and the District Policy/Procedure.

Signature

Date

Printed Name

FOR HR USE ONLY

Interim Measures Requested:

Investigator: _____

Date: _____