

AP 7216 Academic Employees: Grievance Procedure for Contract Decisions (10+1) *(no matching BP exists)*

02/28/24

Current Step:
*To Constituents &
First Anticipated AS Review*



P&P Chapter Lead Recommendation
San Bernardino Community College District

| Point Person | Date Requested | Anticipated Date of Recommendation: | Recommendation Received: |
|--------------|----------------|-------------------------------------|--------------------------|
| K Hannon | 8/7/2023 | Recommendation Received | 2/21/2024 |

Reason(s) for Review/Changes

> Legal Update 41: The Service updated this procedure to clarify how a district processes grievance procedures and the requirement for the faculty union, if any, to consult with the Academic Senate regarding the faculty grievance procedure.

Review Level

Level 3

Anticipated AP2410 Schedule *(for info on this process, visit <https://sbccd.edu/ap2410>)*

- 02/26/2024 PPAC Approves Review Level
- 03/06/2024 Level 3 First Anticipated AS Review
- 03/11/2024 Level 3 PPAC Reviews Constituent & Initial AS Feedback
- 03/20/2024 Level 3 Second Anticipated AS Review
- 04/15/2024 PPAC Reviews Second AS Feedback
- 05/09/2024 BOT First Reading
- 06/13/2024 BOT Final Approval

Action Requested

1. Please review this Chapter Lead recommendation based on the reasons above.
2. Staff recommended changes are **shown in red**.
3. Legal changes are **shown in blue** and should only be considered optional if indicated.
4. If there are no changes showing, this item is being presented for information only.
5. For questions on this recommendation, please contact J Torres or kgoodric@sbccd.edu.

RECOMMENDATION STARTS ON NEXT PAGE

Recommended Changes (**shown in red**); if there are no changes showing, this item is being presented for information purposes only. Legally required changes (**shown in blue**) should not be considered optional unless so indicated. For more on SBCCD's process, visit <https://sbccd.edu/ap2410>.

AP 7216 Academic Employees: Grievance Procedure for Contract Decisions (10+1) (no matching BP exists)



02/28/24

P&P Chapter Lead Recommendation
San Bernardino Community College District

Reason(s) for Review/Changes

> **Legal Update 41: The Service updated this procedure to clarify how a district processes grievance procedures and the requirement for the faculty union, if any, to consult with the Academic Senate regarding the faculty grievance procedure.**

Review Process Notes:

> Chapter Lead advises the current review for legal update purposes only; P&P is undergoing an internal review and other changes will be brought to PPAC 2024-25.

Allegations that the District in a decision to not reappoint a probationary employee violated, misinterpreted, or misapplied any of its policies and procedures concerning the evaluation of probationary employees shall be classified and procedurally addressed as grievances.

Allegations that the community college district, in denying tenure, made a negative decision that to a reasonable person was unreasonable, or violated, misinterpreted, or misapplied, any of its policies and procedures concerning the evaluation of probationary employees shall be classified and procedurally addressed as grievances.

Unless noted otherwise in the collective bargaining agreement, probationary faculty members who wish to challenge a decision not to grant a second or third contract must follow the established grievance process outlined in the collective bargaining agreement. The employee after completing this process may proceed to a hearing in accordance with Education Code Section 87740, which is before an Administrative Law Judge appointed by the Office of Administrative Hearings.

Pursuant to Education Code Section 87610.1 subdivision (a), the faculty union must consult with the Academic Senate prior to bargaining the faculty grievance procedure.

Reference:

Education Code Section 87610.1

End of Recommendation for AP 7216 Academic Employees: Grievance Procedure for Contract Decisions