

### **D.3.2.1 (Procedure) College District Protection from Retaliation**

Responsible Department: Human Resources,

Based on Board Policy: [D.3.2](#) - Protection from Retaliation

Approved: 4-28-09

Last Amended: 2-17-15

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The College District prohibits retaliation against individuals for bringing forward a charge of misconduct, a grievance, an Ethics Hotline report, Title IX, VII, ADA, 504 report or other complaint; or testifying, assisting, cooperating with, or participating in any manner in an official investigation, hearing or proceeding.

#### **Retaliatory Behavior**

Retaliatory behavior toward another person includes, but is not limited to, acting in any of the following manners based upon bringing forward a charge of misconduct, a grievance, an Ethics Hotline report, or other complaint; or testifying, assisting, cooperating with, or participating in any manner in an official investigation, hearing, or proceeding:

- creating a hostile work environment for the complainant;
- making false, malicious or damaging comments about the complainant or participant;
- taking adverse personnel action against the complainant or participant;
- threatening or intimidating the complainant or participant.

Attempts to:

- determine the identity of an individual who has brought forward a charge of misconduct, a grievance, an Ethics Hotline report, or other complaint; or testified, assisted, cooperated with, or participated in any manner in an investigation or hearing not open to the public; or
- otherwise breach confidentiality in any investigation

shall be subject to the same sanctions as other retaliatory acts.

#### **Reporting, Investigation and Resolution**

Any individual who becomes aware of retaliatory behavior or actions shall notify the Human Resources department immediately.

The Human Resources department shall promptly investigate all reports of suspected retaliation against employees and the Associate Vice Chancellor for Human Resources/designee shall provide a report to the Chancellor or appropriate college President/designee or Vice Chancellor/designee. Third-party investigators or reviewers may also be engaged as deemed appropriate. The Civil Rights Policy and Procedures ([H.1.1](#), [H.1.2](#), [H.1.2.1](#), and [H.1.2.2](#)) will be followed for discrimination, harassment, and retaliation complaints. If a complaint is against a student, the complaint will be referred to the Vice Chancellor for Student Success for investigation and resolution under the Student Code of Conduct.

During the investigation of a complaint or pending corrective action, the Chancellor/designee may, where circumstances warrant and consistent with College

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District policy, place an employee on administrative leave, pending the results of the investigation or the finality of the corrective action.

Upon receiving the report, Chancellor or college President/designee or Vice Chancellor/designee, in consultation with the Associate Vice Chancellor for Human Resources/designee, shall determine the appropriate resolution. In the event retaliation is determined, appropriate disciplinary penalties shall be initiated, up to and including termination. The College District reserves the right to decline to indemnify or defend any employee who engages in retaliation in violation of this procedure.

#### **Appropriate Actions Not Affected**

Nothing in this procedure shall prevent the College District from taking appropriate action against a person who knowingly makes a false accusation or provides false information related to or during an investigation or hearing; and nothing in this procedure limits or delays the College District's right to take appropriate disciplinary action, up to and including termination, when an employee's behavior warrants the action.