

9.3 OTHER PROVISIONS

9.3.1 Member Legal Rights

- a. Nothing contained in this Grievance Procedure, Levels I-IV, shall deny to any member his/her legal rights under state or federal constitutions and laws.
- b. A probationary member who has not been recommended for tenure may use the grievance procedures to determine whether a decision to not grant tenure was unreasonable (for Contract III employees) or that the district violated, misinterpreted, or misapplied (for Contract I, II, and III employees) any of its policies and procedures concerning the evaluation of the employee.
- c. No member shall use this grievance procedure to appeal any Board decision if such decision is a result of a State or Federal Regulatory commission or Agency, or State or Federal Law Decision.

9.3.2 Representation

At oral level and beyond, the grievant and the District representative may be accompanied by an advisor who may advise, or act for or fully represent the District representative or the grievant. A grievant may be advised by a representative of the Association or another representative of his/her choice.

9.3.3 Grievance Processing – Limits

- A. Any grievance or alleged grievance which occurs during the period between the termination date of this Agreement and the effective date of a new agreement shall be processed under this grievance procedure.
- B. Any grievance which arose prior to the effective date of this agreement shall not be processed under this grievance procedure.
- C. A unit member of the Association shall initiate the oral level of the grievance process within twenty (20) days of the occurrence of the alleged grievance, or within twenty (20) days of the date the unit member knew or should have known of the alleged grievance. Any grievance or alleged grievance which occurred or is alleged to have occurred and which the employee knew of or should have known of more than twenty (20) days prior to notification at the oral level with the immediate supervisor shall not be processed by the District.

9.3.4 Record Keeping

Any record(s) pertaining to a formal level grievance shall be kept in a file separate from a grievant's official District personnel file

