



COMPTON COMMUNITY COLLEGE DISTRICT
ADMINISTRATIVE REGULATIONS

AR 2311 Derogatory Communication

Issued: July 18, 2017
Revised: March 17, 2020

- I. Derogatory Communications are charges or complaints brought against a Compton Community College District employee by another individual and received by a manager of the Compton Community College District. The “Derogatory Communication” criticizes or charges the employee with an unlawful act, an act of moral turpitude, or inappropriate conduct in the course and scope of employment.
- II. Not included in this regulation are:
 - A. evaluative communications issued by managers or supervisors to their subordinates;
 - B. employee grievances filed in accordance with collective bargaining procedures;
 - C. reports prepared by internal or external auditors not based on derogatory communications.
 - D. student grievances based on a student’s claim that his or her legal rights, status, or privileges as a student have been adversely affected.
- III. Preliminary fact-finding is an informal review of the validity of the complaint. This process is initiated by the manager receiving the complaint and typically occurs before the District’s formal investigation process is initiated.
 - A. Procedural complaints are the most common and may be resolved informally at this point in the process.
 - B. During the fact-finding process, the supervisor or manager may ask questions of the complainant so that the nature of the complaint is better understood and if possible, able to be resolved, e.g., “routine” complaints about a department’s procedural methods, deadlines, etc. Complainants may be asked to write their complaint down in either narrative form or by completing a department’s pre-printed “assistance request” (complaint) form.
 - C. An employee may request representation during informal fact-finding or problem resolution. Any such request should be granted.
 - D. If at any point during the fact-finding process, it is determined that a formal investigation may be warranted, the regulations beginning with item IV apply.
- IV. Derogatory Communications should initially be referred for investigation as shown in Table AR- 2311, Allegation Referrals, below:

| TABLE AR-2311 ALEGATION REFERRALS | |
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| ALLEGATION | REFER TO |
| Discrimination or Harassment | Director of Diversity, Compliance, and Title IX Vice President, Human Resources |
| Illegal Act | Chief of Police |
| Violation of Board of Trustees Policy or Administrative Regulations | President/Chief Executive Officer (CEO) or designee |
| Financial Fraud, Waste, or other irregularities of a similar nature | Vice President, Administrative Services |
| Other inappropriate conduct in the course and scope of employment | Employee's Supervising Manager |

- V. The designated investigator named above shall review the evidence provided. If, in the judgment of the manager, the communication is determined to be of an irresponsible nature, trivial, an unsubstantiated allegation, or invalid, it may be destroyed or disregarded. Generally, if the communication is not written or anonymous, it may be considered unsubstantiated unless there is collaborating evidence from another source. If the author is known, the manager may choose to communicate this disposition but is not required to do so. However, if the author is an employee and the derogatory communication might be considered discourteous treatment of a fellow employee, the matter should be referred to the manager supervising the employee who submitted the derogatory communication for possible further action.
- VI. If the designated investigator believes that the evidence warrants an investigation he shall meet with the employee prior to beginning the investigation. The employee shall be entitled to representation or a witness if they so desire at this initial meeting. An investigation of possible criminal wrongdoing may be an exception in that the initial investigation may commence prior to contact with the employee.
- VII. If the investigator determines that an investigation should proceed, a written record of activities and a file of all evidence shall be kept.
- VIII. Every investigation of possible wrongdoing by an employee must include an opportunity for the employee to respond to the charges prior to any formal reports or recommendations. The employee shall be entitled to representation or a witness in any such proceeding if they so desire. In a matter that is possibly criminal, due process of law shall be followed. For non-criminal matters, prior to making a final decision, the investigator shall provide a draft written summary of the report to employee whose conduct is being investigated, and give the employee an opportunity to respond orally or in writing, provided that the employee makes the response within fourteen (14) days.
- IX. A written final disposition report shall be made of any matter investigated and forwarded to

the President/CEO and the employee. A copy of any investigative materials and/or reports shall be kept by the investigator indefinitely if the charges are, in some respect, substantiated. If the charges are unsubstantiated, the reports to that effect and associated materials shall be kept a minimum of three years.

- X. If the employee disagrees with the investigator's the final report, the employee may appeal any recommendations or findings to the President/CEO and/or the Board of Trustees.
- XI. If the investigator concludes that an employee has engaged in conduct that might warrant discipline or other remedial measures, the investigator shall forward the results of the investigation to the supervising manager for possible disciplinary action.
- XII. A copy of disciplinary documents shall be placed in the employee's official personnel files in the Human Resources Department. An employee undergoing the disciplinary process shall be entitled to file a response to the discipline to be placed in his/her official personnel files.