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Personnel Policies for Staff Members

Complaint Resolution

70. Complaint Resolution
March 1, 2000

A. GENERAL
It is the policy of the University to facilitate the resolution of complaints arising from employment with the University. Locations may incorporate mediation and other alternative complaint resolution techniques into local procedures. An employee shall attempt to resolve the complaint with the immediate supervisor, although this does not extend the deadline for filing a written request for formal review.

Concerns or inquiries regarding classification standards, benefits, salary rates or ranges for classes, or these personnel policies are not covered by the Complaint Resolution Policy but may be submitted to the Human Resources Director for consideration.

A request for review of a decision on the classification of a position is not covered by the Complaint Resolution Policy and shall be processed in accordance with local procedures.

B. SCOPE
A complaint is defined as:

1. a claim by an individual employee regarding a specific management act which is alleged to have adversely affected the employee's existing terms or conditions of employment; or

2. a claim by an individual employee adversely affected by a management action that a provision of Personnel Policies for Staff Members has been violated.

C. ELIGIBILITY
All staff employees, except Managers and Senior Professionals appointed to salary grades VIII and IX, Senior Managers, employees who voluntarily terminate employment or retire from the University, and employees appointed to per diem positions, are

eligible to have a complaint reviewed under this Policy.

A former professional or support staff employee separated by layoff who is eligible for recall or preference for reemployment as provided in Staff Policy 60, Layoff and Reduction in Time from Professional and Support Staff Career Positions, may file a complaint alleging violations of recall and preference for reemployment within thirty calendar days after the date on which the employee could be expected to know of the alleged violation, but no later than 30 calendar days after the recall or preferential reemployment eligibility period ends, whichever expires first.

D. TIMELINESS

To qualify for formal review, a written request must be received by the office designated in local procedures within 30 calendar days after the date on which the employee knew or could reasonably be expected to have known of the event or action which gave rise to the complaint, or within thirty calendar days after the date of separation from University employment, whichever is earlier. In case of layoff, a written request for review must be filed within 30 calendar days of the notice that the employee is to be laid off.

When a complainant alleges sexual harassment, the complainant may elect to substitute the local Sexual Harassment Complaint Resolution Procedure for attempted resolution with the employee's immediate supervisor under Section A of this Policy. If the local Sexual Harassment Complaint Resolution Procedures are substituted for informal discussion with the employee's immediate supervisor, and the complaint is timely filed under Section D of this policy, the final date for filing at Step I of this policy shall be pursuant to local procedure. When both parties agree, a complaint previously filed under local Sexual Harassment Complaint Resolution procedures may proceed directly to Step II of this policy

E. APPEAL

A designated local official shall administer this policy and shall determine whether a complaint is timely and whether it qualifies for review at any step of this policy.

An employee may appeal the local decision only on whether the complaint is timely and/or within the scope of this policy to the Assistant Vice President—Human Resources, Office of the President, who has final authority for interpreting this policy. An appeal to the Office of the President shall include copies of the original grievance and related documents, and shall be received within 20 calendar days of the date of the local decision.

F. REVIEW PROCESS[1]

Step I. The request for formal review must be presented in writing and must:

1. identify the specific management act(s) to be reviewed;

2. specify how the employee was adversely affected;

3. list the section(s) and specific provision(s) of these policies alleged to have been violated, if any, and how the provisions were violated;

4. specify the remedy requested; and

5. provide any other information that may be required pursuant to local procedures.

A written response to the complainant shall be provided pursuant to local procedures.

Step II. Professional and Support Staff Employees: If the issues are not subject to a final and binding decision at Step III, Professional and Support Staff employees may request or the University may appoint a factfinder to review the complaint and issue a report pursuant to local procedures.

Managers and Senior Professionals; Professionals and Support Staff: A complaint that is not resolved at Step I may be appealed in writing pursuant to local procedures.

A written decision shall be provided to the complainant according to local procedures. The decision shall be final unless the complaint is eligible for review at Step III.

Step III. A complaint not satisfactorily resolved at Step II which alleges specific violations of personnel policies listed below may be appealed in writing pursuant to local procedures as follows:

1. **Professional and Support Staff Employees**: A career Professional or Support Staff employee may submit alleged violations of one or more of the following policies (but no others) for a final and binding decision before a hearing officer unless the employee has requested a fact finding review at Step II, in which case the Step II decision is final and binding:

a.Nondiscrimination in Employment, pertaining only to an alleged discriminatory application of a personnel policy issue listed below in this section (see Staff Policy 12)

b. Hours of Work (see Staff Policy 31)

c. Overtime (see Staff Policy 32)

d. Shift and Weekend Differential (see Staff Policy 33)

e. Holidays (see Staff Policy 40)

f. Vacation except scheduling (see Staff Policy 41)

g. Sick Leave (see Staff Policy 42)

h. Leave of Absence (see Staff Policy 43)

i. Corrective Action, pertaining only to temporary or indefinite within-range salary decrease, corrective demotion, suspension without pay, and written warnings pertaining to such actions (see Staff Policy 62)

j. Medical Separation (see Staff Policy 66)

k. Termination of Career Employees—Professional and Support Staff and written warnings pertaining to such actions (see Staff Policy 64)

l. Layoff and Reduction in Time from Professional and Support Staff Career Positions, pertaining only to notice, order of layoff, recall, or preference for reemployment (see Staff Policy 60)

m. Reprisal for utilizing the complaint resolution process

2. **Managers and Senior Professional Employees**: Managers and Senior Professionals may not appeal to or otherwise request a hearing under Step III of this policy. However, pursuant to local procedures a Manager or Senior Professional employee in a career position may submit alleged violations of the following policies for review by a University appointed factfinder selected from outside the department where the alleged action was taken:

a. Nondiscrimination in Employment (see Staff Policy 12)

b. Medical Separation (see Staff Policy 66)

c. Termination of Career Employees—Managers and Senior Professionals, Salary Grades I through VII (see Staff Policy 65)

The factfinder's report shall be in writing and submitted for review and written decision pursuant to local procedures. The complainant shall be provided a copy of the decision.

Time Limits. Local procedures shall specify the time limits for appeal at each step in the process.

G. HEARING AND FACTFINDING PROCESSES
Local procedures shall determine the conduct of hearings and the appointment of hearing officers

and factfinders. Employees may select a University or non-University Hearing Officer or, if included in local procedures, a Committee. The employee, however, may be required to pay a fee for a non-University hearing officer.

The hearing process for Professional and Support Staff shall provide an opportunity for the employee or the employee's representative and the department head or the department head's representative to examine witnesses and to submit relevant evidence. Each party shall provide the other with relevant material and names of all witnesses who are to be introduced at a hearing. To the extent possible this material should be provided at least seven calendar days prior to the hearing. Offers of settlement are not admissible. Hearings shall be recorded either by tape or other method as determined by the University. If the University determines to record the hearing on tape, the employee may, at the employee's expense, also record the hearing by stenography.

Hearing officers shall not add to, delete from, or otherwise modify personnel policies or local implementing procedures, issue subpoenas, or order stenographic records.

The hearing officer is limited to restoring any pay, benefits or rights lost as a result of the action taken.

Local procedures shall include provisions which allow employees and their representatives, if covered by these policies, a reasonable amount of paid time off to participate in hearings and meetings convened by the University to consider complaints.

Hearing fees are borne equally by the parties except that stenographic fees are borne by the party requesting such services unless both parties agree otherwise in advance.

H. REPRISAL

No employee shall be subject to reprisal for using or participating in the complaint resolution process.

Applicability: All Staff Members except Managers and Senior Professionals appointed to Salary Grades VIII and IX, Senior Managers and Per Diems. (See Staff Policy 71, regarding resolution of concerns for managers and senior professionals appointed to salary grades VIII and IX, and Staff Policy II-70, regarding resolution of concerns for senior managers.)

[1] Note that there are differences in the process described below at step II and III for Manager/Senior Professionals and Professionals/Support Staff.

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Last Modified Fri Jan 26 2007 08:31:29