

Professional Staff Program – 5

Ending Employment {Moved to Part 6} **Complaint Procedure {From Old Part 5}**

Introduction

The University encourages regular communication between professional staff employees and their supervisors to help avoid and resolve concerns that otherwise detract from the quality of the employee's work life and effective operations.

Notwithstanding the responsibility employees and supervisors each have for resolving employment concerns informally, and without altering the "at will" nature of professional staff appointments, the University provides a process for reviewing complaints employees may have about such matters as working conditions, job responsibilities, performance evaluation, and corrective action. The following procedure exclusively governs the professional staff complaint process. This procedure does not apply to complaints filed under "Resolution of Complaints Against University Employees" (<Administrative Policy Statement 46.3>).

In the following process where there is a filing deadline, if the deadline falls on a day that is not a regularly scheduled work day (leave days are not part of this provision), the deadline will be the next scheduled work day.

Conflict Resolution Process

The University understands that, even though employees and supervisors may communicate regularly and conduct formal evaluations, as required by the Program, there will be times when conflicts cannot be resolved through these methods. In these instances, the employee or the supervisor is strongly encouraged to request a neutral third-party to work with both parties to identify mutually acceptable resolutions. Mediators do not have the authority to require resolutions; they are trained to assist both employees and supervisors in resolving conflict prior to taking steps toward formal corrective action and termination. Employees are allowed to pursue this form of mediation without experiencing adverse consequences to their employment status.

Submission Formal Complaint Process

The complaint must be filed in writing with the supervisor within ~~fifteen~~ ten business days of the action or incident on which it is based (count Monday's through Friday's and omit weekends and holidays). The complaint must state the issue about which the complaint is being filed and the remedy or resolution that is requested.

Supervisor Review Response

The supervisor will schedule a time to review the complaint with the employee, and allow the employee an opportunity to explain the reason(s) for the complaint. Within ~~fifteen~~ ten business days after ~~the supervisor's review~~ receiving the employee's written complaint, the supervisor will provide the employee with a ~~brief~~ written decision concerning the complaint, and advise the employee of the opportunity for further internal review. If the employee does not request further review, the supervisor's decision is final.

Appeals Board

If the employee is dissatisfied with the supervisor's written decision the employee may request a review of that decision by the Appeals Board. See Appendix F for Appeals Board.

Vice President or Dean Final Review

If the employee is dissatisfied with the ~~supervisor's~~ written ~~recommendation decision of the Appeals Board~~, the employee may request a review of that decision by the appropriate vice president or dean. The employee must submit to the office of the dean or vice president a written request for review within ~~fifteen~~ ten business days after receipt of the ~~supervisor's Appeals Board's recommendation decision~~.

The vice president or dean will give the employee an opportunity to explain the reason(s) for the complaint, either in person or in writing. Within ~~fifteen~~ ten business days after the vice president's or dean's review, the vice president or dean will provide the employee with a ~~brief~~ written decision concerning the complaint and advising the employee that **judicial review** may be available. Upon written notice to the employee, the dean or vice president may extend the deadline for responding by ~~fifteen~~ ten business days. The vice president's or dean's decision is final.

However, if the supervisor to whom the complainant reports is a vice president, dean, or equivalent senior officer, the employee may request a review of the ~~supervisor's Appeals Board's recommendation decision~~ by the President or the President's designee. The employee must submit to the office of the President a written request for review within ~~fifteen~~ ten business days after receipt of the ~~supervisor's Appeals Board's~~ written ~~recommendation decision~~. (Review by the President is not available unless the supervisor is a vice president, dean, or equivalent senior officer.)

The President or designee will give the employee an opportunity to explain the reason(s) for the complaint, either in person or in writing. Within ~~fifteen~~ ten business days after the President's or designee's review, the President or designee will provide the employee with a ~~brief~~ written decision concerning the complaint and advising the employee that **judicial review** may be available. Upon written notice to the employee, the ~~dean or vice president~~ President or designee may extend the deadline for responding by ~~fifteen~~ ten business days. The President's or designee's decision is final.

President Review

Appeals Board for Professional Staff - Appendix F

- Appointing Authority: Human Resources and PSO Board of Directors
- Membership: Pool of at least 25 members; faculty with supervisory experience and all levels of professional staff. Final selection of Appeals Board pool members will be chosen in conjunction with Human Resources and the PSO Board.
- A five member panel will be appointed for each complaint. Each panel must consist of at least three professional staff positions, one with supervisory experience.
- The employee shall have the right to challenge any single panel member nominated; in which case the challenged individual will be replaced by another individual from the pool.
- Membership Term: Minimum of one two-year term and maximum of three terms.
- Charge: Review the complaint, listen to both parties, come to consensus and make a written recommendation. The purpose of the panel is to provide a neutral venue for hearing the complaint.
- Reprisal: No employee shall be subject to reprisal for using or participating in the complaint resolution process. No records of an employee's use of the complaint resolution process shall be kept in his or her central personnel file.
- Action: Written recommendation goes to the employee and the employee's supervisor.