

JAMES A. RHODES STATE COLLEGE
HUMAN RESOURCES POLICY STATEMENT

This policy and/or procedure provides operating principles for Human Resources issues at James A. Rhodes State College. It supersedes any prior policy covering the specific subject. This policy and/or procedure may be suspended, modified or cancelled as determined by the College. This policy and/or procedure does not create a contract of employment, nor is it a condition of employment between the College and its employees.

This policy and/or procedure is provided on-line for the convenience of access for College employees. The original policy will be the governing copy and is on file in Human Resources.

(Specific Policy Follows on Next Page)

COMPLAINT RESOLUTION PROCESS

Policy 5.6
BOT 2/18/03

Applies to: Faculty and Staff

Policy

Complaints and concerns sometimes arise regarding conditions of employment. Any regular faculty or staff member may present a concern or complaint. The College's intent is to determine an equitable resolution, if possible, of faculty and staff concerns or complaints as quickly as practical by means of this Complaint Resolution Process. Pending such solution, the individual or individuals concerned will comply with all supervisory direction unless compliance might result in serious personal injury. The Complaint Resolution Process is to be used for the resolution of employment issues which can be directly related to College policies and/or procedures; with the following exceptions: A) complaints about dismissal from employment or non-renewal of employment contract are not subject to this Complaint Resolution Process, but are instead governed by College Policy 5.5, Disciplinary Action and Due Process, and B) complaints and concerns regarding academic issues such as curricula development/selection, pedagogy, and other like issues are to be discussed and resolved between faculty and academic administration in a collegial manner.

Policy Guidelines

A. Representation

1. Any faculty or staff member who so chooses may be represented during the Complaint Resolution Process. This representative must be a regular, full-time employee of the College, except that in a hearing of the complaint at the third level of the process, the faculty or staff member may have additional representation who need not be employed by the College. (Total representation may not exceed four individuals.) Under no circumstances will the faculty or staff member be represented without being present him/herself. The faculty or staff member has the irrevocable right to present their complaint in private by him/herself at all levels of the process. The College reserves the right to have the same representation (if desired) at the third level of the process.
2. When a faculty or staff member desires to be represented in a hearing, he/she will notify his/her supervisor at the time of their complaint notice of whom their representative will be. It will also be the responsibility of the faculty/staff member to notify any additional representative(s) who may be present at the third level hearing of the dates and times of the hearings and to notify the Director of Human Resources who the additional representative(s) will be.
3. Neither the faculty/staff member nor his/her College representative will lose pay from the College for time spent in a Complaint Resolution Process hearing.

B. Time Limits

1. It is important that complaints be processed as quickly as possible at each level of the process. The number of days indicated herein at each level of the process should be considered the maximum. Every effort should be made to expedite the process and to render a decision as quickly as possible. The time limits may, however, be extended by mutual agreement between the College and the complainant.
2. A complaint will be acted upon if the faculty/staff member requests discussions concerning the issue within 30 calendar days of the occurrence or discovery of the complaint. "Discovery" is defined as that point in time when the individual had knowledge or could reasonably be expected to have knowledge that a complaint exists or existed. If the faculty/staff member does not take his/her complaint to the next level of the process within the time limit specified, the complaint will automatically be considered to be resolved.
3. If it is determined that a complaint has not been filed within reasonable time limits, the administrative official should so indicate and forward the complaint to Human Resources for final recording and file.

4. Working days as used in this process mean days exclusive of weekends, holidays, and those days that either the employee or the respondent may be on authorized vacation or sick leave, or other authorized absence.

C. Process

1. First Level: In the event that a faculty or staff member (or group of faculty and/or staff members) believes there is a basis for a complaint, that member or group will request an appointment with the appropriate supervisor, dean, or chairperson, to discuss the complaint and the desired remedy. The request for this discussion will be within the time limits as defined in B. Time Limits above. The supervisor will conduct a meeting within seven working days from the receipt of the request. He/she will listen carefully and attentively to the problem, determine all the facts pertaining to the situation, and advise the faculty/staff person(s) of their decision on the complaint within five working days after the meeting. If the decision is not satisfactory to the individual or group, he/she/they may appeal to the second level of the process within three working days of this first level decision. If no appeal is made, the complaint will be considered resolved.

Note: If at this point a faculty or staff member is unsure of how to proceed, Human Resources should be contacted for assistance.

2. Second Level: If an equitable resolution has not been reached at the first level, the faculty/staff member or group may appeal within three working days of receipt of the first level decision. This appeal is initiated by requesting in writing a meeting to discuss the complaint and first level decision with the appropriate dean or vice-president. This written appeal will include a statement or statements of the complaint and the remedy sought, and stated reason or reasons why the first level decision was not satisfactory. Within seven working days of receiving the appeal of the first level decision, this administrator will hold a meeting with the faculty/staff member or group and their supervisor to discuss the complaint and the first level decision. Within five working days of this meeting, this administrator will answer the complaint in writing to the faculty/staff member(s). If the faculty/staff member or group is not satisfied with this administrator's decision, he/she/they may appeal to the third level of the process within three working days of receipt of the second level decision. If no appeal is made, the complaint will be considered resolved.
3. Third Level: If an equitable resolution has not been reached at the second level of the process, the faculty/staff member or group may appeal within three working days of the receipt of the second level decision. This appeal is initiated by submitting a written statement or statements of the complaint and the remedy sought plus stated reason or reasons why the first two level decisions are not satisfactory to the appropriate vice-president or the Director of Human Resources. A copy of the appeal will be sent to the administrator who issued the second level decision. At this level, the Director of Human Resources will conduct and conclude an investigation of the complaint and the first and second level decisions within a reasonable period of time after receipt of the appeal. The investigation will include meeting with the faculty/staff member(s), the supervisor, the vice-president and other people as are deemed necessary. The purpose of this investigation will be to determine if College policy or procedure has been violated. Either the vice-president or the Director of Human Resources will provide a written summary of this investigation and a decision to the faculty/staff member or each member of the group within five working days after the investigation is concluded.

If the faculty/staff member or group is not satisfied with the third level decision, he/she/they may appeal to the College President within three working days of receipt of the third level decision. This appeal must be done in writing stating the complaint, the remedy sought and reasons why the first three level decisions were unsatisfactory. If no appeal is made, the complaint will be considered resolved.

D. Appeal to the President

The College President will review the entire case and issue a written decision to all parties involved within thirty working days of receipt of the appeal. The President's decision will be final and binding.

D. General

1. No reprisals of any kind will be taken against any faculty/staff member(s) for participating in any Complaint Resolution Process proceeding.
2. All documents, communications, and records dealing with the complaint will be filed in the Human Resources Office. Notes from hearings and deliberations will be released and made public only by written consent of the faculty/staff member and then, only at the discretion of the College. The faculty/staff member will be furnished with all relevant information in the possession of the College.
3. A complaint may be withdrawn at any level by the faculty/staff member.
4. This process is not available to persons serving in a probationary, temporary or adjunct status.
5. Complaints of alleged discrimination, as described in College Policy 5.1 "Nondiscrimination" and College Policy 5.10, "Equal Employment for Individuals with Disabilities" will be processed in accordance with this Complaint Resolution Process; except if the complainant is not satisfied with the first three level decisions and/or the President's ultimate decision concerning the alleged discrimination, the complaint will be forwarded to the U.S. Department of Education, Region V, Office for Civil Rights, Plaza Nine Building/Room 222, 55 Erieview Plaza, Cleveland, Ohio 44114.
6. A complaint may be amended for clarification at any point in the process as long as the clarification and/or the amendment does not alter the issue(s) in the complaint. Any amendment made will not alter the ongoing timing of the process.