

# AP 327 – EMPLOYEE COMPLAINT PROCEDURE

**Associated Board Policy:** 327.00- Employee Complaint Policy

**Procedure Owner:** Human Resources Generalist

**Related Procedures:** None

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## I. Procedure Scope and Purpose

Cowley College provides its employees with a fair process to present and resolve employment relationship problems or concerns that negatively impact the workplace.

Any employee may bring forward a work-related complaint that is not covered by another policy or procedure. If the complaint is from a faculty member regarding the interpretation or application of the Master Agreement, the faculty member must adhere to the Grievance Procedure guidelines. If the complaint is regarding illegal harassment, discrimination or retaliation, the employee should submit the written complaint directly to the Director of Human Resources.

Complaints are best resolved when addressed early. It may be difficult to adequately and effectively address allegations made if brought forward after significant time has elapsed.

It shall be considered a violation of this Policy for any individual to knowingly file a false or malicious complaint. If the College believes that such a complaint has been filed, the matter will be addressed in accordance with the College's applicable Policies and Procedures.

It is the goal of the College to process all complaints in a timely manner as outlined in this procedure.

## II. Definitions

**Complainant:** The employee bringing forth the concern or complaint.

**Respondent:** The individual who is responding to the complaint or whom the complaint is against.

**Confidentiality:** Participants in the complaint resolution process should respect the matter as confidential. All information revealed and all discussions held shall be as confidential as reasonably possible within legal requirements and responsibilities, and within limits allowing for the review to occur.

**Retaliation:** No employee shall retaliate or discriminate against another employee because of an employee's filing of or participating in the review of a complaint. Retaliation includes taking any action which may have a materially adverse impact on the terms or conditions of employment including, but not limited to, increasing discipline, demotion, changes in pay or hours, or material changes in job duties or functioning, if such action is taken because of the employee's filing of or participation in the review of a complaint, whether or not such complaint is determined to be valid. Any person believing that retaliation has taken or is taking place should immediately report the matter to the Director of Human Resources.

## III. Procedure

### **Step 1: Informal discussion with supervisor**

Many concerns can be resolved informally when an employee (Complainant) and supervisor take time to review the concern and discuss options to address the issue. Employees are encouraged to first discuss their concern with his/her immediate supervisor business days. A complaint will be considered only if the event precipitating the complaint has occurred within the last thirty (30) days. If during the informal discussion with the supervisor, the Complainant does not feel his/her complaint has been resolved, the Complainant may elevate their concern to Step 2.

If the complaint is against the employee's supervisor (Respondent) and the employee is not comfortable discussing this with his/her supervisor, the Complainant may proceed directly to Step 3, bypassing Step 1 and Step 2.

### **Step 2: Written complaint to the Supervisor**

If the Complainant is not satisfied with the results of the informal discussion in Step 1, the Complainant may submit a written complaint to the supervisor within five (5) business days of the informal discussion.

The written complaint should state the following:

- Details of the steps taken by the Complainant to resolve the concern.
- What policy(ies) or procedure(s) the Complainant feels have been breached.
- The remedy or outcome desired.

The written complaint shall not be considered submitted until the immediate supervisor receives the written complaint. Once received, the supervisor will write the date of receipt on the written complaint and return a copy to the Complainant.

The immediate supervisor shall investigate the allegations and then respond in writing to the Complainant within five (5) business days of receipt of the written complaint.

In the event the complaint is not answered within the designated timeframe, or if the Complainant feels that his/her concern has not been satisfactorily resolved, the Complainant may elevate his/her concern to Step 3 within the next five (5) business days. If the complaint is not elevated to Step 3 within five (5) business days, the complaint will be considered resolved and closed.

### **Step 3: Written complaint to Administrative Council**

If the complaint is not answered by the immediate supervisor within the designated timeframe or if the Complainant is not satisfied with the response from Step 2, the Complainant must submit a written complaint to the Administrative Council member who has responsibility over the associated supervisor department, or designee. The written complaint should include:

- A copy of the written complaint submitted to the immediate supervisor.
- A copy of the immediate supervisor's written decision to the Complainant.
- Why the Complainant is dissatisfied with the immediate supervisor's decision.
- The remedy or outcome desired.

The complaint shall not be considered submitted until the Administrative Council member receives the written complaint. Once received, the Administrative Council member will write the date of receipt on the written complaint and return a copy to the Complainant.

Within five (5) business days, the Administrative Council member shall investigate the complaint and render his/her decision in writing to the Complainant and the Respondent.

In the event the complaint is not answered within five (5) business days, or if either the Complainant or Respondent feel the concern has not been satisfactorily resolved, then either party may elevate their concern to Step 4. Any complaint that is not elevated to Step 4 within the next five (5) business days will be considered resolved and closed.

### **Step 4: Review Board**

If either the Complainant or Respondent is not satisfied with the decision rendered in Step 3, or if the decision has not been rendered within the specified timeframe, then either party must submit a written request to the Director of Human Resources for an Review Board. The request for an Review Board must include the following:

- Statement regarding why the decision from the Administrative Council member was unsatisfactory.
- All written complaints and decisions from Step 2 and Step 3.

The complaint shall not be considered submitted until the Director of Human Resources receives the written request. which shall be dated and a copy returned to the Complainant and Respondent.

The Director of Human Resources will select members for the Review Board and notify each within five (5) business days after receipt of the complaint. The Review Board will consist of the following members:

- Director of Human Resources
- CEA President or designee
- Administrative Council member

Members of the Review Board *will have no previous involvement with this complaint and will be from a different department or division* from where the complaint occurred.

During the Review Board proceedings, both the Complainant and Respondent may bring separate advocates for support purposes only. Peer advocates may not make comment or share opinion during the Review Board proceedings.

The Review Board shall convene for the purpose of reviewing and making a recommendation of the disposition of the complaint. The Review Board shall meet within ten (10) business days after being formed and shall investigate the allegations and render a written decision to the Director of Human Resources. A majority decision by the Review Board shall constitute the recommendation of the Review Board to the Director of Human Resources.

The Director of Human Resources shall the Review Board's decision within five (5) business days to the Complainant and Respondent.

In the event the complaint is not answered within the designated timeframe, or if the Complainant or Respondent feel that his/her concern has not been resolved, then either party may elevate their concern in writing to Step 5 within the next five (5) business days.

#### **Step 5: Written Complaint to the College President**

Any complaint that is not elevated to Step 5 within this timeframe will be considered resolved and closed.

In the event the complaint is not answered within the designated timeline, or if either the Complainant or Respondent feel that their concern has not been resolved, then either party may elevate their concern in writing to the College President within five (5) business days. The written complaint must include:

- Statement regarding why the decision from the Review Board was unsatisfactory.
- All written complaints and decisions from Step 2, Step 3 and Step 4.

The complaint shall not be considered submitted until the College President receives the written complaint. At the time it is received, it shall be dated and a copy returned to the Complainant or Respondent elevating the complaint within five (5) business days after receipt of the complaint.

The President will review all documentation and render a written decision that is final and binding to the complainant within the next five (5) business days.

#### ***Complaint involving the College President (from College President Direct Report)***

##### **Step 1: Discussion with College President**

Should a direct report of the College President have a complaint involving the College President, the direct report (Complainant) is encouraged to meet with the College President to discuss the concern openly in attempts to resolve the concern. A concern or complaint must be brought to the attention of the College President within thirty (30) days of the precipitating event. If during the discussion with the President the Complainant feels that their complaint has not been resolved, the Complainant may elevate their complaint to Step 2.

##### **Step 2: Written complaint to the College President**

If the Complainant is not satisfied with the results of the informal discussion in Step 1, the Complainant must submit a written complaint to the College President within the next five (5) business days of the informal discussion.

The written complaint should state the following:

- Details of the steps taken by the Complainant to resolve the concern.
- What policy(ies) or procedure(s) the employee feels have been breached.
- The remedy or outcome desired.

The written complaint shall not be considered submitted until the College President receives the written complaint. Once received, the College President will write the date of receipt on the written complaint and return a copy to the Complainant.

The College President shall investigate the allegations and will then answer the complaint in writing to the Complainant within five (5) business days of receipt of the written complaint.

In the event the complaint is not answered within the designated timeframe, or if the Complainant feels that their concern has not been satisfactorily resolved, the Complainant may elevate their concern to Step 3 within five (5) business days. If the complaint is not elevated to Step 3 within five (5) business days, the complaint will be considered resolved and closed.

### **Step 3: Review Board**

If an Complainant is not satisfied with the decision rendered in Step 2, or if the decision has not been rendered within the specified timeframe, the Complainant must submit a written request to the Director of Human Resources for an Review Board. The request for an Review Board must include the following:

- The written complaint and decision from Step 2.
- Statement regarding why the decision from the College President was unsatisfactory.
- The remedy or outcome desired.

The complaint shall not be considered submitted until the Director of Human Resources receives the written request for an Review Board, it shall be dated and a copy returned to the Complainant.

The Director of Human Resources will, within five (5) business days of the receipt of the complaint, will notify members of the Review Board. The Review Board will consist of the following members:

- Director of Human Resources
- Two of the four Vice Presidents
- One Administrative Council Member
- CEA Faculty President or designee

During the Review Board proceedings, both the Complainant and the College President may bring peer advocates for support purposes only. Peer advocate may not make comment or share opinion during the Review Board proceedings.

If the Complainant is one of the above employees, that individual will be excluded from participation on the Review Board. The Review Board shall convene for the purpose of reviewing and making a recommendation of the disposition of the complaint. The Review Board shall meet within ten (10) business days after being formed and shall investigate the allegations and render a written decision to the Director of Human Resources. A majority decision by the Review Board shall constitute the recommendation of the Review Board to the Director of Human Resources.

The Director of Human Resources shall within five (5) business days of the receipt of the decision from the Review Board render his/her final decision to the both the Complainant and the College President.

In the event the complaint is not answered within the designated timeframe, or either the Complainant or the College President feel that their concern has not been satisfactorily resolved, then either party may elevate their concern in writing to Step 4 within the next five (5) business days.

### **Step 4: Board of Trustees**

Any complaint that is not elevated to Step 4 within five (5) business days will be considered resolved and closed.

In the event the complaint is not answered within the designated timeline, or if the Complainant or the College President feel that their concern has not been resolved, then either party may elevate their concern in writing to the Board of Trustees. The written complaint must include:

- Details of the steps taken by the employee to resolve the concern.
- What policy(ies) or procedure(s) the employee feels have been breached.

- The remedy or outcome desired.

During the Board of Trustees Review Board proceedings, both the Complainant and Respondent may bring separate advocates for support purposes only. Peer advocates may not make comment or share opinion during the Review Board proceedings. The Board of Trustees will meet for the purpose of reviewing and making a recommendation of the disposition of the complaint. The Board of Trustees will review all documentation and will render a written decision that is final and binding to the Complainant and the College President by the next regularly scheduled board meeting.

#### ***Complaint involving the College Board of Trustees***

Should an employee have a formal concern or complaint against the College Board of Trustees for any actions, inactions, or inappropriate conduct, the employee must submit his/her complaint in writing to the Board of Trustees through the Clerk of the Board.

#### **IV. Effective Date(s)**

This procedure first became effective: June 23, 2020.

#### **V. Signature and Title**

This procedure implemented by: Megan Sweaney

Title: Human Resources Generalist