

THE UNIVERSITY OF SCRANTON STAFF COMPLAINT RESOLUTION PROCEDURE

The University of Scranton staff employees have a right to a regular process of expression of employee concerns, disagreements, or complaints (hereafter referred to as complaints). Many employee complaints can be resolved informally in the course of day-to-day communications between the employee and his or her immediate supervisor or the other person(s) involved, and in a spirit of good will and cooperation. If complaints are addressed early, they are less likely to escalate into major problems. The University encourages the informal resolution of complaints whenever possible. No staff employee will be retaliated against as a result of using the Staff Complaint Resolution Procedure.

Employees are expected to make reasonable attempts to resolve concerns informally. Employees can talk with a Human Resources representative to help them determine how to best resolve a complaint informally.

Staff employees who have completed their initial six-month introductory period are eligible to use the Staff Complaint Resolution Procedure. Administrators are not eligible to use this procedure by virtue of their level and position in the organization. Members of collective bargaining units are also not eligible to use this Staff Complaint Resolution Procedure.

All attempts to resolve complaints, excluding discharge, must begin at the first step within 10 of the employee's scheduled working days of the time the employee knows, or should have known, of an action or issue that can be raised through the Staff Complaint Resolution Procedure. Complaints concerning an employee's discharge from employment must begin at the second step of the Staff Complaint Resolution Procedure within 5 University business days from the employee's discharge.

Matters that can be resolved through the Staff Complaint Resolution Procedure include but are not limited to disagreements arising from working relationships, working conditions, actions of other employees, corrective actions taken by the employee's supervisor, and differences of opinion regarding the application of employment practices or department and/or University policies.

Matters excluded from the Staff Complaint Resolution Procedure include but are not limited to merit increases, position reclassification decisions, employee discharges during the initial introductory period of employment, discharges for falsification of application materials, University parking policies and tickets, and University and/or Human Resources policies. How a policy has been applied in a specific situation may be the subject of a complaint. Allegations of illegal discrimination or harassment on the basis of sex, race, creed, color, national origin, age, religion, veteran's status, or disability are excluded from the Staff Complaint Resolution Procedure because these matters can be presented to the Equity and Diversity Office for review.

If the employee would like assistance with the Staff Complaint Resolution Procedure, the employee should contact the Director of Human Resources. A Human Resources representative (or an alternative representative appointed by the Director of Human Resources) will serve as an

employee advisor in order to facilitate the complaint process. The employee advisor's role includes: reviewing the Staff Complaint Resolution Procedure with the employee, acting as a resource to the employee, helping the employee understand his/her responsibilities within the procedure, and helping the employee understand the timeframes for filing complaints and appeals. The advisor does not provide legal advice to the employee nor is the advisor responsible for filing the complaint, representing the employee, or the resolution of the complaint.

The timeframes for the steps involved in either process described below can be modified upon mutual agreement of the affected employee and the investigating party.

Basis for Appeal of a Decision

A decision reached at the first step (or subsequent step) may be appealed based on one of the following grounds: (a) the time frames were not adhered to or another substantial procedural error occurred during the preceding step, (b) the decision reached was not based on the evidence presented, or (c) new evidence sufficient to alter the decision, or other relevant facts not available at the time the of the preceding step, are now available. An appeal of a decision must be presented to the next step in the Staff Complaint Resolution Procedure in writing within the time frame designated by that step. The appeal must clearly state the reason the employee believes the decision should be reviewed by the next step.

Steps of the Staff Complaint Resolution Procedure When the Department Manager/Dean Is Involved or Can Reasonably Be Expected To Resolve the Complaint (Divisional Process)

First Step: Department Manager/Dean

Within 10 of the employee's scheduled working days of the time that the employee knew, or should have known, of an action or issue leading to a complaint, the employee must advise his/her department manager/dean in writing that he/she is initiating a staff complaint resolution request. The employee's written notice to the department manager/dean must document the specific complaint, the facts in support of the employee's position, and the remedy requested. If the employee has an immediate supervisor between the employee and the department manager/dean, the employee and department manager/dean may mutually agree to grant the employee an additional 5 of the employee's scheduled working days for the employee to attempt to informally resolve the complaint with the immediate supervisor. If there is not an immediate supervisor, or the employee does not elect to pursue an informal resolution with the supervisor, or an informal resolution is not achieved, then the department manager/dean will consider the facts and circumstances of the complaint and will provide a written response to the employee granting, denying, or proposing a modification to the employee's requested remedy within 5 of the department manager/dean's scheduled working days following receipt of the employee's first step request. The department manager/dean shall include written notice to the employee of the additional steps of this procedure. If the employee used an advisor provided through Human Resources, the department manager/dean will send a copy of his/her response to the advisor at the same time as the response is sent to the employee.

If the complaint involves the employee's department manager/dean and the employee does not believe filing a complaint with the direct department manager/dean is appropriate, the employee should contact the Office of Human Resources for further direction.

Second Step: Division Vice President

If the employee has a basis for appealing the decision made in the first step as described in the *Basis for Appeal of a Decision* section of this procedure, the employee may appeal the decision in writing to the division vice president within 5 of the employee's scheduled working days of receipt of the first step response. If the employee was discharged and is appealing the discharge, the appeal must be made within 5 University business days. The appeal must state the specific complaint, the facts in support of the employee's position, the specific reason(s) why the first step decision is being appealed, and the specific remedy requested. Copies of all previous correspondence must be included.

The Vice President shall consider the facts and circumstances of the appeal and shall, in writing, grant, deny, or propose a modification to the requested remedy within 10 of the Vice President's scheduled working days following receipt of the appeal. This response shall include notice of the employee's right to appeal the complaint to the final step. If the employee used an advisor provided through Human Resources, the Vice President will send a copy of his/her response to the advisor at the same time as the response is sent to the employee.

Final Step: Review Board

If the employee has a basis for appealing the decision made in the second step as described in the *Basis for Appeal of a Decision* section of this procedure, or if the employee is appealing his/her discharge from employment, the employee may appeal the complaint in writing to the final step. The appeal must state the specific complaint, the facts in support of the employee's position, the specific reason(s) why the second step decision is being appealed, and the specific remedy requested. Copies of all previous correspondence must be included. This appeal must be submitted in writing to the Director of Human Resources (Director) within 5 of the employee's scheduled working days of receipt of the second step.

Within 5 of the Director's scheduled working days of receipt of the final appeal, the Director will review the appeal to determine whether sufficient reason exists for the appeal based on the items described in the *Basis for Appeal of a Decision* section of this procedure. If the Director determines there is no basis for the appeal, the Director will notify the employee of this decision. If the Director determines there is a basis for an appeal, the Director will notify the employee of the decision to forward the appeal to the Review Board. The decision of the Director to deny or forward the appeal at this step is final.

If the Director decides to forward the appeal to the Review Board, the Director will then convene a panel of two Administrators (excluding Vice Presidents, General Counsel, the Director of Equity and Diversity, and the Director of Human Resources) and a member of the Human Resources department to hear the appeal. All members of the Review Board are voting members. The Review Board will receive training on complainant resolution and will receive an overview of the University's Staff Complaint Resolution Procedure.

The Review Board will consider the facts and circumstances of the complaint and will, in writing, grant, deny, or propose a modification to the requested remedy within 10 University business days following receipt of the third step appeal. The Review Board's decision is final.

Steps of the Staff Complaint Resolution Procedure When the Complaint Involves Employees Outside of the Employee's Division or the Application of an Overall Human Resources or University Policy (Human Resources Process)

First Step: The Office of Human Resources

Within 10 of the employee's scheduled working days of the time that the employee knew, or should have known, of an action or issue leading to a complaint, the employee must contact the Office of Human Resources to initiate a staff complaint resolution request. The employee must notify the Director of Human Resources (Director) in writing, and must advise the Director of the specific issue, the facts in support of the employee's position, and the remedy requested. The Director is responsible for determining if the issue should be addressed within the employee's division or by the Office of Human Resources. The Director will issue a written decision within 5 of the Director's scheduled working days regarding whether the issue should be initially addressed within the employee's division or through the Office of Human Resources. If the issue is to be addressed through the Office of Human Resources, the employee and the Director may mutually agree to grant the employee an additional 5 of the employee's scheduled working days for the employee to attempt to informally resolve the complaint.

If the Director determines the complaint should be resolved through the employee's division, the written notification to the employee from the Director will include at what step the complaint should be initiated. If the Director determines the complaint should be addressed by the Office of Human Resources, the Director or his/her designee will consider the facts and circumstances of the complaint and will, in writing, grant, deny, or propose a modification to the requested remedy within 5 of the Director's/designee's scheduled working days following the notification to the employee that the Office of Human Resources will address the complaint. The written notification will include notice to the employee of his or her right to appeal the complaint to the final step. If the employee used an advisor provided through Human Resources, the Director will send a copy of the response to the advisor at the same time.

Final Step: Review Board

If the employee has a basis for appealing the decision made in the first step as described in the *Basis for Appeal of a Decision* section of this procedure, the employee may appeal the complaint in writing to the final step. The appeal must state the specific complaint, the facts in support of the employee's position, the specific reason(s) why the first step decision is being appealed, and the specific remedy requested. Copies of all previous correspondence must be included. This appeal must be submitted in writing to the Director of Human Resources within 5 of the employee's scheduled working days of receipt of the first step response.

The Director will then convene a panel of two Administrators (excluding Vice Presidents, General Counsel, the Director of Equity and Diversity, and the Director of Human Resources) and a member of the Human Resources department to hear the appeal. All members of the panel are voting members. The Review Board will receive training on complainant resolution and will receive an overview of the University's Staff Complaint Resolution Procedure.

The Review Board will consider the facts and circumstances of the complaint and will, in writing, grant, deny, or propose a modification to the requested remedy within 10 University business days following receipt of the third step appeal. The Review Board's decision is final.

Definitions for the Purposes of the Staff Resolution Complaint Procedure

Scheduled working day: A scheduled working day for the employee, department manager, dean, vice president or other individuals referenced in this policy is a day when the specific individual referenced would regularly be scheduled to be at work on The University of Scranton campus. Scheduled working days do not include regular work days when the individual has scheduled vacation or personal leave time, is off the entire day for sick leave, or is off campus for the entire day for University-related travel or business. University recognized holidays are not considered as an individual's scheduled working day if the individual is not scheduled to work that holiday. If an individual is at work for a half day or more and then uses vacation, personal, sick, or unpaid time for the balance of the day, that day is considered a scheduled working day for the purposes of this policy. If the University closes for inclement weather or other emergency for an entire day, that day is not considered an individual's scheduled working day, even if the individual is considered as an essential personnel member required to be at work. If the University closes for less than a half day, that day is considered an individual's scheduled working day if the other criteria of this paragraph are met.

University Business Day: A University business day is a day Monday through Friday when University offices are scheduled to be open. University holidays are not considered as University business days. If the University closes for inclement weather or other emergency for an entire day, that day is not considered a University business day. If the University closes for less than a half day, that day is considered a University business day.

Department Manager/Dean: The department manager/dean for the purposes of this policy is the supervisory level immediately below the Vice President in the employee's supervisory structure. In some cases, this may be a manager, director, associate vice president, or academic dean. If there is a supervisor level between this position and the employee, this position may encourage the employee to seek informal resolution of the complaint with that supervisor within the time frames designated in this policy.

Administrator: For the purposes of this policy, an administrator is an individual in a position designated as an administrative staff position by the President of the University.