

## **2.4 Employee Grievance/Complaint Process**

Employees who believe that a grievance or complaint not related to violation of policy, ADA violation, harassment, discrimination, or other mandatory reporting instances should be examined, may present their case according to the process explained here, in Section 2.4 Employee Grievance/Complaint Process. Employees should file a complaint in a timely manner. Not doing so may limit the ability to resolve the issue due to limitations outside of our control. The grievance process is based on a restorative justice model. Employees seek a resolution through confidential discussion, investigation, and review of evidence. Employee complaints and evidence are gathered as part of the investigation. The Human Resources Office will provide a neutral advocate to employees to guide them through this process.

(See Section 2.5 Discrimination or Harassment Grievance/Complaint Process for complaints related to violation of policy, ADA violation, harassment, discrimination, or other mandatory reporting instances.)

### **Initial Discussion (Intake)**

The process begins with an initial intake conversation to gather information. The initial conversation is between the employee and the Director of Human Resources Director and/or HR Advocate (HRA). The initial conversation is confidential, unless there is an alleged violation of policy, ADA violation, harassment, discrimination, or other mandatory reporting information that requires disclosure to appropriate personnel. The HRA will explain the investigation process described below.

Once the process is explained, the HRA will assist the employee with determining next steps.

1. The employee decides not to proceed and the grievance is dropped.
2. The employee wishes to engage in informal resolution (see below).
3. The employee wishes to engage in a formal investigation (see below), and proceeds with filing a formal complaint.

### **Informal Resolution**

The informal resolution seeks to resolve the conflict, dispute, complaint, or issue by having the parties involved working towards resolution on their own without involving others.

1. The employee is coached and supported through the process of working to resolve the issues with the instructor, department chair, or other individual.
2. If the employee believes the matter has not been satisfactorily resolved they may return to the HRA and submit a formal complaint.

### **Formal Investigation**

The formal complaint process requires a second intake process, different from the first because confidentiality is no longer a guarantee. Individuals have a right to know who is making a complaint against them. During a formal complaint process additional information is gathered to determine the nature of the complaint and what the appropriate resolution our outcome might be that would satisfy both parties.

1. The HRA begins by gathering information and opening an investigation, with the employees' written permission.
2. The employee begins gathering information and evidence to back up their allegations: which may include the following:
  - text messages
  - Emails, personal or work
  - Notes of conversations

1. The HRA may also choose to interview other employees and gather additional information.
2. The HRA will also gather information from the individual who the grievance or complaint is against.
3. Based on the information gathered during the investigations, the HRA will submit, in writing, their findings and any recommendations for resolution to the appropriate supervisor or administrator. The Human Resources Office and appropriate supervisor or administrator will make the final decision for resolution and determine the best course of actions based on the restorative justice model. The final decision for resolution will be communicated to the employee in writing. However, if the final decision for resolution contains confidential information, the employee will only be notified that a resolution has been reached. There may be legal constraints on what the university can or cannot, or is required, to communicate to the employee.
4. If the employee believes the matter has not been satisfactorily resolved, the employee may request formal mediation through a third party.

NOTE: If at any point in time, an event occurs that includes a policy violation, ADA violation, harassment, discrimination, etc., the complaint will automatically be investigated, and may involve the President or legal counsel. If any findings include policy violation, the report may be escalated to the President's Office or legal counsel for resolution. Please see Section 2.5 Discrimination or Harassment Grievance/Complaint Process for details.