

## College Operating Procedures (COP)



<b>Procedure Title:</b>	Informal Complaint Procedure & Complaint Resolution
<b>Procedure Number:</b>	05-0902
<b>Originating Department:</b>	Office of Human Resources
<b><u>Specific Authority:</u></b>	
Board Policy	6Hx6:2.03
Florida Statute	1001.64/65
Florida Administrative Code	n/a
<b>Procedure Actions:</b>	Adopted: 4/23/92; 7/1/00; 11/3/04; 12/2/08; 01/31/11
<b>Purpose Statement:</b>	To provide College employees procedures for dealing with problems concerning working conditions.

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### **Guidelines:**

It is the policy of Florida SouthWestern State College to provide a method for employees to register complaints or problems concerning working conditions, the interpretation or application of policies and procedures, disciplinary action, or any other matters related to their employment.

At all times during the complaint process, the College reserves the right to investigate, pursue, and otherwise take appropriate action with respect to any concerns or allegations that may come to its attention on the basis of facts and evidence available. The College has a legal responsibility to investigate any complaint to its satisfaction. Those who report incidents that a College official determines likely to be a violation of policy, procedure or law should understand that their allegations may be investigated on behalf of all College employees whether or not they personally choose to pursue a complaint.

Anonymous complaints will be taken seriously although it may be difficult to resolve the complaint without full and complete information. Confidentiality will be assured to the extent possible, but it cannot be guaranteed if there are potential violations of law.

It is contrary to College policy for any individual to engage, directly or indirectly, in retaliatory conduct against a person who files a complaint, or who gives information during an inquiry or investigation of a complaint. An employee, who believes retaliatory actions have been taken for having filed a complaint or provided information in the investigation of a complaint, should notify the next level supervisor in the chain of command or the Vice President, Human Resources.

Members of the College community are required to cooperate in any inquiry or investigation pursuant to this procedure.

**Procedures:**

It is the intent of this policy to encourage full discussion and resolution of problems at the lowest level possible and in a prompt manner. The College recognizes the value and importance of resolving misunderstandings and maintaining good relations between management and employees and believes the following procedure will ensure that complaints receive full consideration.

Regular employees, excluding employees in their initial probationary period and full-time faculty, who have been terminated, suspended, demoted, transferred, given a written warning, or received any other type of disciplinary action; or are otherwise aggrieved as a result of action taken by the College in interpreting or applying any provision of the employment and personnel operating procedures, have the right to appeal the action in accordance with the procedures outlined below.

Complaint resolution for full-time faculty will be in accordance with the grievance procedure included in the Collective Negotiations Agreement between Florida SouthWestern State College District Board of Trustees and the Florida SouthWestern State College Faculty Federation Union. Employees in their initial probationary period are encouraged to discuss concerns or issues with their supervisor, including the next line supervisor within the employee's chain of command as appropriate.

**Procedures:**

I. Informal Complaint Resolution

- A. The aim of the informal complaint is to resolve employment concerns at the lowest possible level.
- B. The first step for the employee to take is to approach his/her supervisor with the problem. The immediate supervisor usually knows more about the employee and his/her job than any other member of management and is in the best position to resolve the problem satisfactorily.
- C. In all instances, the supervisor should notify the employee of the action to be taken to correct the situation. If the supervisor believes no action is warranted or possible, the employee should be informed of the reason behind this decision, which should be made in a timely fashion.
- D. No disciplinary action is taken against employees or supervisors in the informal complaint process. If an employee has attempted to resolve the matter through informal procedures previously, or the employee has reason to believe the concern may be a violation of law, the informal complaint procedures should not be used.
- E. In the event the employee believes the problem remains unresolved after having received the immediate supervisor's response, the employee may request to discuss the matter with the next level of supervision. This person, along with the immediate

supervisor and the employee, will meet at a mutually agreeable time to discuss the matter.

- F. If the complaint is not resolved, the employee may request a meeting with the appropriate person in the line of supervision, up to the President, or designee, whose decision will be final. Every effort will be made to resolve the problem before reaching this level.
- G. At any point in this process a representative designated by the Vice President, Human Resources may become involved as an objective third party.
- H. There is no requirement that informal procedures be used before filing a formal complaint, or that the complaint be put into writing before informal complaint procedures are used.
- I. In the informal complaint procedure, the administrator may assist in resolving the matter informally or advance the matter to Dean of Student Services and/or the Vice President, Human Resources for formal review and resolution.
- J. If there is no resolution as a result of the informal complaint procedure, the employee may proceed with filing a formal complaint.

## II. Formal Complaint Resolution

- A. Who may file a complaint: Employees (referred to as “complainant”) in a regular position who have successfully completed their probationary period.
- B. Time for filing complaint: The complainant must file a formal written complaint to the Vice President, Human Resources within 30 calendar days of the incident.
- C. Requirements of a complaint: Each complaint must include the following:
  - 1. The full name, job title and department of the complainant.
  - 2. The name, job title and department of the supervisor.
  - 3. A clear and concise statement of the facts that constitute the alleged employment concern, including pertinent dates and sufficient information to identify any other individuals who may provide information during the course of the complaint process.
  - 4. A statement by the complainant verifying that the information supporting the allegations is true and accurate to the best of the complainant’s knowledge.
- D. Complaint Processing:

1. Intake interview. Within five (5) days after the complainant initiates a formal complaint, the Vice President, Human Resources and the campus or department administrator or executive, will conduct an interview with the complainant.
  2. Based on the interview results, the Vice President, Human Resources, in consultation with the College's General Counsel, will determine if an investigation should be conducted and if so, by whom.
  3. The investigator(s) will file a written report with the Vice President, Human Resources or the College's General Counsel within 20 calendar days of the filing of the formal complaint. This time frame may be extended with notice to the complainant and the supervisor if it is determined that the investigation should be conducted by an outside investigator.
  4. The investigator's report will outline the investigative findings and indicate whether there is reasonable cause to believe the complaint has merit based on the evidence obtained. The report may recommend appropriate action to be taken by the College.
  5. Within ten (10) days of receiving the report, the College will set forth a written decision as to future action.
  6. The Vice President, Human Resources, department administrator or executive and/or General Counsel will meet with the complainant and the supervisor separately to discuss the investigative findings. After being advised of the decision, the complainant and the supervisor will be deemed to have accepted the College's decision, and the formal complaint resolution process concluded, unless at least one of them chooses to appeal the decision
- E. Appeals: The issues raised on appeal shall be limited to those issues raised during the investigation. Any issues not raised during the investigation or new issues that could have been raised but were not, shall be precluded on appeal.
1. The complainant or the supervisor must submit a written appeal to the Vice President, Human Resources within seven (7) calendar days after receiving the results.
  2. The Senior Vice President, Operations may direct all actions necessary to protect the health, safety and welfare of the College.
  3. Within twenty (20) days of the filing of the appeal, the Senior Vice President, Operations will review the investigation reports and the appeal documents and render a decision supporting or over-turning the initial recommendation.