

3344-61-08 Complaint resolution procedure.

- (A) It is understood that the prompt presentation, adjustment and response to staff complaints is desirable in the interest of sound employee relations. The prompt and fair disposition of complaints involves the important and equal obligations and responsibilities, both joint and independent, on the part of the university and the complainant to protect and preserve the complaint resolution procedure as an orderly means of resolving complaints.
- (B) Any claims of unlawful discrimination or harassment under federal and state civil rights laws, fair employment practice acts, or university policy shall not be processed through this complaint resolution procedure. Such claims shall be first discussed by the claimant with the university's director for institutional equity as a means of achieving an informal resolution of the claim. If an informal resolution is not possible, the claimant may file a formal written complaint with the university's office for institutional equity. The claimant and respondent shall have access to the resources available through the university's office for institutional equity.

If a complaint is related to a claim of sexual discrimination or harassment of a student, or a claim of sexual violence that occurs on or near campus, both the complainant and respondent to that claim will receive notice of hearings and outcomes at the same time, and both parties may, with one support person, participate in hearings. The complainant will have equivalent rights to appeal as the respondent, including to appeal if he or she believes sanctions are too light. The resolution of the complaint may be altered as a result of such appeal.

- (C) When other complaints arise, the professional staff member shall attempt to resolve the issue with his or her immediate supervisor through discussion, mutual understanding, and documentation if appropriate.
- (D) Dismissals as described in paragraphs (E)(1) to (E)(5) of rule 3344-61-07 of the Administrative Code are not subject to the provisions of this section. A dismissal hearing may be requested under that paragraph.

- (E) Classification determinations by human resources compensation are not subject to the provisions of paragraph (G) of this rule. For classification appeals, professional staff members may utilize the appeal process set forth in the professional staff compensation program.
- (F) Procedures for complaint resolution under this section.
 - (1) A complaint, under this rule, may be brought by any professional staff member.
 - (2) A complaint is defined as a dispute or disagreement concerning the alleged misapplication of, misinterpretation of, or failure to comply with specific provisions(s) of this chapter, unless otherwise noted.
- (G) Complaint resolution steps and process.
 - (1) No parties may have legal representation present at any step in the complaint process. The professional staff member may invite a support person (e.g., relative or friend) of their choice to attend meetings, but the person may not act as the professional staff member's representative or present argument on the staff member's behalf. Such individual may only consult with the complainant.
 - (2) When complaints arise, the following procedure shall be followed.
 - (a) Pre-step: The professional staff member and their immediate supervisor shall meet to attempt to work out the complaint on an informal basis. If the complaint is not resolved under this informal method, the professional staff member shall proceed according to the steps in this paragraph.
 - (b) Step one: The professional staff member shall first present a written complaint to their department head, or designee, within ten working days of the

event upon which the complaint is based. Within ten working days after receipt of the complaint, the department head, or designee, shall schedule a meeting with the aggrieved professional staff member to discuss the complaint and listen to the complainant's explanation. Following the meeting, the department head, or designee, shall issue a written response to the complaint within ten working days.

- (c) Step two: If the complaint is not satisfactorily settled in step one, the aggrieved staff member may file a written appeal with the assistant vice president for human resources, or designee, within ten working days after the receipt of the step one decision. The assistant vice president for human resources, or designee, shall schedule a meeting with the aggrieved professional staff member, supervisor, department head or other appropriate university personnel within ten working days after the receipt of the appeal and shall render a written decision within ten working days after the close of the meeting. A copy of the written decision shall be sent to the complainant. Such decision will be final.
- (d) Step two of the complaint resolution procedures set forth in this paragraph is the final step of the internal appeals process.

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