

University Enterprises, Inc. Policies and Procedures		Policy No. 705
Section:	Human Resources	
Policy:	Complaint Procedure	
Revised Date:	December 11, 1998	

Complaint Procedure

I. PURPOSE

To provide a process for employees to address complaints or problems with management.

II. SCOPE

This policy applies to all University Enterprises, Inc. (UEI) employees.

III. POLICY

It is the intent of UEI to encourage employees to bring their concerns, problems and/or complaints regarding work-related situations to the attention of management in order to seek a mutually satisfactory resolution.

IV. DEFINITIONS

- A. Complaint: defined as an employee's dissatisfaction concerning his or her wages, hours, other and/or working conditions including treatment by his or her supervisor or management.
- B. Wages, Hours and Working Conditions Complaint Procedure is to be used for an employee's complaint regarding his or her wages, hours or working conditions including:
 - 1. The employee's complaint about application of UEI's written policies, regulations, and procedures to him or her; or
 - 2. The employee's complaint about administration of his or her employee benefits such as vacations, holidays, or salary.
- C. Discrimination and Harassment Complaint is used regarding:
 - 1. Complaints of discriminatory treatment in any employment decision because of the employee's race, color, sex, age, religion, national origin, marital status, sexual orientation, medical condition, or any other unlawful basis; or
 - 2. Complaints of harassment as defined in Policy No. 620 - Unlawful Harassment and Policy No. 625 - Sexual Harassment.

V. PROCEDURES

- A. Procedure for Wages, Hours, and Working Conditions Complaint
 - 1. Informal Process - Step 1: Whenever an employee believes that he or she has such a work-related problem, the employee should bring the matter to the attention of his or her supervisor as soon as possible, but no later than seven calendar days after the act or event which is the basis of the complaint. It is the responsibility of the supervisor to investigate the complaint, attempt to resolve it, and communicate a decision to the employee within 10 working days. Every UEI employee is required to participate in the investigation process, as directed. This includes truthfully disclosing facts and maintaining confidentiality. If the employee's problem involves the immediate supervisor, the employee shall be permitted to discuss the problem first with the department head or Director, Human Resources. A

discussion with the supervisor, department head, or the Director, Human Resources does not constitute a formal complaint.

2. **Formal Process - Step 1:** If the employee is not satisfied with the supervisor's decision through the Informal Process, he or she may appeal that decision. This begins the formal complaint procedure. The employee should write the details of the complaint for submission to and review by the department head. A copy will be submitted to the Director, Human Resources or designee.

A written complaint must be filed within 30 calendar days after the act or event which is the basis of the complaint or within 30 days of the date when the employee has discovered, or reasonably should have discovered, the act or event which is the basis of the complaint.

The department head will discuss the matter with the employee, the supervisor and any other individual(s) involved and will render a decision within 10 working days. The department head's decision will be in writing.

3. **Formal Process - Step 2:** If the employee is not satisfied with the department head's decision, he or she may appeal to the Complaint Committee. The Complaint Committee is a three-member group consisting of two employees or supervisors selected by management and one supervisor selected by the complainant.

The Complaint Committee will review the written complaint, the step 1 decision, and discuss the matter with the individuals involved. The committee will then render its decision. This decision will be in writing and will be given to the employee within 10 working days after the formal meeting.

4. **Formal Process - Step 3:** If the employee is not satisfied with the Complaint Committee's decision, the employee may appeal to the Executive Director. The Executive Director will discuss the matter with the employee and others involved after reviewing the written complaint, the facts as recorded, and the previous decisions. The Executive Director's decision will be in writing and will be communicated to the employee within 10 working days. The Executive Director's decision shall be final.

B. Procedure for Discrimination and/or Harassment Complaint

1. **Preliminary Steps:** Employees who feel they have been subjected to discrimination or harassment prohibited by Policy 030 - Standards of Conduct, Policy No. 620 - Unlawful Harassment, or Policy No. 625 - Sexual Harassment in this manual may use any or all of the following steps to try to stop the behavior before filing a complaint. Steps may include:
 - a. Speak with the individual who you believe is discriminating against or harassing you. Explain as clearly as possible what behaviors or conduct you find to be discriminatory, unwelcome or offensive, and make it clear that you want the behavior to stop. If you prefer, make your statement in writing. If you do, keep a copy for yourself.
 - b. Keep a record of the discriminatory, unwelcome or offensive conduct and your preliminary efforts to stop the harassment. This can include a specific description of the behavior; when and where it occurred; who engaged in the conduct; and who, if anyone, observed it.
 - c. If your attempts are unsuccessful, or if you choose not to confront the harasser, you may file either a formal or informal complaint. Contact the Director, Human Resources or the Executive Director.
2. **Informal Complaint:** The purpose of the informal complaint procedure is to attempt to resolve discrimination or harassment problems. Efforts will be made to negotiate a satisfactory

agreement between the parties. Efforts will also be made to respect the confidentiality and privacy of all parties to the greatest degree practicable.

3. **Formal Complaint:** If a satisfactory resolution cannot be reached or if the complainant chooses, a formal written complaint may be filed with the any of the following individuals – Director, Human Resources, or the Executive Director. University Enterprises, Inc. will conduct an investigation regarding the complaint. This customarily includes interviewing both parties and any corroborating witnesses, as appropriate. Every UEI employee is required to participate in the investigation process, as directed. This includes truthfully disclosing facts and maintaining confidentiality.

The investigator will determine whether conduct has occurred that violates UEI policies and will recommend an appropriate solution.

All recommendations for discipline will be submitted to the appropriate department director for approval, except if the Executive Director is a party to the complaint.

In the event that the outcome is not satisfactory to either party, it may be appealed to the Executive Director who will review all the evidence and render a final decision. If the Executive Director is alleged to have violated Policy 030 - Standards of Conduct, Policy No. 620 - Unlawful Harassment, or Policy No. 625 - Sexual Harassment, UEI's Board of Directors or its designee will review the matter and render a final decision.

VI. RESPONSIBILITIES

- A. Employees are encouraged to use complaint procedures and will not be reprimanded nor penalized for doing so. Supervisors are responsible for participating in the complaint process until the situation is resolved or until the employee's right of appeal is exhausted.
- B. Information concerning an employee complaint will be kept confidential. University Enterprises, Inc. managers, witnesses or other employees may discuss a complaint only as necessary for processing the complaint.
- C. Time spent by aggrieved employees in complaint discussions with management during the employee's normal working hours will be considered hours worked for pay purposes.
- D. Whenever two or more employees have a common or similar complaint, the employees may choose to have one of them serve as their representative, or UEI may select one or more of them to represent the group. If requested, any member of the group must provide UEI with requested factual information to assist with resolution of the complaint. The final decision on such a group complaint will apply to all affected employees.
- E. Management decisions on complaints will not be precedent setting for future complaints.

VII. RELATED POLICIES

- Policy No. 605 Standards of Conduct
- Policy No. 620 Unlawful Harassment
- Policy No. 625 Sexual Harassment