CDU Policy I.E.00640 Grievance and Complaint Process

ISSUING OFFICER: Director of Human Resources

RESPONSIBLE OFFICE: Department of Human Resources

EFFECTIVE DATE: September 1, 2004

REVISED DATE: October 29, 2010

SUPERSEDES: CDU Policy I.E.00640, dated September 1, 2004

POLICY I.E.00640 Grievance and Complaint Process

REFERENCES AND RELATED POLICIES

CDU-AMP I.E.00400 (Sexual Harassment and Anti-Sexual Harassment Complaint Resolution)

It is the objective of Charles R. Drew University to provide an effective way for staff members to bring problems concerning their well-being at the University to the attention of management and to facilitate the resolution of those complaints. An employee shall attempt to resolve complaints with his or her immediate supervisor or manager informally although this does not extend the deadline for filing a written request for a formal review.

The policy provides an orderly method for staff members’ complaints and grievances to be fairly and objectively resolved and to resolve complaints and grievances at the lowest possible supervisory level. No discrimination, coercion, restraint or reprisal shall be applied to any staff member who submits or is involved in a complaint of grievance process.

A. SCOPE

A Complaint is defined as:

1. a claim by an individual employee regarding a specific management act which is alleged to have adversely affected the employee’s existing terms or conditions of employment;
2. a claim by an individual employee adversely affected by a management action that a provision of the Charles R. Drew University Employee Handbook has been violated.

B. ELIGIBILITY

All Regular or Conditional status employees shall be eligible to file a grievance or complaint.
C. TIMELINESS

To qualify for formal review, a written request must be received by the Department of Human Resources within thirty (30) calendar days after the date on which the employee knew or could reasonable be expected to have known of the event of or action which gave rise to the complaint, or within thirty (30) calendar days after the date of separation from University employment, whichever is earlier.

When a complainant alleges sexual harassment, the complainant may elect to substitute the Sexual Harassment Complaint Resolution Procedure for attempted resolution with the employee’s immediate supervisor under CDU – APM I.E.00400. If the Sexual Harassment Complaint Resolution Procedures are substituted for informal discussion with the employee’s immediate supervisor, and the complaint is timely filed under this policy, the final date for filing a Step I of this policy shall be pursuant to those under the Sexual Harassment Complaint Resolution Procedures. When both parties agree, a complaint previously filed under the Sexual Harassment Complaint Resolution Procedures may proceed directly to Step II of this policy.

D. APPEAL

The Department of Human Resources shall administer this policy and shall determine whether a complaint is timely and whether it qualifies for review at any step of this policy.

An employee may appeal the decision only on whether the complaint is timely and/or within the scope of this policy to the Chief Operating Officer, who has final authority for interpreting this policy. An appeal to the Chief Operating Officer shall include copies of the original grievance/complaint and related documents, and shall be received within 20 calendar days of the date of the initial decision.

E. REPRISAL

No employee shall be subject to reprisal for using or participating in the grievance or complaint resolution process.

PROCEDURE I.E00370 Grievance and Complaint Process

REVIEW PROCESS

An employee with a grievance or complaint must complete each of the steps outlined in the informal and formal process prior to further consideration of the grievance.

A. INFORMAL PROCESS

1. Misunderstandings or conflicts can arise in any organization and should be resolved before serious problems develop. When a staff member believes a work condition or treatment is unjust, inequitable, a hindrance to effective operation or creates a
problem he or she is strongly encouraged to discuss the condition with the supervisor or management as a first step.

2. When an employee has a complaint, he or she may request a meeting with their immediate supervisor within five (5) days of the occurrence giving rise to the complaint. The supervisor and the staff member will meet in an attempt to equitably settle the matter. The immediate supervisor will give a verbal decision to the employee within five (5) business days of the informal discussion.

3. If a supervisor does not render a decision to the employee during the informal process and within the prescribed time limits, the employee may within five working days submit his or her grievance/complaint to the next supervisory level.

4. If it is the judgment of the next supervisory level that he or she does not have the authority to resolve the grievance/complaint, the employee shall be informed in writing. The employee may file a grievance/complaint in accordance with the next procedural step.

B  WAIVER

1. By mutual consent of the employee and the supervisory officials concerned, at any step in the Informal Process, the time limits for processing the grievance/complaint may be waived. If an employee does not present a grievance/complaint or does not appeal the decision rendered regarding the grievance/complaint within the time limits, the grievance/complaint shall be considered resolved or closed.

2. By mutual consent and written agreement of the employee and the supervisory officials concerned, the Informal Process may be waived. The employee may proceed to the Formal Processing of the grievance/complaint.

C.  APPEALS

Appeals of employee dismissal, demotion and suspension greater than five (5) days will be processed beginning with Steps 1 of the Formal Process. All preceding steps will be waived.

D.  FORMAL PROCESS

Step 1: The employee submits his or her grievance/complaint to the Department of Human Resources, by completing the Complaint Form stating:

1. Nature of the complaint;
2. Identify the specific management act(s) to be reviewed;
3. Specify how the employee was adversely affected;
4. List the section(s) and specific provision(s) of the Employee Handbook alleged to have been violated, if any, and how the provisions were violated;

5. Specify the remedy requested; and

6. Provide any other information that may be required pursuant to local procedures.

An acknowledgement response will be provided to complainant from the Department of Human Resources.

**Step 2:**
At any time during the process, a representative from the Department of Human Resources will attempt to resolve the complaint/grievance through mediation with the employee and supervisor, with clarification and interpretation of University policies and procedures and or employment law.

1. If the complaint is not resolved at Step 2, it may be presented to the next higher supervisory level within five (15) business days following receipt of the decision to each successive supervisor, manager, director/department chair within the employee’s department.

2. Each supervisor, manager, director/department chair shall render a written decision within five (15) business days following receipt of the complaint.

**Step 3:**
If not resolved at Step 2, it may be presented to the Vice President or Dean within five (15) business days following receipt of the decision of Step 2. The Vice President or Dean shall render a written decision within fifteen (15) business days following receipt of the grievance/complaint.

**Step 4:**
If the grievance or complaint is not resolved at Step 3, the employee may appeal to the Chief Operating Officer who will render a decision, which shall be final and binding on all parties.

**F. RESPONSIBILITIES**

**Supervisors are responsible for:**

1. Assuring that staff member's complaints and grievances are acknowledged, investigated and that responses are submitted in a timely manner.
2. Making every possible effort to resolve informal complaints and grievances fairly and objectively.
3. Assuring that employees who submit informal and formal complaints and grievances are not subjected to retaliation.

**The Director of Human Resources is responsible for:**

1. Interpreting policies and procedures for employees and supervisory officials.
2. Assuring that all grievances and complaints are properly processed.
The Chief Operating Officer is responsible for:

1. Submitting a formal and binding decision on the complaint or grievance.
2. Reaching the final step of the grievance/complaint procedure.

Applicability: All Staff Members