

TAP No. 30

APPENDIX A: COMPLAINT RESOLUTION PROCESS

I. PROCESS

Alleged violations of TAP No. 30 are generally addressed in accordance with this Complaint Resolution Process.

1. Step One

- a. Upon receipt of a report alleging a violation(s) of TAP No. 30 and related claims, the Director of Employee and Labor Relations, or their designee, will request to meet with the Complainant. During the meeting, the Director of Employee and Labor Relations, or their designee, will complete an intake form to document the report provided by the Complainant. If the Complainant requests to file a Formal Complaint, this will be indicated on the intake form. The Director of Employee and Labor Relations or their designee will then refer the matter to mediation by sharing the intake form with a University mediator.
 - i. The Complainant may choose to bypass mediation and move directly to step two.
- b. Upon receipt of the intake form, the mediator will contact the Complainant to discuss the allegations in the Formal Complaint. Outreach from the mediator to the Complainant shall occur within ten business days of the initial referral.
- c. After meeting with the Complainant, the mediator will contact the Respondent to discuss the allegations in the Formal Complaint.
- d. The mediator will attempt to resolve the Formal Complaint through mediation. If, however, at any point it becomes clear to the mediator that the matter cannot be resolved through mediation, the mediator shall refer the matter back to the Director of Employee and Labor Relations, or their designee, to begin step two of the Complaint Resolution Process. The Director of Employee and Labor Relations, or their designee, will notify the Complainant and Respondent of the failure of mediation in writing.
- e. All of the following apply to mediation:
 - i. Mediation does not involve meeting with any witnesses, although the mediator may find it necessary to consult with one or more University officials during the course of mediation to ensure possible resolutions are feasible.
 - ii. If the parties agree on a resolution to the Formal Complaint, the Resolution will be memorialized in a Mediation Agreement signed by both Parties.

- iii. The mediator will maintain a log of all matters referred and a timeline of meetings, but will not maintain notes or produce any written report aside from the Mediation Agreement. Notes and drafts are not retained by the mediator after the Parties sign the Mediation Agreement or the mediation fails.
- iv. Mediation is confidential, and the mediator will not disclose what the parties say during mediation. There are a few exceptions that include: 1) when disclosure is required by law, 2) when a party shares threats or thoughts of self-harm or harm to others, and/or 3) when a party discloses serious criminal conduct.
- v. The mediator cannot be called as a witness during the Complaint Resolution Process.
- vi. Mediation may result in many possible outcomes, including sanctions or other adverse consequences, as long as such outcomes are mutually agreeable to both parties.

2. Step Two

- a. Upon receipt of notification from the University's mediator of failure of step one (mediation), or in the event that a Complainant chooses to skip step one, the Director of Employee and Labor Relations, or their designee, will initiate step two of the Complaint Resolution Process by requesting that the Complainant submit documentation in support of their Formal Complaint. The Complainant shall have ten business days to submit their documentation.
- b. Upon receipt of the Complainant's documentation, Director of Employee and Labor Relations, or their designee, will forward the Complainant's Formal Complaint, along with the Complainant's documentation, to the Respondent. The Respondent shall have ten business days to submit a written response and any supporting documentation to the Director of Employee and Labor Relations, or their designee, who shall have five business days to forward the Respondent's response and any supporting documentation to the Complainant.
 - i. If the Respondent does not submit a written response/supporting documentation, the Complaint Resolution Process will proceed without the Respondent's written response/supporting documentation.
- c. An investigator trained on the Complaint Resolution Process shall then interview the Complainant and Respondent, where possible, as well as relevant available witnesses. The Investigator shall also review the written material submitted by the parties, and any other relevant material gathered during the investigation, including material submitted by witnesses and additional materials deemed relevant in the Investigator's discretion. Relevance determinations are made by the investigator. Under

appropriate circumstances as determined by the University, such as in the case of a potential conflict of interest, the matter may be assigned to an experienced investigator who is not a University employee. For the purposes of TAP No. 30 and this Appendix A, "Investigator" means an investigator trained on the Complaint Resolution Process, the Director of Employee and Labor Relations or their designee, or an investigator who is not a University employee.

- d. The Investigator shall complete the investigation and make a finding of responsibility or non-responsibility of the alleged policy violation based on the preponderance of the evidence standard. The Investigator shall then submit a report setting forth findings and recommended sanctions, if applicable, as follows:
 - i. Where the Respondent is a faculty member, the findings and recommended sanctions, if applicable, will be sent to the appropriate Dean, the Provost, or the President as appropriate under the relevant reporting structure. Following a review of the findings and recommended sanctions, if applicable, the Respondent's supervisor shall decide upon and issue sanctions.
 - ii. Where the Respondent is a non-faculty employee, the findings and recommended sanctions, if applicable, will be sent to the appropriate supervisor under the relevant reporting structure. Following a review of the findings and recommended sanctions, if applicable, the Respondent's supervisor shall decide upon and issue sanctions.

- e. Appeals
 - i. Only faculty members have the right to an appeal under this policy. Both Complainant and Respondent faculty members may submit an appeal. Findings and sanctions may be appealed to the Faculty Grievance Committee in accordance with the process set forth in the Faculty Handbook. If either the President or the Provost is a party to the matter, the Office of Legal Affairs shall appoint an appropriate person to receive any recommendations of the Faculty Grievance Committee.

- f. Sanctions
 - i. Disciplinary sanctions for violations of this Policy may include, but are not limited to, one or more of the following measures: termination of employment with the University, unpaid suspension, change in working facility or duties, mandated enrollment in educational or Employee Assistance Programs, written reprimand in personnel file, salary reduction, demotion, and/or withholding of salary increase and/or bonus. Additional sanctions may be imposed

as appropriate in response to the specific circumstances of a violation of TAP No. 30.