

Human Resources on the Stockton campus is responsible for establishing and overseeing the application of the Complaint and Grievance Policies and Procedures. Human Resources on the Stockton campus, at the Arthur A. Dugoni School of Dentistry, and at the Pacific McGeorge School of Law are responsible for administering this Policy on each campus of the University, respectively. In case of doubt as to which Human Resources Department is responsible, please contact Human Resources on the Stockton campus.

Complaint Policy and Procedures

This policy is intended to provide fair and prompt consideration to all staff members' complaints. Pacific encourages all staff members to use the complaint procedure without fear of prejudice or retaliation and with the assurance that their confidences will be respected.

It is the policy of Pacific to provide an effective and timely method for staff members to bring forth workplace issues and concerns. These issues and concerns may include working conditions, performance, policies, procedures, or problems with co-workers or supervisors. This complaint policy does not apply to complaints about employment actions based on internal and external department and/or University reorganization, financial necessity or budget determinations, and/or termination from employment.

Complaints about harassment as defined by Pacific's policy on [Prohibited Sexual and Other Unlawful Harassment and Discrimination](#) will be investigated and resolved according to that policy.

Definitions

Complaint: An issue brought forth by a staff member concerning the workplace which may include, but is not limited to, working conditions, performance, policies, procedures, or problems with co-workers or supervisors. A complaint is not an issue that is a 'grievance' as defined below. The Complaint Procedure is not a vehicle to alter University, School or College, or local unit policy.

Grievance: A complaint by a staff member concerning termination of employment who has passed the introductory period and/or concerning any other adverse employment action directly affecting the staff member and which the staff member believes is a violation of written University policy and/or is a violation of federal or state employment laws or regulations.

Staff members: Regular full-time or part-time employees, excluding faculty and union employees.

Complaint Procedure

Only a regular full-time or part-time staff member who has completed his or her introductory is entitled to initiate the Complaint Procedure. Staff members in their new hire introductory periods may follow the Informal Complaint Procedure below.

Human Resources will keep all expressions of concern, the results of fact-finding and the terms of the resolution confidential. In the course of fact-finding and resolving the matter, some dissemination of information to others may be necessary or appropriate.

Retaliation of any kind by Pacific, its staff members, and/or faculty against a staff member, as a result of the latter seeking resolution under these procedures in good faith, cooperating in an investigation, or

otherwise participating in the process, is prohibited and may be the basis for disciplinary action, including terminations.

Supervisors will provide the staff members involved in the complaint adequate time away from their work duties to participate in the complaint process.

Informal Complaint Procedure

Staff members who have work-related concerns are encouraged to discuss them with their supervisor as soon as possible after the event(s) that caused the concern. The supervisor should address the issue within three (3) working days. If it is determined that the supervisor is not able to address the issue within three (3) working days due to absence or illness, the supervisor shall notify the staff member in writing of the need to extend the deadline.

If the concern is not resolved by the staff member's supervisor, the staff member may bring the issue to Human Resources. Human Resources will mediate and attempt to facilitate a solution satisfactory to all parties.

If the parties cannot reach a satisfactory conclusion, the staff member may choose to file a formal complaint with Human Resources. Human Resources will notify all parties if it appears that a satisfactory conclusion is not likely.

Formal Complaint Procedure

There are required guidelines and procedures to follow when filing a formal complaint.

Step 1 – Written Complaint

Staff members must submit all formal complaints in writing. The document should describe the incident or complaint and the evidence upon which it is based. The document should describe the issue with specific facts, including: personnel involved events, dates and other information relating to the complaint. The complaint should be marked "Personal and Confidential" and addressed to the Assistant Vice President/Director of Human Resources. The document should be filed as soon as possible, and, within twenty (20) days of when Human Resources has notified the parties that a satisfactory resolution, from the informal complaint procedure discussed above, is not likely.

Step 2 – Human Resources Inquiry and Investigation

Human Resources (or the Assistant Vice President's/Director's designee) will investigate the complaint, meeting separately with the staff member and others who either are named in the complaint or who may have knowledge of the facts set forth in the complaint. The investigation is normally completed within ten (10) working days from the date Human Resources receives the written complaint. If it is determined that the investigation requires additional time past the ten (10) working days, Human Resources shall notify the staff member in writing of the need to extend the deadline. This written notification shall include the reason for the extension.

Within ten (10) working days after conclusion of the investigation, Human Resources will prepare a confidential written report of the investigation and findings. Human Resources will also notify the complainant and the individual or supervisor against whom the complaint is made that the investigation with recommended resolution is complete.

Step 3 – Appeal of Decision

April, 2013

All parties have the right to appeal the complaint resolution. Either party may file a written appeal to the Assistant Vice President/Director of Human Resources within ten (10) working days of receipt of the decision/written report. If no appeal is filed during that time, the terms of the resolution will be recorded and signed by the parties and the Assistant Vice President/Director of Human Resources. The Assistant Vice President/Director of Human Resources will render a final decision normally within ten (10) working days following receipt of the appeal.

Grievance Policy and Procedure

This policy is intended to provide fair and prompt consideration to staff members' grievances. It provides an opportunity to resolve disputes concerning adverse employment actions including termination of employment. Pacific encourages all staff members to use the grievance procedure without fear of prejudice or retaliation and assures that their confidences will be respected.

It is the policy of the University to provide an effective and timely method for staff members to bring forth employment issues and concerns. This grievance procedure is intended to resolve those issues or conflicts regarding a staff member's belief that an adverse employment action, including termination, violated Pacific policy or violated state or federal law. This grievance policy is the exclusive means of determining if such an action is in violation of Pacific policy. This policy does not apply to complaints about working conditions, performance, policies, procedures, or problems with co-workers or supervisors. Complaints of this nature are addressed in the Complaint Policy and Procedures.

Grievance Procedure

Only a regular full-time or part-time staff member who has successfully completed his or her new hire introductory period is entitled to use the Grievance Procedure.

Grievances by two or more staff members related to the same incident may be consolidated for purposes of the Grievance Procedure by mutual agreement between the University and the staff members with the grievances.

If it is determined that additional time is required at any step in the Grievance Procedure, Human Resources shall notify the staff member in writing of the need to extend the deadline. This written notification shall include the reason for the extension.

Step 1 – Initial Resolution of Grievance

The staff member with the grievance will discuss the issue with the supervisor responsible for the employment action. A representative from Human Resources may be present for the discussion. This discussion should normally take place within five (5) working days after learning of the action or decision being grieved. The staff member and supervisor shall attempt in good faith to discuss the grievance and resolve it. Where resolution of a grievance is not possible, the staff member may proceed to the next step of the grievance process.

Step 2 – Department Head Review

If the matter is not satisfactorily resolved in Step 1, the staff member may file a written grievance with the head of the department in which the grievance arose within five (5) working days after the initial discussion. If the department head is the staff member's direct supervisor, the written grievance should be addressed to the department head's supervisor. The document should describe the grievance with specific facts, including: the reason for the grievance, personnel involved events, dates, the remedy requested, and other information relating to the grievance. A copy of the grievance should be provided to the Assistant Vice President/Director of Human Resources.

The department head or designee shall provide the staff member(s), supervisor, their own supervisor and the Assistant Vice President/Director of Human Resources a written decision regarding the grievance normally within five (5) working days after completing the review.

Step 3 – Human Resources Review

If the matter is not resolved, the staff member may file an appeal with the Assistant Vice President/Director of Human Resources. This appeal should be filed within five (5) working days of receipt of the department head's decision in Step 2. The written appeal should include the written grievance submitted to the department head in Step 2, the basis for the appeal, and why the department head's decision should be reviewed.

The Assistant Vice President/Director of Human Resources or designee will review the appeal, and meet with the staff member(s), supervisor and others who may have knowledge of the decision or action, as appropriate. The Assistant Vice President/Director will normally review the appeal within ten (10) working days after receiving the written appeal.

The Assistant Vice President/Director of Human Resources shall provide the staff member, supervisor, and department head a written decision regarding the appeal within approximately five (5) working days after completing the review.

Step 4 – Neutral Arbitration

The staff member and the Assistant Vice President/Director of Human Resources will sign a written agreement within fourteen (14) calendar days to initiate the request to proceed with arbitration, and that the arbitrator's decision is final and binding and judgment thereon may be entered in court.

A neutral arbitrator will be selected by mutual agreement of the staff member and the Assistant Vice President/Director of Human Resources. If they cannot agree on an arbitrator, they will request a Rank and Strike list from the American Arbitration Association (AAA). If the Rank and Strike process is unsuccessful, AAA will select an arbitrator from its employment panel of arbitrators experienced in university employment matters. Staff members may learn more about AAA at its website www.adr.org.

The arbitrator will conduct the review according to the Employment Arbitration Rules of AAA. The prevailing party may be entitled to recover fees and costs in the arbitrator's discretion. The arbitrator will determine the dispute and schedule hearings as appropriate.

Within thirty (30) calendar days of completing the hearings, the arbitrator will issue a written decision, which shall be final, binding and conclusive upon the parties. The decision is binding in any state or federal court with jurisdiction.