

APPENDIX A

PROBLEM RESOLUTION & COMPLAINT PROCEDURES FOR EMPLOYEES OF FLORIDA SOUTHERN COLLEGE (Adopted August 2006, Rev. March 2013)

A complaint is defined as the claim of an employee (the “complainant”) that s/he has been adversely affected by a substantial breach or violation of the College’s rules, regulations, and policies as approved by the President and/or the Board of Trustees (the “Standards”). The procedures set forth below provide both informal and formal mechanisms for resolving complaints. They are designed to ensure consistency and fairness in the College’s relations with its employees. No employee’s status within the College will be adversely affected because s/he utilizes these procedures.

These procedures may be invoked by any employee who believes that s/he has been adversely affected by a substantial breach or violation of the Standards, including the College’s policy prohibiting harassment or discrimination in employment based on age, color, disability, gender, marital status, national or ethnic origin, race, religion, veteran status, or any other basis protected by applicable federal, state or local laws.

Because employment at the College is at-will, termination decisions may be challenged under these procedures only where they are believed to be in violation of the Standards. Information regarding forms of harassment may be found in the College’s Anti-Discrimination/Anti-Harassment Policy available from the Human Resources Office, the Employee Portal and on the College’s website at <http://www.flsouthern.edu/policies/notice-of-non-discrimination/just-ask.aspx>.

The policy of the College is to encourage employees to report promptly any perceived violation of the Standards. The College will endeavor to promptly investigate and resolve complaints in an appropriate and timely manner.

Under ordinary circumstances, it is expected that a complaint will be asserted within 10 days of the event about which the complaint is made.

The investigation of an employee’s complaints will be handled in a confidential manner to the extent feasible in light of the need to conduct an investigation. Where appropriate, the College may ask individuals involved in the investigation to respect the confidentiality of the process in order to protect the integrity of the investigation.

Faculty members with a complaint regarding faculty related procedural impropriety should refer to the Faculty Handbook for instruction on how to address the complaint through the Faculty Appeals Board (FAB).

COMPLAINT PROCEDURES

Relationships among people in the workplace involve occasional problems. In most instances all parties will benefit if problems can be resolved promptly, in an atmosphere that encourages cooperative efforts toward an amicable resolution, and without resort to complaint procedures.

For this reason, employees are urged to identify problems and to seek resolution in a cooperative manner whenever possible. Unless the problem arises from the action of the complainant’s supervisor and the complainant believes discussions with his/her supervisor would be futile, initial consultation between the complainant and his/her supervisor is appropriate and encouraged. If the supervisor is involved in the alleged violation and the complainant believes discussions with his/her supervisor would be futile, the complainant should consult the supervisor’s direct manager, Vice President, Provost or Dean within their chain of command.

A variety of approaches may be pursued by the complainant and/or the supervisor, at the option of the complainant, in an effort to resolve the matter. These approaches include but are not limited to the following:

- 1) The complainant may seek, within a one-month period, to resolve the matter directly with the individual(s) whose actions prompted the complaint (the "respondent"). If the complainant does so, the respondent shall, within 7 days, respond to the complainant's concerns in an effort to clarify, interpret, and/or offer a resolution to the matter. Depending upon the circumstances, a written response from the respondent may be appropriate.
- 2) The complainant may seek the intervention of his/her supervisor or, where circumstances warrant, the next highest College supervisor, in resolving the complaint. If s/he does, the supervisor shall, within 7 days, explore the matter and respond to the complainant in an effort to clarify, interpret and/or offer a resolution to the matter. Depending upon the circumstances, a written response from the supervisor may be appropriate.
- 3) The complainant, with the approval of the respondent, may seek the advice and counsel of a third party, whom both parties trust, to explore possible resolutions to the matter.

Should the complaint be resolved during this process, the complainant or other interested party may ask that the Director of Human Resources maintain a confidential record of the complaint and its resolution.

If the complaint cannot be resolved in the above manner, a request can be made for the Director of Human Resources or the Vice President for Finance and Administration, to review the information provided and make a determination on behalf of the College. The Director of Human Resources or the Vice President for Finance and Administration will then provide the written determination to the complainant and the respondent, within 14 days. Written determinations shall be regarded as final.

No Penalty for the Complaint

There will be no discrimination, retaliation and/or penalty, against any employee for his/her part in the presentation of a complaint or participant in the investigation or proceeding.

Records

Appropriate arrangements shall be made in the Human Resources Office for the retention of records of actions that are the result of complaint procedures involving non-faculty employees. All documentation/evidence that is gathered pursuant to the filing of a complaint will be kept in a confidential file and released to appropriate persons only on an "as needed" basis.