

PPSM POLICY 70 COMPLAINT RESOLUTION

LOCAL IMPLEMENTING PROCEDURES

Responsible Unit:	Employee & Labor Relations
Responsible Office:	Human Resources
Issuance Date:	January 9, 2018
Effective Date:	February 1, 2018
Scope:	Professional & Support Staff and Managers & Senior Professionals

I. SUMMARY

UC Santa Barbara's Local Personnel Policies for Staff Members (LPPSM) provide additional guidance and implementing procedures for the Systemwide PPSM. This local procedure provides additional information or procedural steps not included in the corresponding systemwide policy for resolving complaints made by employees in the Professional & Support Staff (PSS) and Managers & Senior Professionals salary grades A-F (MSP A-F) personnel groups pursuant to Systemwide Personnel Policies for Staff Members Policy 70 Complaint Resolution. This procedure should be read in conjunction with the systemwide policy

II. DEFINITIONS

Not applicable.

III. REFERENCES

[PPSM 70 - Complaint Resolution](#)

IV. RESPONSIBILITY

The Director of Human Resources is responsible for administering this procedure, in consultation with the Vice Chancellor of Administrative Services.

V. PROCEDURES TEXT

In general, employees are encouraged to resolve issues informally with their immediate supervisor. However, attempts at informal resolution do not waive time limits to file or appeal formal complaints under this implementing procedure. Such time limits may be

waived only by prior written agreement between the employee, supervisor and Employee and Labor Relations.

- A. Administration of Procedures.** Employee and Labor Relations is the office designated to administer this procedure, including establishing the time limits for filing and appealing complaints, and for official receipt of written complaints and appeals. Pursuant to PPSM 70, Employee and Labor Relations determines whether a complaint is timely, whether its claims are within scope, and whether the complaint qualifies for review through Step II or Step III. Employee and Labor Relations is the office of record for documentation related to all complaints and appeals.
- B. Informal Resolution.** When the employee and the University agree to pursue informal resolution, the University may suspend deadlines during these efforts. Employee and Labor Relations will provide written confirmation to the employee of any suspension of deadlines. If the employee or the University wishes to terminate informal resolution and resume formal processing of the complaint, written notification must be provided to the other party by mail, personal delivery or email. Formal processing of the complaint will resume 10 calendar days after the issuance of such written notification.
- C. Right to Representation.** An employee is entitled to be represented by the person of her/his choice at every stage of the complaint process. When an employee decides to become represented, s/he shall furnish the name, business address, email address and telephone number of the representative in writing to Employee and Labor Relations.
- D. Pay Status.** An employee shall be afforded reasonable time on pay status for actual meeting time to attend meetings convened by the University and to attend hearings under PPSM 70, provided the meeting(s) and/or hearings(s) take place during the employee's regularly scheduled work hours. An employee is required to obtain prior approval from the applicable supervisor(s) for any absences from work. The following shall occur during an employee's non-working hours: preparation of a complaint, preparation for meetings, meetings with a representative, and/or preparation for hearing.
- E. Retaliation.** It is a violation of University policy to retaliate against any employee for using or participating in the complaint resolution process.

VI. COMPLAINT REVIEW PROCESS- ALL COMPLAINTS

At each step of the complaint procedure, the parties are encouraged to resolve the complaint. Employee and Labor Relations is responsible for coordinating all aspects of the complaint resolution process.

- A. Initial Assessment.** An employee's complaint must be filed with Employee and Labor Relations using the form provided in Appendix C. The written complaint must include an original signature and all the information required in PPSM 70, Section V.B. The complaint is considered "filed" on the date and time it is postmarked or the date and time it is personally delivered, faxed or emailed.

1. **Supplemental Information.** An employee may be provided up to an additional 15 calendar days to provide supplemental information required to process a timely filed complaint or appeal, with prior approval of Employee and Labor Relations. If the supplemental information is not provided in the timeframe established by Employee and Labor Relations, the incomplete claims will not be accepted for review.
2. **Consolidation of Complaints.** Multiple complaints regarding or arising out of the same or related action or issues, in the same department, may be consolidated by Employee and Labor Relations into one complaint for review.

B. Sexual Violence and Sexual Harassment Complaints. The review of the Office of the Title IX and Sexual Harassment Policy Compliance Office (Title IX Office) will serve as the Step I response under this procedure. The Title IX Office will send its final report to the employee and Employee and Labor Relations. Employee and Labor Relations will then notify the employee that Step I of this procedure has been completed.

If the employee believes that any of the claims alleged in the complaint are not resolved after issuance of the Step I response, the employee may submit a written appeal to Step II, pursuant to the applicable section of PPSM 70. An employee's request to move the complaint to Step II must be filed with Employee and Labor Relations within 15 calendar days from the date of the notice from Employee and Labor Relations that Step I of this procedure has been completed.

VII. COMPLAINT REVIEW PROCESS – PROFESSIONAL & SUPPORT STAFF

- A. Step I – Formal Review.** If eligible for processing, the employee's written complaint shall be forwarded to the department head by Employee and Labor Relations. The department head may or may not elect to hold a Step I meeting. If a Step I meeting is held, the department head's written response shall issue to the employee within 15 calendar days of the Step I meeting. If a Step I meeting is not held, a written response shall issue to the employee within 15 calendar days of the department head's receipt of the complaint.
- B. Step II – Appeal.** Where eligible, an employee's written request for review of the complaint at Step II must be received by Employee and Labor Relations within 15 calendar days following issuance of the Step I response. Appeals must be received and time stamped in Human Resources during business hours to be considered timely filed. The employee's written request for review must state which claims alleged in the complaint were not satisfactorily resolved at Step I, the reasons the claims were not satisfactorily resolved, and specify the remedy requested. The requested remedy cannot exceed the remedy requested in the original complaint. At the time of appeal, employees must select one of the following options:

1. **Administrative Review.** If eligible for processing, the employee's request for administrative review shall be forwarded by Employee and Labor Relations to the campus divisional Vice Chancellor or designee. The Vice Chancellor or designee may or may not elect to hold an administrative review meeting. If a meeting is held, the Vice Chancellor or designee's written response shall issue to the employee within 15 calendar days of the meeting. If a meeting is not held, a written response shall issue to the employee within 15 calendar days of the Vice Chancellor or designee's receipt of the request for review.
2. **Factfinding.** If eligible for processing, the employee's request for factfinding will be conducted in accordance with the following procedures:
 - a. The department and employee will be notified in writing of the selection of the Factfinder by the Director of Human Resources.
 - b. If either the department or the employee has concerns about a possible conflict of interest on the part of the Factfinder, those concerns must be submitted in writing to the Director of Human Resources within 10 days of the date of written notification of the appointment of the Factfinder. The Director of Human Resources will determine whether an actual conflict of interest exists. If it is determined that an actual conflict of interest exists, a different Factfinder will be appointed pursuant to these procedures.
 - c. The procedures for the campus factfinding process are provided in Appendix A.
 - d. At the conclusion of the factfinding, the Factfinder shall submit a written report to the Vice Chancellor or designee. The factfinding report, with findings of fact regarding the issues in the complaint, must be issued to the Vice Chancellor or designee within 45 calendar days of the appointment of the Factfinder. The Factfinder may request extensions of time to complete the factfinding from Employee and Labor Relations.
 - e. Upon consideration of the employee's written complaint, the employee's request for review at Step II and the Factfinder's report, the Vice Chancellor or designee shall notify the employee and the department head in writing of the Step II decision.
 - f. The Step II decision shall be made within 15 calendar days of the Vice Chancellor or designee's receipt of the Factfinder's written report.

C. Step III Hearing

1. **Request for Hearing.** An employee's written request for a hearing must be received by Employee and Labor Relations within 15 calendar days of issuance of the Vice Chancellor or designee's Step II decision. Requests must be received and time stamped in Human Resources during business hours to be considered timely filed.
2. **Hearing Officer.** The employee may elect to have his/her case heard by either a University hearing officer appointed by the Director of Human Resources, or a non-University hearing officer who will be mutually selected and agreed to in writing by the employee and the Vice Chancellor or designee. The costs for a non-University hearing officer shall be shared equally by the employee and the department.
3. **Conflict of Interest.** If either the department or the employee has concerns about a possible conflict of interest on the part of the hearing officer, those concerns must be

submitted in writing to the Director of Human Resources within 10 days of the date of written notification of the appointment of the hearing officer. The Director of Human Resources will determine whether an actual conflict of interest exists. If it is determined that an actual conflict of interest exists, a different hearing officer will be appointed pursuant to these procedures.

4. **Hearing Procedures.** The procedures for the campus' hearing process are provided in Appendix B.
5. **Written Decision.** At the conclusion of the hearing, the hearing officer shall submit a written decision to both the Vice Chancellor or designee and the employee. The decision of the hearing officer is final and binding on the University and the employee, and concludes the review of the complaint under University policy.

VII. COMPLAINT REVIEW PROCESS- MANAGERS & SENIOR PROFESSIONALS

A. Step I – Formal Review. If eligible for processing, the employee's written complaint shall be forwarded to the department head by Employee and Labor Relations. The department head may or may not elect to hold a Step I meeting. If a Step I meeting is held, the department head's written response shall issue to the employee within 15 calendar days of the Step I meeting. If a Step I meeting is not held, a written response shall issue to the employee within 15 calendar days of the department head's receipt of the complaint.

B. Step II – Appeal. Where eligible, the employee's written request for review of the complaint at Step II must be received by Employee and Labor Relations within 15 calendar days following issuance of the Step I response. Appeals must be received and time stamped in Human Resources during business hours to be considered timely filed. The employee's appeal to Step II must state which claims alleged in the complaint were not satisfactorily resolved at Step I and specify the remedy requested. The remedy requested cannot exceed the remedy requested in the original complaint.

If eligible for processing, the employee's request for review shall be forwarded by Employee and Labor Relations to the campus divisional Vice Chancellor or designee. The Vice Chancellor or designee may or may not elect to hold an administrative review meeting. If a meeting is held, the Vice Chancellor or designee's written response shall issue to the employee within 15 calendar days of the meeting. If a meeting is not held, a written response shall issue to the employee within 15 calendar days of the Vice Chancellor or designee's receipt of the request for review.

C. Step III - Factfinding- Career Employees Only. If the employee selects factfinding, the written appeal must state which claims alleged in the complaint were not satisfactorily resolved at Step I or Step II, the reasons the claims were not satisfactorily resolved, and specify the remedy requested, which cannot exceed the remedy requested in the original complaint.

1. **Factfinder Selection.** The department and employee will be notified in writing of the selection of the Factfinder by the Director of Human Resources.
2. **Conflict of Interest.** If either the department or the employee has concerns about a possible conflict of interest on the part of the Factfinder, those concerns must be submitted in writing to the Director of Human Resources within 10 days of the date of written notification of the appointment of the Factfinder. The Director of Human Resources will determine whether an actual conflict of interest exists. If it is determined that an actual conflict of interest exists, a different Factfinder will be appointed pursuant to these procedures.
3. **Factfinding Procedures.** The procedures for the campus factfinding process are provided in Appendix A.
4. **Factfinder Report.** At the conclusion of the factfinding, the Factfinder shall submit a written report to the Vice Chancellor or designee. The factfinding report, with findings of fact regarding the issues in the complaint, must be issued to the Vice Chancellor or designee within 45 calendar days of appointment of the Factfinder. The Factfinder may request extensions of time to complete the factfinding from Employee and Labor Relations.
5. **Written Decision.** Upon consideration of the employee's written complaint and request for review at Step II and the Factfinder's report, the Vice Chancellor or designee shall notify the employee and the department head in writing of the Step III decision. The Step III decision shall be issued within 15 calendar days of the Vice Chancellor or designee's receipt of the Factfinder's written report. The Step III decision is final and binding and concludes the review of the complaint under UCSB policy.