

 <b>COLLEGE of CENTRAL FLORIDA</b>	<b>COLLEGE of CENTRAL FLORIDA</b>  <b>ADMINISTRATIVE PROCEDURE</b>
<b>Title: Employee Complaints</b>	
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<b>Date Approved/Revised:</b> 6/28/12, 1/21/20	<b>Division: Administration and Finance / Human Resources</b>

College of Central Florida is committed to the fair resolution of employee concerns. The purpose of this procedure is to outline the process for resolving issues of a general nature where an employee has a concern about the College and its operations.

**Grievable Employee Complaint Matters:**

1. Arbitrary or capricious treatment (e.g. an employment decision is (i) arbitrary if not supported by logic or made without regard to facts and circumstances presented; or (ii) capricious if it's made without thought or reasonable basis or in the absence of a rational connection between the facts of the matter and choice made. Arbitrary and capricious decision making typically involves bad faith or the failure to exercise honest judgment).
2. Violations of academic freedom.

**Non-Grievable Employee Complaint Matters:**

These matters are not eligible to be addressed under this procedure and are either addressed by informal dispute resolution or other policies. These matters include and are not limited to:

- a. Allegations of discrimination, harassment or other related misconduct—refer to College Policy 1.03 and its associated administrative procedure.
- b. Job Performance Coaching or Counseling
- c. Annual performance review process or performance improvement plans
- d. Administrative Leaves of Absence or suspension with pay—refer to College Policy 6.11 and associated administrative procedure.
- e. Interpersonal disagreements or treatment that falls short of arbitrary and capricious
- f. Contract non-renewals or decisions pertaining to the award of continuing contract—refer to College Policy 6.11 and Faculty Handbook and related Academic Affair Procedures.
- g. Benefits
- h. Selection or non-selection for a position
- i. Current position classification or re-classification, salary schedule, or salary within schedule

- j. Work assignments or schedules that are within established job descriptions and categories
- k. Assignment of work outside of the scope of the job description
- l. Layoff or proposed layoff
- m. Suspension, resignation or termination—refer to College Policy 6.11 and associated administrative procedure
- n. Requests for discipline of another employee or student
- o. Remedies requested as part of a grievance that are outside the College's scope of authority, ability or control
- p. Voluntary demotions or reductions in pay
- q. Correction of overpayment
- r. College determinations with respect to terminal pay—refer to College Policy 6.15 and associated administrative procedure
- s. Court Related Leave, Military Leave, Personal Leave, Sabbatical Leave, Sick Leave, Temporary Duty Leave, or Vacation Leave--refer to College Policy 6.14 and associated administrative procedures
- t. Allegations of violation of Family and Medical Leave Act (FMLA) rights or retaliation—refer to College Policy 6.14 and associated administrative procedure
- u. A matter that has been resolved using the informal procedure associated with this procedure
- v. A matter that was not reported within the timeframe that is specified in this procedure.

**Procedure:** An employee having a complaint shall follow the steps set forth below.

**Informal:** An employee who has a complaint should report, verbally or in writing, his or her concerns to the immediate supervisor within thirty (30) working days from the date the employee becomes aware of the act or omission giving rise to the complaint. If the nature of the concern involves the immediate supervisor, the employee should report his or her concern to the next level supervisor. The supervisor will attempt to resolve the complaint informally and may request the participation of other College personnel as appropriate in that informal resolution. If the complaint is resolved to mutual agreement of the supervisor, the employee and any other parties concerned, the matter will be considered settled. The informal process should be concluded within forty (40) working days or less of receipt of the complaint, whenever possible.

The investigating supervisor will file a written report outlining the result of the informal complaint to all parties, the Equity Officer, and the President within ten (10) working days of the resolution of the complaint.

**Formal/Appeal:** If the complaint cannot be resolved informally, the employee may petition an appeal

of the decision by submitting a formal written complaint with the Vice President or appropriate supervisor responsible for that department. The Vice President or appropriate supervisor will serve as the lead administrator to investigate the petition. In the event that the complaint is against the Vice President or appropriate administrator, the employee shall petition an appeal to an alternate Vice President designated by the President who will serve as the lead administrator to investigate the complaint. Written complaints must be filed within ten (10) working days after receipt of the informal report. The Vice President or appropriate administrator leading the investigation has sixty (60) working days to complete the investigation of the complaint.

Upon receipt of the formal petition, the lead administrator shall:

1. Notify the President and the appropriate department administrator of the formal complaint.
2. Conduct a prompt and thorough investigation to determine the facts of the complaint. The lead administrator may request the participation of any College personnel determined to be necessary to resolve the complaint.
3. Maintain a record of the investigation and store in a secure area apart from Human Resource files.
4. Prepare a report containing: (1) summary of overall findings of the investigation—including a list of individuals interviewed and documents reviewed; (2) his/her conclusion based on the overall findings; and (3) any action that is to be taken to respond to the petition.
5. Meet individually with the parties involved to discuss the findings and provide a written report.
6. File a written report with the President within ten (10) working days after investigation has been completed.

The decision of the lead administrator shall be final.

### **Retaliation**

It is a violation of College policy to retaliate or take reprisal against any person who has filed a complaint based on the fact that the person raised a complaint to any faculty, supervisor or manager of the College, to any Dean, Vice President, or administrator, to any other person, entity, or human rights agency.

Vice President, Administration & Finance		Date:
Approved by President		Date: