

SYRACUSE UNIVERSITY
POLICIES

Policy Categories

University Governance Ethics, Integrity, and Legal Compliance

Faculty, Teaching, and Research

Academic Rules, Student Responsibilities & Services

Employment, Workplace Rules, Benefits and Governmental Notices

Administrative and Financial

Information Technology

University Facilities, Equipment, and Property

Campus Safety and Emergency Services

Policy Process

Submitting a Proposed New or Revised Policy

Reporting Policy Violations

2015 Approved Policies

Mobile Device Acceptable Use Policy

Purchasing Policy - Printers, Copiers, Multifunction Devices

Office Supply Purchasing Policy

Travel Policy

GIFT POLICY

Other Authoritative Documents

Syracuse University Compact

University Senate Policies

Staff Complaint Process

Scope

Non-bargaining unit staff employees

Policy Statement

This process is intended to resolve complaints arising between University employees and their supervisors.[1] All non-union employees functioning in a supervised or supervisory capacity are subject to this Staff Complaint Process. This includes staff, administrators, and supervisors in their supervised or supervisory capacity.

Staff should have opportunity to express opinions, discuss complaints, and seek information on matters affecting their jobs. All levels of administration are expected to listen to and counsel staff on any work-related concerns raised.

The University encourages complaints to be worked out between the involved parties as much as possible, but provides this Staff Complaint Process[2] for those situations where parties have been unable to reach resolution. This Staff Complaint Process includes an informal procedure that attempts resolution through mediation, and a formal procedure that reaches final resolution by means of hearing panels made up of other staff and supervisors. There is also an appeals procedure.

No staff members shall be subjected to retaliation or adverse treatment for participating in this Staff Complaint Process.

The implementation of the informal and formal procedures contained in this Staff Complaint Process depends on participation by the supervised and supervisory employees covered by this Process. Their contributions to this Process are considered service work to the University. All supervised and supervisory employees covered by this Process are encouraged to participate by contributing their paid time at the University to the implementation of this Process in roles such as mediators, advocates and hearing panel members, defined in Appendix I. Managers and Supervisors are encouraged to support this service work by supporting those who choose to participate.

The following sections of this document describe the policy purpose underlying the Staff Complaint Process, who may use this Process, matters covered under this Process, matters not covered under this Process, the informal and formal procedures involved in this Process, and two appendices. Appendix I provides definitions of terms and of roles of various individuals and groups involved in the implementation of the procedures and additional information on operating guidelines. Appendix II describes additional problem resolution options for staff including a chart. Throughout this document, the employee who is bringing a complaint is referred to as the "Complainant," and the person the Complainant is complaining against is referred to as the "Respondent."

I. Policy Statement

Faculty Manual

Staff Employee Handbook

Student Handbook

Academic Rules

University Senate Bylaws

Emergency Procedures Reference Guide

Campus and Governmental Notices

Policy Submission Flowchart

1.1 Syracuse University is committed to establishing and maintaining harmonious working relationships between supervisors and the employees whom they supervise. Toward that end, this procedure is intended to ensure the prompt and impartial resolution of disputes that have been addressed through supervisory channels but cannot be or have not been satisfactorily resolved.

1.2 A staff member may bring a support person to any or all of the meetings related to addressing a work-place problem. The support person cannot be an attorney. Staff Advocates (Appendix I), who are trained in conflict resolution techniques, are available as resources for Complainants to provide support and guidance throughout the entire process. As another option, the Complainant may choose his/her own support person instead of a Staff Advocate. The Complainant and the Respondent may also seek process assistance from the Human Resources Office. Contact the Staff Complaint Coordinator for more information at 443-1914.

1.3 If the unresolved dispute involves disciplinary action, the supervisor is not precluded from utilizing the University's discipline policy while waiting for the dispute to be resolved. Nothing in this procedure is intended to limit the University's right to manage and direct its work force and operations, including the University's right to adopt or alter any rule, policy or practice with advance notice.

1.4 Supervision of the Staff Complaint Process is the responsibility of the Associate Vice President-Chief Human Resources Officer, Human Resources with oversight responsibility by the Sr. Vice President, Human Services & Government Relations. The Diversity and Resolution Processes unit of Human Resources is responsible for the implementation of the Staff Complaint Process.

1.5 The Staff Complaint Process is subject to change from time to time and will be subject to periodic review and modification.

II. Who May Use This Process

This process is intended to resolve complaints arising between University employees and their supervisors.[3] All non-union employees functioning in a supervised or supervisory capacity are subject to this Staff Complaint Process. This includes staff, administrators, and supervisors in their supervised or supervisory capacity.

III. Matters Covered Under This Process

This Process applies to complaints based upon actions, events, circumstances, or conditions that adversely affect the welfare or terms and conditions of employment of a staff member or a group of staff members, as specifically defined below:

3.1 Disciplinary actions, including documented verbal warnings, written warnings, suspensions and dismissals, in which the Complainant alleges that the Respondent acted inappropriately (e.g. disciplined too severely; violated University policy in the disciplinary action) or that the Complainant alleges he or she was not guilty of the offense of which accused.

3.2 Alleged violation of a specific University rule, policy or practice.

3.3 Acts of retaliation or reprisal against Complainant as a result of using this Process.

3.4 Acts of retaliation against witnesses or those giving information during the complaint procedures or other University proceeding.

3.5 Termination of employment of regular status employees.

3.6 Employees who wish to challenge an action or directive from supervision or management are required to first carry out the directive and later challenge it through this resolution Process.

IV. Matters Not Covered Under This Process

4.1 Acts of sexual harassment and discrimination on the basis of race, color, religion, age, disability, national origin, sex, or sexual orientation or other bases prohibited by applicable New York state or federal law.

4.2 Issues related to performance evaluation, or letters summarizing discussion or understanding unless the employee proves preliminarily the communication to be arbitrary and capricious. The phrase "arbitrary and capricious" describes an action or decision that is made without cause or without consideration of an objective standard, and is therefore totally subject to the whim or pleasure of the person or party in power.

4.3 Evaluations and termination during a probationary period.

4.4 Contents of University policies, procedures, and rules.

4.5 Certain managerial decisions or actions are excluded from this Process unless the Complainant can prove preliminarily the action to be arbitrary and capricious, including:

a. termination, lay-off, demotion, suspension, reduction in the workforce, job abolishment, or release from the University as a result of a lack of work or a declaration by the University of financial exigency;
b. termination of a restricted fund position due to cessation of funding;
c. the publishing of reasonable policies, rules or regulations;
d. decisions concerning the planning, direction or control of the University's operations;
e. introduction of new or improved methods or facilities;
f. the introduction of technological improvements;
g. the installation or removal of equipment;
h. creating, combining, splitting or abolishing jobs;
i. changing the number of employees working in a classification;
j. scheduling the workforce;
k. transferring employees; reassignment;
l. position classification and salary decisions

4.6 Other decisions or actions which involve the selection of methods, means or personnel by which the University's mission or activities are to be carried out unless the Complainant can prove preliminarily the action to be arbitrary and capricious.

4.7 Employee disagreements with other employees. Complainant can call upon the appropriate resources, including the HR's Diversity and Resolution Processes unit, Faculty and Staff Assistance Program (FSAP), or PARC (Program for the Analysis & Resolution of Conflicts) in the Maxwell School (see Appendix II, *Additional Problem Resolution Options*).

V. Before Initiating Staff Complaint Process

A cornerstone of any problem resolution process is discussion between staff members and their immediate supervisors. Staff are encouraged to seek resolution of disputes through the supervisory processes whenever possible in advance of filing a complaint. In most instances this will include attempts to resolve the issue(s) with the participation of the individual's immediate supervisor, (e.g. Manager, Director, Dean or equivalent). Employees or supervisors desiring information about the institution's policies, practices, benefit entitlements and basic legal issues may call upon the Diversity and Resolution Processes unit of Human Resources. The Diversity and Resolution Processes unit may be asked for assistance and/or to attend a meeting upon the request of either party. The Staff Complaint Coordinator (see Appendix I, page 10) is also available to discuss alternative options in a confidential setting.

Procedures

The Staff Complaint Process consists of (1) an informal procedure involving mediation, followed by (2) a formal procedure involving a Hearing Panel, and if necessary (3) an appeals procedure involving a Review Panel. An attempt at resolution through the informal procedure (mediation) usually precedes access to the formal procedure (a hearing panel), with one exception. Employees who wish to grieve a termination from employment with the University is the one exception that bypasses the informal procedure and moves directly to the formal procedure. These employees must contact the Staff

Complaint Coordinator within 10 business days of receiving written notice of termination, and complete a Request for Hearing Form, in order to pursue their complaint through the formal procedure.

I. Informal Procedure

The informal procedure focuses upon mediation, and involves direct communication (generally in the form of meetings) between the Complainant, the Mediator (Appendix I, page 11) and the Respondent.

- To begin the informal procedure, an employee should contact the Staff Complaint Coordinator, who will assist with the process throughout the life of the Complaint. The employee must make this contact within 10 business days of an incident or situation that he/she believes may be brought under this process. The date of contact establishes the start date of the informal procedure.
- If the Staff Complaint Coordinator judges preliminarily that the complaint is outside the jurisdiction of this Process, a trained Special Panel (Appendix I, page 14) consisting of a member from Human Resources plus two staff members, one of whom is supervisory, will be contacted to decide whether there is jurisdiction or not. If the panel determines there is jurisdiction, the complaint will be heard. If the panel determines that there is no jurisdiction, the Staff Complaint Coordinator will notify the Complainant of the existence of other alternatives, if any, for recourse. Jurisdictional decisions should be determined within two days.
- If the complaint is determined to fall within the jurisdiction of this Process, the Complainant must then file a Notification of Complaint Form, which will be provided by the Staff Complaint Coordinator within two days of confirming jurisdiction.
- The Complainant must choose a Staff Mediator, with the assistance of the Staff Complaint Coordinator. Staff Mediators are not advocates and do not judge the merits of a complaint. They act only to do fact-finding, facilitate attempts at resolution of the problem, and help staff members involved understand the Staff Complaint Process. The Complainant is also encouraged to obtain a Staff Advocate or other support person (not an attorney) for help and support throughout this process.
- The mediator may determine at some point that resolution of the issue will be assisted by involving up to two additional levels of management. When there are more than three levels of management in the management chain (including the Respondent), to expedite matters Human Resources will determine which two levels of management should be involved.
- At any point during the informal process the Complainant may indicate that he or she wishes to terminate the process by signing a Complaint Termination Form, which is obtained from (and returned to) the Staff Complaint Coordinator or the Staff Mediator.
- The entire informal procedure should take no more than twenty (20) business days from the start date. If there is no resolution at the end of that period, on the 21st day the Complainant may: 1) elect to close the complaint and terminate the process; or 2) request an extension if resolution of the complaint is a likely result of the extension or if delays were caused by the unavailability of any of the parties involved in the process; or 3) request initiation of the formal procedure. The Complainant has the option to consult with staff in Human Resource's Diversity and Resolution Processes Unit for assistance in determining the best course of action. The Staff Complaint Coordinator will ensure the Complainant is fully informed of the time constraints and of the options open to him or her.
- If the 21st day passes without the Complainant having indicated how he or she would like to proceed in terms of the three choices noted above, the complaint will automatically be terminated. The Staff Complaint Coordinator must notify the Complainant and Respondent in writing of the automatic termination of the complaint. All paperwork (e.g. mediator's assessment) will be submitted to the Staff Complaint Coordinator at that time.
- Any complaint that is terminated, either at the request of the Complainant or as a result of automatic termination may not be reopened within the Staff Complaint Process, although the

Complainant may pursue resolution by working directly with the Diversity and Resolution Processes staff and the supervisor.

II. Formal Procedure

- The Complainant may begin the formal procedure by filing the Request for Hearing form with the Staff Complaint Coordinator. The Complainant may request the help of the Mediator and/or the Staff Advocate to complete this form. The Request for Hearing form must be filed within: 1) five business days from the time an employee has completed the informal process; or 2) ten business days following the termination of a regular status employee.
- The Staff Complaint Coordinator will draw the Hearing Panel Chair from the Pool of Potential Panelists, Advocates and Mediators (hereafter referred to simply as the Pool). If the drawn person is unavailable, the Staff Complaint Coordinator will draw another name from the Pool until an available Hearing Panel Chair is found. The Staff Complaint Coordinator will forward the completed Request for Hearing form to the Hearing Panel Chair, with a copy to the Respondent(s).
- Within five business days of the filing of the Request for Hearing form, the Staff Mediator who took the issue through the informal procedure shall file with the Chair of the Hearing Panel, a written, factual account of the steps taken to attempt informal resolution of the complaint. The Hearing Panel Chair will send this account to both Complainant and Respondent(s) within two business days.
- The Hearing Panel Chair will promptly set a date for a hearing that will occur within ten business days of the Chair's receipt of the Request for Hearing form, unless there are extenuating circumstances.
- No later than five business days before the hearing date, the Hearing Panel Chair will inform the parties of the identity of the Panel members and the parties' right to request disqualification of any member (including the Chair) for cause, defined as a personal interest or involvement that would interfere with the member's ability to objectively and impartially consider the complaint. Parties will have 48 hours to object to any panel member. The decision to disqualify Panel members shall be at the discretion of the Panel Chair, whose decision shall be final. If the challenge is directed to the Chair's participation, any jurisdictional rulings and the disqualification decision shall be resolved by the two remaining Panel members whose decision shall be final.
- The Staff Mediator who served during the informal procedure, and the Staff Advocate (or other support person) for the Complainant and/or Respondent may attend the hearing without voice.
- The Staff Complaint Coordinator assures the timely submission of the parties' documents and witness lists and distributes them to the parties no later than five business days before the scheduled hearing. The Panel shall conduct the hearing in accordance with this policy and such other procedures as may be adopted by the Panel. Human Resources will support the panels by providing models for the panelist to consider.
- Following consultation with the Panel, the Hearing Panel Chair will issue a written decision within ten business days of the close of the hearing. The decision will be as determined by a Panel majority and shall be based upon a preponderance of evidence. The decision shall contain findings, conclusions, rationale, and recommendations for action.
- The Hearing Panel Chair will forward a copy of the hearing decision and written comments to the Associate Vice President, Human Resources. The Associate Vice President can either confirm the decision, or return it once to the panel, within five business days of receipt, for further review. In the event the Associate Vice President returns the decision for further review, the Panel shall then have five business days to review it and return its final decision to the Associate Vice President.

- In the event the Associate Vice President, Human Resources, or a member of his supervisory staff, is a Respondent in the complaint, the Chancellor's Review Board (Appendix I, page 15) will act in the role of the Associate Vice President to confirm Hearing Panel decisions or return them for review.

- The Associate Vice President, Human Resources will issue to all parties in writing the disposition of the complaint within five business days of receipt of the final decision, along with any accompanying materials. The Complainant and Respondent's communication will be sent signed receipt requested to confirm date of receipt in case of appeals.

III. Appeals Procedure

- Either party may appeal a decision of the Hearing Panel in writing within five business days following signed confirmation of receipt of the Panel's written decision. All appeals must be authored and signed by the person submitting the appeal (either the Complainant or Respondent) and be given to the Staff Complaint Coordinator who will provide all other parties with a copy of the appeal, and offer the opportunity for the opposing party (either the Complainant or Respondent) to respond in writing within five business days.

- Appeals must be based on one or more of the following:

    1. New evidence not reasonably available at the time of the original hearing, the absence of which can be shown to have had a detrimental impact on the outcome of the hearing.
    2. Procedural error that can be shown to have had a detrimental impact on the outcome of the hearing.
    3. Errors in the interpretation of University policy so substantial as to deny either party a fair hearing.
    4. Grossly inappropriate sanction having no reasonable relationship to the charges.

- The Staff Complaint Coordinator will randomly draw a three member Review Panel from the Pool to determine whether the criteria for appeals has been met and to determine what process should be used to resolve the matter.

- The Review Panel may rehear cases or limit the proceedings to the specific issue(s) outlined in the appeal. The decision may be affirmed or overturned, the sanction may be altered up or down, or the case may be returned to the Hearing Panel for additional process.

- The Review panel will make its decision in the matter within five business days of being impaneled or the close of a new hearing. The decision will contain findings, conclusions, and rationale, and a copy will be forwarded to the Associate Vice President, Human Resources. The Associate Vice President can either confirm the decision, or return it once to the Review Panel, within five business days of receipt, for further consideration. In the event the Associate Vice President returns the decision for further consideration, the Review Panel shall then have five business days to review it and return its final decision to the Associate Vice President.

- The Associate Vice President, Human Resources will forward the Review Panel's decision to all parties. The Review Panel's decision is the University's final action on the complaint. At the conclusion of the Formal Process, the Associate Vice President, Human Resources or Chancellor's Review Board will forward all materials to the Staff Complaint Coordinator. The Complainant will have at this point exhausted the available internal avenues.

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[1] Faculty are included only when serving in a supervisory capacity and a decision made impacts a staff member who makes a complaint (see Section III).

[2] Some language in this policy was adapted and modified from a similar policy at the University of Vermont.

[3] Faculty are included only when serving in a supervisory capacity and a decision made impacts a staff member who makes a complaint (see Section III).

APPENDIX I

Definitions of Roles and Operating Guidelines

Definitions of Roles:

Staff Complaint Coordinator

The Staff Complaint Coordinator is an HR administrator whose duties include the general administration of the Staff Complaint Process, including the maintenance of all records, monitoring of deadlines, statistical reporting of results and execution of all responsibilities described in the Staff Complaint Process including:

1. Inform the Complainant and Respondent of their rights and responsibilities under the Staff Complaint Process.
2. Discuss with the Complainant and Respondent their options under the workings of the Staff Complaint Process.
3. Attempt to ensure that the Respondent fully understands the allegations against him or her.
4. Attempt to clarify for all parties the procedures to be followed by the Staff Complaint Process in the hearing and deciding of the case.
5. Respond to questions and concerns regarding the Staff Complaint Procedure, and refer staff members to the sources.
6. In consultation with the Associate Vice President, Human Resources, coordinate the selection, training, activities, and replacement of Staff Advocates, Staff Mediators and Hearing Panel members, using appropriate University and external resources. Verify that Pool members have discussed with or notified their supervisor of their intent to serve.
7. Address and resolve problems and issues relative to this procedure.
8. As needed or as directed, develop and/or update related materials such as educational brochures, procedural instructions, etc. for Staff Advocates, Staff Mediators, Hearing Panel and staff.
9. Maintain and keep track of all Complaint data and confidential records for Staff Mediators.
10. Schedule and conduct regular meetings with Staff Mediators.
11. Develop and maintain a record system that tracks all inquiries regarding the Staff Complaint Process, all complaints, including the final disposition of complaints as well as progress in the implementation of decisions reached. The Coordinator will submit an annual utilization report to the Senate Committee on Services to Faculty and Staff.
12. In coordination with the Hearing Panel Chair, schedule hearings and other related meetings with the Hearing Panel.
13. Provide administrative support and necessary materials for all aspects of the procedure.
14. Contact supervisors to inform them of the time needed by staff members to participate in the Staff Complaint Process.
15. Disseminate information regarding the procedure to the University community.
16. Assist and coordinate training sessions for supervisory personnel as necessary.

Pool of Potential Panelists, Advocates and Mediators

All advocates, mediators, and panelists are employees covered by this policy who contribute their paid time at the University, serving to implement this Process. The Pool consists of individuals who have been employed at the University for at least three years, are in good standing at the time of appointment and have no disciplinary actions pending or made part of their personnel file that would indicate it would be inappropriate for them to serve in this capacity. Generally disciplinary actions older than two years will not be considered, but Human Resources reserves the right to go beyond the two years. It is desirable that these individuals be drawn from diverse areas across the University. The Senior Vice President for Human Services and Government Relations shall appoint Pool members for a term of two years following a validation process undertaken by the Associate Vice President, Human Resources in coordination with the Staff Complaint Coordinator. Initial terms of Pool members will be staggered to begin on alternate years. Pool members may reapply to serve additional terms. Prior to the beginning of their two-year terms Pool members will be required to undertake a training period

appropriate for their role. Staff will be given reasonable release time from their normal duties to perform these services and will continue to be paid as usual.

Staff Mediator

The Complainant will draw the Mediator from the Pool of Potential Panelists, Advocates and Mediators. The Staff Mediator's responsibilities include:

1. Upholding the neutrality of the Staff Complaint Process.
2. Meeting with and assisting any staff member (including Complainant and Respondent) with any complaint issue to analyze her or his concerns.
3. Creating a forum for communication among the employees involved.
4. Facilitating the informal resolution of complaints through discussion and mediation. To accomplish this, the Office of Human Resources shall ensure that the Staff Mediator has access to and cooperation from all appropriate administrative personnel.
5. Keeping a written record of all attempts at informal resolution.
6. If the Complainant requests a formal hearing, the Staff Mediator shall file with the Staff Complaint Coordinator a written factual account of the informal steps taken to resolve the complaint. The Staff Complaint Coordinator will provide a copy of this report to the Chair, members of the Hearing Panel, Complainant and Respondent.

Staff Advocates

The Complainant selects the Staff Advocate from the Pool of Potential Panelists, Advocates and Mediators. Responsibilities of Staff Advocates include:

1. Maintaining the integrity of the process as well as the interests of the Complainant.
2. Assisting any staff member who may request help from a Staff Advocate in analyzing her/his concerns.
3. Serving as a support person for the Complainant.
4. Attending any meetings or interviews undertaken as part of the Staff Complaint Process, with voice.
5. The Staff Advocate may, if requested by the Complainant, accompany him/her to the hearing before the Staff Complaint Hearing Panel and may serve as an advocate without voice at the hearing. A Complainant has the option of choosing his/her own support person in place of a Staff Advocate. This support person cannot be an attorney.

Staff Complaint Hearing Panel

A Hearing Panel consists of three members, including the Chair, and is drawn by the Staff Complaint Coordinator from the Pool of Potential Panelists, Advocates and Mediators. For the purposes of a hearing, a quorum shall be three members, including the Chair. If the Pool is representative of all employee groups (non-exempt, exempt, supervisory), one name will be drawn from a subset of the Pool of people in a similar employment situation as the complainant, and one name drawn from a subset of the Pool of people in a similar employment situation as the respondent.

Responsibilities of a Hearing Panel include:

1. Satisfying itself that all relevant evidence is presented, and that neither the Complainant nor the Respondent(s) has been denied a fair and impartial hearing.
2. Participating in orderly, objective and fair hearings that are based on factual information that precludes discussions with the parties outside of the hearing.
3. Maintaining a verbatim taped record of the hearing, confidential insofar as permitted by law.
4. Concluding each hearing as expeditiously as possible, and issuing a comprehensive decision including a determination of the facts of the case, an interpretation of those facts, and promulgation of appropriate recommendations. Voting will be based upon a simple majority of those present and voting. Dissenting members may choose to provide written dissenting opinions, and are encouraged to do so.

Hearing Panel Chair

The Chair of the Hearing Panel shall be drawn by the Staff Complaint Coordinator from the Pool of Panelists, Advocates and Mediators, and must receive training as a hearing officer. The Chair's responsibilities include those specifically described in the Staff Complaint Process and include:

1. Conducting orderly, objective, and fair hearings which precludes discussions with the parties outside of the hearing.
2. Serving as the sole conduit for communication between the Hearing Panel and parties to a specific case, except under extenuating circumstances when the Chair must make alternative designations.

Review Panel

The Review Panel hear appeals and consists of three people who are drawn from the Pool of Panelists, Advocates and Mediators by the Staff Complaint Coordinator. For the purposes of a hearing, a quorum shall be three members, including the Chair. If the Pool is representative of all employee groups (non-exempt, exempt, supervisory), one name will be drawn from a subset of the Pool of people in a similar employment situation as the complainant, and one name drawn from a subset of the Pool of people in a similar employment situation as the respondent.

Responsibilities of a Review Panel include:

1. Determining whether the grounds for appeal have been satisfied and whether further process is necessary to resolve the appeal.
2. Making a decision within ten business days based on the written submission, or indicating in writing what further process is necessary for final resolution.
3. Satisfying itself that all relevant evidence is presented, and that neither the Complainant nor the Respondent(s) has been denied a fair and impartial hearing.
4. Re-hearing cases or limiting the proceedings to the specific issue(s) outlined in the appeal; affirming or overturning the original decision; altering the sanctions up or down; or returning the case to the hearing panel for additional process.
5. Concluding each review as expeditiously as possible, and issuing a comprehensive decision including a determination of the facts of the case, an interpretation of those facts, and promulgation of appropriate recommendations. Voting will be based upon a simple majority of those present. Dissenting members may choose to provide written dissenting opinions, and are encouraged to do so.

Review Panel Chair

The Chair of the Review Panel shall be drawn by the Staff Complaint Coordinator from the Pool of Panelists, Advocates and Mediators, and must receive training as a hearing officer. The Chair's responsibilities include those specifically described in the Policy and also:

1. Conducting orderly, objective, and fair reviews, including hearings which preclude discussions with the parties outside of the hearing.
2. Serving as the sole conduit for communication between the Review Panel and parties, except under extenuating circumstances when the Chair must make alternative designations.

Special Panel

A three-member Panel, comprising an Human Resources representative, and two staff members, one of whom is supervisory outside of the Complainant's area. Staff representatives will be drawn from the Pool of Panelists and the Human Resources representative will be selected by the Associate Vice President, Human Resources. This Special Panel is charged with determining whether there is jurisdiction for the complaint in this Staff Complaint Process, including whether a managerial act appears arbitrary and capricious, and should therefore be allowed into this Process.

Chancellor's Review Board

A three-member board appointed by the Chancellor, comprising vice presidents and other senior administrators outside of the complainant's area to confirm or return decisions in cases where the Associate Vice President for Human Resources or a Human Resources supervisor is the Respondent due to a decision he or she made.

Associate Vice President, Human Resources

The Associate Vice President, Human Resources is charged with the responsibility of the Staff Complaint Process, including:

1. Assisting and securing a fair and impartial resolution of each complaint handled through the Staff Complaint Process.
2. Coordinating support and advisory resources for the Staff Complaint Process.
3. Directing the data collection activities associated with the Staff Complaint Process.
4. Validating that Pool members meet the established criteria for participation as mediators, advocates, and panelists.
5. Providing training and education for members of the University community who participate in the Staff Complaint Process.

Operating Guidelines:

Assistance for the Respondent

The Respondent may seek the assistance of the Human Resources Office in preparing to respond to a complaint and may seek the support of a peer to support her/him without voice at a complaint hearing.

Request for Hearing Form

An employee begins the formal procedure by filing a Request for Hearing form with the Staff Complaint Coordinator. An employee may obtain help in preparing the written complaint from the Staff Mediator or a Staff Advocate of his or her choice.

The form will include the following information:

1. The names, position, and employing unit of the Complainant(s);
2. The name, position, employing unit, and business telephone number of the Respondent(s);
3. The names of the Staff Mediator and Staff Advocate involved in the informal procedure.
4. A clear and concise statement of the nature of the complaint including brief statement of facts concerning the complaint, including when the incident or situation leading to the complaint occurred;
5. The jurisdictional basis;
6. The relief or remedy requested;
7. The date of filing of the complaint; and
8. The Complainant's signature

Timeliness

The time periods prescribed in the Staff Complaint Process are intended as guidelines to which all are expected to adhere diligently and in good faith. Officials responsible for the administration of the Staff Complaint Process retain the prerogative to exercise reasonable discretion to extend or waive deadlines when necessary or appropriate.

Confidentiality

The Staff Complaint Process will be conducted in confidence, to the extent allowed by law. All parties to the process are bound by confidentiality and will not share information about complaints except with those persons who, in the sound discretion of the Staff Mediator, have a legitimate need to know.

Maintenance of Records

The Staff Complaint Coordinator will maintain all records and evidence in confidential files according to statutory obligations. Such documents will not be placed in employee personnel files unless the Panel's decision is that a letter be placed in the file. Disciplinary sanctions imposed against a Respondent as a result of a complaint are confidential personnel matters, but they may be disclosed to the Complainant upon specific direction of the University official having final responsibility for the matter.

Retaliation

Retaliation against individuals who initiate staff complaints or cooperate with the investigation or other disposition of staff complaints is contrary to University policy. Retaliatory behavior is itself a form of misconduct that may form the basis for disciplinary action.

Compliance with Panel Decisions

Panel decisions are Institutional (University) decisions and failure to comply with them may lead to serious disciplinary actions.

Service to the University by Pool Members

Under normal circumstances the University will expect supervisors to grant the needed time to Pool members for service in this University Process. In unusual circumstances supervisors may contact the Associate Vice President, Human Resources to discuss special needs to excuse a member's participation.

APPENDIX II

Additional Problem Resolution Options

Differences, tensions and conflicts are inevitable in the workplace. How they are managed is the benchmark of productive workplaces. In addition to this Staff Complaint Process, there are many avenues for staff who work at Syracuse University to address work related issues. Below is a list of some of the resources available. SU employees are encouraged to address their concerns early.

It is expected that University staff members shall be fully informed about policies and procedures affecting them. Staff should have opportunities to express opinions, discuss complaints, and seek information on matters affecting their jobs. All levels of administration are expected to listen to and counsel staff on any work-related concerns raised. No employees shall be subjected to retaliation or adverse treatment for participating in any problem resolution process.

Supervisory Process: In most instances, disputes should initially be addressed within the supervisory structure before proceeding to other avenues for resolution.

Diversity and Resolution Processes: The Human Resources Office assists staff to help solve problems and answers questions that relate to their work environment, SU policies and procedures, and other job-related concerns. The Diversity and Resolution Processes staff is available upon request to work with both individual staff members and Supervisors University-wide. They may be consulted whether or not the Staff Complaint Process is utilized. Telephone 443-5464 and 443-1520.

Faculty and Staff Assistance Program (FSAP): This program offers confidential assessment, counseling, and referral services for a variety of personal and/or job related problems. Telephone 443-1087.

Affirmative Action and Equal Opportunity unit: The Affirmative Action and Equal Opportunity (AA/EO) unit of Human Resources implements the procedural guidelines for handling discrimination and harassment complaints. The purpose of those guidelines is to ensure that discrimination complaints, including unlawful harassment, are handled promptly and effectively and in a manner procedurally fair to all parties. Complaints of sexual harassment and acts of discrimination based on race, color, religion, national origin, sex, sexual orientation, disability, age or status as a disabled or Vietnam-Era

Veteran are directed to the Associate Vice President, Human Resources or the Director of Diversity and Resolution Processes.

Employee disagreements with other employees: Complainants can call upon the appropriate resources, including the Diversity and Resolution Processes unit, Employee Assistance Program, or PARC (Program for the Analysis & Resolution of Conflicts) in the Maxwell School.

Policy Administration

- Human Resources

Links to Procedures and Related Information

- Processes or Resources Available to Assist Employees

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For technical assistance contact supolicy@syr.edu