COMPLAINTS AGAINST EMPLOYEES

Any person (student, faculty, or staff) who has a complaint against a College employee must be able to communicate the complaint with confidence that it will be heard and acted upon appropriately – without risk of retaliation. Any person with a complaint about an employee's conduct shall schedule a time to meet and discuss the complaint with the particular employee. Informal resolution of concerns is permitted at this stage. If, however, the person does not feel the complaint has been redressed or feels uncomfortable speaking privately with the employee, they should speak with the employee's immediate supervisor. The supervisor shall request a written account of the incident(s) and then identify the nature of the complaint to assess what action is needed.

Options That Must Be Considered Include

- notification of the employee about whom the complaint is made;
- the possibility of misinformation or miscommunication;
- review of existing college policy (eg., academic grievance, sexual harassment, etc.) with immediate referral to the designated College official;
- consultation with the President's legal advisor if legal implications exist;
- a meeting with the employee about whom the complaint is made;
- a mediated/facilitated meeting with the complainant and the employee;
- further investigation by the supervisor;
- no action because the complaint has no basis in fact, insufficient information is available, the matter has otherwise been resolved, or the employee acted correctly (which should be explained to the complainant); and
- discipline of the employee, if warranted.

The supervisor's finding(s)/action(s) shall be communicated – as privacy laws permit – to the complainant in writing. If the complainant is dissatisfied with the outcome, s/he may take the complaint to that person's supervisor and so on. The President's decision is final. All actions and/or findings shall be internally documented, including justification; however only disciplinary findings shall be noted in the employee's personnel file.

Allegany College of Maryland
EMPLOYEE COMPLAINT / MISCONDUCT RESOLUTION

Complainant:_____ **Phone #: (_____) _____-**

_____

Complaint Received on _____/_____/_____ by

_____

Employee about whom complaint is made:

_____

STEP ONE

Has Complainant already communicated the complaint to that employee? No / Yes / not applicable

→ If not, why not?

→ If so, why is the Complainant dissatisfied with the outcome?

Is the complaint in writing? No / Yes → attached
(NOTE: Complaints made directly to the employee *may* be verbal; all other complaints must be in writing.)

STEP TWO

Brief Description of

Complaint_____

_____

_____

_____

_____

_____

_____

Are any College policies implicated? (eg., academic grievance, sexual harassment, etc.) No / Yes

→ If so, refer complaint/Complainant to the appropriate College official. *This matter is closed.*

Are any legal issues involved? No / Yes

→ If so, notify Legal Assistant to the President immediately.

Is the complaint based on **in**accurate information? No / Yes

→ If so, obtain and provide the accurate information to the Complainant. *This matter is closed.*

Is the complaint simply a matter of miscommunication? No / Yes

→ If so, clarify for the Complainant and Employee. *This matter is closed.*

STEP THREE (if applicable)

[ ] Notify Employee that complaint has been made.

[ ] Schedule a facilitated/mediated meeting* between Complainant and Employee. Document outcome.

*There may be occasions when such a meeting is ill-advised (eg., pending lawsuit, fear/hostility, etc.). If so, be sure to note.

[ ] Conduct further investigation (eg., interview witnesses, obtain documentation). Specify.

STEP FOUR – FINAL RESOLUTION

[ ] No action taken at Complainant's request. Have Complainant sign here: _____

[ ] No action taken for reasons indicated above (ie, referral, misinformation, miscommunication).

[ ] No action taken because complaint has no basis in fact (ie., complaint cannot be reasonably proven).

[ ] No action taken because the Employee acted correctly.

[ ] Employee and Complainant were able to resolve the complaint themselves. Describe.

[ ] Disciplinary Action imposed: oral warning / written reprimand / suspension / dismissal

→ Appealed to _____

Official attaches a copy of this form to a new, blank form which tracks the appeal.

STEP FIVE – NOTIFY COMPLAINANT OF RESOLUTION

Informal resolutions between Complainant and Employee may be communicated verbally. All others must be written. Complainant may be told that "disciplinary action was imposed" but **not** what type of disciplinary action.