

EMPLOYEE COMPLAINT / MISCONDUCT

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 how an employee has conducted himself/herself in word or deed in his/her capacity as an employee of the College shall schedule a time to meet and discuss the complaint/concern with the particular employee. Informal resolution of concerns is permitted at this stage. If, however, the person does not feel his/her complaint has been redressed OR feels uncomfortable speaking privately with the employee, s/he 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/ies (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. (See the Employee Handbook's disciplinary policy for details on this process.)

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.

45 Allegany College of Maryland
46 **EMPLOYEE COMPLAINT / MISCONDUCT RESOLUTION**
47

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

49 **Complaint Received on** ____/____/____ **by** _____

50 **Employee about whom complaint is made:** _____

51 **Step ONE**

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

53 → If not, why not?

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

55 Is the complaint in writing? No / Yes → attached

56 (NOTE: Complaints made directly to the employee *may* be verbal; all other complaints must be in writing.)

57 **Step Two**

58 Brief Description of Complaint _____

59 _____

60 _____

61 _____

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

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

64 Are any legal issues involved? No / Yes

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

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

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

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

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

70 **Step Three (if applicable)**

71 [] Notify Employee that complaint has been made.

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

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

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

75 **Step Four – Final Resolution**

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

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

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

79 [] No action taken because the Employee acted correctly.

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

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

82 → Appealed to _____

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

84
85 **Step Five – Notify Complainant of Resolution**

86 Informal resolutions between Complainant and Employee may be communicated verbally. All others must be written.

87 Complainant may be told that "disciplinary action was imposed" but **not** what type of disciplinary action.