

PROCEDURE

<u>Subject</u>	Employee Conflict Resolution	Number: 1.14.03
Source	Human Resources	Reference (Rule #) 6HX14-1.14.03
President's Approval/Date: 10/18/11		

A. Definition:

For purposes of this process a “conflict” or “complaint” is defined as the allegation by an SCF employee of unfair treatment; a violation of official rules, policies, regulations and procedures; or a violation of federal and state laws, affecting the employee’s terms and conditions of employment.

B Purpose:

State College of Florida strives to maintain a professional work and academic environment where all students, staff, faculty and other members of the collegiate community are treated with respect and dignity. The goal of the college is to provide an academic and institutional climate that is conducive to learning and working productively. To that end, the purpose of the Employee Conflict Resolution Procedure is to:

1. Provide employees a complaint mechanism for the employee’s perceived violation of College rules, policies and procedures;
2. Assure employees that there will be no retaliation for filing a good faith complaint under this procedure.
3. Provide employees with:
 - (a) Assurance that policies are applied consistently and equitably;
 - (b) An effective method to present concerns to administration for resolution internally.
 - (c) A complaint process that provides a prompt, thorough and impartial investigation.
 - (d) Resolution at the lowest level possible.
 - (e) A mechanism to encourage employees to report workplace problems.

(f) Assurance that confidentiality will be maintained to the extent possible within legal requirements.

(g) Assurance that prompt and appropriate corrective action will be taken when it is determined that unfair treatment or violation of policy has occurred.

C. Policy:

Problems, misunderstandings and frustrations may arise in the workplace. Any regular full or part-time employee who is confronted with a problem has various means available for resolution or clarification of the issue involved. Employees are encouraged to direct their concerns to the person with whom their complaint exists informally. However, in the event that these efforts fail, the following are the guidelines and procedures for filing a formal complaint.

D. General Guidelines:

- 1.) This procedure is to be used for regular full or part-time employees' allegations that a condition affecting the employee's terms and conditions of employment is unjust, inequitable, or creates a problem. It is not to be used for appeals of performance evaluations, which are addressed under separate procedures for evaluation appeals, or complaints of harassment, which are addressed in accordance with the Prohibited Harassment Procedure 2.445.01, Section IV.
- 2.) This complaint resolution procedure may only be initiated by the affected "Grievant" and not by third parties in a representative capacity.
- 3.) Employees and supervisors are encouraged to communicate directly and openly to resolve conflicts at the lowest possible level. However, the Director of HR Operations will serve as an alternate contact to the supervisor, next level supervisor or Executive Director of Human Resources as a resource for employees in the event that:
 - a.) The supervisory contact person is not available and the situation warrants immediate attention
 - or-
 - b.) In the case of alleged harassment, and the supervisor is the source of the alleged harassment and the employee is not comfortable presenting the complaint to the next level of supervision.
- 4.) The time limits provided in this procedure shall be strictly observed by all parties, unless extended by written agreement of the parties. The number of days indicated at each level will be considered as the maximum and every effort will be made by the parties to expedite the process. Failure of the Grievant to process the complaint within the time limits herein provided shall result in the dismissal of the complaint. Failure of supervisory employees or the administration to process the complaint within the time frames provided shall entitle the Grievant to proceed to the next step of the procedure.

- 5.) The written complaint of the Grievant must state the pertinent facts in enough detail to enable an otherwise uninformed third-party to determine from the document that unfair treatment or a violation of the College's rules, policies, regulations, and procedures or law has occurred, assuming the truth of the facts as stated. In the event of an alleged violation of rules, policies, regulations and procedures or law, the written complaint must specify the particular rule, policy, regulation, procedures or law that is being relied upon to support the complaint. The written complaint must specify with particularity the relief sought by the Grievant.

E. Procedure:

It is the College's intent to be responsive to its employees and their concerns; therefore, the following conflict resolution procedure has been established:

1.) Step One:

- (a) The Grievant should file a written complaint meeting all of the requirements of this procedure with the immediate supervisor within twenty (20) working days from when the incident occurred. (If the complaint is with the Grievant's immediate supervisor, the Grievant may file the written complaint with the next level supervisor.) The supervisor at this level shall be referred to as the "Step One Supervisor". Copies of the complaint shall also be filed with the Executive Director of Human Resources. The Director of HR Operations shall act for the Executive Director Human Resources in the absence of the Executive Director Human Resources.
- (b) The Step One Supervisor will meet with the Grievant within ten (10) working days of receipt of the written complaint, unless the situation warrants immediate attention.
- (c) The Step One Supervisor will take a positive approach, explain the reasons for any action, policy or procedure which may have contributed to the complaint and seek a mutually agreeable solution.
- (d) The goal of both parties should be to resolve the issues at this level.
- (e) If an investigation is warranted it will be conducted in a timely manner and a written finding with a copy to the Executive Director of Human Resources and the area Vice President, will be given within five (5) working days after the completion of the investigation, but no more than fifteen (15) working days after the meeting with the Grievant. The Step One Supervisor shall make every effort to meet with the Grievant to explain the written findings.
- (f) If a complaint is filed against an employee from another department the supervisor of that department will also be notified and included in the process.

2) Step Two

(a) If the resolution of the Step One Supervisor does not resolve the problem to the mutual satisfaction of the Grievant and the Step One Supervisor; or, the complaint involves perceived unfair treatment by the immediate supervisor, the Grievant may request in writing to proceed to Step Two and shall submit the written complaint to the next higher level of supervision (the “Step Two Supervisor”), with a copy to the Executive Director of Human Resources. The submission of the written complaint at this Step Two is due within five (5) working days of the Grievant’s receipt of the written finding of the Step One Supervisor and must include the written response from the Step One Supervisor, if provided, and the date when the Grievant met with the Step One Supervisor. If the Step One Supervisor did not respond, a description of the actions taken by the Grievant should be included.

(b) Upon receipt of the formal written complaint, the Step Two Supervisor must schedule a meeting with the Grievant within ten (10) working days to discuss the complaint. As part of the procedure, the Step Two Supervisor will consult with the Executive Director of Human Resources to assure equitable treatment-and adherence to College policies and state and federal laws.

(c) Within ten (10) working days after the meeting with the Grievant, the Step Two Supervisor will issue a decision both in writing and orally to the Grievant with a copy to the Executive Director of Human Resources, and the area Vice President, unless already at this level.

3) Step Three

(a) If the Grievant is dissatisfied with the decision at Step Two, the Grievant may within ten (10) working days, request in writing to proceed to Step Three in which event the appropriate Vice President shall investigate the complaint. The Grievant shall submit such written request to Step Three of the procedure with the written findings at Step One and Two, as appropriate with a copy to the Executive Director of Human Resources.

(b) The appropriate Vice President will meet with the parties directly involved to facilitate a resolution or gather further information from the parties and other sources as needed. The Vice President’s investigation shall be conducted confidentially and any individuals interviewed in the course of the investigation shall be advised to maintain such confidentiality.

(c) A written finding will be given within ten (10) days of completion of the investigation by the appropriate Vice President with a copy to the Executive Director of Human Resources.

F. Appeal Process:

An appeal process is in place under the following circumstances:

1) The complaint involves an alleged violation of official rules, policies, regulations and procedures or violates federal or state laws;

-and-

- 2) An employee has followed the procedures outlined in this policy and has made a good faith effort to resolve the conflict. However, the conflict has not been resolved to their satisfaction.

G. Procedure for Appeal Process:

- 1.) The Grievant must submit a written request for an appeal to the Executive Director of Human Resources within ten (10) working days of notification of the Step Three decision. The written request must include the written findings at previous steps.
- 2.) An ad hoc committee consisting of 3 employees will be formed to preside over the appeal process. The committee members will be selected within seven (7) working days of the Grievant's submission of the written request for appeal and will consist of:
 - a.) The Executive Director of Human Resources.
 - b.) An employee chosen from a designated pool by the Grievant initiating the appeal process within seven (7) days of request for appeal.
 - c.) An employee holding a Management/Administration level position from a designated pool, mutually agreed upon by the Executive Director of Human Resources and the Grievant.
- 3.) The Executive Director of Human Resources will convene a meeting of the committee and will provide copies of all the related correspondence. The committee may request personal appearances by the Grievant and any other witnesses or relevant parties. The meeting will be scheduled within ten (10) working days from the establishment of the committee unless mutually agreed with the Grievant to meet at another time.
- 4.) The decision of the committee will be rendered in writing within fifteen (15) working days of the meeting and will be binding on all parties. The President will receive a written report within ten (10) working days of the final meeting of the ad hoc committee. If a consensus decision cannot be reached by this committee, the President will make the final and binding decision within ten (10) working days of receipt of the report.

H. Disciplinary Action

SCF reserves the right to impose appropriate disciplinary action for any conduct it considers to be disruptive or inappropriate to the complaint resolution procedure.