Policy Summary

The purpose of this policy is to establish complaint procedure guidelines for complaints against University of Wisconsin-Whitewater (UW-W) university staff employees.

Policy Considerations

The procedures outlined in this document apply to and are for the processing and review of complaints against any employee at UW-W classified as university staff. It should be read by university staff employees, all unit heads and administrators, direct supervisors, directors, deans, and vice chancellors who employ individuals in these positions. All units of the university which employee university staff may be affected by this policy.

See the Background section of this document for information on complaints against UW-W employees classified as faculty or academic staff.

Definitions

Please see the UW-System Definitions Operational Policy for a list of general terms and definitions. Definitions specific to this policy include:

“Complaint” is a written allegation by persons other than the university staff member’s supervisor including administrators, students, other university staff, academic staff, faculty, or members of the public concerning conduct by a university staff member which violates University rules or policies, or which adversely affects the staff member’s performance or obligation to the University.

“Complaint procedure” is the process through which a complaint is investigated and resolved.

“University staff” are members of the university workforce who contribute in a broad array of positions in support of the university’s mission and are not exempt (hourly*) from the overtime provisions of the Fair Labor Standards Act (FLSA).

*Note: All FLSA exempt employees holding positions in the State of Wisconsin “classified” service as of June 30, 2015 are given the choice to remain in the university staff for as long as they retain their existing positions, or to voluntarily be reassigned to a position that the institution has designated as either an academic staff or limited appointment position – see UPS Operational Policy TR3.
Employees and members of the public may submit formal complaints against university staff employees for conduct that violates the rules or policies of UW-W, or which adversely affects the university staff member’s performance or obligation to the university. This policy provides for the establishment of procedures to deal with allegations concerning the conduct by university staff members. Please see Chapter UWS 18 of the Wisconsin Administrative Code and UW-W University Personnel Rule: Workplace Conduct Expectations for further information.

Employees with claims regarding working conditions or workplace safety should submit their concern in accordance with the UW-W University Staff Personnel Rule: Grievance Policy.

Claims by employees of unlawful harassment or discrimination may be submitted to the Office of Human Resources & Diversity (HR&D) or the appropriate government state or federal agency.

**Procedure**

**Complaints submitted by the public:**
Must be submitted in writing to HR&D and provide the following information:

1. The name of the university staff employee.
2. The date of the alleged incident.
3. The location of the alleged incident.
4. A detailed description of the incident, including how the employee’s conduct has violated the rules or policies of UW-W or how the university staff employee’s conduct adversely affects their performance or obligation to the university.
5. What resolution the complainant seeks.
6. The signature of the complainant.

HR&D’s obligation after receiving the written complaint is to:

1. Review the complaint with the Chancellor or Chancellor’s designee to determine whether the incident requires further investigation. If the complaint is found valid:
2. Investigate the complaint.
3. Make the university staff employee’s direct supervisor aware of the complaint.
4. Meet with the employee to review the complaint.
5. Provide the employee with guidance and recommendation to resolve the issue if the investigation concludes change is needed.
6. Within ten (10) working days report back to the complainant to review the action taken.
7. Follow-up with the employee to ensure compliance with any recommendations.
8. Should the employee not follow the recommendations, the employee may be subject to disciplinary action.

**Complaints submitted by UW-W employees**
It is highly encouraged that the employee discuss possible avenues toward resolutions with their immediate supervisor prior to filing a written complaint.

Should a preliminary meeting not resolve the issue within a timely manner, the employee may submit a formal written complaint to HR&D. The complaint must be filed within the next five (5) working days and provide the following information:

1. The name of the university staff employee.
2. The date of the alleged incident or violation.
3. The location of the alleged incident or violation.
4. A detailed description of the incident including how the employee’s conduct has violated the rules or policies of UW-W, or how the university staff employee’s conduct adversely affects their performance or obligation to the university.
5. What resolution the complainant seeks.
6. The complainant’s signature.

HR&D’s obligation after receiving the written complaint is to:

1. Review the complaint with the Chancellor or Chancellor’s designee to determine whether the incident requires further investigation. If the complaint is found valid,
2. Investigate the complaint.
3. Discuss the complaint with the university staff employee.
4. Provide the employee with guidance and recommendations to resolve the issue.
5. Within ten (10) working days report back to the complainant to review the action taken.
6. Follow-up with the employee to ensure compliance with any recommendations.
7. Should the employee not follow the recommendations, the employee may be subject to disciplinary action.

Complaint Review Committee

Should either party be dissatisfied with the response or the resolution was not implemented, either party may submit the following documents to the Complaint Review Committee. The complaint must be submitted in writing. Forms are available in the HR&D office or online and must contain the following information:

1. A copy of the original complaint.
2. A copy of the recommendation.
3. A statement explaining why the complainant is dissatisfied with the response and why the complainant believes the resolution was not implemented.

The Complaint Review Committee shall meet within ten (10) working days to review the complaint materials and provide a recommendation to the Chancellor or Chancellor’s designee on how the matter can be resolved. Within five (5) working days, the Chancellor or Chancellor’s designee will make a written statement to the employee and immediate supervisor recommending steps to be taken to resolve the matter. The recommendation of the Chancellor or Chancellor’s designee is final.
Should the employee not follow the recommendations, the employee may be subject to disciplinary action.

If the complaint is by a UW-W employee against their direct supervisor and that supervisor is at the Dean, Director or Vice Chancellor level, the complaint shall go first to the offending employee’s immediate supervisor for investigation and recommendation in consultation with HR&D.

The University Staff Council shall be responsible for forming an impartial complaint review committee.

Membership

When it becomes necessary to form a review committee, the chair of the Council shall be responsible for forming a three-person review committee according to the following procedures:

1. If not otherwise involved in a hearing, the three member review committee shall be the first three employees listed on the USC Personnel Review Committee.
2. Once a staff member has served, their name will move to the bottom of the list. The chairperson of the review committee shall be chosen by the committee once formed.
3. One administrative liaison, designated by the Chancellor, to serve as an impartial, non-voting member.
4. The committee shall have the power and authority to investigate the complaint and to recommend solutions to the chancellor if the problem cannot be otherwise resolved.
5. The chair of the Council shall not serve as a member of any review committee.
6. No member of the Council shall serve simultaneously on more than one body hearing individual cases.
7. The following shall be disqualified from service on a review committee: (1) any individual who participated in the initiation, formulation, investigation or filing of allegations or charges; (2) any individual who is a member of the concerned university staff employee’s department or equivalent; and (3) any individual who is a material witness.
8. If, in the opinion of the chair of the Council (and with concurrence of the Chancellor), members are needed to serve on additional review committees, they will be randomly selected by the chair from university staff in at least their third year of service at University of Wisconsin-Whitewater.

Procedures

1. While conducting the review, the committee shall operate consistent with procedures that guarantee due process and assure procedural uniformity.
2. The chair of the committee may request, through the Chancellor, the assistance of legal counsel to the committee.
3. The review committee shall have access to documentary evidence it believes to be pertinent, including public records and official documents specifically requested by the committee, and shall have the right to summon witnesses necessary to assure a fair review. HR&D and Media and Marketing Relations shall assist if needed.

4. The review committee shall exclude immaterial, irrelevant, or unduly repetitious information.

5. Members of the review committee who participate in discussion of the merits and decision-making shall be familiar with all testimony, all deliberations, and all evidence presented.

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**University Responsibilities**

The Office of Human Resources & Diversity and the University Staff Council will share joint responsibility for evaluating the effectiveness of the policy by conducting yearly reviews of complaint issues and resolutions. The Office of Human Resource & Diversity may provide procedural assistance for employees if requested.

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**Equal Opportunity**

This policy will be applied and administered in a manner consistent with UW-Whitewater’s equal employment opportunity and affirmative action programs which includes, but is not limited to, without regard to race, religion, color, national origin, sexual orientation, marital status, parental status, age, disability, sex or veterans status, except where a characteristic is a bona fide occupational qualification.

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**Background**

Chapters UWS 6 and 13 of the Wisconsin Administrative Code require UW System institutions to establish complaint procedures for faculty and academic staff in cases involving allegations made by persons other than the employee’s supervisor. Complaints against faculty or academic staff may be submitted by administrators, students, other faculty or academic staff member, university staff, or members of the public. Chapter UWS 18 of the Wisconsin Administrative Code regulates conduct on all UW System property.

This policy document was approved on _____________ and defines the UW-Whitewater University Staff Personnel Rules as of July 1, 2015.

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**Related Documents / References**

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Wis. Admin. Code Chapter UWS 6, Faculty Complaints and Grievances
Wis. Admin. Code Chapter UWS 13, Academic Staff Complaints and Grievances
Wis. Admin. Code Chapter UWS 18, Conduct on University Lands
UW System UPS Operational Policy: WE3 Workplace Conduct Expectations
UW-Whitewater University Staff Personnel Rules: Grievance Policy
UW-Whitewater University Staff Personnel Rules: Workplace Conduct Expectations

Attachments / Supporting Documents

Contact

Please direct questions about this policy to the Office of Human Resources & Diversity, or the University Staff Council.

ACCEPTED AND APPROVED ON BEHALF OF THE UNIVERSITY

Chancellor

Vice Chancellor for Administrative Affairs

Director, Human Resources & Diversity

Chair, University Staff Council

6/25/15

6/25/15

6/25/15

6/25/15

Date

Date

Date

Date