

Complaint Procedures (6.10)

PURPOSE

The purpose of this guideline is to establish the process regarding employee Complaints at Tennessee State University.

[Complaint Form](#)

DEFINITIONS

- **Complaint** (Committee review not available) – A complaint is a concern which an employee wants to discuss with supervisory personnel in an effort to resolve the matter. Personnel actions such as performance evaluations, rates of pay, position re-classifications, or position terminations due to reduction in force do not fall under the definition of complaint.
- **Employee** - For purposes of the grievance and complaint procedures, an employee is defined as faculty (though not including faculty on adjunct contracts), executive, administrative, professional staff, clerical staff, and support personnel. Probationary employees, student workers and graduate assistants are not included in the definition of employee.
- **Employment Action** – Employment action is the demotion, suspension without pay, termination of an employee, or work assignments or conditions of work which violate statute or policy.

PROCEDURES

I. Complaint Procedure

- A. The complaint must be presented in writing to the employee's immediate supervisor within ten (10) working days after the occurrence of the incident.

1. If the complaint arises from a repeated or continuing occurrence, the time limit begins from the date of the last such occurrence.
 2. Any complaint not presented within ten days (10) is waived and shall not be considered.
 3. Once a final determination is made, the employee may not later present the same complaint in an attempt to gain a more favorable outcome.
- B. Resolution of complaints at a minimum requires Tennessee State University to:
1. Allow the employee to present facts and/or materials;
 2. Investigate the dispute; and
 3. Attempt to find a solution.
 - a. The President or her designee shall be the final decision maker.
 - b. Complaints do not include a right to any type of hearing, adversarial proceeding, nor the right to appeal to the TBR.
- C. Testimony, Witnesses and Representation
1. At every step, the employee may testify and present witnesses and materials in support of his/her position.
 - a. The testimony of an employee, given either on his/her own behalf or as a witness for another employee, will not subject an employee to retaliatory action.
- D. Steps of Review
1. Step 1-- Supervisor or Administrator Instituting Employment Action:
 - a. Within ten (10) workdays after the employee receives notice or becomes aware of the action which is the basis for the complaint, the employee completes a Complaint Form (which may be obtained from the Human Resources website), submits it to Human Resources and provides a copy to his/her supervisor or the administrator instituting employment action. While a particular form is not required to file a complaint, the employee must make it clear that she/he intends to utilize the complaint procedures for resolution of the employment action.

- b. Within ten (10) workdays after receipt of the complaint, the supervisor or administrator initiating employment action and the employee meet and discuss the complaint in a face-to-face meeting.
 - c. If the supervisor or administrator was not the one who recommended the original employment action, or is recommending a change from the original employment action, the supervisor or administrator will make a recommendation to the administrator who made the original employment action.
 - d. Any changes from the original employment action must be approved by the President, as appropriate, before being communicated to the employee.
 - e. Within ten (10) workdays after the face-to-face meeting, the supervisor or administrator must communicate the decision in writing to the complainant with specific reasons stated for the decision.
 - f. If the supervisor or administrator fails to respond or if the decision is not satisfactory to the employee, the employee may carry the grievance forward to Step 2.
2. Step 2--Next Higher Level of Management:
- a. Within ten (10) workdays after receiving the written decision at Step 1, if the employee is not satisfied with the result of Step 1, the employee must notify their next higher level of management that he/she wants further review.
 - 1. The next higher level of management schedules a face-to-face meeting to occur within ten (10) workdays after receiving notice that the employee wants further review of the next level administrator.
 - b. Within ten (10) workdays after the face-to-face meeting, the next higher level of management issues a written decision that includes specific reasons for the decision.
 - c. Any changes from the original employment action must be approved by the President or Director, as appropriate, before being communicated to the employee.
3. Step 3—Office of Human Resources Review:

- a. Within ten (10) workdays after receiving the written decision at Step 2, if the employee is not satisfied with the result of Step 2, the employee must notify Human Resources that he/she wants further review.
 1. Human Resources schedules a face-to-face meeting to occur within ten (10) workdays after receiving notice that the employee wants further review of the next level administrator.
 - b. Within ten (10) workdays after the face-to-face meeting, the Office of Human Resources issues a written decision that includes specific reasons for the decision.
 - c. Any changes from the original employment action must be approved by the President, as appropriate, before being communicated to the employee.
4. Step 4—Review by the President or her designee, as appropriate:
- a. The written recommendation of the Office of Human Resources will be forwarded to the President or her designee, as appropriate.
 - b. Within ten (10) work days, if practicable, the President or a designee will notify the complainant of the final decision.

II. Non-Retaliation

- A. No employee shall retaliate or discriminate against another employee because of the latter employee's filing of a complaint.
- B. In addition, no employee shall coerce another employee or interfere with the action of another employee in the latter employee's attempt to file a complaint.
- C. Administrative, academic and supervisory personnel should also be informed that they are responsible for ensuring that the employee is free from retaliation, coercion and/or discrimination arising from the employee's filing of or intent to file a complaint.

III. Responsibility for Implementation

- A. The President, as appropriate or her designee of the institution has ultimate responsibility for implementation of the complaint procedures.

- B. Administrative, academic, and supervisory personnel are responsible for insuring that they inform and make available to all employees information concerning their right to file a complaint and their right to be protected from retaliation.

IV. Maintenance of Records

- A. Copies of written complaints, and accompanying responses and documentation should be maintained at a specified location(s) at the institution for at least two years after the date of the employment decision.
 - B. If a finding adverse to the complainant is made, the finding shall be maintained in the complainant's personnel file.
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