

I. Introduction

The University of California San Francisco (UCSF) supports the resolution of employee complaints based on a complaint procedure that facilitates a fair and equitable review of the issues arising during employment with the University.

II. References

This local implementing procedure should be read in conjunction with Personnel Policies for Staff Members (PPSM) 70: Complaint Resolution.

Note: This local implementing procedure is written to correspond to the sections of Policy 70. To the extent that there are any conflicts between these local implementing procedures and Policy 70, or if the procedures are silent on particular matters, language from Policy 70 will trump these established procedures.

III. A. General

An employee may utilize UCSF's Mediation Services or the Sexual Harassment Complaint Resolution Procedure, as appropriate, to informally resolve complaints.

Mediation—Office of the Ombuds

The Mediation Services Program in the Office of the Ombuds may be used as an alternative dispute resolution option, preferably before a formal complaint is filed. Use of Mediation Services does not extend time limits for filing a complaint except as otherwise agreed to by all parties and Labor and Employee Relations (LER).

Sexual Harassment Complaint Resolution Procedure – Office of Sexual Harassment Prevention and Resolution (OSHPR)

When a complainant alleges sexual harassment, the complainant may elect to utilize UCSF's Sexual Harassment Complaint Resolution Procedure rather than informal resolution under this policy. This does not extend the time limits for filing a complaint under this policy except as otherwise agreed to by all the parties and LER.

If, in addition to a report being made to the OSHPR, a complaint alleging sexual harassment is filed under this policy, the complaint made under this policy shall be held in abeyance pending completion of the Early Resolution or Formal Investigation steps of the Sexual Harassment Complaint Resolution Procedure. If the individual wishes to proceed with the complaint under this policy, the Early Resolution or Formal Investigation shall constitute the Step 1 response. If eligible, the complainant may appeal the Step 1 response in accordance with the timelines established under this policy.

D. Timeliness

Complaints may be filed either by US mail, personal delivery, fax, or email on the Complaint Resolution Review Form and within the time limits specified in Policy 70, §Section III.D., Timeliness. Time limits which expire on a Saturday, Sunday, or University holiday are automatically extended to the next business day. For complaints filed by personal delivery, the date received shall be the date filed. For complaints filed by US mail, the date of the US Postal Service postmark shall be the date filed. For

complaints filed by fax or email, the time and date received by the University shall be the date received. For complaints filed after business hours, the date of receipt shall be the next business day.

Complaints filed via US mail or by personal delivery must be addressed to:

Human Resources – Labor & Employee Relations

3360 Geary Boulevard, Suite 301

San Francisco, CA 94118-3324

Complaints filed via fax must be sent to 415-514-6963.

Complaints filed via email must be sent to:

For the Medical Center and Campus: ELR@ucsfmedctr.org

E. Appeal

The Director of Labor and Employee Relations shall serve as the designated local official to administer Policy 70, to determine whether its claims are within the scope of Policy 70, and whether a complaint qualifies for review through Step II or Step III.

A complaint that has been timely filed but requires clarification or additional information in order to determine its eligibility for processing will be returned to the complainant. The complainant must return the complaint with the required revisions within fifteen (15) calendar days of the date on which the original complaint was returned to the complainant. Once the complaint has been perfected and is accepted for processing, the employee will be notified in writing and the timelines for the next steps in the process will begin.

If LER finds the complaint or any part of the complaint to be ineligible for processing due to issues of timeliness and/or scope, the complainant will be so advised in writing. If any part of a complaint is found to be ineligible for processing and that decision is appealed to Office of the President, the portion of the complaint found to be eligible will be held in abeyance pending disposition of the appeal process.

F. Informal Complaint Resolution

The parties may agree to pursue informal complaint resolution at any time after the initial filing of the complaint provided the agreement is in writing, signed by both parties, and filed with LER. If either party wishes to stop pursuing informal resolution, 10 days written notification must be provided to the other party.

J. Review Process – Professional & Support Staff (PSS)

1. Step I – Request for Formal Review

After the complaint has been accepted by LER and/or following receipt of a response from the Office of the President, the complaint shall be sent to the Step 1 Officer or designee for a written response to the allegations cited in the complaint. The Step 1 Officer or designee shall respond to the complaint within fifteen (15) calendar days from the date of receipt from LER unless an extension is granted in advance of the expiration of the fifteen (15) calendar days. The response shall be in writing and sent to LER who shall then forward the response to the complainant. If the Step 1 response is not issued within the prescribed time limits, including written extensions if any, or if the complaint is not resolved at Step 1, the complainant may appeal the decision to the next step in the complaint resolution process.

2. Step II – Appeal

A complainant has ten (10) calendar days from the date on which the Step I response was delivered or mailed to appeal to Step II. The appeal must be received in by LER and must state the employee's requested option at Step II. Failure to meet this deadline will cause the complaint to be considered resolved on the basis of the Step I response.

At Step II, the complainant may select 1 of 3 options:

- a. **Administrative Review**
If this option is selected, the complaint shall be sent to the Senior Vice Chancellor of Finance and Administration or designee for review and a written decision. The decision shall be issued within 15 calendar days of the date the appeal is forwarded to the Senior Vice Chancellor or designee for review.
- b. **Factfinding**
If this option is selected, LER shall select and appoint a fact finder to investigate the facts in the complaint. The factfinder shall take whatever steps are reasonably necessary to investigate the facts, including participants with an opportunity to present factual information, relevant documents and witnesses, and to comment on information provided by others, and render a written report. The report shall be received by LER and forwarded to the Senior Vice Chancellor of Finance and Administration or designee for review and a written decision within 15 calendar days of receipt of the factfinding report. The factfinding report shall be provided to the complainant upon issuance of the decision.
- c. **Proceed directly to Step III (career employees only)**
If this option is selected, alleged violations of PPSM, as described in §J.3.A., may proceed directly to Step III, Hearing.

3. Step III – Hearing

Hearing Process

1. Appointment of University Hearing Officers

LER shall select and appoint a panel of University employees to serve as University Hearing Officers.

2. Non-University Hearing Officers

If the staff member elects a non-University Hearing Officer, LER shall furnish the staff member and the department with a list of seven (7) prospective Hearing Officers from the local office of the American Arbitration Association or the Federal Mediation and Conciliation Service.

The non-University Hearing Officer's fee and all fees incurred in obtaining a list of Hearing Officers shall be borne equally by the University and the staff member.

The parties shall select the non-University Hearing Officer by striking names from the list. The choice of the first strike shall be decided by a toss of the coin.

3. Scheduling of and Preparation for Hearings

LER shall coordinate the time and place of the hearing.

4. Hearing Record

Hearings shall be recorded by either tape or other method as determined by the University. If the University determines to record the hearing on tape, the complainant may, at the complainant's expense also record the hearing by stenography. When both parties agree to the use of stenographic services, the cost of services shall be equally shared by both parties. If both parties request a

copy of the hearing transcript, the cost shall be equally shared by both parties. If only one party requests a copy of the hearing transcript, that party shall pay the entire cost. If the other party subsequently requests a copy of the transcript, the transcript may be purchased by the requesting party at one-half the cost of the original fee plus the cost of duplication.

5. Hearing Process

Except by mutual agreement, the issues to be heard shall be limited to the issue(s) determined to be eligible for review at Step I. Each party shall be represented by one person only.

6. Observers

Non-party observers may not attend a hearing unless prior approval has been granted by the other party.

7. Report of Hearing Officer

The written decision of the Hearing Officer shall be transmitted through LER.

C. Paid time Off for Hearings and Meetings

Time spent by a staff member and/or the staff member's representative (if covered under PPSM) in preparing a case (other than interviewing otherwise unavailable employee witnesses) shall normally be during non-working hours and without pay. Requests by a staff member and/or the staff member's representative (if covered under PPSM) for reasonable amounts of paid time off to resolve, investigate or present a formal complaint shall be submitted in writing to LER. Approval to participate in hearings and meetings convened by the University shall be made on an operational needs basis and shall not be unreasonably denied.

K. Review Process-Managers & Senior Professionals salary grades I-VII

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A complaint that has been timely filed but requires clarification or additional information in order to determine its eligibility for processing will be returned to the complainant. The complainant must return the complaint with the required revisions within fifteen (15) calendar days of the date on which the original complaint was returned to the complainant. Once the complaint has been perfected and is accepted for processing, the employee will be notified in writing and the timelines for the next steps in the process will begin.

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found to be ineligible for processing and that decision is appealed to Office of the President, the portion of the complaint found to be eligible will be held in abeyance pending disposition of the appeal process.

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2. Step II – Appeal

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If the issue is not subject to fact-finding at Step III, the complaint is forwarded by LER to the Senior Chancellor for Administration and Finance or designee for a final and binding decision. The Senior Vice Chancellor or designee should render a decision within thirty (30) calendar days following receipt of the complaint.

3. Step III – Factfinding (Career Employees Only)

If the issue is not satisfactorily resolved at Step II and is eligible for review at Step III, as described in §K.3.A, LER shall select and appoint a fact finder to investigate the facts in the complaint. The factfinder shall take whatever steps are reasonably necessary to investigate the facts, including participants with an opportunity to present factual information, relevant documents and witnesses, and to comment on information provided by others, and render a written report. The report shall be received by LER and forwarded to the Senior Vice Chancellor of Finance and Administration or designee for review and a written decision within 15 calendar days of receipt of the factfinding report. The factfinding report shall be provided to the complainant upon issuance of the decision.

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M. Conflict of Interest

UCSF Implementing Procedures

PPSM 70 Complaint Resolution

Policy Effective Date: July 1, 2012

Procedures Revision Date: _____

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Labor and Employee Relations is the designated office to hear/receive concerns about conflict of interest on the part of the factfinder, University hearing officer, and/or decision maker. Such concerns must be raised within ten (10) calendar days from the date on which the complainant knew or reasonably should have known of the potential conflict of interest. If the complainant demonstrates that the selection of a particular factfinder, University hearing officer, or decision maker creates an actual conflict of interest, LER will select another from the list.