



University of California  
San Francisco

## 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 PPSM-70. To the extent that there are any conflicts between these local implementing procedures and PPSM-70, or if the procedures are silent on particular matters, language from PPSM-70 will supersede these established procedures.

## III. General

An employee may utilize UCSF's Office of the Ombuds to informally resolve complaints through mediation. For complaints arising under the [UC Sexual Violence and Sexual Harassment Policy](#), an Alternative Resolution process may be an available option to informally resolve complaints.

### Mediation - [Office of the Ombuds](#)

The Office of the Ombuds offers confidential mediation, which may be used as an alternative dispute resolution option if all parties agree. Mediation is available both before a formal complaint is filed and during the complaint process. Absent written agreement by all parties, mediation or other informal discussions in effort to resolve the issue do not extend time limits for filing a complaint.

### Complaints alleging Sexual Violence, Sexual Harassment, or Discrimination - [Office for the Prevention of Harassment and Discrimination \(OPHD\)](#)

#### A. Sexual Violence and Sexual Harassment Complaints

When an employee alleges sexual violence and/or sexual harassment under the [Sexual Violence and Sexual Harassment Policy](#) (SVSH Policy) and files a complaint under PPSM-70, Labor and Employee Relations (LER) will refer the complaint to OPHD. The employee may elect to proceed solely under the SVSH Policy, rather than under PPSM-70. Filing a complaint under the SVSH Policy does not extend the time limits for filing a complaint under PPSM-70.

If an employee wishes to proceed under both the SVSH Policy and PPSM-70, the complaint made under PPSM-70 shall be held in abeyance pending OPHD's review of the complaint. LER will advise the employee in writing that their PPSM-70 complaint will be so held. Written notice of

OPHD's conclusion of review of the complaint, including any investigative report that may result, shall constitute the Step I response. Once OPHD's conclusion is issued, LER will confirm with the employee that this constitutes the Step I response and advise. If eligible, the employee may appeal the Step I response in accordance with the timelines established under PPSM-70.

## B. Discrimination Complaints

When an employee alleges discrimination based on a protected class under the [Anti-Discrimination Policy](#) and files a complaint under PPSM-70, LER will refer the complaint to OPHD. The employee may elect to proceed solely under the Anti-Discrimination Policy, rather than under PPSM-70. Filing a complaint under the Anti-Discrimination Policy does not extend the time limits for filing a complaint under PPSM-70.

If an employee wishes to proceed under both the Anti-Discrimination Policy and PPSM-70, the complaint made under PPSM-70 shall be held in abeyance pending OPHD's review of the complaint. Written notice of OPHD's conclusion of review of the complaint, including any investigative report that may result, shall constitute the Step I response. If eligible, the employee may appeal the Step I response in accordance with the timelines established under PPSM-70.

## IV. Timeliness

Initial complaints and appeals to Step II or Step III must be filed within the time limits as stated in the Complaint Review Procedure below. An initial complaint (Step 1 Formal Review) that is not filed within the time limits shall not be eligible for processing. An appeal that is not received within the time limits will be considered resolved based on the last University response. Time limits that fall on a Saturday, Sunday, or University holidays are extended to the next business day.

## V. Complaint Review Procedure

### 1. Step I – Formal Review

- a. To file a request for formal review, the employee must file with LER either by email, U.S. mail, or personal delivery using the [Complaint Resolution Review Form](#). The complaint must be filed within thirty (30) calendar days after the date on which the employee knew or reasonably should have known, of the event or action giving rise to the complaint or within thirty (30) calendar days after the date of separation from University employment, whichever is earlier. Time limits which expire on a Saturday, Sunday, or University holiday are automatically extended to the next business day.

For complaints filed by email, the time and date received by the University shall be the date filed. If the emailed complaint is received after 5:00 p.m., the date of receipt shall be the next business day. For complaints filed by U.S. mail, the date of the U.S. Postal Service postmark shall be the date filed. If there is no postmark on a complaint filed by

U.S. mail, the date received shall be the date filed. For complaints filed by personal delivery, the date received shall be the date filed. Complaints filed via U.S. mail or by personal delivery must be addressed to:

UCSF Human Resources - Labor & Employee Relations  
654 Minnesota St., 2<sup>nd</sup> Floor  
San Francisco, CA 94143

Complaints filed via email must be sent to: [ELR@ucsf.edu](mailto:ELR@ucsf.edu)

- b. LER determines whether the complaint is eligible for Step I review.

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 employee with an explanation of what information is needed. The employee must return the complaint with the required information within fifteen (15) calendar days of the date on which the original complaint was returned to the employee. LER will then review the additional information provided and determine whether the complaint is eligible for Step I review.

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

Once LER determines the complaint, or a portion thereof, is eligible to move forward, LER will notify the employee (and the employee's representative, if applicable) in writing, specifying what issues, if any, have been accepted for review, and the timelines for the next steps in the process will begin.

- c. If the complaint is eligible for review, LER will issue the University's Step I written response to the employee within fifteen (15) calendar days of the Step I officer's receipt of the complaint from LER, absent any extensions. The Step I response will include instructions for further appeal. A copy of the response will be provided to the employee's representative, if applicable.

## **2. Step II – Review for Professional and Support Staff (PSS)**

- a. If the decision at Step I does not resolve the complaint to the employee's satisfaction, the employee may appeal the decision to Step II within ten (10) calendar days from the date on which the Step I response was sent. The appeal must be received 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. LER will determine whether the complaint is eligible for Step II review and inform the employee.

- b. If eligible for Step II review, based on the criteria in PPSM-70, the employee can opt between two options: Administrative Review or Factfinding.

1. Administrative Review

Eligible PSS employees can request an Administrative Review to review the complaint, which is conducted by the Director of LER or designee. The Administrative Reviewer reviews all relevant materials to render a fair decision. The Administrative Reviewer will issue a written response to the complaint within thirty (30) calendar days after the assignment, absent any extensions.

2. Factfinding

Eligible PSS employees can opt for a factfinder at Step II. The University is responsible for selecting a neutral factfinder who investigates and writes a report of the facts relevant to the complaint. The factfinder's report is sent to LER within thirty (30) calendar days of assignment, absent any extensions. LER then provides the factfinding report to the final decision maker, the Senior Vice Chancellor of Finance and Administration, or designee. The final decision maker then issues a final and binding decision within fifteen (15) calendar days. If the employee requests a factfinding review at Step II, they are not eligible to appeal the decision to Step III.

### **3. Step III – Hearing for Professional and Support Staff (PSS) Employees**

- a. A career PSS employee may request a hearing for unresolved claims eligible for review at Step III, as set forth in PPSM-70. A career PSS employee's written request for a hearing must be filed with LER within thirty (30) calendar days of the date that the Step II written decision was issued. LER determines whether the complaint is eligible for a hearing, and which of the claims in the complaint are eligible for Step III review.
- b. Eligibility criteria for a hearing for PSS employees are set forth in PPSM-70, section V.E.2.a.
- c. Hearing

The employee may elect to have their case heard by a UCSF Hearing Officer (UHO), or a non-University hearing officer.

If the employee elects a UHO, the LER Director, or a designee, assigns one to the case. The University aims to select a neutral, unbiased UHO.

- d. If the employee elects a non-University hearing officer, a representative from LER contacts the employee within forty-five (45) calendar days from the date the appeal was received to mutually select the hearing officer. A list of available non-University hearing officers is obtained, and the employee and a designee from LER alternately strike names, with the employee striking first until one remains who will be the hearing officer.
- e. UHOs serve without cost to the employee. Costs of non-University hearing officers are split equally between the employee and the University. Costs related to cancellations or postponements are borne entirely by the requesting party.
- f. Subject to the availability of the hearing officer, the LER designee attempts to schedule the hearing within one hundred eighty (180) calendar days of the employee's request for a hearing. The hearing officer renders a decision and provides a written report to all parties within sixty (60) calendar days from the close of the hearing.

#### **4. Step II – Administrative Review for Managers and Senior Professionals (MSP) at the Manager 3 Level and Below**

- a. If the decision at Step I does not resolve the complaint, the employee may appeal the decision to Step II within ten (10) calendar days from the date on which the Step I response was sent. The appeal must be received 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. LER will determine whether the complaint is eligible for Step II review.
- b. Eligible MSP employees can request an Administrative Review to review the complaint, which is conducted by the Director of LER or designee. The Administrative Reviewer reviews all relevant materials to render a fair decision. The Administrative Reviewer will issue a written response to the complaint within thirty (30) calendar days after the assignment, absent any extensions.

Alternatively, if the University agrees, a career employee may elect to proceed directly to Step III for factfinding, if the complaint alleged a policy violation eligible for review at Step III.

#### **5. Step III - Factfinding for MSP Employees at the Manager 3 Level and Below**

MSP employees do not have the right to request a Step III hearing on any matter. However, eligible career MSP employees at the Manager 3 Level and below may request factfinding for unresolved claims eligible for review at Step III of the process.

The University is responsible for selecting a neutral factfinder who investigates and writes a report of the facts relevant to the complaint. The factfinder's report is sent to LER within thirty (30) calendar days of assignment, absent any extensions. LER then provides the factfinding report to the final decision maker, the Senior Vice Chancellor of Finance and Administration, or designee. The final decision maker then issues a final and binding decision within fifteen (15) calendar days, absent any extensions. If the employee elects to request a factfinding review at Step II, they are not eligible to appeal the decision to Step III.

## **V. 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, ten (10) calendar days' written notification must be provided to the other party. Pursuing an informal resolution does not extend the timeline for filing a complaint.

## **VI. 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.

## **VII. Conflict of Interest**

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 employee knew or reasonably should have known of the potential conflict of interest. If the employee 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.

## **Further Information**

- Refer to the [File a Grievance or Complaint](#) website for links and information.
- Submit a complaint form or appeal to [ELR@ucsf.edu](mailto:ELR@ucsf.edu)
- Additional informal resolution information and resources are available from the [Office for Prevention of Harassment & Discrimination](#) at [OPHD@ucsf.edu](mailto:OPHD@ucsf.edu) or 415-502-3400; [Office of the Ombuds](#) at 415-502-9600

## References and Related Policies

- UC Office of the President Personnel Policies Staff Members: [UC Policy 70, Complaint Resolution](#)