70/Complaint Resolution
PHILOSOPHY STATEMENT

The University of California, San Diego is committed to providing individuals the right to a safe, neutral process for the resolution of conflict. That process shall be fair, efficient and free of reprisal. Recognizing that each individual has both a personal interest in and a share of the responsibility for resolving conflict, UCSD encourages and facilitates the use of an informal conflict resolution process.
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**Note:** The revised policy on Complaint Resolution (PPSM 70) has been issued by the Office of the President effective July 1, 2012.

The revised policy on Complaint Resolution (PPSM 70) shall supersede the UCSD Implementing Procedures for PPSM 70, whenever there is a conflict between the policy and the procedures until the UCSD Implementing Procedures are revised.

I. REFERENCES

UC SPP 70 - Complaint Resolution

II. PROCEDURES

A. Filing
   1. To file a request for formal review, the complaint must be submitted to Labor Relations, Torrey Pines Center South, 10280 North Torrey Pines Road, Suite 265-A, La Jolla, CA 92039-0922, within the time limits established and cited in UC Personnel Policies for Staff Members, 70/Complaint Resolution.
   2. The complaint must be presented in writing on a form provided by the Human Resources Department Director of Labor Relations or designee (hereinafter referred to as "Director").

B. Step One
   1. Upon acceptance of a formally filed request for review, the Director shall transmit a copy of the request to the appropriate University official for response.
   2. Within ten (10) working days of the date of issuance of the complaint from the Director to the University official, that official shall transmit a written response to the Director. The Director shall transmit the University official's response to the staff member.

Step Two
   1. If the complaint is not resolved at Step One, the staff member may file a written notice of appeal to Step Two on issues and remedies remaining unresolved that were accepted for review at Step One, on a form provided by the Director. The Director must receive the written notice of appeal within ten (10) working days of issuance of the University's official written reply to the staff member.
   2. Within ten (10) working days of the date of issuance of the complaint from the Director to the Vice Chancellor – Resource Management and Planning or appropriate designee, the Vice Chancellor – Resource Management and Planning or appropriate designee shall transmit a written decision to the Director. The Director shall transmit the decision of Vice Chancellor – Resource Management and Planning or appropriate designee to the staff member. The decision shall be final and binding unless the complaint is eligible for review at Step Three.

Factfinding Process
   1. The Chancellor shall select and appoint a panel of factfinders for such terms of office, as the Chancellor deems appropriate. (The University also reserves the right to select a Hearing Officer from a panel of arbiters provided by the American Arbitration Association, in lieu of a University-appointed Hearing Officer.)
   2. Upon written request for factfinding, the Director shall designate a member of the panel, referred to above, who shall take whatever steps are reasonably necessary to investigate the facts, including providing 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.
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3. The report and all documentation, which were received by the factfinder in making the findings, shall be transmitted to the Director within fifteen (15) working days of the close of the review.

4. The report and all documentation received by the factfinder shall be attached to the final and binding decision of the Vice Chancellor – Resource Management and Planning or appropriate designee.

Step Three (Only regular status Professional and Support Staff Employees)
If the complaint is eligible for review at Step Three, the staff member may file a written notice of appeal to hearing on issues and remedies remaining unresolved that were accepted for review at Step One, on a form provided by the Director. The Director must receive the written appeal within ten (10) working days of issuance of the Step Two decision.

Hearing Process

1. **Appointment of University Hearing Officers**
   The Chancellor shall select and appoint a panel of University employees to serve as University Hearing Officers for such terms of office as the Chancellor deems appropriate. (The University also reserves the right to select a Hearing Officer from a panel of arbiters provided by the American Arbitration Association, in lieu of a University-appointed Hearing Officer.)

2. **Non-University Hearing Officers**
   If the staff member elects a non-University Hearing Officer, the Director 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**
   The Director shall coordinate the time and place of the hearing.

4. **Hearing Record**
   a. A single tape recording or stenographic report of the hearing shall be arranged by the Director.

   b. The Director shall be the custodian of the original hearing record and of all documents introduced at the hearing.

5. **Observers**
   Non-party observers may not attend a hearing unless prior approval has been granted by the Director.

6. **Report of Hearing Officer**
   The written decision of the Hearing Officer/Committee shall be transmitted through the Director to the concerned parties.
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C. **Representation**
   1. When an employee decides to be represented, he/she shall furnish in writing the name, business address and telephone number of the representative to the Director. Changes in representation shall also be made in writing to the Director.

   2. An employee/agent of an employee organization, which represents non-confidential employees, shall not participate in the handling of grievances on behalf of confidential employees.

   3. Supervisors shall not participate in the handling of complaints on behalf of non-supervisory staff members. Non-supervisory staff members shall not participate in the handling of complaints on behalf of supervisory staff members.

   4. Time spent by a staff member and/or the staff member's representative (covered under UC Personnel Policies for Staff Members) in preparing a case (other than interviewing otherwise unavailable employee witnesses) shall normally be during non-working hours and without pay.

   5. Requests by a staff member and/or the staff member's representative (covered under UC Personnel Policies for Staff Members) for reasonable amounts of paid time off to resolve, investigate or present a formal complaint shall be submitted in writing to the appropriate University official.

       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.

D. **Settlement Agreements**
   The terms of settlement of complaints shall be subject to approval in advance by the Director. Such settlement agreements normally shall be reduced to writing and shall be filed with the records of the complaint.

E. **Extension of Time Limits**
   1. The Director may extend time limits established in this procedure and in UC Personnel Policies for Staff Members, Policy 70.

   2. Absent an extension of time requested in advance and granted in writing, failure of the staff member to comply with time limits shall normally result in dismissal of the complaint.