

STAFF COMPLAINT PROCEDURE

Eligibility:

Staff employees may invoke the Staff Complaint Procedure to solve problems and resolve conflicts arising from their employment. The Staff Complaint Procedure is not available to staff employees who are subject to collective bargaining agreements (unless the collective bargaining agreement so provides), faculty, those claiming student status (including teaching assistants and research assistants), and employees of temporary agencies.

Certain issues do not qualify for the Staff Complaint Procedure, but are addressed through other procedures. Among those issues that do not qualify for the Staff Complaint Procedure are complaints involving: (a) sexual harassment, which should be directed to the Office of Equity and Diversity at (213) 740-5086; (b) discrimination or harassment (based on race, religion, color, national origin, ancestry, disability, marital status, sex, sexual orientation, or age; family care leave or its denial, pregnancy disability or its denial, or retaliation for complaints related to these categories), which should be directed to the Office of Equity and Diversity at (213) 740-5086; (c) violence in the workplace, which should be directed to Career and Protective Services at (213) 740-6204 or, for imminent threats, directed immediately to the Department of Public Safety at (213) 740-4321; (d) legal compliance and regulatory compliance matters, which should be directed to the Office of Compliance at (213) 740-8258; and (e) the misappropriation of university assets, which should be directed to Audit Services at (213) 740-8258.

Any questions about whether a staff employee or a complaint qualifies for the Staff Complaint Procedure should be directed to Employee Relations on University Park campus at (213) 740-7734 or on the Health Sciences campus at (323) 442-2020.

Steps One and Two below constitute the initial phase of the "Departmental Process." Upon the completion of Steps One and Two, the "University Process" will begin with Step Three. If a staff employee does not file a complaint or proceed with the process in accordance with the time limits set forth below, the staff employee will waive his or her right to proceed with the complaint under the guidelines set forth in this Staff Complaint Procedure. If a supervisor or administrator does not respond in accordance with the time limits set forth below, the complainant may proceed to the next step.

Terminated staff employees may proceed directly to the University Process and request an immediate review (Step Three) by the Staff Review Panel. Terminated staff employees must submit their complaint within nine (9) calendar months of the action on which the complaint is based.

Informal Face-to-Face Discussion:

Before undertaking the Staff Complaint Procedure, a complainant should discuss the problem face-to-face with his or her supervisor (or next higher level of supervision) to try to resolve it. In many cases, the problem can be resolved without resorting to the Staff Complaint Procedure. If talking with the supervisor or next higher level of supervision does not resolve the complaint, the complainant should follow the specific supervisory chain in his or her department (as described in Steps One and Two, below).

Confidentiality:

Although the university cannot guarantee a complaint will be kept confidential because of the need to investigate the complaint, the university will use its best efforts not to disseminate information concerning the complaint beyond those who have a need to know. The Employee Relations Office shall maintain complaint records in a confidential manner.

No Retaliation:

Each supervisor, department head, and all others involved in this process are responsible for open communication and resolving staff employee concerns in a supportive manner. Therefore, no one may

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threaten, attempt to retaliate, or retaliate against a person filing a complaint, a participant in the complaint process, or a person who disputes the allegations. A staff employee who does so may be subject to disciplinary action, which may include termination.

Other Remedies:

A staff employee who is unable to obtain satisfactory resolution of his or her claims through the Staff Complaint Procedure may pursue the claims through arbitration, as provided in the Agreement to Arbitrate Claims. Utilizing the Staff Complaint Procedure is not a prerequisite to arbitration under the Agreement to Arbitrate Claims, nor does it toll any applicable statute of limitations for legal claims.

At-Will Employment Status:

Nothing in this Staff Complaint Procedure shall be interpreted as altering in any way the at-will employment status of staff employees.

Assistance from the Employee Relations Office:

Because this is an internal process, legal counsel shall not appear in any proceedings. The complainant, and all others involved with the matter may seek advice and assistance at any time during this process from the Employee Relations staff.

Departmental Process

The complainant and department utilizing the Departmental Process should send copies of correspondence to the Director of Employee Relations in a timely fashion to ensure compliance with the time limits set forth in this policy.

STEP ONE (written complaint to supervisor):

The complainant must describe the complaint in writing and must submit it to his or her immediate supervisor or the next higher level of supervision, at the complainant's option, within twenty (20) business days after the occurrence that led to the complaint. The recipient of the complaint must respond in writing to the complainant within ten (10) business days after receipt of the written complaint.

STEP TWO (written complaint to top administrator):

If the complaint is not resolved in Step One, the written complaint may be taken by the complainant to the top administrator of the school, college, or department (usually a dean, director, or vice president). This action must occur within ten (10) business days from the time the supervisor in Step One responded or from the expiration of time for that supervisor to respond, whichever occurs first. The top administrator, or a person designated by the top administrator, will arrange to meet with the complainant, who may bring a fellow staff employee to the meeting to assist in the discussion of the complaint. This meeting should occur within ten (10) business days. The top administrator must render a written decision within ten (10) business days from the meeting with the complainant. The Departmental Process culminates at the dean, director, or vice president level.

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University Process

STEP THREE (complaint to Employee Relations Office):

If the complaint is not resolved in Step Two, the complainant may petition the Staff Review Panel to consider the case by submitting a complaint to the Employee Relations Office. (Please refer to Step Four regarding the Staff Review Panel.) Complaint forms may be obtained from the Employee Relations Office. The complaint form should be submitted to the Staff Review Panel in care of the Employee Relations Office, and must be submitted within ten (10) business days from the time the top administrator in Step Two responded or from the expiration of time for that administrator to respond, whichever occurs first. The Employee Relations Office will forward the complaint to the department for a response. The Employee Relations Office will forward the complaint and departmental response to the Chair of the Staff Review Panel.

It is the responsibility of the Chair to determine whether or not the issue qualifies for a review or an investigation and, if it does, whether the complainant has brought forth sufficient evidence to warrant a Staff Review Panel or an investigation. If the Chair determines that the issue qualifies for a review and that the complainant has brought forth sufficient evidence to warrant a Staff Review Panel, the Employee Relations Office will designate and convene a Staff Review Panel. If the Chair determines that the issue qualifies for an investigation and that the complainant has brought forth sufficient evidence, the Employee Relations Office will conduct an investigation. If the Chair determines either that the issue does not qualify for a review or investigation, or that the complainant has failed to bring forth sufficient evidence to warrant a Staff Review Panel or investigation, the case is concluded.

STEP FOUR (Staff Review Panel or Investigation):

Staff Review Panel

A Staff Review Panel consists of the Chair and five (5) staff employees appointed by the Employee Relations Office. The Chair conducts the Staff Review Panel hearing. The Staff Review Panel will fully consider the complaint based on the record of the case, together with what is presented orally. In presenting the case, the complainant may bring a fellow staff employee to assist in presenting the complaint. Witnesses may be called to testify for either party.

Investigation

The Employee Relations Office will investigate the complaint. The investigator will interview all parties concerned, including any relevant witnesses.

STEP FIVE (Decision by the Senior Vice President for Administration):

Staff Review Panel

The findings and recommendations of the Staff Review Panel will be presented to the Employee Relations Office which will then forward copies of the findings and recommendations to the department and the complainant. Within 10 business days of the distribution of the findings, either party may submit written comments regarding the Staff Review Panel's findings and recommendations to the Director of Employee Relations. The Director will forward the findings and recommendations of the Staff Review Panel along with the comments submitted by the department and the complainant, if any, to the Senior Vice President for Administration within five (5) business days of the deadline for submittal of the written comments. In making a final decision, the Senior Vice President for Administration will consider the findings and recommendations of the Staff Review Panel, any written comments received, and any other pertinent information, and will issue a final decision. The decision by the Senior Vice President for Administration will be issued in the form of written responses to the Chair, the complainant, and the head of the complainant's school or department.

Investigation Only, No Staff Review Panel

The Director of Employee Relations will forward a written report of the investigation and recommendation to the Senior Vice President for Administration for a final decision. In making a final decision, the Senior Vice

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President for Administration will consider the investigative report, and any other pertinent information, and will issue a final decision. The decision by the Senior Vice President for Administration will be issued in the form of written responses to the Chair, the complainant, and the head of the complainant's school or department.

Questions regarding this procedure should be directed to Employee Relations on University Park campus at (213) 740-7734 or on the Health Sciences campus at (323) 442-2020.

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