

# **Article IX. Complaints Concerning Faculty**

Refer to the *Personnel Policy Statement for College Employees* (PPSCE) for College complaint processes.

## **A. Purpose**

This article does not apply to student complaints against Faculty. Students wishing to initiate the formal complaint process should follow Administrative Procedure (AP) 3.31.01 Student Complaints. As of June 2017, a two-year effort to provide a new framework for employee input had concluded with a draft Administrative Procedure, AP 1.25. It is anticipated that the new AP will govern the process to update and refine policies applicable to employee compensation and working conditions. Problems or issues arising from AP 3.31.01 and referenced documents or digital materials may be brought forward to AERC as outlined in AP 1.25 for consideration

The College encourages the informal resolution of complaints whenever possible. However, when a complaint cannot be resolved informally or using the alternative dispute resolution process called Mediation (*PPSCE* Appendix D), the College provides for a formal review, which attempts to resolve the matter.

Under this article, any complaint must refer to actions of the Faculty member within the course and scope of his/her employment. If a verbal or written complaint is received concerning a Faculty member, the complaint shall be referred to the appropriate College complaint procedure (e.g., EEO/ADA Complaint Procedure) for processing and attempted resolution. If no other procedure is appropriate, the provisions within this article will be used to attempt resolution. All time limits in the article must be met unless the parties mutually agree to an extension, or extenuating circumstances warrant an extension by the Dean or upper level administration.

It is the intent of this article to address complaints brought against a Faculty member by another college employee. Concerns brought forward by a supervisor should be addressed following procedures outlined in Section V of the PPSCE. If during the processing of the complaint, it becomes clear that the conduct of the Faculty member warrants corrective or disciplinary action, the process outlined in this article is suspended and the procedures outlined in Section V of the PPSCE are followed. Corrective and/or disciplinary actions taken, if any, must comply with the College's procedures, and the Faculty member shall have the protection of the grievance procedures.

The provisions of this article are superseded by the College's obligations as a political subdivision of the state of Arizona. The College's obligations include cooperation in criminal investigations (Article I B, paragraph six).

## **B. Representation**

Should the complainant initiate the formal complaint process, during a meeting required to discuss these issues, the Faculty member may invite another employee of the College or a non- attorney member of the local affiliated Faculty representative group (PCCEA) to be an observer or advisor. The complainant may also invite a suitable, non-attorney representative. These meetings must be scheduled at least four hours in advance, and, at the request of the Faculty member, shall be delayed

until the next accountable day for the Faculty member. The meeting shall not be delayed further due to the unavailability of an observer or advisor.

Required meetings to address these matters shall be scheduled during normal work hours, and shall not interrupt the Faculty member's classroom instruction, complementary educational service, or other required service to the College.

## **C. Complaint Procedure**

### **Informal Resolution**

The complainant is strongly encouraged to attempt resolution by discussing the differences of opinion with the Faculty member. All discussions between the complainant and the Faculty member concerning the complaint should be discussed privately and kept confidential. The points at issue should be well defined in order to keep the discussion as objective as possible.

If the problem between the complainant and the Faculty member cannot be resolved at this level, the complainant and the Faculty member are encouraged to attempt resolution using the Mediation Process (PPSCE, Appendix D). If all informal efforts fail to resolve the issue, then a formal complaint may be filed using the process detailed below.

### **Formal Complaint Procedure**

#### **Step 1 – Formal Complaint and Meeting Request**

The complainant submits to the supervisor a written request asking for a meeting to resolve the complaint. The written request must include a detailed description of the complaint and appropriate documentation. The complainant (other than a student) must initiate this request within seven working days of the attempted informal resolution or within seven working days of the event prompting the complaint.

The Faculty member will be provided a copy of the complaint as soon as possible.

The supervisor shall work individually and in confidence with the complainant and the Faculty member in an effort to resolve the conflict. Should it become necessary, the supervisor will convene a Dispute Resolution Committee within fourteen working days of receipt of the formal request and relevant data supplied by the complainant.

#### **Step 2 – Notice to Dispute Resolution Committee**

The supervisor will notify in writing the members of the Dispute Resolution Committee of the scheduled meeting.

The Dispute Resolution Committee has the following members:

- The supervisor, who functions as the Dispute Resolution Committee Chair.
- The Complainant, who is the individual filing the complaint.
- A regular college employee excluding a lawyer, designated by the complainant who may be invited to attend

- The Faculty member involved. A representative (excluding a lawyer) designated by the Faculty member may also be invited to attend.

### **Step 3 – Dispute Resolution Committee Meeting**

The Dispute Resolution Committee will attempt to resolve the issue at this level through discussion. Meetings of the Committee will be closed to all observers.

If the issue cannot be resolved to the satisfaction of the complainant and Faculty member at this step, the Dispute Resolution Committee Chair becomes responsible for deciding if the complaint is valid and what appropriate action should be taken. The supervisor's written decision and proposed action will be sent to the next line administrator within seven working days of the meeting date. Copies of the decision and proposed action will be sent to the complainant and Faculty member involved. If there is no appeal by either party, the action proposed by the committee chair will be taken.

### **Step 4 – Appeal**

If either the complainant or the Faculty member is dissatisfied with the decision or action proposed by the Dispute Resolution Committee Chair, an appeal may be made to the next line supervisor within seven working days of receipt of the proposed action. This appeal will be a written memorandum outlining the nature of and the basis for dissatisfaction with the proposed decision or action. A copy of the appeal is to be given to the committee chair and the complainant or Faculty member, as appropriate.

Once the appropriate next line supervisor has received the appeal and a written answer from the committee chair, the administrator will meet with the complainant and the Faculty member, separately or together, at the next line supervisor's discretion, within ten working days to discuss the matter.

### **Step 5 – Final Decision**

After reviewing the appeal and consulting with the Campus President, the reviewing next line supervisor has discretionary power to uphold, reverse, or modify the recommendation of the Dispute Resolution Committee Chair.

The reviewing next line supervisor will prepare a written decision that will be sent to the complainant, to the committee chair, and to the Faculty member within fifteen working days of receiving the appeal.

The decision of the next line supervisor is final and completes the procedure for a complaint involving a Faculty member at Pima Community College. The Office of the next line supervisor will be the official repository of records regarding the decisions or actions taken involving this complaint.

Action(s) taken, if any, must comply with the College's corrective and/or discipline procedures, and the Faculty member shall have the protection of the grievance procedure (PPSCE).