



Employment Disputes and Complaints of Discrimination Policy 8.20

Office of Human Resources

Applies to: Faculty, staff, and students¹

POLICY

Issued: 10/01/1973
Revised: 05/01/1996
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The University recognizes disputes may arise in the employment setting. Parties involved in a dispute are encouraged to seek informal resolution. It is management's responsibility to facilitate fair and equitable resolution of disputes. In the event informal resolution is not possible, staff may pursue a formal resolution process.

Matters that are excluded from this process are corrective actions/terminations issued by the University appointing authority (Associate Vice President for Human Resources) and classification determinations by the Office of Human Resources.

¹ The "Complaints of Discrimination" section of this policy applies to faculty, staff and students. The "Employment Disputes" section of this policy applies to unclassified and non-probationary classified civil service staff not covered by collective bargaining agreements. Hospital Policy and Procedures #02-16 covers employment disputes for Health System employees.

POLICY GUIDELINES

I. Employment Disputes

An employment dispute is an unresolved issue concerning interpretation and/or application of workplace policy, practice, or procedure.

A. Informal resolution

1. Staff are encouraged to bring employment disputes to the attention of their supervisor as soon as possible and may also seek resolution with other appropriate individuals, including the unit head.
2. Managers are expected to make good-faith efforts at fair and equitable resolution.
3. At any point in this process, the staff member or supervisor may enlist Human Resources to assist parties in reaching a resolution.
4. The informal resolution process may continue until either party or the Office of Human Resources, [Organization and Human Resource Consulting \(OHRC\)](#), decides informal resolution is not possible.

B. Formal resolution

1. Unit review
 - a) To initiate a formal grievance, staff members complete an [Employment Dispute Form](#) describing the dispute, specifying the policy, practice, and/or procedure violated and stating what they believe to be an appropriate resolution. The form will be presented to the supervisor or department administrator within 180 calendar days of the incident or discovery of such incident. The supervisor or department administrator will consult with the appropriate unit head (e.g., dean, vice president) to determine the unit representative who will hear the dispute.
 - b) Within 14 calendar days of receipt of the [Employment Dispute Form](#), the unit representative will schedule a meeting with the staff member to discuss the dispute. The unit representative will then respond to the staff member in writing within 14 calendar days. Time limits may be extended by mutual consent of both parties.



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- c) If the unit's response is unsatisfactory, the staff member may forward a copy of the dispute form to the Office of Human Resources, [Organization and Human Resource Consulting \(OHRC\)](#), within 14 calendar days of receipt of the unit's response for a hearing at the University review level.
 - d) The unit review level may be waived to the University review level by mutual written consent of the staff member and the unit head.
2. University review
- a) At the University review level, the dispute will be heard by a panel of three representatives from a pool of trained volunteers. The associate vice president for human resources will select a third panel facilitator from the pool. (Note: For grievances arising out of the Office of Human Resources, the Executive Vice President and Provost will select a panelist and make the final determination in lieu of the Associate Vice President for Human Resources.) A representative of [OHRC](#) will provide consultation services to the parties throughout the proceedings. The University review hearing will be conducted within 14 calendar days after the panelists are selected.
 - b) The staff member and the unit representative may invite witnesses who can speak directly to the events giving rise to the dispute. The Office of Human Resources retains the right to limit the number of witnesses. Staff members also may have a support person attend the review.
 - c) All information presented will be confidential to the extent permissible by law. To encourage open discussions, electronic reproduction or recording of the review meeting is not permitted.
 - d) Within 14 calendar days following the hearing, the panel will submit an advisory recommendation to the Associate Vice President for Human Resources. Within seven calendar days of receipt of the panel recommendation, the Associate Vice President for Human Resources will make a final and binding determination.
 - e) Substantive judgment decisions of managers concerning such issues as performance evaluation, salary and classifications, staffing/organization of a department, and allocation of resources are not subject to alteration by the panel. Such substantive decisions should be addressed at the administrative level. However, the panel may address procedural issues concerning the above matters.

II. Complaints of Discrimination

The University prohibits unlawful discrimination against any person on the basis of race, color, sex (including sexual harassment), religion, sexual orientation, age, national origin, disability, or status as a disabled veteran or veteran of the Vietnam era. Faculty, staff, and students may bring a complaint under the University nondiscrimination policy. Complaints of sexual harassment will be processed in accordance with the University's sexual harassment policy, [Policy 1.15](#).

A. Complaint resolution

A complaint alleging a violation of the University's nondiscrimination policy may be taken to [OHRC](#) or the Office of [Student Life](#).

The Office of Human Resources is responsible for investigation and resolution of discrimination complaints involving faculty, staff, and student employees. The Office of [Student Life](#), in accordance with the [Code of Student Conduct](#), is responsible for the investigation and resolution of discrimination complaints involving students in their academic role. Complaints of alleged discrimination may be filed within 180 calendar days of notice of the event(s) on which the complaint is based.



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1. Informal complaints

The Office of Human Resources will assist with the informal resolution as described in this policy.

2. Formal complaints

The individual may file a written formal complaint with the Office of Human Resources, [Organization and Human Resource Consulting \(OHRC\)](#), for investigation and resolution. Complaints must be filed within 180 calendar days of notice of the event(s) on which the complaint is based.

- a) The party accused of discrimination will be informed of the allegations and identity of the complainant and will be afforded full opportunity to respond.
- b) Investigations of formal complaints will begin promptly and should be concluded within 45 calendar days, whenever possible. Parties will produce information and names of witnesses.
- c) At the conclusion of the investigation [OHRC](#) will inform parties of the outcome. If the investigation results in a finding of discrimination, recommendations will be made for prompt and effective action to correct the situation.

B. Confidentiality

The Office of Human Resources will treat as confidential all information received in connection with the complaint process to the extent that it is feasible in the course of the investigation and is legally possible. Parties to a complaint will be expected to be discreet and show respect for all individuals.

C. Retaliation

University policy and state and federal law prohibit retaliation against an individual for reporting complaints of discrimination, or for participating in an investigation. Retaliation is a serious violation that can subject the offender to sanctions independent of the merits of the complaint of discrimination.

D. Record keeping

Any person conducting an investigation, whether formal or informal, will maintain a written record of witness interviews, consent provided, evidence gathered, and outcome. Records of such investigation will not be maintained in personnel files or student files unless part of formal corrective action. The Office of Human Resources will maintain investigatory records in accordance with [record retention schedules](#). If a complaint is filed outside the University, information gathered in the course of the internal investigation may be disclosed to the investigating agency.

PROCEDURE

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I. Staff Member Responsibilities

- A. Staff members with complaints should seek informal resolution of workplace issues at the lowest possible level. Staff should attempt to meet with the appropriate supervisor and discuss the issues and possible remedies.



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- B. Staff members are encouraged to seek consultation and assistance from the Office of Human Resources, [Organization and Human Resource Consulting \(OHRC\)](#), for help to resolve conflicts.
- C. If an issue is not resolved, staff may file a formal complaint. An [Employment Dispute Form](#) for filing purposes is available [OHRC](#).

II. Supervisors/Administrators Responsibilities

- A. Supervisors should attempt timely resolution of workplace issues and involve [OHRC](#) if assistance is desired.
- B. If a formal grievance is filed, supervisors should consult with the appropriate unit head (e.g., dean, vice president) to determine who will hear the grievance. Administrators should conduct hearings and provide decisions in a timely manner.

III. Office of Human Resources Responsibilities

- A. [OHRC](#) will assist in resolution of issues by providing advice and mediation assistance whenever possible.
- B. In the formal grievance process, [OHRC](#) will convene the review panel and provide staff assistance.
- C. The Associate Vice President for Human Resources will receive the recommendation of the review panel and make the final and binding determination.

RESOURCES

For consultation:

- Office of Human Resources, [Organization and Human Resource Consulting \(OHRC\)](#) (614) 292-2800, ohrc@hr.osu.edu
- Office of [Student Life](#) 614-292-9334
- Office of Human Resources, [Veterans Affairs](#) 614-292-4164
- Hospital Human Resources 614-293-4995

For forms (hr.osu.edu/forms):

- Employment Dispute Form hr.osu.edu/forms/empdispute.pdf

For more information:

- OSU Record Retention Policy library.osu.edu/sites/archives/retention/records.php
- Code of Student Conduct studentaffairs.osu.edu/resources
- Human Resources [Policy 1.15](#), Sexual Harassment hr.osu.edu/policy