



Employee and Labor Relations Investigation Standards

I. Purpose:

Outline the process of the Employee and Labor Relations team when conducting investigations. The Office of Human Resources Employee and Labor Relations (OHR) and Wexner Medical Center (WMC) Employee and Labor Relations follows these standards when responding to and investigating allegations of behaviors that may violate university policy as outlined in the scope section below. Employee and Labor Relations is ultimately responsible for investigating allegations covered by these standards, except when the respondent is a student and not a student employee. Allegations involving students, who are not employees, are investigated by the Office of Student Conduct or the Office of Institutional Equity.

II. Scope

- A. The Investigation Standards apply to investigations conducted by Employee and Labor Relations pertaining to alleged violations of Human Resources policies and other significant workplace violations. The policies that may be used in conjunction with the standards include, but are not limited to:
 - [Conflict of Interest, Policy 1.30](#)
 - [Nepotism, Policy 1.25](#)
 - [Family and Medical Leave, Policy 6.05](#)
 - [Whistleblower, Policy 1.40](#)
 - [Workplace Violence, Policy 7.05](#)
 - Prohibited Relationships as defined in the [Sexual Misconduct Policy 1.15](#)
- B. The Office of Institutional Equity is responsible for investigating all allegations of discrimination and harassment. Sexual misconduct, which includes sexual harassment and relationship violence, is reported, investigated, and resolved following the procedures located in [Sexual Misconduct Policy 1.15](#) and all other complainants of discrimination and harassment is reported, investigated, and resolved following the procedures located in the [Affirmative Action, Equal Employment Opportunity, and Non-Discrimination/Harassment, Policy 1.10](#)
- C. The Investigation Standards, along with the procedures within [Faculty rule 3335-5-04.3](#), apply to investigations conducted by Employee and Labor Relations pertaining to any alleged violation that a faculty member has engaged in:
 - A prohibited relationship, as defined by the [Sexual Misconduct Policy 1.15](#),
 - Workplace violence,
 - Retaliation against a whistleblower

III. Reporting

- A. A report/allegation can be made by individuals who are directly involved in, who observe, or who reasonably believe violations of the policies used in conjunction with these standards may have occurred. This includes allegations by third parties against members of the “university



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community,” for whom university policies are applicable. Some members of the university community have a duty to report such information; see Employee Duty to Report section below.

- B. Reports can be made by:
1. Submitting a completed [Workplace Complaint Form](#) to the Office of Human Resources.
 2. Contact your [Employee and Labor Relations Senior Representative](#).
 3. Filing an anonymous report via telephone at 866-294-9350 or [online](#).
 4. Contacting the Office of Institutional Equity cases of sexual misconduct, discrimination, or harassment.
- C. Filing an allegation with the university does not preclude the individual from filing an allegation with external law enforcement or other agency nor does it extend time limits with those agencies.

IV. Responsibilities for Resolving Allegations

- A. Employee and Labor Relations responsibilities:
1. Conduct all investigations identified within the scope section when the respondent is an employee, including student employees. In cases when the respondent is also student employee, collaborate with the Office of Student Conduct when appropriate.
 2. Maintain documentation of the receipt of an allegation, its investigation, and its resolution.
 3. Report cases of discrimination or harassment to the Office of Institutional Equity.
 4. Address all concerns promptly and thoroughly.
 5. Refer individuals to available university and/or community resources.
- B. Unit HR Responsibilities:
1. Follow duty to report obligations as outlined in relevant policy.
 2. Assist employees when a complaint is reported, refer complaints to Employee and Labor Relations.
 3. Refer individuals to available university and/or community resources. Assist management in the completion of action steps to ensure behavioral change and compliance.
- C. Supervisor (including faculty supervisors and volunteer supervisors), Chair/Director, and Faculty Member Responsibilities:
1. Follow duty to report obligations as outlined in relevant policy.
 2. Advise individuals of available university and/or community resources for counseling or other assistance.
 3. Complete action steps to ensure behavioral change and compliance.

V. Investigation Process

- A. **Purpose of an investigation.** The purpose of an investigation is to evaluate the allegations that fall within scope of these standards, formulate a response that addresses the facts as they are determined, and follow up to ensure that the necessary action steps are completed in a fair and transparent manner.
- B. **Intake and Assessment.** The investigator will conduct an intake with the complainant and complete an assessment to determine the appropriate next steps.
- C. **Post Intake/Assessment.** Based on the initial assessment, the investigator may recommend:
1. Taking no action.



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2. Facilitating an informal resolution.
 3. Starting an investigation.
- D. **Investigation Process.** The investigator may:
1. Interview the parties, witnesses who may have knowledge of the events, and gather relevant documents and evidence. During the interview, the investigator will discuss with the complainant and respondent the allegations the policy that may have been violated, and these investigation standards.
 2. In cases when the complainant is reluctant to proceed, the university may take any action it deems appropriate including pursuing an investigation. The complainant will be notified in advance when such action is necessary.
 3. Advise the parties of the manner and frequency of updates they will receive about the investigation status.
 4. Advise the parties of the importance of confidentiality during the investigation. See Confidentiality section below.
- E. **Ohio Public Records Law.** Upon conclusion of the investigation, records related to the investigation may be made available to the extent required by law.
- F. **Retaliation.** The university will not tolerate retaliation in any form. See Retaliation section below.
- G. **Interim Measures.** The complainant may request that pending the outcome of the investigation, interim measures be taken. Upon determination regarding the interim measure request, the investigator, in collaboration with the unit representative/Human Resources, and other offices when applicable, will review the request to determine if the interim measures can be put in place.
- H. **Presence of support persons.** The complainant and the respondent may each have a support person present during any applicable investigation meeting or disciplinary proceeding as an outcome of the investigation. Although the support person may be present, they may not interject during the meeting, nor will they be provided with documentation during the meeting.
- I. **Investigation Analysis and Documentation.** After analyzing all the information, the investigator will determine a conclusion and finding/outcome relevant to the case. When applicable, the investigator will document a conclusion and detailed action steps to be implemented by the unit.
1. Prior to the release of the written findings, the Employee Relations Associate Director or designee will review the report and discuss with the investigator any procedural issues, the specific findings, and necessary actions steps.
- J. **Possible outcomes of an investigation:**
1. A determination that there is sufficient evidence to indicate a violation of university policy.
 2. A determination that there is insufficient evidence to indicate a violation of university policy.
 3. A determination that there is no evidence to indicate a violation of university policy.
 4. A determination that inappropriate behavior has occurred.
 5. A determination that there is sufficient evidence to indicate that an allegation is false.
- K. **Action Steps:** When the outcome is a finding of sufficient evidence, a finding that the allegations were false, a finding of inappropriate behavior, or a finding that another policy violation has occurred, the university will take necessary action steps to correct the behavior. A false allegation



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finding will be made when an individual has intentionally reported information or incidents that they knew, when they made the allegation, were untrue.

- L. **Evidentiary Standard/Standard of Review/Analysis.** The investigator will use the preponderance of the evidence standard for investigations, in accordance with Faculty rule 3335-5-04.3.
- M. **Time period for resolution of an allegation.** Investigations should be concluded within a reasonable timeframe from the date a report is made unless specifically specified by a policy related to the allegations.
- N. **Concluding the investigation.** At the conclusion of the investigation, the investigator will inform the appropriate unit or higher-level administrator, complainant, and respondent of the outcome, and provide the written finding to the complainant and respondent. The conclusion issued by Employee and Labor Relations is final.
- O. **Action Step Implementation.** Employee and Labor Relations will recommend necessary action steps to the departmental administrator responsible for implementation. The department must take prompt and appropriate corrective action consistent with the severity of the offense and all applicable university rules and regulations.
- P. **Written Rebuttal.** After receiving the written findings from the investigator, either party may submit a written rebuttal, which will be reviewed by the Employee Relations Associate Director or designee. Absent any new or additional information not previously provided during the investigation process or any procedural issues identified, the findings will stand. The rebuttal will be retained in the investigation file.

VI. Corrective Action Implementation

- A. When a policy violation or inappropriate behavior is found, steps will be taken to ensure that the behavior is stopped promptly. Appropriate corrective action may include recommending counseling; training/education; coaching and counseling; or formal corrective action up to and including termination, in accordance with established university rules, policies, and procedures. Employee and Labor Relations will monitor corrective action to ensure compliance.
 - 1. In cases involving faculty members, corrective measures may be imposed in accordance with [Rules of the University Faculty 3335-5-04](#).
 - 2. For unclassified and classified civil service employees, refer to [Corrective Action and Involuntary Termination](#), Policy 8.15.
 - 3. For bargaining unit employees, refer to the appropriate collective bargaining agreement.
 - 4. In cases involving students acting in their employment capacity, measures may be imposed in accordance with [Student Employment](#), Policy 10.10. Measures may also be imposed in accordance with the [Code of Student Conduct](#) and other university policies.

VII. Confidentiality

- A. The university recognizes the importance of confidentiality. To the extent possible, information received in connection with the report, investigation, and resolution of allegations will be treated as confidential except when necessary to conduct an appropriate investigation, to provide



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assistance and resources to complainant(s), to perform other appropriate university functions, or when law requires disclosure of the information. When requests for confidentiality arise, they will be evaluated by Employee and Labor Relations. . All individuals involved in the process should observe the same standard of discretion and respect for everyone involved in the process.

VIII. Retaliation

- A. The university will not tolerate retaliation in any form against any individual who makes/ files a report, serves as a witness, assists a complainant, or participates in an investigation conducted in accordance to these standards. University policy and state and federal law prohibit retaliation against an individual for reporting allegations pursuant these standards, or for participating in an investigation. Retaliation is a serious violation that can subject the offender to discipline, up to and including termination of employment, independent of the merits of the underlying allegation. Allegations of retaliation should be directed to Employee and Labor Relations, or in cases of sex or gender discrimination, to the Title IX Coordinator or deputy coordinator.

IX. Record Keeping

- A. An investigation file including, written records of all interviews, evidence gathered, the written outcome of the investigation, verification of recommended action steps taken, and any other appropriate documents will be maintained by Employee and Labor Relations. Investigation records will not be maintained in personnel files. When corrective action is taken, the employing unit will maintain documentation of the corrective action steps taken. Investigation records will be maintained in accordance with the [Records Retention Schedule](#). When an allegation is filed outside the university, information gathered in the course of the internal investigation may be disclosed to the investigating agency.

X. Maintaining these Standards

- A. Sections of these standards that duplicate any policy to which they apply can only be updated consistent with the respective policy.

RESOURCES

Consultation:

Office of Human Resources, Employee and Labor Relations, and Wexner Medical Center Employee and Labor Relations, hr.osu.edu/services/elr/contacts/

Office of Academic Affairs, oaa.osu.edu

Office of Institutional Equity equity.osu.edu

Title IX Coordinator, titleix.osu.edu

Counseling and Support:

Counseling and Consultation Service, Office of Student Life, 614-292-5766, ccs.osu.edu



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Ohio State Employee Assistance Program, The OSU Health Plan, 614-292-4472,
osuhealthplan.com/OhioStateEAP

More information:

Activities and Programs with Minor Participants,

policies.osu.edu/assets/docs/policy_pdfs/ActivitiesandProgramswithMinorParticipants.pdf

Affirmative Action, Equal Employment Opportunity, and Non-Discrimination/Harassment, Policy 1.10,

policies.osu.edu/assets/docs/policy_pdfs/AffirmativeActionEqualEmploymentOpportunityandNon-Discrimination-Harassment_FINAL.pdf

Background Check, Policy 4.15, hr.osu.edu/policy/policy415.pdf

Code of Student Conduct, studentconduct.osu.edu/documents/codestudentconduct-effective-august-1-2019.pdf

Corrective Action and Involuntary Termination, Policy 8.15, hr.osu.edu/policy/policy815.pdf

Workplace Complaint Form, <https://hr.osu.edu/wp-content/uploads/form-workplace-complaint.pdf>

Equal Employment for Individuals with Disabilities, Policy 4.45, hr.osu.edu/policy/policy445.pdf

Family and Medical Leave, Policy 6.05, hr.osu.edu/policy/policy605.pdf

Records Retention Schedule, [library.osu.edu/sites/default/files/2019-](http://library.osu.edu/sites/default/files/2019-12/osugeneralschedule_combined.pdf)

[12/osugeneralschedule_combined.pdf](http://library.osu.edu/sites/default/files/2019-12/osugeneralschedule_combined.pdf)

Rules for Classified Civil Service hr.osu.edu/policies-forms/rules-for-ccs/

Rules of the University Faculty, trustees.osu.edu/bylaws-and-rules/university-faculty-rules

Sexual Misconduct, Policy 1.15,

policies.osu.edu/assets/docs/policy_pdfs/SexualMisconduct_FINAL.pdf

Student Employment, Policy 10.10, hr.osu.edu/policy/policy1010.pdf

Whistleblower, Policy 1.40, hr.osu.edu/policy/policy140.pdf

Workplace Violence, Policy 7.05, hr.osu.edu/policy/policy705.pdf

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