



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 and Wexner Medical Center Employee and Labor Relations follow 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 or as designated by other university policies. Employee and Labor Relations may also investigate allegations of workplace misconduct that presents a significant risk to, or has a significant impact on, the university. The policies that may be used in conjunction with the standards include, but are not limited to:
 - [Family and Medical Leave, Policy 6.05](#)
 - [Nepotism, Policy 1.25](#)
 - [Outside Activities and Conflicts](#)
 - [Whistleblower, Policy 1.40](#)
 - [Workplace Violence, Policy 7.05](#)
 - Prohibited Relationships as defined in the [Non-Discrimination, Harassment, and Sexual Misconduct Policy](#).
- 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, and all other complainants of discrimination and harassment is reported, investigated, and resolved following the procedures located in the [Non-Discrimination, Harassment, and Sexual Misconduct Policy](#).
- 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 [Non-Discrimination, Harassment, and Sexual Misconduct Policy](#).
 - Workplace violence,
 - Retaliation against a whistleblower



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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 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 an individual:
 - 1. Submitting a completed [Workplace Complaint Form](#) to the Office of Human Resources.
 - 2. Contacting the appropriate [Employee and Labor Relations Senior Representative for their unit](#).
 - 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 an 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.



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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. Not every complaint will follow every step of the investigation process, Employee and Labor Relations will evaluate and determine the proper resolution based on the nature of the complaint.
- 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.
 2. Referring issues to employing unit leadership, if applicable
 3. Facilitating an informal resolution.
 4. Starting an investigation.
- D. **Investigation Process.** The investigator may:
1. Interview the parties and any witnesses who may have knowledge of the events, and gather relevant documents and evidence. During the interview, the investigator will discuss the allegations of policy violations with the complainant and respondent. The investigator will also discuss these investigation standards.
 2. In cases when the complainant is reluctant to proceed, the university may take any action, including pursuing an investigation, which it deems appropriate. The complainant will be notified in advance if or when the university determines any necessary action.
 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. 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 during any disciplinary proceeding that may occur 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 relevant conclusion and finding/outcome to the case. When applicable, the investigator will document a conclusion and detailed action steps to be implemented by the unit.



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1. Prior to the release of the written findings, the Employee Relations Associate Director or designee will review the report and discuss any procedural issues, the specific findings, and necessary action steps with the investigator .
- 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:**
 1. Unless the determination is that there is no evidence or insufficient evidence to indicate that a policy violation occurred, the university will take necessary action steps to correct the behavior.
 2. A false allegation 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.** Unless a policy specifically related to the investigation sets forth a time frame for the completion of a policy related investigation, investigations should be concluded within a reasonable timeframe from the date a report is made.
- 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.



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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 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.



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IX. Record Keeping

- A. An investigation file including, evidence gathered to evaluate the conclusion, the written outcome of the investigation, verification of recommended action steps taken, if applicable, 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 university 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 applicable policy may only be updated consistent with the applicable 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
Ohio State Employee Assistance Program, The OSU Health Plan, 614-292-4472,
osuhealthplan.com/OhioStateEAP

Policies and Additional Information:

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
Family and Medical Leave, Policy 6.05, hr.osu.edu/policy/policy605.pdf
Non-Discrimination, Harassment, and Sexual Misconduct Policy <https://go.osu.edu/non-discrimination-policy>
Outside Activities and Conflicts Policy, go.osu.edu/outside-activities-policy
Records Retention Schedule, library.osu.edu/sites/default/files/2019-12/osugeneralschedule_combined.pdf
Reporting and Investigating Financial Fraud Policy, policies.osu.edu/assets/policies/financial-fraud-policy.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
Student Employment, Policy 10.10, hr.osu.edu/policy/policy1010.pdf



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

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

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

Youth Activities and Programs, policies.osu.edu/assets/policies/Policy-Youth-Activities-and-Programs.pdf

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