

COLUMBUS STATE COMMUNITY COLLEGE  
POLICY AND PROCEDURES MANUAL

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EMPLOYEE PROBLEM-SOLVING  
Procedure No. 3-31 (B)  
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Effective April 15, 1999

- (1) The purpose of this employee problem-solving procedure is to provide fair and expedient resolution to problems for covered employees as defined in the policy. Minor variations from this procedure which do not unreasonably interrupt the process or significantly prejudice the parties shall not be grounds to invalidate the proceedings. The parties may agree in writing to extend the time lines at any step of the procedure.
- (2) Definitions: In addition to the definition of complaint found in the policy statement, the following definitions apply to this procedure:
  - (a) Complaint: is defined as a formal questioning by an employee concerning a perceived erroneous, unjust, or unfair application of college policy or procedures.
  - (b) Complainant: The individual employee(s) filing the formal complaint.
  - (c) Respondent: The individual against whom a complaint is filed.
  - (d) Administrator: The supervisor of the work group of which the complainant is a member.
  - (e) College Officer: The President, Vice President, Provost, or Associate Provost to whom the complainant's functional area reports.
  - (f) Working Day: Any day, excluding Saturdays, Sundays, and holidays listed in paragraph (C), Section 5-13 of college policy. Quarter-break days will not be considered working days for the purposes of this procedure.
  - (g) Advocate: A covered employee who assists in the presentation of the facts and information for either the complainant or the respondent. (See Policy 3-31 (A) and (B) for definition of covered employees.)
  - (h) Mediation: A process through which a neutral, external third party hears facts and information presented by the complainant and the respondent and functions as an intermediary or conciliator to bring about resolution of the problem.
  - (i) Binding Arbitration: A process through which a neutral, external third party hears evidence presented by the complainant and respondent, and makes a decision to be

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binding by all parties involved in the employee problem-solving procedure.

- (3) If an employee has a complaint under the policy, the employee must meet with his/her administrator along with the respondent, if appropriate, to discuss the matter within **ten (10) working days** after the employee knew of the facts giving rise to the problem in question. The administrator(s) and employee must attempt to resolve the problem during this and, if necessary, subsequent meetings. If the employee and administrator(s) cannot resolve the problem, the employee may file a formal complaint.
- (4) When a formal complaint is filed, the complainant and respondent may each elect to have an advocate participate at any step. If a complaint is at one of the first three steps of this procedure, an advocate can be selected from a pool of employees specifically trained in presenting facts relating to the problem and the problem-solving procedure.
  - (a) Any employee covered by this procedure may volunteer to become an advocate.
  - (b) Appropriate notice of the opportunity to volunteer will be made in at least one written college communication vehicle and one electronic college communication vehicle at least two weeks prior to the deadline to volunteer.
  - (c) Before they may function as an advocate in this procedure, volunteers must attend a complete training program under the direction of an external trainer for advocates that will be held at least once each calendar year, usually during Spring Quarter.

If a complaint is at step four or five of this procedure, either party may choose to have a non-employee third party represent them.

- (5) It is important that complaints be resolved as quickly as possible at each step. The number of days indicated herein at each step should be considered maximum. Every effort should be made by both parties to expedite the process and to render a resolution to the complainant and the respondent as quickly as possible. A copy of all complaints and appropriate documentation shall be filed with the Director of Human Resources.

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- (6) Step One: If the problem is not resolved by the discussion in (3) above, the employee may elect to file a formal complaint by using the college form. Complaint forms are available through the Human Resources Department, the appropriate dean's or director's office, the Chairperson of Staff Council, or the President of Faculty Senate. The complainant must state in writing the specifics of the problem, the section(s) of policy or procedure allegedly violated, and what he/she would consider a proper resolution of the problem.

The Director of Human Resources will assess the problem and assign the complaint to either (a) or (b) below:

- (a) If the supervisor of the respondent is an officer of the college, the complaint will move directly to step three, and the Director of Human Resources will notify both parties.
- (b) If the complaint is appropriately at step one, the remainder of step one will be implemented as stated below.

The Director of Human Resources will schedule the Step One meeting **within five (5) working days** with the appropriate concerned parties to attempt resolution.

Within **three (3) working days** after this Step One meeting, the respondent will hand deliver to the complainant, in writing, the proposed resolution of the problem.

- (7) Step Two: If the problem is not resolved to the satisfaction of the complainant at step one, the complainant may appeal within **five (5) working days** of receipt of the proposed resolution, in writing, to the supervisor of the respondent. If the respondent is an administrator at the dean or director level, the complaint will move directly to step three. **Within five (5) working days** after receipt of the appeal, the supervisor of the respondent will hand deliver to the complainant, in writing, the proposed resolution to the problem.
- (8) Step Three: If the problem is not resolved to the satisfaction of the complainant at the first or second steps, the complainant may appeal, in writing, within **five (5) working days** of receipt of the proposed resolution to the appropriate officer of the college.
- (a) **Within five (5) working days** of receipt of the appeal the college officer will request that the EEO Officer implement Procedure No. 3-31 (B) (8) to

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select a review panel of three employees to hear the problem and to make a recommendation on its resolution to the appropriate vice president. If the EEO Officer is the respondent administrator in the complaint, the Vice President for Business and Administrative Services will replace the EEO Officer in this procedure.

- (b) Within five working days after the panel has been selected in accordance with Procedure No. 3-31 (B) (8), the EEO Officer will schedule an organizational meeting of the three panel members to accomplish the following items:
1. The panel will select a chairperson and a secretary who will produce the committee's recommendation report.
  2. The EEO Officer will provide each panel member with a copy of the Columbus State Community College *Guidelines for Third-Step Panel Review Meeting* (see appendix to this procedure) that will be used to conduct the review meeting.
  3. The EEO Officer will provide the panel members with copies of documentation generated from the procedure to date, including all written recommendations for resolution.
  4. Both parties to the complaint are encouraged to present the panel with any relevant information in writing prior to the meeting. Both parties will also have the opportunity to make a presentation before the panel.
- (c) Within ten (10) working days after the organizational meeting, the chairperson of the panel will schedule and conduct the review meeting.
1. This meeting will be conducted according to the guidelines listed at the end of this procedure.
  2. Both parties to the complaint may elect to have an advocate participate at this step.

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- (d) Within five working days after the review meeting, the panel will submit its recommendation to the appropriate vice president and to both parties.
  - (e) Within five (5) working days of receipt of the panel's recommendation, the appropriate vice president will hand deliver to the complainant and respondent, in writing, his/her recommendation for resolution.
  - (f) If the problem is not resolved to the satisfaction of the complainant at the third step, the complainant may, within five (5) working days following receipt of the written response from the appropriate college officer, choose by written request to the appropriate vice president to go to either Step Four (mediation) followed by Step Five (arbitration) or go straight to Step Five (arbitration).
- (9) Step Four: If the problem is not resolved to the satisfaction of the complainant at the third step, the complainant may, within five (5) working days following receipt of the written response from the appropriate college officer, submit a request to the appropriate vice president to obtain the President's approval to take the complaint to mediation. At this and the subsequent step, either party may choose to have a non-employee third party represent them. The mediator shall be selected by mutual agreement of the complainant and the college. If the parties cannot agree, they will request the Federal Mediation and Conciliation Service to assist in the selection. The fees and expenses of mediation shall be borne equally by the parties. The expenses shall include the fees and related expenses of the mediator, rental charges for a mediation site (if any), plus other expenses related to the mediation. In all cases, each party will bear the cost of preparing and presenting its own case. When a mutually agreed upon resolution to the problem is reached, the mediator will request the parties sign a written agreement concerning the resolution. Nothing in this procedure shall be interpreted or construed to empower the mediator to amend, change, subtract from, or add to the policies, procedures, or systems of Columbus State Community College.
- (10) Step Five: If the problem is not resolved during the mediation effort at the fourth step, the complainant may, within five (5) working days following receipt of the written response from the officer, submit a request to the appropriate vice president to obtain the President's approval to take the complaint to arbitration. At this step, either party may choose to have a non-employee third party represent them. The arbitrator shall be selected

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by mutual agreement of the complainant and the college. If the parties cannot agree, they will request the Federal Mediation and Conciliation Service to assist in the selection. The fees and expenses of arbitration shall be borne equally by the parties. The expenses shall include the fees and related expenses of the arbitrator, rental charges for an arbitration site (if any), plus other expenses related to the arbitration. In all cases, each party will bear the cost of preparing and presenting its own case. The cost of transcripts of the hearing will be borne by the parties making the request. The arbitrator shall be requested to render a decision in writing as quickly as possible, but, in any event, no later than thirty (30) calendar days after the conclusion of the hearing, unless the parties otherwise agree.

The arbitrator's decision will be final and binding upon both parties, providing that the decision is made within the jurisdiction and authority given under this procedure and that the decision is in compliance with the laws of the state of Ohio. Nothing in this procedure shall be interpreted or construed to empower the arbitrator to amend, change, subtract from, or add to the policies, procedures, or systems of the college, or in any way modify or override the decision of a college representative that is consistent with college policy and procedures.