

# Academic Staff Personnel Rules

## Chapter Sixteen -- Complaints

### ACS 16.0. Complaints Against Academic Staff.

Complaints against members of the academic staff are reviewed and processed under the provisions of this chapter. Note that serious complaints, potentially warranting dismissal from employment, will be reviewed and processed under the terms and provisions of Chapter Seventeen (Dismissal for Cause) of these rules, as provided below.

### ACS 16.1. Complaints.

Pursuant to UWS 13.01, a complaint is an allegation concerning the conduct of an academic staff member which violates University rules or policies, or which adversely affects the staff member's performance or obligation to the University, but which is not serious enough to warrant dismissal proceedings under chapters UWS 11 and Chapter 17 of the UW Oshkosh Academic Staff Personnel Rules.

(1) Definition and Purpose. A formal complaint expresses an objection to perceived misconduct and seeks disciplinary action against the offender. The purpose of this procedure is to provide a means by which administrators, students, faculty members, other academic staff members, classified staff members or members of the general public may bring a complaint against the conduct of an academic staff member.

(2) Complaints Against Academic Staff Members. Complaints may be brought against academic staff members for conduct which violates University rules or policies or which adversely affects the academic staff member's performance of his/her obligation to the University but which allegations are not serious enough to warrant dismissal proceedings under UWS 11. The Chancellor shall determine after receiving the complaint whether it is to be considered under this part or Chapter Seventeen, "Dismissal for Cause."

(3) A complaint may be brought against an academic staff member by persons other than the academic staff member's supervisor(s), including administrators, students, other academic staff, faculty, classified staff, or members of the public. Persons with a complaint are encouraged to utilize informal discussion, collegial interaction and existing structures to resolve conflicts and remedy personal and professional concerns whenever possible. Where these do not provide a satisfactory resolution, the following formal procedure is established.

### ACS 16.2. Form.

These rules refer to written complaints signed by the complainant. Oral or anonymous complaints shall not be considered under the procedures of these rules. Complaints shall contain the following information:

(1) Description of the specific act(s) which resulted in the complaint, the date(s) when the act(s) took place, and the names of persons involved.

(2) A listing of the specific rules, policies or performance obligations alleged to have been violated, or the nature of the alleged misconduct.

(3) Evidence to support the complaint. Such evidence may include materials predating the action and leading to the complaint.

(4) Desired outcome.

### ACS 16.3. Procedure. The following procedure shall be used to review complaints:

(1) The recipient of a complaint shall forward the original copy of the complaint to the supervisor of the individual whose conduct is the subject of the complaint.

(2) Once a complaint has been received, the supervisor shall then make an initial determination regarding the seriousness of the alleged misconduct.

(3) Whenever the alleged misconduct could be serious enough for dismissal, or when the results of the initial review of the complaint allows a determination to be made that dismissal might possibly be warranted, the supervisor shall present a recommendation to the Chancellor or his/her designee.

1 nee who shall then determine whether the complaint shall be considered under Chapter 17 of the  
2 UW Oshkosh Academic Staff Personnel Rules. When the complaint is to be considered under  
3 Chapter 17 of the UW Oshkosh Academic Staff Personnel Rules, the recipient of the complaint  
4 shall notify the academic staff member that a complaint has been filed, and shall provide a copy  
5 of the complaint if requested.

- 6 (4) The supervisor shall, at his/her discretion, informally and confidentially discuss it with the staff  
7 member about whom the complaint has been made or with other persons who may be knowl-  
8 edgeable concerning the alleged misconduct.
- 9 (5) At the conclusion of these discussions, if no evidence of wrongdoing has been found, the com-  
10 plaint shall be dismissed and the complainant so notified. No record of it will be maintained in the  
11 staff member's personnel file.
- 12 (6) If evidence of wrongdoing is found, the recipient of the complaint shall initiate appropriate action  
13 within 14 calendar days of the receipt of the complaint and shall inform the complainant that ap-  
14 propriate action has been taken.
- 15 (7) If the complaint has not been dismissed or otherwise resolved within fourteen calendar days of  
16 the receipt, the supervisor shall send a copy of the signed complaint to the academic staff mem-  
17 ber concerned. The Chancellor shall be notified of the complaint, if he/she has not been involved  
18 thus far. The Chancellor or his/her designee shall initiate a review. Within fourteen calendar days  
19 after being notified, the Chancellor or designee shall meet as appropriate with the academic staff  
20 member, with the complainant, and with other persons if necessary, and shall begin the review of  
21 all relevant documents. Within fourteen calendar days after the review is completed, the Chancel-  
22 lor or designee shall inform the academic staff member and complainant in writing of his/her ac-  
23 tion, which may include:
- 24 (a) Dismissal of the complaint;
- 25 (b) Administrative invocation of an appropriate disciplinary action; or
- 26 (c) Referral of the complaint to the Senate of Academic Staff for a hearing (see the governance  
27 materials describing the Senate of Academic Staff, GOV 4.3.C.).
- 28 (d) If the complaint is dismissed, the academic staff member shall not be subjected to further  
29 jeopardy for the alleged misconduct. No record of it will be maintained in the staff member's  
30 personnel file.
- 31 (e) If there is administrative disciplinary action, it may include but is not limited to sanctions such  
32 as:
- 33 1. Oral admonishment;
- 34 2. Written reprimand;
- 35 3. Requirement for restitution;
- 36 4. Suspension of specific privileges;
- 37 5. Reduction in salary; and
- 38 6. Suspension with or without pay for a specific period of time.
- 39 (f) Within fourteen calendar days of receiving written notice from the Chancellor of administrative  
40 invocation of disciplinary action, the academic staff member may file a request with the presi-  
41 dent of the Senate for review by a hearing committee, if such review has not already been  
42 held. Should such a review be requested, the implementation of the administrative sanction  
43 shall be stayed, pending final decision by the Chancellor after receipt of the recommendation  
44 of the hearing committee.
- 45 (g) If the Chancellor refers a complaint for hearing to the Senate of Academic Staff, or if the aca-  
46 demic staff member requests such referral after administrative invocation of disciplinary ac-  
47 tion, the committee shall follow the procedures outlined under GOV 4.3.C. The hearing shall  
48 be completed within forty calendar days, unless extended by mutual consent of the academic  
49 staff member and the hearing committee because extenuating circumstances exist.

- 1 (h) The findings and recommendations of the hearing committee shall be transmitted via the  
2 president of the Senate of Academic Staff to the academic staff member, the complainant,  
3 and the Chancellor. The hearing committee shall recommend to the Chancellor:
- 4 1. dismissal of the complaint;
  - 5 2. disciplinary action such as indicated above ; or
  - 6 3. referral to an administrative officer for appropriate action.
- 7 (i) The Chancellor, or designee, shall render a formal, written decision to the academic staff  
8 member, the complainant, appropriate University officers and, for information only, to the  
9 president of the Senate of Academic Staff within fourteen calendar days of receipt of the rec-  
10 ommendation from the academic staff hearing committee. The Chancellor's decision shall be  
11 final.