

COMPLAINTS

Now and then you may experience difficulties or problems that seem to defy solution. If your attempt to solve a problem has not been successful, or if you are dissatisfied with the solution proposed by others, you have the option to seek resolution by filing a complaint. Before doing so you should understand that informal attempts to solve problems are often more effective than filing a complaint. A complaint is used only as a last resort.

Formal complaints against faculty and academic staff may be filed under Faculty and Academic Staff Handbook Chapters FAC 9 and ACS 16. (Complaints against classified employees will be processed in accordance with the relevant provisions of the employee's contract. Complaints that can be considered under the personnel rules are limited to conduct harmful to the University or violations of University rules or policies.)

If you have a complaint which you have tried unsuccessfully to resolve through informal contacts with the individual involved, you are encouraged to discuss the substance of your complaint with the Dean of Students Office Staff. In many instances, this discussion can result in satisfactory solutions to your problems. In other cases, the Dean of Students Office can make appropriate referrals to other offices (i.e., department chairs, college deans, Affirmative Action Director, Vice Chancellor, or Chancellor). Copies of all complaint procedures against faculty, academic staff or classified staff are available in the Dean of Students Office.

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 who shall then determine whether the complaint shall be considered under Chapter 17 of the UW Oshkosh Academic Staff Personnel Rules. When the complaint is to be considered under Chapter 17 of the UW Oshkosh Academic Staff Personnel Rules, the recipient of the complaint shall notify the academic staff member that a complaint has been filed, and shall provide a copy of the complaint if requested.
- (4) The supervisor shall, at his/her discretion, informally and confidentially discuss it with the staff member about whom the complaint has been made or with other persons who may be knowledgeable concerning the alleged misconduct.
- (5) At the conclusion of these discussions, if no evidence of wrongdoing has been found, the complaint shall be dismissed and the complainant so notified. No record of it will be maintained in the staff member's personnel file.
- (6) If evidence of wrongdoing is found, the recipient of the complaint shall initiate appropriate action within 14 calendar days of the receipt of the complaint and shall inform the complainant that appropriate action has been taken.

- (7) If the complaint has not been dismissed or otherwise resolved within fourteen calendar days of the receipt, the supervisor shall send a copy of the signed complaint to the academic staff member concerned. The Chancellor shall be notified of the complaint, if he/she has not been involved thus far. The Chancellor or his/her designee shall initiate a review. Within fourteen calendar days after being notified, the Chancellor or designee shall meet as appropriate with the academic staff member, with the complainant, and with other persons if necessary, and shall begin the review of all relevant documents. Within fourteen calendar days after the review is completed, the Chancellor or designee shall inform the academic staff member and complainant in writing of his/her action, which may include:
- (a) Dismissal of the complaint;
 - (b) Administrative invocation of an appropriate disciplinary action; or
 - (c) Referral of the complaint to the Senate of Academic Staff for a hearing (see the governance materials describing the Senate of Academic Staff, GOV 4.3.C.).
 - (d) If the complaint is dismissed, the academic staff member shall not be subjected to further jeopardy for the alleged misconduct. No record of it will be maintained in the staff member's personnel file.
 - (e) If there is administrative disciplinary action, it may include but is not limited to sanctions such as:
 1. Oral admonishment;
 2. Written reprimand;
 3. Requirement for restitution;
 4. Suspension of specific privileges;
 5. Reduction in salary; and
 6. Suspension with or without pay for specific period of time.
 - (f) Within fourteen calendar days of receiving written notice from the Chancellor of administrative invocation of disciplinary action, the academic staff member may file a request with the president of the Senate for review by a hearing committee, if such review has not already been held. Should such a review be requested, the implementation of the administrative sanction shall be stayed, pending final decision by the Chancellor after receipt of the recommendation of the hearing committee.
 - (g) If the Chancellor refers a complaint for hearing to the Senate of Academic Staff, or if the academic staff member requests such referral after administrative invocation of disciplinary action, the committee shall follow the procedures outlined under GOV 4.3.C. The hearing shall be completed within forty calendar days, unless extended by mutual consent of the academic staff member and the hearing committee because extenuating circumstances exist.
 - (h) The findings and recommendations of the hearing committee shall be transmitted via the president of the Senate of Academic Staff to the academic staff member, the complainant, and the Chancellor. The hearing committee shall recommend to the Chancellor:
 1. dismissal of the complaint;
 2. disciplinary action such as indicated above; or
 3. referral to an administrative officer for appropriate action.
 - (i) The Chancellor, or designee, shall render a formal, written decision to the academic staff member, the complainant, appropriate university officers and, for information only, to the president of the Senate of Academic Staff within fourteen calendar days of receipt of the recommendation from the academic staff hearing committee. The Chancellor's decision shall be final.

COMPLAINTS AGAINST FACULTY

FAC 9.B.1. UWS 6.01 {Complaints} of the *Wisconsin Administrative Code, Rules of the Board of Regents.*

UWS 6.01 Complaints.

The faculty of each institution, with the approval of the Chancellor, shall establish rules and procedures to deal with allegations by the administration, students, academic staff members, other faculty members, classified staff members, or members of the public concerning conduct by a faculty member which violates university rules or policies, or which adversely affects the faculty member's performance of his/her obligation to the university but which allegations are not serious enough to warrant dismissal proceedings under ch. UWS 4. Such rules and procedures shall include, but not necessarily be limited to, the following:

- (1) Review of and administrative action on the complaint by the Chancellor. Administrative action may include dismissing the complaint, invoking an appropriate disciplinary action, or referring the complaint to the standing faculty committee created under sub. (2).
- (2) Provision for a hearing before a standing faculty committee selected by the faculty of each institution in such manner as they shall determine. Such hearing shall be held at the request of the Chancellor or, if the Chancellor invokes a disciplinary action, at the request of the faculty member concerned.
- (3) Guarantee of adequate due process to include, but not limited to, written notification of the complaint, fair and complete hearing procedures, written statement of findings, transmittal of findings to the faculty member involved and appropriate administrative officials within a reasonable period of time, and prohibition of further jeopardy for the same alleged misconduct after a final decision.
- (4) Delineation of the powers of the faculty committee to make recommendations to the Chancellor concerning disciplinary action, to recommend dismissal of the complaint, or to recommend referral of the complaint to the appropriate department or administrative officer.
- (5) The decision by the Chancellor on the recommendations of the committee, or on the complaint in the absence of committee recommendation, shall be final except that the board at its option might grant a review on the record.

History: Cr. Register, January, 1975, No. 229, eff. 2-1-75.

FAC 9.B.2. 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, academic staff members, other faculty members, classified staff members or members of the general public may bring a complaint against the conduct of a faculty member.

FAC 9.B.3. Complaints Against Faculty Members.

Complaints may be brought against faculty members for conduct which violates university rules or policies or which adversely affects the faculty member's performance of his/her obligation to the university but which allegations are not serious enough to warrant dismissal proceedings under UWS 4. The Chancellor shall determine after receiving the complaint whether it is to be considered under this part or the section of these rules titled "Faculty Dismissal."

- (1) Form of a Complaint. Complaints shall be written and signed by the complainant. They shall identify the acts which allegedly violate university rules or policies or breach the faculty member's obligations, and they shall specify the rules or policies which have allegedly been violated or the obligations allegedly breached.
- (2) Complaint Procedures.
 - a. Upon receiving a complaint the Chancellor shall determine whether it warrants further consideration. If the Chancellor decides to reject the complaint at this stage, he or she shall so notify the complainant and shall explain the reasons why the complaint has been rejected. If the Chancellor decides to accept the complaint, he or she shall send a copy of the complaint to the faculty member it names and shall request a written response to the complaint within ten working days.
 - b. Upon receipt of the faculty member's response or after ten working days have passed without a response, the Chancellor may dismiss the complaint or initiate a formal review of it. In the formal review, if any, the Chancellor shall examine all pertinent documents and interview all persons likely to have knowledge about the conduct in question and in general shall afford both the complainant and the respondent full and fair opportunity to show why the complaint should be prosecuted further or dropped. The Chancellor may appoint a designate to carry out the formal review and recommend appropriate action upon the complaint.
 - c. Within twenty working days of initiating a formal review, the Chancellor shall take one of the following actions on the complaint and shall inform both the complainant and the respondent of the action:
 1. Dismissal of the complaint;
 2. Invocation of a sanction against the respondent; or
 3. Referral to the Faculty Hearing Committee.
 - d. If the complaint is dismissed, the faculty member shall not be subjected to further jeopardy for the same alleged misconduct.
 - e. If the Chancellor invokes a sanction, he/she shall inform the faculty respondent of the reasons for his/her decision.
 - f. If there is administrative disciplinary action, this may include sanctions such as:
 1. Oral admonishment
 2. Written reprimand
 3. Requirement for restitution
 4. Suspension of specific privileges
 5. Reduction in salary; or
 6. Reduction in rank
 - g. Before invoking any sanction, the Chancellor will consult with the Executive Committee of the Faculty Senate about the appropriateness of the proposed sanction. If the Executive Committee and the Chancellor disagree about the appropriateness of the sanction, the Chancellor will inform the committee in writing of his/her reasons for thinking the proposed sanctions appropriate.
 - h. Sanctions shall be subject to review by the Faculty Hearing Committee, upon request by the faculty member. If the Chancellor rejects the recommendations of the hearing subcommittee, he or she shall provide the subcommittee and the Executive Committee of the Faculty Senate with a written statement of his/her reasons for rejecting the findings of the hearing subcommittee.
 - i. Within ten working days of receiving notice from the Chancellor of administrative invocation of disciplinary action, the faculty member may file a request for review by the Faculty Hearing Committee. Should such a review be requested, the implementation of the administrative sanction shall be stayed pending the final decision by the Chancellor after receipt of the recommendation of the hearing subcommittee.
 - j. If the Chancellor refers a complaint to the Faculty Hearing Committee, or if the faculty member requests such referral after administrative invocation of disciplinary action, the subcommittee shall follow the procedures outlined in the sub-chapter titled "Faculty Senate Hearing Committee." Normally, the hearing shall be completed within thirty working days. If the hearing committee is required by extenuating circumstances to extend the hearing beyond thirty days, it shall file with the chairperson of the Faculty Hearing Committee and the president of the Faculty Senate a statement of the reasons why it must extend the timeliness for the hearing and a tentative timetable for completing its hearing on the complaint.
 - k. The findings and recommendations of the hearing subcommittee shall be transmitted to the faculty member, the complainant, and the Executive Committee of the Faculty Senate for submission to the Chancellor. The hearing subcommittee shall recommend to the Chancellor either dismissal of the complaint, specified disciplinary action such as indicated in section (f), above, or referral to a department or administrative officer for appropriate action.

- l. The Chancellor shall render a formal, written decision to the faculty member, the complainant, appropriate university officers and, for information only, to the Executive Committee of the Faculty Senate within ten working days of receipt of the recommendation from the Executive Committee. If the Chancellor fails to accept the recommendations of the hearing subcommittee, he or she shall provide the subcommittee, the chairperson of the Faculty Hearing Committee, the Executive Committee, and the principals in the complaint with a written rationale for rejecting the subcommittee's recommendations.
- m. At the request of the faculty member, the Board of Regents, at its option, may choose to grant a review of the decision on the record.