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**Complaint Policy and Procedures  
for Employees**

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# **Complaint Policy and Procedures for Employees**

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## **I. Philosophy and Scope**

Frederick Community College (“FCC” or the “College”) faculty, staff, and administration strive to create and maintain a work environment where effective communication enhances integrity, justice, and civility. The purpose of this Complaint Policy and Procedures for Employees is to provide a method of recourse to employees who wish to address a particular action on the part of a College employee(s) or office.

The Office of Human Resources is available as a resource for policy interpretation, application, and consultation throughout the process.

Employees are expected to first attempt to resolve issues covered under this Policy and Procedures informally by communicating directly with their supervisor and/or the employee with whom the issue originated. If informal resolution is not possible, employees have the right to make a formal complaint using this Complaint Policy and Procedures for Employees.

This Policy and Procedures is applicable to all employees of the College for complaints **other** than those relating to acts of misconduct, discrimination, sexual misconduct, separation from employment, or related to performance appraisals. In accordance with the FCC’s Non-Discrimination Policy and Procedures, the College prohibits any employee, student or other person the College’s control from engaging in retaliation against any person who exercises in good faith, their own rights under College policy or other law. Employees who believe they have been retaliated against should contact the VP for Talent and Culture.

Employees wishing to file a complaint alleging any act of discrimination or sexual misconduct should refer to the College [Non-Discrimination Policy and Procedures](#) or the [Title IX Sexual Harassment Policy and Procedures](#) available on the College website.

Employees wishing to appeal decisions made related to separation from employment should refer to the [Separation from Employment Policy and Appeal Procedure for Involuntary Separation from Employment](#) available on the College website.

Employees have the opportunity to respond to performance appraisal ratings through Section 4B on the Performance Appraisal form.

## **II. Definitions for the Purpose of this Policy and Procedures**

- A. **“College Support Person”** refers to an employee of the College chosen to accompany and assist a complainant during the appeal process with the Senior Leader. The College Support Person cannot be a fact witness or provide statements in the proceedings. The College Support Person is a non-participant who is present to assist an employee by taking notes or providing emotional support and reassurance.
- B. **“Designee”** refers to an individual appointed in consultation with the VP for Talent and Culture to receive, investigate and respond to a complaint due to unavailability or a potential conflict of interest within the chain of command.

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Designees may be College employees or independent investigators retained by the College.

- C. **“Formal complaint”** refers to a process whereby an employee, who believes that attempts at informal resolution have been unsuccessful, may initiate a formal complaint by following the steps outlined in this Policy and Procedures.
- D. **“Informal resolution”** refers to initial meetings between the parties directly involved in an issue where there is good faith effort to resolve the issue so that initiation of a formal complaint is not necessary.
- E. **“Senior Leader”** refers to a member of the President’s Senior Leadership Team, which includes the President; the Chief of Staff to the President; the Vice President (VP) for Finance and Administration; the Provost and VP for Teaching, Learning, and Student Success; the VP for Student Affairs; the VP for Talent and Culture; the Executive Director of the Office of Institutional Advancement/FCC Foundation; and the Special Assistant to the President for Institutional Effectiveness.
- F. **“Workdays”** refers to Monday through Friday and does not include weekends, holidays, scheduled breaks, or other days the College is closed.

### **III. Responsible Senior Leader and Responsible Office**

Vice President for Talent and Culture

Office of Human Resources

### **IV. Entities Affected by this Policy and Procedures**

All employees

### **V. Informal Resolution**

Employees are expected to first attempt to resolve issues covered under this Policy and Procedures informally by communicating directly with their supervisor and/or the employee with whom the issue originated.

The employee should notify their direct supervisor regarding the issue. The supervisor should provide guidance and/or meet with the parties involved within ten (10) workdays to discuss the issue and discuss potential solutions.

If the complaint is between the employee and the direct supervisor, then the employee has the option to informally resolve the complaint with the next level supervisor.

Once an employee has attempted to informally resolve the complaint and the complaint has not been resolved, the employee will follow the procedure for a formal complaint.

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### **VI. Formal Complaint Procedures**

All formal complaints, **other** than those related to misconduct, discrimination, sexual misconduct, separation from employment, or performance appraisals ratings, shall follow these procedures.

- A. If an employee believes that the informal resolution r did not resolve the issue, the employee must submit in writing their complaint to the employee's next level supervisor and copy the VP for Talent and Culture.
- B. The employee's next level supervisor, in consultation with the VP for Talent and Culture, will determine if they will investigate the complaint or appoint a designee to act on their behalf. The VP for Talent and Culture will determine if an outside investigator is needed.
- C. The employee's next level supervisor or designee will:
  1. Review records related to the informal complaint resolution process and the written complaint document;
  2. Share the complaint with parties named in the complaint;
  3. Interview all parties involved;
  4. Conduct an assessment using all the information collected; and
  5. Respond in writing with their findings and recommendations to the employee, other named parties, and the VP for Talent and Culture within ten (10) workdays following the receipt of the written complaint. An extension in the time to respond in writing may be granted upon a showing of good cause.
- D. If the employee's next level supervisor did not resolve the issue, the employee may appeal to the supervising Senior Leader and copy the VP for Talent and Culture within ten (10) workdays following the receipt of the written response from the next level supervisor or designee. The appeal shall be in writing and detail the rationale for the complaint, the rationale for the appeal, and the remedy sought.
- E. The Senior Leader, in consultation with the VP for Talent and Culture, will determine if they will investigate the complaint or appoint a designee to act on their behalf. The VP for Talent and Culture will determine if an outside investigator is needed.
- F. The Senior Leader or designee will:
  1. Convene a meeting with the employee regarding the written appeal within ten (10) workdays following receipt. The employee may have a College Support Person of their choice present for the meeting.
  2. Submit a decision on the appeal in writing to the employee and the VP for Talent and Culture within five (5) workdays following the meeting. The decision of the Senior Leader or designee is considered final.

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### **VII. Formal Complaint Procedures for Complaints Against a Senior Leader**

All formal complaints, **other** than those related to misconduct, discrimination, sexual misconduct, separation from employment, or performance appraisals, shall follow these procedures.

- A. If an employee believes that informal resolution did not resolve the issue, the employee must submit their complaint in writing to the President with a copy to the VP for Talent and Culture. If the complaint is against the VP for Talent and Culture, the complaint must be submitted to the President with a copy to the VP for Finance and Administration. The President, in consultation with the VP for Talent and Culture (or the VP for Finance and Administration if the complaint is against the VP for Talent and Culture), will determine if they will investigate the complaint or appoint a designee to act on their behalf.
- B. The President or designee will:
  1. Review records related to the informal complaint resolution process and the written complaint document;
  2. Share the complaint with parties named in the complaint;
  3. Interview all parties involved;
  4. Conduct an assessment using all the information collected; and
  5. Respond in writing with their findings and recommendations to the employee, other named parties, and the VP for Talent and Culture within ten (10) workdays following the receipt of the written complaint. An extension in the time to respond in writing may be granted upon a showing of good cause. The decision of the President or designee is considered final.

### **VIII. Formal Complaint Procedures for Complaints Against the President**

All formal complaints, **other** than those related to misconduct, discrimination, sexual misconduct, separation from employment, or performance appraisals, shall follow these procedures.

- A. If an employee believes that informal resolution did not resolve the issue, the employee must submit their complaint in writing to the Chair of the Board of Trustees with a copy to the VP for Talent and Culture.
- B. The Chair of the Board of Trustees, in consultation with the VP for Talent and Culture, College Legal Counsel, and other Trustees, will determine who will investigate the complaint.
- C. The Investigator will:
  1. Review records related to the informal complaint resolution process and the written complaint document;
  2. Share the complaint with parties named in the complaint;
  3. Interview all parties involved;

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4. Conduct an assessment using all the information collected; and
5. Respond in writing with their findings and recommendations to the employee, other named parties, the Chair of the Board of Trustees, and the VP for Talent and Culture within ten (10) workdays following the receipt of the written complaint. An extension in the time to respond in writing may be granted upon a showing of good cause. The decision of the Board of Trustees or designee is considered final.

### **IX. Extensions**

Every effort will be made to adhere to the timelines prescribed in this Policy and Procedures. Should extenuating circumstances exist that require additional time for complaint submissions or responses, extensions will be granted upon notification to all parties. Extensions may also be granted to investigators upon a showing of good cause.

### **X. Records**

All formal complaint, response, and appeal documents will be retained by the VP for Talent and Culture.

### **XI. Confidentiality**

All parties and staff will keep the complaint, fact-finding process, meetings, and documentation confidential, except to the extent that it is necessary to investigate and process the complaint or as may be required by law.

### **XII. Related Policies and Procedures**

[Employee Misconduct](#)

[Non-Discrimination](#)

[Separation from Employment Policy and Appeal Procedure for Involuntary Separation from Employment](#)

[Title IX Sexual Harassment](#)