

BRIDGEVALLEY COMMUNITY & TECHNICAL COLLEGE**COMPLAINT RESOLUTION**

Date approved by cabinet: April 26, 2023

Effective Date: June 5, 2023

Expiration date (5 years from effective date if not renewed): June 5, 2028

Section 1. Purpose

- 1.1. BridgeValley strives to create and maintain a work environment where effective communication enhances integrity, justice, and civility. The Complaint Resolution Policy is to provide a method of recourse to address a particular action on the part of the College employee(s) or office.

Section 2. Scope

- 2.1. This rule applies to all BridgeValley employees, faculty, classified and non-classified staff, applicants, and/or students when a complaint involves an employee or office of the College.

Section 3. Policy Statement

- 3.1. BridgeValley Community and Technical College (College), in its continuing effort to seek equity in education and employment and also comply with Federal and State anti-discrimination legislation, will follow fair and impartial process, with informal and formal options, to address concerns of harassment, discrimination, or other inappropriate conduct prohibited by BridgeValley. The goals of the complaint resolution process are to stop inappropriate conduct, to respond effectively to allegations of inappropriate conduct, and to restore a productive and welcoming working or learning environment.
- 3.2. A complaint may involve an issue as to whether College regulations/procedures have not been followed or that state/federal regulations have been violated.
- 3.3. Complaints should be filed in a timely manner preferably within thirty (30) workdays after the occurrence of the alleged act or failure to act. Although BridgeValley does not impose a specific time limit for reviewing a complaint, the College can respond more effectively to a complaint that is filed while the underlying facts are recent.
- 3.4. The Complaint Resolution Policy will not replace the employee grievance procedure established by W. Va. Code §6C-2-2. Rather, the Complaint Resolution Procedure provides a mechanism through which the College may identify and resolve incidents and allegations of discrimination and harassment.

- 3.5. Nothing in the Complaint Resolution process operates to deny or infringe upon an employee's right to pursue a formal grievance. The College believes that the establishment of this internal process will benefit students, faculty, and staff alike, permitting investigation and resolution of problems.
- 3.6. This policy is applicable to resolving complaints other than those relating to disciplinary action, separation of employment, or dispute of performance appraisal unless there is evidence that any such action is in violation of written BridgeValley policies or procedures or applicable state or federal law.
- 3.7. The College prohibits any person from engaging in retaliation against any person who exercises in good faith their own rights under the College policy and/or State and Federal law. The College prohibits retaliation against employees who file complaints or who participate in the resolution of complaints.
- 3.8. Complaints of illegal discrimination or harassment on the basis of age, color, disability, ethnic origin, genetic information, marital status, race, religious beliefs, sex, sexual orientation, or veteran status will be addressed in an objective and timely manner. Employees are encouraged to immediately report suspected discrimination or harassment of any kind.
- 3.9. BridgeValley encourages open discussion and communication between employees as a means of fostering co-operation and reducing misunderstandings.
- 3.10. The College has certain obligations to address allegations and to prevent their recurrence and, as a result, cannot guarantee confidentiality to a Complainant or other individuals involved. Regardless, the College and those individuals involved in the complaint process shall always treat these reports as private and in a sensitive manner.

Section 4. Informal Resolution of Complaint

- 4.1. The Informal Resolution Process is an attempt to resolve complaints quickly and to the satisfaction of all parties, while protecting confidentiality to the extent it does not interfere with the College's obligations to investigate allegations and/or to the extent authorized by law.
- 4.2. Informal complaints will typically be made verbally or by an informal email or other form of communication.
- 4.3. Complainants are encouraged, where appropriate, to attempt to initially resolve complaints by informal resolution.
- 4.4. The employee should notify their direct supervisor regarding the issue. The supervisor should provide guidance and/or meet with the parties involved to discuss the issue and discuss potential solutions. The Human Resources Officer will be available to provide assistance to the department in order to resolve the complaint.

- 4.5. 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 or Human Resources.
- 4.6. If the discussion with the immediate supervisor does not resolve the problem to the mutual satisfaction of the reporting employee and the supervisor, or if the supervisor does not respond to the complaint, the reporting employee should submit a written complaint to the next level supervisor in their chain of command as well as Human Resources.
- 4.7. If the complaint cannot be informally resolved, a formal complaint may be filed as outlined in this procedure.

Section 5. Formal Complaint Process

- 5.1. All formal complaints must be in writing on the “Complaint Form,” which may be obtained from the Human Resources Department. The complaint shall include the employee’s name, signature, and the description of the complaint; identify the person or persons purportedly responsible; and indicate the dates on which the act or acts occurred. The complaint should also include the names, addresses, and phone numbers of potential witnesses; the effect the alleged acts have had on the employee; employee’s desired resolution; and any other information the employee believes is relevant.
- 5.2. Employees of the College are required to cooperate with these types of investigations by providing truthful and complete information. It is the College’s expectation that the employee will answer all questions and provide any knowledge he/she possesses that may be helpful to the inquiry.
- 5.3. The formal investigation may include, but not be limited to:
 - 5.3.1. The Complainant and Respondent are notified of the name of the investigator and the nature of the allegations. The Respondent’s supervisor or manager will also be notified.
 - 5.3.2. The Complainant and Respondent will meet separately with the investigator and provide any information they would like the investigator to consider.
 - 5.3.3. The investigator may interview witnesses, collect other information, and consult with other individuals or offices, all as the investigator deems appropriate.
 - 5.3.4. The investigator uses a preponderance of the evidence standard (“more likely than not”) in drafting the investigation report.
- 5.4. The investigation should be concluded within forty-five (45) workdays of its inception, and the Chief Human Resources Officer or designee shall issue a written report making findings of fact and a determination as to whether a Conduct Policy was violated. The timeframe may be extended by the Chief Human Resources Officer should the

investigation necessitate more time at which time both Complainant and Respondent will be notified.

- 5.5. The College President or designee in consultation with the Chief Human Resources Officer and any other appropriate department head and upon consideration of any other relevant information, including aggravating or mitigating circumstances, shall determine whether a rule, regulation or law has been violated. The College shall take such corrective action as may be appropriate under the circumstances. This may include, but not limited to, a reprimand (verbal or written), suspension, a demotion, a removal of privileges, or termination of employment or appointment. All actions must be approved by the President of the College or designee prior to execution of any action.
- 5.6. The Complainant and the Respondent will be notified of the findings and the action taken to remedy the situation. If the complaint cannot be substantiated the Chief Human Resources Officer will inform all parties in writing and close the case.