PimaCommunityCollege

Office of Dispute Resources

COMPLAINT REVIEW

OVERVIEW

In the broadest sense, a complaint is a request for assistance with a problem, conflict, concern, or issue alleged to negatively impact students, employees, the community and/or Pima Community College (the "College). Often, a dispute or disagreement with another results in a complaint. The Office of Dispute Resources ("ODR") is available to help identify options for reporting and resolving complaints related to the College. These processes may be informal or formal (see below). ODR keeps complaints and related information confidential to the greatest extent possible and shares information only on a need-to-know basis.

The College has different resources and processes available depending on the nature of the complaint. ODR assists by identifying and sharing information about the most suitable options and resources with the person expressing the concern. ODR may conduct fact-finding or investigate a variety of disputes and complaints, including those involving discrimination, harassment, or retaliation. ODR may also refer specific types of disputes or complaints to other College offices for further review, including, but not limited to, reports of fraud or abuse/misuse of College resources, which ODR typically refers to the Internal Auditor or Chief Compliance Officer. ODR is also available to connect individuals with other College resources, employees, or employee groups that may be able to assist them with their disputes or complaints.

INFORMAL RESOLUTION

The College encourages the resolving of disputes and complaints directly among and by the parties involved. Either party, or both parties, may seek assistance from an appropriate College employee or office to resolve a dispute or complaint informally. Such employees or offices may include, but are not limited to, supervisors, mutually trusted colleagues, Human Resources (HR) personnel, or ODR staff.

The College recognizes that some situations are not appropriate for informal resolution, especially if they may involve serious misconduct or present a risk to the health and safety of College community members. If a dispute or complaint cannot be resolved informally to the mutual satisfaction of the parties involved, the formal complaint process should be considered.

FORMAL COMPLAINTS

Disputes and concerns that cannot be adequately addressed by informal resolution may be referred to the formal complaint process. Delays in reporting complaints may negatively impact the College's ability to assess, investigate, and resolve the disputes and concerns. Complaints may be submitted through any of the options listed on the ODR website:

https://www.pima.edu/administration/complaint-resources/odr.html

Complaints should include the following:

1. A detailed description of the dispute, concern, or incident at issue, including such information as who was involved, what happened, when and where did the event(s) take place, and any harmful or negative impacts that were experienced as a result;
2. The names of witnesses or other individuals with direct knowledge of the dispute, concern or incident(s);
3. Any specific College policy, procedure, or standard believed to have been violated (if known);
4. Any documentation or other evidence dispute, concern, or incident at issue in the complaint, such as emails, texts, chats, or photos/videos;
5. The resolution sought.

Complaints received through the College's anonymously hotline will be acknowledged by ODR and are accessible by the complainant. The EthicsPoint online reporting option allows ODR to communicate with the complainant through the hotline service while maintaining the complainant's anonymity. Other forms of anonymous complaints, such as letters, restrict the College's ability to contact the anonymous complainant to obtain additional information or provide updates.

Although the College endeavors to resolve complaints in a timely manner, it may take weeks or months for the formal complaint process to reach a final decision, depending on the complexity of the issues involved. Throughout the process, ODR will keep the parties updated on the status.

CONFLICTS OF INTEREST OR BIAS

ODR is committed to addressing complaints, grievances, and concerns in an independent, fair, and objective manner. However, if either party believes ODR personnel processing a complaint have a conflict of interest or bias that would impact their ability to review a complaint in an impartial manner, the individual(s) may submit a written explanation of their specific concern(s) to the College's Office of General Counsel. If the General Counsel determines that there is an actual or potential conflict of interest or bias, the General Counsel may reassign the complaint to a different ODR staff member or other College employee for further review. In some instances, the College may retain an outside reviewer to investigate the complaint.

ODR'S ROLE IN COMPLAINT REVIEW

ODR reviews complaints to determine the most applicable College policy or procedure and identify the most appropriate decision-maker in accordance with College policy or procedure. ODR may engage other departments within the College or seek external assistance as part of the complaint-resolution process.

After the initial review, ODR will inform the complainant of the steps that will be taken to address the complaint and provide the parties involved with written notice of their respective rights and responsibilities during the complaint process.

ODR itself does not decide complaints or determine what corrective action (if any) should be taken. The primary role of ODR during the complaint review process is to refer the complaint to the applicable process and provide the appropriate decision-maker with sufficient information to determine a suitable resolution. ODR performs this role by performing fact-findings and conducting investigations, which may include reviewing documents or other evidence, interviewing parties and witnesses, and writing investigatory reports.

If at any time during a review process ODR becomes aware of information that indicates a potential risk to health or safety, ODR will refer that information to an appropriate College office or law enforcement.

If ODR or a decision maker determines an investigation is appropriate, one or more of the following steps are taken:

1. Determine if interim or supportive measures are warranted or required;
2. Gather evidence and memorialize all evidence collected;
3. Determine the best method to maintain communication with the parties and other individuals involved in or affected by the complaint;
4. Update the complainant and respondent of the status of the investigation as necessary;
5. Maintain appropriate records and documents in ODR's database (EthicsPoint).

Review of Title IX Complaints*: The steps taken during the review and investigation of a Title IX complaint may vary in order to comply with the specific requirements related to that law, such as when information obtained during a proceeding indicates that a different review process should be followed. See AP 2.03.01.*

At the conclusion of the investigation, ODR (or another designated investigator) will prepare a report summarizing the relevant evidence and findings of fact. ODR will provide the report to the responsible decision-maker. ODR will also notify the complainant and respondent of the outcome of the investigation. Other parties may be informed of the outcome on a need-to-know basis.

OTHER ROLES IN COMPLAINT REVIEW

Complainant
The complainant is the individual expressing concern about a situation related to the College and negatively impacting that individual or others affiliated with the College.

Respondent
The respondent is the individual or individuals identified by the complainant as having engaged in conduct that may have violated one or more College policies, procedures, or standards and that had or likely will have a negative impact on others.

Witness
A witness is an individual who may have information about the events, standards, or individuals related to a complaint.

Advisors
Any complainant, respondent, or witness who is also a College employee may select another employee as an Employee Advisor ("EA") during the complaint review process. The Student Code of Conduct also provides for the assistance of a Student Advisor ("SA"). As a condition of serving, the EA or SA will be required to sign an acknowledgment form indicating they understand and agree to abide by the parameters of their role, as well as confidentiality and training requirements. For more information about EAs, please refer to the Employee Handbook. For more information about SAs, please refer to the Student Code of Conduct and Academic Integrity Code.

TITLE IX *is a federal law that prohibits sex-based discrimination and has specific complaint process requirements. Title IX Advisors' roles are more specifically defined for Title IX Sexual Harassment processes. For more information, please refer to AP 2.03.01, Sections 14.13 through 14.15 in AP 2.03.01.*

Decision-maker
The decision-maker is the College employee responsible for determining whether there has been a violation of a College policy, procedure, or standard and deciding what corrective action (if any) should be taken. The decision-maker is typically specified in College policy or procedure, including, but not limited to, the Employee Handbook, Student Code of Conduct, and Academic Integrity Code.

Title IX Decision-Makers: *Decision-makers in Title IX Sexual Harassment cases are assigned from a trained pool by the Title IX Coordinator which may include individuals from outside the College.*

ODR RECORDS

Records received or created by ODR related to a complaint are maintained in a secure database. ODR records are confidential and shared only on a need-to-know basis or as otherwise required by law. Questions about the disclosure of records in a particular case should be directed to ODR.

DISAGREEMENTS WITH ODR'S FINDINGS OF FACT

Parties who disagree with the findings of fact or substantive conclusions contained in an ODR investigation report must address those disagreements with the decision-maker during an appropriate stage in the applicable complaint process. Such disagreements may include, but are not limited to, the following:

- Whether an allegation was substantiated by the evidence;
- Whether particular conduct violated College policy, procedure, or other standard;
- Whether the testimony of one witness should be believed over another;
- Whether the investigator failed to properly obtain or consider relevant evidence.

Decision-makers should request clarification from the investigator or consider whether additional investigation is needed before rejecting ODR's findings of fact or investigation conclusions.

When an appeal of a decision-maker's decision is available, disagreements with ODR's findings of fact and substantive conclusions, as well as the decision-maker's acceptance or application of those findings and conclusions, may also be part of that appeal.

COMPLAINTS ABOUT ODR'S INVESTIGATION PROCEDURES

Parties who believe a procedural error or violation occurred during an ODR investigation that had a materially negative effect on the complaint process or its outcome must raise those issues to the decision-maker or during an available appeal. Such issues may include, but are not limited to, the following:

- Improper interference by ODR with a right to an Advisor;
- Not properly advising a party of their roles, rights, and responsibilities;
- Improper disclosure of confidential information by the ODR investigator;
- That ODR's investigation was conducted in a biased or otherwise unfair manner.

If a decision-maker determines that ODR engaged in a procedural error that had a materially negative effect on the complaint process or its outcome, the decision-maker may direct that all or part of ODR's investigation be redone correctly according to the applicable process(es).

COMPLAINTS ABOUT ODR STAFF

Parties to a complaint or other individuals who have concerns about the conduct of particular ODR staff members, whether or not they may have affected the outcome of a complaint process, should direct those concerns/complaints to the College's Office of the General Counsel. Concerns and complaints about ODR staff members may also be submitted anonymously through the College's Compliance and Ethics Hotline (see below for a link and telephone number). All such concerns/complaints will be referred to the Office of the General Counsel.

MORE INFORMATION

For more information about ODR or any aspect of the ODR's complaint review and investigation processes, or to

file a complaint, please

- Call ODR directly at 520-206-4686;
- Email ODR at dispute-resources@pima.edu;
- Send a message or file a complaint anonymously through the hotline:
    - Go online to Compliance and Ethics Hotline
    - Call toll-free at 1-855-503-8072.

HELPFUL LINKS

ODR webpage
Administrative Procedures Main Page
Discrimination, Harassment, and Retaliation - Prevention and Complaint Procedures
Student Complaints
Employee Handbook