

Agency Personnel: Complaint Procedure **Policy # 4122**

Date Adopted: April 16, 1984
Date Modified: April 20, 1994
Date Modified: January 15, 1997

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Date Modified: December 18, 2002
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The Agency will provide a process for resolving employee complaints regarding equity issues related to equal opportunity/affirmative action, workplace environment, harassment, and/or working conditions.

The Board firmly believes concerns should be resolved at the lowest organizational level by those individuals closest to the concern. Whenever a complaint or concern is brought to the attention of the Board, it will be referred to Administration to be resolved.

Any complaint under this policy shall be properly investigated as rapidly as possible. If a complaint is not satisfactorily resolved at the administrative level, the Board authorizes the timely use of a Board committee to hear the complaint, make a full determination for resolution of the complaint, and submit its recommendation to the Board of Directors.

Discrimination or harassment by an Agency employee is misconduct. An employee who violates this policy may be subject to disciplinary action, up to and including termination.

Legal Reference: Iowa Code Ch. 20 (2007)

Agency Personnel: Complaint Procedure **Administrative Regulation # 4122A**

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This complaint procedure provides a constructive means to consider complaints concerning alleged behaviors related to the following identified areas. This procedure encourages open dialogue to seek a fair and reasonable solution. Complaints through the various levels shall be properly investigated and brought to closure as rapidly as possible. The complainant may be represented at all levels of the complaint procedure.

Information regarding a complaint shall be confidential to the extent possible, and those individuals who are involved in the complaint/investigation process shall not discuss information regarding the complaint outside the investigation process.

No one shall retaliate against an employee because they have filed a complaint, assisted or participated in a complaint investigation, proceeding or hearing regarding a complaint.

In the event the Equity Coordinator becomes aware of an issue for which no complaint has been made, the Equity Coordinator or designee has the authority to initiate an investigation in the absence of a complaint.

Equal Opportunity and Affirmative Action

Individuals shall be provided equal employment opportunities regardless of color, gender, race, national origin, religion, creed, age, sexual orientation, gender identity, marital status, disability, veteran status or as otherwise protected by law. Affirmative action shall be taken in job categories where appropriately qualified women, men, minorities, and persons with disabilities are under-represented.

Workplace Environment

A fair and supportive work environment shall be provided for all employees regardless of their color, gender, race, national origin, religion, creed, age, sexual orientation, gender identity, marital status, disability, veteran status or as otherwise protected by law. The Agency prohibits discrimination on the basis of any of these individual characteristics.

Harassment

Harassment includes unwelcome behavior related to, but not limited to, color, gender, race, national origin, religion, creed, age, sexual orientation, gender identity, marital status, disability, veteran status or as otherwise prohibited by law. Other types of harassment may include, but not be limited to, sexual harassment, jokes, stories, pictures, objects, communications or actions that are offensive, tend to alarm, annoy, demean, intimidate, abuse or pose a threat of bodily injury to individuals and/or groups.

Sexual harassment shall include, but not be limited to, unwelcome sexual advances, requests for sexual favors, and other verbal or physical conduct of a sexual nature when:

- submission to such conduct is made either explicitly or implicitly a term or condition of an individual's employment,
- submission to or rejection of such conduct by an individual is used as the basis for employment decisions affecting such individual; or
- such conduct has the purpose or effect of unreasonably interfering with an individual's work performance by creating an intimidating, hostile or offensive working environment.

Working Conditions

Working conditions shall be defined as:

- 1) Items not included in the list of employer rights as defined in Section 20.7, Code of Iowa, 1987, or as thereafter amended; or,
- 2) Items which are accessible as mandatory subjects of bargaining under Section 20.9, Code of Iowa, 1987, or as thereafter amended; or,
- 3) Items which are grievable under an existing collective bargaining agreement, unless specifically identified as non-grievable.

Complaint Procedures

An employee with a complaint against a fellow employee is encouraged to first discuss the complaint directly with the fellow employee in a constructive and professional manner, with the objective of resolving the matter informally. If the matter cannot be resolved informally, the complaint shall be properly investigated at each of the following levels.

Level One – Within five (5) Agency days of the date of the occurrence giving rise to the complaint or from the date the complainant might reasonably have ascertained its occurrence, an employee with a complaint shall first discuss it with the employee's immediate supervisor, with the objective of resolving the matter informally. Allegations against an individual in the supervisory chain shall be appealed to the supervisor's immediate supervisor. Individuals wishing to report to someone other than the supervisor, may contact the Equity Coordinator as appropriate (Policy/ Regulation #4145).

Level Two – If the complaint cannot be resolved informally, the complainant may file the complaint in writing with the immediate supervisor. The written complaint shall state the nature of the complaint and a recommended solution. The filing of the formal written complaint must be within ten (10) Agency days of the Level One conference. The immediate supervisor may request a meeting with the complainant to discuss the complaint. This request shall be made within five (5) Agency days of the date of filing and the meeting shall be scheduled to be

held no later than ten (10) Agency days following the date of the filing. The supervisor shall make a decision on the complaint and communicate it in writing to the complainant within ten (10) Agency days of the date of filing, or if a meeting has been requested, within ten (10) Agency days of such meeting.

Level Three – If the complaint has not been resolved to the satisfaction of the complainant at the second level, the complainant may file, within ten (10) Agency days of the supervisor's decision at the second level, a copy of the complaint with the Administrator or designee. Within ten (10) Agency days after such a written complaint is filed, the complainant and the Administrator or designee shall meet to seek to resolve the complaint. The Administrator or designee shall make a decision on the complaint and communicate it in writing to the complainant within ten (10) Agency days of such meeting.

Level Four – If the complaint has not been resolved to the satisfaction of the complainant at the third level, the employee may file a request in writing to the Administrator or designee within ten (10) Agency days of the decision at the third level that the complaint be submitted to a committee which shall consist of at least two (2) members of the Board designated by the President. Within five (5) Agency days after receipt of the Level Four request, the Board committee shall notify the complainant in writing of the time and place of the requested meeting, such meeting to be held within fifteen (15) Agency days after receipt of the Level Four request.

After hearing the complaint, the Board Committee shall make a full determination for resolution of the complaint and submit its recommendation to the Grant Wood AEA Board of Directors at its next regular meeting. The decision shall be rendered in writing to the complainant within five (5) Agency days of the Board's action. The decision on the matter shall be final and shall not be precedential.

Legal Reference: Iowa Code 20.7; 20.18 (2007)