

San José State University Research Foundation

COMPLAINT PROCEDURE

From time to time, in the workplace, there are differences of opinion, miscommunications, and misunderstandings. These difficulties may occur between employees, and sometimes between management, as well as one or more employees. Employees and managers are encouraged to resolve differences at the earliest possible date, and approach resolution in a way that supports resolutions.

All Research Foundation employees are free to use and are encouraged to seek out our “open doors” in making management aware of your concerns. The Research Foundation Human Resources stands ready to assist in addressing and resolving complaints and concerns. We encourage each employee to take advantage of this “Open Door” philosophy without fear of retaliation.

Standards of Conduct

The Research Foundation expects each of its employees to conduct him/herself in a courteous, safe, and professional manner at all times while on the Research Foundation’s premises and/or conducting Research Foundation business, irrespective of location. The exercise of good judgment, consideration of fellow workers, and respect for the safety and efficiency of the Research Foundation should govern your conduct on the job.

Any behavior or conduct by an employee in violation of the policies, rules, and procedures of the Research Foundation, including, but not limited to, conduct that may result in harm to the Research Foundation, its reputation, or in potential harm to an employee, or which interferes with the rights of other employees or customers, or conduct considered to be an act of harassment in any form, may subject the offender to appropriate corrective action, up to and including termination of employment. This includes, but is not limited to, violations of the Research Foundation’s Harassment and Discrimination policy.

All the Research Foundation employees assigned to work in non-Central office locations, including, but not limited to, State-owned facilities (examples: MLML; NASA AMES; Fish & Campus) are subject to all site owner workplace policies and procedures in addition to the Research Foundation policies and procedures. Where a conflict exists, site workplace policies and procedures may take precedence.

Research Foundation employees may interact with or be supervised by non-Research Foundation employees, including SJSU faculty or staff, in their research, assignments, or activities.

Procedure

The Research Foundation understands that conflicts do not benefit either the Research Foundation or the employee.

Any concerns or complaints concerning alleged discrimination or harassment involving Research Foundation employees, including staff, students, or even assigned volunteers, or any such incidents that occur involving anyone in Research Foundation programs that are brought to the attention of project directors, managers or supervisors, **must also be** reported to the Research Foundation HR in a timely manner, either by the complainant or by the project directors, managers, or supervisors.

The following is a list of individuals who should be contacted for addressing and resolving individual disputes on an informal basis:

- The department manager, as appropriate,
- The area or functional director or designee,
- The director of HR or designee,
- The executive director of the Research Foundation, or his or her designee.

If you believe it would be inappropriate to discuss the matter with your own manager, please report your concerns directly to your program director or to the director of HR or designee. The Research Foundation HR can be reached at (408) 924-1409, or via email at research-foundation-compliance@sjsu.edu.

Procedure when employees and/or complainants of both SJSU and Research Foundation are involved in the complaint:

The Research Foundation, though a separate entity, exists solely for the benefit of the university. There may be instances where the complainant and/or accused are also employed by the university or are a student at the university. Following procedures will be followed in those instances.

If the complaint is filed with SJSU:

- SJSU notifies Research Foundation HR director, VPRI and AVPR about the complaint
- Research Foundation HR reviews the nature of the complaint and any preliminary action taken by SJSU (administrative leave, removal of PI status, relieved of supervisory duties, investigation, termination, etc.).
- If SJSU investigates the complaint, Research Foundation HR will participate and/or cooperate in the investigation as necessary based on the circumstances.
- If SJSU does not investigate the complaint, Research Foundation HR will determine whether it must conduct an investigation pursuant to Research Foundation policies.
- Research Foundation HR will take appropriate action based on the Research Foundation responsibilities for the accused and/or the complainant. This can include unpaid administrative leave, removal from active grants, relieved from supervisory duties and/or continuing to work pending investigation.
- Once SJSU completes the investigation, SJSU will share the findings and final action taken against the accused. Research Foundation HR will determine what action to take based on the investigation findings and its own policies.

If the complaint is filed with Research Foundation HR:

If the complainant is a Research Foundation employee:

- Notify Senior AVP of UP, VPRI, and AVPR.
- The Research Foundation HR proceeds with the standard investigation process.
- Research Foundation HR will take appropriate action based on the Research Foundation responsibilities for the accused and/or the complainant. This can include unpaid administrative leave, removal from active grants, relieved from supervisory duties and/or continuing to work pending investigation.
- If SJSU takes the lead in the investigation, once SJSU completes the investigation, SJSU will share the findings and final action taken against the accused. Research Foundation HR will determine what action to take based on the investigation findings and its own policies.

If the complainant is a Research Foundation employee and SJSU student:

- The Research Foundation HR notifies senior AVP of UP, VPRI, AVPR, and the Title IX coordinator.
- If SJSU UP agrees, a joint or one investigation can be conducted to avoid duplication.
- Depending upon the circumstances, the nature of the complaint and supervisory status of the accused, the employee will be placed on unpaid administrative leave, relieved of supervisory responsibilities, and/or can continue to work pending investigation.
- Once the investigation is completed, appropriate action will be taken based on the findings of the investigation.

If the complainant is a SJSU employee:

- The Research Foundation HR notifies senior AVP of UP.
- If SJSU UP agrees, a joint or one investigation can be conducted to avoid duplication.
- Depending upon the circumstances, the nature of the complaint and supervisory status of the accused, the employee will be placed on unpaid administrative leave, relieved of supervisory responsibilities, and/or can continue to work pending investigation.
- Once the investigation is completed, appropriate action will be taken based on the findings of the investigation.

All complaints are taken seriously, and investigated thoroughly and objectively. If the Research Foundation begins an investigation, it will endeavor to keep the investigation confidential to the extent possible, including the names of complaining employees and witnesses. An investigation will include interviews with individuals who might have information pertaining to the alleged conduct.

When the investigation has been completed, the Research Foundation will communicate the summary of the investigation to the complainant, to the alleged accused, and, if appropriate, to others who are directly involved. If a complaint of a violation of the Research Foundation policies is substantiated, appropriate disciplinary action, up to and including termination of employment, will be taken. Both the rights of the alleged accused and the complainant will be considered in any investigation and subsequent action.

SAN JOSE STATE UNIVERSITY RESEARCH FOUNDATION

COMPLAINT FORM

This form may be used to report any concerns or complaints, or concerning alleged discrimination or harassment which involves Research Foundation employees, including staff, students, or volunteers, or any such incidents that occur involving anyone in Research Foundation programs.

The employee is asked to submit their complaint, in writing, to Research Foundation HR.

Complaints or concerns about or from students, employees or non-employees of the Research Foundation, are also reported to SJSU senior AVP, Title IX, and VPRI. Investigation of this complaint will be undertaken in as objective a manner as possible, within as prompt and reasonable time as can be conducted, given the circumstances. Affected parties will be notified appropriately of the results.

In order to be able to fully assess and investigate your allegations, it is critical that you provide as much information and detail about your allegations, including names of witnesses, and copies of all relevant documents.

ONCE THIS FORM IS COMPLETED, please deliver, or mail this completed form to: Confidential Complaint, HR Director, 210 North 4th Street, 3rd Floor, San Jose, CA 95112. You may also scan and e-mail this form directly to research-foundation-compliance@sjsu.edu.

COMPLAINANT'S INFORMATION (If you are submitting an anonymous complaint, leave this section blank):

Your Name (First, Last)	Your Employer
Your Department	Your Position
Your Work Phone ()	Your Home or Cell Phone ()

THE PERSON OR PERSONS ABOUT WHOM YOU ARE COMPLAINING:

Please list each person separately. Attach separate sheets if necessary.

Name of Subject # 1 (First, Last)	Their Employer
Their Department	Their Position
Their Work Phone ()	

Please describe the conduct, action (s), or activity (ies) that you are complaining about in as much detail as you know or are aware of about the aforementioned. Be sure to include relevant dates, times, locations, and activity (ies), and how or why you became aware. Attach separate sheets as you deem necessary.

DO YOU HAVE NAMES OF ANY WITNESS OR WITNESSES? If yes, please note them below:

Witness # 1 (First, Last)	Their Employer
Their Department	Their Position
Their Work Telephone ()	

► IF YOU HAVE EVIDENCE SUCH AS DOCUMENTS, FILES, MESSAGES, PICTURES, ETC. THAT CAN CORROBORATE YOUR ALLEGATIONS, please make sure to attach copies of all such documents to this complaint form for review and consideration.

Signature: _____

Date: _____