



**Standard Operating Procedure:
Intake Complaint**

SOP #	SCP-HR-NA-SOP-001
Version #	1.2
Effective Date:	8/8/2018

Approval Authority	Department
Erika Jimenez, Employee Relations Consultant	HR Provost

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Discrimination, Harassment, Sexual Harassment and Sexual Assault Policy	Not Applicable

Stakeholder	Position
Erika Jimenez	Employee Relations Consultant

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1.0	Initial Draft	Ian Campos, Technical Writer	3/1/2017
1.1	First appeal changed to HR Director and Division head. Process added for complaints against Provost HR.	Ian Campos, Training Coordinator	1/30/2018
1.2	Added Section E. Complaints concerning Appraisals	Ian Campos, Training Coordinator	8/8/2018



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SOP #	SCP-HR-NA-SOP-001
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Effective Date:	8/8/2018

Contents

Purpose 3

Scope..... 3

Definitions 3

Rules/Regulations..... 4

Standard Operating Procedure..... 5

 A. Complaints Concerning Discrimination, Harassment, or Workplace Violence..... 5

 B. Informal Complaints..... 5

 C. Formal Complaints..... 6

 D. Formal Complaints against Provost HR 7

 E. Complaints Concerning Appraisals 9



Standard Operating Procedure: Intake Complaint

SOP #	SCP-HR-NA-SOP-001
Version #	1.2
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Purpose

The purpose of this Standard Operating Procedure (SOP) is to develop a consistent method for processing and resolving a complaint at the University of Southern California (USC), specifically within Provost Shared Services.

Scope

This SOP applies to all HR Partners and HR Specialists in the Human Resources (HR) Department of the Office of the Provost.

Definitions

1. **Complaints** are a statements that a situation is unsatisfactory or unacceptable.
2. **Discrimination** refers to the unfair treatment of a person or group because of that person's or group's protected category status, as defined in the university's [Equal Opportunity, Affirmative Action and Non-Discrimination](#) policy.
3. A **Grievance** is a complaint issued by a staff member.
4. **Harassment** refers to physical or verbal hostility, or any unwelcome or offensive conduct or communication, directed toward someone or toward a group of individuals, because of their protected category status.
5. The **Office of Equity and Diversity (OED)** is the office that handles complaints concerning Title VII issues of discrimination, harassment, or workplace violence for USC faculty, staff, visitors, applicants, and students.
6. **Sexual assault** is defined as any physical sexual act (including but not limited to actual or attempted intercourse, sexual touching, fondling, and groping) perpetrated upon a person:
 - a. without their consent;
 - b. where the assailant uses physical force, threat, coercion, or intimidation to overpower or control another,
 - c. where the victim fears that he or she, or another person, will be injured or otherwise harmed if he or she does not submit;
 - d. where the victim's ability to give or withhold consent is impaired due to the influence of alcohol or other drugs;
 - e. or where consent is otherwise not freely given.



Standard Operating Procedure: Intake Complaint

SOP #	SCP-HR-NA-SOP-001
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7. **Sexual harassment** refers to unwelcome sexual advances; requests for sexual favors; or any other verbal or physical conduct or communication of a sexual nature when:
 - a. Submission to such conduct is either explicitly or implicitly made a condition of an individual's employment, appointment, admission or academic evaluation, or used as a basis for evaluation in personnel decisions or academic evaluations; or
 - b. Such conduct has the purpose or effect of interfering with an individual's work or academic performance, or creating an intimidating, hostile, offensive or otherwise adverse working or learning environment.
8. **Title VII** of the Civil Rights Act of 1964 is a federal law that prohibits employers from discriminating against employees on the basis of sex, race, color, national origin, and religion. It generally applies to employers with 15 or more employees, including federal, state, and local governments.

Rules/Regulations

1. Complaints concerning discrimination, harassment, or workplace violence are handled by OED.
2. Informal complaints are issues concerning USC policy clarifications.
3. The Staff Complaint Process is not available to faculty, postdoctoral fellows, those claiming student status (including teaching and research assistants), employees of temporary agencies, and staff employees who are subject to collective bargaining agreements (unless the collective bargaining agreement so provides). (See [Staff Complaint Process](#))
4. If an HR Partner, manager, administrator or delegate does not respond in accordance with the time limits set forth in the University Staff Complaint Process policy, the complainant may proceed to the next step. (See [Staff Complaint Process](#))
5. Terminated staff employees must submit their complaint within ninety (90) calendar days of the action on which the complaint is based. (See [Staff Complaint Process](#))
6. Legal counsel is not allowed to represent staff employees in any proceedings. (See [Staff Complaint Process](#))
7. Provost Human Resources will respond to a case within twenty-one (21) calendar days of receiving the initial complaint.
8. To ensure non-bias and potential conflict of interest, a complaint against Provost Human Resources will be investigated by another field Human Resources group.
9. The field Human Resources group handling a case against Provost Human Resources will respond to the case within twenty-one (21) calendar days of receiving the initial complaint.



Standard Operating Procedure: Intake Complaint

SOP #	SCP-HR-NA-SOP-001
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Standard Operating Procedure

A. Complaints Concerning Discrimination, Harassment, or Workplace Violence

1. The employee contacts the Employee Relations Consultant with the complaint.
2. The Employee Relations Consultant conducts intake of the complaint.
3. The Employee Relations Consultant contacts OED to inform them of the complaint within twenty-four (24) business hours.
4. OED decides to take the case.
 - a. Note: if OED decides to not take the case, the formal complaint process is launched.
 - b. Note: OED may decide to take a section of a complaint that involves Title VII, while the Employee Relations Consultant launches the formal complaint process.
 - c. Note: If other USC departments, such as Audits or Compliance need to be involved, they will be notified within 48hrs of the intake.
5. OED conducts an investigation.
6. OED determines the individual responsible for the complaint's issue.
7. OED sends a memorandum to HR and the employee's manager of the actions to be taken.
8. OED sends a Determination Notice to the employee, employee's manager, and Employee Relations Consultant.

B. Informal Complaints

1. The employee contacts the Employee Relations Consultant with the complaint.
2. The Employee Relations Consultant conducts intake of the complaint.
3. The Employee Relations Consultant discusses the complaint with the employee's manager.
 - a. Note: if the complaint is not resolved, the Formal Complaints process is initiated.



**Standard Operating Procedure:
Intake Complaint**

SOP #	SCP-HR-NA-SOP-001
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C. Formal Complaints

1. The employee completes the online Provost Staff Complaint Form.
 - a. Note: the online Provost Staff Complaint Form is to be submitted no more than twenty-one (21) calendar days from the occurrence that led to the complaint.
2. The Employee Relations Consultant receives the written complaint.
 - a. Note: Provost Human Resources will respond to a case within twenty-one (21) calendar days of receiving the initial complaint.
 - b. A complaint against Provost Human Resources is investigated by another field Human Resources group.
3. The Employee Relations Consultant discusses the complaint with the HR Partner.
4. The Employee Relations Consultant acknowledges receipt of the complaint to the employee.
 - a. Note: acknowledgment is given within one (1) business day.
5. The Employee Relations Consultant conducts an investigation.
6. The Employee Relations Consultant writes a report of the investigation.
7. The Employee Relations Consultant reviews and discusses the case with the HR Business Partner.
8. The Employee Relations Consultant delivers the report and findings to the employee's manager.
 - a. Note: if there is no decision within twenty-one (21) calendar days from the investigation launch, HR Central takes over.
9. The Employee Relations Consultant makes recommendations to resolve the complaint.
10. The Employee Relations Consultant follows-up with the employee.
 - a. Note: if the employee is dissatisfied with the recommendation, the Employee Relations Consultant explains how to file an appeal.
 - b. Note: the first appeal will be heard by the Provost HR Director and Division Head.
 - c. Note: if the complaint is resolved, the procedure is complete.



**Standard Operating Procedure:
Intake Complaint**

SOP #	SCP-HR-NA-SOP-001
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11. The employee submits an appeal to the Provost HR Director and Division Head.
 - a. Note: the written complaint is to be submitted no more than fourteen (14) calendar days after the Employee Relations Consultant recommendation is made.
12. The Provost HR Director and Division Head meet with the employee to discuss the complaint.
 - a. Note: the Provost HR Director and Division Head are to meet with the employee no more than fourteen (14) calendar days from submission of the written complaint.
13. The Provost HR Director and Division Head render a decision on the complaint.
 - a. Note: the Provost HR Director and Division Head are to render a decision no more than fourteen (14) calendar days from meeting with the employee.
 - b. Note: if the complaint is resolved, the procedure is complete.
14. The employee pursues a second appeal and petitions the USC Associate Senior Vice President for Human Resources to consider the case.
 - a. Note: the petition is submitted within fourteen (14) calendar days of the Provost HR Director's and Division Head's decision.
15. HR Central investigates the complaint.
 - a. Note: the investigation is completed no later than twenty-one (21) calendar days from the received petition.
16. HR Central responds with a final decision.

D. Formal Complaints against Provost HR

1. The employee completes the online Provost Staff Complaint Form instead of filing with Central HR.
 - a. Note: the online Provost Staff Complaint Form is to be submitted no more than twenty-one (21) calendar days from the occurrence that led to the complaint.
2. The Employee Relations Consultant receives the written complaint.



**Standard Operating Procedure:
Intake Complaint**

SOP #	SCP-HR-NA-SOP-001
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3. The Employee Relations Consultant contacts an available field Human Resources department to take over the case.
 - a. Note: the employee can go directly to HR Central with the complaint.
 - b. Note: if no field Human Resources department is available, the case will be referred to HR Central for assistance with finding an available resource.
 - c. Note: the alternate field Human Resources will respond to a case within twenty-one (21) calendar days of receiving the initial complaint.
4. The alternate field Employee Relations Consultant acknowledges receipt of the complaint to the employee.
 - a. Note: acknowledgment is given within one (1) business day.
5. The alternate field Employee Relations Consultant conducts an investigation.
6. The alternate field Employee Relations Consultant writes a report of the investigation.
7. The alternate field Employee Relations Consultant delivers the report and findings to the employee's manager.
 - a. Note: if there is no decision within twenty-one (21) calendar days from the investigation launch, HR Central takes over.
8. The alternate field Employee Relations Consultant makes recommendations to resolve the complaint.
9. The alternate field Employee Relations Consultant follows-up with the employee.
 - a. Note: if the employee is dissatisfied with the recommendation, the alternative field Employee Relations Consultant explains how to write a complaint to the alternative field HR Director and Division Head.
 - b. Note: if the complaint is resolved, the procedure is complete.
10. The employee pursues an appeal and submits a written complaint to the alternate field HR Director and Division Head.
 - a. Note: the written complaint is to be submitted no more than fourteen (14) calendar days after the Field Employee Relations Consultant recommendation is made.
11. The alternate field HR Director and Division Head meet with the employee to discuss the complaint.
 - a. Note: the alternate field HR Director and Division Head are to meet with the employee no more than fourteen (14) calendar days from submission of the written complaint.



**Standard Operating Procedure:
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12. The alternate field HR Director and Division Head render a decision on the complaint.

a. Note: the alternate field HR Director and Division Head are to render a decision no more than fourteen (14) calendar days from meeting with the employee.

b. Note: if the complaint is resolved, the procedure is complete.

13. The employee pursues a second appeal and petitions the USC Associate Senior Vice President for Human Resources to consider the case.

a. Note: the petition is submitted within fourteen (14) calendar days of the Alternate Field HR Director's and Division Head's decision.

14. HR Central investigates the complaint.

a. Note: the investigation is completed no later than twenty-one (21) calendar days from the received petition.

15. HR Central responds with a final decision.

E. Complaints Concerning Appraisals

1. The employee contacts the HR Partner with the complaint.

2. The HR Partner mediates a meeting between the employee and the manager.

a. Note: if the employee is dissatisfied with the recommendation, the Employee Relations Consultant is required.

b. Note: if the complaint is resolved, the procedure is complete.

3. The Employee Relations Consultant mediates a meeting between the employee and the manager.

a. Note: if the complaint is resolved, the procedure is complete.

4. The employee pursues an appeal and petitions the USC Associate Senior Vice President for Human Resources to consider the case.

a. Note: the petition is submitted within fourteen (14) calendar days of the Employee Relations Consultant's recommendation.

5. HR Central investigates the complaint.

a. Note: the investigation is completed no later than twenty-one (21) calendar days from the received petition.

6. HR Central responds with a final decision.