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WHAT CAN I DO ...

## "What Can I Do If I Have a Complaint?"

**Options for complaint-handling include problem-solving and formal options:**

### **I. Problem-solving options, oriented toward the interests of all parties:**

**A. Negotiation:** problem-solving options include A (the complainant) choosing to negotiate directly with B (the apparent offender):

- A could choose to learn how to write a private note or letter to B, laying out the facts as A sees them, A's feelings about these facts, and the remedies proposed by A.
- A could choose to learn how to go talk directly with B, with or without presentation of the note or letter.

Drafting a private letter is usually the most helpful first step for A to take, in deciding what to do next. This is especially true if A is angry and upset. Thus, preparing a private letter, whether or not it is sent, is almost always helpful in choosing an option — and thereafter, in pursuing any option.

A private letter may be a good approach for all concerns that are in part a matter of perception, like arguments over who should get credit for a successful idea. In a sexual harassment complaint, a letter may also help, later on, to demonstrate that sexualized behavior actually occurred and that it was unwelcome. (Both of these points would be essential in making a finding of sexual harassment if the private approach did not work.)

If a supervisor knows that a private approach is being chosen, the supervisor should follow up with the complainant, to be sure that the problem has ended.

**B. Informal third-party intervention:** problem-solving includes having a third party go back and forth between A and B, or bring A and B together, to resolve the complaint. The third party could be a designated staff person, an HRM manager, an impartial line supervisor or department head, or other appropriate person. It is important in these approaches that there should be no adverse administrative action without a process which is fair to the

offended person, and to the alleged offender. And the third party go-between should follow up to be sure that the problem has stopped.

**C. Classic Mediation:** problem-solving also includes a process of formal mediation in which A and B voluntarily choose to be helped by an impartial person to find their own settlement. These settlements often are put into writing, and may be on or off the record. Classic mediation has been relatively rare in sexual harassment cases but this option is now becoming more common. Mediation may be especially useful where there are differences in perception, and for cases where statements by the parties constitute the only available evidence.

**D. Generic Approaches:** problem-solving also includes generic approaches which are intended to change the system, or to alert possible offenders to inappropriate professional behavior, in such a way that the alleged problem disappears. For example, a department head might choose to distribute and discuss copies of harassment policy, in order to stop a given problem. Or a department head might encourage harassment training, in such a way as to address and prevent inappropriate behavior. Generic approaches may be effective in stopping unprofessional behavior and help to support the effectiveness of individual approaches. Generic approaches may also prevent similar problems.

**Formal options, oriented toward right and wrong:**

**E. Investigation and Adjudication:** a supervisor, department head, human resources manager or other appropriate staff person may investigate and formally dispose of a complaint—or may appoint some other person or committee to do so. This is the option that is oriented toward win/lose—toward assessing “right and wrong”. If adverse administrative action may ensue, fairness requires: an investigator who is disinterested, notice to the alleged offender, and a reasonable opportunity for the alleged offender to respond to complaints against him or her.