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<b>Complaints</b>	In this policy, the terms “complaint” and “grievance” shall have the same meaning.
Other Complaint Processes	Employee complaints shall be filed in accordance with this policy, except as required by the policies listed below. Some of these policies require appeals to be submitted in accordance with DGBA after the relevant complaint process: <ol style="list-style-type: none"><li>1. Complaints regarding alleged discrimination, including violations of Title IX (gender) or Section 504 (disability), shall be submitted in accordance with DAA.</li><li>2. Complaints alleging certain forms of harassment shall be processed in accordance with DHA.</li></ol>
<b>Notice to Employees</b>	The ESC shall inform employees of this policy through appropriate ESC publications.
<b>Guiding Principles</b>	The Board encourages employees to discuss their concerns with their supervisor or other appropriate administrator who has the authority to address the concerns. Concerns should be expressed as soon as possible to allow early resolution at the lowest possible administrative level.
Informal Process	Informal resolution shall be encouraged but shall not extend any deadlines in this policy, except by mutual written consent.
Formal Process	An employee may initiate the formal process described below by timely filing a written complaint form. <p>Even after initiating the formal complaint process, employees are encouraged to seek informal resolution of their concerns. An employee whose concerns are resolved may withdraw a formal complaint at any time.</p> <p>The process described in this policy shall not be construed to create new or additional rights beyond those granted by law or Board policy, nor to require a full evidentiary hearing or “mini-trial” at any level.</p>
<b>Freedom from Retaliation</b>	Neither the Board nor any ESC employee shall unlawfully retaliate against an employee for bringing a concern or complaint. [See DG]
<b>General Provisions</b>	Complaint forms and appeal notices may be filed by hand-delivery, by electronic communication, including e-mail and fax, or by U.S. Mail. Hand-delivered filings shall be timely filed if received by the appropriate administrator or designee by the close of business on the deadline. Filings submitted by electronic communication shall be timely filed if they are received by the close of business on the deadline, as indicated by the date/time shown on the electronic
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	<p>communication. Mail filings shall be timely filed if they are post-marked by U.S. Mail on the deadline and received by the appropriate administrator or designated representative no more than three days after the deadline.</p>
Scheduling Conferences	<p>The ESC shall make reasonable attempts to schedule conferences at a mutually agreeable time. If the employee fails to appear at a scheduled conference, the ESC may hold the conference and issue a decision in the employee's absence.</p>
Response	<p>At Levels One and Two, "response" shall mean a written communication to the employee from the appropriate administrator. Responses may be hand-delivered, sent by electronic communication to the employee's e-mail address of record, or sent by U.S. Mail to the employee's mailing address of record. Mailed responses shall be timely if they are postmarked by U.S. Mail on the deadline and received by the employee or designated representative no more than three days after the response deadline.</p>
Days	<p>"Days" shall mean ESC business days. In calculating time lines under this policy, the day a document is filed is "day zero," and all deadlines shall be determined by counting the following day as "day one."</p>
Representative	<p>"Representative" means any person who or an organization that does not claim the right to strike and is designated by the employee to represent him or her in the complaint process.</p> <p>The employee may designate a representative through written notice to the ESC at any level of this process. If the employee designates a representative with fewer than three days' notice to the ESC before a scheduled conference or hearing, the ESC may re-schedule the conference or hearing to a later date, if desired, in order to include the ESC's counsel.</p>
<b>Whistleblower Complaints</b>	<p>Whistleblower complaints shall be filed within the time specified by law. Such complaints shall first be filed in accordance with LEVEL TWO, below. Time lines for the employee and the ESC set out in this policy may be shortened to allow the Board to make a final decision within 60 days of the initiation of the complaint. [See DG]</p>
<b>Consolidating Complaints</b>	<p>Complaints arising out of an event or a series of related events shall be addressed in one complaint. Employees shall not file separate or serial complaints arising from any event or series of events that have been or could have been addressed in a previous complaint.</p> <p>When two or more complaints are sufficiently similar in nature and remedy sought to permit their resolution through one proceeding, the ESC may consolidate the complaints.</p>

**Untimely Filings**

All time limits shall be strictly followed unless modified by mutual written consent.

If a complaint form or appeal notice is not timely filed, the complaint may be dismissed, on written notice to the employee, at any point during the complaint process. The employee may appeal the dismissal by seeking review in writing within ten days, starting at the level at which the complaint was dismissed. Such appeal shall be limited to the issue of timeliness.

**Costs Incurred**

Each party shall pay its own costs incurred in the course of the complaint.

**Complaint and Appeal Forms**

Complaints and appeals under this policy shall be submitted in writing on a form provided by the ESC.

Copies of any documents that support the complaint should be attached to the complaint form. If the employee does not have copies of these documents, they may be presented at the Level One conference. After the Level One conference, no new documents may be submitted unless the employee did not know the documents existed before the Level One conference.

A complaint or appeal form that is incomplete in any material aspect may be dismissed, but may be refiled with all the requested information if the refileing is within the designated time for filing.

**Audio Recording**

As provided by law, an employee shall be permitted to make an audio recording of a conference or hearing under this policy at which the substance of the employee's complaint is discussed. The employee shall notify all attendees present that an audio recording is taking place.

**Level One**

Complaint forms must be filed:

1. Within 15 days of the date the employee first knew, or with reasonable diligence should have known, of the decision or action giving rise to the complaint or grievance; and
2. With the lowest level administrator who has the authority to remedy the alleged problem.

If the only administrator who has authority to remedy the alleged problem is the Executive Director or designee, the complaint may begin at Level Two following the procedure, including deadlines, for filing the complaint form at Level One.

If the complaint is not filed with the appropriate administrator, the receiving administrator must note the date and time the complaint form was received and immediately forward the complaint form to the appropriate administrator.

The appropriate administrator shall schedule and conduct a conference with the employee within ten days after receipt of the written complaint.

Absent extenuating circumstances, the administrator shall have ten days following the conference to provide the employee a written response.

**Level Two**

If the employee did not receive the relief requested at Level One or if the time for a response has expired, the employee may request a conference with the Executive Director or designee to appeal the Level One decision.

The appeal notice must be filed in writing, on a form provided by the ESC, within ten days after receipt of a response or, if no response was received, within ten days of the response deadline at Level One.

The Executive Director or designee shall schedule and conduct a conference within ten days after the appeal notice is filed. At the conference, the Executive Director or designee shall consider only the issues and documents considered at Level One. The Executive Director or designee shall have ten days following the conference to provide the employee a written response.

**Level Three**

If the employee did not receive the relief requested at Level Two or if the time for a response has expired, the employee may appeal the decision to the Board.

The appeal notice must be filed in writing, on a form provided by the ESC, within ten days after receipt of a response or, if no response was received, within ten days of the response deadline at Level Two.

The Executive Director or designee shall inform the employee of the date, time, and place of the Board meeting at which the complaint will be on the agenda for presentation to the Board.

The Executive Director or designee shall provide the Board with copies of the complaint form, all responses, all appeal notices, and all written documentation previously submitted by the employee or the administration. The Board shall consider only those issues and documents considered at Level Two.

The ESC shall determine whether the complaint will be presented in open or closed meeting in accordance with the Texas Open Meetings Act and other applicable law. [See BE]

The presiding officer may set reasonable time limits and guidelines for the presentation. The Board shall hear the complaint and may

request that the administration provide an explanation for the decisions at the preceding levels.

In addition to any other record of the Board meeting required by law, the Board shall prepare a separate record of the Level Three presentation. The Level Three presentation, including the presentation by the employee or the employee's representative, any presentation from the administration, and questions from the Board with responses, shall be recorded by audio recording, video/audio recording, or court reporter.

The Board shall then consider the complaint. It may give notice of its decision orally or in writing at any time up to and including the next regularly scheduled Board meeting. If for any reason the Board fails to reach a decision regarding the complaint by the end of the next regularly scheduled meeting, the lack of a response by the Board upholds the administrative decision at Level Two.