

**Guiding Principles**

Informal Process

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 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.

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.

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.

**Complaints Against Supervisors**

Complaints alleging a violation of law by a supervisor may be made to the College President or designee. Complaint forms alleging a violation of law by the College President may be submitted directly to the Board or designee.

**Notice to Employees**

The College District shall inform employees of this policy through appropriate College District publications.

**Freedom from Retaliation**

Neither the Board nor any College District employee shall unlawfully retaliate against an employee for bringing a concern or complaint.

**Whistleblower Complaints**

Whistleblower complaints shall be filed within the time specified by law. Such complaints shall first be filed in accordance with the general grievance procedures described below. Timelines for the employee and the College District 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]

**Complaints**

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:

PERSONNEL-MANAGEMENT RELATIONS  
EMPLOYEE GRIEVANCES

DGBA  
(LOCAL)

1. Complaints alleging discrimination, including violations of Title IX (gender), Title VII (sex, race, color, religion, national origin), ADEA (age), or Section 504 (disability). [See DIAA and DIAB]
2. Complaints alleging certain forms of harassment, including harassment by a supervisor and violations of Title VII. [See DIAA and DIAB]
3. Complaints concerning retaliation relating to discrimination and harassment. [See DIAA and DIAB]
4. Complaints concerning a commissioned peace officer who is an employee of the College District. [See CHA]
5. Complaints concerning an employment preference for former foster children. [See DC]
6. Complaints arising from the dismissal of term contract faculty members. [See DMAA]
7. Complaints concerning the nonrenewal of term contract employees and those arising from the nonrenewal of term contract faculty members. [See DMAB]
8. Complaints concerning the withdrawal of consent to remain on campus. [See GDA]

**General Provisions**

Filing

Complaint forms and appeal notices may be filed by hand-delivery, by electronic communication, including email 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 communication. Mail filings shall be timely filed if they are post-marked by U.S. Mail on or before the deadline and received by the appropriate administrator or designated representative no more than three days after the deadline.

Scheduling  
Conferences

The College District shall make reasonable attempts to schedule conferences at a mutually agreeable time. If the employee fails to appear at a scheduled conference, the College District may hold the conference and issue a decision in the employee's absence.

Response

At the Primary Level and Appeals Level, "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 email 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 or before the deadline.

**Days** "Days" shall mean College District business days, unless otherwise noted. In calculating timelines under this policy, the day a document is filed is "day zero." The following business day is "day one."

**Representative** "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.

The employee may designate a representative through written notice to the College District at any level of this process. If the employee designates a representative with fewer than three days' notice to the College District before a scheduled conference or hearing, the College District may reschedule the conference or hearing to a later date, if desired, in order to include the College District's counsel. The College District may be represented by counsel at any level of the process.

**Consolidating Complaints**

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.

When two or more complaints are sufficiently similar in nature and remedy sought to permit their resolution through one proceeding, the College District may consolidate the complaints.

**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 from the date of the written dismissal notice, starting at the level at which the complaint was dismissed. Such appeal shall be limited to the issue of timeliness.

**Incomplete Filings**

All complaints shall be written in a clear and understandable manner describing precisely the offending behavior or issue and presenting a reasonable remedy. Any complaints that fail to meet the above standards shall be returned to the grievant for correction.

**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. Complainants are encouraged to use the form provided by the College District.

Copies of any documents that support the complaint should be attached to the complaint document. If the employee does not have copies of these documents, they may be presented to the Primary Level hearing administrator or officer during the investigation period or 72 hours prior to the formal Primary Level hearing. No new documents may be submitted by the employee unless the employee did not know the documents existed before the Primary Level hearing or investigation.

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

**Informal Level**

Before any complaint can move to the formal level, a sincere effort must be made to resolve the complaint at the informal level. This may include meeting(s) between the parties, informal dispute resolution, and mediation.

**Primary Level**

Complaint forms must be filed 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.

If the complaint involves any form of discrimination or harassment, the hearing officer shall initiate an investigation within five business days.

The hearing officer may appoint an investigator who is not associated with a division(s) involved in the complaint. Except in unusual and/or complex situations, the investigation shall be completed within a 15-day time period. A report shall be provided to the hearing officer, who will then meet with both parties (separately), re-interview any witnesses (if necessary) and render a decision, in writing, to the complaining parties justifying the decision.

If the complaint does not involve discrimination or harassment, then a formal hearing will be conducted by the hearing officer. Procedures for formal hearings are contained in DGBA(REGULATION).

If a complaint involves individuals below the administrative level of dean, associate vice president, or executive director, then the Primary Level hearing officer shall be a dean, associate vice president, or executive director from a division not involved in the complaint. The hearing officer shall be randomly selected from the eligible remaining administrators.

If a complaint involves individuals at the administrative level of dean, associate vice president, or executive director, then the Primary Level hearing officer shall be a vice president from a division not involved in the complaint. This hearing officer shall be randomly selected from the eligible remaining administrators.

If a complaint involves individuals at the administrative level of vice president, then the Primary Level hearing officer shall be the College President.

### **Appeals Level**

If a complainant does not agree with the results of the Primary Level investigation or hearing, he or she may file an appeal within 15 days of the publication of the Primary Hearing Report. It is intended that the appeals process be a review of the written record of the hearing or investigation. However, in exceptional circumstances, the Appeals Level hearing officer may initiate a second investigation and/or de nova (from zero) hearing.

The Appeals Level hearing officer shall have 15 days to complete a review of the appeals complaint and shall issue a written report justifying the reasons for the decision.

When the Primary Level hearing officer is a dean, associate vice president, or executive director, the Appeals Level hearing officer shall be a vice president from a division not involved in the complaint.

When the Primary Level hearing officer is a vice president, the Appeals Level hearing officer shall be the College President.

Any complaint or grievance made against the College President shall be submitted to the Board [see Complaints Against Supervisors, above].

### **Board Appeals Level**

If the employee did not receive the relief requested at the Appeals Level 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 within ten days after receipt of a response or, if no response was received, within ten days of the Appeals Level response deadline. Complainants are encouraged to use the form provided by the College District.

The College President 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 College President or designee shall provide the Board with a record of the Appeals Level complaint. The employee may request a copy of the Appeals Level record.

The Appeals Level record shall include:

1. The Primary Level record.
2. The Appeals Level record.
3. The written response issued at the Appeals Level and any attachments.

The appeal shall be limited to the issues and documents considered at the Appeals Level, except that if at the Board hearing the administration intends to rely on evidence not included in the Appeals Level record, the administration shall provide the employee notice of the nature of the evidence at least three days before the hearing.

The College District 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 BD]

The presiding officer may set reasonable time limits and guidelines for the presentation including an opportunity for the employee and administration to each make a presentation and provide rebuttal and an opportunity for questioning by the Board. 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 Board Appeal presentation. The Board Appeal 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 the Board does not make 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 the Appeals Level.

**Administrative  
Procedures**

There are administrative regulations and exhibits implementing DGBA(LOCAL). [See the Human Resources webpage or the College District's policy manual online for a link to these documents.]