

PURPOSE	The purpose of this policy is to set forth grievance procedures and provide for the prompt and equitable resolution of all employee complaints, and student complaints of alleged discrimination and harassment made against a college district employee. [See FLD for all other student complaints.]
GUIDING PRINCIPLES	<p>The Board encourages employees and students to discuss their concerns and complaints through informal conferences at the lowest possible administrative level and as soon as possible to allow early resolution.</p> <p>If an informal conference regarding a complaint fails to reach the outcome requested, an individual may initiate the Formal Complaint Process described below by timely filing a written complaint form. (See Formal Complaint Process below).</p> <p>Even after initiating the formal complaint process, individuals are encouraged to seek informal resolution of their concerns. A complainant whose concerns are resolved may withdraw a formal complaint at any time, by submitting a written notice to the Director of Employment and Employee Relations.</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>
FREEDOM FROM RETALIATION	Neither the Board nor any College District employee shall unlawfully retaliate against any individual for bringing forward a concern or complaint or for participating/cooperating in the investigation/complaint process. [See DG]
NOTICE	College employees and students shall be informed of this policy through a variety of meetings and publications, such as orientations, student handbook, the Human Resources web site, and appropriate college district notifications/publications.
COMPLAINT/ GRIEVANCE DEFINED	<p>A complaint under this policy may include:</p> <ol style="list-style-type: none"> 1. Grievances concerning an employee’s wages, hours, or conditions of work, including performance evaluations or reviews; 2. Violations of College Policy; 3. Specific allegations of unlawful discrimination or harassment based on the sex, race, color, religion, national origin, age, veteran’s status or disability; 4. Specific allegations of unlawful discrimination or retaliation based on the exercise of legally protected rights; 5. Specific allegations of adverse personnel action based on

the employee's good faith report to an appropriate law enforcement authority of a violation of a law by the College District or a College District employee, i.e., "whistleblower complaints" [see DG]; or

6. Complaints arising from the termination of an at-will employee. [See DDC]
7. Complaints arising from the non-renewal or termination of a contract employee [See DMAA and DMAB]
8. Any other complaint brought by an employee against another employee, supervisor, manager, student, vendor or the College District.

INFORMATION
REGARDING
SPECIFIC
COMPLAINTS

For more information on complaints regarding:

1. Alleged discrimination/related retaliation, including violations of Title IX or Section 504, see DAA.
2. Dismissal of term contract employee, see DMAA.
3. Non-renewal of term contract employee, see DMAB.
4. A commissioned peace officer who is an employee of the College District, see CHA.
5. Alleged harassment, see DHA and DHC.
6. Alleged retaliation (Whistleblower). See DH

DEFINITIONS

For purposes of this policy, terms are defined as follows:

The terms "complaint" and "grievance" shall have the same meaning and may be used interchangeably.

FILING

All complaint forms and appeal notices MUST be filed with the Director of Employment & Employee Relations and may be delivered via hand-delivery, fax, email, or U.S. Mail. Hand-delivered filings shall be timely filed if received by the Director of Employment & Employee Relations by the close of business on the deadline. Fax filings shall be timely filed if they are received by the Director of Employment & Employee Relations on or before the deadline, as indicated by the date/time shown on the fax copy. Mail filings shall be timely filed if they are postmarked by U.S. Mail on the deadline. Email filings shall be timely filed if received by the Director of Employment & Employee Relations by the close of business on the day of deadline.

Complaints of alleged discrimination and/or harassment shall include a statement describing the alleged violation, the date of the alleged violation; names of persons responsible (where known); names of witnesses, if any; and the requested action/relief. The complaint form shall be accompanied by all evidence of discrimination.

RESPONSE

At Levels One, Two, and Three "response" shall mean a written communication to the employee from the appropriate administrator. Responses may be hand-delivered, emailed, or sent by U.S. Mail to the complainant's mailing address of record. Mailed responses shall be timely if they are postmarked by U.S.

Mail on the deadline. Emailed responses shall be timely filed if received by the complainant or designated representative by close of business on the day of deadline.

DAYS

“Days” shall mean College District 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”.

REPRESENTATIVE

“Representative” means any person who or an organization that does not claim the right to strike and is designated by the complainant to represent him or her in the complaint process. The complainant may designate a representative through written notice to the College District at any level of this process. In such case, the College District may reschedule conferences or hearings in order to include the College District’s counsel.

In exercising any rights and remedies under these grievance procedures, a complainant may represent him/herself or may choose to be represented by a fellow employee/student, attorney, person or organization that does not claim the right to strike.

A representative shall not serve as an active participant in any college meetings pursuant to this policy with the exception of a LEVEL FOUR hearing with the Board of Trustees.

‘WHISTLEBLOWER’ COMPLAINTS

Whistleblower complaints shall be filed within the time period specified by law and shall be initiated as a LEVEL THREE complaint to the President.

Time lines for the complainant and the College District set out in this policy may be shortened, if needed, in order to make a final decision within 60 days of the initiation of the complaint. [See DG] If the timeline is modified, the complainant will be notified in writing.

GENERAL PROVISIONS

Complaints arising out of an event or a series of related events shall be addressed in one complaint. Complainants shall not bring 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

If a complaint form or appeal notice is not timely filed, the complaint may be dismissed, on written notice to the complainant, at any point during the complaint process, with or without a meeting with the complainant. The complainant 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.

EXTENSION OF TIME

Any time limits set by these procedures, other than the timeline applicable to the initial filing of the complaint or otherwise specified herein, may be extended by mutual written consent from parties involved. The total number of days from date that the complaint is filed until the complaint is resolved shall be no more than 180 days.

COSTS INCURRED

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

FORMAL COMPLAINT PROCESS

Complaints under this policy shall be submitted in writing on a form provided by the College District. A copy of the complaint and supporting documentation as outlined herein shall be submitted to the Director of Employment & Employee Relations.

Copies of any and all documents that support the complaint should be attached to the complaint form. All complaints must identify requested action/relief. If the complainant does not have copies of these documents, they may be presented at the Level One conference, a copy of which must also be presented to the Director of Employment and Employee Relations. After the Level One conference, no new documents may be submitted unless the complainant did not know the documents existed before the Level One conference.

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

Complaint forms must be received within fifteen (15) days of the date the complainant first knew, or with reasonable diligence should have known, of the decision or action giving rise to the complaint or grievance.

RECORDKEEPING / CONFIDENTIALITY

If the complainant is an employee, grievances shall not be included in the employee's personnel file, but are maintained in an employee relations file in human resources within the retention period specified by the Local Government Records Act.

Records of student complaints of harassment or discrimination are maintained in a file in human resources within the retention period specified by the Local Government Records Act.

Complaint records will remain confidential unless permission is given by the complainant to release such information or unless information is requested pursuant to a valid order from a state or federal agency or court, or in accordance with the Texas Public Information Act. Complaint records shall be maintained on file in

accordance with records retention schedules.

**RECORDING
MEETINGS**

All meetings, held with the grievant in accordance with this policy, will be recorded by the College District and the recordings shall become part of the grievance record. The grievant may request a copy of the recordings by submitting a written request to the Director of Employment and Employee Relations.

**ACCESS TO
REGULATIONS**

The College District shall provide copies of regulations prohibiting discrimination on the basis of race, color, national origin, religion, sex, age, disability or veteran status upon request.

**MULTIPLE
GRIEVANCES**

In order to prevent the filing of a multiplicity of grievances where the grievance covers a question common to a number of complainants, it may be processed as a single grievance commencing at the first common level of supervision.

INVESTIGATION

Complaints will be investigated as appropriate. At any level, the appropriate hearing officer/administrator may contact the Human Resources Department for assistance throughout the investigation and hearing process. The written findings will be considered in the evaluation of, and incorporated into the record of, the grievance.

**LEVEL ONE – TO
DEAN/DIRECTOR**

Upon receipt of a Level One complaint, the Director of Employment & Employee Relations will log the complaint and forward it to the appropriate dean or director who shall be designated as the Level One hearing officer. If the appropriate dean or director is the subject of the complaint, the complaint will be initiated as a Level Two complaint to the Leadership Team member.

The Level One hearing officer shall, within 15 business days from receipt of the grievance, schedule a meeting with the complainant to discuss the grievance with the complainant. Prior to issuing a decision, the Level One hearing officer will review the grievance and consult with all supervisors regarding the Level One grievance response. The Level One hearing officer will reply in writing within 15 business days after the meeting. The 15 business day reply deadline may be extended if, due to the nature of the allegation or at the Level One hearing officer's discretion, an investigation is appropriate as outlined herein. In these cases the Level One hearing officer shall respond promptly, generally within 30 business days from the date of filing the complaint. If the reply deadline is extended, the complainant will be notified in writing.

**LEVEL TWO –
APPEAL TO
LEADERSHIP TEAM**

In the event the decision of the Level One hearing officer is not satisfactory to the complainant or if the time for a response has expired, the complainant may file an appeal to the appropriate

MEMBER

Leadership Team member, as the Level Two hearing officer, for consideration. The appeal notice must be filed within 15 business days after receipt of a response or, if no response was received, within 15 business days of the response deadline at Level One. The complainant shall submit the appeal to the Director of Employment & Employee Relations, along with a copy of all documents previously submitted. The appeal shall be written on an appeal form provided by the college district stating why the determination made at the prior level was unsatisfactory. The Director of Employment & Employee Relations will log the appeal and forward the appeal and supporting documents to the Level Two hearing officer.

The Level Two hearing officer shall, within 15 business days from receipt of the grievance, review the grievance, and if appropriate, schedule a meeting with the complainant to discuss the grievance, and reply in writing within 15 business days from the later of the date of receipt of the grievance or the date of the meeting if a meeting is held. The 15 business day reply deadline may be extended if, due to the nature of the allegation or at the Level Two hearing officer's discretion, an investigation is appropriate as outlined herein. In these cases the Level Two hearing officer shall respond promptly, generally within 30 business days from the date of filing the complaint. If the reply deadline is extended, the complainant will be notified in writing.

LIMITATION ON APPEAL

The following issues may not be appealed beyond Level Two, as outlined above.

1. Grievances concerning an employee's wages, hours, or conditions of work, including performance evaluations or reviews;
2. Violations of College Policy, unless specifically identified in this policy (e.g. alleged illegal discrimination, harassment, retaliation, etc.)
3. Any other complaints that fall within paragraph 8 of the section entitled "Complaint/Grievance Defined."

However, complainants who continue to have an unresolved concern may pursue their concerns under the policy for hearing of citizens, GB(LOCAL).

LEVEL THREE – APPEAL TO PRESIDENT

If the decision of the Leadership Team member is not satisfactory to the complainant or the time for a response has expired, the complainant file a written appeal to the President, stating the reasons why the determinations by the Leadership Team member are not satisfactory and providing a copy of all documents previously submitted. The appeal notice must be filed in writing with the Director of Employment & Employee Relations, on a form provided by the College District, within 15 business days after receipt of a response or, if no response was received, within 15 business days of the response deadline at

Level Two. The Director of Employment & Employee Relations will log the appeal and forward the appeal and all supporting documents to the President.

Within 15 business days, the President or designee will review the record of all prior levels and issue his/her findings in writing. If additional investigation or information is required, the President/designee may request such information or meet with individuals as necessary to clarify the record. If additional time is required for such investigation/information gathering, the President or designee shall inform the grievant of the modified timeline and issue his/her findings in writing, generally within 30 business days of his/her receipt of the appeal.

LIMITATION ON APPEAL

The following issues may not be appealed beyond Level Three, as outlined above.

1. Specific allegations of unlawful discrimination based on sex, race, color, religion, national origin, age, veteran's status or disability;
2. Specific allegations of unlawful discrimination or retaliation based on the exercise of legally protected rights;
3. Specific allegations of adverse personnel action based on the employee's good faith report to an appropriate law enforcement authority of a violation of a law by the College District or a College District employee, i.e., "whistleblower complaints" [see DG]; or
4. Complaints arising from the termination of an at-will employee. [See DDC]

However, a complainant who continues to have an unresolved concern may pursue his/her concerns under the policy for hearing of citizens, GB(LOCAL).

LEVEL FOUR – APPEAL TO THE BOARD

A LEVEL FOUR appeal to the Board applies only to grievances filed by a complainant with a full-time contract regarding the termination or nonrenewal of the full-time contract with the College District. If the complainant did not receive the relief requested at Level Three or if the time for a response has expired, the complainant may appeal the decision to the Board.

The LEVEL FOUR appeal notice must be filed with the Director of Employment & Employee Relations in writing, on a form provided by the College, within 15 business days after receipt of a response or, if no response was received and no notification of extension was received, within 15 business days of the response deadline at Level Three. The Director of Employment & Employee Relations will log the appeal and forward a copy of the appeal and all supporting documents to the College President or designee.

The College President or designee shall inform the complainant 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 copies of the complaint form, all responses, all appeal notices, and all written documentation previously submitted by the complainant or the administration. The Board shall consider only those issues and documents presented at the preceding levels and identified in the appeal notice.

The College 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. 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 Four presentation. The Level Four 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 Three.