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.

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 LEVEL TWO, below. Time lines 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, as "complainant" and "grievant" 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.
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 DIA]

2. Complaints alleging certain forms of harassment, including harassment by a supervisor and violations of Title VII. [See DIA]

3. Complaints concerning retaliation relating to discrimination and harassment. [See DIA]

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]

**GENERAL PROVISIONS**

Complaints 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 communication. Mail filings shall be timely filed if they are postmarked 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 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 or before the deadline.
### DAYS

“Days” shall mean College District business days, unless otherwise noted. In calculating time lines 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 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.

### COSTS INCURRED

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

### SUBMISSION OF COMPLAINTS AND APPEALS

Complaints and appeals under this policy shall be submitted in writing and shall contain the following information:

- The name of the grievant and relevant contact information, including address, telephone number, and e-mail address;
- A brief statement of the action or decision giving rise to the complaint;
The date on which the action or decision giving rise to the complaint occurred; and

A statement identifying any representative the grievant intends to bring to a grievance meeting.

Copies of any documents that support the complaint should be attached to the complaint. 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 by the employee unless the employee did not know the documents existed before the Level One conference.

A complaint or appeal 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.

LEVEL ONE

A complaint 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 Executive Vice President of Instruction.

The Executive Vice President of Instruction shall notify the Chair of the College District's Grievance Committee, who shall then schedule a conference with the employee within 15 days after receipt of the written complaint.

The conference held by the Grievance Committee shall allow the complainant to present argument and any relevant information in support of the grievance and shall allow College District administration an opportunity to respond to the concerns raised by the complainant and present any relevant information. Generally, this conference shall not include cross examination of witnesses. The Chair of the committee may set reasonable time limits for the conference.

After this conference, the Grievance Committee may deliberate in private or conduct further investigation to reach its decision. The Chair of the Committee shall provide the employee the written response of the Grievance Committee within ten days following the conference. In reaching a decision, the Grievance Committee may consider information provided at the Level One conference and any other relevant documents or information the Committee believes will help resolve the complaint.

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 College President or designee to appeal the Level One decision.

The appeal notice must be filed in writing within ten days of the date of the written Level One response or, if no response was received, within ten days of the Level One response deadline. Information required in this appeal notice includes all that is listed at SUBMISSION OF COMPLAINTS AND APPEALS, above, along with a specific statement of how and why the complainant disagrees with the Level One decision.

After receiving notice of the appeal, the Chair of the Grievance Committee shall prepare and forward a record of the Level One complaint to the office of the College President. The employee may request a copy of the Level One record.

The Level One record shall include:

1. The original complaint and any attachments.
2. All other documents submitted by the employee at Level One.
3. The written response issued at Level One and any attachments.
4. All other documents relied upon by the Grievance Committee in reaching the Level One decision.

The College President or designee shall schedule a conference within ten days after the appeal notice is filed. The conference shall be limited to the issues and documents presented by the employee at Level One and identified in the Level Two appeal notice. At the conference, the employee may provide information concerning any documents or information relied upon by the Grievance Committee for the Level One decision. The College President or designee may set reasonable time limits for the conference.

The College President or designee shall provide the employee a written response within ten days following the conference. In reaching a decision, the College President or designee may consider the Level One record, information provided at the Level Two conference, and any other relevant documents or information the College President or designee believes will help resolve the complaint.

Recordings of the Level One and Level Two conferences, if any, shall be maintained with the Level One and Level Two records.

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 request a conference with the Board to appeal the Level Two decision.
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 response deadline at Level Two. Information required for this appeal notice includes what is listed at SUBMISSION OF COMPLAINTS AND APPEALS, above, along with a specific statement of how and why the employee disagrees with the decision made at Level Two. In addition, if the employee desires that the Board hear his or her complaint in open session, this request must be stated in the appeal notice.

After receiving notice of the appeal, the College President or designee shall prepare and forward a record of the Level Two complaint to the Board. The employee may request a copy of the Level Two record.

The Level Two record shall include:

1. The Level One record.
2. The written response issued at Level Two and any attachments.
3. All other documents relied upon by the College President or designee in reaching the Level Two decision.

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

Any request of the complainant to hear the complaint in open session shall be considered by the Board, but 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 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 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 Level Two.