XIX. Employee Complaint Procedure

A. Definition
An individual employee’s wages, hours, or conditions of work may be the subject of a complaint. The definition of complaint shall also include specific allegations of unlawful discrimination in employment on the basis of sex, including sexual harassment (Refer to section JJ), race, age, religion, national origin, color, or disability, or on the basis of the employee’s exercise of constitutional rights. (Also refer to DHA (LOCAL)). The complaint must establish the individual harm suffered.

B. Other Review Processes
Some topics are governed by other review processes and are not subject to this policy. Employee termination procedures are found in Board policy DMAA (LOCAL). The dismissal or non-renewal of an employee shall not be the subject of a complaint under this policy except when the District does not otherwise provide for a termination hearing. Demotion of a contract employee is found in DLC (Demotion) and shall not be the subject of a complaint under this policy.

Policies DLC and DLC (LOCAL) state that: “Contractual employees who are demoted during the term of the contract shall be afforded notice and a hearing,” and “Contractual employees who are demoted and whose pay is reduced shall be afforded notice and a hearing. Contractual employees may be reassigned at any time without notice or hearing in accordance with their contract provisions.”

C. Consolidation
When the College President or designee determines that two or more individual complaints are sufficiently similar in nature and remedy to permit their resolution through one proceeding, he or she may consolidate the complaints.

D. “Whistleblower Complaints”
Employees who allege unlawful discrimination in retaliation for reporting a violation of law to an appropriate authority shall invoke the “whistleblower” policy no later than 15 days after the date the alleged violation occurred or was discovered by the employee through the use of reasonable diligence. The complaint shall begin at Level Two. If the complaint is not resolved at that level, the College President shall ensure that the matter reaches the Board expeditiously. Time lines for the employee and the District set out in Board policy may be shortened to ensure that the Board’s final decision is made within 30 days of the initiation of the complaint.

E. Freedom from Reprisals
No reprisals or retaliation of any kind shall be taken at any level against an employee for bringing a complaint. Complaints shall neither be referred to nor filed in an employee’s personnel file unless so requested by the employee in writing.

F. Representation
The employee filing a complaint or any employee who is the subject of a complaint may be represented at his or her own expense by an attorney and/or fellow employee,
person, or representative, organization that does not claim the right to strike. The District may be assisted in processing complaints, as it deems appropriate.

G. General Provisions

All complaints arising out of an event or related series of events must be addressed in one complaint. An employee is precluded from bringing separate or serial complaints concerning events about which the employee has previously complained. Costs of any complaint shall be paid by the party incurring them.

If the employee is not satisfied within seven working days of a complaint conference, or there has been no response within seven working days, the complaint shall be considered denied. The employee may immediately proceed to the next level. The complaint shall be considered concluded if at any level it is not appealed within the given time limit.

H. Time Limits

In resolving complaints, time is of the essence. All time limits shall be strictly complied with, unless extended by mutual consent. All references are two working days.

I. Informal Presentation Hearing

Employees shall be entitled to administrative review conferences as outlined in the Level One, Level Two, and Level Three sections below and to an informal presentation of the complaint to the Board as specified in the Level Four section, unless the Board grants a hearing.

J. Hearing

If an employee alleges in writing specific facts that, if true, would constitute a violation of the employee’s common law, statutory, or constitutional rights, the College President or designee shall investigate the allegations. If the employee does not accept the College President’s resolution at Level Three and requests a Board hearing, the College President shall schedule a hearing as specified in the Level Four section below.

K. Levels

LEVEL ONE—An employee who has a complaint shall submit the complaint in writing to his or her immediate supervisor within 15 days of the time the employee first knew or should have known of the event or series of events causing the complaint. The complaint must be submitted in writing on a form provided by the District. The immediate supervisor shall then schedule a conference with the employee within seven days of the receipt of the written complaint. The immediate supervisor shall respond in writing within seven days of the complaint conference.

LEVEL TWO — If the outcome of the complaint conference at Level One is not to the employee’s satisfaction, the employee may submit the complaint to the appropriate dean or designee within 14 days after the Level One conference. The employee shall submit in writing the original complaint, the supervisor’s response, and if desired, written comments regarding the supervisor’s response. The appropriate dean or designee will schedule a conference with the employee within seven days of receipt of the written complaint. The appropriate dean or designee shall respond in writing to the employee within seven days of the complaint conference.

LEVEL THREE — If the outcome of the complaint at Level Two is not to the employee’s satisfaction, the employee may submit the complaint in writing to the College President or a designee within 14 days after the Level Two conference. The complaint shall
include the complete written documentation of the complaint and, if desired, written comments regarding the appropriate dean’s or designee’s response. The College President or designee will schedule a conference with the employee within seven days of receipt of the complaint. The College President or designee shall respond in writing to the employee within seven days of the complaint conference.

LEVEL FOUR — If the written decision of the complaint conference at Level Three is not to the employee’s satisfaction, the employee may request to address the Board. The request shall be submitted to the College President in writing within 14 days of the date of the written decision of the College President and the grievance shall then be placed on the agenda of the next regular meeting of the Board provided that the notice requirements of the Texas Open Meetings Act can be complied with. In the event such notice requirements cannot be met at the time the request is filed, the grievance shall be placed on the agenda of the next regularly scheduled Board meeting. The employee shall also submit the complete written documentation of the complaint. The College President shall inform the employee of the date, time, and place of the meeting. The Board President may set reasonable time limits on complaint presentations. The Board shall listen to the complaint, but is not required to respond or take any action on the matter, unless in its sole discretion it determines some response is warranted. No action by the Board upholds the administrative decision at Level Three.

HEARING — Employees who are granted a hearing shall be afforded that hearing either with the Board in a meeting that includes the hearing as an item in the posted agenda or with the Board’s designee. If the Board conducts the hearing, it shall make and communicate its decision at any time up to and including the next regularly scheduled Board meeting.

If the Board’s designee conducts the hearing, he or she shall make a recommendation to the Board at the first regular meeting following the hearing that affords adequate time to prepare a written recommendation. The employee shall be provided a copy of the recommendation before the meeting and shall be given an opportunity at the meeting to respond to the recommendation either orally or in writing. The Board shall then make and communicate its decision at any time up to and including the next regularly scheduled Board meeting.

L. Closed Meeting

If the complaint involves the appointment, employment, evaluation, reassignment, duties, discipline, or dismissal of the employee, it will be heard in a closed meeting unless the employee requests it to be public. If the complaint involves complaints or charges about another employee, it will be heard in a closed meeting unless the employee complained about requests it to be heard in public.

28 Board Policy DGBA Local, Issued 8-19-02

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