The purpose of this policy is to provide a timely and orderly process for the resolution of employee complaints. The Board intends that, whenever feasible, complaints be resolved at the lowest possible administrative level.

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

In this policy, the terms “complaint” and “grievance” shall have the same meaning.

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 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]

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

Employees who allege adverse employment action in retaliation for reporting a violation of law to an appropriate authority shall initiate a grievance under this policy within the time specified by law. [See DG]
The complaint 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.

**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.

**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 a fellow employee, person, or representative organization that does not claim the right to strike. The College District may be assisted in processing complaints as it deems appropriate.

**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.

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

**Informal Presentation Hearing**

Employees shall be entitled to administrative review conferences
as outlined at Level One, Level Two, Level Three, and Level Four, below, and to an informal presenta-
tion of the complaint to the Board as specified at Level Four, unless the Board grants a hearing.

**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 College 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 com-
plaint to the appropriate dean or a 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 shall schedule a conference with the em-
ployee within seven days of receipt of the written complaint. The
appropriate dean or designee shall respond in writing to the em-
ployee within seven days of the complaint conference.

**Level Three**

If the outcome of the complaint at Level Two is not to the em-
ployee’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 com-
plete written documentation of the complaint and, if desired, written
comments regarding the appropriate dean’s or designee’s re-
sponse. The College President or designee shall schedule a con-
ference with the employee within seven days of receipt of the com-
plaint. The College President or designee shall respond in writing to
the employee within seven days of the complaint conference.
Level Four
Presentation

If the written decision of the complaint 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 Chairperson of the Board 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 at its sole discretion, the Board 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.

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.