

UNIVERSITY RULE

32.01.02.M1 **Complaint and Appeal Procedure for Non-faculty Employees**

Approved February 29, 2012

Next scheduled review: February 29, 2017

Rule Statement

This rule describes the process for any complaint filed by a non-faculty employee of Texas A&M University. However, this rule does not modify the “at-will” status of any non-faculty employee.

Reason for Rule

This rule provides the structure for processing such complaints and for the modification of the complaint process when required by organizational structure or geographic dispersion of employees as authorized by System Regulation 32.01.02 Section 2.6.

Definitions

Complainant: A non-faculty employee in a regular budgeted position, a non-teaching graduate assistant, an employee with a non-teaching post-doctoral appointment, or a wage employee employed by Texas A&M University, who initiates a complaint. See Section 2.

- (a) Complaints by more than one non-faculty employee may, at the discretion of the Associate Vice President for Human Resource and Administrative Services (AVP HRAS), or designee, be combined into a single complaint if the complaints and the material actions or inactions of issues are basically the same for each person.
- (b) For purposes of this rule, a complainant may also be a recently dismissed employee, in which case the time frame for initiating a complaint would begin on the date the employee was notified of dismissal.

Complaint: A written allegation made by a complainant and submitted in accordance with this rule, regarding the employee’s employment conditions. A complaint may also be an appeal of an employment action taken against the complainant.

Extension: An extension of the prescribed time frame for investigating the complaint. See Section 2.5.

Respondent: The individual or individuals the complaint's allegations are against.

Procedures and Responsibilities

1. **CIVIL RIGHTS COMPLAINTS:** An employee's complaint alleging discrimination, sexual harassment, and/or related retaliation must be filed in accordance with System Regulation 08.01.01 *Civil Rights Compliance*, and University Rule 08.01.01.M1 *Civil Rights Compliance*.
2. **COMPLAINTS:**
 - 2.1 Most problems can be resolved through informal discussions between the employee and the immediate supervisor, department head or unit human resources staff. The employee also may informally discuss a complaint with the Human Resources Employee Relations Office. The employee relations representative will work with all parties to the complaint to seek a satisfactory resolution. Although an employee is encouraged to resolve a complaint informally in accordance with this process, he or she may file a complaint without first seeking informal resolution.
 - 2.2 The complainant must submit his or her complaint to Human Resources Policy & Practice Review (P&PR) within seven (7) business days of the action causing the complaint. If the employment action causing the complaint is a Reduction in Force (RIF) action, including dismissal or change of employment, the employee must submit his or her complaint to P&PR within five (5) business days of receiving the written RIF notification.
 - 2.2.1 In the case of a dismissal, the "action" will be defined as the date the employee was notified of the dismissal.
 - 2.2.2 Failure to submit a complaint to P&PR within five (5) business days following RIF notification or seven (7) business days of the non-RIF action that caused the complaint will deem the complaint untimely filed and the complaint will be dismissed.
 - 2.3 Within five (5) business days of receiving the complaint, P&PR will send a notice that a complaint has been filed to the head of the complainant's department/unit with copies to the complainant, complainant's supervisor, respondent, respondent's supervisor and the respondent's department/unit head.

- 2.4 P&PR will investigate the complaint and provide a written report of investigation with recommendations to the Vice President, or designee, of the complainant's department/unit for a decision. This report should be submitted within fifteen (15) business days of the receipt of the complaint but no later than twenty (20) business days after the receipt of the complaint. Notification that the report has been submitted to the Vice President or designee is sent to the complainant, complainant's supervisor and department/unit head and the respondent, respondent's supervisor and respondent's department/unit head.
- 2.4.1 If a complaint is filed against a faculty member, the complaint will be processed and investigated in coordination with the Office of the Dean of Faculties and Associate Provost as appropriate.
- 2.4.2 If a complaint is filed against a student or student employee, the complaint will be referred to the Offices of the Dean of Student Life.
- 2.5 If additional time is needed to complete the investigation, an extension of up to fifteen (15) business days may be allotted to P&PR with approval from the AVP HRAS. Notification of the extension will be sent to the complainant, complainant's supervisor and department/unit head and the respondent, respondent's supervisor and respondent's department/unit head. The extension should not be for more than fifteen (15) business days unless required by unusual circumstances.
- 2.6 Following receipt of the investigation report, the Vice President, or designee, of the complainant's department/unit will render a decision and provide written notification of the decision to the complainant within five (5) business days. A copy of this notification will also be sent to the complainant's supervisor and department/unit head and the respondent, respondent's supervisor and respondent's department/unit head.
- 2.6.1 The written decision in a complaint claiming a veteran's or former foster child's employment preference must be provided to the complainant within fifteen (15) business days of the receipt of the complaint.
- 2.7 The Vice President or designee's decision will be considered final with regard to the complaint.
3. The filing of a complaint will not constrain a department/unit from taking appropriate employment action.
4. All employees and students are to cooperate fully with those performing an investigation pursuant to this rule. Any retaliatory action taken against an employee for filing a complaint or participating in the procedures described in this rule is strictly prohibited.

Related Policies, Regulations, Rules and Standard Administrative Procedures

[Texas Government Code, Chapter 657](#)

[Texas Government Code, Chapter 672](#)

[System Policy 32.01: Employee Complaint and Appeal Procedures](#)

[System Policy 32.02: Discipline and Dismissal of Employees](#)

[System Regulation 08.01.01: Civil Rights Compliance](#)

[University Rule 08.01.01.M1: Civil Rights Compliance](#)

[System Regulation 32.01.02: Complaint and Appeal Process for Nonfaculty Employees](#)

[System Regulation 32.02.02: Discipline and Dismissal of Nonfaculty Employees](#)

[Standard Administrative Procedure 32.02.02.M0.02: Discipline and Dismissal Procedures for Nonfaculty Employees](#)

[System Regulation 33.99.15: Reduction in Force for Nonfaculty Employees](#)

Contacts

Those requiring more information on this rule and related matters should contact Policy & Practice Review at (979) 862-3331, or by email at hrpolicy@tamu.edu.

OFFICE OF RESPONSIBILITY: [Policy & Practice Review](#)