



STANDARD ADMINISTRATIVE PROCEDURE

32.01.02.M0.01 Complaint and Appeal Procedure for Non-Faculty Employees

Approved April 2, 2020

Next scheduled review: April 2, 2025

Standard Administrative Procedure Statement

This procedure is intended to create a process for any complaint or appeal filed by a non-faculty employee of Texas A&M University which includes the Texas A&M Health (TAMH), and branch campuses Texas A&M University at Galveston (TAMUG) and Texas A&M University at Qatar (TAMUQ). However, this procedure does not modify the “at-will” status of any non-faculty employee.

Definitions

Appeal: A written appeal of an adverse employment action or working condition, including but not limited to demotion or termination.

Complainant: All non-faculty personnel employed or formerly employed by the member including staff, non-teaching graduate assistant, an employee with a non-teaching post-doctoral appointment, a wage employee and students who receive compensation in either a full- or part-time capacity.

Complaint: A written allegation made by an employee and submitted in accordance with this procedure, regarding the employee’s employment conditions.

Extension: A lengthening of the prescribed time frame for investigating the complaint. See section 2.5.

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

Official Procedure/ Responsibilities/ Process

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*.
 - 1.1 Any complaint received alleging discrimination, sexual harassment, and/or related retaliation will be reported to the department of Civil Rights and Equity Investigations (CREI).
 - 1.2 If CREI reviews the complaint and determines not to proceed with an investigation under Section 4.2.1 of System Regulation 08.01.01, the date the employee first filed the complaint will be used as the date the complaint was submitted for Section 2.2. The date Employee Relations Department or the appropriate Campus Human Resource Office (herein after "HR") is notified CREI will not investigate the complaint will serve as the date the complaint was received for Section 2.3 and 2.4.
 - 1.3 If a complaint contains allegations of both a Civil Rights Violation and a negative employee action or working condition (Employment Complaint), ER/HR and CREI may conduct a joint investigation of both issues/complaints. In this instance or circumstance, the University's process and procedures for investigating both a Civil Rights Complaint and Employment Complaint will be followed.

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 ER/HR. ER/HR will work with all parties 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 employee/complainant must submit his or her complaint to ER/HR within seven (7) business days of the action causing the complaint unless ER/HR determines that an extension should be granted due to extenuating circumstances. Failure to submit a complaint to ER/HR within seven (7) business days of the action that caused the complaint will deem the complaint untimely filed and the complaint will be dismissed. The form is available from the member human resources office or designated office and online at <https://employees.tamu.edu/employee-relations/complaint/>.
- 2.3 ER/HR will coordinate the investigation of the complaint. ER/HR will retain the original complaint form and forward within five (5) business days copies to the respondent(s), the complainant's and respondent(s)'s supervisor(s), department head(s) and dean, and the Vice President and TAMUG's Associate Vice President of the complainant's department/unit or designee.

- 2.3.1 The Vice President of the complainant's department/unit or a neutral administrator is the Designated Administrator (DA) for the complaint. Vice Presidents must inform ER/HR of such decision.
 - 2.3.2 If a conflict of interest is identified in providing a decision on the complaint, ER/HR will work with the Vice President of Human Resources and Organizational Effectiveness (VPHROE), the Chief Compliance Officer or the Chief Operating Officer (COO) at TAMUG to assign a designee to review the complaint.
 - 2.4 ER or designated investigators will investigate the complaint and provide a written report of investigation to the DA or designee, for a decision. This report should be submitted within fifteen (15) business days of the original receipt of the complaint by ER/HR.
 - 2.4.1 If a complaint is filed against a faculty member, the complaint will be processed and investigated by Office of the Dean of Faculties and Associate Provost in coordination with ER/HR, as appropriate.
 - 2.4.2 If a complaint is filed against a student, the complaint will be referred to the Offices of the Dean of Student Life or TAMUG Office of Student Affairs.
 - 2.5 If additional time is needed to complete the investigation, an extension of up to fifteen (15) business days may be allotted to ER or the designated investigator with approval from VPHROE, Executive Director of Human Resources at TAMUG or designee. ER/HR will notify the complainant and respondent(s), the complainant's and respondent(s)'s supervisor(s), and department head(s) of the extension.
 - 2.6 Following receipt of the investigation report from ER/HR, the DA or designee will review the complaint and provide a written decision to ER/HR within five (5) business days of the administrator's receipt of the complaint. ER/HR will provide the DA's written decision to the complainant and respondent(s), the complainant's and respondent(s)'s supervisor(s), department head(s) and dean within five (5) business days of receiving the decision.
 - 2.6.1 ER/HR will provide the investigation report to the department head upon receipt of the DA or designee's review/decision, if applicable.
 - 2.7 The DA or designee's decision will be considered final with regard to the complaint.

3. APPEALS OF NEGATIVE EMPLOYMENT ACTION

- 3.1 The complainant must submit his or her appeal of a negative employment action to ER/HR within seven (7) business days of the date of written notification of the employment action which is causing the appeal. If the employment action causing the appeal is a Reduction in Force (RIF) action, including dismissal or change of

employment, the employee must submit his or her appeal to ER/HR within five (5) days of receiving the written RIF notification. Failure to submit an appeal to ER/HR within the five (5) business days following RIF notification or seven (7) business days of the non-RIF action that caused the appeal will deem the appeal untimely filed and the appeal will be dismissed unless ER/HR determines that an extension should be granted due to extenuating circumstances.

- 3.2 ER/HR will notify the Office of General Counsel (OGC) that an appeal of a negative employment action has been filed.
 - 3.3 Within five (5) business days of receiving the appeal, ER/HR will send a notice that an appeal has been filed to the respondent(s), the complainant's and respondent(s)'s supervisor(s), department head(s) and dean, and the Vice President and TAMUG's Associate Vice President of the complainant's department/unit or designee
 - 3.4 ER/HR will coordinate the appeal and provide a written summary of the appeal and written summary concerning the appeal to the VPHROE or designee, of the employee/complainant's department/unit for a decision. This summary should be submitted within fifteen (15) business days of the receipt of the appeal.
 - 3.5 Following receipt of the written summary, the VPHROE or designee will review the appeal and provide a written decision to ER/HR within five (5) business days of the VPHROE's or designee receipt of the appeal. ER/HR will provide the VPHROE's or designee written decision to the complainant and respondent(s), the complainant's and respondent(s)'s supervisor(s) and department head(s) within five (5) business days of receiving the decision. ER/HR will send the VPHROE's or designee written decision to OGC.
 - 3.6 The VPHROE's or designee decision will be considered final with regard to the appeal.
4. The filing of a complaint or an appeal will not constrain a department/unit from taking appropriate employment action.
 5. All employees must, and students should, cooperate fully with those performing an investigation pursuant to this procedure. Any retaliatory action taken against an employee for filing a complaint or participating in this procedure is strictly prohibited.

Related Statutes, Policies, or Requirements

Texas Government Code, Chapter 657 and 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*

System Regulation 32.01.02, *Complaint and Appeal Procedure 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*

Appendix

Delegation of Decision Making for Complaints under System Regulation 32.01.02, *Complaint and Appeal Process for Nonfaculty Employees.*

Forms

[Complaint & Appeal Form for Non-Faculty Employee](#)

Contact Office

Employee Relations Department at (979) 862-4027 or Employee_relations@tamu.edu.

For information or assistance at TAMUG contact TAMUG Human Resources at (409) 740-4532 or hr@tamug.edu.

For information or assistance at TAMH contact Human Resources at (979) 845-1565 or hschr@tamu.edu.