

**PERSONNEL- MANAGEMENT RELATIONS:
EMPLOYEE COMPLAINTS**

DGBA
(LOCAL)

**RESOLUTION OF
EMPLOYEE CONCERNS**

PURPOSE

The purpose of this policy is to provide a timely, orderly, and fair process for the resolution of employee concerns. The intent of the District is to engender a work environment of fairness and to ensure due process for all eligible personnel. With this intention, the District offers the resolution process described below.

**GENERAL
INFORMATION AND
DEFINITIONS**

The process is available to full-time employees with concerns such as workload, performance evaluations, academic freedom and responsibility, and those concerns other than discrimination, sexual or racial harassment, or complaints of illegal activities. 'Whistleblower' retaliation complaints must be filed under this policy as outlined below.

No reprisals or retaliation of any kind shall be taken at any level against an employee for using this process to resolve a concern. Strict confidentiality at every level is required after the employee formally records his or her concern in writing. Expressions of concern shall not be referred to an employee's personnel file, unless so requested by the individual, but are maintained in an employee relations file in Human Resources within the retention period specified by the Local Government Records Act.

However, nothing in this procedure limits or delays the District's right to take appropriate disciplinary action, up to and including termination, when an employee's behavior warrants the action.

"Day" means a working day when the District is open for business. The calculation of days in processing a complaint shall exclude Saturdays, Sundays and holidays.

"File or filing" means submitting a completed Resolution of Employee Concerns ("REC") form and related documentation. A REC form is received on the date it is

stamped "received" by the human resources central administration office.

"Advanced Notice" is defined as three (3) or more business days.

Any timeline set forth in this procedure may be lengthened upon written mutual agreement, in advance of the deadlines by both parties. Absent mutual agreement to lengthen the applicable timelines, an employee's failure to comply with the timelines outlined herein will result in the dismissal of the employee's complaint.

Meetings may be tape recorded by either the employee or the supervisor, as long as advanced notice is provided.

An employee may invite a representative to attend the meeting, as long as advanced notice is provided so that both the employee and supervisor may have a representative present. However, the meeting is intended as a meeting between the employee and his/her supervisor. As a result, the representative is an observer and may serve as an advisor, but may not actively participate in the meeting.

PROCESS

The intent of the District is to provide a process for resolving difficulties as early as possible, as described herein.

**INFORMAL
CONSULTATION WITH
HUMAN RESOURCES**

On an informal basis, any employee with questions or concerns may meet with the assistant director of human resources or the associate vice president of organizational effectiveness and human resources for counseling or advice. However, formal complaints must be addressed through the grievance process described below.

**MEETING WITH
IMMEDIATE
SUPERVISOR:
LEVEL I**

Any employee with a concern requiring administrative resolution must meet with his or her immediate supervisor. A completed REC form that clearly describes the complaint must be filed with the human resources office within 15 days of the time that the employee first knew or should have known of the event or series of events about which the employee is complaining. The supervisor must meet with the employee within 15 days of receipt of the completed REC form. A response regarding the issue shall be written by the supervisor and shall be given to the employee for his or her signature and comments (if he or she chooses) within 15 days following the supervisor's meeting with the employee. Both parties shall retain copies for their files.

**FORMAL
CONSULTATION WITH
HUMAN RESOURCES:
LEVEL II**

If the response from the employee's supervisor does not resolve the employee's complaint, or if the time for a response has expired, the employee may appeal the response to the assistant director of human resources. Within 15 days of receiving the supervisor's response at Level I, the employee must file with the assistant director of human resources a memo summarizing the reason(s) the supervisor's response at Level I was unsatisfactory, along with a copy of any documentation presented at Level I, including the response from the supervisor. The employee's supervisor must also file the documents reviewed at Level I with the assistant director of human resources within 15 days of notification of the employee's Level II appeal.

If, upon review of the employee's complaint, the assistant director of human resources recommends that the issue would best be addressed at level III, he/she may direct the employee to proceed directly to the next level. The time for scheduling a meeting at the next level will begin on the date the complaint is received at the next level.

Otherwise, the assistant director of human resources will meet with the employee and the employee's supervisor (individually or together) and will review all relevant information and documentation in an attempt to resolve the employee's concerns. This meeting shall take place within 15 days after the date the employee files the completed REC form requesting a Level II review. A response regarding the issue shall be written by the assistant director of human resources and shall be given to the employee for his or her signature and comments (if he or she chooses) within 15 days following the assistant director of human resources' meeting with the employee. Both parties shall retain copies for their files.

**APPEAL TO VICE
PRESIDENT/PROVOST:
LEVEL III**

If the response from the assistant director of human resources does not resolve the employee's complaint, or if the time for a response has expired, the employee may appeal the response to the Vice President/Provost.

Within 15 days after the date the employee receives the response from the assistant director of human resources, the employee must file with the Vice President/Provost a memo summarizing the reason(s) the supervisor's response at Level I and the assistant director of human resources' response at Level II were unsatisfactory and all related documentation from Levels I and II. The assistant director of human resources must also file the documents

reviewed at Level II with the Vice President/Provost within 15 days of notification of the employee's Level III appeal.

The Vice President/Provost will meet with the employee, the employee's immediate supervisor, and the assistant director of human resources (individually or together) and will review all relevant information and documentation in an attempt to resolve the employee's concerns. This meeting shall take place within 15 days after the date the employee files the documentation requesting a Level III review. A response regarding the issue shall be written by the Vice President/Provost and shall be given to the employee for his or her signature and comments (if he or she chooses) within 15 days following the Vice President/Provost's meeting with the employee. Both parties shall retain copies for their files.

**APPEAL TO
PRESIDENT:
LEVEL IV**

If a concern remains unresolved after the three levels of due process outlined above, or if the time for a response has expired, and the employee wishes to appeal to the President, within 15 days following the receipt of the response from the Vice President/Provost, the employee must file with the President a memo summarizing the reason(s) the responses at Levels I, II and III were unsatisfactory, along with all related documentation from Levels I, II and III. The Vice President/Provost must also file with the President the documents reviewed at Level III within 15 days of notification of the employee's Level IV appeal.

The President will meet with the employee, the employee's immediate supervisor, the assistant director of human resources, and the Vice President/Provost (individually or together) to review all relevant documentation toward resolving the employee's concerns.

This meeting shall take place within 15 days after the date the employee files a completed request for a Level IV review. A response regarding the issue shall be written by the President and shall be given to the employee for his or her signature and comments (if he or she chooses) within 15 days following the President's meeting with the employee. Both parties shall retain copies for their files.

The President's decision is final and may not be appealed by non-contractual employees or by contract employees grieving issues other than the termination or non-renewal of their employment with the District.

**BOARD HEARING:
LEVEL V**

The fifth level of appeal applies only to grievances filed by an employee with a full-time contract regarding the termination or non-renewal of that full-time contract with the District.

**BOARD HEARING
PROCEDURES**

If a contract termination or non-renewal concern remains unresolved after the four levels of due process outlined above, and the employee wishes to appeal to the Board, within 15 days after the date the employee receives the President's response at Level IV, the employee must file with the associate vice president of organizational effectiveness and human resources a request for appeal summarizing the reason(s) the responses at Levels I, II, III and IV were unsatisfactory, along with all related documentation from Levels I, II, III and IV.

The associate vice president of organizational effectiveness and human resources shall provide the Board committee with copies of all written documentation previously filed through Levels I, II, III and IV by the employee and the administration related to the employee's request for appeal.

The Board is limited to consideration only of materials filed by the associate vice president organizational effectiveness and human resources, as outlined herein. The Board may not consider documentation not previously filed or issues not previously presented.

The Board of Trustees will consider the written appeal at the next regularly scheduled meeting of the Board of Trustees after the date the employee files the completed request for a Level V review, unless the parties agree otherwise.

The Board will deliberate in accordance with Texas Government Code Section 551.001, et. seq.

The Board shall then make and communicate its decision orally or in writing at any time up to and including the next regularly scheduled Board meeting.

The Board's decision is final and may not be appealed.

Upon completion of the Board's review, the entire file is forwarded by the chair of the Board to the human resources office for storage for three years, or as dictated by appropriate state and federal law. The human resources office maintains documentation of the appeal process.

Questions concerning the process shall be directed to the assistant director of human resources or the associate vice president of organizational effectiveness and human resources.

**`WHISTLEBLOWER'
COMPLAINTS**

Employees who allege adverse employment action in retaliation for reporting a violation of law to an appropriate authority shall initiate a REC form under this policy within 15 days after the date the alleged adverse employment action occurred or the employee first knew of the alleged adverse employment action. The complaint shall first be filed in accordance with LEVEL II, above.

GENERAL PROVISIONS

A REC form must specify the individual harm alleged.

An employee is prohibited from bringing separate or serial RECs regarding the same event or action.

All time limits shall be strictly complied with unless modified by mutual consent. Failure by the complainant to meet a specified timeline will result in dismissal of the employee concern. Failure by a college administrator to meet a specified timeline will result in the process moving to the next level.

The District and the employee shall each bear their own costs, including attorneys' fees, incurred in this process.

CONSOLIDATION

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