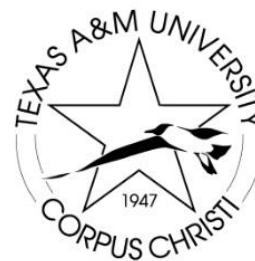


32.01.02.C0.01 Complaint and Appeal Process for Non-Faculty Employees



Revised: August 26, 2019

Next Scheduled Review: August 26, 2024

[Revision History](#)

Procedure Summary

This procedure outlines the complaint resolution process for non-faculty employees (including student employees) of Texas A&M University-Corpus Christi (TAMU-CC) regarding non-civil rights complaints, including appeals of employment action, discipline, or dismissal. Civil rights appeals must be filed in accordance with university rule *08.01.01.C1, Civil Rights Compliance*. Student non-civil rights complaints against employees must be filed in accordance with university procedures *13.02.99.C0.01, Student Complaints Regarding Faculty* and *13.02.99.C0.02, Student Complaints Regarding Staff Employees*.

Additionally, this procedure outlines the general provisions for addressing complaints filed through the Campus Complaint Resolution Forum and System EthicsPoint. Student complaints regarding other students are resolved through the Student Engagement & Success Student Conduct Office. Complaints filed against university police officers are handled by the Chief of the University Police Department in accordance with sections 614.022 and 614.023 of the Texas Government Code, and any false complaints against a police officer are subject to prosecution.

Procedure

1. COMPLAINT FILING DEADLINES AND AVENUES FOR ADDRESSING AND RESOLVING COMPLAINTS
 - 1.1. Many problems can be resolved through informal discussions between the employee and the immediate supervisor, department head, or the Employee Development & Compliance Services Department (EDCS). Supervisors should maintain documentation of discussions and/or actions taken. Although an employee is encouraged to resolve a complaint informally, they may file a formal complaint without first seeking informal resolution. EDCS will work with all parties to the complaint to seek a satisfactory resolution.
 - 1.2. In accordance with the Texas A&M University System (TAMUS) policies and regulations, an employee “files” a complaint by completing a complaint form and delivering the form to EDCS within seven (7) business days of the action that caused the complaint. A complaint delivered to EDCS later than seven (7) business

days after the action that caused the complaint may be deemed untimely and may be dismissed.

- 1.3. EDCS will retain the original complaint form and forward copies to the respondent(s), respective supervisor(s), department head(s), and senior administrator(s) (vice president(s)) designated to review complaints within five (5) business days. The vice president over the division in which the respondent is located will either serve as the designated administrator or appoint a designated administrator. If the complainant or respondent is the vice president for that division, the President will designate a different vice president or senior administrator to review the complaint. In consultation with the Director of EDCS/Title IX Coordinator, the designated administrator will review the complaint.
- 1.4. If there is need for an investigation as determined by the designated administrator in consultation with the Director of EDCS/Title IX Coordinator, EDCS, as the campus investigative authority, will conduct an investigation of the complaint. Alternatively, the designated administrator may elect to review the complaint directly or with the assistance of another internal office or external group (e.g., TAMUS member, TAMUS Compliance, or off-campus firm), with the President's approval. If no investigation is needed (e.g. the facts are not in dispute or if in dispute do not rise to an actionable violation of policy, regulation, rule, and/or procedure), EDCS will prepare a written report based on the complaint and review of the complaint with the designated administrator.
- 1.5. Upon completion of the investigation or if no investigation is necessary, EDCS will provide a written report (with copies of relevant documents and any physical evidence considered) to the designated administrator within fifteen (15) business days of the designated administrator's receipt of the complaint. If additional time is needed for investigation and/or consideration of the complaint, EDCS will notify and obtain approval from the designated administrator of the need for an extension and the date by which the report will be submitted, which, absent unusual circumstances, should not be more than an additional fifteen (15) business days. EDCS will notify the complainant, supervisor, and the department head of the approved extension.
- 1.6. Upon receipt of a completed report and any investigation findings from EDCS, the designated administrator will review the report and findings and will issue a decision regarding the findings to the complainant, respondent, and related supervisor(s) and department head(s) within five (5) business days of receiving the investigation findings. In the case that the designated administrator handled the investigation, the President will select an alternate designated administrator to review the findings and issue a decision regarding the finding as described above. This will be the final decision regarding the complaint. EDCS will provide the designated administrator's written decision to the complainant, respondent(s), and the complainant's and respondent(s)'s supervisor(s) and department head(s) within

five (5) business days of receiving the decision.

- 1.7. Any retaliatory action taken against an employee for participating in the processes established by this procedure, including filing a complaint, is prohibited. In accordance with system regulation 32.01.02, *Complaint and Appeal Process for Nonfaculty Employees*, the filing of a complaint, however, will not restrict supervisors from taking appropriate employment action.

2. CAMPUS ONLINE COMPLAINT RESOLUTION FORUM

In addition to the above complaint resolution avenues, the university also provides a campus online complaint forum. This provides both the campus and external community a forum if they are not sure how to proceed, have tried and failed to resolve an issue informally, or the complaint is more general in nature. EDCS will maintain the campus online complaint forum database of complaints filed and corresponding resolution. Complaints received through the campus online complaint resolution forum will be forwarded to the appropriate college/division/department head(s) for resolution. The resolution results will be provided to EDCS.

3. TEXAS A&M UNIVERSITY SYSTEM ETHICSPPOINT COMPLAINTS

TAMUS maintains an anonymous online system for reporting waste, fraud, abuse, or other serious ethics violations. The TAMUS Ethics and Compliance Office will review each complaint to determine if the complaint will be delegated for investigation to a TAMU-CC department or whether TAMUS will conduct its own investigation. Complaints delegated to TAMU-CC for “management review and investigation” will be coordinated by the Executive Director for Administrative Services for resolution after consultation with the Associate Vice President and Comptroller. Complaints are organized by the respondent into different categories: Human Resources, Information Technology, Finance and Accounting, Research, and Academic Affairs and are forwarded to a contact for each area for additional review of the issues raised. EthicsPoint complaints will be resolved within the general guidelines of section 1.5 of this procedure, and results will be reported to TAMUS.

4. TRAINING, EDUCATION, & INFORMATION

Information regarding this procedure will be provided to employees at orientations and on the TAMU-CC website. Additionally, periodic training will be provided to supervisors in management and professional development programs.

5. MONITORING & COMPLIANCE REVIEW

EDCS will monitor the implementation of this procedure on a biannual basis and provide senior administration reports on the number and nature of complaints, actions taken to resolve complaints, and systemic trends.

Related Statutes, Policies, or Requirements

[Texas Government Code, Chapter 614](#)

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

System Policy [10.02, Control of Fraud, Waste, and Abuse](#)

System Regulation [32.01.01, Complaint and Appeal Procedures for Faculty Members](#)

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

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

University Rule [08.01.01.C1, Civil Rights Compliance](#)

University Procedure [13.02.99.C0.01, Student Complaints Regarding Faculty](#)

University Procedure [13.02.99.C0.02, Student Complaints Regarding Staff Employees](#)

Contact Office

Contact for clarification and interpretation: Employee Development & Compliance Services
Department
(361) 825-2765