



The Texas A&M University System
Texas A&M Engineering Extension Service

Standard Administrative Procedure

13.99.99.N0.04 - Participant Complaint and Appeal Process

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Summary

This document establishes the process by which individuals participating in Texas A&M Engineering Extension Service (TEEX) sponsored events (e.g., training, technical assistance, emergency response activities, etc.) may submit complaints and appeals. It further establishes receipt, investigation, and disposition procedures to be used by TEEX personnel.

Employee related grievances should follow the processes outlined in SAP 32.01.02.N1.01, *Employee Complaint and Appeal Process*. Civil Rights, including Title IX complaints follow the procedures outlined in TEEX Rule 08.01.01.N1, *Civil Rights Compliance*.

Additionally, this SAP does not apply to the public attending TEEX events (e.g., demonstration night at the Emergency Services Training Institute [ESTI]).

Definitions

Administrative inquiry - When not enough factual basis exists in a report to warrant an investigation but possible follow-up is needed regarding procedural inconsistencies or failures.

Anonymous reporting—This is the submission of a report in which the reporting party did not disclose their identity.

Appeal—This is the process by which a complainant does not agree with the outcome of a decision and requests a review of his/her situation to seek the opportunity of an alternate outcome.

Appellant - An individual who appeals a decision.

Appellate authority - An individual or panel responsible for rendering appeal decisions as specified in this SAP. The role of the appellate authority is to review the process by which an original decision was reached and render an appellate decision, consistent with the grounds for appeal.

Civil rights—This is the right extended to individuals for equal opportunity, regardless of race, color, religion, sex, national origin, disability, age, genetic information, veteran status, sexual orientation, gender identity or any other legally protected status.

Complaint—This is a statement of an occurrence, to include an individual’s conduct, at a TEEEX sponsored event that a participant has found to be unsatisfactory or unacceptable.

Complainant—This is an individual who makes a complaint.

Confidential reporting—This is the submission of the report in which the reporting party is willing to provide their name but wishes to have their name remain private through the proceedings of the investigation, except under circumstances as required by law.

Investigation—This is formal gathering and examination of the facts associated with a complaint and/or appeal.

Participant—This is an individual who is receiving services or training at TEEEX sponsored events (e.g., training, technical assistance, emergency response activities, etc.).

Review—This is the evaluation of documentation used to make a decision.

Title IX—This is a federal law (Education Amendments Act of 1972) that states that no person in the United States shall, on the basis of sex, be excluded from participation in, be denied the benefits of, or be subjected to discrimination under any education program or activity receiving federal financial assistance.

Requirements

1. General

- 1.1 When a complaint or appeal arises at a TEEEX sponsored event, TEEEX employees should work with the participant to resolve the issue. Should the TEEEX employee not come to a resolution with the participant, the participant should be informed of the process to report a complaint or appeal a decision.
- 1.2 Complainants should be directed to report their complaint or appeal through a [central reporting system](#).
- 1.3 A TEEEX participant may file an appeal when they dispute a TEEEX decision (e.g., grades, course completion status, code of conduct violation) on the basis outlined in Section 4.2 of this SAP.
- 1.4 At any point in the process, a participant may be subject to removal from the TEEEX sponsored event if there is an immediate threat to the physical health or safety of any participant or other individuals arising from the allegations. TEEEX shall provide the participant with notice and opportunity to appeal the decision immediately following the removal.
- 1.5 TEEEX will provide consistency, thoroughness, and impartiality in the processing of complaints and appeals through the use of this standardized procedure.

2. Areas of Responsibility

2.1 TEEEX responsibilities

- 2.1.1 TEEEX employees will be provided training on the participant complaint, appeal, and Civil Rights processes at New Employee Orientation within 30 days of their hire date and will receive an annual notification following the initial employment training.
- 2.1.2 Supervisors must ensure that staff, including volunteer staff, understand the participant complaint and appeal processes.
- 2.1.3 TEEEX employees must participate cooperatively with investigations and may not retaliate against employees or participants that take part in an investigation.
- 2.1.4 TEEEX employees should submit a report to the appropriate law enforcement authority when applicable.
- 2.1.5 TEEEX Risk and Compliance Manager coordinates the complaint and appeal process by triaging incoming reports and serves as a resource for complainants, appellants, and investigators to ensure investigations stay within the required timeframes and in compliance with the process set therein and in the TEEEX Conducting Investigation Training Manual (Investigation Manual).
- 2.1.6 TEEEX Ethics and Compliance Officer ensures members of the investigation team comply with the requirements identified in the Investigation Manual, and serves as the adjudicator for participant complaints.
- 2.1.7 TEEEX Chief Operating Officer (COO) assigns investigative authority and appellate authority (an individual or panel) as required by the nature of the report. He may also serve as the appellate authority.
- 2.1.8 TEEEX employees serving as investigators must be trained prior to being assigned to conduct an investigation. Training will be coordinated by Ethics and Compliance at least on an annual basis.

2.2 Participant responsibilities

- 2.2.1 The participant shall:
 - abide by the TEEEX Participant Code of Conduct
 - retain documentation (e.g, digital media or physical evidence) that may help with an investigation, when applicable
 - participate cooperatively with investigations
 - not disrupt or interfere with an investigation, initiate a false report, attempt to discourage another's participation in the investigation, and/or intimidate or retaliate against any reporting party
 - be allowed to be accompanied by an advisor or support person during investigation interviews. The advisor or support person may not answer questions on behalf of the participants or be disruptive.

3. Reporting

3.1 Participants should file an initial complaint, through the [central reporting system](#), as soon as practical after the incident to help ensure a timely and effective review and/or investigation. If a participant disagrees with a decision made by TEEEX, they have the right to appeal within 30 calendar days of being notified of the decision. Participant who do not submit their appeal request within that timeframe waive their opportunity to appeal.

3.1.1 For some program areas, the specified complaint timeframe, as stipulated by a certifying, licensing, or statutory authority, will supersede any TEEEX imposed timeframe.

3.2 There are two forms of individual reporting (see definition section):

- Anonymous
- Confidential

3.3 Complaints and appeals are submitted through a central reporting system. They may also be submitted via email, phone, or in person.

4. Processing

4.1 Complaints

4.1.1 The TEEEX Risk and Compliance Manager will forward complaints to the appropriate personnel based on the nature of the complaint.

4.1.1.1 If the issue reported occurred during a TEEEX event that was conducted on behalf of another division, headquarters department (e.g., National Emergency Response and Recovery Training Center [NERRTC]), or as part of a shared TEEEX initiative (e.g., Los Alamos), the appropriate personnel of the partnering division/department will also be notified of the complaint, as needed.

4.1.2 Administrative Inquiry:

4.1.2.1 If the nature of the complaint does not require an investigation, the designated division representative will work with the appropriate personnel and the participant to resolve the complaint, and document action taken in the central reporting system.

4.1.2.2 The division will notify the Risk and Compliance Manager of the actions taken and the complaint will be closed.

4.1.3 Investigations:

4.1.3.1 If the nature of the complaint requires an investigation, the investigative authority will be assigned by the COO based on the nature of the alleged violation and those involved in the matter.

4.1.3.1.1 The assigned investigators may not have prior knowledge or involvement in the alleged violation and will follow the investigative process outlined in the Investigation Manual

- 4.1.3.2 The investigation process must be completed within 20 business days of receiving the complaint. If additional time is needed to complete the investigation, the investigators will notify the TEEEX Risk and Compliance Manager of the need for an extension. The TEEEX Risk and Compliance Manager will document the new report due date and inform all parties involved.
- 4.1.3.3 The adjudicating authority as determined by the nature of the investigation (e.g., division director, associate director, chief operating officer) will review the investigation findings and issue a decision in consultation with TEEEX Ethics and Compliance, Human Resources and/or Office of General Council (OGC) to ensure compliance with applicable laws, regulations, and SAPs.
- 4.1.3.4 The Ethics and Compliance Office will notify the complainant of the findings in writing. The notification will include a summary of the appeal process.
- 4.1.3.5 The Ethics and Compliance Office will retain all investigation documentation in accordance with the TAMUS Record Retention schedule.

4.1.4 TEEEX leadership team complaints

- 4.1.4.1 The TEEEX Risk and Compliance Manager will send all complaints regarding any member of the TEEEX leadership team (as defined in TEEEX SAP 02.04.99.N0.01, TEEEX *Legal Basis and Administrative Structure*) to the TEEEX Ethics and Compliance Officer.
- 4.1.4.2 The TEEEX Ethics and Compliance Officer will coordinate a review of the complaint with the System Ethics and Compliance Office (SECO). A complaint against the agency director will be directed to the Vice Chancellor for Engineering.

4.2 Appeal

- 4.2.1 The appeal process is managed by the TEEEX Risk and Compliance Manager, in collaboration with TEEEX Chief Operating Officer and TEEEX Ethics and Compliance Officer.
- 4.2.2 The appeal process must be completed within 20 business days of receiving the appeal. If additional time is needed to complete the investigation, the investigators will notify the TEEEX Risk and Compliance Manager of the need for an extension and the date by which a decision will be made. The TEEEX Risk and Compliance Manager will document the new due date and inform all parties involved.
- 4.2.3 A participant can only submit appeals on one of the following basis:
 - 4.2.3.1 A procedural error or omission occurred that significantly impacted the outcome,

- 4.2.3.2 New evidence, that could have significantly impacted the outcome is now available, or
- 4.2.3.3 The sanctions issued were not appropriate.
- 4.2.4 The COO will assign an appellate authority (individual or panel). The appellate authority must not work in the division where the initial decision occurred and must disclose a conflict of interest prior to initiating the review.
- 4.2.5 The appellate authority will evaluate the evidence gathered during the initial inquiry/investigation, the findings of the initial inquiry/investigation, outcome, and the complainant's basis for appeal. If no formal investigation was conducted, the appellate authority will review the nature and basis for the appeal.
- 4.2.6 After review of all the written information provided, the appellate authority may assign one of the following actions:
 - 4.2.6.1 Uphold the original decision,
 - 4.2.6.2 Modify the original sanction based on the severity of the sanction (the sanction may not be increased), or
 - 4.2.6.3 Remand the case back to the COO for an investigation as outlined in section 4.1.3, only if the appeal is based upon the availability of new information and this new information is sufficient to alter a decision and/or if the appeal is based upon a procedural error.
- 4.2.7 All appeal decisions made by the appellate authority are final and the participant is afforded no other opportunity for further appeal.
- 4.2.8 The TEEX Risk and Compliance Office will notify the participant of the final decision in writing.
- 4.2.9 All steps of this process will be documented in a central reporting system and follow the requirements of the Investigation Manual.

5. Policy communication

- 5.1 Participants shall be informed of the complaint and appeal processes, including applicable reporting timelines.
- 5.2 The complaint and appeal process will be displayed in common areas or classrooms on TEEX campuses. The policy itself or a link to the policy may be provided through other outlets such as:
 - 5.2.1 Student portal
 - 5.2.2 Curriculum
 - 5.2.3 External agency website
 - 5.2.4 Internal employee website
 - 5.2.5 Participant handbook

5.2.6 Participant Information Form (PIF)

5.2.7 Online registration

6. Quality Assurance

6.1 Compliance of this policy will be monitored as followed:

6.1.1 For each investigation, the TEEX ECO, or designee, will ensure investigation procedures and documentation are compliant with the Investigation Manual.

6.1.2 Each fiscal year, the investigator pool will peer review a sample (no more than 10) of the investigation documentation from the previous 12 months to ensure compliance with the TEEX Investigation Manual. Findings will be discussed during annual training.

6.1.3 The TEEX Risk & Compliance Manager will provide quarterly reports to the TEEX Ethics and Compliance Committee of outstanding and closed complaints and/or appeals within the last quarter and/or year.

Related Statutes, Policies, or Requirements

ACCET Reference *Standard IX.A.4, IX.A.5*

TEEX SAP 32.01.02.N1.01 *Employee Complaint and Appeal Process*

TEEX Conducting *Investigations Training Manual*

TEEX Participant Handbook

Appendices

- Appendix 1: Complaint Categories Assignments

Office of Responsibility

Strategic and Educational Services - Ethics and Compliance Office
(979) 458-6807

Appendix 1: Complaint Categories

The list below provides examples of how complaints could be routed based on the grounds of the complaint and the responsible party. This list is not all-inclusive.

Categories	Responsible Party	Examples of Bases for Complaint
Complaint	Division representative	<ul style="list-style-type: none"> • Food-related • Lighting or ventilation in classroom • Reckless driver of a TEEEX vehicle • Curriculum-related • Customer service-related
Civil Rights and Title IX complaint	TEEX Title IX Coordinator	<ul style="list-style-type: none"> • Sexual harassment between participants • Participants creating a hostile classroom environment for other participants • Discrimination based on race, gender, sexual orientation, religion, color, national or ethnic origin, disability, or veteran status • Participants violating laws, depending on situation
TEEX leadership team complaint	TEEX Risk and Compliance Manager	<ul style="list-style-type: none"> • TEEEX leadership team-related complaints
Appeal	TEEX Risk and Compliance Manager, appellate authority Ethics and Compliance Officer, and TEEEX Chief Operating Officer	<ul style="list-style-type: none"> • Complainant appeal for a review of the findings from the initial decision made by TEEEX • Participant appeals related to course completion or certification outcomes • Code of conduct-related violations