



## **32.01.02.N1.01 Complaint and Appeal Process**

Approved: September 1, 2005

Revised: October 15, 2013

Revised: November 18, 2022

Next Scheduled Review: November 18, 2027

### **Summary**

The term “complaint” includes any appeal of employment action, discipline, or dismissal. If at any stage in the process, the employee files a complaint with an external compliance agency alleging that he or she has been illegally discriminated against, the Human Resources Officer (HRO) will immediately advise the System Office of Equal Opportunity and Diversity of the complaint. System Regulation 08.01.01, Civil Rights Compliance, governs complaints alleging discrimination, sexual harassment, and/or related retaliation.

TEEX employees are considered “at will,” meaning that any employee may be dismissed from employment with or without cause. This procedure shall not be construed as modifying any employee’s “at will” status.

### **Definitions**

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.

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

### **Requirements**

Most problems can be resolved through informal discussions between the employee and the immediate supervisor, division head or human resources. If the employee chooses to discuss a complaint with the HRO, the HRO will work with all parties to the complaint to seek a satisfactory solution. However, the employee may file a complaint without first seeking informal resolution.

Any retaliatory action taken against an employee for participating in this procedure, including filing a complaint, is prohibited. The filing of a complaint, however, will not constrain the agency from taking appropriate action.

#### **1. Filing a Complaint**

- 1.1. To file a complaint, the employee must complete the [Formal Complaint - HR02](#) form and email it to [HR@teex.tamu.edu](mailto:HR@teex.tamu.edu) within seven (7) business days of the action that caused the complaint. If the complaint is delivered after seven business days of the action that caused the complaint, it will deem the complaint untimely filed and the complaint will be dismissed.
- 1.2. If the complaint is against the agency director the complaint will be directed to the Vice Chancellor for Engineering.
- 1.3. Human Resources will retain the original complaint form and forward copies within five (5) business days to the respondent, supervisor, division director/department head, and the administrator designated to review the complaint.
- 1.4. Human Resources will coordinate the investigation of the complaint, answer questions and help, as needed.
- 1.5. Designated investigators will investigate the complaint and provide a written report of investigation to the administrator or designee, for a decision. This report should be submitted within fifteen (15) business days of the original receipt of the complaint.
- 1.6. If additional time is needed for investigation and consideration of the complaint, the administrator will notify human resources of the need for an extension and the date by which a decision will be made. Human resources will notify the complainant, supervisor and division director of the extension. Absent exceptional circumstances, the extension should not be more than 15 additional business days. Additional time may not be granted for an appeal claiming a veteran's or former foster child's employment hiring or retention preference as per Tex Gov't Code.

## 2. Complaint Resolution

- 2.1. Following receipt of the investigation report the administrator or designee will review the complaint and provide a written decision to the deputy director within five (5) business days of the administrator's receipt of the complaint.
- 2.2. Human resources will provide the administrator's written decision to the complainant, supervisor, and division director within five (5) business days of receiving the decision. This will be the final decision on the complaint.

## Quality Assurance Measures

Human Resources continuously monitors the implementation of this SAP and will adjust as needed if new requirements are put forth by the Texas A&M University System (TAMUS).

## Related Statutes, Policies, or Requirements

TAMUS Policy, [32.01 Employee Complaint and Appeal Procedures](#)

TAMUS Regulation, [32.01.02 Complaint and Appeal Process for Nonfaculty Members](#)

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

## Office of Responsibility

Human Resources (979) 458-6801