



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

Definitions

Anonymous reporting—This is the submission of a report in which the reporting party desires to remain anonymous. The reporting party will not be identifiable and cannot be contacted for further information.

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.

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 TEEX 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 to the TEEX Risk and Compliance Manager (or another designee) but wishes to have their name remain private through the proceedings of the investigation, except under circumstances as required by law.

Division investigation—This is the examination or research into participant complaints and/or appeals conducted by designated division employees.

General reporting—This is the submission of a report in which the reporting party is willing to fully identify themselves to all involved in the investigation.

Headquarters investigation—This is the examination or research into participant complaints and/or appeals conducted by headquarters employees.

Investigation—This is formal examination or research into 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.

TEEX leadership team—This team is made up of TEEEX division directors, headquarters department heads, the agency deputy director, and the agency director.

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.
- 1.2 The complaint and appeal process will be provided to participants through multiple means of communication.
- 1.3 A TEEEX participant may file an appeal when he/she disputes a decision TEEEX has the authority to make (e.g., grades, course completion status, code of conduct violation).
- 1.4 Complainants should be directed to report their complaint or appeal through a central reporting system. If the complainant is submitting the appeal or complaint while enrolled in a TEEEX sponsored event, it is at the discretion of the training manager, in consultation with TEEEX Risk and Compliance Manager, to allow them to continue their enrollment based on the grounds of their appeal or complaint.
- 1.5 TEEEX will ensure 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 (see Appendix 1)

- 2.1.1 TEEEX employees are required to complete participant complaint, appeal, and Title IX training within 30 days of their hire date and annually 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 are expected to participate cooperatively with investigations.
- 2.1.4 The TEEEX designated Title IX Coordinator will maintain strict compliance with requirements outlined in the Texas A&M University System (TAMUS) Policy 08.01.01 - Civil Rights Compliance and TEEEX Agency Rule 08.01.01.N1 - Civil Rights Compliance.
- 2.1.5 The TEEEX Ethics and Compliance Officer will refer participant related complaints received through other sources, such as EthicsPoint, to the TEEEX Risk and Compliance Manager to coordinate review.
- 2.1.6 TEEEX employees should submit a report to the appropriate law enforcement authority when applicable
- 2.1.7 TEEEX Risk and Compliance Manager will:
 - accurately assign complaints and appeals for processing,
 - serve as a central point of contact for complainants, except for Title IX complaints,
 - assemble teams of investigators and assign complaint or appeal filings as needed,
 - ensure members of the investigation team comply with the requirements identified in the TEEEX Investigation SAP, and
 - ensure complaint and appeal investigations stay within required timeframes.

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, and
 - participate cooperatively with investigations.

3. Reporting

- 3.1 Participants should file an initial complaint as soon as practical after the incident to help ensure a more timely and effective review and/or investigation.
 - 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 three forms of individual reporting (see definition section):
- Anonymous
 - Confidential
 - General
- 3.3 Complaints and appeals are received by the TEEEX Risk and Compliance Manager through a central reporting system.
- 3.4 The TEEEX Risk and Compliance Manager will review complaints and appeals and assign them to the appropriate individual(s).
- 3.5 If a complainant disagrees with a decision made by TEEEX, he/she has the right to appeal within 30 calendar days of being notified of the decision.
- 3.5.1 For some program areas, the specified appeal timeframe, as stipulated by a certifying, licensing, or statutory authority, will supersede any TEEEX imposed timeframe.

4. Processing

4.1 Complaints

- 4.1.1 The TEEEX Risk and Compliance Manager will send complaints to the appropriate personnel based on the nature of the complaint.
- 4.1.2 Division complaints:
- 4.1.2.1 The division representative will review the complaint. If the action serving as the basis of the complaint 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 division representative is required to notify the appropriate personnel of the complaint.
- 4.1.2.2 If the nature of the complaint does not require investigation, the division representative will document action taken in the central reporting system and close the report. If the complainant requests a follow up, the TEEEX Risk and Compliance Manager will send formal notification to the complainant of action taken.
- 4.1.3 Division investigations:
- 4.1.3.1 If the division feels an investigation into the complaint is required, the division representative will consult with the TEEEX Risk and Compliance Manager to follow the division investigation process.
- 4.1.3.2 The investigation process must be completed by the division within 20 business days of receiving the complaint. If additional time is needed to complete the investigation, the division 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.

- 4.1.3.3 When the investigation is complete, the TEEEX Risk and Compliance Manager will conduct a review of the documentation to ensure all paperwork is in accordance with the TEEEX Investigation SAP requirements.
- 4.1.3.4 The division's senior management team (e.g., division director, associate director, program directors) will review the investigation findings and issue a decision in consultation with the TEEEX Risk and Compliance Manager and/or Office of General Council (OGC) to ensure compliance with applicable laws, regulations, and SAPs.
- 4.1.3.5 The division representative will notify the TEEEX Risk and Compliance Manager of the decision and forward applicable investigation documentation.
- 4.1.3.6 The TEEEX Risk and Compliance Manager will notify the complainant of the findings in writing, if requested. The notification will include a summary of the appeals process.

4.1.4 Civil rights and Title IX complaints

- 4.1.4.1 The TEEEX Risk and Compliance Manager will send all allegations involving civil rights and Title IX complaints to the TEEEX Title IX Coordinator(s).
- 4.1.4.2 The Title IX Coordinator(s) will follow the procedures identified in the Texas A&M University System (TAMUS) Policy 08.01.01 - Civil Rights Compliance and TEEEX Agency Rule 08.01.01.N1 - Civil Rights Compliance.

4.1.5 TEEEX leadership team complaints

- 4.1.5.1 The TEEEX Risk and Compliance Manager will send all complaints regarding any member of the TEEEX leadership team to the TEEEX Ethics and Compliance Officer.
- 4.1.5.2 The TEEEX Ethics and Compliance Officer will coordinate the complaint with the TAMUS Ethics and Compliance Office. 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 overseen by the TEEEX Risk and Compliance Manager.
- 4.2.2 The appeal review process must be completed within 20 business days of receiving the appeal. Additional time may be requested.
- 4.2.3 If the action serving as the basis of the appeal occurred during a TEEEX event that was conducted on behalf of another division, the headquarters

department (e.g., NERRTC), or as part of a shared TEEX initiative (e.g., Los Alamos), the TEEX Risk and Compliance Officer is required to notify the appropriate personnel of the appeal.

- 4.2.4 A participant can only submit decision appeals on the following bases:
 - 4.2.4.1 A procedural error or omission occurred that significantly impacted the outcome.
 - 4.2.4.2 New evidence, that could have significantly impacted the outcome is now available.
 - 4.2.4.3 The sanctions issued were not appropriate.
- 4.2.5 The TEEX Risk and Compliance Manager will assign two reviewers to evaluate the outcome of the initial decision. These reviewers must not work in the division where the initial decision occurred. Assigned reviewers must disclose a conflict of interest prior to initiating the review.
- 4.2.6 The reviewers will evaluate the evidence gathered during the initial investigation (when applicable), the findings and outcome of the initial investigation, and the complainant's basis for appeal.
- 4.2.7 When appropriate, the review team may conduct further investigation in accordance with the TEEX Investigation SAP.
- 4.2.8 The reviewers will recommend a decision to the TEEX Ethics and Compliance Officer once the review is complete to ensure compliance with applicable laws, regulations, and SAPs.
- 4.2.9 The final decision-making authority is the TEEX Ethics and Compliance Officer, unless a certifying, licensing, or statutory authority requires a committee or other individual to make the decision.
- 4.2.10 The TEEX Risk and Compliance Manager will notify the complainant of the final decision in writing.
- 4.2.11 All steps of this process will be documented in the central reporting system and follow the requirements of the Investigation SAP.

5. Policy communication

- 5.1 Participants shall be informed of the complaint and appeal processes, including applicable reporting timelines, as well as how to contact the TEEX Title IX Coordinator.
- 5.2 The complaint and appeal process will be displayed in common areas or classrooms on TEEX campuses. The policy could 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
- 5.2.8 Contracts/MOU
- 5.2.9 Classroom sign-in sheet

6. Quality Assurance

- 6.1 Compliance of this policy will be monitored in one the following ways:
 - 6.1.1 Supervisors will ensure their staff completes initial training and signs an annual affirmation.
 - 6.1.2 For each investigation, the TEEEX Risk and Compliance Manager will ensure investigation procedures and documentation are compliant with the Investigation SAP.
 - 6.1.3 Each fiscal year, the TEEEX Ethics and Compliance Officer will review 10 percent of investigation documentation from the previous 12 months to ensure compliance with the TEEEX Investigation SAP.
 - 6.1.4 The TEEEX Risk & Compliance Manager will provide quarterly reports to the Ethics & Compliance Committee of outstanding and closed complaints and/or appeals within the last quarter and/or year.
 - 6.1.5 The TEEEX Risk & Compliance Manager will provide quarterly aging reports to the Ethics and Compliance Committee to review cases that are open past their due date.

Related Statutes, Policies, or Requirements

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

System Policy 08.01.01 *Civil Rights Compliance*

TEEX Rule 08.01.01.N1 *Civil Rights Compliance*

TEEX Standard Administrative Procedure 32.01.02.N1.01 *Employee Complaint and Appeal Process*

TEEX Standard Administrative Procedure *Investigations [in draft]*

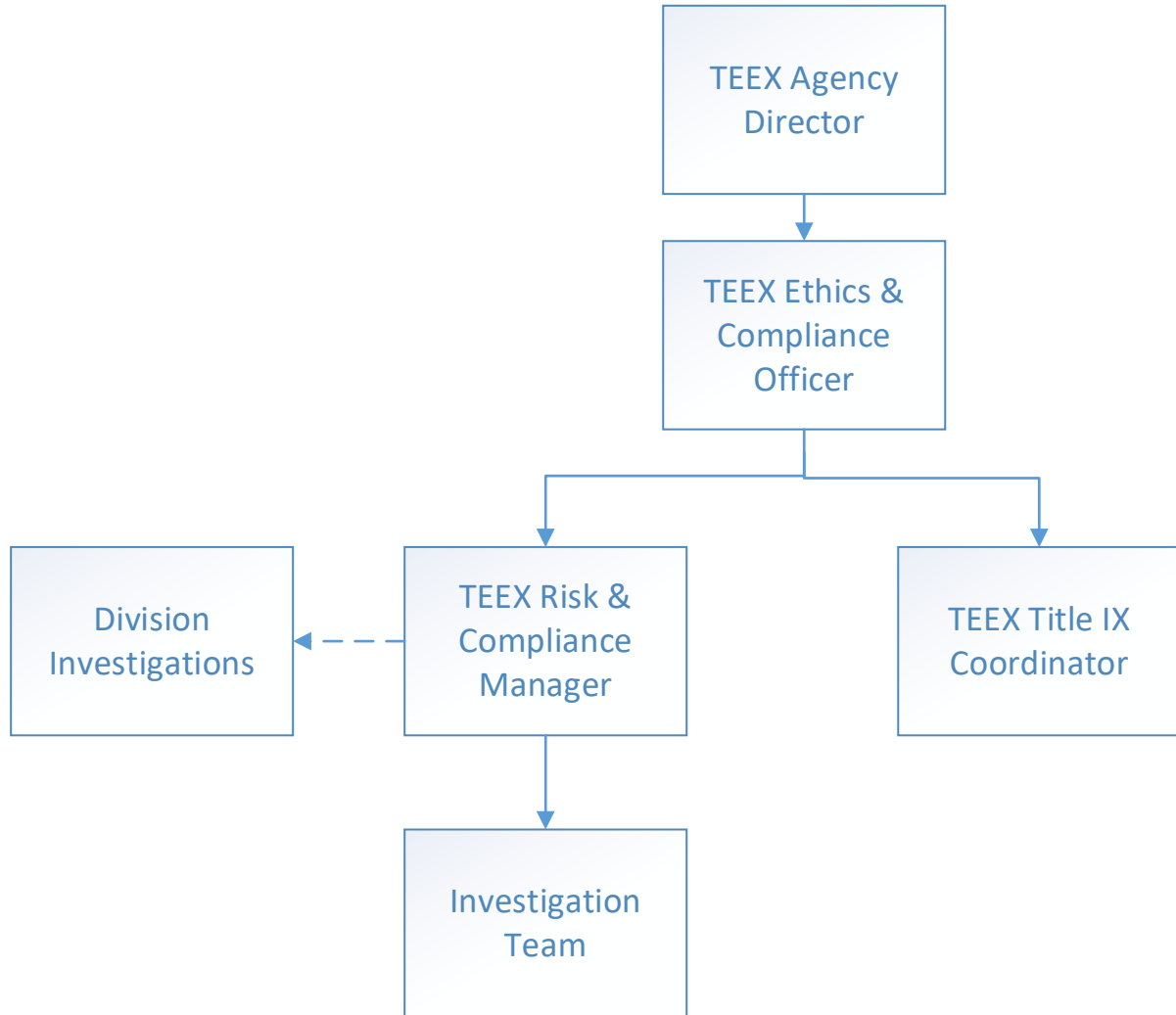
Appendices

- Appendix 1: Organizational Chart of Responsible Parties
- Appendix 2: Complaint Categories Assignments

Office of Responsibility

TEEX Ethics and Compliance Office
(979) 458-6807

Appendix 1: Organizational Chart of Responsible Parties



Appendix 2: 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 TEEX 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"> • TEEX leadership team-related complaints
Appeal	TEEX Risk and Compliance Manager, reviewers, and Ethics and Compliance Officer	<ul style="list-style-type: none"> • Complainant appeal for a review of the findings from the initial decision • Participant appeals related to course completion or certification outcomes • Code of conduct-related violations