Purpose

The College District is committed to providing a fair, safe, and productive work environment where employee complaints are considered with sensitivity and in a prompt manner. The purpose of the College District's complaint policy is to assist in resolving all workplace issues and problems. The College District believes the best way of maintaining employee job satisfaction and good working relationships is to follow a procedure for solving problems and complaints as they arise.

In most situations, employees should first make every effort to attempt to resolve matters informally by meeting with the person or persons involved, or if that is not feasible, with the immediate supervisor of the person involved prior to accessing the formal complaint process. Exceptions may include cases involving allegations of unlawful harassment, whistleblower allegations, and other instances where it may be impractical to do so.

Freedom from Retaliation

The College District will not tolerate any form of retaliation against an employee who brings a complaint pursuant to this policy. [See DG]

Notice

College District employees and students are informed of this policy through a variety of meetings and publications, such as orientations, the student handbook, and the human resources website.

Definitions

The complainant is the person filing the complaint.

The respondent is the person or entity that the complaint is filed against.

The Appeal Review Panel (ARP) is a group of College District employees appointed to review complaints and recommendations or responses. Each ARP is generally composed of at least two administrators and either one full-time faculty or one full-time staff member, depending on the role of the complainant.

A concern is a type of complaint regarding disagreements or issues that occur in the workplace such as departmental or office procedures, policy or procedure interpretation, and incidents or events that, while not unlawful, are contrary to the College District's core values or reasonable standards of workplace behavior, for example, bullying as defined below by another employee or any disagreement or concern not considered a violation of board policy. Concerns will be handled through the separate process outlined in this policy.

A complaint under this policy is a dispute regarding a violation of a specific board policy, administrative procedure, state or federal law, or state or federal constitution that adversely and materially impacts the employee's wages, hours, or conditions of work; that is

retaliation based upon the employee's exercise of one's constitutional rights; that is retaliation based upon the exercise of rights conferred by statute, including, but not limited to, the Title VI and Title VII of the Civil Rights Act of 1964, the Family Medical Leave Act (FMLA), the Age Discrimination in Employment Act, the Americans with Disabilities Act (ADA) as amended, the Uniformed Services Employment and Reemployment Rights Act, and Title IX of the Education Amendments of 1972; or that is retaliation because an employee filed a previous grievance or concern under this policy.

Bullying is the repeated or persistent infliction of abusive or inappropriate behaviors that a reasonable person would find threatening, intimidating, or humiliating. Bullying may be verbal (i.e., derogatory comments, insults, threats), physical (i.e., repeated or persistent instances of physical contact that a reasonable person would view as offensive, undesirable, or uncomfortable), or demonstrative (i.e., repeated or persistent use of threatening or offensive gestures, repeatedly trying to embarrass or humiliate an individual, or persistently engaging in behavior or activity to prevent an individual from being successful in their position). Not all confrontation, disagreement, or behavior perceived as unfriendly, uncivil, or rude will constitute bullying under this policy.

Process for Handling Concerns

Concerns may be brought up informally at any time to the attention of the employee's supervisor or the next-level supervisor. Otherwise, concerns may be brought up through the following formal process:

1. Within fifteen (15) College District business days of the date the employee was notified, knew or should have known of the event or decision that is the basis of a concern, the employee will present the concern and suggestions to their immediate supervisor in writing.

   If the concern is of such a nature that conferring with the supervisor is not possible, if previous discussions with the supervisor on the issue have been unproductive, or if the employee's immediate supervisor is the source of the concern, the employee may direct their written concern to the next level supervisor. Additionally, if the employee's concern is urgent and the supervisor is unavailable for an extended period of time, the employee may direct their written concern to the next level supervisor.

2. Most concerns will be resolved within fifteen (15) College District business days from the date the concern was

brought to the attention of the supervisor; however, if the supervisor needs more than fifteen (15) College District business days to consider the concern or to gather information related to the concern, the supervisor will notify the employee in writing of how much time reasonably will be needed to provide a response to the concern. The supervisor will respond in writing and address the concern(s).

3. If the employee is dissatisfied with the decision at any level of review, or if the supervisor has failed to provide a response within the timeline outlined in this policy, the employee may present the concern to the next level supervisor, the associate dean or program director, dean, campus provost, or appropriate administrator. The request for further review will be submitted in writing within ten (10) College District business days of receipt of the supervisor's response or the date the supervisor should have provided a response. The request for further review will be submitted in writing to the appropriate administrator.
4. Within ten (10) College District business days after submission, the administrator will issue a written decision to the employee.
5. The decision of the administrator pertaining to the concern is final and is non- appealable through this concern handling process.

Complaint Types

An employee may also file a complaint. Complaints covered by this policy are:

1. Concerns about an employee's pay, job duties, schedule or hours worked, overtime pay, or conditions of the employee's work area or work environment;
2. Violations of a specific Board policy;
3. Specific allegations of unlawful discrimination or unlawful harassment based on one or more legally protected classifications [see DIAA and DIAB];
4. Specific allegations of unlawful discrimination or unlawful retaliation based on the exercise of legally protected rights;
5. Specific allegations of adverse personnel actions based on the employee's good faith report to an appropriate law enforcement authority of a violation of a law by the College District or a College District employee, i.e., whistleblower complaints [see DG];

6. Complaints resulting from the termination of an at-will employee [see DDC];

7. Complaints by a faculty member arising from the recommendation for nonrenewal or termination of their faculty contract or by an employee arising from the termination of their contract of employment [see DMAA and DMAB];

8. Complaints concerning the withdrawal of consent to remain on campus [see GDA]; or

9. Complaints by a faculty member who (a) disagrees with the denial of the faculty rank for which they applied; or (b) complains that the faculty rank process was not followed correctly. The faculty member may only appeal the rank process or the denial of the faculty rank for which they applied under the complaint steps outlined in this policy. However, if a faculty member was recommended for an alternative lower rank and the faculty member accepted it, that alternative rank placement is not the type of a complaint that can be grieved under this policy. Faculty rank denial complaints will list the college as the respondent or a named member of the ad-hoc rank committee if the issue involved conduct by a specific member of the committee.

Information Regarding Specific Complaints

When a complaint is submitted alleging the violation of Board policy, the employee will need to identify and specify the name of the Board policy at issue. For more information, please see the following policies:

1. Alleged discrimination/harassment/retaliation, including violations of Title IX or Section 504, see DAA.

2. Dismissal of term contract employees, see DMAA.

3. Nonrenewal of term contract employees, see DMAB.

4. A commissioned peace officer who is an employee of the College District, see CGF. Complaints against a licensed peace officer may also be brought under the Collin College Police Department's General Orders.

5. An employment preference for former foster children, see DC.

6. Alleged harassment, see DIAA and DIAB.

7. Alleged retaliation (Whistleblower), see DG and DH. Whistleblower complaints must be initially filed within the time period specified by law, regardless of the time period specified herein. Additional timelines for the employee and the College District to respond as set out in this policy may be shortened

to allow the Board to make a final decision within 60 days of the initial complaint.

8. Other policies are available at Policy Online®[1].

Time Limits and Deadline to Submit Complaint

Except in cases involving unlawful harassment, discrimination, or retaliation, the employee must submit their complaint within thirty (30) College District business days of the date: (1) the complainant was notified of the decision; (2) the complainant knew of the action that caused the complaint or concern; or (3) the complainant reasonably should have known of the action that caused the complaint or concern, whichever date is the earliest.

In cases involving unlawful harassment, discrimination, or retaliation, the employee must report the prohibited conduct as soon as possible via the complaint form outlined in this policy after the alleged act or knowledge of the alleged act so that the College District can take appropriate action at the earliest possible stage. A delay in reporting may impair the College District's ability to investigate, gather evidence, and/or take corrective action as part of the complaint process.

Consolidation of Multiple Complaints

Where it is determined that two or more submitted complaints are sufficiently similar in nature and remedy to permit resolution through one proceeding, such complaints may be consolidated at the discretion of the manager, employee relations.

Untimely Complaints

If a complaint form or appeal notice is not submitted on time, the complaint may be dismissed, and the complainant will be notified in writing. An employee may appeal the determination of timeliness. The appeal will be limited only to the question of timeliness and not the underlying merits of the complaint. The appeal procedures will be provided in the notice of dismissal.

Complaint Process Timelines and Extensions of Times

After an employee complaint has been submitted under this policy, all subsequent deadlines may be extended by the manager, employee relations for extenuating and unforeseeable circumstances.

The manager, employee relations may only unilaterally extend deadlines by ten (10) College District business days up to two times. Any other extensions may be granted on a case-by-case basis.

Recordkeeping / Confidentiality

A record of each complaint will be created and retained in accordance with this policy. The record will include documents submitted by the employee who filed the complaint, documents determined relevant by College District personnel, and the decisions reached by each level of review, along with recordings of meetings held, if any.

Employee complaints are kept separately from the employee's personnel file, in accordance with the College District's records retention policy.

Complaint records are confidential to the extent permitted by law. Limited disclosures may be necessary in order to conduct a thorough investigation. Additionally, information may be disclosed in response to a subpoena or as otherwise may be required by law.

The College District will protect the individuals' privacy in a complaint filed under this policy to the extent that it is practical and allowed by law and College District policy. However, there may be times when disclosure of information is required in order to process or investigate a complaint. In all cases, efforts will be made to protect the privacy of individuals.

Representative

The complainant may designate a representative, including an attorney at the complainant's own cost, to represent the complainant at any level of the process by notifying the manager, employee relations in writing.

If necessary, the College District may reschedule any meetings to include the College District's counsel. Each party will pay its own fees and costs incurred by representatives in the course of the complaint process.

Neutral Third Party

Depending on the complexity of a matter and at the sole discretion of the chief human resources officer or designee, a neutral third party may be designated to hear and/or investigate a complaint or review an appeal if deemed necessary by the chief human resources officer or designee.

Remand

A complaint or appeal form that is incomplete in any material aspect will be refiled, if at Level One, and remanded at all other levels in order to develop an adequate record of the complaint.

If an adequate record has not been developed, the appropriate campus provost or senior administrator may remand the complaint to a lower level. The District President or designee may remand a complaint to a lower level if at the respective level of review an adequate record has not been developed.

Investigation

If violations of law are alleged, the College District may conduct an investigation at any level in the complaint process. If the College District and the employee mutually agree, all complaint process deadlines will be suspended during such an investigation. If there is no mutual agreement, the complaint process will continue without an investigation.

Audio Recordings

As provided by law, an employee will be permitted to make an audio recording of a meeting under this policy at which the substance of the employee's complaint is discussed. The employee will notify all attendees present that an audio recording is taking place.

General Complaint Procedure

The College will implement procedures to resolve employee complaints. These procedures are not legal proceedings, but rather internal College District administrative processes to resolve workplace concerns amicably and at the earliest time period possible. The detailed procedures may be obtained from the manager, employee relations or at the Complaint Information and Forms webpage[2]. The general complaint procedures are as follows.

Informal Process

Generally, a complainant is expected to attempt to resolve matters informally by meeting with the person or persons involved to address the concerns. If that is not feasible, a complainant is encouraged to meet with the employee relations consultant and the appropriate supervisors as determined by the employee relations consultant.

Note: Attempting to resolve matters informally concerning complaints involving any form of unlawful harassment, whistleblower allegations, and cases where it is impractical to do so is not required, and employees may proceed directly to Step 1 of the formal process.

Formal Process

Step 1 Filing of the Complaint

If it is not possible to resolve a matter informally, a formal complaint will be submitted by using the College District's online complaint form.

The employee complaint form[3] can be accessed on the College District's website. Complaints not submitted via the online complaint form will not be processed and reviewed.

If the complainant needs a reasonable accommodation in order to submit their complaint online, the individual may contact the manager, employee relations for assistance.

The complaint will describe all incident(s) at issue, reference violations of specific Board policy, identify any relevant dates or witnesses, provide sufficient factual detail to support the alleged violations, and indicate the dates of informal resolution conferences, if any.

If the subject matter of the complaint is a complaint about a Board member or is a complaint about the District President, the complaint will be initiated at the Board level. A preliminary hearing to

develop a record or recommendation for the Board may be conducted by a designated administrator at the College District.

Step 2 Initial Review of the Complaint or Summary Determination

Upon an initial review of the complaint, the manager, employee relations will determine whether the allegations, if proven, could constitute prohibited conduct as defined by policy or applicable law. If the allegations do not rise to the level of prohibited or unlawful conduct, the complaint will be dismissed.

Otherwise, the complaint will be referred to Step Three under this policy.

Any appeal of the summary determination by the manager, employee relations will be limited to a determination of whether the complaint falls within the purview of Board policy or not.

The complainant may appeal the summary determination only on the basis of the following two grounds by submitting an appeal form to the manager, employee relations within ten (10) College District business days of the summary determination:

1. New evidence not reasonably available or provided to the Step 2 reviewer that affected the outcome; or
2. An issue of procedural irregularity, such as issues involved in filing the online complaint, that affected the outcome.

All appeals of a Step 2 summary determination will be handled by the chief human resource officer, whose decision is final and non-appealable.

Step 3 Review by Appropriate Administrator

At their discretion or in cases of a conflict, the designated campus provost or senior administrator (generally the vice president of the respondent party) may request to delegate the handling of the complaint under this Step 3 to the appropriate dean, or other administrator. The manager, employee relations may approve that delegation in writing.

The appropriate campus provost or senior administrator (generally the vice president of the respondent party) will schedule a meeting with the complainant.. If the complainant is a faculty member, the meeting may also include the senior vice president-campus operations or the vice president -academic affairs to expedite resolution of the complaint.

The respondent(s) will also receive a copy of the complaint and be asked to provide a written response that will be shared with the campus provost or senior administrator for review. The appropriate

campus provost or senior administrator will also schedule a meeting with the respondent(s).

In most cases, the campus provost or senior administrator, or a designee, will issue a written summary determination within ten (10) College District business days of completing all meetings related to the complaint. If an extension is necessary, the complainant and respondent will be notified in writing of the extension.

Step 4 Review by the ARP

If either the complainant or the respondent disagrees with the decision at Step 3, the complainant or respondent may appeal the determination to an ARP who will review the complaint file, documents submitted, and then will issue a determination.

An ARP is generally composed of at least two administrators and either one full-time faculty or one full-time staff member depending on the role of the complainant.

The appeal must be submitted to the manager, employee relations within ten (10) College District business days of the date listed on the Step 3 decision. The manager, employee relations will confirm receipt of the appeal. The ARP may review additional documents, and if a majority of ARP members agree that interviews are necessary, may also conduct interviews of the complainant, the respondent, or witnesses.

The standard of review at this step will be by a preponderance of the evidence.

In most cases, the ARP will issue a written summary determination within ten (10) College District business days of completing all meetings related to the complaint. If an extension is necessary, all parties will be notified in writing of the extension.

In some cases, including those involving allegations of unlawful harassment, discrimination, or retaliation, the ARP may require additional time in which to review information and prepare a determination. In such cases, the ARP will make such a request through the manager, employee relations, who will then notify the complainant and respondent in writing how much time reasonably will be needed to conclude the review and prepare a determination.

Step 5 Review by the Executive Vice President or Designee

If the complainant or the respondent disagrees with the decision of the ARP at Step 4, either party may appeal the determination to the executive vice president or designee. The appeal must be submitted to the manager, employee relations within ten (10) College District business days of the date listed on the Step 4 decision.

The statement of appeal must:

1. Identify all points of disagreement with the determination;
2. Contain sufficient detail to clarify the basis of the appeal; and
3. Explain the reasons why the appeal should be granted.

The standard of review at this step will be by a preponderance of the evidence. If neither party files a timely appeal, the determination of the ARP becomes final and is non-appealable.

Within ten (10) College District business days of receipt of the appeal, the executive vice president (or designee) will issue a written decision affirming, affirming in part/denying in part, or reversing the ARP's determination.

The decision of the executive vice president or designee is final and non-appealable for all types of complaints, except for complaints regarding the recommendation for mid-contract termination of a full-time faculty member under DMAA(LOCAL) or of a contract employee. Those types of complaints may proceed to Step 6.

Step 6 – Appeals to the District President and Board for a Procedural Irregularity

For those complaints that involve the recommendation of the mid-contract termination of a faculty member's contract under DMAA(LOCAL) or of a contract employee only, the decision of the executive vice president or designee may be appealed to the District President and Board. Only the District President may be involved in a final decision regarding the nonrenewal of a faculty member's contract.

If the complainant disagrees with the decision of the executive vice president or designee, the faculty member or contract employee may appeal to the Board by notifying the manager, employee relations within ten (10) College District business days of the receipt of the Step 5 decision. The manager, employee relations will confirm receipt of the appeal.

Prior to placing the matter on the Board agenda, the District President will review the record. If the District President reverses the decision of the executive vice president or designee, the recommendation for termination of the full-time contract employee will be vacated, and the College District/respondent and the complainant will be notified in writing of the District President's findings and related actions regarding the matter. In this case, the matter will not proceed to presentation to the Board.

If the District President affirms the decision of the executive vice president or designee to terminate the full-time contract, the matter will be placed on the agenda for presentation to the Board. In such cases, the matter will be placed on the Board agenda after review

by the District President, providing at least ten (10) College District business days' advance written notice to the complainant.

The complainant will be notified in writing of the date, time, and place of the Board meeting at which the complainant or representative will present their concerns to the Board. The notice will include all applicable procedures for the presentation to the Board. The presentation will take place in closed meeting unless the complainant requests that it be heard in public. The Board may place time limits on the presentation.

The Board will consider the complaint, the complaint file maintained by the manager, employee relations, and oral presentations to the Board.

The Board may give notice of its decision orally or in writing at any time up to and including the next regularly scheduled Board meeting after the Board hears the matter. However, the Board is not required to take any action. If for any reason the Board does not take any action by the end of the next regularly scheduled meeting, the lack of a response by the Board upholds the last prior administrative decision.

Public Comment to the Board

Nothing in this policy precludes an employee who has exhausted the procedures in this policy from addressing the Board of Trustees at the next regular public meeting in accordance with the provision for public comment or the hearing of citizens. The Board is not required to take any action concerning a grievance but will listen to the employee's concerns. [See BDB]

Board Report

After the end of each fiscal year, the District President will provide to the Board a summary report indicating the number and types of complaints received under this policy.

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[1] Policy Online: https://pol.tasb.org/PolicyOnline?key=304
[2] Complaint Information and Forms: http://www.collin.edu/hr/complaints/Employee_Complaints.html
[3] Employee Complaint Form: http://www.collin.edu/hr/complaints/Employee_Complaints.html