Purpose

The purpose of this policy is to set forth complaint procedures and provide for the prompt and equitable resolution of any complaints by members of the public. For information about public participation in Board meetings, see BDB(LOCAL).

Informal Resolution

The Board encourages the public to discuss concerns with the appropriate administrator who has the authority to address the concerns.

Concerns should be expressed as soon as possible to allow early resolution at the lowest possible administrative level.

Informal resolution will be encouraged but will not extend any deadlines in this policy.

Formal Resolution

Whenever members of the public have concerns related to the College District that cannot be resolved informally, the formal process outlined in the rest of this policy will be followed so that issues can be addressed as soon as possible to allow resolution at the lowest possible administrative level.

Even after initiating the formal complaint process, individuals are encouraged to continue to seek informal resolution of their concerns. An individual whose concerns are resolved may withdraw a formal complaint at any time.

The process described in this policy will not be construed to create new or additional rights beyond those granted by law or Board policy, nor to require a full evidentiary hearing or a “mini-trial” at any level.

Exceptions

Complaints for which other resolution procedures and policies are provided will be directed through those procedures and channels initially. For example, the following policies require complaints to be submitted in accordance with this policy GB after the applicable complaint process has been exhausted:

1. Complaints concerning a commissioned peace officer who is an employee of the College District. [See CHA]
2. Complaints concerning the withdrawal of consent to remain on campus. [See GDA]

Consolidating Complaints

Complaints arising out of an event or a series of related events will be addressed in one complaint. An individual will not bring separate or serial complaints arising from any event or series of events that have been or could have been addressed in a previous complaint.

Untimely Filing If a complaint form or appeal notice is not timely filed, the complaint may be dismissed, on written notice to the individual, at any point during the complaint process.

Extension of Time Any time limits set by these procedures, other than the time limits for filing the initial complaint, may be extended at the discretion of the District President or designee.

Freedom from Retaliation Neither the Board nor any College District employee will unlawfully retaliate against any individual for bringing a concern or complaint.

Complaints In this policy, the terms “complaint” and “grievance” will have the same meaning.

Response “Response” will mean a written communication to the individual from the appropriate administrator. Responses may be hand-delivered, sent by electronic communication to the individual’s email address of record, or sent by U.S. Mail to the individual’s mailing address of record. Mailed responses will be timely if they are postmarked by U.S. Mail on or before the deadline.

Days “Days” will mean College District business days. In calculating time lines under this policy, the day a document is filed is “day zero.” The following day is “day one.”

Representative The complainant may designate a representative to represent him or her at any level of the process by notifying the associate vice president-communications in writing. If necessary, the College District may reschedule any meeting to include the College District’s counsel.

Costs Incurred Each party will pay its own costs incurred in the course of the complaint.

Neutral Third Party A neutral third party may be designated to hear a complaint at Level One or Level Two below if deemed necessary by the associate vice president-communications.

Recording Meetings All meetings held with the complainant in accordance with this policy will be recorded by the College District, and the recordings will become part of the complaint record. The complainant may request a copy of the recordings by submitting a written request to the associate vice president-communications.

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

Formal Resolution Process

An individual will file a formal complaint using the College District's online complaint form[1] within 10 College District business days of the date the complainant knew (or reasonably should have known) of the action that caused the complaint.

The complaint must provide sufficient detailed facts to support the allegations, otherwise it may be dismissed.

Scheduling Conferences

The College District will make reasonable attempts to schedule conferences at a mutually agreeable time. If the individual fails to appear at a scheduled conference without a compelling reason, the complaint will be considered withdrawn.

Level One

The appropriate administrator will investigate as necessary and schedule a conference with the individual within 10 College District business days after receipt of the written complaint. The administrator may set reasonable time limits for the conference.

The administrator will provide the individual a written response within 10 College District business days following the conference. The written response will set forth the basis of the decision. In reaching a decision, the administrator may consider information provided at the Level One conference and any relevant documents or information.

Level Two

If the individual does not receive the relief requested at Level One or if the time for a response has expired, he or she may submit an appeal at Level Two. The appeal notice must be submitted in writing to the associate vice president-communications within 10 College District business days of the date of the written Level One response or, if no response was received, within 15 College District business days of the Level One response deadline.

After receiving notice of the appeal, the Level One administrator will prepare and forward a record of the Level One complaint to the Level Two administrator, who will be designated by the associate vice president-communications. The individual may request a copy of the Level One record.

The Level Two administrator will review the complaint within 10 College District business days from receipt of the appeal. The hearing officer will determine if a conference is warranted, and if so, will schedule a conference with the complainant to discuss the complaint. However, there will be no express or implied right to a Level Two conference.

The Level Two administrator will reply in writing within 10 College District business days from the date of receipt of the complaint, or if a conference is held, within 10 College District business days from the date of meeting with the complainant. If a conference is

held, the Level Two administrator may set reasonable time limits for the conference. Further, the individual may provide information to the hearing officer about any documents or information relied upon by the administration for the Level One decision.

The Level Two administrator will provide the individual a written response within 10 College District business days following the conference. The written response will set forth the basis of the decision. In reaching a decision, the Level Two administrator may consider the Level One record, information provided at the Level Two conference, and any other relevant documents or information as determined by the Level Two administrator. If additional investigation or information is required, the Level Two administrator may request such information or meet with individuals as necessary to clarify the record.

The 10 College District business-day reply deadline may be extended if, due to the nature of the allegation or at the hearing officer's discretion, an investigation is appropriate. In these cases, the hearing officer will respond promptly, generally within 30 College District business days from the date of filing the complaint. If the reply deadline is extended, the complainant will be notified in writing.

The decision of the Level Two administrator is final and cannot be appealed.

Presentation to Board

Although the decision of the Level Two administrator is final and may not be appealed, any individual may present a complaint processed under this policy to the Board during the public comment portion of a Board meeting regardless of the limitation in this policy. The Board is not required to take any action concerning this type of complaint but is required to listen if the complaint is presented at a public meeting. [See BDB]

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[1] Complaint Form: http://www.collin.edu/hr/complaints/Public_Complaints.html