

32.01.02 Complaint and Appeal Process for Nonfaculty Employees

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Regulation Statement

This regulation establishes the procedure for any complaint by a nonfaculty employee of The Texas A&M University System (system). However, this regulation does not modify the “at-will” status of any system nonfaculty employee.

Reason for Regulation

This regulation establishes uniform system complaint procedures and is required by System Policy 32.01, *Employee Complaint and Appeal Procedures*.

Procedures and Responsibilities

1. EMPLOYMENT AT WILL

As provided in System Policy 32.02, *Discipline and Dismissal of Employees*, all nonfaculty positions in the system are “at will,” meaning that any nonfaculty employee may be dismissed from employment with or without cause.¹ Nothing in this regulation shall be construed as modifying any nonfaculty employee’s “at-will” status.

2. GENERAL

2.1 This regulation applies to complaints by any nonfaculty employees of the system and its members, including agency employees with faculty titles who are not in tenure-track positions. The term “complaint” in this regulation includes any appeal of an

¹ This reference excludes a nonfaculty system employee having a written employment contract entered in accordance with System Policy 25.07, *Contract Administration*.

adverse employment action, discipline, or dismissal. System Policy *12.01, Academic Freedom, Responsibility and Tenure*, System Policy *32.01*, and System Regulation *32.01.01, Complaint and Appeal Procedures for Faculty Members*, govern complaint and appeal procedures for faculty members.

- 2.2 If at any stage of this 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 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.
- 2.3 Most problems can be resolved through informal discussions between the employee and the immediate supervisor, department head or human resources staff. The employee also may informally discuss a complaint with the member employee relations representative or human resources officer. The employee relations representative or human resources officer will work with all parties to the complaint to seek a satisfactory resolution.
- 2.4 Although an employee is encouraged to resolve a complaint informally first as described in Section 2.3, he or she may file a complaint without first seeking informal resolution.
- 2.5 Any retaliatory action taken against an employee for filing a complaint or otherwise participating in the procedures established by this regulation is prohibited. The filing of a complaint, however, will not constrain a member from taking appropriate employment action.
- 2.6 Except for the timelines provided in Section 3 of this regulation, a chief executive officer (CEO) is authorized to modify this process when required by the organizational structure or geographical dispersion of employees. Modified procedures must conform in principle with the procedures outlined in this regulation and be documented by a member rule.

3. FILING COMPLAINTS

- 3.1 An employee's complaint alleging discrimination, sexual harassment, and/or related retaliation must be filed in accordance with System Regulation *08.01.01*.
- 3.2 Complaints not covered by Section 3.1 should be submitted in accordance with the following. An employee "files" a complaint by completing a complaint form and delivering the form to the human resources officer within seven (7) business days of the action that caused the complaint. A complaint delivered to the human resources officer later than seven (7) business days of the action that caused the complaint will be deemed untimely filed and will be dismissed. The form is available from the member human resources offices.

- 3.3 The human resources officer is available to answer questions regarding the complaint form and to provide assistance as needed.
- 3.4 The human resources officer will coordinate the investigation of the complaint. The human resources officer will retain the original complaint form and forward within five (5) business days copies to the respondent(s), the complainant's and respondent(s)'s supervisor(s) and department head(s), and the administrator designated to review complaints.
- 3.5 The CEO will designate one or more senior administrators to review complaints for the member. If the complainant or respondent is the CEO, the complaint will be directed to the chancellor. If the complainant or respondent CEO reports directly to a vice chancellor under System Regulation *02.02.01, Vice Chancellor for Agriculture and Life Sciences and Vice Chancellor for Engineering*, the complaint will be directed to the appropriate vice chancellor. Complaints filed by employees reporting directly to the chancellor will be reviewed by the system Board of Regents or designee.
- 3.6 The designated administrator will review the complaint and provide a written decision to the human resources officer within fifteen (15) business days of the administrator's receipt of the complaint.² If additional time is needed for investigation and consideration of the complaint, the administrator will notify the human resources officer of the need for an extension and the date by which a decision will be made, and the human resources officer will notify the complainant, supervisor and department head of the extension. Absent unusual circumstances, the extension should not be for more than fifteen (15) additional business days. The human resources officer will provide the administrator's written decision to the complainant, respondent(s), and the complainant's and respondent(s)'s supervisor(s) and department head(s) within five (5) business days of receiving the decision. This will be the final decision on the complaint.

Related Statutes, Policies, or Requirements

[Texas Government Code, Chapter 657](#)

[Texas Government Code, Chapter 672](#)

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

[System Policy 12.01, Academic Freedom, Responsibility and Tenure](#)

² The designated administrator's written decision in a complaint claiming a veteran's or former foster child's employment hiring or retention preference must be provided to the complainant within fifteen (15) business days of the system member's receipt of the complaint.

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

[System Regulation 32.01.01, Complaint and Appeal Procedures for Faculty Members](#)

[System Policy 32.02, Discipline and Dismissal of Employees](#)

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