

PERSONNEL-MANAGEMENT RELATIONS  
EMPLOYEE COMPLAINTS/GRIEVANCES

DGBA  
(LOCAL)

### Complaints

In this policy, the terms "complaint" and "grievance" shall have the same meaning.

#### Other Complaint Processes

Employee complaints shall be filed in accordance with this policy, except as required by the policies listed below. Some of these policies require appeals to be submitted in accordance with DGBA after the relevant complaint process [has been followed](#):

1. Complaints alleging discrimination, including violations of Title IX (gender), Title VII (sex, race, color, religion, national origin), ADEA (age), or Section 504 (disability), shall be submitted in accordance with [the DIA-series](#).
2. Complaints alleging certain forms of harassment, including harassment by a supervisor and violation of Title VII, shall be submitted in accordance with [the DIA-series](#).
3. Complaints concerning retaliation [relatingrelated](#) to discrimination and harassment shall be submitted in accordance with [the DIA-series](#).
4. Complaints concerning instructional resources shall be submitted in accordance with the EF series.
5. Complaints concerning a commissioned peace officer who is an employee of the District shall be submitted in accordance with the CKE series.
6. Complaints concerning the proposed nonrenewal of a term contract issued under Chapter 21 of the Education Code shall be submitted in accordance with DFBB.
7. Complaints concerning the proposed termination or suspension without pay of an employee on a probationary, term, or continuing contract issued under Chapter 21 of the Education Code during the contract term shall be submitted in accordance with DFAA, DFBA, or DFCA.

### Notice to Employees

The District shall inform employees of this policy through appropriate District publications [and on the District's website](#).

#### Guiding Principles

##### Informal Process

The Board encourages employees to discuss their concerns with their supervisor, principal, or other appropriate [campus or District](#)

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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 shall be encouraged but shall not extend any deadlines in this policy, except by mutual written consent.

#### Filing Deadlines

~~If an employee has engaged in the informal process in an attempt to resolve the complaint with the District and has not reached a resolution during the process, the~~ An employee must file a complaint within 15 business days of the date the employee first knew, or with reasonable diligence should have known, of the decision or action giving rise to the complaint or grievance.

#### Deadline Extensions

All deadlines shall be followed unless otherwise required by law or modified by mutual written consent.

#### Direct Communication with Board Members

~~Employees shall not be prohibited from communicating with a member of the Board regarding District operations except when communication between an employee and a Board member would be inappropriate because of a pending hearing or appeal related to the employee.~~

#### Formal Process

An employee may initiate the formal process described below by timely filing a written complaint form.

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

The process described in this policy shall 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 "mini-trial" at any level.

~~The complaint form shall be filed with the District-lowest level administrator designated to accept formal complaint filings. who has the authority to remedy the alleged problem. The District-level administrator will assign the complaint to be heard by the lowest-level administrator with authority to remedy the alleged problem. In most circumstances, Level One complaints filed by an the employee will be assigned to be heard by shall file Level One complaints with the campus principal for any complaint on a matter~~

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related to a campus. For a complaint that arises on a matter that is unrelated to a campus, the complaint will be assigned to be heard by shall be filed with the appropriate District-level administrator.

If the complaint is not filed with the appropriate administrator, the receiving administrator must note the date and time the complaint form was received and immediately forward the complaint form to the appropriate administrator.

Option to Continue Informal Process

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

Notice of Complaint

A District employee against whom a complaint has been filed shall be provided notice of the complaint in accordance with administrative regulations. The employee shall have sufficient opportunity to submit a written response to the complaint that shall be included in the record of the complaint.

**Freedom from Retaliation**

Neither the Board nor any District employee shall unlawfully retaliate against an employee for bringing a concern or complaint.

**Whistleblower Complaints**

Whistleblower complaints shall be filed within the time specified by law and may be made ~~to the Superintendent or designee~~ beginning at Level Two. Timelines for the employee and the District set out in this policy may be shortened to allow the Board to make a final decision within 60 calendar days of the initiation of the complaint. [See DG]

**Complaints Against Supervisors**

Complaints alleging a violation of law by a supervisor may be made to the Superintendent ~~or the District-level administrator designated to accept formal complaint filings, or designee.~~ ~~Complaint forms.~~ Complaints alleging a violation of law by the Superintendent may be submitted directly to the Board or Board's designee.

Direct Communication with Board Members

Employees shall not be prohibited from communicating with a member of the Board regarding District operations except when communication between an employee and a Board member would

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[be inappropriate because of a pending hearing or appeal related to the employee.](#)

### **General Provisions**

#### **Filing**

Complaint forms and appeal notices may be filed by ~~hand-delivery, by electronic submission, communication, including email and fax, or by U.S. Mail.~~ Hand-delivered filings shall be timely filed if received in ~~by the District's central office~~ appropriate administrator or designee by the close of business on the deadline. Filings submitted by electronic ~~submission, communication~~ shall be timely filed if they are received by the close of business on the deadline, as indicated by the date/time shown on the electronic ~~submission, communication.~~ Mail filings shall be timely filed if they are postmarked by U.S. Mail on or before the deadline and received in the District's central office ~~by the appropriate administrator or designated representative no more than three business days after the deadline.~~ Once received in the District's central office, the complaint shall be assigned to the appropriate administrator.

#### **Scheduling ~~Conferences~~Hearings**

The District shall make reasonable attempts to schedule ~~conferences~~hearings at a mutually agreeable time. If the employee fails to appear at a scheduled ~~conference~~hearing, the District may hold the ~~conference~~hearing and issue a decision in the employee's absence.

#### **Response**

##### **~~At Levels One and Two, "response~~Decision**

A "decision" shall mean a written communication to the employee from the appropriate administrator. ~~Responses that provides an explanation of the basis of the decision, an indication of each document that supports the decision, and any relief or redress to be provided.~~ A decision shall be issued on the merits of the concern raised in the complaint notwithstanding any procedural errors or the type of relief or redress requested.

The decision shall also include information regarding the filing of an appeal in accordance with this policy. After a hearing at Level Three, the decision shall include information on submitting an appeal to the commissioner.

A decision may be hand-delivered, sent by electronic communication to the employee's email address of record, or sent by U.S. Mail to the employee's mailing address of record. Mailed

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~~responses~~decisions shall be timely if they are postmarked by U.S. Mail on or before the deadline.

Days

~~"Days" shall mean District business days, unless otherwise noted. In calculating timelines under this policy, the day a document is filed is "day zero." The following business day is "day one."~~

Representative

"Representative" shall mean any person who or an organization that does not claim the right to strike and is designated by the employee to represent ~~him or her~~the employee in the complaint process.

The employee may designate a representative through written notice to the District at any level of this process. The representative may participate in person or by telephone conference call. If the employee designates a representative with fewer than three business days' notice to the District before a scheduled ~~conference~~or hearing, the District may reschedule the ~~conference or~~ hearing to a later date, if desired, in order to include the District's counsel. The District may be represented by counsel at any level of the process.

Consolidating Complaints

~~Complaints by a single complainant shall be consolidated to ensure and assist~~To promote efficiency in scheduling~~addressing complaints, the fewest conferences or appeals. This may result in extending the timeline for a District administrator's response to a complaint. Employees shall not file~~appropriate administrator shall determine if separate or serial complaints arising from ~~any~~an event or series of related events ~~that have been or could have been addressed in a previous complaint~~shall be consolidated.

~~When two or more complaints are sufficiently similar in nature and remedy sought to permit their resolution through one proceeding, the District may consolidate the complaints.~~

Timelines

~~All time limits shall be strictly followed unless a complaint is abated for consolidation, the assigned administrator determines additional time is needed to complete a thorough investigation, or the complaint is modified by mutual written consent.~~

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Untimely Filings

~~If a complaint form or appeal notice is not timely filed or the complaint is or becomes moot and no longer an issue, the complaint may be dismissed, on written notice to the employee, at any point during the complaint process. The employee may appeal the dismissal to the administrator who dismissed the complaint by submitting an appeal in writing within ten days from the date of the written dismissal notice. The administrator's decision on the appeal shall be final.~~

Improperly Filed Complaints

~~A complaint shall be deemed improperly filed and dismissed for the following reasons:~~

- ~~• The issue for which the complaint is filed has already been addressed or resolved.~~
- ~~• The complaint is not filed on the required form.~~
- ~~• The complaint form is incomplete or missing information in any material aspect such as the complainant's name, a description of the issue, or the requested relief.~~
- ~~• The requested relief cannot be legally granted by the District.~~
- ~~• The complaint is regarding conduct by an individual, group, or organization other than the District.~~
- ~~• The complaint is regarding an issue that has not yet happened.~~

~~The dismissal of a complaint under these circumstances shall not be appealable; however, the complaint may be refiled with all the required information if the refiling is within the designated time for filing.~~

Costs Incurred

Each party shall pay its own costs incurred in the course of the complaint.

Complaint and Appeal Forms

Complaints and appeals under this policy shall be submitted ~~in writing~~ on a form provided by the District ~~through electronic submission~~. If an employee needs an accommodation to complete the form via hand-delivery rather than electronic submission, the employee should contact the District-level administrator assigned to accept formal grievance filings to request a physical form. If an employee is granted an accommodation, hand-delivered filings will

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be timely filed if received by the District-level administrator assigned to accept formal grievance filings or designee by the close of business on the deadline.

Copies of any documents that support the complaint should be attached to included with the complaint form. If the employee does not have copies of these documents, they copies may be presented at the Level One conference hearing. After the Level One conference, no new hearing, the employee may supplement the record with additional documents may or include additional claims.

Record

A record of each complaint hearing shall be created and retained in accordance with this policy. The record shall include documents submitted by the employee unless the employee did not know the documents existed before who filed the complaint, documents determined relevant by District personnel, and the decision.

Remand

A complaint or appeal form that is incomplete in any material aspect shall be refiled. If the employee presents additional complaints, evidence or requested remedies following at the Level One conference hearing, the complaint may be 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 administrator may remand the complaint to a lower level, including remand to Level One, if appropriate. The Board or Board committee may remand a complaint to a lower level if at the Board level of review an adequate record has not been developed.

Assignment of Hearing Officer

If the only administrator who has authority to remedy the alleged problem is the Superintendent, the complaint may begin at the appropriate level in accordance with following this policy, including a possible hearing in front of another administrator to develop an adequate record of the complaint. Any established deadlines will remain in place.

When a District employee is the subject of a complaint, the hearing shall be conducted by an administrator who is in a supervisory or higher organizational role. The A District employee who is the subject of the complaint shall recuse themselves from reviewing the complaint at any level in the process.

### Investigation

The District may conduct an investigation at any level in the complaint process. If the District and the employee mutually agree, all deadlines shall be suspended during an investigation. If an investigation is necessary under a policy that requires appeals to be submitted in accordance with DGBA only after the relevant complaint process under a different policy has been followed, the DGBA process may be abated by the District to allow the relevant investigation and complaint process to be followed prior to consideration at any level of the DGBA process.

### Audio Recording

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

### Complaint Levels

#### Level One

Complaint forms must be filed:

8. Within 15 calendar days of the date the employee first knew, or with reasonable diligence should have known, of the decision or action giving rise to the complaint or grievance; and
9. With the lowest level administrator who has the authority to remedy the alleged problem.

In most circumstances, employees on a school campus shall file At Level One complaints with the campus principal; other District employees shall file Level One complaints with their immediate supervisor.

If the only administrator who has authority to remedy the alleged problem is the Superintendent or designee, the complaint may begin at Level Two following the procedure, including deadlines, for filing the complaint form at Level One.

If the complaint is not filed with the appropriate administrator, the receiving administrator must note the date and time the complaint form was received and immediately forward the complaint form to the appropriate administrator.

The, the appropriate administrator/hearing officer shall investigate as necessary and schedule hold a conference/hearing with the employee within ~~ten~~ 10 calendar days after receipt of the written

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complaint. The ~~administrator~~hearing officer may set reasonable time limits for the ~~conference~~hearing.

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~~Absent extenuating circumstances, the administrator~~The hearing officer shall provide the employee a ~~written response decision~~ within ~~ten~~20 calendar days following the ~~conference~~hearing. In reaching a decision, the ~~administrator~~hearing officer may consider information provided ~~at~~with the ~~Level One conference~~complaint form and any other relevant documents or information the ~~administrator~~hearing officer believes will help resolve the complaint.

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**Level Two**

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If the employee did not receive the relief requested at Level One or if the time for a ~~response~~decision has expired, the employee may request a ~~conference with the Superintendent or designee~~hearing at Level Two to appeal the Level One decision.

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The appeal notice must be filed in writing, on a form provided by the District, within ~~ten~~20 calendar days of the date of the ~~written~~ Level One ~~response~~decision or, if no ~~response was received~~decision has been communicated to the employee, within ~~ten~~20 calendar days of the Level One ~~response~~decision deadline.

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After receiving notice of the appeal, the Level One ~~administrator~~hearing officer shall prepare and forward a record of the Level One complaint to the Level Two ~~administrator~~. ~~The employee may request~~hearing officer. ~~The hearing officer shall and provide~~ a copy of the Level One record ~~to the employee upon written request by the employee~~.

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The Level One record shall include:

~~10-8.~~ The original complaint form and any attachments.

~~11-9.~~ ~~All~~Any other documents submitted by the employee at Level One.

~~10.~~ ~~The~~If the complaint is against a District employee, the written response ~~of the District employee, if any~~.

~~12-11.~~ The decision issued at Level One and any attachments.

~~13-12.~~ All other documents relied upon by the Level One ~~administrator~~hearing officer in reaching the Level One decision.

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The ~~Superintendent or designee~~hearing officer shall ~~schedule~~hold a ~~conference~~hearing within ~~ten~~10 calendar days after the appeal notice is filed. The ~~conference shall be limited to the issues and documents considered at Level One~~. At the conference, the

~~employee may provide information concerning any documents or information relied upon by the administration for the Level One decision. The Superintendent or designee hearing officer may set reasonable time limits for the conference hearing.~~

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The Superintendent or designee hearing officer shall provide the employee a ~~written response decision~~ within ~~ten~~20 calendar days following the ~~conference hearing~~. In reaching a decision, the Superintendent or designee hearing officer may consider the Level One record, ~~any additional~~ information provided ~~at prior to~~ the Level Two ~~conference hearing~~, and any other relevant documents or information the Superintendent or designee hearing officer believes will help resolve the complaint.

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Recordings of the Level One and Level Two ~~conferences~~hearings, if any, shall be maintained with the Level One and Level Two records.

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### **Level Three**

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If the employee did not receive the relief requested at Level Two or if the time for a ~~response decision~~ has expired, the employee may appeal the decision to the Board.

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The appeal notice must be filed in writing, on a form provided by the District, within ~~ten~~20 calendar days of the date of the ~~written~~ Level Two ~~response decision~~ or, if no ~~response was received decision has been communicated to the employee~~, within ~~ten~~20 calendar days of the Level Two ~~response decision~~ deadline.

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~~The Superintendent or designee~~Unless the Board delegates a committee in accordance with law, the Board shall consider the appeal of the Level Two decision.

After receiving notice of the appeal, the Board or Board committee shall hold a meeting to discuss the complaint no later than 60 calendar days after the date on which the Level Two decision was made.

The Superintendent shall inform the employee whether the Board or a Board committee will consider the appeal and of the date, time, and place of the meeting at which the complaint will be on the agenda for presentation to the Board or Board committee.

At least five business days before the Board or Board committee meeting, the Superintendent shall provide the employee a description of any information the Board intends to rely on that is not contained in the record created at the previous hearing levels, including any preliminary hearing.

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The Superintendent shall provide the Board the record of the Level Two appeal. ~~The hearing officer shall provide a copy of the~~ The employee may request a copy of the Level Two record to the employee upon written request by the employee.

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The Level Two record shall include:

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~~14-13.~~ The Level One record.

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~~15-14.~~ The notice of appeal from Level One to Level Two.

15. Any other documents submitted by the employee at Level Two.

16. The ~~written response decision~~ issued at Level Two and any attachments.

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17. All other documents relied upon by the administration in reaching the Level Two decision.

~~The appeal shall be limited to the issues and documents considered at Level Two, except that if at Level Three the administration intends to rely on evidence not included in the Level Two record, the administration shall provide the employee notice of the nature of the evidence at least three days before the Board meeting at which the Level Three appeal shall be considered.~~

Presentation to the Board

~~A Level Three appeal shall be considered by the Board through written submission unless two members of the Board may request that the appeal be heard by oral presentation at a Board meeting. A request for oral presentation must be made by a Board member at least ten days before the next regularly scheduled Board meeting.~~

Written Submission

~~When the Level Three appeal is to be considered on written submission, the District shall provide written notice to the student or parent of the process by which the written submission is to be made and the deadline for providing the submission. The Superintendent or designee shall inform the student or parent of the date, time, and place of the Board meeting at which the complaint will be on the agenda for consideration by the Board.~~

Oral Presentation

~~If the Board requests oral presentations for the Level Three complaint, the Superintendent or designee shall inform the student or parent of the date, time, and place of the Board meeting at which the complaint will be on the agenda for consideration by the Board.~~

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~~The District shall determine whether the complaint will be presented be heard~~ in open or closed meeting ~~in accordance with~~. ~~The District shall honor that request unless~~ the Texas Open Meetings Act ~~and/or~~ other applicable law. ~~requires otherwise~~. [See BE]

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~~The~~At the meeting, the presiding officer may set reasonable time limits and guidelines for the ~~oral presentation~~presentation, either in orally or in writing, including an opportunity for the employee and administration to each ~~present information make a presentation and provide rebuttal~~ and an opportunity for questioning by the Board. ~~The Board shall hear the complaint and may request that the administration provide an explanation for the decisions at the preceding levels.~~Board members, if requested by the Board.

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In addition to any other record of the Board meeting required by law, the Board ~~or Board committee~~ shall prepare a separate record of the Level Three ~~appeal~~presentation. If the Level Three ~~appeal~~presentation, including the presentation of information by the employee or the employee's representative, and any presentation from the administration, ~~it must be preserved as part of the Level Three record~~, and questions from the Board members with responses, is made orally at the request of the Board, it shall be recorded by audio recording, video/audio recording, or court reporter.

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*Board Response*

~~After reviewing the written submission or listening to the oral presentations, as applicable, t~~The Board ~~or Board committee~~ shall then consider the complaint. It ~~may give notice of its decision orally or in writing at any time up to and including the next regularly scheduled Board meeting. If the Board does not~~shall make a decision ~~regarding~~no later than 30 calendar days after the date of the Board or Board committee meeting at which the complaint ~~by the end of the next regularly scheduled meeting, the lack of a response by the Board upholds the administrative decision at Level Two~~was considered. ~~The employee shall be provided a decision in accordance with this policy and state law.~~