

PERSONNEL-MANAGEMENT RELATIONS  
EMPLOYEE COMPLAINTS/GRIEVANCES

DGBA  
(LOCAL)

GUIDING  
PRINCIPLES  
INFORMAL  
PROCESS

The Board encourages employees to discuss their concerns and complaints through informal conferences with their supervisor, principal, or other appropriate administrator.

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

DIRECT  
COMMUNICATION  
WITH BOARD  
MEMBERS

Employees shall not be prohibited from communicating with a member of the Board ~~members~~ 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

If an informal conference regarding a complaint fails to reach the outcome requested by the employee, he or she 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.

NOTICE TO  
EMPLOYEES

The District shall inform employees of this policy.

FREEDOM FROM  
RETALIATION

Neither the Board nor any District employee shall unlawfully retaliate against an employee for bringing a concern or complaint. ~~{See DG}~~

~~NOTICE TO  
EMPLOYEES~~

~~The principal of each campus and other supervisory personnel shall inform employees of this policy.~~

~~SPECIFIC  
COMPLAINTS~~

~~For more information on how to proceed with complaints regarding:~~

- ~~1. Alleged discrimination, including violations of Title IX or Section 504, see DAA.~~
- ~~2. Instructional materials, see EFA.~~
- ~~3. A commissioned peace officer who is an employee of the District, see CKE.~~

~~OTHER REVIEW  
PROCESSES~~

~~Complaints alleging certain forms of harassment, including harassment by a supervisor, shall be processed in accordance with DIA.~~

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~~Complaints arising from any of the following must be addressed through the local and statutory processes indicated below:~~

- ~~1. The proposed nonrenewal of a term contract issued under Chapter 21 of the Texas Education Code, in accordance with DFBB.~~
- ~~2. The proposed termination or suspension without pay of an employee on a probationary, term, or continuing contract issued under Chapter 21 of the Texas Education Code during the contract term, in accordance with DFAA, DFBA, or DFCA, respectively.~~

~~This policy shall apply to all other employee complaints.~~

DEFINITIONS

~~For purposes of this policy, terms are defined as follows:~~

~~COMPLAINT/  
GRIEVANCE~~

~~The terms "complaint" and "grievance" shall have the same meaning. A complaint under this policy may include:~~

- ~~1. Grievances concerning an employee's wages, hours, or conditions of work;~~
- ~~2. Specific allegations of unlawful discrimination in employment based on the employee's sex, race, religion, national origin, age, or disability;~~
- ~~3. Specific allegations of unlawful discrimination or retaliation based on the employee's exercise of legally protected rights;  
or~~
- ~~4. Specific allegations of adverse personnel action based on the employee's good faith report to an appropriate law enforcement authority of a violation of a law by the District or a District employee, i.e., "whistleblower complaints." [See DG]~~
- ~~5. Complaints arising from the dismissal or termination of an at-will employee. [See DCD]~~
- ~~6. Complaints arising from the termination at end of year of the probationary contract of a professional employee. [See DFAB]~~

FILING

~~Complaint forms and appeal notices may be filed by hand delivery, fax, or U.S. Mail. Hand-delivered filings shall be timely filed if received by the appropriate administrator or designee by the close of business on the deadline. Fax filings shall be timely filed if they are received on or before the deadline, as indicated by the date/time shown on the fax copy. Mail filings shall be timely filed if they are postmarked by U.S. Mail on the deadline and received by the ap-~~

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~~appropriate administrator or designated representative no more than three days after the deadline.~~

**RESPONSE**

~~At Levels One and Two, "response" shall mean a written communication to the employee from the appropriate administrator. Responses may be hand delivered or sent by U.S. Mail to the employee's mailing address of record. Mailed responses shall be timely if they are postmarked by U.S. Mail on the deadline and received by the employee or designated representative no more than three days after the response deadline.~~

**DAYS**

~~"Days" shall mean District business days. In calculating time lines under this policy, the day a document is filed is "day zero," and all deadlines shall be determined by counting the following day as "day one."~~

**REPRESENTATIVE**

~~"Representative" means 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 in the complaint process.~~

**DESIGNATION OF REPRESENTATIVE**

~~The employee may designate a representative through written notice to the District at any level of this process. If the employee designates a representative with fewer than three 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.~~

**WHISTLEBLOWER COMPLAINTS**

~~Whistleblower complaints shall be filed within the time specified by law. Such complaints shall first be filed in accordance with LEVEL TWO, below, **and may be made to the Superintendent or designee beginning at Level Two.** Time lines 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]~~

**GENERAL PROVISIONS**

~~Complaints arising out of an event or a series of related events shall be addressed in one complaint. Employees shall 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.~~

~~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.~~

**COMPLAINTS AGAINST SUPERVISORS**

**Complaints alleging a violation of law by a supervisor may be made to the Superintendent or designee. Complaints alleging a violation of law by the Superintendent may be made directly to the Board or designee.**

**In this policy, the terms “complaint” and “grievance” shall have the same meaning. This policy shall apply to all employee complaints, except as provided below.**

**EXCEPTIONS**

**This policy shall not apply to:**

1. **Complaints alleging discrimination, including violations of Title IX (gender), Title VII (sex, race, color, religion, national origin), ADEA (age), or Section 504 (disability). [See DIA]**
2. **Complaints alleging certain forms of harassment, including harassment by a supervisor and violations of Title VII. [See DIA]**
3. **Complaints concerning retaliation relating to discrimination and harassment. [See DIA]**
4. **Complaints concerning instructional materials. [See EFA]**
5. **Complaints concerning a commissioned peace officer who is an employee of the District. [See CKE]**
6. **Complaints arising from the proposed nonrenewal of a term contract issued under Chapter 21 of the Education Code. [See DFBB]**
7. **Complaints arising from 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. [See DFAA, DFBA, or DFCA, respectively]**

**GENERAL PROVISIONS**

**FILING**

**Complaint forms and appeal notices may be filed by hand-delivery, fax, or U.S. Mail. Hand-delivered filings shall be timely filed if received by the appropriate administrator or designee by the close of business on the deadline. Fax filings shall be timely filed if they are received on or before the deadline, as indicated by the date/time shown on the fax copy. Mail filings shall be timely filed if they are postmarked by U.S. Mail on or before the deadline and received by the appropriate administrator or designated representative no more than three days after the deadline.**

**RESPONSE**

**At Levels One and Two, “response” shall mean a written communication to the employee from the appropriate administrator. Responses may be hand-delivered or sent by U.S. Mail to the employee’s mailing address of record. Mailed responses shall be timely if they are postmarked by U.S. Mail on or before the deadline.**

<b><u>DAYS</u></b>	<b><u>“Days” shall mean District business days, unless otherwise noted. In calculating time lines under this policy, the day a document is filed is “day zero.” The following business day is “day one.”</u></b>
<b><u>REPRESENTATIVE</u></b>	<b><u>“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 in the complaint process.</u></b>  <b><u>The employee may designate a representative through written notice to the District at any level of this process. If the employee designates a representative with fewer than three 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.</u></b>
<b><u>GENERAL PROVISIONS CONSOLIDATING COMPLAINTS</u></b>	Complaints arising out of an event or a series of related events shall be addressed in one complaint. Employees shall 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.  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.
<b>UNTIMELY FILINGS</b>	All time limits shall be strictly followed unless modified by mutual written consent.  If a complaint form or appeal notice is not timely filed, the complaint may be dismissed, on written notice to the employee, at any point during the complaint process. The employee may appeal the dismissal by seeking review in writing within ten days <b><u>from the date of the written dismissal notice</u></b> , starting at the level at which the complaint was dismissed. Such appeal shall be limited to the issue of timeliness.
<b>COSTS INCURRED</b>	Each party shall pay its own costs incurred in the course of the complaint.
<b>COMPLAINT FORM</b>	Complaints under this policy shall be submitted in writing on a form provided by the District.  Copies of any documents that support the complaint should be attached to the complaint form. If the employee does not have copies of these documents, they may be presented at the Level One conference. After the Level One conference, no new documents may be submitted <b><u>by the employee</u></b> unless the employee did not know the documents existed before the Level One conference.

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A complaint form that is incomplete in any material aspect may be dismissed, but may be refiled with all the ~~requested~~ **required** information if the refileing is within the designated time for filing a complaint.

INVESTIGATIONS

Oral complaints shall be reduced to writing to assist in the District's investigation of a complaint. To the greatest extent possible, complaints shall be treated as confidential. Limited disclosure may be necessary to identify witnesses and obtain evidence to complete a thorough investigation and make a determination. All reports of sexual harassment that are not minor shall be referred to the Title IX Coordinator. **[See DIA]**

COMPLAINTS  
AGAINST  
SUPERVISORS

~~Complaints alleging a supervisor's violation of law may be made to the Superintendent beginning at Level Two. A complaint alleging a violation of law by the Superintendent may be made directly to the Board beginning at Level Three.~~

LEVEL ONE

Complaint forms must be filed:

1. Within 15 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
2. With the lowest level administrator who has the authority to remedy the alleged problem.

In most circumstances, employees on a school campus shall file 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 appropriate administrator shall **investigate as necessary and** hold a conference with the employee within ten days after receipt of the written complaint. **The administrator may set reasonable time limits for the conference.**

The administrator shall ~~have ten days following the conference to~~ provide the employee a written response **within ten days following the conference. The written response shall set forth the basis of**

**the decision. In reaching a decision, the administrator may consider information provided at the Level One conference and any other relevant documents or information the administrator believes will help resolve the complaint.**

#### LEVEL TWO

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

The appeal notice must be filed in writing, on a form provided by the District, within ten days ~~after receipt of a~~ **of the date of the written Level One** response or, if no response was received, within ten days of the **Level One** response deadline ~~at Level One~~.

**After receiving notice of the appeal, the Level One administrator shall prepare and forward a record of the Level One complaint to the Level Two administrator. The employee may request a copy of the Level One record.**

**The Level One record shall include:**

1. **The original complaint form and any attachments.**
2. **All other documents submitted by the employee at Level One.**
3. **The written response issued at Level One and any attachments.**
4. **All other documents relied upon by the Level One administrator in reaching the Level One decision.**

The Superintendent or designee shall hold a conference within ten days after the appeal notice is filed. ~~At the~~ **The** conference, ~~the Superintendent or designee shall consider only~~ **be limited to** the issues ~~and documents presented~~ **by the employee** at Level One and identified in the Level Two appeal notice. **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 shall have ten days following the conference to provide the employee a written response.

#### LEVEL THREE

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

The appeal notice must be filed in writing, on a form provided by the District, within ten days ~~after receipt of a~~ **of the date of the**

**written Level Two** response or, if no response was received, within ten days of the **Level Two** response deadline ~~at Level Two~~.

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

The Superintendent or designee shall provide the Board ~~with copies of the~~ **record of the Level Two** complaint. ~~form, all responses, all appeal notices, and all written documentation previously submitted by the employee or the administration. The Board shall consider only those issues and documents presented at the preceding levels and identified in the appeal notice.~~ **The employee may request a copy of the Level Two record.**

**The Level Two record shall include:**

1. **The Level One record.**
2. **The written response issued at Level Two and any attachments.**
3. **All other documents relied upon by the administration in reaching the Level Two decision.**

**If at the Level Three hearing 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 hearing.**

The District shall determine whether the complaint will be presented in open or closed meeting in accordance with the Texas Open Meetings Act and other applicable law. [See BE]

The presiding officer may set reasonable time limits and guidelines for the **presentation including an opportunity for the employee and administration to each 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.

In addition to any other record of the Board meeting required by law, the Board shall prepare a separate record of the Level Three presentation. The Level Three presentation, including the presentation by the employee or the employee's representative, any presentation from the administration, and questions from the Board with responses, shall be recorded by audio recording, video/audio recording, or court reporter.

The Board shall then consider the complaint. It may give notice of its decision orally or in writing at any time up to and including the



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next regularly scheduled Board meeting. If ~~for any reason~~ the Board ~~fails to reach~~ **does not make** a decision regarding 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.