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**GUIDING  
PRINCIPLES**

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

**INFORMAL  
PROCESS**

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

**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 resolutions 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 or evidentiary hearing or “mini-trial” at any level.**

**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 PROCES**

Complaints alleging certain forms of harassment shall be processed in accordance with DHC.

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.

**DEFINITIONS**

This policy shall apply to all other employee complaints.

**COMPLAINT/ GRIEVANCE**

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

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 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 DFAA]

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

**RESPONSE**

At Levels One and Two, “response” shall mean 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.

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. 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 days of the initiation of the complaint. [See DG]

**GENERAL PROVISIONS**

Complaints arising out of an event or 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.**

**UNTIMELY  
FILINGS**

**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, starting at the level at which the complaint was dismissed. Such appeal shall be limited to the issue of timeliness.**

**COST INCURRED**

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

**COMPLAINT FORM**

**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 unless the employee did not know the documents existed before the Level One conference.**

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

~~This policy provides employees an orderly process for the prompt and equitable resolution of grievances when a concern has not been resolved. The Board intends that, whenever feasible, grievances be resolved at the lowest possible administrative level. This policy shall not be construed to create new or additional rights beyond those granted by Board policy or law.~~

~~DEFINITIONS~~

~~For purposes of this policy, "days" shall mean calendar days. The terms "complaint" and "grievance" shall have the same meaning. A grievance under this policy may include, but shall not be limited to, any of the following:~~

- ~~1. Grievances concerning an employee's wages, hours, or conditions of work.~~
- ~~2. Specific allegations of unlawful discrimination in employment on the basis of sex (including allegations of sexual harassment), race, religion, national origin, age, or disability.~~
- ~~3. Specific allegations of unlawful discrimination or retaliation on the basis of the employee's exercise of constitutional rights.~~
- ~~4. Whistleblower complaints.~~

~~OTHER REVIEW PROCESSES~~

~~Procedures and information regarding sexual harassment by other employees are found at DHC and information regarding federal nondiscrimination is found at DAA.~~

~~An employee's dismissal or nonrenewal may be the subject of a grievance under this policy only if the District does not otherwise provide for a review of the matter.~~

~~The following are governed by other review processes and are not subject to this policy:~~

- ~~1. Grievances regarding suspension without pay of a contractual employee: DF series~~
- ~~2. Grievances regarding termination of an employment contract governed by Chapter 21 of the Education Code: DF series~~
- ~~3. Grievances against a District peace officer: CKE~~
- ~~4. Grievances regarding instructional materials: EFA~~

~~NOTICE TO EMPLOYEES~~

~~The principal of each campus and other supervisory personnel shall ensure that employees under their supervision are informed of this policy.~~

~~FREEDOM FROM~~

~~Neither the Board nor the administration shall unlawfully~~

<del>RETALIATION</del>	<del>retaliate against any employee for bringing a grievance under this policy. [See DG]</del>
<del>WHISTLEBLOWER COMPLAINTS</del>	<del>Employees who allege adverse employment action in retaliation for reporting a violation of law to an appropriate authority shall initiate a grievance under this policy within the time specified by law. [See DG(LEGAL)]</del>
<del>GENERAL PROVISIONS</del>	<del>The complaint shall first be filed in accordance with LEVEL TWO, below. 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 days of the initiation of the complaint.</del>
<del>GENERAL PROVISIONS</del>	<del>A grievance must specify the individual harm alleged. An employee is prohibited from bringing separate or serial grievances regarding the same event or action. All time limits shall be strictly complied with unless modified by mutual consent. Costs of any grievance shall be paid by the party incurring them.</del>
<del>CONSOLIDATION</del>	<del>When the Superintendent determines that two or more individual grievances are sufficiently similar in nature and remedy to permit their resolution through one proceeding, he or she may consolidate the grievances.</del>
<del>DECISIONS</del>	<del>Announcing a decision in the employee's presence constitutes communication of the decision.</del>
<del>INITIATING GRIEVANCE</del>	<del>Unless otherwise specified in policy, an employee shall initiate a grievance as provided at LEVEL ONE, below.</del>
<del>INVESTIGATIONS</del>	<del>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.</del>
<del>LEVEL ONE</del>	<del>An employee who has a grievance shall request a conference with the principal or immediate supervisor by submitting the grievance in writing on a form provided by the District. The form must be filed within 15 days of the time the employee first knew or should have known of the event or series of events about which the employee is complaining.</del>
	<del>The principal or supervisor shall hold the conference within seven days after receipt of the written request. The principal or supervisor shall have seven days following the conference</del>

~~within which to respond.~~

**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 the 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 hold a conference with the employee within ten days after receipt of the written complaint.**

**The administrator shall have ten days following the conference with to provide the employee with a written response.**

**LEVEL TWO**

~~If the outcome of the conference at Level One is not to the employee's satisfaction or if the time for a response has expired, the employee may request a conference with the Superintendent or designee to discuss the grievance. The request shall be in writing on a form provided by the District and must be filed within seven days following receipt of a response or, if no response is received, within seven days of the response deadline.~~

~~The Superintendent or designee shall hold the conference within seven days after receiving the written request. The~~

~~Superintendent or designee shall have seven days following the conference within which to respond.~~

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

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

### LEVEL THREE

~~If the outcome of the conference at Level Two is not to the employee's satisfaction or if the time for a response has expired, the employee may submit to the Superintendent or designee a request to place the matter on the agenda of a future Board meeting. The request shall be in writing on a form provided by the District and must be filed within seven days following receipt of a response or, if no response is received, within seven days of the response deadline.~~

~~The Superintendent or designee shall inform the employee of the date, time, and place of the meeting.~~

~~The Superintendent or designee shall provide the Board with copies of the employee's original grievance, all responses, and any written documentation previously submitted by the employee and the administration. The Board is not required to consider documentation not previously submitted or issues not previously presented.~~

~~The presiding officer may set reasonable time limits. The Board shall hear the grievance and may request a response from the administration. The District shall make an audiotape record of the Level Three proceeding before the Board.~~

~~The Board shall then make and communicate its decision orally or in writing at any time up to and including the next regularly~~

~~scheduled Board meeting.~~

**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 a receipt of a response , or if no response was received, within ten days of the 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 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 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. 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 next regularly scheduled meeting. If for any reason the Board fails to reach a decision regarding the**

**complaint by the end of the next regularly scheduled Board meeting, the lack of response by the Board upholds the administrative decision at Level Two.**

~~CLOSED MEETING~~

~~If the grievance involves the appointment, employment, evaluation, reassignment, duties, discipline, or dismissal of the employee bringing the grievance, it may be heard by the Board in closed meeting unless the employee bringing the grievance requests that it be heard in public.~~

~~EXCEPTION~~

~~However, if the grievance involves a complaint or charge against another District employee or a Board member, it shall be heard in closed meeting unless an open meeting is requested in writing by the employee or Board member against whom the complaint or charge is brought.~~

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DATE ISSUED: ~~07/01/2002~~ **04/26/2005**

UPDATE ~~68~~ **73**

DGBA(LOCAL)

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**This online presentation of your district's policy is an electronic representation of TASB's record of the district's currently adopted policy manual. It does not reflect updating activities in progress. The official, authoritative manual is available for inspection in the office of the Superintendent. [See BF (LOCAL) for further information.]**