

## 32.01.02 Complaint and Appeal Process for Nonfaculty Employees

Revised [January 15, 2016](#)

Next Scheduled Review: January 15, 2021

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### Regulation Statement

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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.

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### Reason for Regulation

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

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### Procedures and Responsibilities

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#### 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.<sup>1</sup> 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 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.

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

- 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 Ethics and Compliance Office of the complaint. System Regulation *08.01.01, Civil Rights Compliance*, governs complaints alleging illegal 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.

### 3. FILING COMPLAINTS

- 3.1 An employee's complaint alleging illegal 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 office or the office designated by the member within seven business days of the action that caused the complaint. A complaint delivered to the human resources office or designated office later than seven 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 office or designated office.
- 3.3 The human resources office or designated office is available to answer questions regarding the complaint form and to provide assistance as needed.
- 3.4 The human resources office or designated office will coordinate the investigation of the complaint. The human resources office or designated office will retain the original complaint form and forward within five 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 (designated administrator). 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 office or designated office within 15 business days of the administrator's receipt of the complaint.<sup>2</sup> If additional time is needed for investigation and consideration of the complaint, the administrator will notify the human resources office or designated office of the need for an extension and the date by which a decision will be made, and the human resources office or designated office will notify the complainant, supervisor and department head of the extension. Absent unusual circumstances, the extension should not be for more than 15 additional business days. The human resources office or designated office 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 business days of receiving the decision. This will be the final decision on the complaint.
- 3.7 Each member will ensure that the member's process for the receipt, investigation and resolution of complaints in accordance with this regulation is readily available to member employees through the member's website and human resources office or designated office.

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## **Related Statutes, Policies, or Requirements**

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[Tex. Gov't Code Ch. 657](#)

[Tex. Gov't Code Ch. 672](#)

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

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

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<sup>2</sup> 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 15 business days of the 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\*](#)

## **Member Rule Requirements**

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A rule is not required to supplement this regulation.

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## **Contact Office**

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System Offices Human Resources  
(979) 458-6169