

32.01.02 Complaint and Appeal Process for Nonfaculty Employees

Revised [March 15, 2021](#)

Next Scheduled Review: March 15, 2026

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Regulation Summary

This regulation establishes the procedure for any complaint or appeal by or against a nonfaculty employee of The Texas A&M University System (system) that does not allege discrimination, harassment and/or related retaliation based on a protected class (discrimination). However, this regulation does not modify the “at-will” status of any system nonfaculty employee.

Complaints involving discrimination are processed under System Regulation *08.01.01, Civil Rights Compliance*.

Regulation

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 will be construed as modifying any nonfaculty employee’s “at-will” status.

2. GENERAL

2.1 This regulation applies to complaints by or against 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.

2.2 If at any stage of this process the employee files a complaint with an external compliance agency alleging discrimination, harassment and/or related retaliation based on a

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

protected class (discrimination), the human resources officer will immediately notify the member's designated office and the System Ethics and Compliance Office (SECO), in accordance with System Regulation *08.01.01, Civil Rights Compliance*

- 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, the employee may file a complaint without first seeking informal resolution.
- 2.5 Any retaliatory action taken against a person for filing a complaint or otherwise participating in the procedures established by this regulation is prohibited. Such retaliatory action will be regarded as a separate and distinct cause for complaint. The filing of a complaint, however, will not constrain a member from taking appropriate employment action.

3. FILING COMPLAINTS AND COMPLAINT RESOLUTION

- 3.1 Each system employee has the right under the statutes of Texas to present complaints concerning wages, hours of work or conditions of work. A complaint may be presented individually or through a representative provided such representative does not claim the right to strike.
- 3.2 An employee's complaint alleging discrimination, harassment, and/or related retaliation based on a protected class (discrimination) must be filed in accordance with System Regulation *08.01.01, Civil Rights Compliance*.
- 3.3 Complaints not covered by Section 3.2 must 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 is deemed untimely filed and dismissed. The form is available from the member human resources office or designated office.
- 3.4 The human resources office or designated office is available to answer questions regarding the complaint form and to provide assistance as needed.
- 3.5 The human resources office or designated office coordinates the resolution of the complaint. The human resources office or designated office retains the original complaint form and forwards 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.

- 3.6 The CEO designates one or more senior administrators to review complaints for the member (designated administrator). If the complainant or respondent is a CEO who does not report to a vice chancellor under System Regulation *02.02.01, Vice Chancellor for Agriculture and Life Sciences and Vice Chancellor for Engineering*, the complaint is directed to the chancellor. If the complainant or respondent is a CEO who reports directly to a vice chancellor under System Regulation *02.02.01*, the complaint is directed to the appropriate vice chancellor. Complaints filed against employees reporting directly to a CEO are directed to SECO. Complaints filed against the chancellor or by employees reporting directly to the chancellor or the Board of Regents are reviewed by the chair of the Board of Regents or designee.
- 3.7 The designated administrator reviews the complaint and provides a written decision to the human resources office or designated office within 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 notifies 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 notifies 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 provides 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.
- 3.8 Each member ensures 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.

Related Statutes, Policies, or Requirements

Tex. Gov't Code Ch. 617

[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](#)

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 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](#)

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

Member Rule Requirements

A rule is not required to supplement this regulation.

Contact Office

System Offices Human Resources
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