[Minor revision: September 8, 2014]

Angelo State University
Operating Policy and Procedure

OP 52.17: **Staff Employee Complaint Procedure**

DATE: September 8, 2014

PURPOSE: The purpose of this Operating Policy/Procedure (OP) is to provide reasonable and consistent internal consideration of complaints from staff employees regarding matters concerning wages, hours of work, work place conditions, or employment actions. Angelo State University will strive to seek fair, just, and prompt resolutions of complaints by staff employees arising from the employment relationship.

REVIEW: This OP will be reviewed in July every three years, or as needed, by the director of human resources with recommended revisions forwarded through the vice president for finance and administration to the president by August 15 of the same year.

POLICY/PROCEDURE

1. Policy

Angelo State University is an at-will employer. Employment is for an indefinite duration and can be terminated at any time. Nothing in this or any other university policy constitutes an employment agreement, either express or implied, a contract, a contract relationship, a guarantee of continued employment, or property right. The purpose of this policy is to establish a procedure to provide unbiased, consistent, and timely internal consideration of complaints and provide resolution when possible.

It is the policy of Angelo State University to receive, process, and resolve staff employee complaints in a fair and prompt manner. Employees of the university shall be entitled to present complaints concerning his/her wages, hours of work, work place conditions, or employment actions. The complaint procedures to be followed by staff employees are presented in this policy.

2. Applicability

This policy is applicable to all full-time, part-time, and temporary staff employees.

3. General Provisions

a. A complaint is a formal expression of disagreement concerning issues pertaining to wages, hours of work, working conditions, performance evaluations, merit raises, job assignments, or other similar matters involving management decisions concerning the employee.

b. All complaint investigations and procedures will be non-adversarial in nature. Language interpreters and other individuals intended to aid the employee in communication will be permitted.

c. If an employee believes an adverse employment action is based on unlawful discrimination or other violations of the law as set forth in OP 52.40, Anti-Discrimination Policy and Grievance Procedure for Violations of Employment and Other Laws, the procedures therein must be followed.

d. An employee may present a complaint without fear of retaliation.

   Retaliation against an employee who files a complaint under this policy is strictly forbidden. Any manager or supervisor or other employee who is found to have taken any adverse employment action against an employee because of the employee's good faith filing of a complaint or participation in an investigation under this policy is subject to severe penalties, including immediate termination.

   However, the filing of a complaint shall not affect the ability of the university to pursue disciplinary or separation action for reasons other than the employee's filing of a complaint.

e. If an employee separates employment from the university for any reason after filing the complaint, the pending complaint shall be dismissed. A termination cannot be appealed unless the employee has reason to believe the action taken is prohibited by law, in which case the employee should follow the procedures set forth in OP 52.40, Anti-Discrimination Policy and Grievance Procedure for Violations of Employment and Other Laws.

4. Assistance

The complainant will present his or her complaint individually or may be accompanied by a representative who does not claim the right to strike. Representation does not include external legal counsel. If the employee desires, he or she may be assisted by the institution's Office of Human Resources where the complaint procedure will be explained and assistance with the writing of the complaint may be obtained. If requested, the director of human resources, acting as a neutral party, may render advisory assistance to either the employee or the division concerned.

5. Procedure

a. Only one subject matter shall be covered in any one complaint.

b. A written complaint shall contain:

   (1) A clear and concise statement of the complaint;

   (2) The date the incident or adverse action took place;

   (3) The names and contact information of any witnesses;

(4) The specific resolution sought by the employee; and

(5) Additional relevant information to be considered in support of the complaint

c. Step 1 – Verbal Discussion

(1) An employee should bring any work-related problems to the attention of his/her immediate supervisor within 10 business days of the event.

(2) Each supervisor and employee should attempt to resolve on-the-job complaints in an atmosphere of mutual respect.

(3) The immediate supervisor should discuss with the employee those concerns in an effort to resolve the problem.

(4) The supervisor has 10 business days to respond to the complaint.

(5) If the employee's complaint is regarding the employee's immediate supervisor, the employee should follow the same steps set forth in this policy but initiate the process with the employee's second level supervisor.

d. Step 2 – Written Complaint

(1) If action is not taken by the immediate supervisor to resolve the problem within 10 business days or if the employee is not satisfied with the supervisor's response, the employee should formally submit a *Statement of Employee Complaint* to the employee's immediate supervisor and the office of Human Resources within 10 business days after the supervisor's initial response or resolution.

(2) The immediate supervisor has 10 business days to respond, in writing, to the complaint. A copy of the response shall be sent to the Office of Human Resources.

e. Step 3 – Written Complaint to the Second Level Supervisor

(1) If no resolution is reached with the immediate supervisor, the employee may appeal the first level supervisor's decision to the second level supervisor by submitting the *Statement of Employee Complaint* form to the second level supervisor and to the Office of Human Resources.

(2) The written complaint must be filed with the second level supervisor within 10 business days from the time the employee receives the written response from the immediate supervisor.

(3) The second level supervisor has 10 business days to respond, in writing, to the complaint.

f. Step 4 – Final Review

After all the above steps have been completed, the employee may make a written request to the appropriate vice president/dean to review the employee's complaint. This must be done within 10 business days. The responsible administrator shall have 20 days to review

the complaint and provide a written determination to the employee. This determination will be final.

Nothing in this procedure shall be construed to limit, terminate, or waive any right of an employee to seek relief in a court of proper jurisdiction for any employee complaint for which a remedy is provided under the laws of the State of Texas or the United States of America.

6. Special Provisions

a. Time limits shall not include Saturdays, Sundays, or holidays.

b. There can be an extension of time in any step, if mutually agreed upon by the complainant and the university official hearing the complaint.

c. Failure of an employee to process his or her complaint to the next step within the specified time limit shall constitute abandonment of the complaint.

d. Failure of management to give an answer within the prescribed time limit authorizes the employee to proceed with his or her complaint to the next step.

7. Employee Communication

a. The existence of this policy will be made known to new staff employees during their initial orientation program.

b. The first-line supervisor will review these procedures with new employees assigned to his or her supervision. This review should establish a mutual understanding of encouragement to resolve problems with objectivity, freedom from fear of retaliatory consequences or reprisals, and within a reasonable amount of time.

8. Forms and Procedures

All related forms and procedures are available on the Office of Human Resources website at: http://www.angelo.edu/dept/human_resources/