

## 32.01.02 Complaint and Appeal Process for Nonfaculty Employees

Revised [January 3, 2024](#)

Next Scheduled Review: January 3, 2029

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### Regulation Summary

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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*.

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### Regulation

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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 is 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 This includes agency employees with faculty titles who are not in tenure-track positions and those who do not have a faculty appointment or a primary role that is faculty. 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

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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*.

protected class (discrimination), the human resources officer shall 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 works 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 is regarded as a separate and distinct cause for complaint. The filing of a complaint, however, does not constrain a member from taking appropriate employment action.
- 2.6 Investigations that do not contain allegations or complaints that are governed by System Regulation, *08.01.01, Civil Rights Compliance*, may be reviewed and decided under the process in Section 3.7 of this regulation.

### 3. FILING COMPLAINTS AND COMPLAINT RESOLUTION

- 3.1 Each system employee has the right under state law 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 or by other means as provided by the system member and submit to the human resources office or the office designated by the member within seven (7) business days of the action that caused the complaint. A complaint delivered to the human resources office or designated office later than seven (7) business days of the action that caused the complaint may be deemed untimely filed and dismissed.
- 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 (5) 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, who will be the designated administrator. If the complainant or respondent is a CEO who reports directly to a vice chancellor under System Regulation 02.02.01, the appropriate vice chancellor will act as the designated administrator. For complaints filed against employees reporting directly to a CEO, the System Ethics and Compliance Office will be the designated administrator. 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 will have fifteen (15) business days to (a) review the complaint and provide a written decision to the human resources office or designated office, or (b) refer the complaint to an investigative authority appointed by the designated administrator for recommendation before rendering a decision.<sup>2</sup>
  - 3.7.1 If the designated administrator chooses to review and decide the complaint, the administrator must provide a written decision within fifteen (15) business days of the administrator's receipt of the complaint.
  - 3.7.2 If the designated administrator chooses to refer the complaint to an investigative authority, the investigative authority will have fifteen (15) business days to provide a report to the designated administrator. The designated administrator will review the investigation report and provide a decision in writing within five (5) business days to the human resources office or designated office.
    - 3.7.2.1 If the employee has a representative, their role will be limited to being present and communicating only with the employee whom they represent. A representative will not otherwise participate in the process.
    - 3.7.2.2 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 is made, and the human resources office or designated office notifies the complainant, supervisor and department head of the extension. Absent extenuating circumstances, the extension should not be for more than fifteen (15) additional business days.
- 3.8 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

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<sup>2</sup> The designated administrator's written decision in a complaint claiming a military 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.

supervisor(s) and department head(s) within five (5) business days of receiving the decision. This is the final decision on the complaint.

- 3.9 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.

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

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[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](#)

[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](#)

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## **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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Human Resources  
(979) 458-6169