

TECH UNIVERSITY HEALTH SCIENCES CENTER

Operating Policy and Procedure

HSC OP: 70.10, Non-Faculty Employee Complaint Procedures

PURPOSE: The purpose of this Health Sciences Center Operating Policy and Procedure (HSC OP) is to provide reasonable and consistent internal consideration of complaints from non-faculty employees. TTUHSC will strive to seek fair, just, and prompt resolution of complaints by non-faculty employees arising from the employment relationship.

REVIEW: This HSC OP will be reviewed in January of each even-numbered year (ENY)

and procedure constitutes an employment agreement, either express or implied, a contract, a contractual relationship, a guarantee of continued employment, or a property right.

- f. If an employee separates employment from TTUHSC 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 51.02, Non-Discrimination and Anti-Harassment Policy and Complaint Procedure, or in OP 51.03, Sexual Misconduct.

3. Assistance

Early review of employee concerns is encouraged. The employee and/or the supervisor at any time may seek assistance from the Human Resources department in resolving complaints that arise in the workplace in matters directly impacting the employee. The Human Resources Department may recommend and/or facilitate mediation of the employee complaints or advise on appropriate actions in a formal complaint process.

4. Procedure

a. Complaint Guidelines:

1. Only one subject matter shall be covered in any one complaint. However, Human Resources has the discretion to consolidate complaints should the complaints relate to the same set of circumstances or concerns.
2. A written complaint shall contain:
 - i. A clear and concise statement of the complaint;
 - ii. The date the incident or adverse action took place;
 - iii. The names and contact information of any witnesses;
 - iv. The specific resolution sought by the employee; and
 - v. Additional relevant information to be considered in support of the complaint.
3. Any changes to the complaint must be in writing and submitted to Human Resources and the immediate supervisor.
4. In cases where the employee believes that the involvement of their immediate supervisor would be inappropriate, such as when the complaint is against the employee's immediate supervisor, the employee may initiate the formal complaint to the appropriate next-level supervisor in the employee's chain of command. Before engaging a next-level supervisor, the employee must contact Human Resources to specify why this would be necessary and for Human Resources to determine the next appropriate action to take. Depending on the level of supervisor that may be involved, Human Resources may modify or bypass the sequence of complaint steps provided below that the employee may follow.
5. In the event additional time is needed for investigation and consideration of the complaint beyond the timelines provided below, the supervisor considering the complaint will need to request an extension from the Human Resources office explaining the reason for the extension request and the date by which a decision will be made. If approved, the Human Resources office will notify the employee and supervisor of the extension.

b. Complaint Procedures:

1. Step 1 – Verbal Discussion
 - i. An employee should bring any work-related problems to the attention of their immediate supervisor within 10 business days of the event causing the complaint.
 - ii. Each supervisor and employee should attempt to resolve on-the-job complaints in an atmosphere of mutual respect.

- iii. The immediate supervisor should discuss with the employee those concerns in an effort to resolve the problem.
- iv. The supervisor has 10 business days, or, the extension date provided by Human Resources, to respond to the complaint.

2. Step 2 – Written Complaint

- i. If action is not taken by the immediate supervisor to resolve the problem within 10 business days or, the extension date provided by Human Resources, or if the employee is not satisfied with the supervisor's response, the employee should formally submit an *Employee Complaint Statement* to the employee's immediate supervisor and Human Resources within 10 business days after the supervisor's initial response. The Employee Complaint Statement is located on the Human Resources website or at the following link: https://hscweb.ttuhs.edu/human-resources/documents/OP7010_Complaint_Form.pdf
- ii. The immediate supervisor has 10 business days, or, the extension date provided by Human Resources, to respond, in writing, to the complaint. A copy of the response shall be sent to Human Resources.

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

- i. If no resolution is reached with the immediate supervisor, the employee may appeal the immediate supervisor's decision to the second level supervisor by submitting the *Employee Complaint Statement* and immediate supervisor's response, if any, to the second level supervisor and to Human Resources.
- ii. 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.
- iii. The second level supervisor has 10 business days, or, the extension date provided by Human Resources, to respond, in writing, to the complaint. A copy of the response shall be sent to Human Resources and the immediate supervisor.

4. 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. The Final Review will consist of an examination of the 1. Employee Complaint Statement; 2. Immediate supervisor's written response, if any; and 3. Second level supervisor's written response, if any. An independent investigation of the original complaint will not be conducted. This must be done within 10 business days after the second level supervisor's response. The responsible administrator shall have 20 business days, or, the extension date provided by Human Resources, to review the complaint and provide a written determination to the employee. This determination will be final.

5. Right to Change

TTUHSC reserves the rights to interpret, change, modify, amend, or rescind this policy, in whole or in part, at any time without notice to or consent of its employees.

The Employee Complaint Statement form is available on the TTUHSC Human Resources website or at the following link: https://hscweb.ttuhs.edu/human-resources/documents/OP7010_Complaint_Form.pdf