

PUBLIC COMPLAINTS AND HEARINGS

GB
(LOCAL)

Complaints

In this policy, the terms “complaint” and “grievance” shall have the same meaning.

Other Complaint Processes

Complaints from the public shall be filed in accordance with this policy, except as required by the policies listed below. Some of these policies require appeals to be submitted in accordance with GB after the relevant complaint process:

1. Complaints concerning a security officer who is an employee of the College District. [See CGF]
2. Complaints concerning the withdrawal of consent to remain on campus. [See GDA]

Guiding Principles
Informal Process

The Board encourages the public to discuss concerns with an appropriate administrator who has the authority to address the concerns.

Concerns should be expressed as soon as possible to allow early resolution at the lowest possible administrative level.

Informal resolution shall be encouraged but shall not extend any deadlines in this policy, except by mutual written consent.

Formal Process

An individual may initiate the formal process described below by filing a written complaint form within 10 business days of the date the individual first knew, or with reasonable diligence should have known, of the decision or action giving rise to the complaint or grievance.

~~Even after initiating the formal complaint process, individuals are encouraged to seek informal resolution of their concerns. An individual whose concerns are resolved may withdraw a formal complaint at any time.~~
The complaint form shall be filed with the lowest level administrator who has the authority to remedy the alleged problem.

If the subject matter of the complaint requires a Board decision, is a complaint about a Board member, or is a complaint about the College President, the complaint shall be initiated at the Board level. A preliminary hearing to develop a record or recommendation for the Board may be conducted by an appropriate administrator.

If the complaint is not filed with the appropriate administrator, the receiving administrator must note the date and time the complaint form was received and immediately forward the complaint form to the appropriate administrator.

The process described in this policy shall not be construed to create new or additional rights beyond those granted by law or Board

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policy, nor to require a full evidentiary hearing or “mini-trial” at any level.

Option to Continue
Informal Process

Even after initiating the formal complaint process, individuals are encouraged to seek informal resolution of their concerns. An individual whose concerns are resolved may withdraw a formal complaint at any time.

**Freedom from
Retaliation**

Neither the Board nor any College District employee shall unlawfully retaliate against any individual for bringing a concern or complaint.

Complaints

~~In this policy, the terms “complaint” and “appeal” shall have the same meaning.~~

~~Other Complaint
Processes~~

~~Complaints from the public shall be filed in accordance with this policy, except as required by the policies listed below. Some of these policies require appeals to be submitted in accordance with GB after the relevant complaint process:~~

~~1. Complaints concerning a security officer who is an employee of the College District. [See CHA]~~

~~Complaints concerning the withdrawal of consent to remain on campus. [See GDA]~~

Complaints Against
Board Members or
the College President

Complaints by a member of the public alleging that a Board member has violated Board policy, the Board’s ethics standards, or other legal obligations applicable to Board members in their official capacity shall be submitted to the Board Chair. If the complaint is against the Board Chair, the complaint shall be submitted to the Vice Chair. A Board officer who is the subject of the complaint or otherwise has a conflict shall not coordinate the review.

1. The Board shall be notified that a complaint has been submitted under this provision.

2. The Board Chair or Vice Chair, as appropriate, shall coordinate review of the complaint and may seek legal counsel or other assistance as necessary. The review process may include requesting additional information from the complainant, providing the Board member who is the subject of the complaint an opportunity to respond, and determining whether the matter should be referred to the Board for consideration.

3. At the conclusion of the review, the Chair or Vice Chair, as appropriate, may provide the Board with a summary of the review and any recommended action, if applicable. Any Board discussion or action shall occur in accordance with the Texas Open Meetings Act and other applicable law.

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	<u>4. The outcome of the review under this section is final and is not subject to appeal under this policy.</u> <u>5. Absent extenuating circumstances, the review should be completed within 60 business days from the date the complaint is received. The complainant and the Board member who is the subject of the complaint shall be notified in writing if additional time is needed.</u> <u>6. If the Board determines that a Board member violated applicable policy, ethics standards, or law, the Board may take action authorized by law and Board policy, including reprimand or censure.</u>
General Provisions	
Filing	Complaint forms and appeal notices may be filed by hand-delivery, by electronic communication, including email and fax, or by U.S. Mail. Hand-delivered filings shall be timely filed if received by the appropriate administrator or designee by the close of business on the deadline. Filings submitted by electronic communication shall be timely filed if they are received by the close of business on the deadline, as indicated by the date/time shown on the electronic communication. Mail filings shall be timely filed if they are postmarked by U.S. Mail on or before the deadline and received by the appropriate administrator or designated representative no more than three days after the deadline.
Scheduling Conferences	The College District shall make reasonable attempts to schedule conferences at a mutually agreeable time. If the individual fails to appear at a scheduled conference, the College District may hold the conference and issue a decision in the individual's absence.
Response	At Levels One and Two, "response" shall mean a written communication to the individual from the appropriate administrator. Responses may be hand-delivered, sent by electronic communication to the individual's email address of record, or sent by U.S. Mail to the individual's mailing address of record. Mailed responses shall be timely if they are postmarked by U.S. Mail on or before the deadline.
Days	"Days" shall mean College District business days, <u>unless otherwise noted</u>. In calculating timelines under this policy, the day a document is filed is "day zero." The following <u>business</u> day is "day one."
Representative	"Representative" shall mean any person who or organization that is designated by an individual to represent the individual in the complaint process. The individual may designate a representative through written notice to the College District at any level of this process. If the individual designates a representative with fewer than three days' notice

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	to the College District before a scheduled conference or hearing, the College District may reschedule the conference or hearing to a later date, if desired, in order to include the College District's counsel. The College District may be represented by counsel at any level of the process.
Consolidating Complaints	Complaints arising out of an event or a series of related events shall be addressed in one complaint. An individual shall not file separate or serial complaints arising from any event or series of events that have been or could have been addressed in a previous complaint.
	<u>When two or more complaints are sufficiently similar in nature and remedy sought to permit their resolution through one proceeding, the College District may consolidate the complaints.</u>
Untimely Filings	All time limits shall be strictly followed unless modified by mutual written consent. If a complaint form or appeal notice is not timely filed, the complaint may be dismissed, on written notice to the individual, at any point during the complaint process. The individual may appeal the dismissal by seeking review in writing within ten<u>10</u> days from the date of the written dismissal notice, starting at the level at which the complaint was dismissed. Such appeal shall be limited to the issue of timeliness.
Costs Incurred	Each party shall pay its own costs incurred in the course of the complaint.
Complaint and Appeal Forms	Complaints and appeals under this policy shall be submitted in writing on a form provided by the College District. Copies of any documents that support the complaint should be attached to the complaint form. If the individual does not have copies of these documents, they<u>copies</u> may be presented at the Level One conference. After the Level One conference, new documents may be submitted with consent of the College District official reviewing the complaint. A complaint <u>or appeal</u> form that is incomplete in any material aspect may be dismissed but may be refiled with all the required information if the refile is within the designated time for filing.
Level One	Complaint forms must be filed: 1. Within ten business days of the date the individual first knew, or with reasonable diligence should have known, of the decision or action giving rise to the complaint; and

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	2. With the lowest level administrator who has the authority to remedy the alleged problem. If the only administrator who has authority to remedy the alleged problem is the College President or designee, the complaint may begin at Level Two following the procedure, including deadlines, for filing the complaint form at Level One.
The appropriate administrator shall investigate as necessary and schedule a Remand conference with the individual within ten business days.	<u>A record of each complaint hearing shall be created and retained in accordance with this policy. The record shall include documents submitted by the individual who filed the complaint, documents determined relevant by College District personnel, and the decision.</u> <u>A complaint or appeal form that is incomplete in any material aspect shall be refiled, if at Level One, and remanded at all other levels in order to develop an adequate record of the complaint.</u> <u>If an adequate record has not been developed, the appropriate administrator may remand the complaint to a lower level. The Board or Board committee may remand a complaint to a lower level if at the Board level of review an adequate record has not been developed.</u>
<u>Investigation</u>	<u>The College District may conduct an investigation at any level in the complaint process. If the College District and the complainant mutually agree, all deadlines shall be suspended during an investigation.</u>
<u>Audio Recording</u>	<u>As provided by law, an individual shall be permitted to make an audio recording of a hearing under this policy at which the substance of the individual's complaint is discussed. The individual shall notify all attendees present that an audio recording is taking place.</u>
<u>Complaint Levels</u>	<u>The appropriate administrator shall schedule a conference with the individual within 10 days after receipt of the written complaint. The administrator may set reasonable time limits for the conference.</u>
<u>Level One</u>	Absent extenuating circumstances, the administrator shall provide the individual a written response within ten business <u>10</u> days following the conference. The written response shall set forth the basis of the decision. In reaching a decision, the administrator may consider information provided at the Level One conference and any <u>other</u> relevant documents or information. the administrator believes will help resolve the complaint.
Level Two	If the individual did not receive the relief requested at Level One or if the time for a response has expired, he or she <u>the individual</u> may request a conference with the College President or designee to appeal the Level One decision.

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The appeal notice must be filed in writing, on a form provided by the College District, within ~~ten-business~~10 days of the date of the written Level One response or, if no response was received, within ~~ten-business~~10 days of the Level One response deadline.

After receiving notice of the appeal, the Level One administrator shall prepare and forward a record of the Level One complaint to the Level Two administrator. The individual may request a copy of the Level One record.

The Level One record shall include:

~~1.3.~~ The original complaint form and any attachments.

~~2.4.~~ All other documents submitted by the individual at Level One.

~~3.5.~~ The written response issued at Level One and any attachments.

~~4.6.~~ All other documents relied upon by the Level One administrator in reaching the Level One decision.

The Level Two administrator shall schedule a conference within ~~ten-business~~10 days after the appeal notice is filed. The conference shall be limited to the issues and documents considered at Level One and identified in the Level Two appeal notice. At the conference, the individual may provide information concerning any documents or information relied upon by the administration for the Level One decision. The Level Two administrator may set reasonable time limits for the conference.

The Level Two administrator shall provide the individual a written response within ~~ten~~10 days following the conference. The written response shall set forth the basis of the decision. In reaching a decision, the Level Two administrator may consider the Level One record, information provided at the Level Two conference, and any other relevant documents or information the Level Two administrator believes will help resolve the complaint.

Recordings of the Level One and Level Two conferences, if any, shall be maintained with the Level One and Level Two records.

Level Three

If the individual did not receive the relief requested at Level Two or if the time for a response has expired, ~~he or she~~the individual may appeal the decision to the Board.

The appeal notice must be filed in writing, on a form provided by the College District, within ~~ten-business~~10 days of the date of the written Level Two response or, if no response was received, within ~~ten-business~~10 days of the Level Two response deadline.

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The College President or designee shall inform the individual of the date, time, and place of the Board meeting at which the complaint will be on the agenda for presentation to the Board.

The College President or designee shall provide the Board with the record of the Level Two complaint. The individual may request a copy of the Level Two record.

The Level Two record shall include:

1. The Level One record.
2. The written response issued at Level Two and any attachments.
3. All other documents relied upon by the ~~administration~~Level Two administrator in reaching the Level Two decision.

The appeal shall be limited to the issues and documents considered at Level Two, except that if at the Level Three review the administration intends to rely on evidence not included in the Level Two record, the administration shall provide the individual notice of the nature of the evidence at least three days before the hearing.

The College District shall determine whether the complaint will be presented in an open or closed meeting in accordance with the Texas Open Meetings Act and other applicable law. [See BD]

The presiding officer may set reasonable time limits and guidelines for the presentation including an opportunity for the individual and administration to each make a presentation and provide rebuttal and an opportunity for questioning by the Board. The Board shall hear the complaint and may request that the administration provide an explanation for the decisions at the preceding levels.

In addition to any other record of the Board meeting required by law, the Board shall prepare a separate record of the Level Three presentation. The Level Three presentation, including the presentation by the individual or ~~his or her~~the individual's representative, any presentation from the administration, and questions from the Board with responses, shall be recorded by audio recording, video/audio recording, or court reporter.

The Board shall then consider the complaint. It may give notice of its decision orally or in writing at any time up to and including the next regularly scheduled Board meeting. If for any reason the Board ~~does not make~~fails to reach a decision regarding the complaint by the end of the next regularly scheduled meeting, the lack of a response by the Board upholds the administrative decision at Level Two.