



## 32.01.02.W1.99 **Complaint and Appeal for Non-Faulty Employees**

Approved February 6, 2003  
Current Revision May 13, 2024  
Next Scheduled Review May 13, 2029

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### **Procedure Summary**

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This procedure describes the process for any complaint filed by, or against, a non-faculty employee of West Texas A&M University (WTAMU). This procedure provides the structure for processing such complaints and for the modification of the complaint process when required by organizational structure or geographic dispersion of employees as authorized by System Regulation 32.01.02, Section 2.6. However, this procedure does not modify the “at-will” status of any non-faculty employee.

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### **Procedure**

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#### **1. CIVIL RIGHTS COMPLAINTS**

- 1.1. An employee’s complaint alleging discrimination, sexual harassment, and/or related retaliation must be filed in accordance with System Regulation 08.01.01 Civil Rights Compliance, and WTAMU Rule 08.01.01.W1 Civil Rights Compliance.

#### **2. OTHER COMPLAINTS**

- 2.1. Most problems can be resolved through informal discussions between the employee and the person who the complaining employee is experiencing problems, the immediate supervisor, or department head. The employee may also informally discuss a complaint with the Assistant Vice President - Human Resources; Director, Human Resources/EEO Officer or designee. The Assistant Vice President - Human Resources; Director, Human Resources/EEO Officer, or designee, will work with all parties to the complaint to seek a satisfactory resolution. Although an employee is encouraged to resolve a complaint informally in accordance with the process, he or she may file a complaint without first seeking informal resolution.

- 2.2. The complainant must submit his or her complaint to the Assistant Vice President - Human Resources; Director, Human Resources/EEO Officer, or designee, within seven (7) business days of the action causing the complaint. If the employment action causing the complaint is a Reduction in Force (RIF) action, including dismissal or change of employment, the employee must submit his or her complaint to the Assistant Vice President - Human Resources; Director, Human Resources/EEO Officer, or designee, within five (5) business days of receiving the written RIF notification.
  - 2.2.1. In the case of a dismissal, the "action" will be defined as the date the employee was notified of the dismissal.
  - 2.2.2. Failure to submit a complaint to the Assistant Vice President - Human Resources; Director, Human Resources/EEO Officer or designee, within five (5) business days following RIF notification or seven (7) business days of the non-RIF action that caused the complaint will deem the complaint untimely filed and the complaint will be dismissed.
- 2.3. Within five (5) business days of receiving the complaint, Assistant Vice President - Human Resources; Director, Human Resources/EEO Officer, or designee, will send a notice that a complaint had been filed to the Vice President and the head of the complainant's department with copies to the complainant and complainant's supervisor, the respondent, the respondent's supervisor, Vice President, department head, and to the President.
- 2.4. The Assistant Vice President - Human Resources; Director, Human Resources/EEO Officer, or designee, will investigate the complaint and provide a written report of investigation with recommendations to the Vice President, or designee, of the complainant's department, for a decision. This report should be submitted within fifteen (15) business days of the receipt of the complaint.
  - 2.4.1. If a complaint is filed against a faculty member, the complaint will be referred to the faculty member's department head, dean, and provost.
  - 2.4.2. If a complaint is filed against a student or student employee, the complaint will be referred to the Vice President of Student Affairs.
  - 2.4.3. If the complaint is filed on a respondent from another Vice President's department, then the written report will be sent to both Vice Presidents for review and response. Both Vice Presidents can agree on the Assistant Vice President - Human Resources or Director, Human Resources/EEO Officer's written recommendation or work to agree on a separate resolution.
- 2.5. If additional time is needed to complete the investigation, an extension of up to fifteen (15) business days may be allotted to the Assistant Vice President - Human Resources; Director, Human Resources/EEO Officer, or designee, with

approval from the claimant's Vice President. Notification of the extension will be sent to the complainant, complainant's supervisor, complainant's department head, the respondent, the respondent's supervisor, the respondent's Vice President (complainant's Vice President, if applicable), and the respondent's department head. The extension should not be greater than (15) business days unless required by unusual circumstances.

- 2.6. The Vice President, or designee, of the complainant's department and the respondent's Vice President (if applicable) will render a decision within five (5) business days following receipt of the investigation report and provide written notification of the decision to the Assistant Vice President - Human Resources and the University President.
  - 2.6.1. The written decision in a complaint claiming a veteran's or former foster child's employment preference must be provided to the complainant within fifteen (15) business days of the receipt of the complaint.
- 2.7. If the complainant's Vice President and respondent's Vice President (if applicable) accept the recommendation of the Assistant Vice President - Human Resources, Director or Director, Human Resources/EEO Officer, the Vice President(s) shall adopt the recommendation in writing and such adoption will be the final decision on the complaint. In the written acceptance to the Assistant Vice President - Human Resources or Director, Human Resources/EEO Officer, the Vice President(s) will charge the appropriate supervisor with overseeing the implementation of all recommendations contained in the report.
- 2.8. If the complainant's Vice President or the respondent's Vice President (if applicable) does not accept the recommendation, he/she/they shall, within the same five (5) working days, inform both the University President and the Assistant Vice President - Human Resources or Director, Human Resources/EEO Officer in writing of the decision or their difference of opinion (if applicable). The decision of the Complainant's Vice President will be the final decision of the complaint if there is no respondent Vice President involved. If both are involved and cannot come to an agreement, the Assistant Vice President – Human Resources or the Director, Human Resources/EEO Officer decision will be final.
- 2.9. The Assistant Vice President - Human Resources or Director, Human Resources/EEO Officer will provide notification of the final decision to the complainant, the complainant's supervisor, the complainant's department head, the respondent, the respondent's supervisor, department head, and Vice President(s).

- 2.10. The filing of a complaint will not constrain a department/unit from taking appropriate employment action(s).
- 2.11. All Employees and students are to cooperate fully with those performing an investigation pursuant to this procedure. Any retaliatory action taken against and employee for filing a complaint or participating in the procedures described in this procedure is prohibited.
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## **Related Statutes, Policies, or Requirements**

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[Texas Government Code, Chapter 657](#)

[Texas Government Code, Chapter 672](#)

[System Policy 32.01: Employee Complaint and Appeal Procedures](#)

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

[System Policy 08.01: Civil Rights Protections and Compliance](#)

[System Regulation 08.01.01: Civil Rights Compliance](#)

[System Regulation 32.01.02: Complaint and Appeal Process for Non-faculty Employees](#)

[System Regulation 32.02.02: Discipline and Dismissal of Non-faculty Employees](#)

[System Regulation 33.99.15: Reduction in Force for Non-faculty Employees](#)

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## **Definitions**

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**Complainant:** A non-faculty employee in a regular budgeted position, a non-teaching graduate assistant, an employee with a non-teaching post-doctoral appointment, or a wage employee employed by West Texas A&M University, who initiates a complaint. See Section 2.

- a) Complaints by more than one non-faculty employee may, at the discretion of the respondent's Vice President, or designee, be combined into a single complaint if the complaints and the material actions or inactions of issues are basically the same for each person.
- b) For purposes of this procedure, a complainant may also be a recently dismissed employee, in which case the time frame for initiating a complaint would begin on the date the employee was notified of dismissal.

**Complaint:** A written allegation made by a complainant and submitted in accordance with this procedure, regarding the employee's employment conditions. A complaint may also be an appeal of an employment action taken against the complainant.

**Extension:** An extension of the prescribed time frame for investigating the complaint. See Section 2.5.

**Respondent:** The individual or individuals the complaint's allegations are against.

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## Appendix

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None

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## Revision History

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Approved February 6, 2003  
Revised February 6, 2008  
Revised February 21, 2013  
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## Contact Office

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Human Resources  
(806) 651-2114

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## Approval Office

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Office of the President  
(806) 651-2100

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**Approval Signature**

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05/13/2024

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President/CEO

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Date