



TEXAS TECH UNIVERSITY™

Operating Policy and Procedure

**OP 70.10: Non-faculty Employee Complaint Procedures**

**DATE:** January 23, 2019

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

**REVIEW:** This OP will be reviewed in July of even-numbered years by the Office of Equal Opportunity and the Assistant Vice President of Human Resources with substantive revisions forwarded to the Chief of Staff for the President.

**POLICY/PROCEDURE**

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

**2. Provisions**

a. This complaint procedure is applicable to all full-time, part-time, and temporary non-faculty employees.

b. All complaint investigations and procedures will be non-adversarial in nature. The employee filing the complaint may represent themselves or be accompanied by a representative who does not claim the right to strike. Representation does not include external legal counsel. Language interpreters and other individuals intended to aid the employee in communicating will be permitted.

No TTU funds may be used to pay expenses for salary, travel, or per diem of a public employee who represents an employee in the presentation of a complaint and grievance, nor may other resources be used, except that an employee is allowed to take annual leave, compensatory leave, or leave without pay, subject to established TTU operating policies and procedures, to engage in this activity.

c. If an employee believes an adverse employment action is based on unlawful discrimination based on sex, race, national origin, religion, disability, or age or other violations of the law as set forth in [OP 40.02, Non-Discrimination and Anti-Harassment Policy and Complaint Procedure for Violations of Employment and Other Laws](#), or in [OP 40.03, Sexual Harassment, Sexual Assault, Sexual Misconduct, and Title IX Policy and Complaint Procedure](#), 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 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 TTU to pursue disciplinary or separation action for reasons other than the employee's filing of a complaint.

- e. Employment at TTU is governed by the employment-at-will doctrine. Employment is for an indefinite duration and can be terminated at any time, with or without cause and with or without notice, by either TTU or the employee. Nothing in this or any other TTU OP 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 TTU for any reason after filing a 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 in [OP 40.02, Non-Discrimination and Anti-Harassment Policy and Complaint Procedure for Violations of Employment and Other Laws](#), or in [OP 40.03, Sexual Harassment, Sexual Assault, Sexual Misconduct, and Title IX Policy and Complaint Procedure](#).

### 3. Assistance

The employee and/or the supervisor may seek assistance at any time from Human Resources in resolving problems. Human Resources may recommend and/or facilitate mediation of employee complaints.

### 4. 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.

**Any changes to the complaint must be in writing.**

- c. Step 1 – Verbal Discussion
  - (1) An employee should bring any work-related problems to the attention of their 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 those concerns with the employee 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 to Human Resources within 10 business days after the supervisor's initial response or resolution. The *Statement of Employee Complaint* is located on the TTU Human Resources website or the following link: <http://www.depts.ttu.edu/hr/forms.asp>.
- (2) The immediate supervisor has 10 business days to respond in writing to the complaint. A copy of the response shall be sent to 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 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. A copy of the response shall be sent to Human Resources and the first level supervisor.

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.

5. **Right to Change Policy**

TTU reserves the right 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 *Statement of Employee Complaint* form is available on the TTU Human Resources website at the following link: <http://www.depts.ttu.edu/hr/forms.asp>.