



# TEXAS TECH UNIVERSITY HEALTH SCIENCES CENTER EL PASO

## Operating Policy and Procedure

### HSCEP OP: 70.10 Non-Faculty Employee Complaint Procedures

**PURPOSE:** The purpose of this Texas Tech University Health Sciences Center El Paso (TTUHSC El Paso) Operating Policy and Procedure (HSCEP OP) is to provide a method of recourse to non-faculty employees who seek to address a particular action on the part of an employee or office.

**REVIEW:** This HSCEP OP will be reviewed in January of each even-numbered year (ENY) by the Office of Equal Opportunity and the Vice President of Human Resources, with substantive revisions forwarded to the Office of the President.

### POLICY:

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 that directly impact the individual 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. Representation does not include external legal counsel. Language interpreters and other individuals intended to aid the employee in communicating will be permitted.

No TTUHSC El Paso 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 TTUHSC El Paso operating policies and procedures to engage in this activity.

- c. If an employee believes an adverse employment action is based on unlawful discrimination or harassment based on sex, race, color, national origin, religion, age, disability, protected veteran status, genetic information, or any other legally protected category, class or characteristic as set forth in [HSCEP OP 51.02](#), and [TTU System Regulation 07.10, Non-Discrimination and Anti-Harassment Policy and Complaint Procedure](#), or in [HSCEP OP 51.03](#) and [TTUS Regulation 07.06, Sexual Misconduct](#), 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 TTUHSC El Paso to pursue disciplinary or separation action for reasons other than the employee's filing of a complaint.

- e. Employment at TTUHSC El Paso 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 TTUHSC El Paso or the employee. Nothing in this or any other TTUHSC El Paso operating policy 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 El Paso 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 [HSCEP OP 51.02](#), and [TTU System Regulation 07.10, Non-Discrimination and Anti-Harassment Policy and Complaint Procedure](#), or in [HSCEP OP 51.03](#) and [TTUS Regulation 07.06, Sexual Misconduct](#).

3. **Assistance**

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 for matters directly impacting the individual employee. The Human Resources Department may recommend and/or facilitate mediation of the employee complaint 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.
  - i. 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.
  - ii. 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 is required to request an extension from Human Resources explaining the reason for the extension request and the date by which a decision will be made. If approved, Human Resources will notify the employee and supervisor of the extension.

**b. Complaint Procedures:**

1. Step 1 – Verbal Discussion

- i. The employee should bring any work-related concerns to the attention of their immediate supervisor within 10 business days of the event causing the complaint.
- ii. The supervisor and employee should meet to discuss, and attempt to resolve on-the-job complaints in an atmosphere of mutual respect.
- iii. The supervisor has 10 business days, or the extension date provide by Human Resources, to respond to the complaint.

2. Step 2 – Written Complaint

- i. If action is not taken by the immediate supervisor within 10 business days or the extension date provided by Human Resources; or the employee is not satisfied with the supervisor's response, the employee should complete an [Employee Complaint Form](#) and submit to their immediate supervisor and Human Resources within 10 business days after the supervisor's initial response.
- 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 is required to 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 Form](#) 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 is required to be sent to Human Resources and the immediate supervisor.

4. Step 4 – Final Review

- i. After all the aforementioned 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 after the second level supervisor's response.
- ii. The Final Review will consist of an examination of the 1. Employee Complaint Form; 2. Immediate supervisor's written response, if any; and 3. Second level supervisor's written response, if any.
- iii. An independent investigation of the original complaint will not be conducted.

- iv. The Vice President/Dean 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 and Human Resources.
  - v. All determinations will be final.
5. Right to Change TTUHSC El Paso 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.