

PUBLIC COMPLAINTS AND HEARINGS

GB  
(LOCAL)

PURPOSE	The purpose of this policy is to set forth complaint procedures and provide for the prompt and equitable resolution of any complaints by members of the public. For information about public participation in Board meetings, see BDB(LOCAL).
PROCEDURE	<p><u>Whenever members of the public have concerns related to the college that cannot be resolved informally, the formal processes outlined in this policy will be followed so that issues can be addressed as soon as possible to allow resolution at the lowest possible administrative level.</u></p> <p><del>Board members understand that it is reasonable and expected that persons from time to time will have complaints. In these instances, the procedures outlined in this policy shall</del><u>will</u><del> be used.</del></p> <p><del>The Board encourages the public to discuss concerns and complaints through informal conferences with the appropriate College administrator. Concerns shall</del><u>will</u><del> be expressed as soon as possible to allow early resolution at the lowest possible administrative level.</del></p>
FORMAL COMPLAINT PROCESS	<p><del>If an informal conference regarding a complaint fails to reach the outcome requested by an individual, he or she may initiate the formal process described below by timely</del> <u>submitting</u><del>filing a written complaint, form.</del></p> <p>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.</p> <p>The process described in this policy <del>shall</del><u>will</u> not be construed to create new or additional rights beyond those granted by law or Board policy, nor to require a full evidentiary hearing or <u>a</u> "mini-trial" at any level.</p>
EXCEPTIONS	Complaints for which other resolution procedures and policies are provided <del>shall</del> <u>will</u> be directed through those <u>procedures and</u> channels.
GENERAL PROVISIONS FILING	<p><del>For purposes of this policy, terms are defined as follows.</del></p> <p><del>All complaint forms shall be filed with the executive director of college and public relations and may be delivered via hand delivery, fax, e-mail, or U.S. Mail. Hand delivered and e-mail filings shall be timely filed if received by the executive director of college and public relations by the close of business on the deadline. Fax filings shall be timely filed if they are received by the executive director of college and public relations on or before the deadline, as indicated</del></p>

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	<p><del>by the date/time shown on the fax copy. Mail filings shall be timely filed if they are postmarked by U.S. Mail on the deadline.</del></p> <p><del>Complaints of alleged unlawful discrimination, harassment, or retaliation shall include a statement describing the alleged violation, the date of the alleged violation; names of persons responsible (when known); names of witnesses, if any; and the requested action/relief. The complaint form shall be accompanied by all evidence related to the complaint.</del></p>
<del>_RESPONSE</del>	<p><del>"Response" shall mean a written communication to the individual from the appropriate administrator. Responses may be hand-delivered 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.</del></p> <p><del>"Days" shall mean College District business days. In calculating time lines under this policy, the day a document is filed is "day zero." The following day is "day one."</del></p>
<del>_REPRESENTATIVE</del>	<p><del>"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 to the College District before a scheduled conference, the College District may reschedule the conference 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.</del></p> <p><del>A representative shall not serve as an active participant in any College District meetings pursuant to this policy with the exception of a Level Two conference.</del></p>
CONSOLIDATING COMPLAINTS	<p>Complaints arising out of an event or a series of related events <u>shall will</u> be addressed in one complaint. An individual <u>shall may</u> not bring separate or serial complaints arising from any event or series of events that have been or could have been addressed in a previous complaint.</p>
UNTIMELY FILING	<p>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 and without a conference, during the complaint process.</p>
<u>EXTENSION OF TIME</u>	<p><u>Any time limits set by these procedures, other than the timeline for the initial filing of the complaint may be extended at the discretion</u></p>

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	<p><u>of the District President or designee. To the extent possible, complaints under this policy should be resolved within 180 days from the date the complaint is filed.</u></p> <p><del>The individual may appeal the dismissal by seeking review in writing within 15 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.</del></p>
<u>REPRESENTATIVE</u>	<p><u>The complainant may designate a representative to represent him/her at any level of the process by notifying the vice president of advancement in writing. If necessary, the College may reschedule any meetings to include the College's counsel. Each party shall</u><del>will</del><u> pay its own costs incurred in the course of the complaint.</u></p>
<u>NEUTRAL THIRD PARTY</u>	<p><u>A neutral third party may be designated to hear a complaint at Level One or Level Two if deemed necessary by the vice president of advancement.</u></p>
RECORDING MEETINGS	<p>All meetings held with the complainant in accordance with this policy <del>shall</del><u>will</u> be recorded by the College <del>District</del> and the recordings <del>shall</del><u>will</u> become part of the complaint record. The complainant may request a copy of the recordings by submitting a written request to the <u>vice president of advancement</u><del>executive director of college and public relations</del>. Recordings of the Level One and Level Two conferences, if any, shall be maintained with the Level One and Level Two records.</p>
COMPLAINT FORM	<p><del>Complaints under this policy shall be submitted in writing on a form provided by the College District. For a copy of the complaint form, see GB(EXHIBIT).</del></p> <p><del>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 may be presented at the Level One conference. After the initial conference, no new documents may be submitted by the individual unless the individual did not know the documents existed before the initial conference. A complaint 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 a complaint.</del></p>

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FORMAL  
COMPLAINT  
PROCESS  
LEVEL  
ONE

An individual shall file a formal complaint using the College's online Complaint Form within 15 business days of the date the complainant knew (or reasonably should have known) of the action that caused the complaint.

~~Complaint forms must be filed with the executive director of college and public relations within 15 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. The complaint shall be assigned for review to the lowest level administrator who has the authority to remedy the alleged problem. The complaint may be designated to begin at Level Two (following the procedure and deadlines for filing at Level One), if the executive director of college and public relations determines that it would best facilitate resolution.~~

[http://www.collin.edu/hr/complaints/Public\\_Complaints.html](http://www.collin.edu/hr/complaints/Public_Complaints.html)

The complaint must provide sufficient detailed facts to support the allegations, otherwise it may be dismissed.

LEVEL ONE

The appropriate administrator ~~will~~shall investigate as necessary and schedule a conference with the individual within ~~15 days~~15 business days after receipt of the written complaint. The administrator may set reasonable time limits for the conference.

The administrator ~~will~~shall provide the individual a written response within 15 business days following the conference. The written response ~~shall~~will set forth the basis of the decision. In reaching a decision, the administrator may consider information provided at the Level One conference and any relevant documents or information.

LEVEL TWO

If the individual does not receive the relief requested at Level One or if the time for response has expired, he or she may submit an appeal at Level Two. The appeal notice must be submitted ~~filed~~ in writing ~~to with~~ the vice president of advancement ~~human resources and organizational development~~advancement, ~~on a form provided by the College District,~~ within ~~15 days~~15 business days of the date of the written Level One response or, if no response was received within ~~15 days~~15 business days of the Level One response deadline.

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After receiving notice of the appeal, the Level One administrator ~~will~~shall prepare and forward a record of the Level One complaint to the Level Two administrator, who ~~will~~ shall be designated by the ~~vice president~~vice president of advancement. The individual may request a copy of the Level One record.

~~The Level One record shall include:~~

- ~~1. The original complaint form and any attachments.~~
- ~~2. All other documents submitted by the individual at Level One.~~
- ~~3. The written response issued at Level One and any attachments.~~
- ~~4. All other documents relied upon by the Level One administrator in reaching the Level One decision.~~

The Level Two ~~hearing officer~~administrator ~~will~~shall review the complaint within ~~15 days~~15 business days from receipt of the ~~appeal~~complaint. The hearing officer ~~shall~~will determine if a conference is warranted, and if so, ~~shall~~will schedule a conference with the complainant to discuss the complaint. However, there ~~shall~~will be no ~~express or~~ implied right to a Level Two conference.

The Level Two ~~hearing officer~~administrator ~~will~~shall reply in writing within ~~15 days~~15 business days from the date of receipt of the complaint, or if a conference is held, within ~~15 days~~15 business days from the date of meeting with the complainant. If a conference is held, the Level Two ~~hearing officer~~administrator may set reasonable time limits for the conference. Further, the individual may provide information to the hearing officer about any documents or information relied upon by the administration for the Level One decision.

The Level Two administrator ~~shall~~will provide the individual a written response within ~~15 days~~15 business days following the conference. The written response ~~shall~~will 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 as determined by the Level Two administrator. If additional investigation or information is required, the Level Two administrator may request such information or meet with individuals as necessary to clarify the record.

The 15 business-day reply deadline may be extended if, due to the nature of the allegation or at the hearing officer's discretion, an investigation is appropriate ~~as outlined herein~~. In these cases the

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	<p>hearing officer <del>shall</del><u>will</u> respond promptly, generally within 30 business days from the date of filing the complaint. If the reply deadline is extended, the complainant <del>shall</del><u>will</u> be notified in writing.</p> <p>The decision of the Level Two administrator <del>is</del><u>shall be</u> final and may not be appealed.</p>
<u>PRESENTATION TO BOARD</u>	<u>Although the decision of the Level Two administrator is final and may not be appealed, any individual may present a complaint processed under this policy to the Board regardless of the limitation in this policy. The Board is not required to take any action concerning this type of complaint, but is required to listen if the complaint is presented at a public meeting. See BDB (Local) and BDB (Legal)</u>
<del>CLOSED MEETING</del>	<del>If a complaint involves concerns or charges regarding an employee, it shall<u>will</u> be heard by the Board in closed meeting unless the employee to whom the complaint pertains requests that it be heard in public.</del>