Nelson University
Educator Preparatory Program
1200 Sycamore Street, Waxahachie, TX 75165

Complaint Policy

COMPLAINTS

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

OTHER COMPLAINT PROCESSES

Stakeholder complaints 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 this complaint policy after the relevant complaint process:

1. Academic complaints related to Nelson University classroom and curricular matters shall be submitted in accordance with the procedures for addressing academic complaints in the Student Handbook.
2. Non-academic complaints alleging discrimination based on race, color, gender, national origin, or disability; harassment; or retaliation related to discrimination and harassment shall be submitted in accordance with procedures for addressing non-academic complaints in the Student Handbook.

NOTICE TO STAKEHOLDERS

The Program shall inform stakeholders of this policy by information posted in the physical facility, on the website or, upon request, written information.

GUIDING PRINCIPLES

INFORMAL PROCESS

The Program encourages stakeholders to discuss their concerns with the appropriate Program employee who has the authority to address the concerns. Concerns should be expressed as soon as possible to allow early resolution at the lowest possible level.

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

FORMAL PROCESS

A stakeholder may initiate the formal process described below by timely filing a written complaint form.

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

The process described in this policy shall not be construed to create new or additional rights beyond those granted by law or Program policy, nor to require a full evidentiary hearing or "mini-trial" at any level.

FREEDOM FROM RETALIATION

Neither the Program nor any Program employee shall unlawfully retaliate against any stakeholder for bringing a concern or complaint.

GENERAL PROVISIONS

FILING

Complaint forms and appeal notices may be filed by hand-delivery, by electronic communication, including e-mail and fax, or by U.S. Mail. Hand-delivered filings shall be timely filed if received by the appropriate Program employee 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 and 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 Program employee no more than three days after the deadline.

SCHEDULING CONFERENCES

The Program shall make reasonable attempts to schedule conferences at a mutually agreeable time. If a stakeholder fails to appear at a scheduled conference, the Program may hold the conference and issue a decision in the stakeholder's absence.

RESPONSE

At Levels One and Two, "response" shall mean a written communication to the stakeholder from the appropriate Program employee. Responses may be hand-delivered, sent by electronic communication to the stakeholder's e-mail address of record, or sent by U.S. Mail to the stakeholder'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 Program business days. In calculating time lines under this policy, the day a document is filed is "day zero." The following business day is "day one."

REPRESENTATIVE

"Representative" shall mean any person who or organization that is designated by the stakeholder to represent the stakeholder in the complaint process.

The stakeholder may designate a representative through written notice to the Program at any level of this process. If the stakeholder designates a representative with fewer than three days' notice to the Program before a scheduled conference or hearing, the Program may reschedule the conference or hearing to a later date, if desired, in order to include the Program's counsel. The Program 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. A stakeholder 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.

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 stakeholder, at any point during the complaint process. The stakeholder may appeal the dismissal by seeking review in writing within ten 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 Program.

Copies of any documents that support the complaint should be attached to the complaint form. If the stakeholder does not have copies of these documents, copies may be presented at the Level One conference. After the Level One conference, no new documents may be submitted by the support unless the stakeholder did not know the documents existed before the Level One conference.

A complaint or appeal form that is incomplete in any material aspect may be dismissed but may be refiled with all the required information if the refiling is within the designated time for filing.

LEVEL ONE

Complaint forms must be filed:

1. Within 10 days of the date the stakeholder first knew, or with reasonable diligence should have known, of the decision or action giving rise to the complaint or grievance; and

2. With the lowest level Program employee who has the authority to remedy the alleged problem.

   If the only Program employee who has authority to remedy the alleged problem is the Program legal authority or designee, the complaint may begin at Level Two following the procedure, including deadlines, for filing the complaint form at Level One.

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

The appropriate Program employee shall investigate as necessary and schedule a conference with the stakeholder within ten days after receipt of the written complaint. The Program employee may set reasonable time limits for the conference.

Absent extenuating circumstances, the Program employee shall provide the stakeholder a written response within ten days following the conference. In reaching a decision, the Program employee may consider information provided at the Level One conference and any other relevant documents or information the Program employee believes will help resolve the complaint.

LEVEL TWO

If the stakeholder did not receive the relief requested at Level One or if the time for a response has expired, the stakeholder may request a conference with the Program legal authority or designee to appeal the Level One decision.

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

After receiving notice of the appeal, the Level One Program employee shall prepare and forward a record of the Level One complaint to the Level Two Program legal authority or designee. The stakeholder 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 stakeholder at Level One.
3. The written response issued at Level One and any attachments.
4. All other documents relied upon by the Level One Program employee in reaching the Level One decision.

The Program legal authority or designee shall schedule a conference within ten days after the appeal notice is filed. The conference shall be limited to the issues and documents considered at Level One. At the conference, the stakeholder may provide information concerning any documents or information relied upon by the Program employee for the Level One decision. The Program legal authority or designee may set reasonable time limits for the conference.

The Program legal authority or designee shall provide the stakeholder a written response within ten days following the conference. In reaching a decision, the Program legal authority or designee may consider the Level One record, information provided at the Level Two conference, and any other relevant documents or information the Program legal authority or designee 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.

	If the complaint Program employee who has authority to remedy the alleged problem is the Program legal authority or designee, the complaint may begin at Level Two following the procedure, including deadlines, for filing the complaint form at Level One.
COMPLAINTS TO THE TEXAS EDUCATION AGENCY	If the stakeholder is not satisfied with the complaint process or outcome, the stakeholder may file a complaint against the Program with the Texas Education Agency. The official Texas Education Agency complaint process can be found at http://tea.texas.gov/About_TEA/Contact_Us/Complaints/Complaints/.