POLICY FOR COMPLAINTS
PERTAINING TO THE BAYLOR UNIVERSITY SCHOOL OF EDUCATION

The purpose of this policy is to set out a procedure or process for students, employees, former employees, cooperating teachers, mentors, and administrators of cooperating schools and districts (“Complainants”), who have complaints or grievances against the Baylor University School of Education (“BUSOE”), to assert their complaints or grievances with the BUSOE for possible resolution before asserting those complaints or grievances with the Texas Education Agency (“TEA”). As used herein, the terms “complaint” and “grievance” shall have the same meaning. Complaints alleging or concerning: (1) discrimination or harassment based on race, color, gender, national origin, or disability, as well as retaliation related thereto; and (2) identification, evaluation, educational placement, or discipline of a student with a disability, shall be redirected to another appropriate procedure or process.

An informal resolution process for complaints will be encouraged by suggesting that Complainants discuss their concerns with the appropriate BUSOE 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. However, even though informal resolution shall be encouraged, it shall not extend any deadlines in this policy, except by mutual written consent.

If the informal process is not successful in resolving the complaint, a Complainant may initiate the formal process described below by timely filing a written complaint form. Complaints arising out of an event or a series of related events shall be addressed in one complaint. A Complainant 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. Even after initiating the formal complaint process, Complainants are encouraged to seek informal resolution of their concerns, in which event the Complainant may withdraw a formal complaint. The process described in this policy shall not be construed to create new or additional rights beyond those granted by law or BUSOE policy, nor to require a full evidentiary hearing or “mini-trial” at any level. Each party shall pay his/her/its own costs incurred in the course of the complaint.

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 BUSOE 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 post-marked by U.S. Mail on or before the deadline and received by the appropriate BUSOE employee no more than three days after the deadline. All of the 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 Complainant, at any point during the complaint process. The Complainant 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. As used herein, the terms “conference” and “hearing” shall have the same meaning.

At Levels One and Two of the formal process, “response” or “decision” shall mean a written communication to the Complainant from the appropriate BUSOE employee. Responses may be hand delivered, sent by electronic communication to the Complainant’s e-mail address of record, or sent by U.S. Mail to the Complainant’s mailing address of record. Mailed responses shall be timely if they are postmarked by U.S. Mail on or before the deadline. “Days” shall mean those week days that Baylor University administrative offices are open. In calculating time lines under this policy, the day a document
is filed is “day zero.” The following day is “day one.” “Representative” shall mean any person who, or organization that is designated by the Complainant to represent the complainant in the complaint process. The Complainant may designate a representative through written notice to the BUSOE at any level of this process. A representative may not attend a conference or hearing without the Complainant being present as well. If the Complainant designates a representative with fewer than three days’ notice to the BUSOE before a scheduled conference or hearing, the BUSOE may reschedule the conference or hearing to a later date, if desired, in order to include the BUSOE’s counsel. The BUSOE may be represented by counsel at any level of the process.

Complaints and appeals under this policy shall be submitted in writing on a form provided by the BUSOE. Copies of any documents that support the complaint should be attached to the complaint form. If the Complaint does not have copies of those documents, copies may be presented at 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.

At Level One, Complaint forms must be filed: (1) within 15 days of the date the Complainant 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 BUSOE employee who has the authority to remedy the alleged problem. If the only BUSOE employee who has authority to remedy the alleged problem is the BUSOE Associate Dean 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 BUSOE employee, the receiving BUSOE employee must note the date and time that the complaint form was received and immediately forward the complaint form to the appropriate BUSOE employee. The appropriate BUSOE employee shall investigate as necessary and schedule the Level One conference with the Complainant within ten days after receipt of the written complaint. The BUSOE employee may set reasonable time limits for the conference. If the Complainant fails to appear at the scheduled Level One conference, the BUSOE may hold the conference and issue a decision in the Complainant’s absence. Absent extenuating circumstances, the BUSOE employee shall provide the Complainant with a written response/decision within ten days following the conference. In reaching a decision, the BUSOE employee may consider information provided at the Level One conference and any other relevant documents or information the BUSOE employee believes will help resolve the complaint. After the Level One conference, no new documents may be submitted by the Complainant unless the Complainant did not know the documents existed before the Level One conference.

If the Complainant did not receive the relief requested at Level One or if the time for a response has expired, the Complainant may request a Level Two conference with the BUSOE Associate Dean or designee to appeal the Level One decision. The appeal notice must be filed in writing, on a form provided by the BUSOE, within ten days of the date of the written Level One response/decision or, if no response was received, within ten days of the Level One response deadline. After receiving notice of the appeal, the Level One BUSOE employee shall prepare and forward a record of the Level One complaint to the BUSOE Associate Dean or designee. The Complainant 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 Complainant at Level One; (3) the written response/decision issued at Level One and any attachments; and (4) all other documents relied upon by the BUSOE employee in reaching the Level One decision. The BUSOE Associate Dean or designee shall schedule the Level Two conference within ten days after the appeal notice is filed. The Level Two conference shall be limited to the issues and documents considered at Level One. At the Level Two conference, the Complainant may provide information concerning any documents or information relied upon by the BUSOE employee for the Level One decision. The BUSOE Associate Dean or designee may set reasonable time limits for the
Level Two conference. The BUSOE Associate Dean or designee shall provide the Complainant a written response within ten days following the Level Two conference. In reaching a decision, the BUSOE Associate Dean or designee may consider the Level One record, information provided at the Level Two conference, and any other relevant documents or information that the BUSOE Associate Dean 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 Complainant is not satisfied with the complaint process or outcome, the Complainant may file a complaint against the BUSOE 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/. 