

# University of Mary Hardin-Baylor

## Educator Preparation Program Complaint and Grievance Policy

**NOTE:** *The information below refers to concerns that students, clinical teachers, and interns in the College of Education might have regarding the process involved in becoming a certified teacher through the UMHB Educator Preparation Program. It is not meant to replace the official academic appeals process described in the UMHB Student Handbook nor the process for lodging a complaint or filing a grievance under Title IX. Each of these processes can be accessed through the UMHB website at the following link: <https://www.umhb.edu/students/student-handbook>. In general, these processes involve the following:*

**Academic Appeals:** According to the policies in the Student Handbook, “students may appeal any academic decision believed to be arbitrary, capricious, or unfair. Appeals must be initiated within 30 days of the date of the decision or action being appealed. The student should first appeal the decision in writing to the person who made it by stating the appropriate rationale for reconsideration, the requested remedy, and the student’s contact information. If the matter is not resolved, the student may then appeal that decision in writing to the next highest authority.” Also, “in matters related to academic coursework, the line of appeal is first, the faculty member; second, the department chair; third, the dean of the college; and finally, the Provost’s Office.”

**Title IX:** For concerns involving claims of unlawful discrimination, the student “should submit a written complaint to the designated coordinator for university compliance with nondiscrimination policies: Holly Edwards, Title IX Coordinator and Non-Discrimination Compliance Officer, Bawcom Student Union Building, 900 College St., Belton, TX, 76513. (254) 295-4870. [hedwards@umhb.edu](mailto:hedwards@umhb.edu).

A report or complaint regarding discrimination may also be made at <https://www.umhb.edu/report-it>. The University’s non-discrimination grievance procedures can be located at <https://www.umhb.edu/report-it/student-complaints>

*The following information applies to complaints against an Educator Preparation Program through the Texas Education Agency only.*

### COMPLAINTS REGARDING THE EDUCATOR PREPARATION PROGRAM

#### COMPLAINTS

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

#### GUIDING PRINCIPLES

##### INFORMAL PROCESS

**The University of Mary Hardin-Baylor Educator Preparation Program** encourages students, interns, and student teachers to discuss their concerns and complaints about the process for certification through informal conferences with the Associate Dean of the College of Education or with College of Education staff. The first contact for the concern is with the Associate Dean of the College of Education. If the Associate Dean is not available or if the complaint involves the Associate Dean in some way, the first contact may be made with the Dean of the College of Education.

Concerns should be expressed as soon as possible after the situation arises to allow early resolution at the lowest possible administrative level.

#### FORMAL PROCESS

If an informal conference regarding a concern fails to reach the outcome requested by the candidate, the student may initiate the

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formal process described below by timely filing a written complaint form. The form is available to download on the of Education website.

Even after initiating the formal complaint process, a candidate is encouraged to seek an informal resolution of his or her concerns. A candidate whose concerns are resolved may withdraw a formal complaint at any time.

### GENERAL PROVISIONS FILING

The official complaint form may be filed by hand delivery, email, or U.S. Mail. Hand-delivered filings shall be timely filed if received by the appropriate administrator or designee by the close of business on the deadline. (Deadlines for each level are specified in the sections below.) Emails shall be timely filed if they are date and time-marked on or before the deadline. Mail filings shall be timely filed if they are postmarked by U.S. Mail on the deadline and received by the appropriate administrator or designated representative no more than three days after the deadline.

### RESPONSE

At Levels One and Two, “response” shall mean a written communication to the candidate from the appropriate EPP staff. Responses may be hand-delivered or sent by U.S. Mail or emailed to the candidate’s email or mailing address of record. Mailed responses shall be timely if they are postmarked by U.S. Mail on the deadline and received by the candidate no more than three days after the response deadline.

### DAYS

“Days” shall mean program business days. In calculating time lines under this policy, the day a document is filed is “day zero,” and all deadlines shall be determined by counting the following day as “day one.”

### GENERAL PROVISIONS

Complaints arising out of an event or a series of related events shall be addressed in one complaint. Candidates shall 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.

When two or more complaints are sufficiently similar in nature and remedy sought to permit their resolution through one proceeding, the program may consolidate the complaints.

### 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 candidate, at any point during the complaint process. The candidate may appeal the dismissal by seeking review in writing within ten business days,

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starting at the level at which the complaint was dismissed. Such an appeal shall be limited to the issue of timeliness.

### **COMPLAINT FORM**

Complaints 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 candidate does not have copies of these documents, he/she may be presented at the Level One conference. After the Level One conference, no new documents may be submitted unless the candidate did not know the documents existed before the Level One conference.

A complaint form that is incomplete in any material aspect may be dismissed, but it may be refiled with all the requested information if the refiling is within the designated time for filing a complaint.

### **AUDIO RECORDING**

As provided by law, a candidate shall be permitted to make an audio recording of a conference under this policy at which the substance of the candidate's complaint is discussed. The candidate shall notify all attendees present that an audio recording is taking place.

### **LEVEL ONE**

Complaint forms must be filed:

1. Within 15 days of the date the candidate 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 Associate Dean of the College of Education or the Dean of the College of Education at UMHB.

The EPP representative shall hold a conference with the candidate within ten days after receipt of the written complaint.

The EPP representative shall have ten days following the conference to provide the candidate a written response.

### **LEVEL TWO**

If the candidate did not receive the relief requested at Level One or if the time for a response has expired, the candidate may appeal the decision to the Dean of the College of Education. (If the Dean was the contact for Level One, the student may file the complaint with the Director of Human Resources for further steps.)

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

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The Dean of the College of Education shall inform the candidate of the date, time, and place of the meeting at which the complaint will be discussed.

The EPP representative shall provide the program's legal authority (via the UMHB Human Resources Department) with copies of the complaint form, the response at Level One, the appeal notice, and all written documentation previously submitted by the candidate.

The program's legal authority shall consider only those issues and documents presented at the preceding level and identified in the appeal notice.

The Dean of the College of Education must provide written notice of the decision to the candidate.

The EPP must retain information concerning the complaint for a minimum of three years.

After the candidate has exhausted all attempts at the program level to resolve a complaint that occurred within the past two years and has not received the relief sought, information on how to file a complaint with TEA can be secured from the EPP by information posted at their physical facility, on their website or, upon request, directions in writing.

### LEVEL THREE

The official TEA complaint process can be found on [TEA's website](#).

The complaint process allows for an applicant or a candidate in an educator preparation program to seek redress in areas where they feel that the program did not fulfill requirements for certification or for actions that the candidate feels are wrong. Educator preparation programs may also file a complaint about the actions of other programs when they involve a candidate transferring into a program.

Not all complaints fall under the authority of TEA. TEA has jurisdiction to investigate allegations of noncompliance regarding specific laws and rules, generally related to state and federal requirements. Complaints may address educator preparation program requirements listed in Texas Administrative Code (TAC) in Chapters 228, 228, ethics (TAC 247), fingerprinting (TAC §§227,232), and certification (TAC §§230, 231, 232, 239, 241, 242).

All complaints filed with the TEA must be in writing. We do not accept complaints by phone or complaints that are submitted anonymously. A person or entity may file a written complaint with TEA by filling out the [complaint form](#) online or by mailing or faxing a hard copy to the address on the form. You may fax your submission to (512) 463-9008 or email it to [generalinquiry@tea.texas.gov](mailto:generalinquiry@tea.texas.gov).

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To adequately review and address a complaint, TEA needs specific details. We must be able to identify a clear violation of TAC and determine whether the agency has the authority to act upon the allegation.

Complaint submissions should include the following:

- The reasons you believe the issues raised in your complaint are valid. You should also indicate how you believe that TEA can assist you with this matter. Remember that TEA cannot assist you in understanding your contractual arrangement with the educator preparation program, arranging for a refund, obtaining a higher grade or credit for training, or seeking reinstatement to an educator preparation program.
- Documentation to support your claim when possible. For example, if you refer in your complaint to an educator preparation program policy, include a copy of the policy with your complaint. Helpful documentation might include letters or e-mails exchanged between the parties.

Texas Education Agency staff will send confirmation of a complaint within 30 days of receiving the submission. Remember, information the public sends to TEA by email may not be secure. Do not email sensitive information to TEA. The agency will remove confidential or sensitive information when replying by email. TEA will maintain confidentiality of information to the extent the law allows.

**TEXAS ADMINISTRATIVE CODE §228.121**