

UR 08.01.01.H1 Civil Rights Compliance

Approved: August 2016
Next Scheduled Review: August 2019



Rule Statement

Texas A&M University-Texarkana (A&M-Texarkana) will provide equal opportunity to all employees, students, applicants for employment, and the public regardless of race, color, religion, sex, national origin, disability, age, genetic information, veteran status, sexual orientation and gender identity. This rule supplements [Texas A&M University System \(System\) Policy 08.01, Civil Rights Protections and Compliance](#) and [System Regulation 08.01.01, Civil Rights Compliance](#).

Reason for Rule

This rule provides for a prompt, thorough, and equitable process for resolving complaints of illegal discrimination, sexual harassment, and/or related retaliation and is required by [System Regulation 08.01.01, Civil Rights Compliance](#).

Procedures and Responsibilities

1. DESIGNATED OFFICIALS

- 1.1 The President or designee has primary responsibility for ensuring compliance with civil rights laws and regulations.
- 1.2 The Human Resources Director is the designated official responsible for overseeing the civil rights protection programs at A&M-Texarkana for faculty and non-faculty employees.
- 1.3 The Assistant Vice President of Student Affairs is the designated official responsible for overseeing the civil rights protection programs at A&M-Texarkana for students.
- 1.4 The designated officials will ensure that all allegations of illegal discrimination, sexual harassment and/or related retaliation are promptly, thoroughly, and equitably investigated and resolved.
- 1.5 The Assistant Vice President of Student Affairs serves as the university's Title IX Coordinator. The Title IX Coordinator must be informed of all incidents of alleged

sex discrimination, including sexual harassment, reported to a university employee, regardless of where the complaint is initiated, investigated, or resolved.

- 1.6 The designated officials shall report any complaints, appeals or reports of illegal discrimination, sexual harassment, and/or related retaliation to the System Ethics and Compliance Office (SECO).
- 1.7 The designated officials will periodically follow up on situations in which illegal discrimination, sexual harassment and/or related retaliation is found to ensure that the situation has not reoccurred.

2. RESPONSIBILITIES OF ALL EMPLOYEES AND STUDENTS

- 2.1 All employees and students are responsible for ensuring their work and educational environments are free from illegal discrimination, sexual harassment and related retaliation. When alleged or suspected discrimination, sexual harassment or retaliation is experienced or observed by or made known to an employee, the employee is required to report that information as outlined in this rule.
- 2.2 Any employee, who experiences, observes or becomes aware of illegal discrimination, sexual harassment and/or related retaliation must promptly report the incidents(s) to his or her supervisor or the designated official for employees as identified in this rule. Students should promptly report an incident to the designated official for students as identified in this rule.
- 2.3 A third party (including, but not limited to, anyone receiving services from A&M-Texarkana, vendors and private business associates) should promptly report an incident(s) involving an employee or student to the A&M-Texarkana Human Resources Director or Assistant Vice President of Student Affairs.
- 2.4 All employees and students are expected to cooperate fully with those conducting an investigation pursuant to this rule. No employee or student may retaliate against a person for filing a complaint or participating in an investigation under this rule.

3. OPTIONS FOR RESOLUTION

- 3.1 Incidents not involving sexual violence may be resolved through discussions with the parties involved if they agree to this option. The Director of Human Resources, the Assistant Vice President for Student Affairs or designee may facilitate these discussions.
- 3.2 If the report or complaint does not contain sufficient information to initiate an investigation, the designated official may conduct an inquiry into the circumstances in accordance with System Regulation *08.01.01*, Section 4.2.1.
- 3.3 Regardless of the method of resolution or the outcome, reporters may at any time file a complaint with any local, state or federal civil rights office, including the Equal Employment Opportunity Commission, the Texas Workforce Commission's Civil Rights Division, and/or the U.S. Department of Education's Office for Civil Rights.

4. COMPLAINTS AGAINST EMPLOYEES

- 4.1 Any employee who believes that he or she has been subjected to illegal discrimination, sexual harassment and/or related retaliation must promptly report the incident(s) to his or her supervisor, an administrator, or the Director of Human Resources.
- 4.2 For purposes of this rule and [System Policy 08.01, Civil Rights Protections and Compliance](#) and [System Regulation 08.01.01, Civil Rights Compliance](#), all Graduate Assistants will be considered employees if the incident(s) occurred in the context of their employment. If the incident(s) occurred within the context of their student status, the Assistant Vice President for Student Affairs will be responsible for resolution.
- 4.3 An employee is not required to report illegal discrimination, sexual harassment, and/or related retaliation to a direct supervisor or to the alleged offender. The alleged offense may instead be reported to another supervisor, administrator, or the Director of Human Resources. Complaints against a staff or faculty member filed with a supervisor or administrator should be sent to the Director of Human Resources within five (5) business days of receipt.
- 4.4 Only certain university officials may extend confidentiality to reports and/or investigations, in accordance with System Regulation 08.01.01, Section 2.2. Other reports or complaints will be kept private to the extent allowed by law and/or in consideration of the university's responsibility to provide a safe environment for all. Investigators will notify the parties and witnesses that maintaining privacy is essential to protect the integrity of the process, and they will request that all parties and witnesses refrain from discussing the investigation with others. Investigators will also limit the disclosure of the facts to witnesses to what is reasonably necessary to conduct a fair and thorough investigation.
- 4.5 If a complaint or report contains sufficient information to initiate an investigation, the designated official shall appoint an investigative authority within five (5) business days after receipt of a complaint against an A&M-Texarkana employee. The designated official will also identify an appropriate administrator to serve as the designated administrator to render a decision on the merits of the allegations. The investigative authority will notify the respondent, interview witnesses as applicable, review related documentation, and provide a draft report on the results of the investigation to the Director of Human Resources.
- 4.6 The Director of Human Resources will provide the draft report to the System Office of General Counsel (OGC) for a review of legal sufficiency within thirty (30) business days of receipt of the complaint, unless circumstances warrant an extension. OGC will provide its legal review to the investigative authority within ten (10) business days. The investigative authority will have five (5) business days to finalize the report and submit it to the designated administrator.

- 4.7 The designated administrator will render a decision in writing and provide that decision to the complainant, respondent(s), the investigative authority, and the complainant's and respondent's supervisor(s) and department head(s) as applicable within five (5) business days after receiving the investigative authority's report, unless unusual circumstances require additional time.
- 4.8 Extensions should not be for more than thirty (30) additional business days. Extension requests and approvals must be made in writing and approved by the designated official.
- 4.9 Appeal rights are articulated in System Regulation *08.01.01*, Section 4.5.1.

5. COMPLAINTS AGAINST STUDENTS

- 5.1 Any student who believes that he or she has been subjected to illegal discrimination, sexual harassment and/or related retaliation should promptly report the incident(s) to an administrator or the Assistant Vice President of Student Affairs.
- 5.2 For purposes of this rule and [System Policy 08.01, Civil Rights Protections and Compliance](#) and [System Regulation 08.01.01, Civil Rights Compliance](#), student workers are considered students. Graduate assistants will be considered students if the incident(s) occurred in the context of their student status rather than their employment status.
- 5.3 Investigation and resolution of allegations of illegal discrimination, sexual harassment and/or related retaliation committed by an A&M-Texarkana student will follow the processes specified in the Student Code of Conduct. Complaints and investigations will be kept private to the extent allowed by law and/or in consideration of the university's responsibility to provide a safe environment for all.
- 5.4 If a complaint or report against a student contains sufficient information to initiate an investigation, the Assistant Vice President of Student Affairs shall appoint an investigative authority within five (5) business days after receipt of the complaint. The designated official will also identify an appropriate administrator or body to serve as the designated administrator to render a decision on the merits of the allegations.
- 5.5 The investigative authority will notify the respondent, interview witnesses if applicable, review related documentation, and provide a draft report on the results of the investigation to the Assistant Vice President of Student Affairs.
- 5.6 The Assistant Vice President of Student Affairs will provide the draft report to the System Office of General Counsel (OGC) for a review of legal sufficiency within thirty (30) business days of receipt of the complaint, unless circumstances warrant an extension. OGC will provide its legal review to the investigative authority within ten (10) business days. The investigative authority will have five (5) business days to finalize the report and submit it to the designated authority, unless unusual circumstances require additional time.

- 5.7 Extensions should not be for more than thirty (30) additional business days. Extension requests and approvals must be made in writing and approved by the Assistant Vice President of Student Affairs or designee.
- 5.8 The Assistant Vice President of Student Affairs shall provide a copy of the written decision to the complainant, respondent(s), and the investigative authority. If the decision substantiates an allegation of illegal discrimination, sexual harassment, and/or related retaliation that is job-related, the Assistant Vice President of Student Affairs will also notify the student worker's supervisor.
- 5.9 Disciplinary action against students will be taken in accordance with the Student Code of Conduct. Appeal rights are specified in System Regulation *08.01.01*, Section 4.5.1.

6. DISCIPLINARY AND OTHER ACTIONS

- 6.1 Any employee who has been found to have illegally discriminated against, sexually harassed, and/or retaliated against another employee, student, or third party may be subject to disciplinary action up to and including termination, in accordance with applicable law, policies, regulations and rules.
- 6.2 Any student who has been found to have illegally discriminated against, sexually harassed, and/or retaliated against another student, employee, or third party may be subject to disciplinary action up to and including expulsion.
- 6.3 All employees and students are expected to cooperate in an investigation covered by this rule. Any employee or student who knowingly and intentionally provides false information during the course of an investigation may be subject to disciplinary action up to and including termination or expulsion.

7. RETALIATION

Retaliation of any kind against an individual who reports a violation or participates in an investigation of illegal discrimination, sexual harassment, and/or related retaliation is prohibited. Such action will be regarded as a separate cause subject to disciplinary action up to and including termination or expulsion.

Related Statutes, Policies, or Requirements

[The Equal Pay Act of 1963](#)

[Title VII of The Civil Rights Act of 1964, as amended](#)

[The Age Discrimination in Employment Act of 1967](#)

[Title IX of The Education Amendments of 1972](#)

The Rehabilitation Act Amendments of 1973, as amended

The Americans with Disabilities Act of 1990, as amended

The Genetic Information Nondiscrimination Act of 2008

Executive Order 11246, as amended, Office of Federal Contract Compliance Programs

Texas Labor Code, Chapter 21, Employment Discrimination

System Policy 08.01, Civil Rights Protections and Compliance

System Regulation 08.01.01, Civil Rights Compliance

System Policy 12.01, Academic Freedom, Responsibility, and Tenure

System Regulation 32.01.01, Complaint and Appeal Procedure for Faculty Members

System Regulation 32.01.02, Complaint and Appeal Process for Non-faculty Employees

A&M-Texarkana Student Code of Conduct

Definitions

See System Policy 08.01.01, Civil Rights Compliance

Contact Office

Office of Human Resources
(903) 223-3012

Assistant Vice President of Student Affairs
(903) 223-3062

System Approvals*

Approved for Legal Sufficiency:



Ray Bonilla
General Counsel

8-30-16

Date

Approved:

John Sharp
Chancellor



Date

8/30/15

***System approvals are contingent upon incorporation of any and all System-required changes in the rule's final posting.**