

08.01.01.H1 Civil Rights Compliance

Approved: August 31, 2016
Revised: August 14, 2020
Revised: February 22, 2022
Next Scheduled Review: February 22, 2027



Rule Summary

Texas A&M University System Policy 08.01 on Civil Rights Protections and Compliance establishes civil rights protections prohibiting discrimination against employees, students, applicants for employment or admission, or the public. System Regulation 08.01.01 on Civil Rights Compliance establishes systemwide standards for the reporting, review, and resolution of civil rights-based compliance that is in conformity with federal and state law.

The purpose of this member rule is to define the rules and processes by which the policy and regulation will be enforced at Texas A&M University-Texarkana.

Rule

This University Rule is required by The Texas A&M University System Regulation 08.01.01, *Civil Rights Compliance* (hereafter “the Regulation”), that “establishes system wide standards for each member’s receipt and processing of reports, complaints, formal complaints, investigations, adjudication, appeals, and use of informal resolution in cases involving allegations of discrimination, including complaints made by employees, students and/or third parties.

This rule is required by System Regulation 08.01.01, *Civil Rights Compliance*, and designates the official contacts for receipt, investigation, and resolution of alleged or suspected discrimination.

Unless otherwise stated, all terms used in this rule shall have the meaning assigned by System Regulation 08.01.01.

Procedures and Responsibilities

This rule outlines the process and requirements for reporting and responding to complaints of alleged or suspected discrimination.

1. DESIGNATED OFFICIALS

- 1.1 The President has primary responsibility for ensuring compliance with civil rights laws and regulations. As CEO, the President has other duties and responsibilities outlined in the Regulation.

- 1.2 The Human Resources Director (903-223-3012, cbanks@tamut.edu) 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 Director of Compliance and Risk Management (903-334-6755, compliance@tamut.edu) 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 discrimination are promptly, thoroughly, and equitably investigated and resolved.
- 1.5 The Director of Compliance and Risk Management 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. The Director of Human Resources and the Director of Student Life have been designated as Deputy Title IX Coordinators.
- 1.6 The designated officials shall report any complaints, appeals or reports of discrimination to the System Ethics and Compliance Office (SECO).
- 1.7 The designated officials will periodically follow up on situations in which discrimination is found to ensure that the situation has not reoccurred.
- 1.8 All those involved in the administration of civil rights complaints shall complete training as outlined in [System Regulation 08.01.01, Civil Rights Compliance](#) §1.9 and shall be consistent with the [Minimum Training Requirements for Civil Rights Investigations, Advisement, Adjudication, Appeals, and Information Resolution in The Texas A&M University System](#) included in the appendix to this document.

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 discrimination. When alleged or suspected discrimination is experienced by, observed by or made known to an employee in the course and scope of their employment, the employee is required to report that information as outlined in [System Regulation 08.01.01, Civil Rights Compliance](#). An employee's failure to report alleged or suspected discrimination or knowingly making a false report with the intent to harm or deceive, may result in disciplinary action, including dismissal.
- 2.2 Only certain employees may keep complaints of discrimination confidential, as outlined in [System Regulation 08.01.01, Civil Rights Compliance](#) §2.3. All other employees informed of possible discrimination should advise the reporter that they cannot keep the information confidential and are required to report it. Employees should inform the reporter that confidential guidance may be obtained at the Counseling Center (for students) or from the Employee Assistance Program.
- 2.3 Students should promptly report an incident to the designated official for students as identified in this rule.

- 2.4 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 Director of Compliance and Risk Management.
- 2.5 All employees must and students should cooperate fully with those conducting an investigation pursuant to this rule.
- 2.6 No employee or student may retaliate against a person for filing a complaint or participating in an investigation under this rule. Employees and students must not retaliate against administrative personnel for processing civil rights investigations under this Rule. Prohibited conduct is outlined in [System Regulation 08.01.01, Civil Rights Compliance](#) §2.11.
- 2.7 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.

3. RESPONSIBILITIES OF THE SYSTEM ETHICS AND COMPLIANCE OFFICE (SECO)

SECO, in coordination with OGC, will serve as the liaison between A&M-Texarkana and any local, state, or federal agency investigating a complaint of discrimination or conducting a civil rights audit or review, as outlined in [System Regulation 08.01.01, Civil Rights Compliance](#) §3.

4. CIVIL RIGHTS COMPLAINT PROCESSING

4.1 Complaints

- 4.1.1 Except as specified in § 2.2, an employee who experiences, observes, or becomes aware of alleged discrimination must promptly report the incident(s) to their supervisor, an administrator, or the designated officials outlined in §1.2 and 1.3 of this document. If the employee reasonably believes that an incident constitutes sexual harassment, sexual assault, dating violence, or stalking and that the incident is alleged to have been committed by or against a person who was a student enrolled at or an employee of the institution at the time of the incident, the employee must promptly report the incident to the Title IX Coordinator or Deputy Title IX Coordinator, as designated in §1.5 of this document.
- 4.1.2 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. 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.

- 4.1.3 An employee or student is not required to report discrimination to a direct supervisor or to the alleged offender. The alleged offense may instead be reported to another supervisor, administrator, or the designated officials named in §1.2 and 1.3. Complaints against a staff or faculty member filed with a supervisor or administrator should be sent to the appropriate official immediately. The designated official must report the complaint to SECO and OGC in writing within two (2) business days.
- 4.1.4 A&M-Texarkana also provides an anonymous online reporting tool through the [EthicsPoint](#) tool on their website.

4.2 Investigation and Adjudication

- 4.2.1 Investigation and Adjudication shall follow the process and timelines outlined in §4.2 of [System Regulation 08.01.01, Civil Rights Compliance](#).
- 4.2.2 In cases with a student respondent, A&M-Texarkana employs a Hearing Officer model for most Civil Rights complaints. A Hearing Panel model may be used if potential sanctions involving separation from the university (suspension or expulsion).
- 4.2.3 The Title IX Coordinator has the authority to institute corrective measures in Title IX cases where a student is the respondent. The Director of Human Resources has the authority to institute corrective measures in Title IX cases where an employee is the respondent. Authority to institute corrective measures means authority to redress harassment for complaints involving only Title IX and sex-based misconduct.

4.3 Decisions (non sex-based cases)

- 4.3.1 The decision-making process for non sex-based cases against an employee or third party shall follow the process and timeline outlined in in §4.3 of [System Regulation 08.01.01, Civil Rights Compliance](#).
- 4.3.2 For student respondent cases, the investigation report will be used as directed in the [Code of Conduct](#).

4.4 Sanctions

- 4.4.1 A description and range of possible disciplinary sanctions and remedies that may be implemented following the determination of responsibility for discrimination are outlined in the [Code of Conduct](#).
- 4.4.2 Any employee who has been found to have been discriminated against, 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. Any employee who is found to have sexually harassed or engaged in sex-based misconduct (as defined by [System Regulation 08.01.01, Civil Rights Compliance](#)) against another member of the university community shall have their employment terminated.

- 4.4.3 Any student who has been found to have been 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.
 - 4.4.4 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.
 - 4.4.5 A&M-Texarkana has adopted the [Model Sanctioning Matrix for Sexual Violence and Sexual Harassment Violations by Students in the Texas A&M University System](#) as its guideline for sanctions and remedies for sexual harassment or sexual misconduct student violations.
- 4.5 [Appeals](#)
- 4.5.1 The appeals process shall follow the process and timeline outlined [System Regulation 08.01.01, Civil Rights Compliance](#).
 - 4.5.2 The appellate authority shall be a properly trained administrator who has had no previous involvement and/or participation in the investigation and/or decision. In cases where a student is the respondent, the Vice President of Student Enrollment, Engagement, and Success shall serve as the appellate authority. In cases where an employee is the respondent, the University President shall serve as the appellate authority. In the case that the identified appellate authority cannot serve, they may appoint an appropriate designee.
 - 4.5.3 Any student receiving a sanction of separation (expulsion or suspension) may appeal the sanction in accordance with the [Code of Conduct](#).
- 4.6 [Information Resolution](#)
- The Informal Resolution process is available, as outlined in [System Regulation 08.01.01, Civil Rights Compliance](#) §4.6 any time prior to the determination of a final decision.

Related Statutes, Policies, or Requirements

[Family Educational Rights and Privacy Act \(FERPA\)](#)

[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](#)

[The Age Discrimination Act of 1975](#)

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

[The Rehabilitation Act 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](#)

[Executive Order 13672](#)

[Texas Fair Housing Act](#)

[Tex. Educ. Code 51 Subchapter E-2, Reporting Incidents of Sexual Harassment, Sexual Assault, Dating Violence, and Stalking](#)

[Tex. Educ. Code § 51.9363, Sexual Assault Policy](#)

[Tex. Educ. Code §51.9365, Electronic Reporting Option for Certain Offenses](#)

[Tex. Educ. Code §51.9366, Amnesty for Students Reporting Certain Incidents](#)

[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 Policy 32.01, Employee Complaint and Appeal Procedures](#)

[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](#)

Appendix

[Model Sanctioning Matrix for Sexual Violence and Sexual Harassment Violations by Students in the Texas A&M University System](#)

[Minimum Training Requirements for Civil Rights Investigations, Advisement, Adjudication, Appeals, and Information Resolution in The Texas A&M University System](#)

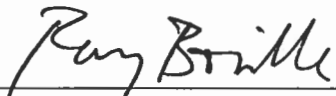
Contact Office

Director of Compliance and Risk Management
(903) 334-6755

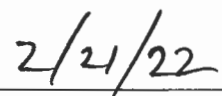
Office of Human Resources
(903) 223-3012

System Approvals*

Approved for Legal Sufficiency:

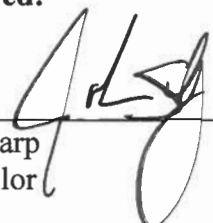


Ray Bonilla
General Counsel

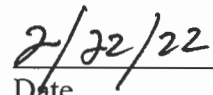


Date

Approved:



John Sharp
Chancellor



Date

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