

08.01.01.D1 Civil Rights Compliance

Approved: August 4, 2016
Revised: October 1, 2019
Next Scheduled Review: October 1, 2022



Rule Summary

Texas A&M University-Central Texas (A&M-Central Texas) is committed to providing an educational and working environment that provides equal opportunity to all members of the A&M-Central Texas community. A&M-Central Texas will strictly comply with all local, state and federal civil rights laws and regulations prohibiting discrimination, sexual harassment, and/or related retaliation against employees, students, applicants for employment or admissions and the public, regardless of race, color, sex, religion, national origin, age, disability, genetic information, veteran status, sexual orientation or gender identity.

Definitions

See definitions in A&M System Regulation 08.01.01, *Civil Rights Compliance*.

Rule

1. CIVIL RIGHTS OVERVIEW

In accordance with A&M System Regulation 08.01.01, Civil Rights Compliance, when alleged or suspected discrimination and related retaliation is experienced by, observed by, or made known to, an employee, the employee is responsible for reporting that information as outlined in this rule.

1.1 Students and/or third parties (including, but not limited to, anyone receiving services from A&M Central Texas, vendors and private business associates) who experience, witness or are aware of suspected incidents of discrimination or related retaliation involving a university employee or student are strongly encouraged to report the incident(s) promptly to the Associate Dean of Student Affairs and Deputy Title IX Coordinator as specified in this rule.

1.2 Sexual harassment is a form of sex discrimination. For the purposes of this rule, the definition of sexual harassment found in A&M System Regulation 08.01.01 applies.

1.3 Title IX of the Education Amendments of 1972 prohibits discrimination based on sex in educational programs and activities that receive federal financial assistance. A&M-Central Texas's President has designated the Title IX Coordinator as having primary

responsibility for coordinating efforts to comply with this law, including the investigation and resolution of complaints, the implementation of corrective measures, and monitoring the educational and work environment to stop, remediate, and prevent discrimination on the basis of sex.

2. COMPLAINTS AGAINST EMPLOYEES

Any person who believes they have been subjected to discrimination, or related retaliation by an A&M-Central Texas employee or third party should promptly report the incident(s) to the Director of Human Resources, or the Title IX Coordinator.

- 2.1 Complaints alleging discrimination, or related retaliation against an employee or third party should be reported as soon as possible after the action that caused the complaint with one of the officials designated above. Supervisors or administrators who receive a complaint against a staff employee or third party should forward it to the Director of Human Resources or the Title IX Coordinator within five (5) business days of receipt.
- 2.2 Upon receipt of a complaint, the Director of Human Resources or the Title IX Coordinator will conduct a preliminary inquiry into the allegation(s).
 - (a) If the information is insufficient, the Title IX Coordinator, in consultation with OGC, may conduct an inquiry into the circumstances of the complaint and (1) dismiss it as baseless; (2) close it for insufficient information to investigate; or (3) refer it to the office which has responsibility for such complaints. The Title IX office will notify the complainant of such action in writing.
- 2.3 If the preliminary inquiry of a complaint indicates the allegation(s) may have substance, the Title IX Coordinator or Director of Human Resources will appoint an investigative authority within five business days to move forward with a formal investigation. The Title IX Coordinator or Director of Human Resources will also appoint a designated administrator to render the final decision regarding the merits of the complaint. Both the complainant and the respondent will be notified in writing of: (1) receipt of the complaint stating the allegation of a violation of System Regulation 08.01.01; (2) the appointed investigative authority; (3) the appointed designated administrator; (4) interim protections imposed, if any and (5) admonishments regarding cooperation and prohibiting retaliation. A redacted version of the complaint will be given to an employee respondent and their advisor, if applicable.
- 2.4 The complainant and respondent should be informed in writing of any extensions of the deadlines contained in A&M System Regulation 08.01.01.
- 2.5 The Director of Human Resources, or the Title IX Coordinator, may dismiss a complaint, in consultation with OGC, if the facts alleged do not constitute prohibited discrimination or related retaliation, or if the appropriate resolution or remedy has already been achieved or has been offered and rejected. If no investigation will be conducted, the complainant will be informed in writing of the reason for dismissing the complaint.
- 2.6 Individuals who in good faith report a suspected violation of policy, regulation, rule, procedure or law shall not be penalized, disciplined, or prejudiced in any manner.

- 2.7 Any employee or student who knowingly and intentionally provides false information during the course of an investigation may be subject to disciplinary action, including expulsion or termination.
- 2.8 Both the individual subjected to the alleged discrimination, or related retaliation and the respondent must receive equitable treatment in all facets of the complaint and investigation process as defined in A&M System Regulation 08.01.01.

3. INVESTIGATIVE REPORTS

- 3.1 Generally, an investigation will result in a written report that, at a minimum, includes
 - 3.1.1 a statement of the allegation
 - 3.1.3 a listing of individuals interviewed including dates of interviews
 - 3.1.3 a summary of the information considered, and
 - 3.1.4 conclusions as specified below.
- 3.2 There are three conclusions for each allegation using a preponderance of the evidence standard:
 - 3.2.1 Substantiated: It is more likely than not that the allegation is true.
 - 3.2.2 Unsubstantiated: It is more likely than not that the allegation is untrue. A finding that the allegation is unsubstantiated does not necessarily indicate that the complaint was knowingly false.
 - 3.2.3 Insufficient Evidence to Substantiate: It is not possible to determine whether the allegation is true or untrue due to insufficient evidence.

4 VIOLATIONS

- 4.1 The investigative authority will provide a draft report on the results of the evidence collected as specified in Sections 4.1 and 4.2 to OGC for review in the timeline outlined in A&M System Regulation 08.01.01.
- 4.2 The designated authority will review the investigation report and either concur with the conclusions of the report, disagree with the conclusions, or refer the case back for additional investigation. The complainant, the respondent, and the investigative authority will be informed in writing of the designated authority's decision. The respondent's supervisor(s) will be informed in writing of the designated authority's decision only in cases where the allegations are substantiated which can only be appealed as defined in A&M System Regulation 08.01.01 The appeal must be submitted within 10 calendar days of receiving the written decision.
- 4.3 If the designated authority determines that a system policy or regulation, or university rule or procedure, has been violated, the respondent's supervisor(s) will take appropriate action in accordance with system and university disciplinary processes. Implementation of disciplinary action against faculty will be handled in accordance with System Policy *12.01 Academic Freedom, Responsibility and Tenure*. Disciplinary action against a staff member will be handled in accordance with *System Regulation 32.02.02, Discipline and Dismissal of Nonfaculty Employees*. Disciplinary actions can include, but are not limited to, written warning or reprimands, the imposition of conditions, reassignment, probation, suspension, and dismissal.

- 4.4 The notification of sanctions, if any, will be conveyed to the complainant in accordance with state and federal law.
- 4.5 For sex discrimination complaints, the notification of sanctions will be conveyed to both the complainant(s) and the respondent(s) in accordance with federal and state law.
- 4.6 Any employee disciplined pursuant to this rule may appeal that action in accordance with *System Regulation 32.01.01, Complaint and Appeal Procedures for Faculty Members, 32.01.02 Complaint and Appeal Process for Non-faculty Employees*, and/or other rules or procedures as appropriate.
- 4.7 Any employee disciplined pursuant to this rule based on allegations of Sex based discrimination may appeal this action in accordance with *System Regulation, 08.01.01, Civil Rights Compliance*.

5. COMPLAINTS AGAINST STUDENTS

- 5.1 Any person who believes to have been subjected to discrimination-or related retaliation by an A&M-Central Texas student should promptly report the incident(s) to a university administrator, the Associate Dean of Student Affairs, or the Title IX Coordinator.
- 5.2 Investigation and resolution of allegations of discrimination, or related retaliation committed by an A&M-Central Texas student will follow the processes specified in the [Code of Student Conduct](#). The Office of Student Conduct will inform the Title IX Coordinator of any Title IX-related complaints and their resolution.
- 5.3 Implementation of disciplinary action against students will be in accordance with the [Code of Student Conduct](#). The notification of sanctions, if any, will be conveyed to the complainant in accordance with state and federal law. Any student disciplined pursuant to this procedure may appeal that action in accordance with the [Code of Student Conduct](#).

6. TEMPORARY MEASURES

- 6.1 At any point in the complaint process, the respondent may be placed on administrative leave, temporary suspension, reassigned, or placed in another type of temporary status pending completion of the investigation and final resolution of the complaint. This is not a disciplinary action.
- 6.2 At any point in the complaint process the compliant(s), respondents(s) and any other individual affected may request interim protections or remedies, such as physically separating the parties, limiting contact between the parties, providing alternative workplace or academic adjustments.
- 6.3 Failure to comply with the terms of interim protections may be considered a separate violation of system policies and regulations and university rules and procedures.

7. RETALIATION

- 7.1 Retaliatory action of any kind is prohibited when taken against a complainant, witness or other person participating in a discrimination, or related retaliation investigation, complaint, hearing or suit. Such retaliatory action will be regarded as a separate and distinct cause for a complaint and possible disciplinary action, including dismissal and/or expulsion.

8. ADDITIONAL PROCEDURES FOR TITLE IX COMPLAINTS

- 8.1 Complaints of conduct prohibited by Title IX will be handled in accordance with the applicable sections above. The Title IX Coordinator must be informed of all incidents of alleged sex discrimination, including sexual harassment and sexual violence, reported to a university employee, regardless of where the complaint is brought, investigated, or resolved. The Title IX Coordinator will coordinate the resolution of Title IX-related complaints that may involve university offices with concurrent jurisdictional responsibilities.
- 8.2 The Title IX Coordinator or other university employee receiving a complaint or report of sex discrimination may recommend, but cannot require, the recipient of the alleged conduct to report the incident to a law enforcement agency.
- 8.3 Investigators assigned to Title IX cases will have received training and/or experience in conducting investigations of sex discrimination and in the University's grievance procedures. The Title IX Coordinator will maintain a roster of assignments made, cases completed, and length of service as a Title IX investigator and will provide the same to the President or designee upon request.
- 8.4 The University will respond, to the greatest extent possible, to reports of sex discrimination brought anonymously or brought by third parties not directly impacted by the conduct. However, the response to such reports may be limited if information contained in the report cannot be verified by an independent inquiry or investigation.
- 8.5 The Title IX Coordinator will provide complainants, respondents, and other individuals who file a report of sex discrimination information about the range of possible outcomes, including interim protections, remedies for individuals harmed by conduct, and disciplinary actions that may be taken against the respondent if the allegations are substantiated. The Title IX Coordinator will also ensure that parties to the complaint are informed of the appropriate grievance process.
- 8.6 Regardless of the outcome, individuals may at any time file a complaint with any civil rights office, including but not limited to, U.S. Equal Employment Opportunity Commission, the Texas Workforce Commission Civil Rights Division, the U.S. Department of Education Office for Civil Rights, or the U.S. Department of Labor (Office of Federal Contract Compliance Programs).

9. PRIVACY AND CONFIDENTIALITY

- 9.1 A&M-Central Texas will protect the privacy of individuals involved in a report of discrimination, sexual harassment, and/or related retaliation to the extent allowed by state and federal law.

- 9.2 Only A&M-Central Texas mental health counselors and/or other medical professionals holding a license requiring confidentiality can provide complete confidentiality, when acting in this capacity as part of their official employment. All other employees who receive a complaint of discrimination, sexual harassment and/or related retaliation should inform the source of their obligation to report the information.
- 9.3 An individual's request to withhold his or her name and/or the name of the alleged violator, and/or a request not to investigate or seek action against the alleged violator, may limit the university's ability to respond adequately to a complaint. Such requests will be considered in the context of the university's obligation to provide a work and educational environment that is free from discrimination, sexual harassment, and/or related retaliation. In order to provide such an environment, the University may need to take action regardless, particularly in cases involving violence, threat, predation, pattern, or weapons.

Related Statutes, Policies, or Requirements

[System Policy 08.01, *Civil Rights Protections and Compliance*](#)

[System Regulation 08.01.0,1 *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 Procedure for Non-Faculty Employees*](#)

[University Procedure 12.02.99.D1.01 *Institutional Procedures for Implementing Tenure*](#)

[Code of Student Conduct](#)

Contact Office

[Office of Institutional Compliance](#)

Michelle Zornes
Title IX Coordinator
Warrior Hall Room 425H
titleix@tamuct.edu
254-519-5722

Paul York
Associate Dean of Student Affairs/Title IX Deputy Coordinator
Warrior Hall Room 105B
pyork@tamuct.edu
254-501-5877

Tina Flores-Nevarez
Director of Human Resources/Title IX Deputy Coordinator
Warrior Hall Room 424B
t.flores@tamuct.edu
254-519-8015