

08.01.01. R2 Civil Rights Compliance

Approved August 4, 2016
Revised April 17, 2018
Next Scheduled Review: August 4, 2021



Rule Statement

Texas A&M University-Commerce will provide equal opportunity to all employees, students, applicants for employment and admission, and the public.

Reason for Rule

This rule provides guidance in complying with local, state and federal civil rights laws and regulations as directed by System Policy 08.01 and Regulation 08.01.01.

Procedures and Responsibilities

1 DESIGNATED OFFICIAL

The Chief Human Resources Officer is the designated official responsible for overseeing the civil rights protection program at A&M-Commerce. The Chief Human Resources Officer will ensure that all allegations of illegal discrimination, sexual harassment and/or related retaliation are promptly and thoroughly investigated and will follow up on situations in which illegal discrimination, sexual harassment and/or related retaliation is found to ensure that the situation does not recur.

2 RESPONSIBILITIES OF ALL EMPLOYEES AND STUDENTS

2.1 Any employee receiving an inquiry or a complaint of illegal discrimination, sexual harassment, and/or related retaliation from a local, state or federal agency must immediately inform the Chief Human Resources Officer who will immediately inform the System Ethics and Compliance Office.

2.2 All employees are responsible for ensuring their work and educational environments are free from illegal discrimination, sexual harassment and/or related retaliation. When alleged or suspected illegal discrimination, sexual harassment and/or retaliation is experienced or observed by or made known to an employee, the employee is responsible for reporting that information as outlined in Section 3.1 of this rule.

- 2.3 All employees are responsible for complying with state law requiring training on equal opportunity and nondiscrimination within thirty (30) days of hire and every two (2) years thereafter.
- 2.4 Employees and students 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 the U.S. Department of Education's Office of Civil Rights.
- 2.5 For additional responsibilities of all employees and students, see System Regulation 08.01.01.

3 CIVIL RIGHTS COMPLAINT PROCESSING

All complaints of illegal discrimination, sexual harassment and/or related retaliation shall follow the process identified in System Regulation 08.01.01 with the additional guidance below.

3.1 Reporting

Anyone who experiences, observes, or becomes aware of illegal discrimination, sexual harassment, and/or related retaliation should promptly report the incident(s) to any of the following:

3.1.1 Their supervisor

3.1.2 Title IX Office, 903-468-3104, TitleIX@tamuc.edu

3.1.3 University Police Department, 903-886-5868, upd@tamuc.edu

3.1.4 Human Resources Office, 903-886-5282

3.1.5 Office of Student Rights & Responsibilities, 903-886-5523

3.1.6 Risk, Fraud & Misconduct Hotline, 888-501-3850

3.1.7 Any employee receiving a complaint or report of illegal discrimination, sexual harassment, and/or related retaliation must inform the Chief Human Resources Officer as soon as practical unless doing so would create a conflict of interest, in which case the Chief of Staff will serve as an alternate.

3.2 Investigations

3.2.1 The following offices are designated to process complaints, appeals and/or reports of illegal discrimination, sexual harassment, and/or related retaliation as specified. The designated office will review to the complaint, appeal and/or report and determine if there is sufficient information to proceed with an investigation or if additional information is needed. In consultation with OGC, the designated office may dismiss, close or refer the complaint in accordance with System Regulation

08.01.01, §4.2.1. Jurisdiction over the complaint will be based on the status of the accused/respondent.

3.2.1.1 Human Resources Office (employees and third parties, non-sex-based complaints)

3.2.1.2 Title IX Office (sex-based complaints, including sexual harassment and sexual violence)

3.2.1.3 Office of Judicial Affairs (students, complaints not based on sex or disability)

3.2.1.4 Student Disability Services (students, complaints based on disability)

3.2.1.5 University Compliance Office will forward hotline complaints to the appropriate designated office for the appointment of an investigative authority and designated administrator.

3.2.2 The designated office will appoint an investigative authority to review each complaint, interview witnesses (if applicable), examine relevant documentation, and provide a draft investigation report to the System Office of General Counsel for legal sufficiency review within 30 business days of receipt of the complaint. The designated office will also identify the designated administrator to receive the completed investigation report and render a decision on the merits of the complaint.

3.2.3 System Regulation 08.0.01., Section 4, provides additional time frames for complaint processing and resolution. Requests for extensions to these time frames must be made to the designated administrator in writing and will be in 15 business day increments.

3.2.4 Investigation reports in student conduct cases will follow University Procedure *13.02.99.R0.06, Code of Student Conduct*.

3.2.5 The designated offices shall provide the Chief Human Resources Officer periodic updates on all complaints and investigations of illegal discrimination, sexual harassment, and/or related retaliation, including final decisions, unless doing so would create a conflict of interest, in which case the Chief of Staff will serve as an alternate.

3.3 Decisions

The designated administrator will render a decision on the merits of the complaint in writing to the individual subjected to the alleged illegal discrimination, sexual harassment and/or related retaliation, the respondent(s), the investigative authority, and the respondent's supervisor and department head(s) within five business days after receiving the investigative authority's report.

3.4 Sanctions

- 3.4.1 Faculty sanctions, if any, will be in accordance with *University Rule 12.01.99.R1, Academic Freedom and Responsibility*.
- 3.4.2 Nonfaculty employee sanctions, if any, will be determined by the respondent(s)' supervisor(s), in consultation with the Chief Human Resources Officer and in accordance with System Regulation 32.02.02, *Discipline and Dismissal of Nonfaculty Employees*.
- 3.4.3 Student sanctions, if any, will be in accordance with *University Procedure 13.02.99.R0.06, Code of Student Conduct*.

3.5 Appeals

All appeal processes will be in compliance with the requirements set forth in System Regulation 08.01.01, Section 4.5, with the additional guidance below.

3.5.1 Allegations of Sex Discrimination: Findings and/or Sanctions

- 3.5.1.1 Faculty appeals will follow processes outlined in *University Rule 12.01.99.R1, Academic Freedom and Responsibility* and/or *University Procedure 32.01.01.R0.01, Grievance and Appeal Process for Faculty Members*, as applicable.
- 3.5.1.2 Nonfaculty employee appeals must be directed to the Chief Human Resource Officer within 10 business days of receipt of the decision or sanction, as applicable, and will be processed in accordance with System Regulation 32.01.01, *Complaint and Appeal Process for Nonfaculty Employees*.
- 3.5.1.3 Student appeals must be directed to the University Appeals Board via the Office of Campus Life and Student Development within 10 business days.

3.5.2 Allegations of Illegal Discrimination and/or Related Retaliation Not Based on Sex: Sanctions Only

- 3.5.2.1 Faculty appeals will follow processes outlined in *University Rule 12.01.99.R1, Academic Freedom and Responsibility*, and/or *University Procedure 32.01.01.R0.01, Grievance and Appeal Process for Faculty Members*, as applicable.
- 3.5.2.2 Nonfaculty employee appeals must be directed to the Chief Human Resource Officer within 10 business days of receipt of the decision or sanction, as applicable, and will be processed in accordance with System Regulation 32.01.01, *Complaint and Appeal Process for Nonfaculty Employees*.
- 3.5.2.3 Student appeals will be conducted in accordance with *University Procedures 13.02.99.R0.06, Code of Student Conduct, and/or 13.02.99.R0.04, Appeal Procedures*, as applicable.

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 [32.01.02, Complaint and Appeal Process for Non-faculty Employees](#)

System Regulation [32.02.02, Discipline and Dismissal of Nonfaculty Employees](#)

University Rule *12.01.99.R1 Academic Freedom and Responsibility*

University Procedure [13.01.99.R0.01 Students With Disabilities](#)

University Procedure [32.01.01.R0.01 Grievance and Appeal Process for Faculty Members](#)

University Procedure [13.02.99.R0.06 Code of Student Conduct](#)

University Procedure [13.02.99.R0.04 Appeal Procedures](#)

University Procedure *08.01.01.R0.01 Civil Rights Compliance Procedure* has been superseded.

Definitions

See System Regulation 08.01.01

Appendix

[Title IX Office](#)

[Counseling Center](#)

[Student Health Services](#)

[System Risk, Fraud & Misconduct Hotline](#)

Contact Office

Office of Human Resources
903.886.5282