

08.01.01. R2 Civil Rights Compliance

Approved August 4, 2016
Revised April 17, 2018
Revised August 14, 2020
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Rule Summary

Texas A&M University-Commerce will provide equal opportunity for employment to all persons regardless of race, color, sex, religion, national origin, age, disability, genetic information, veteran status, sexual orientation or gender identity and will strive to achieve full and equal employment opportunity throughout the university.

No individual will, on the basis of race, color, sex, religion, national origin, age, disability, genetic information, veteran status, sexual orientation or gender identity be excluded from participation in, or be denied the benefit of or be subjected to discrimination under any university program or activity.

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, *Civil Rights Compliance* (hereafter “the Regulation”).

Procedures and Responsibilities

1 DESIGNATED OFFICIAL

- 1.1 The President has the primary responsibility for ensuring compliance with civil rights laws and related system and university policy. As CEO, the President has other duties and responsibilities outlined in the Regulation.
- 1.2 The Chief Ethics & Compliance Officer is the designated official responsible for overseeing the civil rights protection program at A&M-Commerce. The Chief Ethics & Compliance Officer will ensure that all complaints of discrimination are promptly, thoroughly, and equitably investigated and resolved in accordance with this regulation; and will follow up on situations in which discrimination is found to ensure that the situation does not recur.
- 1.3 The Chief Ethics & Compliance Officer will serve as the appellate authority for mandatory and/or discretionary dismissals in accordance with the Title IX regulations.
- 1.4 The University Ethics & Compliance Office is designated to receive and investigate all complaints of discrimination in accordance with section 1.5 of the Regulation.

- 1.5 The Civil Rights Administrator is the designated Title IX Coordinator. The responsibilities of the Title IX Coordinator are outlined in Section 1.2 of the Regulation. The Title IX Coordinator has other duties and responsibilities outlined in the Regulation.
- 1.6 The following employees have been designated as having authority to institute corrective measures: the President, Title IX Coordinator, Deputy Title IX Coordinators, Chief Ethics and Compliance Officer, Chief Human Resources Office, the Provost, and the Dean of Students. An employee with authority to institute “corrective measures” means an employee with authority to redress discrimination for complaints involving only Title IX and sex-based misconduct.

2 RESPONSIBILITIES OF ALL EMPLOYEES AND STUDENTS

- 2.1 Any employee receiving an inquiry or a complaint of discrimination from a local, state or federal agency must immediately inform the Chief Ethics & Compliance Officer who will immediately inform the System Ethics and Compliance Office.
- 2.2 An employee is not required to report an incident in which that employee was a victim of sexual harassment, sexual assault, dating violence, or stalking, or an incident about which the employee received information due to a disclosure made at a sexual harassment, sexual assault, dating violence, or stalking public awareness event sponsored by the member, or by a student organization affiliated with the member, or under circumstances in which the person has either learned of the incident during the course of their employer’s review or process, or has confirmed with the designated office overseeing the review or process, that the incident has been previously reported.
- 2.3 All employees are responsible for ensuring their work and educational environments are free from discrimination. When alleged or suspected discrimination 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. An employee’s failure to report alleged or suspected discrimination may result in disciplinary action, including dismissal.
- 2.4 Employees failing to cooperate with those performing an investigation pursuant to this regulation may be disciplined, up to and including dismissal.
- 2.5 The personnel of the following offices are confidential and not subject to the reporting requirements of this rule. These offices must report provide non-identifying information required under the Regulation to the Civil Rights Administrator within two business days.
 - 2.5.1 Student Health Services (903) 886-5853
 - 2.5.2 Counseling Center (903) 886-5145
 - 2.5.3 Victim Advocacy and Support (903) 886-5791
 - 2.5.4 Employees who serve as assigned Title IX Advisors for the duration of the process.
- 2.6 For additional responsibilities of all employees and students, see the Regulation.

3 CIVIL RIGHTS COMPLAINT PROCESSING

All complaints of discrimination shall follow the process identified in University Procedure 08.01.01R2.01 *Civil Rights Process for Employees and Third Party* and University Procedure, 08.01.01.R2.02 *Civil Rights Process for Students*.

3.1 Complaints

Except for confidential employees, an employee who experiences, observes, or becomes aware of alleged discrimination must promptly report the incident(s) to the Civil Rights Administrator.

3.1.1 If an employee reasonably believes that an incident constitutes sexual harassment, sexual assault, or domestic violence, dating violence, or stalking based on sex 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 ALL INFORMATION KNOWN ABOUT the incident to the Civil Rights Administrator.

3.1.2 Students and third parties (including, but not limited to, anyone receiving services from the member, vendors and private business associates) are strongly encouraged to report the incident(s) promptly to the University Ethics & Compliance Office.

3.1.3 Alleged victim of sexual harassment, sexual assault, or domestic violence, dating violence, or stalking based on sex are encouraged to go to a hospital for treatment and/or preservation of evidence as practicable following an incident.

3.1.4 Any person may report sex discrimination, including sexual harassment (whether or not the person reporting is the person alleged to be the victim of conduct that could constitute sex discrimination) to the Title IX Coordinator:

3.1.4.1 In person: McDowell Business Administration Building, Room 259

3.1.4.2 By mail: Texas A&M University-Commerce, University Ethics & Compliance Office, PO Box 3011, Commerce, TX 75429

3.1.4.3 By telephone: 903-468-3104

3.1.4.4 By email: TitleIX@tamuc.edu

3.1.4.5 [Risk, Fraud & Misconduct Hotline](#), 888-501-3850, for anonymous reporting

- 3.1.5 Complaints against the President/CEO, an employee who reports directly to a CEO or the Title IX Coordinator will be received, investigated and equitable resolved by the System Ethics and Compliance Office.

Janet Gordon
System Ethics and Compliance Officer
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- 3.1.6 Complaints of suspected discrimination must contain as much specific information as possible to allow for proper assessment of the nature, extent and urgency of preliminary investigative procedures.

- 3.1.7 Any employee receiving a complaint or report of discrimination must inform the Civil Rights Administrator 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 and Adjudications

- 3.2.1 The Civil Rights Administrator 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. The administrator will also identify the designated administrator to receive the completed investigation report and render a decision on the merits of the complaint.

3.2.1.1 Reports of inappropriate employee or student conduct that do not constitute discrimination will be responded to in accordance with appropriate system/university processes.

- 3.2.2 Section 4 of the Regulation provides additional timeframes for complaint processing and resolution. Requests for extensions to these timeframes must be made to the designated civil rights administrator in writing and will be in 15 business day increments.

- 3.2.3 The Civil Rights Administrator shall provide the Chief Ethics & Compliance Officer with periodic updates on all complaints and investigations and 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 and any sanction(s) to be imposed in writing to the designated civil rights administrator, the individual subjected to the alleged discrimination, the respondent(s), the investigative authority, and the respondent's supervisor/department head(s) within five business days after receiving the investigative authority's report.

3.4 Sanctions

All sanction processes will comply with the requirements set forth in University Procedure *08.01.01R2.01, Civil Rights Process for Employees and Third Party* or University Procedure *08.01.01.R2.02 Civil Rights Process for Students*.

3.4.1 Employee sanctioning may range from a written reprimand, suspension without pay, transfer, demotion and/or reduction in salary, or dismissal.

3.4.2 Student sanctioning may range from warning, reprimand/censure, disciplinary probation, suspension, or expulsion.

3.5 Appeals

All appeal processes will comply with the requirements set forth in University Procedure *08.01.01R2.01, Civil Rights Process for Employees and Third Party* or University Procedure *08.01.01.R2.02 Civil Rights Process for Students*.

3.5.1 The appeal authority for employees and third parties is the Employee Appeal Committee. See 08.01.01.R2.01.

3.5.2 The appeal authority for students is the University Hearing Board. See 08.01.01.R0.02.

Related Statutes, Policies, or Requirements

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

University Procedure [08.01.01.R2.01 Civil Rights Complaints for Employees and Third Party](#)

University Procedure [08.01.01.R2.02 Civil Right Complaints for Students](#)

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

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

Appendix

[Title IX Office](#)

[Counseling Center](#)

[Student Health Services](#)

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

Contact Office

University Ethics & Compliance Office
903.886.5996