



The Texas A&M University System  
Texas A&M Engineering Extension Service

## Agency Rules

### 08.01.01.N1 Civil Rights Compliance

Approved: August 26, 2016

Revised: August 14, 2020

Reviewed: March 31, 2022

Next Scheduled Review: March 31, 2027

#### Rule Summary

Texas A&M Engineering Extension Service (TEEX) will provide equal opportunity to all employees, participants, applicants for employment, and the public. TEEX prohibits employees, participants and third parties from engaging in discrimination on the basis of race, color, sex, religion, national origin, age, disability, genetic information, veteran status, sexual orientation or gender identity.

All complaints, appeals, or reports of discrimination received by TEEX will be appropriately reviewed, and addressed in accordance with this rule.

This rule supplements the Texas A&M University System (System) Regulation 08.01.01, *Civil Rights Compliance*, and designates the official contacts for receipt and processing of reports, 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 does not apply to responses to inappropriate employee or participant conduct that does not constitute discrimination under this rule. See TEEX SAP 13.99.99.N0.04 *Participant Complaint and Appeal Process*, TEEX Student Code of Conduct and TEEX SAP 31.02.02.N1.01 *Complaint and Appeal Process*, TEEX SAP 32.02.012.N0.02 *Discipline and Dismissal*, TEEX Employee Code of Conduct.

#### Rule

##### 1. RESPONSIBLE OFFICES

- 1.1 TEEX Agency Director has the primary responsibility for ensuring compliance with civil rights laws and related system policy.
- 1.2 The Agency Director has designated the Human Resources Officer (HRO) to oversee the civil rights protections program.
  - 1.2.1 The official contact for complaints involving TEEX employees and third parties is the HRO.

1.2.1.1 Student employees are considered an employee for the purpose of these procedures.

1.2.2 The official contact for complaints involving TEEX participants is TEEX Title IX Coordinator. The Agency Director has designated the Risk and Compliance Manager as the TEEX Title IX Coordinator.

The Title IX Coordinator's contact information is below:

Risk and Compliance Manager  
Strategic and Education Services (SES)  
200 Technology Way  
College Station, TX 77845-3424  
[studentservices@teex.tamu.edu](mailto:studentservices@teex.tamu.edu)  
979.458.6057

1.2.3 The following employees have authority to institute corrective measures: HRO and Title IX Coordinator. 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 PARTICIPANTS**

2.1 All employees are responsible for ensuring their work and educational environments are free from discrimination.

When alleged or suspected discrimination is experienced, observed by or made known to an employee in the course and scope of their employment, the employee is responsible for promptly reporting that information as outlined in Section 3.1. An employee's failure to report alleged or suspected discrimination may result in disciplinary action, including dismissal. An employee will be dismissed if it is determined that the employee knowingly failed to make a required report, or that the employee, with the intent to harm and deceive, knowingly made a report that is false.

2.2 All employees must cooperate fully with those performing an investigation pursuant to this rule. Employees failing to cooperate with those performing an investigation pursuant to this rule may be disciplined, up to and including dismissal.

2.3 Participants and third parties are strongly encouraged to cooperate fully with those performing an investigation.

2.4 No employee or participants may retaliate against a person for filing a complaint or participating in an investigation under this rule. Those found to have retaliated, or intentionally provided false or materially misleading information regarding alleged discrimination under this rule, may be disciplined, up to and including dismissal or expulsion, in accordance with TEEX SAP 32.02.012.N0.02 *Discipline and Dismissal*, and TEEX *Student Code of Conduct*.

- 2.5 All employees are responsible for complying with state law requiring system training on equal opportunity and nondiscrimination within 30 days of hire and every two years thereafter.

### 3. CIVIL RIGHTS COMPLAINT PROCESSING

#### 3.1 Reporting

- 3.1.1 Complaint procedures may be initiated by filing a written complaint with the TEEX Human Resources Office in accordance with Section 4.1 of System Regulation *08.01.01, Civil Rights Compliance*. Individuals wishing to submit an anonymous report may do so through *Ethics Point* or *File a Complaint*, both electronic reporting options.
- 3.1.2 Reports 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. Anonymous reporting may limit TEEX's ability to respond to the allegation.
- 3.1.3 Any employee who is verbally informed of any act that may be considered discrimination is required to contact the TEEX HRO immediately.
- 3.1.4 The Title IX coordinator will submit a quarterly report to the Agency Director on the complaints of sexual harassment, sexual assault, dating violence, or stalking alleged to have been committed by or against a person who was a participant or an employee of the institution at the time of the incident.

#### 3.2 Investigations

Upon receipt of the report of discrimination, the HRO or the Title IX Coordinator will review and determine if there is sufficient information to proceed with an investigation or if additional information is needed. They will also report the complaint to System Ethics and Compliance Office (SECO) and the Office of General Council (OGC) in writing within two (2) business days for its receipt.

The HRO or Title IX Coordinator will forward the report to an investigative authority of one or more annually trained individuals, within five (5) business days to conduct a formal investigation to discover and examine the facts related to an allegation.

Complaints will be investigated and adjudicated following processes specific to 1) the Title IX, 2) Sex- Based Misconduct or 3) all other civil rights complaint in accordance with Section 4.2 of System Regulation *08.01.01 Civil Rights Compliance*.

For complaints alleging sexual harassment or sex-based misconduct, investigation reports will follow the requirements of Section 4.2.10 of System Regulation *08.01.01, Civil Rights Compliance*.

For other civil rights complaints under Section 4.2.12 of System Regulation 08.01.01, *Civil Rights Compliance*, investigators must conclude whether or not the alleged behavior took place or there was insufficient evidence to establish that the behavior occurred or not. However, investigators will not make a determination on whether the behavior establishes a violation of system or member regulations or rules. Reports should not contain speculation, opinions, findings, decisions, or recommendations for sanctions.

In all investigations and subsequent decisions, the standard used to determine the merit of the allegations(s) is the preponderance of evidence (i.e., more likely than not).

### 3.3 **Decisions**

3.3.1 Complaints will be adjudicated in accordance with the applicable provisions of System Regulation 08.01.01, *Civil Rights Compliance*: Section 4.2.10 (Title IX); Section 4.2.11 (sex-based misconduct); or Section 4.2.12 (all other civil rights complaints).

3.3.2 For a complaint against a TEEEX employee or third party, the HRO is designated to review the investigation report and render a decision of responsibility in consultation with OGC and SECO.

3.3.3 For a complaint against a TEEEX participant, the Ethics and Compliance Officer is designated to review the investigation report and render a decision of responsibility in consultation OGC and SECO.

3.3.4 Designated administrators will complete annual training specific to their roles in accordance with requirements established by SECO.

### 3.4 **Sanctions**

3.4.1 If violations of regulations, rules, SAPS, codes, and policies are determined, the draft decision will also include sanctions.

3.4.2 For TEEEX employees and third parties:

3.4.2.1 Sanctioning decisions involving employees will be made in consultation with OGC. Sanctions may include written warning or reprimand, required training and/or counseling, “no contact” order, probation, temporary suspension with or without pay, or dismissal from employment or program participation.

3.4.2.2 An employee that is found responsible of sexual harassment or engaging in sex-based misconduct of another TEEEX employee or participant will be dismissed.

3.4.3 For TEEEX Participants:

3.4.3.1 Sanctions involving participants may include written warning or reprimand, required training and/or counseling, “no contact” order probation, suspension or expulsion as outlined in Section

4.5.3 of the System Regulation 08.01.01, *Civil Rights Compliance and TEEEX Sanctioning matrix*.

### 3.5 Appeals

#### 3.5.1 Appeal of Decisions and/or Sanctions – Allegations of Sex Discrimination.

A complainant and/or respondent may appeal the TEEEX designated administrator's decision and sanction, but only on the bases outlined in System Regulation 08.01.01, *Civil Rights Compliance*.

3.5.1.1 Appeals must be made in writing to the TEEEX Deputy Director within (5) business days of receipt of the decision.

3.5.1.2 If no appeal is filed within five (5) business days of the receipt of the written decision, the decision will be final and the case closed.

#### 3.5.2 Appeals– Allegations of Discrimination Not Based on Sex.

A respondent found to have discriminated or retaliated against an individual on a basis not related to sex may appeal the sanction, but not the finding, in accordance with TEEEX SAP 32.01.02.N1.01, *Complaint and Appeal Process for Nonfaculty Employees*, TEEEX SAP 13.99.99.N0.04 *Participant Complaint and Appeal Process*, other TEEEX rules and procedures as appropriate.

#### 3.5.3 All Appeals

3.5.3.1 In order to avoid the appearance of a conflict of interest, appeals on any of these bases must be directed to an authority who had no previous involvement and/or participation in the investigation and/or decision.

3.5.3.2 For a complaint against a TEEEX employee or third party, the Deputy Director is the appellate authority.

3.5.3.3 For a complaint against a TEEEX participant, the Chief Operating Officer is the appellate authority.

3.5.3.4 The appellate authorities will complete annual training specific to their roles in accordance with requirements established by SECO.

3.5.3.5 The appeal will be confined to a review of the written documentation and record of the investigation and/or hearing, and pertinent documentation regarding the grounds for appeal as outlined in Section 4.5 of System Regulation 08.01.01, *Civil Rights Compliance*.

3.5.3.6 The appellate authority may reach one of the following outcomes: a) affirm the original finding and sanction; b) affirm

the finding and modify the sanction; or c) remand the case to a new hearing or review.

### 3.6 Information Resolution

At any time prior to the determination of a final decision, the parties may seek informal resolution to resolve the complaint under the conditions outlined in Section 4.6 System Regulation 08.01.01, *Civil Rights Compliance*.

## Related Statutes, Policies, or Requirements

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

[System Regulation 08.01.01, Civil Rights Compliance](#)

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

[System Regulation 32.01.02, Complaint and Appeal Process for Nonfaculty Employees](#)

[TEEX Standard Administrative Procedure 32.01.02.N1.01 Complaint and Appeal Process for Nonfaculty Employees.](#)

[TEEX Standard Administrative Procedure 13.99.99.N0.04 Participant Complaint and Appeal Process](#)

TEEX Form HR-02 Formal Complaint and Appeal

TEEX Sanction Guidelines

## Contact Office

TEEX Human Resources Office

(979) 458-6801