Rule Statement

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

Reason for Rule

This rule supplements The Texas A&M University System (A&M System) Regulation 08.01.01, Civil Rights Compliance, and designates the official contacts for receipt, investigation, and resolution of illegal discrimination, sexual harassment, and/or related retaliation complaints as required by A&M System Regulation 08.01.01.

Procedures and Responsibilities

1. RESPONSIBILITIES OF ALL EMPLOYEES AND PARTICIPANTS

   1.1 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 related retaliation is experienced or observed by or made known to an employee, the employee is responsible for reporting that information as outlined in Section 2.1.

   1.2 Many problems can be resolved through discussions between the reporter and the immediate supervisor or division director, as appropriate. The reporter or supervisor is encouraged to contact Texas A&M Engineering Extension Service (TEEX) Human Resources for guidance.

   1.3 All employees, participants, and students should cooperate fully with those performing an investigation pursuant to this regulation. No employee, participant, or student may retaliate against a person for participating in an investigation under this regulation.

   1.4 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.
2. FILING A COMPLAINT OF ILLEGAL DISCRIMINATION, SEXUAL HARASSMENT, OR RELATED RETALIATION

2.1 Complaints: The agency director has designated the Human Resources Director as the official contact for complaints of illegal discrimination, sexual harassment, and/or related retaliation. 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. The complaint will then be assigned to an Official Contact of the Texas A&M Engineering Extension Service as listed below:

2.1.1 Participants: A complaint against a participant may be directed to the appropriate division director, who may appoint an investigating authority in consultation with the TEEX Human Resources Officer (HRO).

2.1.2 TEEX Employee: A complaint filed against a TEEX employee will be processed by the HRO, who may appoint an investigating authority.

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

2.1.3 Unrelated Third Party: Unrelated third party refers to an individual who is not a program participant or TEEX employee. A complaint filed against an unrelated third party regarding that party’s conduct on TEEX property or at an agency-sponsored activity shall be directed to the HRO, who may appoint an investigating authority or address the allegations directly.

2.2 Verbal report of discrimination, sexual harassment, or related retaliation.
Any employee who is verbally informed of any act that may be considered illegal discrimination, sexual harassment, and/or related retaliation is required to contact the TEEX HRO immediately. The HRO will then assign responsibilities for processing the report outlined in section 2.1.

2.3 Investigations
Upon receipt of the complaint, appeal and/or report of illegal discrimination, sexual harassment, and/or related retaliation, the HRO will review and determine if there is sufficient information to proceed with an investigation or if additional information is needed. The process will be in accordance with section 4.2 of System Regulation 08.01.01 Civil Rights Compliance.

2.4 Decisions
2.4.1 The HRO will review the investigation report and render a decision in writing to the individual(s) subjected to the alleged illegal discrimination, sexual harassment and/or related retaliation, respondent(s), the investigative authority and the respondent’s division director or department
head within five business days after receiving the investigative authority’s report. Circumstances may warrant an extension of the time frame in this section.

2.4.2 Investigation reports may conclude that each allegation is substantiated, unsubstantiated, or there is insufficient evidence to determine whether or not the allegation is substantiated. 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).

2.5 **SANCTIONS**

2.5.1 The designated administrator or designee may decide sanctions are warranted based on the investigation. Sanctions may include reprimand, required training, temporary suspension with or without pay, or dismissal from employment or program participation.

2.6 **Appeals**

2.6.1 Appeal of Finding – Allegations of Sex Discrimination.

2.6.1.1 The individual subjected to the alleged illegal discrimination, sexual harassment, and/or related retaliation and/or respondent may appeal the TEEX Official’s decision and sanction, but only on the bases outlined in A&M Regulation 08.01.01.

2.6.1.2 Appeals are filed by completing form HR-02 and delivering the form to the TEEX Deputy Director within five (5) business days of receipt of the findings and/or sanctions. An appeal delivered to the TEEX Deputy Director later than five (5) business days after receipt of the findings may be deemed untimely filed and dismissed.

2.6.2 Appeal of Findings and/or Sanctions – Allegations of Illegal Discrimination and/or Related Retaliation Not Based on Sex.

2.6.2.1 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 TEEX SAP 32.01.02.N1.01, Complaint and Appeal Process for Nonfaculty Employees, or other TEEX rules and procedures as appropriate.

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**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.

Contact Office

TEEX Human Resources Office (979)458-6801