

08.01.01.C1 Civil Rights Compliance

Approved: September 27, 2016
Next Scheduled Review: September 27, 2021



Rule Statement

Texas A&M University-Corpus Christi (TAMUCC) provides equal opportunity for employment to all persons regardless of race, color, sex, sexual orientation, gender identity, religion, national origin, age, disability, genetic information, or veteran protected status. No individual will, on the basis of protected status, be excluded from participation in, or be denied the benefit of, or be subjected to illegal discrimination under, any University program or activity.

Furthermore, Texas A&M University-Corpus Christi is committed to creating and maintaining a campus environment where all individuals are treated with respect and dignity and where all are free to participate in a lively exchange of ideas. Each student has a right to learn and each employee has the right to work in an environment free of illegal discrimination, sexual harassment, and/or related retaliation.

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

Reason for Rule

This rule outlines the receipt, investigation, and resolution of illegal discrimination, sexual harassment, and/or related retaliation complaints or appeals.

Procedures and Responsibilities

1. Civil Rights Protections program oversight
 - 1.1. The President/CEO designates the Director of Employee Development & Compliance Services/Title IX Coordinator as the person responsible for overseeing TAMUCC's civil rights protection program. The Director, Employee Development & Compliance Services/Title IX Coordinator, will (1) ensure that all allegations of illegal discrimination, sexual harassment, and/or related retaliation are promptly, thoroughly, and equitably investigated and resolved; (2) periodically follow up on situations in which illegal discrimination, sexual harassment and/or related retaliation is found to ensure that the situation does not recur; (3) develop, conduct, coordinate, and oversee campus civil rights

compliance training; and (4) provide periodic updates to managers and the campus community regarding the civil rights compliance program.

1.2. The Department of Employee Development & Compliance Services/Title IX Coordinator will serve as the campus investigative authority. The vice president over the division in which the respondent is located will appoint a designated administrator (or serve as the designated administrator) to decide the merits of the allegations, in consultation with the Director of Employee Development & Compliance Services/Title IX Coordinator or designee. If the complainant or respondent is a vice president, the President will designate a different vice president or other senior administrator to serve as the designated administrator.

2. Responsibilities of all employees and students

2.1. Employees and students are prohibited from illegally discriminating, sexually harassing, and/or retaliating against any person in TAMUCC's educational programs, activities, admission, and employment.

2.2. When alleged or suspected discrimination, sexual harassment and/or retaliation is experienced or observed by, or made known to, an employee, the employee is required to report that information as outlined in this rule.

2.3. Any employee or student who experiences, observes, or becomes aware of illegal discrimination, sexual harassment, and/or related retaliation should promptly report the incident(s) to his or her supervisor, dean, Dean of Students, or the Department of Employee Development & Compliance Services/Title IX Coordinator. Any person receiving a complaint/report from an employee, student, or third party should notify the Department of Employee Development & Compliance Services/Title IX Coordinator as soon as possible, but preferably not later than one working day after receiving the complaint/report.

2.4. Complaints/reports can be made in person at the Department of Employee Development & Compliance Services/Title IX Coordinator (Corpus Christi Hall 130), by phone (361-825-5826), or via the campus online Complaint Resolution webpage form found at <http://www.tamucc.edu/marcom/complaints/>.

2.5. A third party (including, but not limited to, anyone receiving services from the university, vendors, and private business associates) should promptly report the incident(s) involving an employee or student to the Department of Employee Development & Compliance Services/Title IX Coordinator.

3. Complaint investigation and resolution procedures

3.1. An employee's or student's complaint or appeal alleging illegal discrimination, sexual harassment, and/or related retaliation unrelated to discipline and/or dismissal should be filed with the Office of Employee Development & Compliance Services Department/Title IX Coordinator within 90 calendar days of the most recent incident or it may be deemed untimely filed and dismissed.

3.2. An employee's or student's complaint or appeal alleging illegal discrimination, sexual

harassment, and/or related retaliation in connection with discipline and/or dismissal should be filed with the Department of Employee Development & Compliance Services/Title IX Coordinator within 10 business days of the action that caused the complaint or it may be deemed untimely filed and dismissed.

- 3.3. The Department of Employee Development & Compliance Services/Title IX Coordinator (investigative authority) will review each report, complaint, and/or appeal, interview witnesses (if applicable), review relevant documentation and other evidence, and prepare a draft investigation report for review by TAMUS and the TAMUCC designated administrator in accordance with System Regulation 08.01.01, Civil Rights Compliance.
- 3.4. Upon receipt of a completed investigation report, the designated administrator will review the report and will issue a written decision regarding the merits of the complaint to the complainant, respondent, investigative authority, and respondent's supervisor and department head within five (5) business days of receiving the investigative authority's report. Except in cases of alleged sex discrimination, including sexual harassment and sexual violence, this will be the final decision regarding the merits of the complaint. Supervisor(s) will impose sanctions, if any, within a reasonable amount of time in consultation with Human Resources and in accordance with applicable System policies and regulations and/or university rules and procedures.
- 3.5. In the case of a complaint against a student, the investigative authority's report shall be directed to the Dean of Students, who will resolve the complaint in accordance with the judicial process described in the *Student Code of Conduct*. Graduate students who hold a teaching appointment will be considered faculty for the purpose of this rule.
- 3.6. Privacy (restricting information to those with a reasonable need to know) will be maintained throughout the entire investigatory process to the extent practicable and appropriate under the circumstances. The university cannot guarantee confidentiality (a form of privileged communication) except when information is provided to licensed health care personnel or licensed sexual assault advocates when acting in this capacity as part of their official employment.
4. Appeals of finding(s) and/or sanction(s) regarding sex discrimination, sexual harassment and/or related retaliation
 - 4.1. A request for appeal of the decision or sanction must be submitted in writing to the Department of Employee Development & Compliance Services/Title IX Coordinator within 5 business days of receiving the designated administrator's decision or supervisor's sanction.
 - 4.2. The appeal may be made only on the following bases, as provided by System regulation:
 - 4.2.1. A procedural error or omission that significantly impacted the outcome;
 - 4.2.2. New evidence, unknown or unavailable during the investigation, that could have significantly impacted the outcome; or
 - 4.2.3. The appropriateness or severity of the sanction(s).
 - 4.3. The Department of Employee Development & Compliance Services/Title IX Coordinator

will forward appeals on any of the bases listed in 4.2 to the designated administrator, whose decision regarding the appeal will be final. The appeal may 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. The appeal does not create an entitlement to a new investigation or a full re-hearing of the complaint.

- 4.4. Student appeals of findings and/or sanctions will be follow the [*Student Code of Conduct*](#) Student Judicial Process.
5. Appeals of sanction(s) in cases not involving sex discrimination, sexual harassment and/or related retaliation may be made in accordance with [*System Policy 12.01, Academic Freedom, Responsibility and Tenure*](#); [*System Policy 32.01, Employee Compliant and Appeal Procedures*](#); [*System Regulation 32.01.01, Complaint and Appeal Procedures for Faculty Members*](#); [*System Regulation 32.01.02, Complaint and Appeal Process for Nonfaculty Employees*](#), and/or other System policies/regulations or University rules/procedures as appropriate.
6. Follow up
 - 6.1. After the conclusion of an investigation, the Department of Employee Development & Compliance Services/Title IX Coordinator or Deputy Title IX Coordinator will follow-up with the complainant/reporter and supervisors, as appropriate, to verify that the discriminatory, harassing, and/or retaliatory conduct/actions have not recurred.
 - 6.2. Counseling services are available to students at the University Counseling Center. Counseling services for employees are available through the Employee Assistance Program.

Related Statutes, Policies or Requirements

RELATED STATUTES, POLICIES, OR REQUIREMENTS

[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 32.01.01 Complaint and Appeal Procedure for Faculty Members](#)

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

[University Rule 12.01.99.C0.02 Academic Freedom](#)

[University Student Code of Conduct](#)

NEW RULE SUPERSEDES

University Rule 34.01.99.C1 Harassment

University Rule 34.01.99.C1.01 Grievance Procedure for Harassment Complaints

Contact Office

Contact for interpretation and clarification: Employee Development & Compliance Services
Department, Corpus Christi Hall (CCH) 130, 361-
825-2765