

## 08.01.01.C1 Civil Rights Compliance

Revised: September 10, 2019  
Next Scheduled Review: September 10, 2024  
[Revision History](#)



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### Rule Summary

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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.

When alleged or suspected discrimination, harassment, and/or related retaliation is experienced or observed by, or made known to, an employee, including student employees, the employee is responsible for reporting that information as outlined below.

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

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### Definitions

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See system regulation *08.01.01, Civil Rights Compliance* for definitions.

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### Rule

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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 TAMU-CC's civil rights protection program. The Director of 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 is the campus investigative authority. The vice president over the division in which the employee respondent is assigned will serve as the designated

administrator or appoint (in consultation with the Director of Employee Development & Compliance Services/Title IX Coordinator) a supervisor from within their division to serve as designated administrator and decide the merits of the allegations. The chancellor or designee will serve as the designated administrator in complaints against the President or an employee who reports directly to the President.

- 1.3. If the respondent is a student, the complaint will be forwarded to Student Conduct & Community Standards for appropriate action as outlined in the *Student Sexual Misconduct Process*.

## 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 TAMU-CC'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. An employee's (includes student employees) failure to report alleged or suspected discrimination may result in disciplinary action up to and including termination of employment.

Any student who experiences, observes, or becomes aware of illegal discrimination, sexual harassment, and/or related retaliation should promptly report the incident(s) to Employee Development & Compliance Services/Title IX Coordinator (Investigative Authority). 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 not later than one working day after receiving the complaint/report.

- 2.3. 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/>, or anonymously via the Texas A&M University System Risk, Fraud & Misconduct Hotline (<https://secure.ethicspoint.com/domain/media/en/gui/20499/index.html>).
- 2.4. 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

- 3.1. An employee's or student's complaint alleging illegal discrimination, sexual harassment, and/or related retaliation unrelated to discipline and/or dismissal should be reported to the Office of Employee Development & Compliance Services Department/Title IX Coordinator as soon as possible after the action that caused the complaint.

- 3.2. The Office of Employee Development & Compliance Services Department/Title IX Coordinator will offer the complainant(s), the respondent(s), and other affected students/employees interim protections or remedies, such as, but not limited to: physical separation, contact limitations, alternative work, or other arrangements, academic accommodations, and/or counseling services. Failure to comply with the terms of interim protections may be considered a separate violation of system policies and regulations and campus rules and procedures.
- 3.3. The Department of Employee Development & Compliance Services/Title IX Coordinator (Investigative Authority) will review each report, and /or complaint, interview witnesses (if applicable), review relevant documentation and other evidence, and prepare a draft investigation report for review by system in accordance with system regulation *08.01.01, Civil Rights Compliance*.
- 3.4. At any point in the process, an employee may be suspended with pay, reassigned, and/or placed in another type of temporary status pending completion of the investigation and final resolution of the allegations. This is not a disciplinary action and is delegated to the respective Designated Authority.
- 3.5. For a complaint against an employee or third party, the designated administrator will review the investigation report and provide a draft decision to OGC for review within five business days after receiving the investigative authority's report. The designated administrator will have five business days to finalize the decision and provide it to the complainant(s), the respondent(s), and the investigative authority. In cases where the allegations are substantiated, the final decision will also be provided to the respondent's supervisor. 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. When an employee is found to have sexually harassed (as defined by this regulation) another member of the university or agency community, the sanction will be termination of employment.
- 3.6. In the case of a complaint against a student, the investigative authority's report shall be directed to the Associate Dean of Students, who will resolve the complaint in accordance with the process described in the *Student Sexual Misconduct Process*. Graduate students who hold a teaching appointment will be considered faculty for the purpose of this rule.
- 3.7. Privacy (restricting information to those with a compelling 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/counseling personnel or licensed sexual assault advocates when acting in this capacity as part of their official employment.
- 3.8. In cases related to employees the designated administrator may issue appropriate sanctions or may delegate the sanctioning decision to a supervisor within the employee's management authority. Sanctioning decisions involving employees must be determined in consultation with OGC. The sanctioning authority may review an unredacted copy of the investigation report and exhibits.

- 3.9. In cases of students, the designated administrator is a hearing body designated by Student Conduct & Community Standards. The sanctioning authority may review an unredacted copy of the investigation report and exhibits.
4. Appeals of Decision and/or Sanction(s) Regarding Allegations of Sex Discrimination,
- 4.1. An employee's 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. Student appeals will follow the process outlined in the *Student Sexual Misconduct Process*.
- 4.2. Appeals may be made only on the following bases, as provided by system regulation:
- (a) A procedural error or omission that significantly impacted the outcome;
  - (b) New evidence, unknown or unavailable during the investigation, that could have significantly impacted the outcome; or
  - (c) The appropriateness or severity of the sanction(s).
- 4.3. The Department of Employee Development & Compliance Services/Title IX Coordinator will forward employee appeals on any of the bases listed in 4.2 to a vice president identified by the President/CEO to serve as the appellate authority. The appellate authority, who had no previous involvement and/or participation in the investigation and/or decision, will review and render a decision regarding the appeal. 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. The appeal does not create an entitlement to a new investigation or a full re-hearing of the complaint. The decision of the appellate authority is final.
- 4.4. Student appeals of conclusions and/or sanctions will follow the process that is outlined in the *Student Sexual Misconduct Process*.
5. Appeals
- Allegations of employee discrimination not based on sex and related sanction(s)/discipline may be appealed 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 reoccurred.

- 6.2. Counseling services are available to students at the University Counseling Center. Counseling services for employees are available through the Employee Assistance Program.

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## Related Statutes, Policies or Requirements

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

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

System Regulation [08.01.02, Civil Rights Protections for Individuals with Disabilities](#)

System Policy [12.01, Academic Freedom, Responsibility and Tenure](#)

System Policy [32.01, Employee Complaint and Appeal Procedures](#)

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 Procedure [08.01.01.C1.01, Student Pregnancy and Parenting Support](#)

University Procedure [08.01.01.C1.02, Student Sexual Assault Incident Coordination](#)

University Procedure [08.01.01.C1.03, Employee Request for Religious Accommodations](#)

University Procedure [08.01.02.C0.01, Employee/Applicant Requests for Reasonable Accommodations Under the ADA](#)

University Procedure [08.01.02.C0.02, Accommodations at University Facilities and Events](#)

University Procedure [08.01.02.C0.03, Service and Emotional Support Animals](#)

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

University [Student Code of Conduct](#)

[Student Sexual Misconduct Process](#)

This rule supersedes:

- [34.01.99.C1, Harassment](#)
- [34.01.99.C1.01, Grievance Procedure for Harassment Complaints](#)

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## Contact Office

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Contact for interpretation and clarification: Employee Development & Compliance Services,  
Title IX Coordinator  
(361) 825-2765