

08.01.01.K1 Civil Rights Compliance



Approved June 01, 2011
Revised September 8, 2014
Revised March 8, 2016
Revised August 5, 2019
Next Scheduled Review: August 5, 2024

Rule Statement

Texas A&M University-Kingsville (TAMUK) will provide equal opportunity to all employees, students, applicants for employment and admission, and the public regardless of race, color, religion, sex, sexual orientation, gender identity, national origin, disability, age, genetic information or veteran status.

Reason for Rule

This Rule outlines civil rights protections and designates the Director of Compliance as the contact person responsible for overseeing the civil rights protections program at TAMUK in compliance with System Policy *08.01, Civil Rights Protections and Compliance*, and System Regulation *08.01.01, Civil Rights Compliance* (the “Regulation”). Complaints of illegal discrimination, sexual harassment and/or related retaliation concerning a TAMUK employee or student shall be submitted, investigated and resolved in accordance with this rule.

Procedures and Responsibilities

1. RESPONSIBILITIES OF THE PRESIDENT AND THE DIRECTOR OF COMPLIANCE

- 1.1 The President of the University has the primary responsibility for ensuring compliance with civil rights laws and regulations, including but not limited to the prohibition of illegal discrimination, sexual harassment, and/or related retaliation based on race, color, religion, sex, sexual orientation, gender identity, national origin, disability, age, genetic information or veteran status.
- 1.2 The President designates the Director of Compliance as the contact person responsible for overseeing the civil rights protections program at TAMUK in compliance with the Regulation.
- 1.3 The Director of Compliance, in coordination with the System Ethics and Compliance Office and the Office of General Counsel, will ensure that all allegations of illegal discrimination, sexual harassment, and/or related retaliation are promptly, thoroughly, and equitably investigated and resolved. The Director of Compliance and/or Title IX

Coordinator will periodically follow up on situations in which illegal discrimination, sexual harassment, and/or related retaliation has been found, to ensure that the situation does not recur. The Director of Compliance will also develop, conduct, coordinate and oversee civil rights compliance training and provide periodic updates to managers and the campus community regarding the civil rights compliance program.

- 1.4 The Director of Compliance will coordinate with the Executive Director of Human Resources to ensure that all advertising-required job openings are posted with the Texas Workforce Commission and that all employment vacancy announcements affirm equal employment opportunity. The Director of Compliance will also coordinate with the Associate Vice President of Support Services to ensure that all purchase orders, bid requests, and other such documents sent to suppliers, contractors, and subcontractors contain an appropriate statement to conform to affirmative action requirements and the system's historically underutilized businesses program.

2. RESPONSIBILITIES OF ALL EMPLOYEES AND STUDENTS

The responsibilities of employees and students are outlined in section 2 of System Regulation *08.01.01, Civil Rights Compliance*.

3. PROCEDURES

- 3.1 The procedures to be followed by TAMUK employees or students in relation to alleged discrimination, sexual harassment, and/or related retaliation are outlined in section 4 of the Regulation.
- 3.2 All complaints filed against an employee or third party pursuant to this regulation must be filed in the Office of Compliance. Complaints against a student pursuant to this regulation should be filed in the Office of the Dean of Students. However, all allegations of sexual harassment or other sex discrimination will be referred to the university's Title IX Coordinator, who reports to the Director of Compliance.
- 3.3 The Director of Compliance will assign an investigative authority to review each complaint and a designated administrator to render a written decision on each complaint. Complaints against students will be handled in accordance with procedures specified in the Student Handbook,
- 3.4 Sanctions, if any, will be imposed in accordance with System Regulation *08.01.01*, System Policy *12.01*, System Policy *32.02*, System Regulation *32.02.02*, and/or the TAMUK Code of Student Conduct, as applicable.
- 3.5 Section 4.6 of the Regulation sets forth the permitted bases of appeal. The complainant and/or the respondent may appeal the decision and sanctions in a sex discrimination case, all other decisions are final and may not be appealed by either party. Sanctions in all other cases may only be appealed by the respondent.
 - 3.5.1 In sex discrimination cases where the respondent is a student, appeals of the decision must be made in writing within three business days after notification of the initial decision and directed to the Vice President over Student Affairs, in accordance with the *TAMUK Student Code of Conduct*. An appeal filed pursuant

to this section will be administered following the process detailed in the student handbook. Where the respondent is an employee, appeals must be made in writing within three business days after the notification of the initial decision and directed to the Director of Compliance, who will assign an appropriate administrator to hear the appeal, and that administrator's decision will be final.

3.5.2 Appeals of sanctions against an employee must be filed with the Director of Compliance within three business days of notification of the sanction, and will be processed in accordance with *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 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. Appeals of sanctions against a student will be handled in accordance with the Student Code of Conduct.

3.5.3 Regardless of the method of resolution or the outcome, reporters may at any time file a complaint with any local, state or federal civil rights office, including the Equal Employment Opportunity Commission, the Texas Workforce Commission's Civil Rights Division, and/or the U.S. Department of Education's Office for Civil Rights.

4. DISABILITIES

4.1 Reasonable accommodations for individuals with disabilities are discussed in *System Regulation 08.01.02*. Requests for accommodations by employees, third parties, and the public should be addressed to the Executive Director of Human Resources.

4.2 Student disability accommodation issues will be handled by the Disability Resource Center. All student discrimination complaints including disability will be handled by the Director of Compliance.

5. RETALIATION

5.1 Retaliatory action of any kind is prohibited when taken against a complainant, witness or other person participating in a discrimination, sexual harassment and/or related retaliation investigation, complaint, hearing or lawsuit. Such retaliatory action(s) will be regarded as a separate and distinct cause for complaint and possible disciplinary action, including dismissal and/or expulsion.

Related Statutes, Policies, or Requirements

[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](#)

Definitions

Refer to System Regulation *08.01.01, Civil Rights Compliance*, for any applicable definitions.

Contact Office

Office of Compliance
(361) 593-4758