

08.01.01.K1 Civil Rights Compliance



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Rule Summary

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.

System Policy *08.01* on Civil Rights Protections and Compliance establishes civil rights protections prohibiting discrimination against employees, students, applicants for employment or admission, or the public. System Regulation *08.01.01* on Civil Rights Compliance (the “Regulation”) establishes system wide standards for the reporting, review, and resolution of civil rights-based complaints that is in conformity with federal and state law.

This rule outlines civil rights protections and designates the Chief Compliance Officer as the contact person responsible for overseeing the civil rights protections program at TAMUK in compliance with System policy and regulation referenced above. The purpose of this member rule is to define the rules and processes by which the policy and regulation will be enforced at TAMUK. Complaints of discrimination concerning a TAMUK employee, student, or third party shall be submitted, investigated and resolved in accordance with this rule.

Definitions

Deputy Title IX Coordinator – an employee designated and authorized to assist the Title IX Coordinator in receiving reports and implementing corrective measures.

Hearing Facilitator Advisor – an employee assigned to facilitate the hearing process and communicate the findings from the hearing panel to the parties of a complaint. The hearing facilitator advisor does not serve as a voting member of the hearing panel.

Refer to System Regulation [08.01.01, Civil Rights Compliance](#), for additional applicable definitions.

Rule

1. RESPONSIBILITIES OF THE PRESIDENT AND THE CHIEF COMPLIANCE OFFICER

- 1.1 The President of the University has the primary responsibility for ensuring compliance with civil rights laws and related system and university policy. As CEO, the President has other duties and responsibilities outlined in the Regulation.
- 1.2 The President designates the Chief Compliance Officer as the contact person responsible for overseeing the civil rights protections program at TAMUK in compliance with the Regulation.
- 1.3 The Chief Compliance Officer or designee, in coordination with the System Ethics and Compliance Office and the Office of General Counsel, will ensure that all allegations of discrimination are promptly, thoroughly, and equitably investigated and resolved. The Chief Compliance Officer or designee will periodically follow up on situations in which discrimination has been found to ensure that the situation does not recur. The Chief Compliance Officer or designee 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 Chief Compliance Officer or designee will coordinate with the Chief Human Resources Officer or designee 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 Chief Compliance Officer or designee will also coordinate with the Vice President for Finance and Chief Financial Officer or designee 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 and Title IX requirements and the system's historically underutilized businesses program.
- 1.5 The Chief Compliance Officer or designee will coordinate with department heads and Marketing and Communications to provide applicants for admission and employment, students, parents or legal guardians of elementary and secondary school students, and employees information regarding TAMUK's compliance with Title IX and the contact information of the Title IX Coordinator.
- 1.6 The President designates the Title IX Coordinator. The responsibilities of the Title IX Coordinator are outlined in Section 1.2 of the Regulation. The Title IX Coordinator has other duties and responsibilities outlined in the Regulation.

The Title IX Coordinator's address is: 700 University Blvd. MSC 221, Kingsville, TX, 78363. The physical location of the office is: Office of Compliance, Lewis Hall, Room 130. Phone number is: 361-593-4758 and email: titleix@tamuk.edu.

- 1.7 The following employees have been designated as having authority to institute corrective measures: the CEO, the Title IX Coordinator, Deputy Title IX Coordinators, The Office of Human Resources, Office of the Provost, and Office of the Dean of Students. An employee with authority to institute “corrective measures” means an employee with authority to redress harassment for complaints involving only Title IX and sex-based misconduct.

2. RESPONSIBILITIES OF ALL EMPLOYEES AND STUDENTS

- 2.1 Counselors and doctors at Student Health and Wellness have been designated as confidential reporters who may take complaints of discrimination and maintain confidentiality of the reporter. Confidential reporters are required to share general non-identifying information as required to comply with the Clery Act and other federal and state law, and must report to the Title IX Coordinator only the type of sex-based misconduct made known to them as outlined in the Regulation.
- 2.2 Employee reporters may obtain confidential guidance through the Employee Assistance Program at www.guidanceresources.com. Confidential guidance is not a substitute for mandatory reporting obligations. An Employee must report incidents of discrimination that they have witnessed or that have been reported to the employee during the course and scope of their job description.
- 2.3. Employees and students have other rights, duties and responsibilities outlined in Section 2 of the Regulation.

3. RESPONSIBILITIES OF THE SYSTEM ETHICS AND COMPLIANCE OFFICE (SECO)

The responsibilities of SECO are outlined in Section 3 of the Regulation.

4. CIVIL RIGHTS COMPLAINT PROCESSING

4.1 Complaints

4.1.1 The civil rights complaint process is outlined in Section 4 of the Regulation.

4.1.2 All complaints filed against an employee, student, or third party pursuant to the Regulation must be filed in the Office of Compliance. All allegations of discrimination or harassment based on sex, which includes but is not limited to sexual harassment, sex-based misconduct, sexual assault, dating violence, and stalking based on sex, will be referred to the university’s Title IX Coordinator or designee, who reports to the Chief Compliance Officer.

4.1.3 Incidents involving sexual harassment, sexual assault, dating violence, or stalking based on sex can be reported anonymously at the “Risk, Fraud & Misconduct, Sexual Assault/Harassment Hotline” link on the University’s homepage in accordance with Section 4.1.2 of the Regulation.

4.1.4 The President designates the Title IX Coordinator as the person who has authority to institute corrective measures in accordance with Section 4.2.10 (a) (i) of the Regulation.

4.1.5 The President designates the Chief Compliance Officer located at the Office of Compliance or designee to hear an appeal by a complainant when their formal complaint is dismissed in accordance with Sections 4.2.10 (d) or (e) of the Regulation.

4.1.6 The President designates the Provost and Vice President of Academic Affairs (Hearing Authority) or designee to hear a challenge by a respondent who is subject to removal in accordance with Section 4.2.2 of the Regulation.

4.2 Investigations and Adjudications

4.2.1 The Chief Compliance Officer or designee will review each complaint of discrimination to determine if there is sufficient information to proceed with an investigation; and if the information is sufficient, the Chief Compliance Officer or designee will provide written notification to the parties, and forward the complaint to an investigative authority in accordance with 4.2.1 of the Regulation.

4.2.2 The investigative authority will investigate the complaint in accordance with Section 4.2 of the Regulation.

4.3 Decisions

4.3.1 All complaints involving allegations of discrimination that are investigated under the Title IX and/or Sex-Based Misconduct processes that have not been resolved by informal resolution in accordance with Section 4.6 of the Regulation will have a hearing panel appointed as the designated administrator and follow the process outlined in Section 4.2 of the Regulation. The designated administrator will render a decision on each complaint and, with guidance as appropriate from a hearing facilitator, provide written notification of the decision to each party.

(a) The Dean of Students or designee will serve as the hearing facilitator for complaints involving a student respondent. The Chief Human Resources Officer or designee will serve as the hearing facilitator for complaints involving an employee respondent.

(b) The hearing facilitator will conduct the pre-hearing conference, help facilitate the hearing process, provide guidance, as appropriate, to the hearing panel, and provide relevant communication about the hearing process to the parties including any extensions and/or the hearing panel's decision.

4.3.2 All other civil rights complaints (non-sex based), including complaints alleging pay disparities and/or program inequities, will follow the decision process outlined in Section 4.3 of the Regulation. The Chief Compliance Officer or designee will assign 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.

4.4 Sanctions

- 4.4.1 Sanctions, if any, will be imposed in accordance with System Regulation *08.01.01*, Appendix A of said regulation, System Policy *12.01*, System Policy *32.02*, System Regulation *32.02.02*, and/or the TAMUK Code of Student Conduct, as applicable.
- (a) The Sanction for employee respondents who receive a finding of responsibility for complaints alleging discrimination based on sex, sexual harassment (Title IX), and or sex-based misconduct is termination of employment. Sanctions for employee respondents for discrimination not based on sex may take the form of personnel actions against the employee, up to and including termination, or requiring the employee to satisfactorily participate in an approved training.
 - (b) In all discrimination cases where a student is found responsible for violations of the Regulation, sanctions may include, but are not limited to, written warning or reprimand, required training and/or counseling assessment, “no contact” order, probation, suspension, or expulsion from the university.

4.5 Appeals

- 4.5.1 Section 4.5.1 of the Regulation sets forth the permitted basis of appeal for allegations of sex discrimination. The complainant and/or the respondent may appeal the decision and sanctions in a Title IX or sex-based misconduct 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.
- (a) In sex discrimination cases where the respondent is a student, appeals of the decision must be made in writing within five business days after notification of the initial decision and directed to the Director of Student Affairs or designee, in accordance with the Regulation and *TAMUK Student Code of Conduct*. An appeal filed pursuant to this section will be administered following the process detailed in the student handbook.
 - (b) Where the respondent is an employee, appeals must be made in writing within five business days after the notification of the initial decision and directed to the Chief Compliance Officer or designee, who will assign an appropriate administrator to hear the appeal.
 - (c) All decisions made by the appropriate appellate authority will be final.
- 4.5.2 Appeals of sanctions against an employee for allegations of discrimination not based on sex must be filed with the Chief Compliance Officer or designee within five business days of notification of the sanction. The Chief Compliance Officer or designee will appoint an appellate authority from University Administration and the appeal will be processed in accordance with Section 4.5.2 of the Regulation and/or other System policies/regulations or university rules/procedures as appropriate.

Appeals involving a student who received a sanction of separation (expulsion or suspension) for allegations of discrimination not based on sex must file a written appeal with the Senior Student Affairs Officer or designee within five business

days. The Senior Student Affairs Officer or designee will serve as the appellate authority and the appeal will be handled in accordance with the Student Code of Conduct.

- 4.5.3 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.

5. DISABILITIES

- 5.1 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 or designee.
- 5.2 Student disability accommodation issues will be handled by the Disability Resource Center. All student discrimination complaints, including disability, will be handled by the Chief Compliance Officer or designee.

6. RETALIATION

- 6.1 Retaliatory action of any kind is prohibited when taken against a complainant, witness or other person participating in a discrimination 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. Prohibited conduct includes, but is not limited to, retaliation against an employee or student who opposes a discriminatory practice, files a report, files a complaint, files a charge, or testified, assisted, or participated or refused to participate in any manner in an investigation, proceeding, or hearing. For a list of additional prohibited conduct, see Section 2.11 of the Regulation.

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 or Certain Other Employees](#)

[TAMUK Student Handbook](#)

For additional related statutes, policies, or requirements, please click on System Regulation *08.01.01, Civil Rights Compliance*.

Contact Office

Office of Compliance
(361) 593-4758