

Texas A&M University-San Antonio

08.01.01.01 Civil Rights Protections and Compliance

Approved: August 26, 2016

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Rule Statement

Texas A&M University-San Antonio (A&M-San Antonio) provides civil rights protections to employees, students, applicants for employment and admission, and the public. Further, it provides equal opportunity to all persons regardless of race, color, sex, sexual orientation or 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.

A&M-San Antonio 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 positive, constructive 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, the employee is responsible for reporting that information as outlined below.

Reason for Rule

The purpose of this Rule is to outline the reporting, receipt, investigation and resolution of illegal discrimination, sexual harassment and/or related retaliation complaints or appeals.

Official Rule

1. OVERVIEW

- 1.1 The President designates the Assistant Vice President, Compliance & Risk Management (Designee) as the person responsible for overseeing A&M-San Antonio's civil rights protections program. The Designee will:

- 1.1.1 Ensure that all allegations of illegal discrimination, sexual harassment and/or related retaliation are promptly, thoroughly, and equitably investigated and resolved;
- 1.1.2 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;
- 1.1.3 Develop, conduct, coordinate and oversee campus civil rights compliance training; and
- 1.1.4 Provide periodic updates to managers and the campus community regarding the civil rights compliance program.

1.2 The Designee will serve as the campus Affirmative Action Representative, ADA Officer and EEO Officer, as well as directly serve as or oversee the Title IX Coordinator. The Designee will oversee investigation assignments and extension approvals. In some instances, the Designee may serve as the investigative authority.

2. RESPONSIBILITIES OF ALL EMPLOYEES AND STUDENTS

2.1 Employees and students are prohibited from illegally discriminating, harassing and/or engaging in related retaliation against any person based on a protected status in A&M-San Antonio's educational programs, activities, admission and employment.

Any employee 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, a university administrator, the Director of Human Resources or the Designee. Students and third party (including, but not limited to, anyone receiving services from the university, vendors, and private business associates) should promptly report an incident involving an employee or student to the Designee. All employees receiving a complaint must promptly report it to the Designee.

2.2 An employee or student is not required to report illegal discrimination, sexual harassment and/or related retaliation to a direct supervisor or to the alleged offender. The alleged offense may instead be reported to another university official, administrator, supervisor or designee outlined in section 2.2 of this rule.

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 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 within 10 business days of the action that caused the complaint or it may be deemed untimely filed and dismissed.

- 3.3 Upon receipt of a complaint against an employee or third party, the Designee will review it to determine if there is sufficient information to proceed with an investigation or if additional information is needed. If the information is sufficient, the Designee will investigate or forward it to an investigative authority. If the information is insufficient, the Designee will conduct an inquiry in accordance with A&M System Regulation 08.01.01, subsection 4.2.1.
- 3.4 The Designee will assign a designated administrator who will review the investigation report and render a finding. The assigned designated administrator will be at a senior level to complainant and respondent. If the complainant or respondent is the CEO, the complaint will be directed to the Chancellor.
- 3.5 For complaints against faculty, staff and third parties, upon receipt of a completed investigation report from the investigative authority, the designated administrator will review the report and will render a final decision in writing. The designated administrator may decide sanctions, if any, or may delegate the sanctioning decision to another authority within the respondent's supervisory chain.
- 3.6 Complaints against a student(s) should be directed to the Office of Student Rights and Responsibilities. The complaint will be handled in accordance with the judicial process described in the Student Handbook.
- 3.7 Regardless of the method of resolution or the outcome, individuals may at any time file a complaint with the U.S. Equal Employment Opportunity Commission, the Texas Workforce Commission Civil Rights Division, the United States Department of Education (Office for Civil Rights), or the U.S. Department of Labor (Office of Federal Contract Compliance Programs).

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 finding or sanction by an employee must be submitted to the Designee within 5 business days of receiving the designated administrator's final decision or supervisor's sanction. Appeals can be submitted by the complainant and/or the respondent.
- 4.2 The appeal may be made only on the following bases:
 - (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 Designee will forward appeals from employees on any of the bases listed in 4.2 to the appropriate designated administrator, which will be a vice president or other senior level executive, whose decision 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 related to sex discrimination, sexual harassment, and/or related retaliation will be addressed as provided by the student judicial process as outlined in the Student Handbook.

4.5 Appeal of sanctions in cases unrelated to sex discrimination, sexual harassment and/or related retaliation may be made in accordance with appropriate student, employee and faculty complaint and appeal processes.

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.

6. FOLLOW UP

6.1 After the conclusion of an investigation, the Designee or Office of Student Rights and Responsibilities will periodically follow-up on situations in which illegal discrimination, sexual harassment and/or related retaliation was found to ensure that the situation does not reoccur.

6.2 Students involved in the complaint resolution process may seek advice or counseling from Student Counseling Services and employees may seek advice and counseling through the Employee Assistance Program.

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 Procedure for Non-Faculty Employees](#)
[Student Handbook](#)

Contact Office

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