

TEXAS A&M
INTERNATIONAL
UNIVERSITY™

Rule

08.01.01.L1 Civil Rights Complaint and Appeal Process

First Approved: *September 22, 2004 (as Rule 34.01.99.L1 Sexual Harassment)*
Last Revised: *October 15, 2014*
 August 19, 2016
Next Scheduled Review: *August 19, 2021*

Rule Statement and Reason for Rule

The purpose of this rule is to outline the general process for receipt, investigation, and resolution of civil rights reports/complaints alleging illegal discrimination, sexual harassment, and/or related retaliation.

Procedures and Responsibilities

1. GENERAL

In order to establish an educational and work environment that is conducive to the personal and professional development of each member of the University community, Texas A&M International University (TAMIU) shall be free from all forms of illegal discrimination, sexual harassment, and/or related retaliation based on race, color, sex, religion, national origin, age, disability, genetic information, veteran status, sexual orientation, and gender identity. Conduct constituting such illegal discrimination, sexual harassment, and/or related retaliation is strictly prohibited and will result in appropriate sanctions.

With few exceptions, all employees are responsible for ensuring their work and educational environments are free from illegal discrimination, sexual harassment and/or related retaliation. When alleged or suspected illegal discrimination, sexual 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 set forth in [System Regulation 08.01.01, Civil Rights Compliance](#) and this rule.

For the purposes of this rule, definitions pertaining to civil rights found in [System Regulation 08.01.01, Civil Rights Compliance](#) will be observed. Additional definitions relating to student sexual misconduct can be found in the [TAMIU Student Handbook](#).

2. DESIGNATIONS

The director of equal opportunity and diversity shall provide oversight and leadership of TAMIU's civil rights program, including illegal discrimination/harassment/retaliation based on sex, sexual orientation, and gender identity. Accordingly, the director of equal opportunity and diversity shall be the designated **Title IX Coordinator**.

3. FILING REPORTS/COMPLAINTS

- 3.1 Any student, employee, or third party who believes that he or she has experienced, observed, or been informed of illegal discrimination, sexual harassment, and/or related retaliation should file a report/complaint in writing with the director of equal opportunity and diversity, in accordance with the timelines provided in [System Regulation 08.01.01, Civil Rights Compliance](#). Reports/complaints may be submitted using the *Illegal Discrimination/Sexual Harassment/Retaliation Complaint/Appeal Form*, via [EthicsPoint](#), or via Report It.
- 3.2 Complainants found to have intentionally made false or materially misleading allegations may be disciplined, up to and including dismissal (if an employee) or expulsion (if a student) from the University.

4. INVESTIGATIONS

- 4.1 In accordance with [System Regulation 08.01.01, Civil Rights Compliance](#), the director of equal opportunity and diversity shall review reports/complaints of illegal discrimination, sexual harassment, and/or related retaliation and, if an investigation is warranted, appoint an investigative authority. The director of equal opportunity and diversity will identify a designated administrator to decide the merits of the report/complaint. The designated administrator to decide the merits of the report/complaint will be an associate vice president except in cases where the respondent is a student. In such cases, the decision will be rendered by an administrative review committee composed of two University administrators. At least one administrator shall be an administrator within the division of student success.
- 4.2 The investigative authority shall conduct a formal inquiry to discover and examine the facts of the allegation(s). The authority shall interview the complainant(s), respondent(s), and witnesses (as applicable), review documentation and evidence (as applicable), and provide the Director of Equal Opportunity and Diversity a written investigation report, in accordance with the approvals and timelines in [System Regulation 08.01.01, Civil Rights Compliance](#).
- 4.3 The standard used to determine the merits of the allegations will be the preponderance of the evidence (i.e., more likely than not). For each allegation against a student, faculty member, staff member, or third party, the investigation report shall conclude if the allegation is substantiated or unsubstantiated, or whether there is insufficient evidence to substantiate.

5. DECISIONS AND SANCTIONS

- 5.1 The director of equal opportunity and diversity shall provide the final investigation report to the designated administrator for a decision. The administrator shall render the decision in writing and provide it to the director of equal opportunity and diversity, who will then simultaneously provide the written decision to all appropriate parties (complainant, respondent, respondent's immediate

supervisor and department head, and investigative authority).

- 5.2 The designated administrator or administrative committee may decide sanctions, if any, or may delegate the sanctioning decision to another authority within the University. Sanctions or disciplinary actions will be taken in accordance with [System Policy 12.01, Academic Freedom, Responsibility and Tenure](#) and [System Regulation 08.01.01, Civil Rights Compliance](#) and [System Regulation 32.02.02, Discipline and Dismissal of Nonfaculty Employees](#). The director of equal opportunity and diversity shall coordinate with the appropriate administrative authorities to ensure the resolutions, sanctions, disciplinary actions, and/or other necessary actions are implemented.
- 5.3 If the respondent is an employee, documentation of any resulting disciplinary action will be placed in the respondent's human resources file. If the respondent is a student, documentation of any resulting disciplinary action will be maintained in accordance with procedures in the division of student success.

6. APPEALS

- 6.1 Appeals to the decision of the designated administrator may be made by the complainant or the respondent, but only in cases of sex-based discrimination, harassment, and/or retaliation (including sexual orientation and gender identity). Appeals must be made within 5 business days of the written decision and submitted to the director of equal opportunity and diversity in writing, using the *Illegal Discrimination/Sexual Harassment/Retaliation Complaint/Appeal Form*. The director of equal opportunity and diversity will identify an appropriate University administrator to consider the appeal. The appropriate University administrator to consider the appeal will be a vice president.

Appeals to the decision of reports/complaints of sex, sexual orientation, or gender identity discrimination, sexual harassment, and/or related retaliation must be based one of the following:

- (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.
- 6.2 Appeals to the imposition of sanctions (or lack thereof) may be made by the complainant or the respondent.
- 6.2.1 A respondent employee disciplined pursuant to this Rule may appeal that action 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 Non-faculty Employees](#); and/or other System policies/regulations or University rules/procedures as appropriate.
- 6.2.2 A respondent student disciplined pursuant to this rule may appeal that action in accordance with procedures in the [TAMIU Student Handbook](#).
- 6.3 The decision of any appeal described above will be final.

Related Statutes, Policies, Regulations, or SAP's

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

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

[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 Non-faculty Employees](#)

[TAMIU Student Handbook](#)

Contact Office

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