



08.01.01.W1 Civil Rights Compliance

Revised: August 29, 2016

Rule Statement

West Texas A&M University (WTAMU) provides equal opportunity for employment to all persons regardless of race, color, sex, sexual orientation, 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.

Furthermore, West Texas A&M University 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. 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 related retaliation. When alleged or suspected discrimination, harassment, or retaliation is experienced or observed by, or made known to, an employee or student, the employee/student is responsible for reporting that information as outlined below.

Reason for Rule

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

Procedures and Responsibilities

1. Civil Rights Protections program oversight
 - 1.1. The President/CEO designates the Human Resources (HR) Director, as the person responsible for overseeing WTAMU's civil rights protection program. The Director shall (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.

2. Responsibilities of all employees and students

- 2.1. Employees and students are prohibited from discriminating against any person in West Texas A&M University's educational programs, activities, admission, and employment.
- 2.2. Any employee or student 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, Dean, Vice President, Human Resources Director, or the Title IX Coordinator. Any person receiving a complaint from an employee or student, or who is aware of alleged or suspected discrimination, sexual harassment, or retaliation, should notify the Office of Student Affairs for students or the Human Resources Office for employees as soon as possible, but preferably not later than one working day after receiving a complaint.
- 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 Human Resources Office and/or the Office of Student Affairs.

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 with the Human Resources Office and/or the Office of Student Affairs in the following manner: no limitations for sexual assaults as long as either the complainant or respondent are an employee or student of West Texas A&M University.
- 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 with the Human Resources Office and/or the Office of Student Affairs 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, the Human Resources Office and/or the Office of Student Affairs will forward the complaint to the Title IX Coordinator (investigative authority) to review each report, complaint, and/or appeal, interview witnesses (if applicable), review relevant documentation, and prepare a draft report on the merits of the allegations for review by the Texas A&M University System (TAMUS) and the WTAMU designated administrator in accordance with TAMUS guidelines.
- 3.4. The campus administrators designated to review complaints against faculty and staff are the Provost/Vice President for Academic Affairs, Vice President for

Business & Finance, Vice President for Student Affairs, and the Vice President for Research and Compliance. If the complaint or respondent is the Vice President for that division, the President will designate a different Vice President or senior administrator to review the complaint.

- 3.5. Upon receipt of a completed investigation report and findings from the investigative authority, the designated administrator will review the report and findings and will issue a decision regarding the findings to the reporter, respondent, investigative authority, and respondent's supervisor and department head within five (5) business days of receiving the investigative authority's report. This will be the final decision regarding the complaint. Supervisor(s) will impose sanctions within a reasonable amount of time and in consultation with Human Resources for employees or Student Affairs for student complaints, and in conjunction with appropriate TAMUS policies and regulations.
- 3.6. In the case of a complaint against a student, or when both the reporter and the respondent are students, the investigative authority's report and findings shall be directed to the Vice President for Student Affairs, who will resolve the complaint in accordance with the judicial process described in the Code of Student Life.
- 3.7. Privacy (restricting information to those with a reasonable need to know) will be maintained throughout the entire investigatory process to the extent practicable and appropriate under the circumstances to protect the privacy of persons involved. However, there is no guarantee of confidentiality (a form of privileged communication), except as provided by licensed health care personnel and licensed sexual assault advocates, when acting in this capacity as part of their official employment.
4. Appeals of finding(s) and/or sanction(s) regarding sex discrimination and/or related retaliation
 - 4.1. A request for appeal of the finding or sanction must be submitted in writing to the Title IX Coordinator's Office (investigative authority) within 5 business days of receiving the designated administrator's decision or supervisor's sanction.
 - 4.2. The appeal may be made only on the following bases provided by TAMUS regulation:
 - 4.2.1. A procedural error or omission that significantly impacted the outcome;
 - 4.2.2. New evidence, unknown or unavailable during the investigation, that could have significantly impacted the outcome; or
 - 4.2.3. The appropriateness or severity of the sanction(s).
 - 4.3. The Title IX Coordinator (investigative authority) will forward appeals on any of the bases listed in 4.2 to the Designated Administrator, whose decision regarding the appeal 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 will be addressed as provided in the Code of Student Life.
 - 4.5. Appeal of sanctions not based on sex discrimination and/or related retaliation may be made in accordance with appropriate student, employee and faculty complaint and appeal processes.
5. Follow up
 - 5.1. After the conclusion of an investigation, the Title IX Coordinator will follow-up with the reporters and supervisors, as appropriate, to verify that the discriminatory, harassing, and/or retaliatory behavior/actions have stopped.
 - 5.2. Students involved in the complaint resolution process may additionally seek advice or counseling from the Counseling Services Office, and employees may seek advice and counseling through the HR Employee Assistance Program.
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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 Process for Nonfaculty Employees](#)

TAMUCC Regulation 08.01.01, Civil Rights Compliance (Draft-only)

University Rule 34.01.01.W1, Sexual Harassment (new rules supersedes)

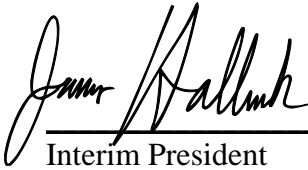
Contact Office

Office of Human Resources
806-651-2116

Title IX Coordinator
806.651.3199

Office of the Vice President for Student Affairs
806-651-2050

Approval



Interim President

August 30, 2016
Date