

Texas A&M AgriLife Research Rules

08.01.01.A1 | Civil Rights Compliance

Approved: July 5, 2009
Revised: September 29, 2011
July 19, 2012
August 22, 2016



Next Scheduled Review: August 22, 2021

RULE STATEMENT

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

REASON FOR RULE

This rule supplements The Texas A&M University System (A&M System) System Regulation 08.01.01, *Civil Rights Compliance*, and designates the Official Contacts for the receipt, investigation, and resolution of illegal discrimination, sexual harassment, and/or related retaliation complaints as required by A&M System Regulation 08.01.01.

PROCEDURES AND RESPONSIBILITIES

1.0 CIVIL RIGHTS COMPLAINT REPORTING

- 1.1 Many problems can be resolved through discussions between the reporter and the immediate supervisor or unit head, as appropriate. The reporter or supervisor is encouraged to contact Texas A&M AgriLife (AgriLife) Human Resources for guidance. The supervisor or unit head will promptly notify AgriLife Human Resources or the Title IX Coordinator if the complaint alleges illegal discrimination, sexual harassment, and/or related retaliation.
- 1.2 Complaints of illegal discrimination, sexual harassment, and/or related retaliation may be reported to the employee's direct supervisor, another AgriLife Research Officer, or to AgriLife Human Resources. They may also be reported by filing a complaint with AgriLife Human Resources using form AG-424, *Formal Complaint/Appeal*. Reporters are not required to report the incident(s) to their direct supervisor or the alleged offender.
- 1.3 An employee's complaint or appeal alleging illegal discrimination, sexual harassment, and/or related retaliation should be filed within the timeline set forth in A&M System Regulation 08.01.01, section 4.1.3.
- 1.4 If an employee receives the complaint, he/she will immediately notify AgriLife Human Resources. Upon receipt of a complaint, AgriLife Human Resources will promptly notify the A&M System Ethics and Compliance Office (SECO), and the agency's Title IX Coordinator if the complaint alleges sexual harassment or another form of sex discrimination.

2.0 INVESTIGATIONS

- 2.1 Upon receipt of a complaint, AgriLife Human Resources is responsible for coordinating all administrative activities required to conduct the investigation of the complaint in accordance with the procedures described in A&M System Regulation 08.01.01. These include—but are not limited to—assigning

investigators, informing parties necessary to the investigation, contacting supervisors regarding their subordinate's time away from work to participate in the investigative process, and making reports to AgriLife Research officials and other responsibilities necessary to properly conduct the investigation.

- 2.2 AgriLife Human Resources and the investigator(s) will—to the extent possible—protect the privacy of the information received prior to, during, and as a result of the investigation. The expressed wishes of the reporter will be considered in the context of the agency's obligation to act upon the complaint, the right of the respondent to be informed, and the safety of employees and the public. If an employee wishes to keep his or her complaint completely confidential, he or she should arrange an appointment with a licensed counselor in the Employee Assistance Program.
- 2.3 AgriLife Research will take reasonable action to ensure that the reporter, the respondent, witnesses, and those participating in the investigation are protected from retaliation. Those actions may include interim protections or remedies, such as physical separation, contact limitations, alternative work or other arrangements, and counseling services. Failure to comply with the terms of interim protections may be considered a separate violation of A&M System policies and regulations, and AgriLife Research rules and procedures. Employees who retaliate against such persons will be subject to disciplinary action up to and including dismissal. This disciplinary action can be taken at any time during or following the investigation of an illegal discrimination, sexual harassment, and/or related retaliation complaint.
- 2.4 When a complaint of illegal discrimination, sexual harassment, and/or related retaliation is filed, the respondent will be informed of the nature of the allegations, the identity of the reporter (if the reporter has consented to this disclosure to the Respondent), and the general facts surrounding the allegations. At any point in the process, the respondent may be suspended with pay, reassigned, and/or placed in another type of temporary status pending completion of the investigation and final resolution of the allegations. A reporter who intentionally makes dishonest or malicious allegations will be subject to AgriLife Research discipline up to and including dismissal.
- 2.5 In accordance with A&M System Regulation 08.01.01, AgriLife Human Resources will provide a draft report on the investigation of the allegations to the A&M System Office of General Counsel (OGC) for legal sufficiency review.

3.0 INVESTIGATION REPORTS

- 3.1 A finalized investigation report will be submitted to the Director, AgriLife Research, or designee. In accordance with A&M System Regulation 08.01.01, the investigation report should include a statement of the allegation(s), a listing of individuals interviewed including the dates of the interviews, and a listing of relevant documents attached to the report. Speculation, opinions, or recommendations for sanctions should not be included in the report.
- 3.2 Investigation reports may conclude that each allegation is substantiated, unsubstantiated, or there is insufficient evidence to determine whether or not the allegation is substantiated. In all investigations and subsequent decisions, the standard used to determine the merit of the allegation(s) is the preponderance of evidence (i.e. more likely than not).

4.0 DECISIONS AND SANCTIONS

- 4.1 The Director, AgriLife Research, or designee will render a decision in writing on the merits of the complaint, and may decide sanctions—if any—or may delegate the sanctioning decision to another authority within AgriLife Research. Sanctions may include a reprimand, required training, temporary suspension with or without pay, or dismissal from employment.

5.0 APPEALS

- 5.1 Appeal of Finding and/or Sanctions—Allegations of Sex Discrimination
 - A. The individual subjected to the alleged illegal discrimination, sexual harassment, and/or related retaliation and/or the respondent may appeal the decision and the sanction imposed to the Director or designee who was not involved in making the decisions and determining the

sanctions, but only on the bases outlined in A&M System Regulation 08.01.01.

- B. Appeals are filed by completing form AG-424, and delivering the form to AgriLife Human Resources within seven (7) business days of receipt of the findings or sanction. An appeal delivered to AgriLife Human Resources later than seven (7) business days after receipt of the findings or sanction may be deemed untimely filed and dismissed.

5.2 Appeal of Finding and/or Sanctions—Allegations of Illegal Discrimination and/or Related Retaliation Not Based on Sex.

- A. The respondent may appeal the sanction, but not the finding, in accordance with AgriLife Research procedure 32.01.01.A0.01, *Complaint and Appeal Procedure for Nonfaculty Employees*, or other AgriLife Research rules and procedures as appropriate.

RELATED STATUTES, POLICIES, OR REQUIREMENTS

[A&M System Policy 08.01, *Civil Rights Protections and Compliance*](#)

[A&M System Regulation 08.01.01, *Civil Rights Compliance*](#)

[A&M System Policy 32.01, *Employee Complaint and Appeal Procedures*](#)

[A&M System Regulation 32.01.02, *Complaint and Appeal Process for Nonfaculty Employees*](#)

[A&M System Policy 32.02, *Discipline and Dismissal of Employees*](#)

[A&M System Regulation 32.02.02, *Discipline and Dismissal of Nonfaculty Employees*](#)

[AgriLife Research Procedure 32.01.02.A0.01, *Complaint and Appeal for Nonfaculty Employees*](#)

[AgriLife Research Procedure 32.02.02.A0.01, *Discipline and Dismissal*](#)

[AgriLife Form AG-424, *Formal Complaint/Appeal*](#)

DEFINITIONS

Definitions are contained in A&M System Regulation 08.01.01

CONTACT OFFICE

For questions, contact AgriLife Human Resources at 979-845-2423.