

## Texas A&M AgriLife Research Rules

### 08.01.01.A1 | Civil Rights Compliance

Revised: June 10, 2022

Next Scheduled Review: June 10, 2027

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#### RULE SUMMARY

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Texas A&M AgriLife Research (AgriLife Research) will provide equal opportunity to all employees, applicants for employment, and the public. All complaints, appeals, or reports of discrimination received will be appropriately reviewed and addressed in accordance with this rule and with The Texas A&M University System (A&M System) Regulation 08.01.01, *Civil Rights Compliance*.

In conjunction with A&M System Regulation 08.01.01, this rule establishes standards for the receipt and processing of reports, complaints, formal complaints, investigations, adjudication, appeals, and use of informal resolution in cases involving allegations of discrimination based on a protected class, including complaints made by employees, students, and/or third parties.

AgriLife Research will respond to inappropriate employee conduct that does not constitute discrimination under this rule through applicable procedures, rules, and/or A&M System policies or regulations.

Refer to [A&M System Regulation 08.01.01, \*Civil Rights Compliance\*](#), for applicable definitions.

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#### PROCEDURES AND RESPONSIBILITIES

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##### 1.0 DESIGNATION OF RESPONSIBILITIES

- 1.1 The Assistant Vice President and Title IX Coordinator for Texas A&M University (TAMU) has: (1) primary responsibility for ensuring compliance with civil rights laws and related A&M System policies for AgriLife Research, and (2) has been designated as the person responsible for overseeing the civil rights protections program for AgriLife Research. The Assistant Vice President and Chief Compliance Officer will also serve as AgriLife Research's Title IX Coordinator.
- 1.2 Texas A&M University's Department of Civil Rights and Equity Investigations (CREI) will receive and resolve all complaints involving discrimination, harassment, retaliation, and complicity involving an AgriLife Research employee or third-party respondent(s). Reports that an employee or third-party has engaged in conduct prohibited by this rule should be made to:

Jennifer Smith  
TAMU Assistant Vice President and Title IX Coordinator  
Department of Civil Rights and Equity Investigations (CREI)  
YMCA Building, Suite 108  
365 Houston St. #108  
College Station, TX 77843-1268  
(979) 458-8407  
[civilrights@tamu.edu](mailto:civilrights@tamu.edu)  
Website Reporting form: [titleix.tamu.edu](http://titleix.tamu.edu)

Anonymous complaints may be submitted through the [Risk, Fraud and Misconduct Hotline](#). Anonymous reports usually limit TAMU CREI's ability to respond to or resolve an allegation.

- 1.3 All AgriLife Research employees involved in the administration of civil rights complaints will complete annual training in accordance with the requirements established by the A&M System Ethics and Compliance Office (SECO).
- 1.4 AgriLife Research will comply with all required notification and reporting processes as specified in A&M System Regulation 08.01.01, *Civil Rights Compliance*.

## 2.0 RESPONSIBILITIES OF ALL EMPLOYEES

- 2.1 All AgriLife Research employees are mandatory reporters except for those expressly exempted in Section 2 of A&M System Regulation, [08.01.01, Civil Rights Compliance](#). When alleged or suspected discrimination is experienced by or made known to an employee in the course and scope of their employment, the employee is responsible for promptly reporting all known information as outlined in section 4.1 of A&M System Regulation 08.01.01.
- 2.2 Employees who become aware of prohibited conduct should advise the reporter: (1) that they cannot keep reports of prohibited conduct confidential, and (2) that they are required to report the prohibited conduct.
- 2.3 An employee's failure to report alleged or suspected discrimination, harassment, retaliation, or complicity may result in disciplinary action, including termination of employment.
- 2.4 All employees must cooperate fully with those performing an investigation pursuant to this rule and A&M System Regulation 08.01.01. Retaliation as defined in A&M System Regulation 08.01.01 is prohibited.
- 2.5 All employees are responsible for complying with state law requiring A&M System training on equal opportunity and nondiscrimination within 30 days of hire and every two (2) years thereafter.

## 3.0 RESPONSIBILITIES OF THE A&M SYSTEM ETHICS AND COMPLIANCE OFFICE (SECO)

If a complaint is submitted against the Director, or an employee who reports directly to the Director, or against the Title IX Coordinator, SECO is designated by A&M System Regulation 08.01.01 to receive, review, investigate, and adjudicate the complaint.

## 4.0 CIVIL RIGHTS COMPLAINT PROCESSING

### 4.1 Complaints

TAMU CREI is the recipient for: (1) receiving all mandatory reports, (2) the intake of all complaints or reports (complaints) of potential violation of civil rights, and (3) ensuring that all investigation processes are followed in accordance with A&M System Regulation 08.01.01.

### 4.2 Investigations and Adjudications

- 4.2.1 TAMU CREI will review each complaint to determine if there is sufficient information to proceed with an investigation, or if additional information is needed. All investigation processes will be conducted in accordance with A&M System Regulation 08.01.01.
- 4.2.2 TAMU CREI is responsible for designating an Investigative Authority.
- 4.2.3 Unprofessional behavior by an employee which does not rise to the level of a civil rights violation will be referred to the employee's supervisor.

### 4.3 Decisions

The Designated Administrator will render a written decision on each complaint in accordance with A&M System Regulation 08.01.01.

#### 4.4 Sanctions

- 4.4.1 If the Designated Administrator determines there is sufficient evidence based on a preponderance of the evidence to find the Respondent violated A&M System Regulation 08.01.01 or AgriLife Research Rule 08.01.01.A1, an unredacted copy of the investigation report and exhibits will be provided to Texas A&M AgriLife's (AgriLife) Chief Human Resources Officer (CHRO).
- 4.4.2 Employee sanctioning decisions will be made by AgriLife's CHRO and appropriate AgriLife Research leadership in consultation with the A&M System Office of General Counsel (OGC), per A&M System Regulation 08.01.01.
- 4.4.3 When an employee is found to have sexually harassed or engaged in sex-based misconduct of another member of the A&M System community (as defined by A&M System Regulation 08.01.01), the sanction will be termination of employment.

#### 4.5 Appeals

- 4.5.1 Appeals of the decision and/or sanctions are permitted only under the terms specified by A&M System Regulation 08.01.01, *Civil Rights Compliance*.
- 4.5.2 AgriLife Research's Associate Vice Chancellor or designee will serve as the appellate authority unless the Associate Vice Chancellor is the Respondent, or the Respondent reports directly to the Associate Vice Chancellor, in which case the appeal will be directed to the Vice Chancellor or designee.
- 4.5.3 For Appeals of cases where all parties are AgriLife Research employees or employees of another AgriLife agency:

An appeal of allegations of sex discrimination or sex-based misconduct are filed by completing form AG-424 and delivering the form to AgriLife Human Resources within five (5) business days of receipt of notification of the decision.

An appeal of allegations of discrimination not based on sex is filed by completing form AG-424 and delivering the form to AgriLife Human Resources in accordance with the timelines contained in A&M System Regulation 32.01.02, *Complaint and Appeal Process for Nonfaculty Employees*.

- 4.5.4 For Appeals of cases which involve one or more parties who are not employed by AgriLife Research of another AgriLife agency:

Appeals will follow the processes outlined in A&M System Regulation 08.01.01.

#### 4.6 Informal Resolutions

- 4.6.1 At any time prior to the determination of a final decision, parties may seek informal resolution to resolve the complaint in accordance with A&M System Regulation 08.01.01, except under circumstances outlined in section 4.6.2 below.
- 4.6.2 AgriLife Research may not offer an informal resolution process in sex-based complaints unless a formal complaint is filed and may not offer or facilitate an informal resolution process to resolve allegations that an employee sexually harassed a student.

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### RELATED STATUTES, POLICIES, OR REQUIREMENTS

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

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

[Texas A&M University Standard Administrative Procedure 08.01.01.M1.01, Investigation and Resolution of Allegations of Discrimination, Harassment, Retaliation, and/or Complicity Against Student, Employees, and Third Parties](#)

[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 and Appeal](#)

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## **CONTACT OFFICE**

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Questions regarding this rule should be referred to AgriLife Human Resources at 979-845-2423.

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## **REVISION HISTORY**

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Approved: February 12, 2016

Revised: June 7, 2019

August 14, 2020

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