

08.01.01.01 CIVIL RIGHTS COMPLIANCE

Approved: August 26, 2016

Revised: August 14, 2020

Next Scheduled Review: August 14, 2025

RULE SUMMARY

System Policy 08.01, Civil Rights Protections and Compliance establishes civil rights protections prohibiting discrimination against employees, students, applicants for employment or admission, or the public. System Regulation 08.01.01 on Civil Rights Compliance establishes systemwide standards for the reporting, review, and resolution of civil rights-based compliance that is in conformity with federal and state law. The purpose of this member rule is to define the rules and processes by which the policy and regulation will be enforced at Texas A&M University-San Antonio (A&M-San Antonio). This rule incorporates the [Definitions](#) in System Regulation 08.01.01, *Civil Rights Compliance*.

DEFINITIONS

“Gender expression” refers to the way a person conveys gender through dress, grooming, mannerisms, personal pronouns, or other characteristics.

RULE

This University Rule is required by The Texas A&M University System Regulation 08.01.01, *Civil Rights Compliance* (hereafter “the Regulation”), that “establishes system wide standards for each member’s 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.

This Rule is intended to supplement the Regulation, as needed.

1 RESPONSIBILITIES OF THE UNIVERSITY

This Section executes and supplements the requirements of Section 1 of System Regulation 08.01.01, *Civil Rights Compliance*.

- 1.1 The President has the primary responsibility for ensuring compliance with civil rights laws and related system and university policy. As CEO, the President has other duties and responsibilities outlined in the Regulation.
- 1.2 The President designates Janice A. Parten, Title IX Coordinator, (210) 784-2061, janice.parten@tamusa.edu as the contact person at the university. The responsibilities of the designee are outlined in Section 1.1 of the Regulation. The Title IX Coordinator has other duties and responsibilities outlined in the Regulation.

- 1.3 The President designates Janice A. Parten, (210) 784-2061, janice.parten@tamusa.edu as the Title IX Coordinator for the university. The responsibilities of the Title IX Coordinator are outlined in Section 1.2 of the Regulation. The Title IX Coordinator has other duties and responsibilities outlined in the Regulation.

The Title IX Coordinator's office address is: Texas A&M University-San Antonio, One University Way, Modular 109A, San Antonio, TX 78224.

- 1.4 The President designates the Office of Title IX to receive and investigate all complaints involving a student respondent(s) and the Office of University Compliance to receive and investigate all complaints involving an employee or third party respondent(s) in accordance with section 1.5 of the Regulation.

- 1.5 The designated offices shall:

1.5.01 Receive and review complaints and reports of discrimination determine if the information is sufficient to proceed with an investigation, and conduct investigations promptly, thoroughly, and equitably. If the information is not sufficient, the designated offices may conduct an inquiry, in consultation with the Office of General Counsel, to determine whether an investigation is necessary;

1.5.02 Coordinate the University's response to violations to ensure they cease and do not recur;

1.5.03 Disseminate information about the University's civil rights protection program and provide training opportunities; and

1.5.04 Report complaints to the System Ethics and Compliance Office (SECO) and the Office of General Counsel upon receipt, and provide A&M-San Antonio leadership and SECO a quarterly report of all alleged complaints.

2 RESPONSIBILITIES OF ALL EMPLOYEES AND STUDENTS

This section supplements the responsibilities in [Section 2](#) of System Regulation 08.01.01, *Civil Rights Compliance*.

2.1 Reporting

2.1.1 **Employees.** Reporting is mandatory for employees. An employee who experiences, observes or becomes aware of discrimination, must report the incident promptly.

2.1.1.1 Unless exempted by subparagraph 2.1.1.7, an employee must report all information concerning the incident to a supervisor or to the Compliance Officer, including whether a complainant has expressed a desire for confidentiality.

2.1.1.2 An employee is not required to report to his or her direct supervisor or to the person who committed the alleged misconduct.

2.1.1.3 A supervisor who receives a report from an employee under this rule shall notify the Compliance Officer immediately.

- 2.1.1.4 Unless exempted by Subparagraph 2.1.1.7, an employee may not keep confidential a complaint or report of discrimination. The employee should advise a reporting party that the employee is obligated to disclose the information to the designated office.
- 2.1.1.5 An employee who receives a complaint or report of discrimination may not disclose the identity of the complainant or reporting party to law enforcement unless (1) the complainant or reporting party authorizes the disclosure, (2) the disclosure is necessary to avoid an imminent threat to the health or safety of an individual, the campus, or community, or (3) the disclosure is required by law.
- 2.1.1.6 An employee's failure to report discrimination in accordance with this rule may result in discipline, including dismissal.
- 2.1.1.7 Unless exempted, an employee who experiences, observes, or becomes aware of information about an incident that the employee reasonably believes constitutes discrimination, sexual assault, dating violence, domestic violence, or stalking based on sex and that incident is alleged to have been committed by or against a person who was a student enrolled, or an employee, of the university at the time of the incident, the employee must promptly report the incident to the Title IX Coordinator or Deputy Title IX Coordinator.
- 2.1.1.8 Credentialed sexual assault advocates and licensed health care providers (1) are exempt from mandatory reporting under this rule when acting in their official capacities as part of their job duties, and (2) may keep complaints and reports confidential to the extent permitted by law. Employees covered by this subparagraph shall report to the Title IX Coordinator the type of incident made known to them but shall not include identifying information or details that would violate the reporter's expectation of privacy.
- 2.1.1.9 The University designates the Licensed Counselors or Psychologists in Student Counseling and Wellness Services to serve as persons with whom students may speak confidentially about discrimination, sexual assault, dating violence, or stalking. The persons designated under this shall report to the Title IX Coordinator the type of incident made known to them but shall not include identifying information or details that would violate the reporter's expectation of privacy.
- 2.1.2 **Students.** A student who experiences, observes, or becomes aware of discrimination should report the incident promptly to the Title IX Coordinator. A student is not required to report to the person who committed the alleged misconduct.

- 2.1.3 **Third parties.** A third party who experiences, observes, or becomes aware of discrimination should report the incident promptly to the Compliance Officer. A third party is not required to report to a direct University supervisor or to the person who committed the alleged misconduct.

NOTE: A&M-San Antonio will not discipline a student who reports discrimination for violating the Student Code of Conduct at or near the time of the reported incident (*e.g.*, a student who reports witnessing a sexual assault at a party where alcohol was present will not face discipline because the student was drinking at the party).

2.2 Cooperating with investigators

- 2.2.1 Employees must cooperate with University officials investigating discrimination. Refusal to cooperate with may result in discipline, including dismissal.
- 2.2.2 Students and third parties should cooperate with University officials investigating discrimination.

3 RESPONSIBILITIES OF THE SYSTEM ETHICS AND COMPLIANCE OFFICE

This section incorporates Section 3 of the System Regulation 08.01.01 Civil Rights Compliance.

4 CIVIL RIGHTS COMPLAINT PROCESSING

Section 4 of System Regulation 08.0.1.01 *Civil Rights Compliance* governs the complaint process. This section establishes specific requirements for filing, receiving, investigating, resolving, and appealing discrimination complaints at A&M-San Antonio.

4.1 Complaints

4.1.1 Filing and receiving complaints

4.1.1.1 The office designated to receive a complaint of discrimination, depends on the status of the respondent to the alleged misconduct.

4.1.1.2 **Title IX.** If the respondent is a student, Title IX receives the complaint:

**STUDENTS RESPONDENTS:
TITLE IX**

Janice Parten
Title IX Coordinator
Modular Bldg. #109A
(210) 784-2061
titleix@tamusa.edu

- 4.1.1.3 **University Compliance.** If the respondent is an employee or third party, University Compliance receives the complaint:

**EMPLOYEES & THIRD PARTY
RESPONDENTS:
UNIVERSITY COMPLIANCE**

Martha O. Gonzalez (interim)
Chief Human Resources Officer
Modular Bldg. #107
(210) 287-2057
martha.gonzalez@tamusa.edu

- 4.1.1.4 A person may file a complaint (a) in writing or in person with the designated office, (b) by calling the University's Risk, Fraud & Misconduct hotline at (888) 501-3850, or (c) through the University's online reporting systems:

4.1.1.4.1 Title IX [File a Report](#) web portal;

4.1.1.4.2 EthicsPoint [Risk, Fraud & Misconduct](#) web portal.

Complaints may be filed anonymously.

- 4.1.1.5 Texas A&M University-San Antonio designates the following employees as having authority to institute corrective measures: Title IX Coordinator, Deputy Title IX Coordinator(s), University Compliance Officer, Chief Human Resources Officer, Provost, Vice President for Student Success & Engagement and Dean of Students. An employee with authority to institute "corrective measures" means an employee with authority to redress harassment for complaints involving only Title IX and sex-based misconduct.

4.2 Investigations and Adjudications

Section 4.2 of System Regulation 08.0.1.01 *Civil Rights Compliance* governs the investigation and adjudication processes. The following provisions supplement the regulation.

4.2.1 ***Designated Administrator – employees.*** When the respondent is an employee or third party, the President shall appoint the designated administrator or may delegate authority to make the appointment. The designated administrator in employee and third party cases must be senior to the complaining and reporting parties and may not directly supervise either.

4.2.2 ***Designated Administrator – students.*** When the respondent is a student, the Vice President for Student Affairs shall appoint the designated administrator or may delegate authority to make the appointment.

4.2.3 ***Hearings***

4.2.3.1 The Office of Student Rights & Responsibilities is designated to select hearing panelists in cases involving students.

4.2.3.2 The Office of Human Resources is designated to select hearing panelists, if a hearing process is elected by the Designated Authority, in cases involving faculty and staff.

4.2.4 ***Training for coordinators, investigators, advisors, adjudicators, appellate authorities, and personnel involved in informal resolutions.***

4.2.4.1 The Office of Compliance will ensure the training requirements in accordance with System Regulation 08.01.01 and its *Appendix B- Minimum Training Requirements*.

4.3 Sanctions

4.3.1 ***Employee sanction for sexual harassment.*** Termination is the mandatory sanction for sexual harassment (as defined in System Regulation 08.01.01 *Civil Rights Compliance*). An employee who is found to have sexually harassed another employee, student, or third party shall be terminated from employment at A&M-San Antonio.

4.3.2 ***Student sanctions for sexual violence and harassment.*** A&M-San Antonio adopts the *Model Sanctioning Matrix for Sexual Violence and Sexual Harassment Violations by Students in the Texas A&M University System* (System Matrix) to establish minimum sanction guidelines for student conduct violations involving sexual violence or sexual harassment.

4.4 Appeals

4.4.1 Appeals shall be adjudicated in accordance with Section 4.5 of System Regulation 08.01.01.

4.4.2 Appellate authority shall be at the Vice President level or higher and may not be assigned to a person who was involved in the underlying investigation, decision, or sanctions.

4.5 Informal Resolution

Informal resolution is governed by Section 4.6 of System Regulation 08.01.01. A University employee involved in conducting an informal resolution process may not (a) be a fact witness in the case, (b) be involved in the investigation, adjudication, or appellate review of the complaint, or (c) be the direct supervisor or current professor of a party.

RELATED STATUTES, POLICIES, OR REQUIREMENTS

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

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

[Model Sanctioning Matrix for Sexual Violence and Sexual Harassment Violations by Students in the Texas A&M University System](#)

[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 Process for Faculty Members](#)

[A&M-San Antonio Procedure 32.01.01.00.01 Complaint and Appeal Procedures for Faculty Members](#)

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


[A&M-San Antonio Student Handbook](#)

CONTACT OFFICE

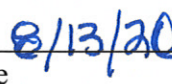
Business Affairs, University Compliance (210) 784-2003 or Title IX (210) 784-2061

System Approvals*

Approved for Legal Sufficiency:

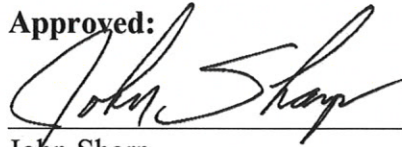


Ray Bonilla


Date

General Counsel

Approved:



John Sharp
Chancellor

8/14/20
Date

***System approvals are contingent upon incorporation of any and all System-required changes in the rule's final posting.**