

## UNIVERSITY RULE

### 08.01.01.M1 **Civil Rights Compliance**

*Approved February 29, 2012*

*Revised September 16, 2016*

*Revised August 5, 2019*

*Revised September 3, 2020*

*Reviewed January 25, 2022*

*Next scheduled review: January 25, 2024*

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#### **Rule Summary**

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Six core values are at the heart of Texas A&M University's ethical standards: loyalty, integrity, excellence, leadership, respect, and selfless service. Consistent with these values, the University reaffirms its commitment to providing a safe, inclusive, and non-discriminatory learning, living, and working environment for all members of the University community.

Texas A&M University prohibits students, employees, and third parties from engaging in discrimination and/or harassment on the basis of race, color, sex, gender identity, age, religion, disability, national origin, sexual orientation, genetic information, veteran status, or any other characteristic protected by federal, state, or local law. In addition, acting in complicity with another who engages in any of these forms of prohibited conduct, or retaliating against a person who participates in protected activity, is also prohibited.

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#### **Official Rule/Responsibilities**

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1. RULE AGAINST DISCRIMINATION, HARASSMENT, COMPLICITY AND RETALIATIONS
  - 1.1 Students, employees, and third parties shall not engage in discrimination or harassment. In addition, employees shall not act in complicity with another who engages in discrimination or harassment, or retaliate against a person who reports or participates in the reporting or investigation of discrimination or harassment.

- 1.2 This Rule applies to all University 1) students; 2) employees, including all full-time and part-time faculty<sup>1</sup>, full-time and part-time staff, temporary employees, professional research staff, and post-doctoral fellows (“employees”); and, 3) contractors, vendors, visitors, volunteers, guests, or other third parties (“third parties”).
- 1.3 This Rule will apply to acts of discrimination, harassment, retaliation, or complicity (except for sexual harassment) committed by students, employees, or third parties when:
- (a) The conduct occurs on University grounds or other property owned or controlled by the University; or
  - (b) The conduct occurs in the context of a University employment or education program or activity, including, but not limited to, University-sponsored education abroad, research, on-line, or internship programs.

This Rule may apply to acts of discrimination, harassment, retaliation, or complicity (except for sexual harassment) committed by students, employees, or third parties when:

- (c) The conduct occurs outside the context of a University employment or education program or activity but creates a hostile environment for Students, Employees, or Third Parties while on University grounds or other property owned or controlled by the University or in any University employment or education program or activity. The Assistant Vice President and Title IX Coordinator or designee shall decide whether this Rule shall be applied to such conduct on a case by case basis.

**This Rule will apply to acts of sexual harassment committed by Students, Employees, or Third Parties when the conditions set forth in *System Regulation 08.01.01, Section 4.2.10* are satisfied.**

- 1.4 Some conduct, while inappropriate or unprofessional, does not rise to the level of discrimination, harassment, retaliation, or complicity. . These behaviors will be addressed by the appropriate disciplinary authority (e.g., Supervisor, Student Conduct, Residence Life) under rules or regulations other than this rule.

## 2. DESIGNATION OF RESPONSIBILITY

The Department of Civil Rights and Equity Investigations (CREI) is responsible for receipt, investigation, and resolution of all complaints of discrimination, harassment, retaliation, and complicity. The Assistant Vice President and Title IX Coordinator within CREI is responsible for overseeing Texas A&M University’s civil rights protections program and will ensure that all complaints of discrimination, harassment, retaliation, and complicity

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<sup>1</sup> Although they are not employees, affiliated faculty will be treated as faculty for the purpose of this rule and 08.01.01.M1.01

are promptly, thoroughly, and equitably reviewed, investigated, and resolved in accordance with Texas 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 Complicity Against Students, Employees, and Third Parties*, and this Rule.

### 3. REPORTING OBLIGATIONS

3.1 All Texas A&M employees are mandatory reporters except for those expressly exempted in this Rule or *Section 2* of Texas A&M System Regulation 08.01.01, *Civil Rights Compliance*. Mandatory Reporters must report all known information about an alleged or suspected incident of discrimination, harassment, retaliation or complicity that is experienced by, observed by, or made known to an employee in the course and scope of their employment as soon as possible. Students workers are not required to report conduct prohibited by this Rule if the student worker experiences, observes, or becomes aware of the prohibited conduct outside the context of their employment. 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 to the University.

Students and Third Parties are strongly encouraged (but not required) to report conduct prohibited by this Rule. .

An employee's failure to report alleged or suspected discrimination, harassment, retaliation, or complicity may result in disciplinary action, including termination of employment.

3.2 Certain employees, when acting in the course and scope of their employment as a part of their official employment, are confidential reporters. Students may speak with confidential reporters concerning incidents of discrimination, harassment, retaliation and complicity, and the confidential reporter will keep the report of confidential. At Texas A&M University, licensed health care personnel and mental health providers, including but not limited to the following locations, are considered Confidential Reporters:

- Student Health Services
- Counseling and Psychological Services
- Texas A&M Psychology Clinic
- Counseling and Sport Psychology Services
- Office of Student Counseling

Researchers are deemed confidential only when the research project is federally funded and the identity of research subjects on the specific project are deemed confidential by law.

Confidential reporters must provide de-identified statistics as required under the Clery Act or other applicable state and federal laws and regulations. Confidential reporters may not include any identifiable information.

Confidential reporters are available to support both Complainants and Respondents.

### 3.3 Reporting to the University

Reports that a Student, an Employee or a Third Party has engaged in conduct prohibited by this Rule should be made to:

Jennifer Smith  
Assistant Vice President and Title IX Coordinator  
Department of Civil Rights and Equity Investigations (CREI)  
Medical Sciences Library  
202 Olsen Blvd, Suite 007  
College Station, TX 77843  
(979) 458-8407  
Email: [civilrights@tamu.edu](mailto:civilrights@tamu.edu)  
Website Reporting Form: <https://titleix.tamu.edu/report/>

Reports that the following individuals have engaged in conduct prohibited by this Rule :

- the Chancellor,
- the Texas A&M President,
- a Chief Operating Officer
- an employee who reports directly to the Chancellor, President, or Chief Operating Officer, or
- the Title IX Coordinator or a Deputy Title IX Coordinator
- the Chief Risk, Ethics, and Compliance Officer
- the Hearing Officer

should be made to the Texas A&M System Ethics and Compliance Office, as follows:

Texas A&M System Ethics and Compliance Office (SECO)  
301 Tarrow, 6<sup>th</sup> floor  
College Station, TX 77843  
(979) 458-6120  
[Civilrightsreporting@tamus.edu](mailto:Civilrightsreporting@tamus.edu)

Texas A&M designates the following employees as having authority to institute corrective measures: Title IX Coordinator, Deputy Title IX Coordinators, Chief Risk, Ethics and Compliance Officer, Director of Employee Relations, Vice

President for Human Resources, Faculty Affairs, Office of the Provost & Executive Vice President, Dean of Students, Dean of Student Life, and the Associate Director of Student Life -. 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.

### 3.4 Additional Options for Reporting to the University

- (a) Individuals wishing to submit an anonymous report may do so through [Tell Somebody](#), an electronic reporting option. Anonymous reporting may limit the University’s ability to respond to the allegation
- (b) Individuals wishing to submit an electronic report may also do so through the “Make a Report” form found at [TitleIX.tamu.edu](http://TitleIX.tamu.edu)

### 3.5 Reporting to Law Enforcement

Notwithstanding the mandatory reporting requirement for employees in section 2, anyone may report matters that they believe are criminal to the appropriate local law enforcement agency. A Complainant may request assistance from CREI in notifying law enforcement authorities and always has the right to decline to notify law enforcement.

**A report to law enforcement, even to the University Police Department (UPD), is separate from a report to the University under this Rule.** An individual wishing to simultaneously pursue a law enforcement investigation and a University resolution of conduct prohibited by this Rule should make a report to both entities.

### 3.6 Employees receiving a report under this Rule may not disclose the identity of the Complainant to any law enforcement authority unless:

- (a) expressly authorized by the Complainant;
- (b) imminent threat to health or safety exists; or
- (c) required by law.

### 3.7 Although a report of conduct prohibited by this Rule t may be made at any time, regardless of when the alleged conduct occurred, a report should be filed as soon as possible after the action that caused the report. Prompt reporting assists investigators in the collection and preservation of evidence.

### 3.8 The filing of a report will not stop, delay, or affect pending personnel or disciplinary actions. This includes, but is not limited to, performance evaluations or disciplinary actions related to an employee or student who is not performing at acceptable levels or standards or who has violated System policies or regulations or University rules or SAPs.

**UNIVERSITY RESPONSE TO REPORTS OF CONDUCT PROHIBITED BY THIS RULE** The University’s response to allegations of prohibited conduct will be 1) prompt and equitable, 2) intended to stop and prevent the recurrence of any harassment, and 3)

intended to remedy its discriminatory effects as appropriate. A substantiated allegation of prohibited conduct will result in disciplinary action, up to and including termination of employment or separation from the University. Third Parties who commit prohibited conduct may have their relationships with the University terminated and/or their privileges of being on University premises withdrawn.

The procedures for responding to allegations of conduct prohibited by this Rule committed by Students, Employees, and Third Parties are detailed in Texas A&M SAP 08.01.01.M1.01, *Investigation and Resolution of Allegations of Discrimination, Harassment, Retaliation and Complicity Against Students, Employees and Third-Parties*.

#### 4. WHERE THE RESPONDENT HAS MULTIPLE ROLES AT THE UNIVERSITY

If the Respondent has multiple roles, such as when the Respondent is both a student and an employee, the Chief Risk, Ethics, and Compliance Officer will consult with other relevant University Officials and then determine which procedure(s) to follow in the investigation and resolution of the allegations of prohibited conduct as well as other policy violations. The Chief Risk, Ethics, and Compliance Officer will consider the known facts and circumstances, including which role predominates in the context of the prohibited conduct.

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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](#)

[University SAP 08.01.01.M1.01, \*Investigation and Resolution of Allegations of Discrimination, Harassment, Retaliation, and Complicity Against Students, Employees and Third-Parties\*](#)

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### **Contact Office**

**Department of Civil Rights and Equity Investigations**  
**979-458-8407**