

AGENCY RULE

08.01.01.F1 Civil Rights Compliance

Approved August 16, 2016

Revised October 10, 2019

Revised August 14, 2020

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RULE SUMMARY

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

This rule supplements A&M System Regulation 08.01.01 and designates the official contacts for receipt and processing of reports, complaints, investigations, adjudication, appeals and use of informal resolution in cases involving allegations of discrimination, including complaints made by employees, students and/or third parties. Refer to [A&M System Regulation 08.01.01, *Civil Rights Compliance*](#), for applicable definitions.

RESPONSIBILITIES AND PROCEDURES

1. TFS Responsibilities

- 1.1 The Director has the primary responsibility for ensuring compliance with civil rights laws and related A&M System policy for TFS.
- 1.2 TFS employees involved in the administration of civil rights complaints will complete annual training in accordance with the requirements established by the System Ethics and Compliance Office (SECO).
- 1.3 TFS will comply with all required notification and reporting processes as specified in A&M System Regulation 08.01.01, *Civil Rights Compliance*.
- 1.4 The following employees have the authority to institute corrective measures: department head of the employee experiencing discrimination or, if the department head is engaging in discrimination, his or her supervisor. An employee with authority to institute “corrective measures” means an employee with authority to redress discrimination for complaints involving only Title IX and sex-based misconduct.

2. Texas A&M AgriLife (AgriLife) Responsibilities

- 2.1 The Chief Human Resources Officer for AgriLife is responsible for the oversight of the civil rights protections program for TFS as the contact person and designated Title IX Coordinator for the agency. Contact information for the Title IX Coordinator is:

Jennifer Hobbs
AgriLife Chief Human Resources Officer
578 John Kimbrough Blvd.
College Station, TX 77843-2147
jmhobbs@ag.tamu.edu
979-845-2423

- 2.2 The Chief Human Resources Officer or designee is responsible for the intake of complaints, appeals, or reports (complaints), and for ensuring the investigation process is followed in accordance with the A&M System regulation.

3. Employee Responsibilities

- 3.1 Employees are responsible for ensuring their work environment is free from discrimination. If an employee observes or becomes aware of alleged or suspected discrimination in the course and scope of their employment, or the employee believes he or she has been subjected to discrimination, the employee is responsible for promptly reporting that information to the AgriLife Chief Human Resources Officer.
- 3.2 Employees must cooperate fully with those performing an investigation pursuant to this rule and A&M System Regulation 08.01.01. Retaliation against a person for filing a complaint, participating in an investigation, or against any administrative personnel involved in processing civil rights investigations (e.g., Title IX Coordinator, Investigative Authority, Designated Administrator) under this rule and System Regulation 08.01.01 is prohibited.
- 3.3 Employees are responsible for complying with state law requiring System training on equal opportunity and nondiscrimination within 30 days of hire and every two (2) years thereafter.

4. System Ethics and Compliance Office Responsibilities

- 4.1 SECO is designated to receive, review, investigate and adjudicate complaints received against the Director or any employees who report directly to the Director.

5. Complaint Processing

- 5.1 The reporter or supervisor is encouraged to contact AgriLife Human Resources for guidance. The supervisor or department head will promptly notify AgriLife Human Resources or the Title IX Coordinator if the complaint alleges discrimination.
- 5.2 Complaints of discrimination may be reported to the employee's direct supervisor, another TFS official, 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. Alternatively, allegations may be submitted using the [Risk, Fraud & Misconduct Hotline](#).

- 5.3 Upon receipt of a complaint, the Chief Human Resources Officer or designee will promptly notify (within two (2) business days) in writing, SECO and The Texas A&M System Office of General Counsel (OGC).

6. Investigations

- 6.1 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 TFS officials and other responsibilities necessary to properly conduct the investigation.
- 6.2 The Chief Human Resources Officer is responsible for designating an Investigative Authority, who will investigate any complaint filed under this rule. The Director or designee will appoint a Designated Administrator, who will render a written decision on each complaint in accordance with A&M System Regulation 08.01.01.
- 6.3 AgriLife Human Resources will provide a draft report on the investigation of the allegations to the OGC for review in accordance with A&M System Regulation 08.01.01.

7. Decisions

- 7.1 A finalized investigation report will be submitted to the Designated Administrator. The Designated Administrator will render a written decision on the merits of the complaint in accordance with A&M System Regulation 08.01.01.

8. Sanctions

- 8.1 The Director will decide, in consultation with OGC, sanctions if any, or may delegate the sanctioning decision to another authority within TFS. Section 4.4.3 of A&M System Regulation 08.01.01 lists the range of possible sanctions that may be imposed when an employee is found responsible for discrimination. When an employee is found to have sexually harassed or engaged in sex-based misconduct of another member of the A&M System community, the sanction will be termination of employment.

9. Appeals

- 9.1 Appeal of Decision and/or Sanctions - Allegations of Sex Discrimination

- A. The complainant(s) and/or the respondent(s) subjected to the alleged sexual discrimination may appeal the TFS official's decision and sanction, 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 five (5) business days of receipt of the decision or sanction.
- C. The Director or designee will decide the appeal. The appeal may not be decided by someone with previous involvement or participation in the investigation or decision.

9.2 Appeals - Allegations of Discrimination Not Based on Sex

Any employee disciplined pursuant to this rule may appeal that action by completing form AG-424, and delivering the form to AgriLife Human Resources in accordance with the time lines contained in A&M System Regulation 32.01.02, *Complaint and Appeal Process for Nonfaculty Employees*.

10. Informal Resolutions

- 10.1 At any time prior to the determination of a final decision, the parties may seek an informal resolution to resolve the complaint, as outlined in A&M System Regulation 08.01.01.

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

CONTACT OFFICE

For questions, contact Texas A&M Agrilife Human Resources at 979-845-2423