

## AGENCY RULE

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### **08.01.01.F1 Civil Rights Compliance**

Approved August 16, 2016

Revised October 10, 2019

Revised August 14, 2020

Revised June 29, 2022

Revised August 25, 2022

Next Scheduled Review August 25, 2027

### **RULE SUMMARY**

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

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

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

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

#### 1. 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 policy for the Texas A&M Forest Service, and (2) has been designated as the person responsible for overseeing the civil rights protections program for the agency. The Assistant Vice President and Chief Compliance Officer will also serve as the Texas A&M Forest Service's Title IX Coordinator.
- 1.2 Texas A&M University's Department of Civil Rights and Equity Investigations (CREI) has been designated as AgriLife's civil rights office and is responsible for the receipt, investigation, and resolution of all complaints of discrimination, harassment, retaliation, and complicity involving an agency 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: <https://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 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.
- 1.4 Texas A&M Forest Service will comply with all required notification and reporting processes as specified in A&M System Regulation 08.01.01, *Civil Rights Compliance*.

## 2. Employee Responsibilities

- 2.1 When alleged or suspected discrimination is experienced 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 System Regulation 08.01.01. Exceptions to this are those employees expressly exempted in section 2 of System Regulation 08.01.01.
- 2.2 Employees who are informed of prohibited conduct should advise the reporter that: (1) they cannot keep reports of prohibited conduct confidential, and (2) 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 System Regulation 08.01.01 is prohibited.
- 2.5 All 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.

## 3. System Ethics and Compliance Office (SECO) Responsibilities

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 System Regulation 08.01.01 to receive, review, investigate and adjudicate the complaint.

#### 4. Complaint Processing

##### 4.1 Complaints

TAMU CREI is responsible for: (1) receiving all mandatory reports, (2) 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 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 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 System Regulation 08.01.01 or agency rule 08.01.01.F1, an unredacted copy of the investigation report and exhibits will be provided to AgriLife's Chief Human Resources officer (CHRO).

4.4.2 Employee sanctioning decisions will be made by Texas A&M Forest Service leadership in consultation with AgriLife's CHRO and System office of General Counsel (OGC), per 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 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 System Regulation 08.01.01, *Civil Rights Compliance*.

4.5.2 The Texas A&M Forest Service Director or designee will serve as the appellate authority unless the Director is the Respondent, or the Respondent reports directly to the Director, in which case the appeal will be directed to the Associate Vice Chancellor or designee.

4.5.3 For Appeals of cases where all parties are Texas A&M Forest Service employees:

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

An appeal of allegations of discrimination not based on sex is filed by completing form AG-424 (Formal Complaint and Appeal Form), and delivering the form to AgriLife Human Resources in accordance with the timelines contained in 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 the Texas A&M Forest Service:

Appeals will follow the processes outlined in System Regulation 08.01.01.

#### 4.6. Informal Resolutions

4.6.1 At any time prior to the determination of a final decision, the parties may seek an informal resolution to resolve the complaint in accordance with System Regulation 08.01.01.

4.6.2 The agency 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.

### **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](#)

**CONTACT OFFICE**

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