

**THE TEXAS A&M UNIVERSITY SYSTEM  
HEALTH SCIENCE CENTER RULES**

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**08.01.01.Z1 Civil Rights Compliance**

*Approved September 21, 2011*

Supplements System Policy 08.01 and System Regulation 08.01.01

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**1. GENERAL**

- 1.1 The employment and educational environment throughout the Texas A&M University System Health Science Center (HSC) shall be free from all forms of discrimination, sexual harassment and/or related retaliation based on race, color, religion, sex, national origin, disability, age or veteran status. Conduct constituting discrimination, sexual harassment and/or related retaliation is specifically prohibited by federal law, state law, and Texas A&M University System Policy. The definition of sexual harassment is contained in System Regulation 08.01.01.
- 1.2 Each supervisor has the responsibility to foster a learning environment and workplace free of discrimination, sexual harassment and/or related retaliation. Sexual harassment, which is a form of discrimination, will be treated as such and will not be tolerated.
- 1.3 Graduate Assistants – Teaching and persons holding post-doctoral teaching appointments are considered faculty for the purpose of these procedures. Graduate Assistants – Non-Teaching and those holding post-doctoral non-teaching appointments are considered non-faculty employees for the purpose of these procedures. For purposes of this rule, physicians in training are considered non-faculty employees.

**2. RESOLUTION PROCESS**

- 2.1 An individual, including an employee, patient, vendor or members of the public, who believes he or she has been subjected to discrimination, sexual harassment and/or related retaliation may discuss the offending behavior with the alleged offender, but is not required to do so. The object of such discussion is to alert the alleged offender that the alleged conduct is in violation of the Texas A&M University System’s policy and/or regulations and that the alleged offending behavior should cease immediately.
- 2.2 An individual, including an employee, patient, vendor or members of the public, who believes he or she has been subjected to discrimination, sexual harassment and/or related retaliation may file a written complaint as specified in section 2.3 of this rule.
- 2.3 An individual to include an employee, patient, vendor or members of the public who believes he or she has been subjected to sexual harassment and who desires to file a complaint should submit a written complaint to HR (non-faculty) or to the Office of the

Vice President for Academic Affairs (faculty and students). These complaints will be held in confidence to the extent permitted by law and should contain the following information:

- 2.3.1 Name of the complainant.
- 2.3.2 Contact information, including address, telephone, and e-mail (if appropriate).
- 2.3.3 Name of person(s) directly responsible for alleged violation(s).
- 2.3.4 Date and place(s) of alleged violation(s).
- 2.3.5 Nature of alleged violation(s) as defined in System policy.
- 2.3.6 Detailed description of the specific conduct that is the basis of the alleged violation(s).
- 2.3.7 Names of any witness to the alleged violation(s).
- 2.3.8 Actions requested to resolve the situation.
- 2.3.9 Complainant's signature and date of filing, and
- 2.3.10 Any other relevant information.

2.4 If the complaint is directed against the Vice President for Finance and Administration or a member of HR or the Vice President for Academic Affairs staff, the function assigned to that individual will be delegated to another person.

2.5 A complaint alleging discrimination, sexual harassment and/or related retaliation related to discipline and/or dismissal must be filed within seven (7) business days of the action that caused the complaint, or it will be deemed untimely filed and dismissed. A complaint alleging discrimination, sexual harassment and/or related retaliation unrelated to discipline and/or dismissal must be filed within sixty (60) calendar days of the most recent incident.

2.6 In the case of written complaints, HR or the Office of the Vice President for Academic Affairs (VPAA), as appropriate, must within five (5) business days send the complainant a brief acknowledgement of the complaint in a timely manner, advising the complainant that he or she will be contacted within a given time frame. The acknowledgement letter will include a copy of System Policy 08.01, System Regulation 08.01.01, and this rule. Within this same timeframe, the HR or VPAA, as appropriate, shall notify the VPFA of the complaint, assign the complaint to an investigator(s) and provide the assigned investigator(s) a copy of the written complaint as well as the relevant policy, regulation, and rule.

2.7 The assigned investigator(s) will interview both the complainant and the alleged offender(s) and other persons who are considered to have pertinent factual information related to the complaint. The investigator(s) shall also gather and examine documents relevant to the complaint. Findings will be based on the totality of circumstances surrounding the conduct complained of, including but not limited to the context of that conduct, its severity, its frequency, whether it was physically threatening or humiliating or was simply offensive in nature.

2.8 The investigator(s) will provide a statement of findings, copies of relevant documents, and any physical evidence considered to the VPFA, and the VPFA will review the complaint and the documentation provided by the investigator(s) and render a written decision within fifteen (15) business days after receiving notice of the complaint from the HR or VPAA as required in section 2.6. If additional time is needed for investigation and consideration of the complaint, the investigator(s) will notify the VPFA of the need for the extension and the date by which the report will be submitted. Absent unusual circumstances, the extension should not be for more than fifteen (15) additional business days. The VPFA will notify the complainant and alleged offender of the extension.

2.8.1 Methods of resolution may include, but are not limited to, coaching the complainant on how to address the situation causing the problem directly; mediating the dispute between the parties concerned; aiding in the modification of the situation in which the offensive conduct occurred; assisting a department or division with the resolution of a real or perceived problem; conducting a documented meeting with the alleged offender that involves a discussion of the requirements of System policy, regulation, HSC rules and procedures.

2.8.2 If the VPFA determines the System policy and regulation were violated, he or she, following consultation with the investigator(s) or other knowledgeable person(s) as appropriate, shall determine a disciplinary action that is appropriate for the severity of the conduct, in accordance with System Policy 32.02, *Discipline and Dismissal of Employees*, and other applicable regulation(s), rule(s), and procedure(s). Disciplinary actions can include, but are not limited to, written reprimands, reassignment, suspension without pay, and termination of employment. Following review and approval of the proposed disciplinary action as stipulated by applicable regulation, the VPFA will inform the complainant and the offender of his or her decision within five (5) business days of the decision.

2.8.3 HSC shall document the resolution of all complaints concerning discrimination, sexual harassment and/or related retaliation. Such documentation shall be retained by HR or the VPAA, as appropriate, and shall be kept confidential to the extent permitted by law.

### **3. APPEALS**

Appeals may be made in conjunction with System Policy 08.01 and System Regulation 08.01.01.

### **OFFICE OF RESPONSIBILITY**

Vice President for Finance and Administration