

08.01.01.D1 Civil Rights Compliance

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August 14, 2020
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Rule Summary

System Policy 08.01 on 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 (hereinafter the “Regulation”) establishes system wide 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-Central Texas (A&M-Central Texas). A&M-Central Texas is committed to providing an educational and working environment that provides equal opportunity to all members of the A&M-Central Texas community. See definitions in A&M System Regulation [08.01.01, Civil Rights Compliance](#).

Rule

1. RESPONSIBILITIES OF THE PRESIDENT, CHIEF COMPLIANCE OFFICER AND TITLE IX COORDINATOR
 - 1.1 The President of the University 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 designated the responsibility for overseeing civil rights protections to the Chief Compliance Officer and Title IX Coordinator, in accordance with federal and state civil rights laws and with A&M System Regulation 08.01.01, Civil Rights Compliance.
 - 1.3 The President designates Michelle Zornes, Title IX Compliance Coordinator, 254-519-5716, mzornes@tamuct.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- Central Texas 1001 Leadership Place, Killeen, TX 76549, Founder’s Hall, Suite 317, RM 317B.

- 1.4 The Chief Compliance Officer and/or the Title IX Coordinator, in coordination with the System Ethics and Compliance Office (SECO) and the Office of General Counsel (OGC), will ensure that all allegations of discrimination are promptly, thoroughly, and equitably investigated and resolved in accordance with A&M System Regulation 08.01.01, Civil Rights Compliance. The Chief Compliance Officer and/or Title IX Coordinator will periodically follow up on situations in which discrimination has been found, to ensure that the situation does not recur. The Chief Compliance Officer will develop, conduct, coordinate and oversee civil rights compliance training and provide periodic updates to managers and the campus community regarding the civil rights compliance program.
- 1.5 The Chief Compliance Officer will coordinate with the Title IX Coordinator, Human Resources Office, Registrar's Office, Office of Student Affairs, and University Police Department to ensure compliance with civil rights notifications, training and reporting efforts.
- 1.6 The following employees have been designated as having authority to institute corrective measures: the President, Title IX Coordinator, Deputy Title IX Coordinators, Human Resources, Office of the Provost, and the Student Conduct Office. 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.

2.0 RESPONSIBILITIES OF ALL EMPLOYEES AND STUDENTS

- 2.1 The responsibilities of employees and students are outlined in section 2 of System Regulation 08.01.01, Civil Rights Compliance. Employees and students have other rights, duties and responsibilities outlined in the Regulation.
- 2.2 Employee reporters can obtain confidential guidance at [Guidance Resources](#), Employee Assistance Program, in accordance with section 2.3 of the Regulation.
- 2.3 Student reporters can obtain confidential guidance concerning incidents involving sexual harassment, sexual assault, dating violence, or stalking at the Student Counseling Center in accordance with section 2.3 of the Regulation.

3.0 PROCEDURES FOR CIVIL RIGHTS COMPLAINT PROCESSING

- 3.1 The procedures to be followed by A&M-Central Texas employees or students in relation to alleged discrimination are outlined in section 4 of System Regulation 08.01.01, Civil Rights Compliance.
- 3.2 Incidents involving sexual harassment, sexual assault, dating violence, or stalking can be reported anonymously at the Ethics Point Hotline in accordance with section 4.1.2 of the Regulation.
- 3.3 The President designates the Office of Institutional Compliance to hear a challenge by a respondent who is subject to removal in accordance with section 4.2.2 of the Regulation.

3.4 Complaints

- 3.4.1 All Complaints alleging discrimination against an employee or third party must be reported as soon as possible to the Director of Human Resources, Chief Compliance Officer, or the Title IX Coordinator. These offices have been designated by the President to receive and investigate all complaints involving employee or third party respondents in accordance with System Regulation 08.01.01, Civil Rights Compliance, section 1.5.
- 3.4.2 All Complaints alleging discrimination against a student must be reported as soon as possible to the Associate Dean of Student Affairs and Deputy Title IX Coordinator, or Title IX Coordinator. These offices have been designated by the President to receive and investigate all complaints involving student respondents in accordance with System Regulation 08.01.01, Civil Rights Compliance, section 1.5.
- 3.4.3 The Title IX Coordinator must be informed of all incidents of alleged sex discrimination, including sexual harassment and sexual violence, reported to a university employee, regardless of where the complaint is brought, investigated, or resolved. The Title IX Coordinator will coordinate the resolution of Title IX related complaints that may involve university offices with concurrent jurisdictional responsibilities.

All complaints should include the following to the extent possible:

- (a) date(s) of the complaint and alleged incident(s);
 - (b) nature and description of the alleged conduct;
 - (c) name(s), category (employee, student, and/or third party) and title(s), if applicable, of the individual who was subjected to the alleged discriminatory conduct; and
 - (d) name(s), category (employee, student, and/or third party) and title(s), if applicable, of the respondent(s), if known.
- 3.4.4 Any complaints alleging discrimination filed by a local, state or federal office must immediately inform the Office of Institutional Compliance.

3.5 Investigations

- 3.5.1 Upon receipt of a complaint, the designated office will conduct an initial assessment into the allegation(s) to determine if there is sufficient information to proceed with an investigation or if additional information is needed.
 - (a) If the information is insufficient, the designated office, in consultation with OGC, may conduct an inquiry into the circumstances of the complaint and (1) dismiss it as baseless; (2) close it for insufficient information or lack of jurisdiction (see 4.2.9) to investigate; or (3) refer it to the office which has responsibility for such complaints, or (4) with the consent of the parties, as well as with the approval of SECO, refer the complaint to informal resolution. Cases involving allegations based

on sex require the submission of a formal complaint before they may be referred to informal resolution. The designated office will notify the complainant of such action in writing.

- (b) If the information is sufficient the Chief Compliance Officer will forward the complaint to the designated office and appoint an investigative authority within five (5) business days to move forward with a formal investigation. The Chief Compliance Officer will also appoint a designated administrator to render the final decision regarding the merits of the complaint.

3.5.2 The designated office will provide written notification to the complainant(s) and the respondent(s) of: (1) receipt of the complaint stating the allegation of a violation of System Regulation 08.01.01; (2) the appointed investigative authority; (3) the appointed designated administrator; (4) interim supportive measures, if any, (5) admonishments regarding cooperation and prohibiting retaliation, and (6) any informal resolution process that may be available. An unreacted version of the complaint will be given to an employee respondent and their advisor, if applicable, with admonishments regarding privacy. The notice of allegations in cases involving sex-based violations must include sufficient details known at the time and must be provided with sufficient time to prepare a response before any initial interview.

3.5.3 Complaints (or formal complaints in Title IX cases) will be investigated and adjudicated in accordance with the Regulation.

1. Title IX (see 08.01.01, section 4.2.10)
2. Sex-Based Misconduct (see 08.01.01, section 4.2.11)
3. All other civil rights complaints (see 08.01.01, section 4.2.12)

3.6 Sanctions

3.6.1 Sanctions and/or remedies may have educational, restorative and rehabilitative components for employees and/or students. In addition, employee sanctions may have punitive components

Examples of sanction or remedies include, but are not limited to:

- a) reprimand, censure, warning
- b) disciplinary probation
- c) no contact order
- d) suspension/ unpaid suspension
- e) expulsion
- f) treatment, and/or education for alcohol and other drug issues
- g) workshops (e.g., healthy relationships, conflict management, anger management, sensitivity training)
- h) counseling assessment
- i) interviews and educational essays, guided reflection papers
- j) coaching plan
- k) sensitivity training

3.7 Appellate Authority

- 3.7.1 The President designates Deserie Mensch, Chief Compliance Officer, 254-519-5763, d.mensch@tamuct.edu, as the appellate authority in accordance with section 4.5.

Related Statutes, Policies, or Requirements

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

[System Regulation 08.01.01 Civil Rights Compliance](#)

[System Policy 12.01, Academic Freedom, Responsibility, and Tenure](#)

[System Regulation 32.01.01, Complaint and Appeal Process for Faculty Members](#)

[System Regulation 32.01.02, Complaint and Appeal Process for Non-Faculty Employees](#)

[University Procedure 12.02.99.D0.01 Institutional Procedures for Implementing Tenure](#)

[Code of Student Conduct](#)

Contact Office

[Office of Institutional Compliance](#)

Deserie Mensch
Chief Compliance Officer/Civil Rights Administrator
Founder's Hall Room 317C
compliance@tamuct.edu
254-519-5763

Michelle Zornes
Title IX Coordinator
Founder's Hall Room 317B
titleix@tamuct.edu
254-519-5716

Paul York
Associate Dean of Student Affairs/Title IX Deputy Coordinator
Warrior Hall Room 105B
pyork@tamuct.edu
254-501-5877

Tina Flores-Nevarez
Director of Human Resources/Title IX Deputy Coordinator
Warrior Hall Room 424B
t.flores@tamuct.edu
254-519-8015