

**PRAIRIE VIEW A&M UNIVERSITY  
UNIVERSITY RULE**



**08.01.01.P1 Civil Rights Compliance**  
Approved August 10, 2016  
Next Scheduled Review: August 2021

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### **Rule Statement**

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Prairie View A&M University (PVAMU) will provide equal opportunity to all employees, students, applicants for employment and admission, and the public regardless of race, color, religion, sex, sexual orientation, gender identity, genetic information, national origin, disability, age, or veteran status.

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### **Reason for Rule**

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This Rule acknowledges civil rights protections and designates the official contacts for the receipt, investigation, and resolution of illegal discrimination, sexual harassment, and/or related retaliation complaints or appeals as required by System Policy [08.01 Civil Rights Protections and Compliance](#) and System Regulation [08.01.01 Civil Rights Compliance](#). Complaints of illegal discrimination, sexual harassment and/or related retaliation concerning a PVAMU employee or student or third party (including anyone who receives services from the University, vendor, or business associate) shall be submitted, investigated and resolved in accordance with this Rule.

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### **Official Procedures and Responsibilities**

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#### **1. GENERAL**

- 1.1 The President of the University has the primary responsibility for ensuring compliance with civil rights laws and regulations, including but not limited to the prohibition of discrimination, sexual harassment, and/or related retaliation based on race, color, religion, sex, sexual orientation, gender identity, genetic information, national origin, disability, age, or veteran status.
- 1.2 The President designates the Equal Employment Opportunity Officer (EEOO) to be responsible for overseeing the University's civil rights protection program in accordance with System Regulation [08.01.01](#).
- 1.3 Any complaints, appeals or reports of illegal discrimination, sexual harassment, and/or related retaliation must be reported to the System Ethics and Compliance Office (SECO) upon receipt.
- 1.4 Responsibilities of all PVAMU employees and students related to civil rights compliance are outlined in System Regulation [08.01.01](#).

#### **2. FILING A COMPLAINT**

- 2.1 Any University employee who experiences, witnesses or is made aware of alleged or suspected incidents of illegal discrimination, sexual harassment and/or related retaliation must report the incident(s) to the EEOO. Complaints involving an employee or third party must be forwarded to the EEOO within five (5) business days of receipt.
- 2.2 Students may file complaints with the EEOO or the Office of Student Conduct.
- 2.2 An employee or student who believes they have been subjected to illegal discrimination, sexual harassment and/or related retaliation in connection with discipline and/or dismissal must submit a complaint within ten (10) business days of the action which caused the complaint, or it may be deemed untimely and dismissed.
- 2.3 An employee or student who believes they have been subjected to illegal discrimination, sexual harassment and/or related retaliation unrelated to discipline and/or dismissal must submit a complaint within ninety (90) calendar days of the most recent incident, or it may be deemed untimely and dismissed.
- 2.4 A third party (including, but not limited to, anyone receiving University services, vendors and private business associates) should report incidents of illegal discrimination, sexual harassment and/or related retaliation involving an employee or student to the EEOO or the Office of Human Resources, which will forward the complaint to the EEOO within five (5) business days of receipt.

### **3. COMPLAINT INVESTIGATIONS**

- 3.1 Upon receipt of a complaint involving an employee or third party respondent, the EEOO, in consultation with System Office of General Counsel (OGC), will review it to determine if there is sufficient information to proceed with an investigation or if additional information is needed. If the information is sufficient, the EEOO will designate an investigative authority and a designated administrator. The EEOO may serve as the investigative authority.
- 3.2 When a complaint involves the EEOO, the investigation of such a complaint will be transferred to another administrator designated by the President.
- 3.3 When the respondent is a student, the Office of Student Conduct will investigate, following the procedures outlined in the [Code of Student Conduct](#).
- 3.4 Timeframes
  - 3.4.1 If the EEOO is appointing a designee as the investigative authority of a complaint, the EEOO will forward the complaint to the designee within five (5) business days of receipt.
  - 3.4.2 The investigative authority will review the complaint and relevant documentation, conduct separate interviews of both the complainant(s) and the respondent(s), and may interview any persons identified as having knowledge of relevant facts or information related to or mentioned in the complaint. If any of the parties cannot be interviewed, the EEOO or his/her designee will document all attempts to schedule an interview.
  - 3.4.3 Upon completion of the investigation, the investigative authority will prepare a draft report and forward it to the EEOO within thirty (30) business

days of receipt of the complaint. The EEOO will then forward the draft report to the System Office of General Counsel (OGC) for review. OGC will provide a response to the EEOO within ten (10) business days. The investigative authority will then submit a final investigative report to the designated administrator within five (5) business days.

- 3.4.4 In the event of unusual circumstances that require an extension of time to thoroughly investigate a complaint and produce a written report of the results, the EEOO or his/her designee will promptly advise the complainant and the respondent of those circumstances in writing and provide a timeframe for completion of the investigation and report.

#### **4. COMPLAINT RESOLUTION**

- 4.1 The designated administrator will review the investigative report and render a written decision on the merits of the complaint within five (5) business days of receipt of the finalized report unless unusual circumstances require additional time.
  - 4.1.1 The designated administrator's decision will be provided to the complainant(s), respondent(s), the EEOO and/or other investigative authority, and the complainant(s)' and respondent(s)' supervisor(s)/department heads.
  - 4.1.2 In those instances where a complaint was found to be substantiated, the EEOO or his/her designee will follow up with the complainant(s) in order to verify that the discriminatory, harassing, and/or retaliatory conduct has ceased.
- 4.2 Sanctions, if any, will be imposed in accordance with System Regulation [08.01.01](#), System Policy [12.01](#), System Policy [32.02](#), System Regulation [32.02.02](#), and/or the [Code of Student Conduct](#), as applicable.

#### **5. APPEALS**

- 5.1 Complaint appeals related to sex discrimination or related retaliation involving an employee or third party will only be accepted in accordance with System Regulation [08.01.01](#), Section 4.5. The appeal does not create an entitlement to a new investigation or a full re-hearing of the complaint. Appeal requests must be submitted in writing to the EEOO or the designated administrator within five (5) business days of receipt of the written decision or sanction letter. In consultation with the designated administrator, the EEOO will designate an appropriate administrator to consider the appeal. That administrator's decision is final.
- 5.2 Appeals by students will follow the procedures specified in the [Code of Student Conduct](#).

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#### **Related Statutes, Policies, Regulations and Rules**

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[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 Policy 32.01 Employee Complaint and Appeal Procedures](#)

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

[System Regulation 32.01.02 Complaint and Appeal Process for Nonfaculty Employees](#)

[System Policy 32.02 Discipline and Dismissal of Employees](#)

[System Regulation 32.02.02 Discipline and Dismissal of Nonfaculty Employees](#)

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## **Forms**

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[Online Complaint Form](#)

[Complaint Form \(PDF\)](#)

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## **Definitions**

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Unless stated otherwise, all terms used in this Rule shall have the meaning assigned by System Regulation [08.01.01](#).

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## **Contact Office**

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Office of Equal Employment Opportunity & Title IX Compliance      936-261-2123

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