Rule Statement

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.

Reason for Rule

This Rule acknowledges civil rights protections and designates the official contacts for the receipt, investigation, and resolution of discrimination, 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 discrimination, 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.

Official Procedures and Responsibilities

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, harassment, and/or related retaliation based on a protected class (race, color, religion, sex, sexual orientation, gender identity, genetic information, national origin, disability, age, or veteran status). For information regarding disability complaints and accommodations please refer to System Regulation 08.01.02 Civil Rights Protections for Individuals with Disabilities.

   1.2 The President designates the Director of Title IX Compliance (Title IX) and Director of Equal Opportunity & Diversity (EOD) to be responsible for overseeing the university’s civil rights protections program in accordance with System Regulation 08.01.01.

   1.2.1 The Director of Title IX is responsible for overseeing all complaints of sexual harassment and/or sexual misconduct.
1.2.2 The Director of EOD is responsible for overseeing all complaints of discrimination and harassment based on a protected class.

1.3 All complaints, appeals or reports of illegal discrimination, harassment, and/or related retaliation must be reported to the System Ethics and Compliance Office (SECO) by the Office of Title IX Compliance and Office of EOD upon receipt.

1.4 All employees must, and students should, cooperate fully with those performing an investigation pursuant to this rule. Employees failing to cooperate with those performing an investigation pursuant to this rule may be disciplined, up to and including dismissal.

1.4.1 Additional responsibilities of all PVAMU employees and students related to civil rights compliance are outlined in Section 2 of 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, harassment and/or related retaliation must report the incident(s) to the designated university officials listed in Section 1.2 above.

2.1.1 Employees must forward complaints regarding sexual harassment and/or sexual misconduct directly to the Office of Title IX Compliance. Employees must forward complaints of other discrimination and/or harassment based on a protected class to the Office of EOD.

2.2 Students should file complaints regarding sexual harassment and/or sexual misconduct with the Office of Title IX Compliance. Student complaints of other discrimination and/or harassment based on a protected class should be filed with the Office of EOD.

2.3 An employee, student or third party vendor who believes they have been subjected to illegal discrimination, harassment and/or related retaliation should submit a complaint as soon as possible after the action that caused the complaint.

3. COMPLAINT INVESTIGATIONS

3.1 The Title IX or EOD director will review each complaint to determine if there is sufficient information to proceed with an investigation or if additional information is needed.

3.1.1 If the information is insufficient, the EOD or Title IX Director, 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 to investigate; or (3) refer it to another office which has responsibility for such complaints. The designated office will notify the complainant of such action in writing.

3.1.2 If the information is sufficient, the EOD or Title IX Director will designate an investigative authority within five (5) business days and forward the
complaint in order to proceed with the investigation. The EOD or Title IX Director may serve as the investigative authority.

3.1.2.1 The EOD or Title IX Director 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 Civil Rights Compliance; (2) the appointed investigative authority; (3) the appointed designated administrator; (4) interim protections imposed, if any; and (5) admonishments regarding cooperation and prohibiting retaliation.

3.1.3 A redacted version of the complaint will be given to an employee respondent(s) and their advisor, if applicable, with admonishments regarding privacy.

3.2 At any point in the process, an employee may be suspended with pay, reassigned, and/or placed in another type of temporary status pending completion of the investigation and final resolution of the allegations. This is not a disciplinary action.

3.2.1 At any point in the process, a student respondent may receive a temporary restriction from campus. Additionally, Title IX may impose remedial protective measures for any student involved in the investigation.

3.3 When a complaint involves the designated university officials listed in Section 1.2 above, the investigation of such a complaint will be transferred to another administrator designated by the President.

3.4 Timeframes

3.4.1 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 investigative authority will document all attempts to schedule an interview.

3.4.2 Upon completion of the investigation, the Title IX or EOD director will forward a draft report to the System Office of General Counsel (OGC) within thirty (30) business days for review. OGC will provide a response to the Title IX or EOD director within ten (10) business days. The investigative authority will then submit a final investigative report to the designated administrator within five (5) business days.

3.4.3 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 Title IX or EOD director or their designated authority 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 provide a draft decision to OGC within five (5) business days. Upon finalizing the decision with OGC, the designated administrator will 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 EOD or Title IX Director, and/or other investigative authority. If the respondent is an employee, the designated administrator’s decision will be provided to 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 EOD or Title IX Director (or their 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 Appeals related to sex discrimination or related retaliation will only be accepted in accordance with System Regulation 08.01.01, Section 4.6.1. 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 investigative authority or the designated administrator within five (5) business days of receipt of the written decision or sanction letter.

5.1.1 A committee of faculty and staff will review the appeal. The committee’s decision is final.

5.2 Appeals related to discrimination not based on sex will only be accepted in accordance with System Regulation 08.01.01, Section 4.6.2.

Related Statutes, Policies, Regulations and Rules

System Policy 08.01 Civil Rights Protections and Compliance
System Regulation 08.01.01 Civil Rights Compliance
System Regulation 07.05.01 Consensual Relationships
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

Appendix

Model Sanctioning Matrix for Sexual Violence and Sexual Harassment Violations by Students in The Texas A&M University System.

Forms

Complaint Form (PDF)

Definitions

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

Contact Office

Office of Equal Opportunity & Diversity 936-261-1744

Office of Title IX Compliance 936-261-2166