

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



08.01.01.P1 Civil Rights Compliance

Approved August 10, 2016
Revised August 27, 2019
Revised 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 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 Rule is to define the rules and processes by which System Policy 08.01 and System Regulation 08.01.01 will be enforced at Prairie View A&M University (PVAMU). Unless stated otherwise, all terms used in this Rule shall have the meaning assigned by System Regulation [08.01.01](#).

Rule

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, 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 the Office of Title IX Compliance and Title IX Coordinator (TIXC) and Director of the Office 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 Civil Rights Compliance.
 - 1.2.1 The TIXC is responsible for overseeing all complaints of sexual harassment and sex-based misconduct when the complainant and respondent are both students.
 - 1.2.2 EOD is responsible for overseeing all complaints of sexual harassment and/or sex-based misconduct when the complainant and respondent are both employees, and complaints involving third parties. EOD is also

responsible for overseeing all complaints of discrimination based on a protected class in the workplace.

- 1.2.3 Complaints involving sexual harassment and sex-based misconduct between a student and an employee are overseen by either TIXC or EOD.
- 1.3 All employees involved in the administration of civil rights complaints (including, but not limited to: reporting, investigating, adjudicating, advising and informal resolution) are required to complete annual training specific to their roles.
- 1.4 Employees who do not complete annual trainings necessary to comply with this Rule and System Regulation 08.01.01 Civil Rights Compliance, as determined by TIXC or EOD, will not be permitted to participate in the administration of civil rights complaints.
- 1.5 The university will provide prompt and equitable resolution for all complaints.
- 1.6 All complaints, appeals or reports of discrimination must be reported to the System Ethics and Compliance Office (SECO) by the Office of Title IX Compliance and Office of Equal Opportunity Diversity, in writing through the centralized reporting process, within two (2) business days.
- 1.7 The university will comply with the internal reporting requirements set forth in System Regulation 08.01.01 in Sections 4.1.7 - 4.1.10.

2. RESPONSIBILITIES OF ALL EMPLOYEES AND STUDENTS

- 2.1 All employees must report complaints of sexual harassment and/or sex-based misconduct involving students directly to the Office of Title IX Compliance. Employees must report complaints of discrimination based on a protected class, involving employees, to the Office of EOD.
- 2.2 Only employees designated as confidential may withhold information that would violate the person's expectation of privacy. However, these employees must report to the TIXC the type of incident made known to them to remain in compliance within the System Regulation 08.01.01, federal (Clery Act), state, and local law.
- 2.3 Confidential Reporting Options for Students

2.3.1 Student Counseling Services

Owens-Franklin Health Center, 2nd Floor 936-261-3564 or 936-553-0990
studentcounseling@pvamu.edu

2.3.2 Relationship & Sexual Violence Prevention (RSVP)

May Hall Women's Center, Suite 101 A 936-261-1468 or 832-853-5288
nphanson@pvamu.edu

- 2.4 An employee's failure to report alleged or suspected discrimination may result in disciplinary action, including dismissal.
 - 2.4.1 If the TIXC or EOD receive an allegation that an employee knowingly failed to make a required report or intentionally concealed an incident, the TIXC or EOD will forward the allegation to a Designated Administrator who will determine whether the allegation is substantiated, unsubstantiated or there is insufficient information to substantiate.

- 2.4.2 If the allegation is substantiated, the Designated Administrator will determine sanctions in conjunction with the employee's supervisor and the Department of Human Resources.
- 2.4.3 The university must dismiss an employee if it is determined that the employee knowingly failed to make a required report, or that the employee, with the intent to harm or deceive, knowingly made a report that is false.
- 2.5 No employee or student will retaliate, intimidate, or coerce a person filing a complaint, participating in an investigation or administrative personnel (e.g., TIXC, Investigative Authority, and Decision Maker). If an employee or student is found to have retaliated regarding alleged discrimination under System Regulation 08.01.01 *Civil Rights Compliance*, they may be disciplined, up to and including termination or expulsion.
- 2.6 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 may be disciplined, up to and including dismissal.
 - 2.6.1 Additional responsibilities of all PVAMU employees and students related to civil rights compliance are outlined in Section 2 of System Regulation 08.01.01.

3. RESPONSIBILITIES OF THE SYSTEM ETHICS AND COMPLIANCE OFFICE (SECO)

- 3.1 SECO, in coordination with Office of General Counsel (OGC), will serve as the liaison between the members and any local, state or federal agency investigating a complaint of discrimination or conducting a civil rights audit or review.
- 3.2 In coordination with OGC, SECO will provide general guidance on the implementation of applicable laws, policies, regulations, rules, and appropriate training.
- 3.3 SECO is also responsible for the coordination of all reporting requirements related to equal opportunity and affirmative action for the system and its members.

4. CIVIL RIGHTS COMPLAINT PROCESSING

- 4.1 Complaints
 - 4.1.1 Any university employee who experiences, observes, or becomes aware of alleged discrimination in the course and scope of their employment, must promptly report the incident to the designated university officials listed in Section 1.2 above.
 - 4.1.2 Any person can report prohibited conduct under this policy to the TIXC or EOD using the contact information listed for each officer. Reports by electronic reporting form, mail or e-mail may be made at any time (including during non-business hours); reports made in person or by phone may be made during the respective office's business hours.

4.1.2.1 Reporting to the Office of Title IX Compliance

Zakiya Brown
Director, Title IX Compliance and Title IX Coordinator
M.T. Harrington Science Building, Suite 311
Prairie View, TX 77446
936-261-2166
titleixteam@pvamu.edu

Electronic reporting:

<https://www.pvamu.edu/titleix/reporting/report-to-the-university/>

4.1.2.2 Reporting to the Office of Equal Opportunity & Diversity

LaToya Douglas
Director, Equal Opportunity & Diversity Human Resources
Harrington Science Building, Room 109
Prairie View, TX 77446
936-261-1730/1792
EEOD@pvamu.edu

Reporting form:

<http://www.pvamu.edu/hr/wp-content/uploads/sites/44/Complaint-Form-EEO-101519.pdf>

- 4.1.3 Complaints regarding sexual harassment and/or sex-based misconduct and discrimination based on a protected class should be filed as directed by Section 1.2 of this Rule.

4.1.3.1 When a student reports, in good faith, experiencing or witnessing an incident of sexual harassment and/or sexual misconduct, the university will not take disciplinary action against that student for violations of the Student Code of Conduct occurring at or near the time of the incident reported.

4.1.3.2 The university may, however, investigate to determine whether a report of an incident of sexual harassment and/or sexual misconduct was made in good faith. The amnesty given in this section does not apply to a student who reports the student's own commission or complicity in the commission of sexual harassment and/or sexual misconduct.

- 4.1.4 Electronic anonymous reporting options are available to students and employees. The anonymous reporting form is found at: <https://www.pvamu.edu/titleix/reporting/report-to-the-university/>.

4.1.4.1 An employee's reporting obligation detailed in Section 4.1.1 is not fulfilled by completing an anonymous report, however, an employee who experiences alleged discrimination may anonymously report the incident using an electronic reporting form.

- 4.1.5 If a student withdraws, or otherwise separates from the university, after being accused of prohibited conduct under System Regulation 08.01.01 *Civil Rights Compliance*, the appropriate office will continue to process the complaint and the student may have a hold placed on their account.

4.2 Investigations and Adjudications

- 4.2.1 The TIXC and EOD will review each complaint received by their respective offices to determine if there is sufficient information to proceed with an investigation or if additional information is needed.
- 4.2.2 At any point in the process, a respondent may be subject to removal from a university educational program or activity.
 - 4.2.2.1 If the TIXC or EOD, in conjunction with the university Behavioral Intervention Team (BIT) determines an emergency removal is justified, the respondent will be granted an opportunity for a hearing with an administrator, designated by the TIXC or the EOD, to review whether the removal is warranted. The hearing will be held within five (5) business days. TIXC and EOD will follow the directives contained in System Regulation 08.01.01 (4.2.2).
- 4.2.3 Complaints (or formal complaints in Title IX cases) will be investigated and adjudicated under one of the following processes:
 - 4.2.3.1 Title IX (see 4.2.4)
 - 4.2.3.2 Sex-Based Misconduct (see 4.2.5)
 - 4.2.3.3 All other civil rights complaints (see 4.2.6)
- 4.2.4 Title IX – a complaint will be processed under this section if it satisfies all of the requirements set forth in System Regulation 08.01.01 (4.2.10(a)). For the purposes of this rule, the university designates the following employees as having authority to institute corrective measures: Title IX Coordinator, Deputy Title IX Coordinators, Human Resources, Office of the Provost, the Dean of Students, 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.
 - 4.2.4.1 To file a formal complaint, a complainant must either:
 - 4.2.4.1.1 Complete the Title IX electronic reporting form found on the Title IX website and authenticate their identity by logging in with their university single sign-on login and password; or,
 - 4.2.4.1.2 Sign a Title IX Formal Complaint form (in person or electronically).
 - 4.2.4.2 Alternatively, the TIXC may choose to file a formal complaint.
 - 4.2.4.3 If a formal complaint is dismissed through a mandatory or discretionary dismissal, the TIXC will notify the complainant in writing.
 - 4.2.4.3.1 Parties will have (5) business days from the date of the notice of dismissal to appeal the decision. The appeal must be filed under the procedure set forth in Section 4.6.
 - 4.2.4.4 The respondent will receive written notice of the allegations, from the Office of Title IX Compliance, prior to an initial interview.

- 4.2.4.5 Any witness invited to participate in the investigation will receive written notice from the investigator indicating the date, time, location and purpose for the meeting.
 - 4.2.4.5.1 While witnesses will not be required to participate in the investigation, they are required to appear for the scheduled meeting with the investigator to indicate whether or not they will participate in the investigation.
 - 4.2.4.5.2 Failure to appear will be deemed a violation of the Student Code of Conduct for students, and a violation of System Regulation 08.01.01 for employees, and may result in disciplinary action.
- 4.2.4.6 Parties may bring an advisor of their choice to any related meeting or proceeding during the investigation process.
 - 4.2.4.6.1 During the investigation, the advisor may not represent the party or inhibit a meeting.
 - 4.2.4.6.2 An advisor's failure to adhere to the expectations set forth by the university, may be dismissed from the process.
 - 4.2.4.6.3 Investigation-related meetings may not be delayed due to scheduling conflicts of an advisor.
- 4.2.4.7 Parties will be provided with several opportunities to present witnesses and other evidence to the investigator.
- 4.2.4.8 Parties will have the opportunity to review their interview statements before finalized by the investigator. Parties will also have the opportunity to review the investigation report and inspect any evidence obtained during the investigation that is directly related to the allegations raised in the formal complaint, prior to having the investigation documents sent to the designated administrator.
 - 4.2.4.8.1 Parties are admonished to maintain the privacy of the investigation documents.
 - 4.2.4.8.2 Parties will have ten (10) calendar days to review the information and submit a written response to the investigator.
- 4.2.4.9 The investigator will review any submitted responses to the investigation and develop a final report, with a review by SECO and OGC. Once finalized, the investigator will submit final report and exhibits to the designated administrator.
- 4.2.4.10 At any time prior to the adjudication of a formal complaint, the parties may seek informal resolution to resolve the complaint. Informal resolution is described in Section 4.3 of this Rule.

4.2.5 Sex-Based Misconduct

- 4.2.5.1 Cases involving allegations of sexual harassment, sexual assault, and dating violence, domestic violence, and/or stalking based on

sex that are subject to mandatory or discretionary dismissal from the Title IX process may be subject to investigation and adjudication as sex-based misconduct at the discretion of the TIXC, in consultation with OGC and SECO.

4.2.5.1.1 The TIXC or EOD will designate an investigator in cases of sex-based misconduct, in the event of an investigation. Investigation reports will be provided to a Designated Administrator for adjudication.

4.2.5.2 All cases involving sex-based allegations are to be investigated and adjudicated under the procedures outlined in Section 4.2.9 of System Regulation 08.01.01 *Civil Rights Compliance*.

4.2.6 All Other Civil Rights Complaints

4.2.6.1 Investigations under this section will be conducted in accordance with Section 4.2.12 of the System Regulation 08.01.01 *Civil Rights Compliance*.

4.2.6.2 The EOD will designate an investigator to review and investigate the complaint.

4.2.6.3 Once the investigator has completed the investigation report, and SECO and OGC have reviewed the report, parties will have the opportunity to review the investigation report, prior to having the report sent to the designated administrator.

4.2.6.3.1 Parties are admonished to maintain the privacy of the investigation documents.

4.2.6.3.2 Parties will have ten (10) calendar days to review the investigative report and submit additional follow-up questions, in writing, to the investigator to be asked of the other party.

4.2.6.3.3 The investigator will review any submitted questions and will determine which, if any, of the proposed questions to pose to the other party.

4.2.6.3.3.1 The investigator will send written notification to the proposing party of any question the investigator chose not to ask and the rationale for excluding the question.

4.2.6.4 Following this review, the investigator will submit the final report and exhibits to the designated administrator.

4.2.6.5 At any time prior to the adjudication of a formal complaint, the parties may seek informal resolution to resolve the complaint. Informal resolution is described in Section 4.3.

4.3 Informal Resolution

- 4.3.1 In order to consider an informal resolution of sex discrimination under Title IX, a formal complaint must be submitted in the manner described in Section 4.2.4.1 of this Rule.
- 4.3.2 Informal resolution is an option only until the adjudication of a formal complaint has been initiated. Parties may be offered an informal resolution option at any point prior to the determination of a final decision.
 - 4.3.2.1 To initiate the informal resolution process, both parties must consent in writing to the investigator, designated administrator (or hearing officer), or the TIXC. The TIXC will then determine whether to allow the informal resolution.
 - 4.3.2.1.1 The TIXC (or a designee) will notify both parties in writing of the decision regarding whether the university will initiate an informal resolution.
- 4.3.3 If the parties reach a resolution and agreement during the informal resolution process, they each waive their option to appeal a decision arising from the same alleged incident.
 - 4.3.3.1 One or both parties may submit a subsequent complaint regarding another party's failure to abide by any conditions established in the agreement.
- 4.3.4 An informal resolution offer may be withdrawn by either party or the university prior to a final agreement.
 - 4.3.4.1 TIXC (or a designee) will notify both parties in writing if the informal resolution is withdrawn.

4.4 Adjudications and Decisions of Title IX Complaints

- 4.4.1 The designated administrator will provide the final investigation report and exhibits to the parties at least ten (10) business days in advance of a hearing.
 - 4.4.1.1 The parties may reply to the designated administrator in writing and should identify any witnesses or evidence they plan to present at the hearing.
- 4.4.2 Each party will have a pre-hearing conference with the designated administrator (or their designee).
- 4.4.3 Each party must have an advisor present at the hearing. The designated administrator (who may be a hearing officer or hearing panel) will confirm whether a party has acquired an advisor during that party's pre-hearing conference.
 - 4.4.3.1 If a party does not have an advisor procured by the pre-hearing conference, the designated administrator will notify the TIXC. The TIXC will assign a trained advisor to attend the hearing with the party.
 - 4.4.3.2 The pre-hearing conference may also serve as an administrative conference during which a party may agree to a resolution, without

conducting a hearing. If both parties agree to a proposed resolution during their pre-hearings (or administrative conferences), they will waive their option to appeal the investigation outcome or assigned sanctions.

4.4.4 If a complaint moves forward to a hearing, the hearing will be conducted in accordance with Section 4.2.10 (p) of System Regulation 08.01.01 *Civil Rights Compliance*.

4.4.4.1 The hearing officer will determine which evidence is admitted or excluded during the hearing.

4.4.4.2 Advisors are required to conduct a cross-examination during the hearing, but all questions must be directed to the hearing officer. An advisor may not answer questions on behalf of a party and, if an advisor fails to comply with the rules set forth in this Rule, System Regulation 08.01.01, or procedures established by the hearing officer, they may be dismissed from the proceeding by the hearing officer.

4.4.5 Attendance at a hearing may be in person or remote, as appropriate. The hearing officer must have full access to complainant(s) or respondent(s) in real time throughout the course of the formal hearing.

4.4.5.1 An advisor and their party may participate using different modalities (e.g. one attending using a video teleconference and the other attending in person), however, if the hearing officer is inhibited in conducting the hearing due to a mode of participation, the hearing officer has the authority to reschedule the meeting or alter the venue and mode of participation.

4.4.6 The formal hearing will be closed to the public and the only recording allowed will be the official audio recording of the hearing officer and subsequent transcripts from the formal hearing proceeding.

4.4.6.1 Access to the recording or transcript (if transcribed) will be provided to parties, upon written request to the hearing officer, for the purpose of preparing an appeal.

4.4.7 Following the hearing, the hearing officer will deliver a decision letter to both parties, simultaneously, within eight (8) business days following the hearing.

4.4.7.1 The decision letter will contain the information required by Section 4.2.10 (p)(xii) of System Regulation 08.01.01 *Civil Rights Compliance*.

4.5 Sanctions

4.5.1 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.

4.6 Appeals

4.6.1 Appeal of Decision and/or Sanctions – Allegations of Sex Discrimination. Appeals related to sex discrimination, sex-based misconduct, or related

retaliation will only be accepted in accordance with System Regulation 08.01.01, Section 4.5.1.

- 4.6.2 Filing an 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.
- 4.6.3 Only appeals that meet the following guidelines are applicable to appeal the decision and the sanction of the designated administrator:
 - 4.6.3.1.1 A procedural irregularity that affected the outcome.
 - 4.6.3.1.2 New evidence, not reasonably available at the time the determination regarding responsibility or dismissal was made, that could affect the outcome. The new evidence must be provided at the time of appeal with the university's appeals form.
 - 4.6.3.1.3 The Title IX Coordinator, investigator(s), or decision-maker(s) had a conflict of interest or bias for or against complainants or respondents generally or the individual complainant or respondent that affected the outcome.
 - 4.6.3.1.4 The appropriateness or severity of the sanctions.
- 4.6.4 The appellate authority could be made up of one individual or a panel that will be responsible for rendering the appeal decision.
- 4.6.5 The appellate authority will review all written documentation, recordings, images, and evidences regarding the grounds for appeal.
- 4.6.6 The appellate authority has ten (10) business days to reach their decision and provide to both parties one of the following outcomes:
 - 4.6.6.1 Affirm the original finding and sanction.
 - 4.6.6.2 Affirm the finding and modify the sanction; or
 - 4.6.6.3 Remand the case to a new hearing or review.
- 4.6.7 Either party will have three (3) business days to review and be in support of, or challenge the outcome to the appellate authority in writing.
- 4.6.8 Appeals – Allegations of Discrimination Not Based on Sex.
 - 4.6.8.1 Appeals for Allegations of Discrimination Not Based on Sex will be in accordance with System Regulation 08.01.01 Civil Rights Compliance Section 4.5.2.
 - 4.6.8.2 Any employee disciplined pursuant to this regulation may appeal that action in accordance with 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; and/or other system policies and regulations as appropriate.

Related Statutes, Policies, or Requirements

[Family Educational Rights and Privacy Act \(FERPA\)](#)

[The Equal Pay Act of 1963](#)

[Title VII of The Civil Rights Act of 1964, as amended](#)

[The Age Discrimination in Employment Act of 1967](#)

[The Age Discrimination Act of 1975](#)

[Title IX, of the Education Amendments of 1972](#)

[The Rehabilitation Act of 1973, as amended](#)

[Americans with Disabilities Act of 1990, as amended](#)

[The Genetic Information Nondiscrimination Act of 2008](#)

[Executive Order 11246, as amended](#)

[Executive Order 13672](#)

[Texas Commission on Human Rights Act](#)

[Texas Fair Housing Act](#)

[Tex. Educ. Code 51 Subchapter E-2, Reporting Incidents of Sexual Harassment, Sexual Assault, Dating Violence, and Stalking](#)

[Tex. Educ. Code § 51.9363, Sexual Assault Policy](#)

[Tex. Educ. Code § 51.9365, Electronic Reporting Option for Certain Offenses](#)

[Tex. Educ. Code § 51.9366, Amnesty for Students Reporting Certain Incidents](#)

[Tex. Lab. Code, Ch. 21, Employment Discrimination](#)

[System Policy 08.01, Civil Rights Protections and 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 Process for Faculty Members](#)

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

Appendix

[*Model Sanctioning Matrix for Sexual Violence, Sexual Harassment, and Sex-based Misconduct by Students in The Texas A&M University System*](#)

[*Minimum Training Requirements for Civil Rights Investigations, Advisement, Adjudication, Appeals, and Informal Resolution in The Texas A&M University System*](#)

Contact Office

Office of Title IX Compliance	936-261-2166
Office of Equal Opportunity & Diversity	936-261-1730/1744/1792