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## **Rule Statement**

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Texas A&M University-Commerce (A&M-Commerce) strives to ensure that the employment and educational environment throughout A&M-Commerce shall be free from all forms of discrimination, sexual harassment, and/or related retaliation at all times. Conduct constituting discrimination, sexual harassment, and/or retaliation is specifically prohibited by federal law, state law, and The Texas A&M University System (system) policy and will result in appropriate sanctions.

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## **Reason for Rule**

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This rule outlines the complaint resolution process for faculty, non-faculty, and students of A&M-Commerce regarding complaints of discrimination, sexual harassment and/or related retaliation.

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## **Procedures and Responsibilities**

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### **1. COMPLAINT RESOLUTION**

A person who believes he or she has been the victim of discrimination, sexual harassment, and/or related retaliation may pursue either the informal or the formal complaint resolution procedure. A complaint unrelated to discipline and dismissal must be reported within 60 calendar days of the most recent incident. Any faculty member, non-faculty employee, student, or third party may initiate a complaint. Third parties include, but are not limited to, those receiving services from A&M-Commerce, vendors, and private business associates. A university employee's or student's complaint alleging discrimination, sexual harassment, and/or related retaliation, which is 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.

## 1.1 Informal Complaint

Resolution of an informal complaint may be pursued as follows:

- 1.1.1 A complaint of discrimination, sexual harassment, and/or related retaliation may be initially directed to the immediate supervisor, a department chair, a vice president, the equal opportunity officer, or the dean of students.
- 1.1.2 At the request of the complainant, the immediate supervisor or other administrator who has been contacted will, after consultation with the equal opportunity officer, attempt to resolve the complaint within ten (10) business days, unless unusual circumstances require additional time. Action taken will be documented, and the complainant will be informed of the result within five business days of the resolution of the complaint, if one is reached.
- 1.1.3 If the person contacted is not the immediate supervisor of the alleged offender, then the administrator who has received the complaint will notify the alleged offender's immediate supervisor of the allegations made against his or her subordinate within five (5) business days of receipt of the complaint, unless unusual circumstances require more time.
- 1.1.4 All attempts should be made to maintain the confidentiality of the complainant; however, there is no guarantee of confidentiality.
- 1.1.5 Under this informal procedure, the complainant may, at any time, elect to withdraw the complaint. However, the university, upon the advice of the equal opportunity officer and the System Office of General Counsel, may follow up on the allegations in the complaint and take appropriate action.

## 1.2 Formal Complaint

All formal complaints must be filed in writing with the equal opportunity officer or the dean of students, unless one of these is the alleged offender, in which case the complaint must be filed with the provost and vice president for academic affairs or the president. The status (i.e., student, non-faculty, and faculty) of the alleged offender will determine the appropriate investigative process.

### 1.2.1 Students

- 1.2.1.1 A formal complaint against a student shall be directed to the dean of students, who will appoint an investigating authority. The investigating authority will conduct an investigation of the complaint, including a review of the complaint, interviewing of witnesses (if applicable), and the collection of evidence.
- 1.2.1.2 The investigating authority will provide a statement of findings and copies of relevant documents to the dean of students within twenty (20) business days after being assigned the complaint, unless unusual circumstances

require more time. The dean of students, upon advice of the equal opportunity officer, will determine if disciplinary action is appropriate.

1.2.1.3 Student employees are considered students for the purpose of these procedures. The dean of students shall notify the alleged offender and the complainant regarding resolution of the complaint, including any sanctions, within ten (10) business days of the receipt of the investigating authority's findings, unless unusual circumstances require more time. If the incidence of discrimination, sexual harassment, and/or related retaliation is job-related, the dean of students will notify the student worker's supervisor.

1.2.1.4 Graduate Assistants—Teaching and persons holding a post-doctoral teaching appointment will be considered faculty for the purpose of these procedures.

1.2.1.5 Graduate Assistants—Non-teaching and persons holding post-doctoral non-teaching appointments are considered non-faculty employees for the purpose of these procedures.

## 1.2.2 Non-faculty Employees

1.2.2.1 A formal complaint filed against a non-faculty employee shall be directed to the equal opportunity officer, who will appoint an investigating authority. Should the alleged offender be a non-student employee of the Equal Opportunity and Diversity Office, the complaint shall be directed to a vice president, who will appoint an investigating authority. The investigating authority will conduct an investigation of the complaint, including a review of the complaint, interviewing of witnesses (if applicable), and the collection of evidence.

1.2.2.2 The investigating authority will provide a statement of findings, copies of relevant documents, and any physical evidence considered to the equal opportunity officer within twenty (20) business days after being assigned the complaint, unless unusual circumstances require more time. The equal opportunity officer will determine if system policy and/or regulation was violated and if so, determine disciplinary action appropriate for the severity of the conduct. The equal opportunity officer will then notify the complainant and alleged offender in writing of the findings within ten (10) business days of receipt of the investigating authority's findings, unless unusual circumstances require more time.

## 1.2.3 Faculty Members

1.2.3.1 A formal complaint filed against a faculty member shall be directed to the associate vice president of equal opportunity and diversity. That office will notify the appropriate college dean and department chair, who will notify the faculty member concerned. The associate vice president for

equal opportunity and diversity will then appoint an investigating authority and notify the provost and vice president for academic affairs. The investigating authority will conduct an investigation of the complaint, including a review of the complaint, interviewing of witnesses (if applicable), and the collection of evidence.

1.2.3.2 The investigating authority will provide a statement of findings, copies of relevant documents, and any physical evidence considered to the associate vice president for equal opportunity and diversity within twenty (20) working days after being assigned the complaint, unless unusual circumstances require more time. The findings of the investigating authority will be reported to the provost and vice president for academic affairs, who will review the findings and make recommendations to the president. The president will make the final determination and notify the complainant and the alleged offender in writing within 10 business days of receipt of the findings from the provost and vice president for academic affairs, unless unusual circumstances require more time. Should the determination be made to dismiss the faculty member for cause, system policy [12.01 Academic Freedom, Responsibility, and Tenure](#) and the A&M-Commerce policy [12.01.99.R0.01 Academic Freedom, Tenure, Promotion, and Post Tenure Review](#) shall be followed.

## 2. REMEDIAL ACTION

Action or sanctions to stop the alleged discriminatory or harassing behavior will not result in any disadvantage or inconvenience to the alleged victim. Solutions or remedies will be through actions directed to the alleged offender.

## 3. FOLLOW UP

The investigating authority will follow up with the complainant in those instances where the informal or formal complaint was found to be valid in order to verify that the discriminatory or harassing behavior remains stopped. This will take place on or about the anniversary date of the final decision at thirty days, six months, and one-year time frames.

## 4. APPEAL OF FINDINGS

Any appeal of the findings of the investigating authority must be in accordance with system regulations [32.01.01 Complaint and Appeal Procedure for Faculty Members](#) and [32.01.02 Complaint and Appeal Process for Non-faculty Employees](#).

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## Related Statutes, Policies, or Requirements

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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 Regulation [32.01.01 Complaint and Appeal Procedure for Faculty Members](#)  
System Regulation [32.01.02 Complaint and Appeal Process for Non-faculty Employees](#)  
University Procedure [12.01.99.R0.01 Academic Freedom, Tenure, Promotion and Post Tenure Review](#)

New rule supersedes  
University Rule [34.01.99.R1 Sexual Harassment](#)

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## **Definitions**

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### Offices of Responsibility:

Dean of Students (students)

Office of Equal Opportunity & Diversity (faculty & non-faculty employees)

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## **Contact Office**

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Equal Opportunity and Diversity  
903-886-5025