Rule Statement

West Texas A&M University (WTAMU) provides equal opportunity for employment to all persons regardless of race, color, sex, sexual orientation, gender identity, religion, national origin, age, disability, genetic information, or veteran protected status. No individual will, on the basis of protected status, be excluded from participation in, or be denied the benefit of, or be subjected to illegal discrimination under, any WTAMU program or activity.

Furthermore, WTAMU is committed to creating and maintaining a campus environment where all individuals are treated with respect and dignity and where all are free to participate in a lively exchange of ideas. Each student has a right to learn and each employee has the right to work in an environment free of illegal discrimination, sexual harassment, and/or related retaliation (“discrimination”).

All employees and students are responsible for ensuring their work and educational environments are free from discrimination. When alleged or suspected discrimination is experienced or observed by, or made known to, an employee or student, the employee/student is responsible for reporting that information as outlined below.

Reason for Rule

This rule outlines the receipt, investigation, and resolution of discrimination complaints or appeals.

Procedures and Responsibilities

1. Civil Rights Protections program oversight

   1.1 The President/CEO designates the Title IX Director, as the person responsible for overseeing WTAMU’s civil rights protection program. The Director shall (1) ensure that all allegations of discrimination are promptly, thoroughly, and equitably investigated and resolved, (2) periodically follow up on situations in which discrimination is found to ensure that the situation does not recur, (3) develop, conduct, coordinate, and oversee campus civil rights compliance training, and (4) provide periodic updates to managers and the campus community regarding the civil rights compliance program.
2. Responsibilities of all employees and students

2.1 Employees and students are prohibited from discriminating against any person in WTAMU’s educational programs, activities, admission, and employment.

2.2 Except as otherwise provided, any employee who observes, or becomes aware of discrimination, is strongly encouraged to promptly report the incident(s) to his or her supervisor, Dean, Vice President, Human Resources Director, or the Title IX Director, preferably not later than one working day after experiencing, observing, or becoming aware of the discrimination.

2.3 Except as otherwise provided, any student who experiences, observes, or becomes aware of discrimination, is strongly encouraged to promptly report the incident(s) to any WTAMU employee, faculty, Title IX Director or campus law enforcement, preferably as soon as possible after experiencing, observing, or becoming aware of the discrimination.

2.4 Except as otherwise provided, a third party (including, but not limited to, anyone receiving services from WTAMU, vendors, and private business associates) who experiences, observes, or becomes aware of discrimination, is strongly encouraged to promptly report the incident(s) to the Title IX Director, the Human Resources Office, the Office of Student Enrollment, Engagement and Success, and/or law enforcement.

2.5 Complaints of discrimination by the President/CEO or any employee who reports directly to the President/CEO must be made to the Texas A&M University System Ethics and Compliance Office (SECO).

2.6 Complaints of discrimination may also be made anonymously via WTAMU’s electronic reporting portal.

2.7 The President/CEO designates the Title IX Director to receive and investigate all complaints involving a student respondent(s) or involving an employee or third party respondent(s).

3. Complaint investigation and resolution procedures

3.1 Upon receipt of a complaint and if deemed to be a Title IX complaint, the Title IX Director will assign the complaint to the Title IX investigators (investigative authority) to review each report, complaint, and/or appeal, interview witnesses (if applicable), review relevant documentation, and prepare a draft report on the merits of the allegations for review by the Texas A&M University System (TAMUS) Office of General Counsel (OGC) in accordance with TAMUS policy. If not deemed to be Title IX, the compliant will be handled by the HR Director for employees and the Vice President for Student Enrollment, Engagement and Success for students in accordance with the Code of Student Life. In addition, Title IX complaint sanctions must be handled in accordance with the WTAMU minimum sanctioning guidelines. Administrators that are authorized for
sanctioning must meet the mandatory training requirements under the Clery Act, including annual training in the areas of sexual misconduct, domestic/dating violence, and stalking.

3.2 The campus administrators designated to review complaints for purposes of sanctions against employees and third parties include: Provost/Vice President for Academic Affairs, Vice President for Business and Finance, Vice President for Student Enrollment, Engagement and Success, Vice President for Institutional Advancement, Vice President for Research and Compliance, Vice President for Strategic Relations, or the President. The campus administrator who is appointed to review the complaint will be unaffiliated with the investigative process involved in the complaint.

3.3 In the case of a complaint against a student the investigative authority’s report shall be directed to the Vice President for Student Enrollment, Engagement and Success, who will resolve the complaint in accordance with the judicial process described in the Code of Student Life. Title IX complaint sanctions must be handled in accordance with the WTAMU minimum sanction guidelines.

4. Sanctions

4.1 WTAMU will use the Code of Student Life regarding sanctions for sexual violence and sexual harassment student conduct violations. The code is disseminated widely to the university community and is utilized in the training of adjudicators and appellate officers. Title IX complaint sanctions must be handled in accordance with the WTAMU minimum sanction guidelines.

4.2 For sexual violence and sexual harassment student conduct rule violations other than acts of sex-based violence and/or non-consensual sexual penetration of another person, WTAMU will use the Code of Student Life to determine the student’s eligibility to represent WTAMU in extracurricular activities, both on and off campus. In addition, Title IX complaint sanctions must be handled in accordance with the WTAMU minimum sanction guidelines. The initial determination of eligibility must exclude any administrator who has an inherent conflict of interest in the student’s participation in a particular activity (e.g., the coach of a student-athlete, the advisor to a student club or organization).

5. Appeals of finding(s) and/or sanction(s) regarding sex discrimination and/or related retaliation

5.1 A request for appeal of the finding or sanction must be submitted in writing to the Title IX Director’s office (investigative authority) and received within five business days after the later of the issuance of (a) an investigative authority’s determination, at the direction of the Title IX Director, that an act occurred and that the act violated TAMUS policy; or from the judicial process under the Code of Student Life, or (b) any final decision regarding sanctions issued from the assigned sanctioning authority.

5.2 The Title IX Director will forward permitted appeals to the designated administrator. To avoid the appearance of a conflict of interest, the appeal must
be directed to an authority who had no previous involvement and/or participation in the investigation and/or decision and whose decision regarding the appeal will be final.

5.3 Student appeals of sanctions of separation (expulsion or suspension) will be addressed as provided in the Code of Student Life and the WTAMU minimum sanction guidelines.

6. Follow up

6.1 After the conclusion of an investigation, the Title IX Director will follow-up with the reporters and supervisors, as appropriate, to verify that the discrimination has stopped.

6.2 Students involved in the complaint resolution process may additionally seek advice or counseling from the Counseling Services Office, and employees may seek advice and counseling through the HR Employee Assistance Program.

6.3 The WTAMU Title IX Office must provide a quarterly report to SECO on all alleged violations of System Policy 08.01, Civil Rights Protections and Compliance.

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Related Statutes, Policies, or Requirements

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RELATED STATUES, 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 Procedure for Faculty Members
System Regulation 32.01.02, Complaint and Appeal Process for Nonfaculty Employees

RULE SUPERSEDES
University Rule 34.01.01.W1, Sexual Harassment

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Contact Office

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Director, Title IX Compliance

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Approval

[Signature]

01.08.19

President/CEO Date