

## 08.01.01.T1 Civil Rights Compliance

New/Approved: August 16, 2016  
Revised: September 20, 2019  
Reviewed: April 7, 2022  
Next Scheduled Review: April 7, 2027



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### Rule Summary

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Tarleton State University (Tarleton or university) will provide equal opportunity to all employees, students, applicants for employment and admission, and the public. Tarleton is dedicated to ensuring compliance with local, state and federal civil rights laws and regulations (laws) and related system policies and regulations. This rule is required by The Texas A&M University System (system) Regulation 08.01.01, *Civil Rights Compliance* (system regulation), and is established as a supplement to System Policy 08.01, *Civil Rights Protections and Compliance*, and the system regulation. This rule establishes responsibilities and guidance for the receipt, investigation and prompt and equitable resolution of discrimination complaints at Tarleton in accordance with the system regulation.

Refer to [System Regulation 08.01.01](#) for definitions of terms.

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### Procedures and Responsibilities

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#### 1. RESPONSIBILITIES

1.1 Pursuant to the system regulation, Tarleton's president has the primary responsibility for ensuring compliance with civil rights laws and system policies and regulations. To ensure consistency, thoroughness, impartiality and the prompt and equitable resolution of discrimination complaints, the president hereby designates the following contact person(s) responsible for overseeing the university's respective civil rights protections programs and ensuring compliance with civil rights laws, system policies and regulations and university rules and procedures:

- The Title IX coordinator or designee and the Department of University Compliance and Strategic Initiatives will oversee civil rights protection programs involving student respondent(s), ensuring that all complaints of discrimination are promptly, thoroughly, and equitably investigated and resolved, and that follow up occurs on situations in which discrimination is found to ensure that the situation does not reoccur;
- The Title IX coordinator director of employee services or designee and the Department of University Compliance and Strategic Initiatives will oversee civil rights protection programs involving an employee or third-party respondent(s), ensuring that all complaints of discrimination are promptly, thoroughly, and equitably investigated and resolved, and that follow up occurs on situations in which discrimination is found to ensure that the situation does not reoccur; and

- The associate vice president for curriculum and faculty affairs and dean of faculty or designee will oversee civil rights programs involving Section 504 of the Rehabilitation Act of 1973 in accordance with System Regulation 08.01.02, *Civil Rights Protections for Individuals with Disabilities*, ensuring that all complaints of discrimination are promptly, thoroughly, and equitably investigated and resolved, and that follow up occurs on situations in which discrimination is found to ensure that the situation does not reoccur.

1.2 Tarleton has designated the following persons with whom students may speak confidentially concerning incidents involving sexual harassment, sexual assault, dating violence, or stalking and who have reporting responsibilities consistent with expectations established in the system regulation:

- Student Counseling Services staff;
- Student Health Center staff; and
- campus survivor advocates.

The persons are required to submit statistical data to the Title IX coordinator per the system regulation.

- 1.3 The university and its employees and students will comply with all responsibilities and requirements of civil rights laws, system policies and regulations and this rule. Failure to comply may result in disciplinary action up to and including dismissal or expulsion.
- 1.4 To the extent possible, the university and its employees will protect the privacy of all parties to civil rights discrimination complaints in accordance with all laws, system policies and regulations and university rules and procedures. Violations of the privacy of the reporter or any party to the report may result in disciplinary action, up to and including dismissal.
- 1.5 All employees will comply with equal opportunity and nondiscrimination training requirements pursuant to civil rights laws and system policies and regulations. Tarleton employees involved in the administration of civil rights complaints and all university law enforcement officers reviewing complaints based on sexual harassment, sexual assault, dating violence, and stalking will abide by and complete minimal training specific to their roles in accordance with requirements established by the System Ethics and Compliance Office (SECO) and in accordance with the system regulation.

## 2. CIVIL RIGHTS COMPLAINT PROCEDURES

### 2.1 Complaints

All civil rights discrimination complaints should be reported and will be received in accordance to the system regulation and the supplemental guidelines set forth below.

- 2.1.1 Except as specified in section 1.2 of this rule and within the system regulation, employees who observe or become aware of alleged discrimination involving a student must promptly report the incident(s) to the Title IX coordinator or

designee whose office location and contact information are as follows:

- Physical location: [Department of University Compliance and Strategic Initiatives](#), Room 106 of Administration Annex I on the Stephenville campus;
- Mailing Address: Department of University Compliance and Strategic Initiatives, Box T-0835, Stephenville, Texas 76402;
- Phone number: 254-968-9415; and
- Email address: [ComplianceReporting@tarleton.edu](mailto:ComplianceReporting@tarleton.edu).

2.1.2 Except as specified in section 1.2 of this rule and within the system regulation, employees who experience, observe or become aware of alleged discrimination involving an employee or third party must promptly report the incident(s) to the Title IX coordinator or designee whose office location and contact information are as follows:

- Physical location: [Department of University Compliance and Strategic Initiatives](#), Room 106 of Administration Annex I on the Stephenville campus;
- Mailing Address: Department of University Compliance and Strategic Initiatives, Box T-0835, Stephenville, Texas 76402;
- Phone number: 254-968-9415; and
- Email address: [ComplianceReporting@tarleton.edu](mailto:ComplianceReporting@tarleton.edu)

If reported to a supervisor, the supervisor is responsible for notifying the Title IX coordinator or designee of the alleged discrimination. Upon review of the alleged discrimination, the Title IX coordinator or designee will notify the vice president for university compliance and strategic initiatives if the alleged sex discrimination involves a student.

2.1.3 Students who experience, observe or become aware of alleged discrimination, including sexual assault and sexual harassment, may file a complaint with the Title IX coordinator or designee or the dean of students or designee whose locations and contact information are as follows:

- Physical location: [Department of University Compliance and Strategic Initiatives](#), Room 106 of Administration Annex I on the Stephenville campus;
- Mailing Address: Department of University Compliance and Strategic Initiatives, Box T-0835, Stephenville, Texas 76402;
- Phone number: 254-968-9415; and
- Email address: [ComplianceReporting@tarleton.edu](mailto:ComplianceReporting@tarleton.edu).
  
- Physical location: [Dean of Students Administrative Office](#), Room 20 of the Thompson Student Center on the Stephenville campus;
- Mailing address: Dean of Students Administrative Office, Box T-0675, Stephenville, Texas 76402;
- Phone number: 254-968-9080; and
- Email address: [DeanofStudentsOffice@tarleton.edu](mailto:DeanofStudentsOffice@tarleton.edu).

2.1.4 Visitors to Tarleton who experience, observe or become aware of alleged discrimination are strongly encouraged to report incident(s) promptly to the Title IX coordinator or designee whose location and contact information are as follows:

- Physical location: [Department of University Compliance and Strategic Initiatives](#), Room 106 of Administration Annex I on the Stephenville campus;
- Mailing Address: Department of University Compliance and Strategic Initiatives, Box T-0835, Stephenville, Texas 76402;
- Phone number: 254-968-9415; and
- Email address: [ComplianceReporting@tarleton.edu](mailto:ComplianceReporting@tarleton.edu).

2.1.5 Formal and anonymous reports may also be submitted through the online [Civil Rights Compliance Complaint Form](#) located on Tarleton's webpage at <https://www.tarleton.edu/hr/> and <https://www.tarleton.edu/titleix/index.html>.

2.1.6 Any employee, student or third party who experiences, observes or becomes aware of discrimination based on Section 504 of the Rehabilitation Act of 1973 and System Regulation 08.01.02, *Civil Rights Protections for Individuals with Disabilities* should report the incident(s) promptly to the associate vice president for curriculum, assessment and faculty affairs and dean of faculty or designee whose location and contact information are as follows:

- Physical location: [Department of Academic Affairs-Curriculum and Faculty Affairs](#), Room 212 of the Administration Building on the Stephenville campus;
- Mailing address: Department of Academic Affairs-Curriculum and Faculty Affairs, Box T-0010, Stephenville, Texas 76402;
- Phone number: 254-968-9598; and
- Email address: [academic\\_affairs@tarleton.edu](mailto:academic_affairs@tarleton.edu).

2.1.7 In accordance with the system regulation, civil rights complaints against the president, an employee reporting directly to the president, the Title IX coordinator or the chancellor must be promptly reported to, reviewed, investigated and adjudicated by SECO whose location and contact information are as follows:

- Physical location: System Ethics and Compliance Office, The Texas A&M University System, Moore / Connolly Building, 4<sup>th</sup> Floor, 301 Tarrow Street, College Station, Texas;
- Mailing address: System Ethics and Compliance Office, The Texas A&M University System, 1230 TAMU, College Station, Texas 77840-7896;
- Phone number: 979-458-6008; and
- Email address: [janetgordon@tamus.edu](mailto:janetgordon@tamus.edu).

- 2.1.8 Complaints alleging discrimination should be reported as soon as possible after the action that caused the complaint.
- 2.1.9 Upon receipt of the report, the appropriate designee will provide immediate notice in writing to appropriate university official(s), SECO, and the System Office of General Counsel (OGC) in accordance with the system regulation. Notice to university official(s) will be as follows:
- The vice president for Finance and Administration or designee on behalf of the president and the appropriate vice president are notified when a complaint has been reported involving a faculty or staff member;
  - The vice president for Finance and Administration or designee on behalf of the president and the vice president for student affairs are notified when a complaint has been reported involving a student as either the complainant or the respondent; and
  - A campus survivor advocate may also be notified of reports involving a student as the complainant.
- 2.1.10 The filing of a civil rights discrimination complaint will not stop, delay or affect pending personnel or disciplinary actions in accordance with the system regulation.

## 2.2 Investigations and Adjudications

Tarleton's complaint investigation and adjudication processes will be overseen by the appropriate designee, as defined in section 1.1 of this rule, in accordance with the process set forth in the system regulation and the supplemental guidance set forth below.

- 2.2.1 For complaints processed under Title IX of the system regulation, the Title IX coordinator, or designee, has the authority to institute corrective measures on behalf of Tarleton. Available corrective measures will be administered in accordance with the system regulation.
- 2.2.2 In accordance with the system regulation and at any point in the process, a student respondent may be subject to removal from Tarleton's education program or activity on an emergency basis, provided that an individualized safety and risk analysis has determined that an immediate threat to the physical health or safety of any student or other individual arising from the allegations justifies removal and provides the respondent with notice and opportunity to challenge the decision immediately following the removal. Upon being removed, any student respondent must be granted the opportunity for a hearing with five (5) business days to review whether or not the removal is warranted. The outcome of this hearing is not subject to appeal and is not a disciplinary action. Tarleton has designated the vice president of student affairs or designee as the hearing authority
- 2.2.3 Supportive measures should be offered to the complainant(s), the respondent(s) and other affected individuals by the appropriate designated

authority in accordance with the system regulation. Coordination with the CARE Team, Disability Services, and other appropriate areas may be necessary to assist with providing supportive measures.

- 2.2.4 If in the course of an investigation, additional allegations are made about the complainant or respondent that were not included in the original notice, the assigned investigators must notify the designated authority. The designated authority must then provide notice of the additional allegations to the parties in accordance with the system regulation.
- 2.2.5 Upon a mandatory or discretionary dismissal required or permitted by the system regulation, the designated authority must promptly send written notice of the dismissal and the reason(s) therefore simultaneously to the parties. The parties will be given the opportunity to appeal a dismissal to the university compliance officer. The appeal must be filed in writing within five (5) business days of notification of the decision.

### 2.3 Sanctions

Sanctions will be administered in accordance with the system regulation and the supplemental guidance set forth below.

- 2.3.1 In cases involving employees as respondents found responsible for the alleged illegal discrimination, sexual harassment, sex-based misconduct and/or related retaliation, sanctions will be administered in accordance with the system regulation.
- 2.3.2 In cases involving other sexual violence and sexual harassment student conduct violations, Tarleton hereby adopts the minimum sanction guidelines as set forth in the system regulation appendix, *Model Sanctioning Matrix for Sexual Violence, Sexual Harassment and Sex-based Misconduct by Students in The Texas A&M University System* (system regulation appendix). Additionally, applicable sanctions found in the *Student Code of Conduct* may be administered.
- 2.3.3 For sexual violence and sexual harassment student conduct rule violations, the determination of the student's eligibility to represent the university in extracurricular activities, both on and off campus, will be made by the designated administrator in accordance with the system regulation appendix and the *Student Code of Conduct*. The designated administrator will not be an 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).

### 2.4 Appeals

Appeals will be filed and administered in accordance with the system regulation and the supplemental guidance set forth below.

- 2.4.1 The complainant or respondent may file an appeal of the decision and

imposed sanction(s) in accordance with the guidance and timeframe set forth in the system regulation. Appeals must be submitted by the appellant in writing to the appropriate designee, as outlined in section 2.1.1 of this rule, within timeframe specified by the system regulation.

- 2.4.2 The appellate authority for cases involving a student respondent will be the vice president for student affairs or designee.
  - 2.4.3 The director of employee services or designee will designate, on a case-by-case basis, the appellate authority for cases involving employees and third party respondents.
- 2.5 Informal Resolution

At any time prior to the determination of a final decision, the parties to a complaint may voluntarily seek informal resolution to resolve the complaint in accordance within the conditions outlined in the system regulation.

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## Related Statutes, Policies, or Requirements

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[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](#)

[34 CFR 668.46\(a\)](#)

[Texas Commission on Human Rights Act](#)

[Texas Fair Housing Act](#)

[Tex. Educ. Code § 51.282, Policy on Sexual Harassment, Sexual Assault, Dating Violence, and Stalking](#)

[Tex. Educ. Code § 51.283, Electronic Reporting Option](#)

[Tex. Educ. Code § 51.284, Amnesty for Students Reporting Certain Incidents](#)

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

[System Policy, 08.01, \*Civil Rights Protections and Compliance\*](#)

[System Regulation, 08.01.01, \*Civil Rights Compliance\*](#)

[System Regulation 08.01.01, \*Appendix Model Sanctioning Matrix for Sexual Violence, Sexual Harassment and Sex-Based Misconduct Violations 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\*](#)

[System Regulation 08.01.02, \*Civil Rights Protections for Individuals with Disabilities\*](#)  
[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\*](#)  
[Tarleton Standard Administrative Procedure 12.01.99.T1, \*Granting Extension of Tenure Probationary Period\*](#)  
[Tarleton Standard Administrative Procedure 32.01.01.T0.01, \*Complaint and Appeal Procedures for Faculty Members\*](#)  
[Tarleton State University Student Code of Conduct](#)  
[Tarleton State University Faculty and Administrative Staff Handbook](#)

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## **Contact Office**

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University Compliance and Strategic Initiatives  
254.968.9415

Employee Services  
254.968.9128