

STANDARD ADMINISTRATIVE PROCEDURE

08.01.01.M1.02 Investigation and Resolution of Complaints Against Faculty Members for Illegal Discrimination, Sexual Harassment, or Related Retaliation Charges

Approved January 20, 2012

Revised March 27, 2013

Next scheduled review: March 27, 2016

Standard Administrative Procedure Statement

In accordance with System regulation 08.01.01, this standard administrative procedure is intended to create a process for investigating and resolving complaints pertaining to discrimination, sexual harassment or related retaliation filed against faculty members.

Procedures and Responsibilities

1. PROCEDURES FOR FILING COMPLAINTS

- 1.1. Complaint procedures are initiated by filing a discrimination, sexual harassment or related retaliation complaint as provided by University Rule 08.01.01.M1.
- 1.2. Complaints against a faculty member must be filed with the Dean of Faculties and Associate Provost within the times prescribed in section 4.1 of System Regulation 08.01.01.
- 1.3. Upon receipt of the complaint, the Dean of Faculties and Associate Provost will appoint an Investigating Authority and will forward the complaint to such Investigative Authority within the time prescribed in section 4.3 of System Regulation 08.01.01. The Dean of Faculties and Associate Provost will also promptly notify the University's Title IX Coordinator if the complaint alleges sexual harassment or another form of sex discrimination.
- 1.4. The Investigating Authority shall consist of a team of two (2) faculty members chosen by the Dean of Faculties and Associate Provost from the serving members appointed to the Academic Civil Rights Investigation Committee (ACRIC).

2. ACADEMIC CIVIL RIGHTS INVESTIGATION COMMITTEE (ACRIC)

- 2.1 The ACRIC is a standing committee of thirty - forty five (45) faculty members appointed by the Deans of the Colleges, Schools, Libraries, and Branch Campuses and the Dean of Faculties and Associate Provost. In this regard, each Dean will appoint three (3) faculty members, and the campuses in Qatar and Galveston will appoint three (3) faculty members each from different departments within their campus. All appointed faculty members need to be willing, able and available to serve for 2 years on the ACRIC. In addition, the Dean of Faculties and Associate Provost will appoint within the same time frame six (6) additional faculty members of his/her choosing to serve on the ACRIC for the same period of time.
- 2.2 ACRIC members are charged with the sole duty and responsibility of investigating complaints against a faculty member related to alleged civil rights violations. Their duties and responsibilities commence on September 1st of the academic year of their appointment and shall cease on August 31st of the second academic year following their appointment. ACRIC members may be reappointed by their respective Deans to serve on the ACRIC for additional two (2) year terms. Vacancies of ARIC members during the term of their appointment shall be immediately filled by the appointment of new members by the respective Deans.
- 2.3 Upon receipt of a complaint, the Dean of Faculties and Associate Provost will appoint from the membership of the committee a team of two (2) ACRIC members to investigate the allegations in the complaint.
- 2.4 ACRIC members are subject to challenge for cause. The Dean of Faculties and Associate Provost will rule on the validity of any challenge. (Note: Such challenges must relate to the ability of a member to render an unbiased decision. The mere existence of prior interactions between an ACRIC member and other individuals does not necessarily constitute bias.)
- 2.5 ACRIC members will receive training on civil rights matters and appropriate methods in how to carry out investigations and develop findings and conclusions. This training is mandatory for all ACRIC members before they can be appointed to conduct an investigation. Training will generally be carried out prior to commencement of their term or as otherwise determined from time to time by the Dean of Faculties and Associate Provost. The training is also open to deans, department heads and faculty members.

3. INVESTIGATION OF COMPLAINTS

- 3.1 Upon receipt of a complaint, the Dean of Faculties and Associate Provost will appoint an Investigating Authority in accordance with sections 1.4 and 2.3 above.
- 3.2 The Investigating Authority shall be supported by the office of the Dean of Faculties and Associate Provost, or designee. This support will be limited to aiding the Investigating Authority in their needs throughout the investigative process and to ensuring that the investigation is conducted in accordance with the processes and procedures set forth in the regulations, rules and this procedure.
- 3.3 The Investigating Authority appointed by the Dean of Faculties and Associate Provost is responsible for all administrative activities required to conduct the investigation and complaint procedures. These include, but are not limited to, informing parties necessary to the investigation, contacting supervisors regarding their subordinates' time away from work to participate in the investigative process, making reports to University officials, and other responsibilities necessary to properly conduct the investigation. The Investigating Authority may request help from the Office of the Dean of Faculties and Associate Provost, or designee, to carry out these duties.
- 3.4 The Investigating Authority will, to the extent permitted by law, protect the confidentiality of the information received prior to, during, and as a result of the investigation. To the extent possible, the investigation will be conducted in a manner that protects the confidentiality of all parties involved.
- 3.5 The Investigating Authority will review the complaint and conduct the investigation within the times prescribed in section 4.3 of System Regulation 08.01.01.
- 3.6 The Investigating Authority should strive to interview the complainant first, followed by the respondent(s). Witnesses identified by the complainant and respondent(s) should then be interviewed, along with any additional witnesses deemed necessary by the Investigating Authority. All attempts to schedule interviews with any of the parties, including all witnesses, should be documented.
- 3.7 Upon conclusion of the investigation, the Investigating Authority will prepare a formal written report of the findings. The report must be addressed to the Dean of Faculties and Associate Provost and should contain the level of detail appropriate for the investigation conducted. The report may contain some or all of the

following, depending on the nature of the complaint and/or investigation: (1) Listing of the complainant's allegations; (2) The complainant's requested relief; (3) Description of relevant documentation reviewed by the Investigating Authority, which may be attached as numbered Exhibits to the report, and a list of witnesses interviewed; and (4) Analysis of each allegation containing the statements made during the interviews by the complainant, the respondent(s) and the witnesses; and (5) Conclusion (the complaint's allegation(s) are substantiated, are not substantiated, or there is insufficient evidence to make a determination) and rationale.

3.8 The report shall be delivered by the Investigating Authority to the Dean of Faculties and Associate Provost. Upon review of the report, the Dean of Faculties and Associate Provost will make a recommendation to the Provost and Executive Vice President of Academic Affairs.

3.9 In accordance with section 4.3 of System Regulation 08.01.01, the Provost and Executive Vice President of Academic Affairs will render a decision in writing on the merits of the complaint, including the imposition of any sanction(s). This decision will be rendered within five (5) business days after receiving the recommendation from the Dean of Faculties and Associate Provost, unless circumstances require additional time. The Provost and Executive Vice President of Academic Affairs' decision will be the final decision regarding the merits of the complaint. The decision will be provided to the Dean of Faculties and Associate Provost who will immediately provide the decision to the complainant, the respondent(s), the Investigating Authority, and the complainant's and respondents' supervisor(s) and department head(s).

4. APPEAL OF SANCTION(S)

4.1 Any sanction(s) imposed by the Provost and Executive Vice President of Academic Affairs in the final decision on the merits of a complaint for Civil Rights violation(s) constitutes an employment action.

4.2 The sanction(s) may be appealed by the individual being sanctioned within thirty days (30) from the date the decision was made or the sanction(s) imposed will become final. In addition, the Complainant may also appeal the sanction(s) imposed on the Respondent(s) if the Complainant deems such sanction(s) not adequate in light of the findings.

- 4.2.1 If the sanction(s) relates to the non-renewal or dismissal of a faculty member, the sanction(s) may be appealed by the Respondent(s) to the Committee on Academic Freedom, Responsibility, and Tenure (CAFRT) in accordance with section 9 of University Rule 12.01.99.M2. The findings of CAFRT will be in accordance with section 9 of University Rule 12.01.99.M2.
- 4.2.2 If the sanction(s) do not relate to non-renewal or dismissal, the sanction(s) may be appealed by the Complainant and/or the Respondent(s) to the University Grievance Committee (UGC) in accordance with University Rule 12.01.99.M4. The findings of the UGC will be limited to determining whether or not the sanction(s) imposed is reasonable based on the determination.

Related Statutes Policies, Regulations and Rules

Supplements [System Regulation 08.01.01, Civil Rights Compliance](#) and [University rule 08.01.01.M1, Civil Rights Compliance](#)

Supplements System policies and regulations
<http://policies.tamus.edu>

Supplements University Rules and SAPs
<http://rules-saps.tamu.edu>

Contact Office

OFFICE OF RESPONSIBILITY: [Dean of Faculties and Associate Provost](#)