

**\*This SAP is in the process of being updated by the responsible office.**

## STANDARD ADMINISTRATIVE PROCEDURE

### **08.01.01.M1.01 Investigation and Resolution of Complaints Against Non-Faculty Employees and Unrelated Third Parties for Illegal Discrimination, Sexual Harassment, or Related Retaliation Charges**

*Approved January 22, 2013*

*Next scheduled review: January 22, 2018*

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#### **Standard Administrative Procedure Statement**

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In accordance with System Regulation 08.01.01 *Civil Rights Compliance* and University Rule 08.01.01.M1 *Civil Rights Compliance*, 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 non-faculty employees or unrelated third parties.

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#### **Definitions**

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The definition of sexual harassment is contained in [System Regulation 08.01.01 \*Civil Rights Compliance\*](#).

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#### **Procedures and Responsibilities**

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#### **1. PROCEDURES FOR FILING COMPLAINTS**

- 1.1 Many problems can be resolved through discussions between the complainant and the immediate supervisor or department head, as appropriate. The complainant or supervisor is encouraged to contact Human Resources Employee Relations for guidance. The outcome of this process includes the full range of options ranging from no action up to and including dismissal. The supervisor or department will promptly notify the University's Title IX Coordinator if the complaint alleges sexual harassment or another form of sex discrimination.
- 1.2 Complaint procedures are initiated by filing a discrimination, sexual harassment, or related retaliation complaint as described in University Rule 08.01.01.M1.

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- 1.2.1 Complaints against a non-faculty employee or an unrelated third-party must be filed with Policy Practice and Review (P&PR) within the times prescribed in System Regulation 08.01.01.
- 1.2.2 Upon receipt of the complaint, P&PR will coordinate the investigation of the complaint within the timeframes prescribed in System Regulation 08.01.01.
- 1.2.3 P&PR will promptly notify the University's Title IX Coordinator if the complaint alleges sexual harassment or another form of sex discrimination (if applicable).

## 2. INVESTIGATION OF COMPLAINTS

- 2.1 Upon receipt of a complaint, P&PR is responsible for all administrative activities required to conduct the investigation and complaint procedures as described in System Regulation 08.01.01. These include, but are not limited to, informing parties necessary to the investigation, contacting supervisors regarding their subordinate's time away from work to participate in the investigative process, making reports to University officials and other responsibilities necessary to properly conduct the investigation.
- 2.2 P&PR will, to the extent possible, 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. The expressed wishes of the complainant regarding confidentiality will be considered in the context of Texas A&M's obligation to act upon the complaint and the right of the respondent to be informed.
- 2.3 The University will take reasonable action to ensure that the complainant, the respondent, witnesses, and those participating in the investigation, are protected from retaliation. Employees who retaliate against such persons will be subject to disciplinary action up to and including dismissal. This disciplinary action can be taken at any time during or following an investigation of an illegal discrimination, sexual harassment or related retaliation complaint.
- 2.4 When a complaint of illegal discrimination, sexual harassment or related retaliation is filed, the respondent will be informed of the allegations, the identity of the complainant (if the complainant has consented to this disclosure), and the facts surrounding the allegations. A complainant who intentionally makes dishonest or malicious allegations will be subject to University discipline up to and including dismissal.

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- 2.5 In accordance with System Regulation 08.01.01, upon conclusion of the investigation, P&PR will prepare a written report regarding the complaint. The written report will be submitted to the appropriate Vice-President, or designee, for final decision regarding the merits of the complaint. The Vice President will render a decision in writing on the merits of the complaint, including imposition of any sanction(s). This decision will be rendered within five (5) business days after receiving the report from P&PR, unless circumstances require additional time.
- 2.6 At the conclusion of the investigation, parties to the complaint, as described in System Regulation 08.01.01, will be promptly notified of the final decision regarding the complaint.
- 2.7 Documentation of any resulting disciplinary action will be placed in the respondent's personnel file.
- 2.8 A copy of the complete written investigation report will be maintained in an investigative file by P&PR.

### 3. APPEALS

Appeal actions may be filed in accordance with University Rule 32.01.02.M1, *Complaint and Appeal Process for Non-faculty Employees*.

### 4. FOLLOW UP

- 4.1 P&PR will follow up with the complainant in order to verify that the inappropriate behavior remains stopped. This will take place on or about the anniversary date of the final decision at thirty (30) days, six months, and one-year time frames.
- 4.2 P&PR will follow up with the University's Title IX Coordinator (as appropriate).

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#### Related Statutes, Policies, Rules, and SAPs

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

[System Regulation 08.01.01 Civil Rights Compliance](#)

[University Rule 08.01.01.M1 Civil Rights Compliance](#)

[System Regulation 32.02.02 Discipline and Dismissal of Nonfaculty Employees](#)

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

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**Contact Office**

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Those requiring more information on this standard administrative procedure and related matters should contact Policy & Practice Review at (979) 862-3331 or by email at [hrpolicy@tamu.edu](mailto:hrpolicy@tamu.edu).

OFFICE OF RESPONSIBILITY: [Policy & Practice Review](#)