



**TEXAS SOUTHERN UNIVERSITY**  
**MANUAL OF ADMINISTRATIVE POLICIES AND PROCEDURES**

**SECTION: Human Resources**  
**AREA: Employee Relations**

**Policy 02.05.13**

<b>SUBJECT: EEO/ Non-Discrimination Policy</b>
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**I. PURPOSE AND SCOPE**

It is the policy of Texas Southern University to provide a working and academic environment that provides equal opportunity to all members of the University community. In accordance with federal and state law, the University prohibits unlawful discrimination, including harassment, on the basis of race, color, religion, national origin, gender, including sexual harassment, age, disability, citizenship, and veteran status in its programs, activities, admissions or employment policies. Pursuant to University policy, this policy also prohibits discrimination on the basis of sexual orientation, gender identity, and gender expression.

This policy of equal opportunity is strictly observed in all University employment-related activities including but not limited to advertising, recruiting, interviewing, testing, employment training, compensation, promotion and termination. This policy also applies to academic activities, as well as University programs and activities that affect the general public.

**II. DEFINITIONS**

- a. **Members of the University Community** are any persons employed by or affiliated with the University in any way and persons participating in any University program or activity, including, but not limited to:
  - University faculty, staff, administrators, employees, and independent contractors;
  - University students;
  - Volunteers and participants in any University program or activity;
- b. **Members of the General Public** includes: guests and visitors to campus, to any property owned or leased by the University, or to any property owned or leased by any University-affiliated organization or group.
- c. **Discrimination**, is defined as conduct directed at a specific individual or a group of identifiable individuals that subjects the individual or group to treatment that adversely affects their employment or education because of their race, color, religion, national origin, age, disability, citizenship, veteran status, sexual orientation, gender identity, or gender expression

- d. **Harassment** as a form of discrimination is defined as verbal or physical conduct that is directed at an individual or group because of race, color, religion, national origin, age, disability, citizenship, veteran status, sexual orientation, gender identity, or gender expression when such conduct is sufficiently severe, pervasive or persistent so as to have the purpose or effect of interfering with an individual's or group's academic or work performance; or of creating a hostile academic or work environment.
- e. **Verbal conduct** is defined as oral, written, or symbolic expressions that:
- personally describe or is personally directed at a specific individual or group of identifiable individuals; and
  - is not necessary to an argument for or against the substance of any political, religious, philosophical, ideological, or academic idea

### III. POLICY PROVISIONS

- a. Texas Southern University is committed to preventing discrimination in its policies and practices that may unfairly limit the employment prospects of qualified individuals. In this regard, the University will provide training and resources necessary to facilitate implementation of this policy.
- b. In administering its employment policies, the University will base decisions on the principle of equal opportunity. It will also recruit, hire, train, and promote in all job classifications, without regard to race, color, sexual orientation, gender identity, religion, disability, national origin, age, or gender, except where gender is a bonafide occupational qualification.
- c. Personnel actions including compensation, promotions, layoffs, return from layoff, institutional sponsored training, education, institutional grants for study and/or professional development, social and recreational programs will be administered without regard to race, color, religion, sexual orientation, gender, disability, national origin or age.
- d. The University also reaffirms its policy of administering all of its educational programs and services in a manner that does not discriminate because of a student's or prospective student's race, color, religion, gender, disability, national origin, sexual orientation, gender identity, age, or other characteristics which cannot lawfully be a basis for denial of services.
- e. Complaints of any allegations involving gender/sex discrimination identified in the EEO/Non-Discrimination Policy will be handled in accordance with the University's Title IX Grievance Procedures (MAPP 02.05.09). Complaints of any allegations involving all other types of discrimination identified in the EEO/Non-Discrimination Policy will be handled in accordance with this policy.

**IV. NOTICE OF TITLE VI COORDINATOR**

While compliance with the law is everyone's responsibility at the University, listed below is the University's Title VI Coordinator who has primary responsibility for Title VI Compliance.

Title VI Coordinator

Director of Human Resources  
Department of Human Resources & Payroll Services  
Hannah Hall, Room 126  
Texas Southern University  
Houston, TX 77004

Duties and responsibilities of the Title VI Coordinator include monitoring, providing guidance and assistance on Title VI matters, conducting Title VI reviews of University programs and activities to ensure non-discrimination, processing and resolving Title VI complaints, and coordinating the development and implementation of Title VI related training programs.

**V. EXTERNAL COMPLAINT PROCEDURE**

(Complaints filed by external community)

Transportation-related discrimination complaints filed under Title VI against TSU or its sub-recipients will be forwarded to TxDOT for investigation within ten (10) calendar days.

**VI. INTERNAL COMPLAINT PROCEDURE**

(Complaints filed by University community)

**A. REPORTING AND FILING AN INTERNAL COMPLAINT.**

1. Texas Southern University (TSU) encourages any student, employee or visitor to the campus who thinks that she or he has been subjected to discrimination by another student, member of the faculty or staff, campus visitor or contractor, to report that action immediately to the University's Title VI Coordinator.
2. All members of the University community are responsible for promptly reporting incidents of discrimination that come to their attention to the University's Title VI Coordinator (unless the employee is statutorily barred from sharing such information). Other individuals not affiliated with the University are also urged to report to their supervisors or the University's Title VI Coordinator conduct that they believe violate the University policies prohibiting discrimination.
3. If you have a discrimination complaint against a TSU student you should contact the Associate Dean of Students or the Director of Judicial Affairs.

4. If you have a discrimination complaint against a TSU faculty member, staff member, visitor or contractor, you should contact the Department of Human Resources.

## B. INFORMAL RESOLUTION

Though not required, employees and students are encouraged to attempt initially to resolve complaints at the lowest level through the administrative structure of the employment unit or academic department.

1. If you would like to proceed informally, you should ask your supervisor, the other person's supervisor, the Title VI Coordinator to intervene. Do not rely upon other co-workers or individuals who are not familiar with University policy to intervene on your behalf when discussing your concerns with the person whose behavior is unwelcome and/or offensive.
2. You have the right to end the informal resolution process at any time and begin the formal resolution process.
3. Supervisors or administrators, including faculty, always should contact the Title VI Coordinator before attempting to resolve any complaints.

## C. FORMAL RESOLUTION PROCEDURES

You may initiate formal complaint procedures by filing a complaint with the University's Title VI Coordinator ("Coordinator") whether or not you have attempted resolution through informal procedures. The individual who files the complaint is referred to as the "Complainant". The individual against whom the complaint is filed is referred to as the "Respondent". Collectively these individuals are referred to as the "parties". The University will work to investigate all complaints as quickly and professionally as possible. When investigations confirm the discrimination and/or harassment allegations, appropriate corrective action will be taken to prevent the recurrence of any discrimination or harassment.

### 1. Filing of a Complaint.

- 1.1 The complaint must be submitted in writing, must be filed within one hundred eighty (180) days of the incident (or last of a series of incidents) that is the basis of the complaint, and must contain the following information:
  - a. Complainant's name and contact information, including address, telephone number and e-mail address;

- b. Name of Complainant's Department Head/Dean/Vice President (if Complainant is an employee);
- c. Name of person(s) responsible for alleged violation(s);
- d. Date(s) and place(s) of alleged violation(s);
- e. Nature of alleged violation(s) as defined in this policy;
- f. Detailed description of the specific conduct that is the basis of alleged violation(s);
- g. Names of any witnesses to alleged violation(s);
- h. Action requested to resolve the situation;
- i. Complainant's signature and date of filing; and
- j. Any other relevant information/documents

1.2 The following communications do not constitute a complaint and will not be investigated or resolved pursuant to this complaint resolution process:

- a. Oral allegations
- b. E-mail correspondence
- c. Anonymous communications
- d. Courtesy copies of correspondence or a complaint filed with others/other entities
- e. Inquires that seek advice or information only
- f. Pre-complaint consultations and informal resolution activities

Notwithstanding the foregoing, the University will, pursuant to its obligations under Title VI, respond to all incidents of possible discrimination of which it knows or reasonably should know.

## 2. **Receipt of a Complaint.**

- a. Upon receipt of the written complaint, the Coordinator will meet with the Complainant within five (5) working days to review the complaint procedures, discuss the Complainant's allegations, and determine, if appropriate, whether the Complainant is amenable to resolving the complaint through informal procedures. If the Complainant is willing to first proceed informally, the Coordinator will temporarily postpone the complaint investigation and contact the Respondent to determine whether he or she is willing to participate in an informal resolution.
- b. If the Complainant wishes to proceed directly with the formal complaint procedures, or the Respondent declines to participate in an informal resolution, or attempts to resolve the complaint through informal procedures are unsuccessful, the Coordinator will assess the

Complainant's written complaint to determine whether the allegations state a potential violation of federal or state laws and/or University policies.

3. **Acceptance of a Complaint.**

- a. Within five (5) working days of: 1) the Coordinator's receipt of the complaint; 2) the Coordinator's initial meeting with the Complainant; or 3) the Coordinator's determination that an informal resolution of the Complainant's complaint is no longer feasible – whichever is later, the Coordinator shall decide whether the written complaint states a potential violation of University policies or federal or state laws and shall notify the Complainant in writing of her/his determination.
- b. If the Coordinator determines that the allegations of the complaint state a potential violation, the Coordinator will notify the Complainant that the complaint has been accepted and within ten (10) days thereafter provide written notice to the Respondent of the complaint allegations. In addition to notice of the complaint being provided to the Respondent, the Coordinator shall provide notice to the Respondent's immediate supervisor and divisional vice president.
- c. If the Coordinator determines that the allegations of the complaint do not state a violation of University policy or federal or state laws, the Coordinator will provide written notice of this decision to the Complainant. The notice shall explain why the complaint does not state a violation.

4. **Complaint Investigation.**

- a. The allegations in all complaints will be investigated thoroughly to assure a resolution that is consistent with the facts. The investigation may include, but is not limited to:
  - Interviewing the Complainant
  - Interviewing the Respondent
  - Interviewing witnesses and reviewing evidence presented by the parties
  - Interviewing other material witnesses
  - Reviewing relevant files and records;
  - Comparing the treatment of the Complainant to that of others similarly situated in the department or unit; and/or
  - Reviewing applicable policies and procedures

- b. All interviews will be audio recorded. Parties and witnesses will be informed that their statements will remain confidential only to the extent allowed by laws.
- c. Evidence will be reviewed using a preponderance of the evidence standard (e.g. is it more likely than not that a violation of University policy occurred).

5. **Abandonment of Complaint.**

- a. The following acts may constitute abandonment of a complaint:
  - Failing to respond or take an action required by the policy or procedure within the specified time limit;
  - Failing to appear for a scheduled meeting/hearing without adequate cause; or
  - Otherwise failing to advance the complaint in a timely manner.
- b. No further action or appeal will be allowed following a Coordinator's determination that the Complainant has abandoned their complaint. The Coordinator will provide written notice to the Complainant of this determination.
- c. Notwithstanding the foregoing, the University will, pursuant to its obligations under Title VI, respond to all incidents of possible discrimination of which it knows or reasonably should know.

6. **Report of Findings and Recommendation – Complaints Against Non-students.**

- a. The investigation shall normally be concluded within sixty (60) working days of the filing of the written complaint, at which time the Coordinator shall issue a written report to the Respondent's supervisor/department head. If a complaint is directed against a supervisor/department head who would otherwise act on a complaint, the function assigned to that supervisor/department head will be delegated to the next level supervisor in the Respondent's line of supervision. The report shall include a summary of the Complainant's allegations, the Respondent's response to the allegations, findings of fact and conclusions, as well as appropriate recommendations.
- b. If the report determines a finding of a violation of University policy and/or federal or state law, within five (5) working days following receipt of the report of findings and recommendation, the supervisor/department head

shall determine a disciplinary action that is appropriate for the severity of the conduct. Disciplinary action which may include training, a letter of reprimand, a formal letter of apology to the Complainant, a reduction in administrative duties (e.g. removal as chair of department), unpaid suspension and/or termination of employment, will be taken in accordance with applicable University policies and procedures. Disciplinary action must be approved by the Office of Human Resources prior to the action being taken.

- c. The supervisor/department head shall communicate the discipline decision in writing to the Coordinator and the Coordinator shall provide written notice to the parties of the outcome of the investigation.

7. **Report of Findings and Recommendation – Complaints Against Students.**

- a. The investigation shall normally be concluded within sixty (60) days of the filing of the written complaint, at which time the Coordinator shall issue a written report. The report shall include a summary of the Complainant's allegations, the Respondent's response to the allegations, findings of fact and conclusions, as well as appropriate recommendations.
- b. Any disciplinary proceedings involving a student will be conducted pursuant to the provisions of the University's Student Conduct Code. Disciplinary sanctions under the Code may include counseling, disciplinary reprimand, disciplinary probation, suspension and expulsion.
- c. The University will take necessary steps to prevent the recurrence of any discrimination found to exist.
- d. As required by Federal law, any disclosure of the findings and decision in regards to student disciplinary proceedings will be governed by the provisions of the Family Educational Rights and Privacy Act (FERPA).

8. **Protective Measures.**

At times the Title VI Coordinator may deem it necessary to recommend steps before or during an investigation to protect the rights and interests of the Complainant and/or the Respondent. Those measures may be designed to reduce or eliminate contact between the Complainant and Respondent so that both parties feel safe in their work or educational environment. Protective measures may also guard against further actual or perceived discrimination or retaliation.

Protective measures may include but are not limited to temporary changes in working conditions (such as changes in supervisor, shift, job site, or office



location), changes in class schedule, changes in living arrangements, directives to the Complainant and Respondent to avoid personal contact or refrain from such contact without a third party neutral person present, and in severe cases interim suspension.

9. **Effect of Criminal Proceedings.**

Because the standards for finding a violation of criminal law are different from the standards for finding a violation of this Policy, criminal investigations or reports are not determinative of whether discrimination or harassment, for purposes of this Policy, has occurred.

The filing of a complaint under this Policy is independent of any criminal investigation or proceeding, and (except that the University's investigation may be delayed temporarily while the criminal investigators are gathering evidence) the University will not wait for the conclusion of any criminal investigation or proceedings to commence its own investigation and take interim measures to protect the Complainant and the University Community, if necessary.

10. **Retaliation Prohibited.**

It is contrary to Title VI, and other federal and state civil rights laws, and to University policy, to retaliate against any person for asserting his/her civil rights, including filing a claim of discrimination or participating as a witness in an investigation. Retaliation or reprisals against any participant in an investigation will not be tolerated by the University. Retaliation against a person who files a claim of discrimination is grounds for a subsequent claim by that person under the University's Retaliation policy (MAPP 02.05.14). If a person believes that he or she has been retaliated against as a result of filing a grievance or participating in the investigation of a grievance, he or she may pursue a separate complaint charging retaliation.

11. **Filing of False Complaints.**

Any employee or student who knowingly and intentionally files a false complaint under this procedure is subject to disciplinary action up to and including dismissal from the University/termination of employment, and/or expulsion.

12. **Time Frames.**

Time frames referenced in these procedures may be extended by the Coordinator for good cause, such as holidays or when classes are not in session, or when it is necessary to complete an investigation due to difficulties reaching witnesses or parties to the complaint.

**VII. OTHER COMPLAINTS**

Other complaints and grievances by faculty, staff and students are subject to the procedures set forth in the University's Faculty Manual, University MAPPs, and Student Code of Conduct.

**VII. REVIEW AND RESPONSIBILITIES**

Responsible Party: Associate Vice President/CHRO

Review: Every three years, on or before September 1

**APPROVAL**

Edward C. Ness  
Vice President for Administration & Finance

John Rudley  
President

Effective Date: June, 2015