08.01.01 Civil Rights Compliance

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Regulation Statement

The Texas A&M University System (system) will provide equal opportunity to all employees, students, applicants for employment and admission, and the public~~ regardless of race, color, religion, sex, national origin, disability, age, genetic information or veteran status~~.

Reason for Regulation

This regulation provides guidance in complying with local, state and federal civil rights laws and regulations. This regulation applies to complaints and/or appeals of employment or disciplinary actions made by faculty, administrators, staff, students and/or third parties alleging illegal discrimination, sexual harassment and/or related retaliation.

As provided in System Policy *32.02, Discipline and Dismissal of Employees*, all nonfaculty positions in the system are "at will," meaning that any nonfaculty employee may be dismissed from employment with or without cause.[1] Nothing in this regulation shall be construed as modifying any nonfaculty employee's "at-will" status.

Procedures and Responsibilities

1. RESPONSIBILITIES OF SYSTEM MEMBERS

~~1.1 The~~Each member chief executive officer (CEO) ~~of each member~~ has the primary responsibility for ensuring compliance with civil rights laws and regulations~~, including but not limited to the prohibition of discrimination, sexual harassment and related retaliation based on race, color, religion, sex, national origin, disability, age, genetic information or veteran status~~.

1.1~~1.2~~ The CEO shall designate a contact person(s) responsible for overseeing its civil rights protections program. This person(s) will ensure that all allegations of illegal

[1] This reference excludes a nonfaculty system employee having a written employment contract entered in accordance with System Policy *25.07, Contract Administration*.

discrimination, sexual harassment and/or related retaliation are promptly, ~~and~~ thoroughly, and equitably investigated and resolved. The designee will periodically follow up on situations in which illegal discrimination, sexual harassment and/or related retaliation is found to ensure that the situation does not reoccur.

1.2 Members receiving an inquiry or a charge of illegal discrimination, sexual harassment, and/or related retaliation from a local, state or federal agency must immediately inform the System Ethics and Compliance Office (SECO) which will serve as the liaison between the member and the agency.

~~4.3~~1.3 Each member must develop and publicly display a rule~~procedure~~ for the receipt, investigation and resolution of illegal discrimination, sexual harassment and/or related retaliation complaints or appeals.~~ Prior to adoption, this procedure shall be submitted to the Office of General Counsel for legal sufficiency review. The individual or office designated by the member to receive complaints will forward each one to an investigative authority, if applicable, within five business days of receipt. The investigative authority will review each complaint, interview witnesses, if applicable, and provide a report on the merits of the complaint to the designated administrator within 15 business days of receipt of the complaint, unless unusual circumstances require more time. Extensions should not be for more than 15 additional business days. Any further extensions require the approval of the CEO or designee. The designated administrator will render a decision in writing and provide that decision to the complainant, respondent(s), the investigative authority and the complainant's and respondents' supervisor and department head(s) within five business days after receiving the investigative authority's report, unless unusual circumstances require additional time. This will be the final decision regarding the merits of the complaint.~~

2. RESPONSIBILITIES OF ALL EMPLOYEES AND STUDENTS

2.1 All employees are responsible for ensuring their work and educational environments are free from illegal discrimination, sexual harassment and/or related retaliation. When alleged or suspected illegal discrimination, sexual harassment and/or related retaliation is experienced or observed by or made known to an employee, the employee is responsible for reporting that information as outlined in Section~~s~~ 4.1~~, 4.2 and 4.3~~.

2.2 Only certain employees may keep reports of violations of this regulation confidential: licensed health care personnel and licensed sexual assault advocates, when acting in this capacity as part of their official employment. All other employees informed of possible violations of this regulation should advise the reporter that they cannot keep the information confidential and are required to report it. The employees should inform the reporter where confidential guidance can be obtained, such as the student counseling center or employee assistance program. To the extent possible the member will protect the privacy of all parties to the report. (See definitions for "confidential" and "private.")

2.3 An individual's request to withhold his or her name, the name of the alleged violator, or a request not to investigate or seek action against the alleged violator will be considered in the context of the member's duty to provide a safe and nondiscriminatory work and

educational environment. This may require that the member take actions when the reporter requests no action, if violence is involved, if the threat of violence exists, or when required by law, as in the case of elderly or child abuse. A request to withhold information or not to investigate the alleged misconduct may limit the member's ability to respond to a complaint.

2.4 Reporters may, but cannot be required to, submit a complaint or report with any law enforcement authority. Employees receiving a report under this regulation may not disclose the identity of the individual subjected to the reported conduct to any law enforcement authority unless expressly authorized by the individual subjected to the alleged illegal discrimination, sexual harassment and/or related retaliation or when an imminent threat to health or safety may exist or when required by law. Employees receiving relevant information should inform the individual or office designated by the member per Section 1.1.

2.5 Reporters may, at any time, file a complaint with any local, state or federal civil rights office, including the Equal Employment Opportunity Commission, the Texas Workforce Commission's Civil Rights Division and the U.S. Department of Education's Office of Civil Rights.

2.6~~2.2~~ All employees and students ~~are to~~should cooperate fully with those performing an investigation pursuant to this regulation. No employee or student may retaliate against a person for participating in an investigation under this regulation.~~Retaliatory action of any kind is prohibited when taken against a complainant, witness or other person participating in a discrimination, sexual harassment or related retaliation investigation, complaint, hearing or suit.~~

2.7~~2.3~~ Reports of suspected illegal discrimination, sexual harassment and/or related retaliation must ~~be based on reasonable, factual information rather than speculative information or rumor, and~~ contain as much specific information as possible to allow for proper assessment of the nature, extent and urgency of preliminary investigative procedures. Employees or students found to have intentionally made false or materially misleading allegations of suspected illegal discrimination, sexual harassment and/or related retaliation under this regulation may be disciplined, up to and including dismissal or expulsion.

2.8~~2.4~~ All employees are responsible for complying with state law requiring system training on equal opportunity and nondiscrimination within 30 days of hire and every two years thereafter.

3. RESPONSIBILITIES OF THE SYSTEM ETHICS AND COMPLIANCE OFFICE (SECO)~~DIRECTOR OF EQUAL OPPORTUNITY AND DIVERSITY~~

3.1 ~~The~~ SECO ~~system director of equal opportunity and diversity (EOD)~~ will serve as the liaison between the members and any local, state or federal agency investigating a charge or complaint of illegal discrimination, sexual harassment and/or related retaliation, or conducting a civil rights audit or review.

3.2 In coordination with the Office of General Counsel (OGC), SECO~~the director of EOD~~

will provide general guidance on the implementation of civil rights protections and compliance with civil rights laws and regulations.

3.3 SECO~~The director of EOD~~ is also responsible for the coordination ~~and/or~~of all reporting requirements related to equal opportunity and affirmative action for the system and its members.

4. CIVIL RIGHTS COMPLAINT PROCESSING~~PROCEDURES~~

4.1 Reporting

4.1.1~~4.1~~ Except as specified in Section 2.2, ~~A~~any employee or student who experiences, observes or becomes aware of ~~believes that he or she has been subjected to~~ illegal discrimination, sexual harassment and/or related retaliation should promptly report the incident(s) to his or her supervisor or a member official, administrator or other designee identified in the member's applicable ~~procedure~~rule. A third party (including, but not limited to, anyone receiving services from the member, vendors and private business associates) should promptly report the incident(s) involving an employee or student to the member's human resources office or other office designated to receive such complaints.

4.1.2~~4.2~~ An employee or student is not required to report illegal discrimination, sexual harassment and/or related retaliation to a direct supervisor or to the alleged offender. The alleged offense may instead be reported to another member official, administrator, supervisor or other designee identified in the member's applicable rule~~procedure~~.

4.1.3 An employee's or student's complaint or appeal alleging illegal discrimination, sexual harassment and/or related retaliation in connection with discipline and/or dismissal ~~must~~should be filed within ~~seven~~ 10 business days of the action that caused the complaint or it may be deemed untimely filed and dismissed. An employee's or student's complaint or appeal alleging illegal discrimination, sexual harassment and/or related retaliation unrelated to discipline and/or dismissal ~~must~~should be filed within ~~60~~ 90 calendar days of the most recent incident or it may be deemed untimely filed and dismissed.

4.1.4 Any complaints, appeals or reports of illegal discrimination, sexual harassment, and/or related retaliation shall be reported to SECO upon receipt by the designated member office.

4.1.5~~4.4~~ The filing of an illegal discrimination, sexual harassment and/or related retaliation complaint will not stop, delay or affect pending personnel actions. This includes, but is not limited to, performance evaluations or disciplinary actions related to a reporter~~complainant~~ who is not performing at acceptable levels or standards or who has violated system policies, regulations or member rules~~procedures~~.

4.2 Investigations

4.2.1 The individual(s) or office(s) designated by the member to receive complaints, appeals and/or reports of illegal discrimination, sexual harassment, and/or related retaliation will review each one to determine if there is sufficient information to proceed with an investigation or if additional information is needed. If the information is sufficient, the individual or office will forward the complaint, appeal or report to an appointed investigative authority within five business days of receipt. If the information is insufficient, that individual or office, in consultation with OGC, may conduct an inquiry into the circumstances of the complaint/report/appeal and (a) dismiss it as untimely filed, baseless, or not a violation of civil rights policy; (b) close it for insufficient information to investigate; or (c) refer it to the office(s) which handles complaints or appeals not related to civil rights.

4.2.2 At any point in the process, the respondent may be suspended with pay, reassigned, and/or placed in another type of temporary status pending completion of the investigation and final resolution of the allegations.

4.2.3 The member should offer the individual subjected to the alleged illegal discrimination, sexual harassment and/or related retaliation, the respondent and other affected individuals interim protections or remedies, such as physical separation, contact limitations, alternative work or other arrangements, academic adjustments, and counseling services. Failure to comply with the terms of interim protections may be considered a separate violation of system policies and regulations and member rules and procedures.

4.2.4 Both the individual subjected to the alleged illegal discrimination, sexual harassment and/or related retaliation and the respondent must receive equitable treatment in all facets of the complaint and investigation process, including but not limited to the right to representation (if any), the right to present evidence and witnesses, and the right to be informed of the outcome of the investigation.

4.2.5 The investigative authority will review each report, complaint and/or appeal, interview witnesses (if applicable), review relevant documentation, and provide a draft report on the merits of the allegations to OGC for legal sufficiency review within 30 business days of receipt of the complaint. OGC will provide its legal review to the investigative authority within 10 business days. The investigative authority will have five business days to finalize the report and submit it to the designated administrator. Circumstances may warrant extensions to the time frames in this section.

4.2.6 Investigation reports should include a statement of the allegation(s), a listing of individuals interviewed including the dates of the interviews, and a listing of relevant documents attached to the report. Reports should not contain speculation, opinions or recommendations for sanctions. However, investigators may provide assessments of the credibility of the parties and any witnesses.

4.2.7 For faculty, staff and third-party cases, investigation reports may conclude that each allegation is substantiated, unsubstantiated, or there is insufficient evidence to determine whether or not the allegation is substantiated. In student conduct cases, the investigation report shall be used as directed in the university's student conduct rules.

4.2.8 In all investigations and subsequent decisions, the standard used to determine the merits of the allegation(s) is the preponderance of the evidence; i.e., more likely than not.

4.3 Decisions

The designated administrator will review the investigation report and render a decision in writing to the individual subjected to the alleged illegal discrimination, sexual harassment and/or related retaliation, respondent(s), the investigative authority and the respondent's supervisor and department head(s) within five business days after receiving the investigative authority's report. Circumstances may warrant an extension of the time frame in this section.

4.4 Sanctions

4.4.1 The designated administrator may decide sanctions, if any, or may delegate the sanctioning decision to another authority within the member.

4.4.2 Sanctions may have educational, restorative and rehabilitative components for faculty, staff and students. In addition, faculty and staff sanctions may have punitive components. Examples of sanctions may include, but are not limited to, written warning or reprimand, required training and/or counseling, "no contact" order, probation for a definite or indefinite period, suspension for a definite or indefinite period, and employment termination and/or expulsion from an educational institution. For students, expulsion is a disciplinary action taken to teach a student that their actions and behaviors have consequences, which includes ineligibility to continue as a member of the educational community.

4.4.3 Both the individual subjected to the alleged illegal discrimination, sexual harassment and/or related retaliation and the respondent may be informed in writing of any and all sanctions, except when to do so would violate state or federal law (e.g., Family Educational Rights and Privacy Act).

4.5 Appeals

4.5.1 Appeal of Finding and/or Sanctions – Allegations of Sex Discrimination. With respect to allegations of sex discrimination, the designated administrator's decision and the sanction(s) imposed by the sanctioning authority can be appealed by either the individual subjected to the alleged illegal discrimination, sexual harassment and/or related retaliation or respondent, but only on the following bases, as applicable:

(a) A procedural error or omission that significantly impacted the outcome;

(b) New evidence, unknown or unavailable during the investigation, that could have significantly impacted the outcome; or

(c) The appropriateness or severity of the sanctions.

Appeals on any of these bases must be directed to the authority specified in the member's rule, whose decision with regard to the appeal will be final. The appeal may be confined to a review of the written documentation and record of the investigation and/or hearing, and pertinent documentation regarding the grounds for appeal. The appeal does not create an entitlement to a new investigation or a full re-hearing of the complaint. The appeal process for both the individual subjected to the alleged illegal discrimination, sexual harassment and/or related retaliation and the respondent must be equitable but not necessarily identical. The appeal must be filed within the time period specified in the member's rule.

4.5.2~~4.5~~ Appeal of Sanctions – Allegations of Illegal Discrimination and/or Related Retaliation Not Based on Sex. Any employee disciplined pursuant to this regulation may appeal that action in accordance with System Policy *32.01, Employee Complaint and Appeal Procedures*, System Policy *12.01, Academic Freedom, Responsibility and Tenure*, System Regulation *32.01.02, Complaint and Appeal Process for Nonfaculty Employees*, and/or other system policies or regulations~~procedures~~ as appropriate. Any student disciplined pursuant to this regulation may appeal the sanction~~action~~ in accordance with the member rule~~procedure~~ for student grievances.

5. IMPROPER CONSENSUAL RELATIONSHIPS

5.1 "Improper consensual relationship" means a mutually agreeable amorous, romantic, and/or sexual relationship between two employees, between an employee and a student at a member institution or agency, or between an employee and a third party; AND in which one of the individuals has one or more of the following: authority over any term or condition of the other individual's employment or academic status; or job duties making that individual directly or indirectly responsible for hiring, supervising, evaluating, teaching, coaching, grading or advising the other individual, or providing benefits to or obtaining benefits from the third party, including employment. Relationships not meeting this definition are not covered by this section.

5.2 These relationships may be problematic, even though both parties are willing participants. Improper consensual relationships are characterized by a difference in actual or perceived power that creates potential for any of the following:

(a) A conflict of interest;

~~(b) Actual or perceived abuse of power;~~

~~(c)~~(b) Allegations that the relationship resulted from coercion, exploitation and/or harassment; or

~~(d)~~(c) Allegations of favoritism and/or unfair treatment.

5.3 If an improper consensual relationship exists, the individual with the hiring, supervisory, evaluative, teaching, coaching, grading or advisory responsibilities, or the employee providing benefits to or obtaining benefits from the third party, must promptly notify his or her immediate supervisor of the relationship and cooperate in making alternative arrangements for hiring, supervising, evaluating, teaching, coaching, grading, advising or providing benefits to or obtaining benefits from the other individual. The individual's immediate supervisor must ensure that the issue is promptly reported in writing to the member CEO. The member retains the right to determine if alternative arrangements are possible and, if so, which one(s) are selected.

5.4 An employee's failure to promptly self-report the improper consensual relationship as required by Section 5.3, or an improper consensual relationship that is not remedied through alternative arrangements, may result in disciplinary action up to and including dismissal.

5.5 The employment or supervision of spouses or close relatives is addressed in System Policy *33.03, Nepotism*.

6. DISABILITIES

6.1 The system will not discriminate against a qualified individual on the basis of disability in such matters as job application procedures; hiring, advancement or discharge practices; compensation; job training; or other terms, conditions and privileges of employment. Further, no individual will be excluded from participation in, or be denied the benefit of, or be subjected to illegal discrimination based on disability under any system program or activity.

6.2 Section 503 of the Rehabilitation Act of 1973 allows federal contractors and subcontractors to invite individuals with disabilities to identify themselves for affirmative action purposes. However, this information may not be provided to search committees or hiring officials, and it must be maintained as a separate, confidential record, apart from the hiring or personnel file. Otherwise, m~~M~~embers may not ask any disability-related question or require any medical examination before an offer of employment has been made. Members may state the physical requirements of a job and ask if an applicant can satisfy those requirements with or without a reasonable accommodation. Members may also ask applicants to describe or demonstrate how they would perform job tasks, as long as all applicants in the job category are asked to do this. However, when a member can reasonably believe that an applicant may not be able to perform a job function because of an obvious or a voluntarily disclosed disability, that applicant can be asked to describe or demonstrate how he or she would perform job tasks without the member having to ask all applicants to do so.

6.3 A medical examination may be required after an offer of employment has been made, and prior to commencement of employment duties, if all persons offered the position are required to have the examination. An offer of employment may be conditioned on the results of such an examination.

6.4 Members will provide reasonable accommodations to qualified individuals with a

disability under the provisions of this regulation. Applicants extended an offer of employment and employees who request an accommodation are responsible for obtaining a medical statement that contains a diagnosis, prognosis and the major life function that is substantially limited. This medical statement should include an evaluation as to the effect that the disability~~impairment~~ has on the employee's or prospective employee's ability to perform the duties associated with the position. All medical information will be treated as confidential and will be kept in a separate file from other personnel records.

6.5 It may be a defense to a charge of illegal discrimination that an alleged application of qualification standards, tests or selection criteria that screen out or tend to screen out or otherwise deny a job or benefit to an individual with a disability has been shown to be job-related and consistent with business necessity, and such performance cannot be accomplished by reasonable accommodation. The term "qualification standards" may include a requirement that an individual shall not pose a direct threat to the health or safety of other individuals in the workplace.

7.~~4.6~~Members will post all advertising-required job openings with the Texas Workforce Commission. All employment vacancy announcements will affirm equal employment opportunity. Purchase orders, bid requests and other such documents sent to suppliers, contractors and subcontractors should contain an appropriate statement to conform to affirmative action requirements and the system's historically underutilized businesses program.

Related Statutes, Policies or Requirements

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

Title IX, ~~of The~~ Education Amendments of 1972

The Rehabilitation Act Amendments of 1973, as amended

~~The~~ Americans with Disabilities Act of 1990, as amended

The Genetic Information Nondiscrimination Act of 2008

Executive Order 11246, as amended~~, Office of Federal Contract Compliance Programs~~

Executive Order 13672

Tex. Fam. Code, Title 4, Subtitle A, Ch. 71, § 71.0021

Tex. Fam. Code Title 4, Subtitle A, Ch. 71, § 71.004

Tex. Lab. Code, Ch. 21, Employment Discrimination

Tex. Penal Code, Title 5, Ch. 22, § 22.011

Tex. Penal Code, Title 9, Ch. 42, § 42.072

This regulation supersedes:

System Regulation *33.02.01, EEO and Affirmative Action Programs*

System Regulation *33.02.02, Compliance with Employment Provisions of the Americans with Disabilities Act*

System Regulation *34.01.01, Sexual Harassment*

Definitions

Confidential – a form of privileged communication which need not be disclosed in court as evidence, answered by a witness either in depositions or trial, or provided to the parties to a lawsuit or their attorneys. This is based on the inherent private relationship between the person communicating and the confidante's occupation or relationship to that person.

Consensual – involving or based on mutual consent.

Consent – clear and voluntary agreement to engage in a specific sexual activity. A person who was asleep or mentally or physically incapacitated, either through the effect of drugs or alcohol or for any other reason, or whose agreement was made under duress or by threat, coercion, or force, cannot give consent.

Dating violence – an act, other than a defensive measure to protect oneself, by an individual against a victim with whom there is or was a romantic or intimate relationship or marriage, and that is intended to result in physical harm, bodily injury, assault, or sexual assault or that is a threat that reasonably results in a fear of such harm. (Texas Family Code 71.0021)

Designated administrator – the decision-making entity specified in member rules. This may be an administrator or a hearing panel, but may not be the direct supervisor of the respondent.

Disability – ~~T~~the term "disability" means, with respect to an individual,

(a) a physical or mental impairment that substantially limits one or more major life activities of such individual;

(b) a record of such impairment; or

(c) being regarded as having such an impairment.

Domestic or family violence – an act, other than a defensive measure to protect oneself against another member of the family or household that is intended to result in physical harm, bodily

injury, assault, or sexual assault, or the threat of which reasonably causes fear of such harm. (Texas Family Code Section 71.004)

Hostile environment – a situation in which there is harassing conduct based on a legally protected status that is severe, persistent or pervasive enough to create a work or educational environment that a reasonable person would consider intimidating or abusive. The determination of whether an environment is "hostile" must be based on all of the circumstances, which may include the frequency of the conduct, the nature and severity of the conduct, whether the conduct was physically threatening or humiliating, and the mental or emotional effect of the conduct on the individual subjected to the alleged illegal discrimination, sexual harassment and/or related retaliation. Petty slights, annoyances, and isolated incidents (unless extremely serious) will not rise to the level of illegality or policy violation.

Investigative authority – one or more individuals appointed to conduct a formal inquiry to discover and examine the facts of an allegation.

Major ~~L~~life ~~A~~activities – ~~M~~major life activities include, but are not limited to, caring for oneself, performing manual tasks, seeing, hearing, eating, sleeping, walking, standing, lifting, bending, speaking, breathing, learning, reading, concentrating, thinking, communicating, working and the operation of a major bodily function including, but not limited to, functions of the immune system, normal cell growth, digestive, bowel, bladder, neurological, brain, respiratory, circulatory, endocrine and reproductive functions.

Private – that which affects, characterizes, or belongs to an individual person, as opposed to the general public. With respect to this regulation, private means restricting information to those with a reasonable need to know.

Qualified ~~I~~individual ~~– A qualified individual means~~ an individual who, with or without reasonable accommodations, can perform the essential functions of the employment position that such individual holds or desires.

Quid pro quo sexual harassment – "this" for "that'; i.e., unwelcome sexual advances, requests for sexual favors or other verbal, physical, or non-physical conduct of a sexual nature, the submission to or rejection of which may result in an adverse educational or employment action.

Reasonable ~~A~~accommodations ~~– R~~reasonable accommodations may include making existing facilities used by employees, students and the public readily accessible to and usable by individuals with disabilities; job restructuring, part-time or modified work schedules; reassignment to a vacant position; acquisition or modification of equipment or devices; appropriate adjustment or modifications of examinations, training materials or policies; the provision of qualified readers or interpreters; and other similar accommodations for individuals with disabilities.

Regarded as ~~H~~having a ~~D~~disability – ~~T~~the individual establishes that he or she has been subjected to an action prohibited under this regulation because of an actual or perceived physical or mental impairment, whether or not the impairment limits or is perceived to limit a major life activity. However, this will not apply to impairments that are transitory and minor. A transitory impairment is an impairment with an actual or expected duration of six months or less.

Reporter – the individual who provides an oral or written account of an alleged violation of this regulation. This may be the individual who was subjected to the alleged violation, or a third party who observed or was made aware of the alleged violation.

Sexual assault – any intentional or knowing penetration of the sex organs, anus, or mouth without the other person's consent.

Sexual exploitation – a situation in which an individual(s) takes non-consensual or abusive sexual advantage of another for his or her own advantage or benefit, or to benefit or advantage anyone other than the one being exploited. For example, sexual exploitation could include such actions as secretly videotaping sexual activity, voyeurism, sexually-based stalking, ~~and~~ invasion of sexual privacy, and knowingly transmitting a sexually transmitted infection to another person.

Sexual ~~H~~harassment – ~~Sexual harassment is~~ a form of sex discrimination. Unwelcome sexual advances, requests for sexual favors and other verbal, nonverbal or physical conduct of a sexual nature constitute sexual harassment when this conduct is so severe, persistent or pervasive that it explicitly or implicitly affects an individual's employment, unreasonably interferes with an individual's work or educational performance, or creates an intimidating or hostile work or educational environment. Unwelcome means that an individual did not request or invite it and considers the conduct to be undesirable or offensive. Submission to the conduct or failure to complain does not always mean that the conduct was welcome. Sexual harassment may be quid pro quo ("this for that") or may constitute a hostile environment. Sexual harassment includes non-consensual sexual contact, ~~non-consensual sexual intercourse and~~ sexual assault, sexual exploitation, and stalking, dating violence, and domestic violence when based on sex.

Stalking – knowingly engaging in conduct, including following a person, that one reasonably believes is threatening the bodily injury or death of themselves, a member of their family or household, or their property. (Texas Penal Code 42.072)

Undue ~~H~~hardship – ~~Undue hardship means~~ an action requiring significant difficulty or expense when considered in light of the following factors:

(a) The nature and cost of the accommodation needed;

(b) The overall financial resources of the facility or facilities involved in the provision of the reasonable accommodation; the number of persons employed at such facility, the effect on expenses and resources; or the impact otherwise of such accommodation upon the operation of the facility;

(c) The overall financial resources of the covered entity; the overall size of the business of a covered entity with respect to the number of its employees; the number, type, and location of its facilities; and

(d) The type of operation or operations of the covered entity, including the composition, structure and functions of the workforce of such entity; the geographic separateness, administrative or fiscal relationship of the facility or facilities in question to the covered entity.

Member Rule Requirements

A rule is ~~not~~ required to supplement this regulation. See Section 1.3.

Contact Office

System Ethics and Compliance Office ~~of Equal Opportunity and Diversity~~
(979) 458-6203