



System Ethics & Compliance Office

THE TEXAS A&M UNIVERSITY SYSTEM

MEMORANDUM OF DESIGNATED ADMINISTRATOR DECISION

8 August 2023

TO: Jack Doe
Complainant
EMAIL ADDRESS

FROM: Bill Rodgers
Designated Administrator

RE: Decision Memorandum for Case #M232026

This memorandum serves as notification of the outcome of the administrative review of Case #M232026 involving allegations made by Jack Doe against Meredith Smith.

Allegations:

The following charges were issued and reviewed in this case:

1. System Regulation 08.01.01 – 2.13 (a) – Discrimination based on a protected class
2. System Retaliation 08.01.01 – 2.13 (i) - Retaliation

Findings:

1. System Regulation 08.01.01 – 2.13 (a) – Discrimination based on a protected class

Decision: **NOT IN VIOLATION**

Finding of Fact: Doe alleged that Smith discriminated against him on the basis of being a male by referring to him as “sweetie,” “honey,” and “sugar” while in the workplace throughout the spring of 2023. Information provided by the investigator and witnesses established that while the alleged behavior did take place, it does not constitute a civil rights violation. Specifically, evidence provided by the investigator and witnesses confirmed that the alleged activity took place as described, but that Smith routinely referred to people of all sexes using the same terms. As a result, the behavior, while

not consistent with best professional practice, is not based on sex, and does not rise to the level of being either severe or pervasive, which are required for the behavior to be discriminatory on the basis of sex.

2. System Retaliation 08.01.01 – 2.13 (i) - Retaliation

Decision: **NOT IN VIOLATION**

Finding of Fact: Doe alleged that Smith retaliated against him for filing a complaint of discrimination by talking about the complaint with other staff members during a lunch held at Jason's Deli on or about June 6, the day after Smith had received a notice of allegations regarding Doe's discrimination complaint. The investigator spoke with Smith and three witnesses, whom all confirmed that a private conversation had taken place with respect to the complaint over lunch. Because this was a private conversation that did not result in any intimidation, threats, coercion, or discrimination against Doe, nor did it result in any interference with the civil rights complaint resolution process, the fact that a conversation took place does not constitute a violation of System Regulation 08.01.01.

Appeals Process:

Please be advised that this decision is final, subject to no further review. If you have any questions about this letter, please contact CIVIL RIGHTS OFFICER at (phone/email).

CC: Civil Rights Officer