Department of Civil Rights and Equity Investigations (including Title IX)

Graduate Student
January 2019
Title IX

“No person in the United States shall, on the basis of sex, be excluded from participation in, denied the benefits of, or be subjected to discrimination under any education program or activity receiving Federal financial assistance.”

20 U.S.C 1681 & 34 C.F.R Part 106

June 23, 1972
Title IX Prohibits:

**Sexual Harassment** – name calling, jokes, displays of explicit materials, pressure for dates, offer to trade date/sex for a grade or better equipment

**Stalking** – repeated calls, emails, texts; repeated unwanted contacts on social media; repeatedly following another or appearing at locations

**Domestic Violence** – applies to those currently or previously co-habiting: intimidation, displaying weapons, destroying property, physical abuse, hair pulling, scratching, not allowing partner to leave

**Dating Violence** – same behaviors as domestic violence but applies to those in a social/romantic/intimate relationship
**Title IX Prohibits:**

**Sexual Exploitation** – hiding in the closet to watch your teammate have sex with girl without her consent, indecent exposure, possessing child porn, distributing sexual or explicit images without the other person’s consent, knowingly having sex with someone without telling them first that you have an STD.

**Sexual Contact** – kissing, touching over the clothes, touching under clothes, backrubs, hand on thigh, etc. without consent.

**Sexual Abuse** – penetration.

Retaliation – harassing or threatening someone for filing a Title IX complaint or participating as a witness in an investigation.
Other Prohibited Conduct

- Discrimination or Harassment based on a “Protected Class”

- Protected classes are: race, color, sex, religion, national origin, age, disability, genetic information, veteran’s status, sexual orientation, gender identity
Supportive Measures and Academic Accommodations

Federal and State Laws require the University to offer interim measures and accommodations to BOTH the complainant and the accused.

Examples:

- Excused absence from class or clinic
- Reschedule a Test/ Due Date for Projects
- “No Contact” restrictions
- Changing an employee’s work location
- Change to a different section of a class or postpone a test
- Changing an intern to a different supervising physician
- Maternity/Paternity leave – copies of notes, allow makeup tests, etc.
- A temporary change to any other rule that applies to everyone else
Mandatory Reporting
You are a TA. A student walks into your office on Monday morning. She missed your 8 o’clock class and you can tell that she has been crying. You invite the student to take a seat because you can tell that something up. The student says that she does not want to “make a big deal about this,” but she needs to tell someone about something that happened this past weekend. She asks you not to tell anyone else about what happened to her ....

Can you keep her secret?
All TAMU faculty and staff are “Mandatory Reporters”* which means that if an employee knows about an incident of discrimination, harassment, and/or related retaliation, the employee must promptly report the incident to the University. *System Reg. 08.01.01*

* Information shared with a counselor or medical personnel in the course of their medical duties will not be reported (except as required by law).
Some Graduate Students Are Employees and Students

What if your friend, who is also a graduate student, discloses prohibited conduct on while you are at the Dixie Chicken? Do you have to report that?

No, because you were not acting in your role as an employee at the time of the disclosure. However, you are encouraged to report the conduct so that the University can offer support and resources to your friend.
Who do you Report to?

Reports Against Students:

Dr. Anne Reber
Dean of Student Life
Offices of the Dean of Student Life
Division of Student Affairs
Student Services at White Creek
College Station, TX 77843-1257
ph: 979-845-3111 studentlife@tamu.edu
Reports against Faculty/Staff/Visitors/Unknown Persons:

Kevin McGinnis
Chief Risk, Ethics, and Compliance Officer
Office of Risk, Ethics, and Compliance | Texas A&M University
J.K. Williams Administration Building, Suite 301
College Station, TX 77843
ph: 979-845-8407  OREC@tamu.edu

Anonymous Reports:

https://tellsomebody.tamu.edu/
Any Civil Rights Complaint (including Title IX)

Jennifer Smith
AVP Civil Rights & Title IX Officer
Medical Science Library, Suite 007
College Station, TX 77843
ph: 979-450-8407
Jennifer.Smith@tamu.edu
CONSENSUAL RELATIONSHIPS
System Regulation 07.05.01, *Consensual Relationships*, prohibits a Texas A&M University employee from having a consensual relationship in two instances:

(1) An employee may not have a consensual relationship with an individual (graduate student, staff, faculty, or third party) who is under the employee’s authority or supervision unless alternate arrangements have been approved; and,

(2) An employee may not have a consensual relationship with an undergraduate student of Texas A&M unless the employee is granted an exemption under the regulation.

A consensual relationship in violation of this regulation may result in disciplinary action against the employee, up to and including dismissal.
What is a “Consensual Relationship”?

Under the regulation, a consensual relationship is defined as a mutually agreeable amorous, romantic, and/or sexual relationship.

Employees are not prohibited from pursuing a consensual relationship with an undergraduate spouse or an undergraduate of a different institution.
Who is an “Employee”?

Under the regulation, an employee is anyone who receives compensation as a full or part-time employee of the TAMU System.

This definition includes all faculty and staff. It may also include **graduate students**, graduate research assistants, graduate teaching assistants, and non-teaching graduate assistants if they receive compensation as an employee.

**Student worker** positions are expressly excluded from the definition of “employee” under this regulation.
Request an Exemption

If the employee works for a college under the purview of the Provost’s Office, apply for an exemption with the Dean of College. If the employee works for a non-academic department, apply for an exemption with the Head of the unit.
SANCTIONS
<table>
<thead>
<tr>
<th>Sanction Range</th>
<th>Stage 1: Reprimand/Restrictions/Review</th>
<th>Stage 2: Probation</th>
<th>Stage 3: Suspension</th>
<th>Stage 4: Expulsion</th>
</tr>
</thead>
<tbody>
<tr>
<td>Pressuring another person for dates or sexual favors</td>
<td><img src="#" alt="Yellow" /></td>
<td><img src="#" alt="Orange" /></td>
<td><img src="#" alt="Red" /></td>
<td><img src="#" alt="Red" /></td>
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<tr>
<td>Destruction of property</td>
<td><img src="#" alt="Orange" /></td>
<td><img src="#" alt="Red" /></td>
<td><img src="#" alt="Red" /></td>
<td><img src="#" alt="Purple" /></td>
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<td>Engaging in sexual activity while knowingly infected with an STD without the other person’s knowledge</td>
<td><img src="#" alt="Red" /></td>
<td><img src="#" alt="Red" /></td>
<td><img src="#" alt="Purple" /></td>
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<tr>
<td>Assuming another’s identity in order to make contact with complainant</td>
<td><img src="#" alt="Red" /></td>
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<td><img src="#" alt="Purple" /></td>
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<tr>
<td>Collecting, creating, and/or distributing child pornography/sexual images of those under 18</td>
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Financial Aid

Students found responsible for committing acts of sex-based violence and/or non-consensual sexual penetration of another person who are allowed to return to campus after a 1 year suspension will be **ineligible to receive an institutional scholarship**
When an employee is found to have sexually harassed another member of the university or agency community, the sanction will be termination of employment.

_TAMUS Regulation 08.01.01, Section 4.5.7_

Sexual harassment includes non-consensual sexual contact, sexual assault, sexual exploitation, stalking, dating violence, and domestic violence when based on sex.

_TAMUS Regulation 08.01.01, Definitions Section_