Nine Things to know about Title IX

NGSO Orientation

August 2019
One:
Title IX--
What is it?
Title IX rally
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
Two:

What is prohibited?
**Title IX Prohibits:**

**Sexual Harassment** – severe, persistent or pervasive name calling, jokes, displays of explicit materials, pressure for dates, offer to trade date/sex for a grade or an opportunity

**Stalking** – 2 or more repeated calls, emails, texts; repeated unwanted contacts on social media; repeatedly following another or appearing at locations -- that put someone fear for the safety of themselves or others.

**Domestic Violence** – applies to those currently or previously co-habitating: 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 assault** –
- rape (penetration without consent)
- fondling (touching breast, groin, genitals, butt) without consent
- incest
- **statutory rape**-Under Texas law, an individual younger than 17 years of age is legally incapable of giving consent to sexual penetration or sexual contact by a non-spouse who is more than three years older than the individual.
Title IX Prohibits:

**Sex-based Discrimination** – limiting participation in a certain training program to those of a particular gender, gender stereotyping

**Retaliation** – physical violence, harassing behavior or threatening conduct which would deter someone from filing a Title IX complaint or participating as a witness in an investigation

**Complicity** – any act that knowingly aids, facilitates, promotes, or encourages the commission of prohibited conduct by another person.
Three: How to Report a Title IX Violation
ALL REPORTS GO TO:

Jennifer Smith
Assistant Vice President & Title IX Officer
Civil Rights and Equity Investigations (CREI)
Medical Science Library, Suite 007
College Station, TX 77843
ph: 979-450-8407
civilrights@tamu.edu
Anonymous Reports:
https://tellsomebody.tamu.edu/
What happens after a report is made?

• All reports are funneled to Civil Rights and Equity Investigations (CREI)

• Case Managers at CREI will reach out via email and/or telephone with an invitation to talk about filing a complaint, options for resolving the complaint, and supportive measures/academic adjustments

• No obligation for a student to respond
Informal and Formal Resolutions

Informal Resolution
- Conversation with Respondent
- Mediated conversation with parties
- Admission of Responsibility and Sanctions

-----Case Closed-------

Responsibility and Sanctions Decided by Designated Administrator

- Faculty
  Paper Process

- Staff
  Paper Process

- Students
  Live and Paper

Informal Resolution or Formal Resolution

Appeals Decided by Appellate Authority

Formal Resolution
New – right to review and respond to report
Fourth:
What is Mandatory Reporting?
REAL LIFE Scenario

You walk into your favorite professor’s office on Friday morning. You’ve missed your 8 o’clock class with this professor all last week. You tell your professor that you do not want to “make a big deal about this,” but you need to tell someone about something that happened last weekend. You ask the professor not to tell anyone else about what happened to you ….

Can the professor keep your secret?
All* TAMU faculty and staff are “Mandatory Reporters” which means that if an employee knows about/hears about an incident of discrimination, harassment, complicity, and/or related retaliation, the employee must promptly report the incident to the Title IX Officer.

Sexual harassment includes non-consensual sexual contact, sexual assault, sexual exploitation, dating violence, and domestic violence, System Reg. 08.01.01

*Almost All
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
Employee Consequences

An institution **must terminate** any employee who does not make a required report.

New State Law: fines and up to 1 year in jail
Who can I talk to confidentially at the University?

- **Licensed Counselors** (report de-identified statistics only)
- **Medical Providers** (report de-identified statistics only)
- **Case Managers at CREI** (only confidential if you discuss a “fictional” scenario)
Are Students Mandatory Reporters?

Students are **not** Mandatory Reporters unless they are also employees and receive a disclosure of discrimination or harassment while they are acting in their employee role at the time of the disclosure.

However, students are strongly encouraged to report so that the University can offer support and resources to your impacted individuals.
Five:
How does TAMU Support Victims and Accused Parties?
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
University and Community Resources

Student Counseling Service
Student Health Services (Beutel Health Center)
University Police Department – Victim Advocate
The Guard Room -- Corps escort service 5 pm to 7 am
CARPOOL – Thursday, Friday and Saturday 10 pm to 3 am
HelpLine – 4 pm to 8 am weekday and 24 hours weekends

Baylor Scott and White Emergency Room – 24 hour on call forensic exams
Phoebe’s Home – domestic/dating violence shelter
Sexual Assault Resource Center (SARC) – counseling, support
Six: What are the Sanctions for a Title IX Violation?
# Student Sanctioning Matrix

<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>
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<tbody>
<tr>
<td></td>
<td>Pressuring another person for dates or sexual favors</td>
<td>![Color]</td>
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<tr>
<td></td>
<td>Destruction of property</td>
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<td></td>
<td>Engaging in sexual activity while knowingly infected with an STD without the other person’s knowledge</td>
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<tr>
<td></td>
<td>Assuming another’s identity in order to make contact with complainant</td>
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<td>![Color]</td>
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<tr>
<td></td>
<td>Collecting, creating, and/or distributing child pornography/sexual images of those under 18</td>
<td>![Color]</td>
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</tbody>
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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**
Employee Sanctions

When an employee is found to have sexually harass 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
Seven: What if someone files a false report?
Abuse of Process

Abuse of the investigation and resolution process as set forth in this rule is subject to disciplinary action up to and including dismissal from the University. Examples of abuse of process include, but are not limited to:

- Falsification, distortion, or misrepresentation of evidence or information
- Intentionally initiating or causing to be initiated a false report

*TAMU Standard Operating Procedure 08.01.01.M1.01*
Eight:
Where do I get more information?
Title IX at Texas A&M University

Title IX is a federal law that prohibits sexual harassment, sexual violence, and discrimination on the basis of sex.
Nine: What is the Consensual Relationship Policy?
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.
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.
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.
Request an Exemption

If the employee works for a college under the purview of the Provost’s Office, the employee can apply for an exemption with the Dean of College. If the employee works for a non-academic department, the employee apply for an exemption with the Head of the unit.

A student may be asked to approve and sign the exemption request.
Questions?