Who is governed by Title IX?

Educational institutions that receive federal financial assistance are governed by Title IX of the Education Amendments of 1972. In compliance with Title IX, Texas A&M University prohibits discrimination on the basis of sex in employment as well as in all programs and activities. Sex discrimination includes sexual harassment, sexual misconduct, sexual assault, and sexual exploitation.

Who Enforces Title IX?

The United States Department of Education’s Office for Civil Rights (OCR) is in charge of enforcing Title IX. Information regarding OCR can be found at [www.ed.gov/about/offices/list/ocr/index.html](http://www.ed.gov/about/offices/list/ocr/index.html).

Who can file a complaint?

A victim, witness, or third party can file a complaint.

Where do I report a complaint?

For complaints against students:

Dr. Todd Sutherland
Assistant Vice President of Student Affairs
Texas A&M University at Galveston
Seibel Student Services Center #101G, Galveston, TX 77553
409-740-4598, TitleIXStudents@tamug.edu

For complaints against faculty:

Dr. Blanca Lupiani; Associate Dean of Faculties
Texas A&M University, Mail Stop 1126, College Station, TX 77843-1126 (108 YMCA Building)

DOF@tamu.edu; 979-845-4274
For complaints against staff/third parties:

Jeff Boyer
Executive Director of Human Resources/Title IX Campus Coordinator
Texas A&M University at Galveston
Powell Marine Engineering Complex, Suite #123, Galveston, TX 77553
409-740-4503, TitleIXCoordinator@tamug.edu

Inquiries about Title IX also may be referred to:
Margaret (Peggy) B. Zapalac
Title IX Coordinator & Interim Assoc. VP for University Risk & Compliance
Texas A&M University, Mail Stop 1280, College Station, TX 77843-1280 (750 Agronomy Rd., Suite 2101)
TitleIX.Coordinator@tamu.edu; 979-845-8115 or 979-845-0977

For those who would like to report confidentially, a student can contact a counselor in the Student Counseling Service at 409-740-4725. A staff or faculty member can contact a counselor in the Employee Assistance Program at UTMB by calling 409-772-2485.

Inquiries or complaints about discrimination also may be directed to the U.S. Equal Employment Opportunity Commission (1-800-669-4000) or to the U.S. Department of Education Office for Civil Rights (214-661-9600).

What is a Title IX complaint?

It is a notice to the University that you have been a victim of discrimination, have witnessed discrimination, or were informed of discrimination based on sex. Your notice triggers timely action and response to your complaint. The University will initiate an investigation and a discussion of appropriate administrative, educational, and/or other remedies.
Types of sex-based discrimination prohibited by Title IX include:

1. Sexual harassment, including sexual violence or assault, occurring in connection with any academic, athletic, extracurricular, or other university program, regardless of the location.
2. Discriminatory decision-making by a supervisor of an employee based on the employee's sex or by a faculty or staff member against a student based on the student's sex.
3. Discrimination, harassment, and/or retaliation related to pregnancy or parental or marital status.
4. Any related retaliation.
5. Examples of types of conduct that may constitute sexual harassment include:
   - Inappropriate touching, patting, or hugging
   - Nonconsensual sexual activity, including sexual assault
   - Invasion of sexual privacy
   - Obscene phone calls, texts, emails, photographs or gestures
   - How do I know if I’ve been sexually assaulted?

Sexual Assault - As defined by the Texas Penal Code (Section 22.011)

A person commits the offense of sexual assault if the person intentionally or knowingly: (A) causes the penetration of the anus or sexual organ of another person by any means, without that person's consent; (B) causes the penetration of the mouth of another person by the sexual organ of the actor, without that person's consent; or C) causes the sexual organ of another person, without that person's consent, to contact or penetrate the mouth, anus, or sexual organ of another person, including the actor.

What happens when I report a Title IX complaint?

There is an administrative process to address complaints of discrimination based on sex, to protect victims, and to prevent reoccurrence. The details of the complaint are discussed between the victim or the reporting party and an initial interviewer. A course of action will ensue based on the information gathered during the interview.

Every victim, witness, or third party has the right to present his or her complaint and the right to an impartial investigation of that complaint. Further, individuals have the right to present witnesses and other evidence. The alleged victim and the alleged perpetrator, as well as any witnesses identified, will be interviewed.
A decision will be rendered on whether the complaint is or is not substantiated and what disciplinary action will be taken, if any. Both parties will be notified of action taken which affects the victim. While the finding cannot be appealed, any resulting disciplinary action can be.

Counseling and other resources are available and will be offered to both the alleged victim and alleged perpetrator. In addition to your right to file a Title IX complaint, you have the right to file a complaint with local law enforcement if you believe a crime has occurred.

**Who investigates and resolves Title IX complaints?**

Deputy Title IX coordinators, designated officials, and their investigative teams are assigned to address issues of sex-based discrimination, harassment and sexual misconduct. They will provide information regarding resources available and any interim measures which may be taken while the complaint is being investigated. They also work closely with the university's Title IX coordinator to monitor compliance. Complaints are investigated in accordance with federal civil rights laws and regulations, A&M System policies and regulations, University rules and procedures, and student rules, as applicable.

**If an incident occurs off campus, can the University investigate?**

Yes, the university can investigate an incident which occurred at another location if there is a connection to any university academic, educational, extracurricular, athletic, and other programs of the school. This administrative investigation will occur regardless of any criminal complaint that may have been made.

If a student or employee is victimized at an off-campus location that is not related to any University program or activity, steps can be taken to protect the victim from contact with the accused at on-campus facilities.

**If an incident occurred at a party and I was drinking or taking drugs, will I get in trouble?**

If a person is mentally or physically incapacitated or impaired so that such person cannot understand the fact, nature or extent of the sexual situation, there is no consent to the activity; this includes impairment or incapacitation due to alcohol or drug consumption, or being asleep or unconscious. Sanctions for violations of the university’s drug or alcohol possession or consumption rules that occurred in connection with the incident may be waived (but are not required to be waived) for individuals who report information about sex-based discrimination, sexual harassment, or sexual misconduct, either as a victim or a witness.
If I reported being sexually harassed or assaulted to the Title IX coordinator, do I still need to go to the police?

Sexual assault is a crime, so you have the option of contacting the TAMUG Campus Police Department at 409-740-4545 [College Station, TAMU Police Department at 979-845-2345] to report it. The police department will conduct a criminal investigation which may lead to criminal charges. However, this does not absolve the University of its Title IX responsibility to conduct an administrative investigation of possible violations of polices, regulations, and/or rules.

The Title IX complaint process is an administrative review and limited to sanctions within the perimeters of the accused’s employment and/or academic status at Texas A&M University.

What happens when I make a report to police?

Criminal complaints will be investigated by the police department, which will inform the Title IX coordinator. The complainant is encouraged, but is not obligated, to cooperate in the Title IX investigation process.

Will my complaint remain confidential?

Individuals wishing to make reports of sexual harassment must understand that certain University employees, such as the Title IX Coordinator, managers, supervisors, and/or other designated employees, may have an obligation to respond to reports of sexual harassment, even if the individual making the report requests that no action be taken or that the information be kept confidential. To the extent possible, information in the complaint will be limited to those with a need to know; however, such wishes will be considered in the context of the University's legal obligation to ensure a working and learning environment free from sexual harassment, as well as the due process rights of the accused to be informed of the allegations and their source. Serious threats of harm to the general university community may be reported to the police after considering the appropriate factors.

What if I want to remain anonymous?

If a complainant insists on remaining anonymous or does not disclose information regarding the alleged perpetrator, the University is limited in its ability to respond.

More information on how Title IX requires equity:

Title IX requires equal opportunity regardless of sex in all academic and employment activities. This includes practices in student recruitment; admissions to undergraduate, graduate and
doctrinal studies; faculty and staff recruitment and selection; program administration; and research and athletics activities.

Under Title IX, federal agencies awarding grants are obligated to take steps to ensure institutions do not discriminate based on sex.

**Title IX also supports and enforces:**

**Prompt and Equitable processes for both parties**

Complainant processes are in place to provide prompt and equitable procedures for both parties (victim and accused), including impartial investigations of complaints, opportunities to present witnesses and other evidence, dual notices of outcomes, and the right to appeal disciplinary actions.¹

**Protection for Pregnant Mothers and Parents**

The U.S. Department of Education's regulation implementing Title IX specifically prohibits discrimination against a student based on pregnancy, childbirth, false pregnancy, termination of pregnancy, or recovery from any of these conditions. The Title IX regulation also prohibits a school from applying any rule related to a student's parental, family, or marital status that treats students differently based on their sex.²

**Protection Against Retaliation**

Federal and state civil right laws make it unlawful to retaliate against an individual for the purpose of interfering with any right or privilege secured by these laws.³ Retaliation is also prohibited by A&M System and university policy, regulation, and rules.

**References**

3. See 34 C.F.R. § 100.7(e) (Title VI); 34 C.F.R. § 106.71 (Title IX) (incorporating 34 C.F.R. §100.7(e) by reference); 34 C.F.R. § 104.61 (Section 504) (incorporating 34 C.F.R. §100.7(e) by reference); and 34 C.F.R. §108.9 (Boy Scouts Act) (incorporating 34 C.F.R. §100.7(e) by reference). Title II and the Age Act have similar regulatory language. See 28 C.F.R. § 35.134 (Title II); and 34 C.F.R. § 110.34 (Age Act).