



## Resources, Rights, and Options for Individuals Accused of Sexual Harassment, Sexual Misconduct, Stalking, Domestic Violence or Dating Violence

A student or an employees who is accused of sexual harassment (including sexual misconduct or stalking), domestic violence, or dating violence, whether it occurred on or off-campus, has certain resources, rights and options available. For questions and more information **for accused students**, contact the Student Affairs Office at (409) 740-4598 or [TitleXStudents@tamug.edu](mailto:TitleXStudents@tamug.edu); **for accused non-faculty employees**, contact the Human Resources Office at (409) 740-4503 or [TitleXCoordinator@tamug.edu](mailto:TitleXCoordinator@tamug.edu); **for accused faculty**, contact Dean of Faculties at 979-845-4274 or [dof@tamug.edu](mailto:dof@tamug.edu).

For the purposes of this resource, the term “accused” shall mean any individual (student or employee) who has allegedly engaged in sexual misconduct, sexual harassment, dating violence, domestic violence, stalking, or related retaliation regardless of whether there has been a finding of responsibility for the accused individual allegedly involved.

### PRIVACY OF INFORMATION VS. CONFIDENTIALITY

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#### Privacy of Information

While the university wishes to create an environment in which individuals feel free to discuss concerns and make complaints, the university may be obligated to take action when its officials are informed that sex discrimination or sexual harassment (i.e., sexual assault, sexual misconduct, dating violence, domestic violence, and stalking) may be occurring.

Information shared with university personnel and officials not listed below as confidential reporting options, is considered private but not confidential. Although the confidentiality of the information received, the privacy of the individuals involved, and the wishes of the complainant/survivor regarding action by the university cannot be guaranteed, they will be protected to as great a degree as is legally possible.

The University is committed to protecting the privacy of reporting parties, complainants, and alleged offenders. Given the sensitive nature of reports, information will be maintained in a secure manner and will only be disclosed to school officials who are responsible for handling the university’s response and/or have a legitimate educational interest.

The expressed wishes of the complainants regarding confidentiality will be considered in the context of the university’s obligation to act upon the information and the right of accused individuals to be informed about charges against them. If the reporting individual does not disclose any identifying information about themselves or any other party involved (e.g., names, department or unit) during the inquiry, response on the part of the university may be limited. If charges have been issued to an accused student, a student conduct file is created. That file is part of the student’s education record and is protected under the Family Educational Rights and Privacy Act (FERPA). For more information about FERPA, go to: <http://registrar.tamug.edu>.

### Confidentiality

Persons gathering general information, seeking guidance, or filing a complaint may be concerned about the confidentiality of the information they are sharing.

Victims have the option to report confidentially through a university official listed as a confidential reporting option based on the official's occupation or relationship to the victim. See Confidential Reporting Options below.

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### IMMEDIATE INTERIM MEASURES AND ACCOMMODATIONS

Accused individuals may have various options and assistance in changing academic, living, transportation, and work situations if requested by the accused and reasonably available. Examples of potential accommodations include assistance in obtaining institutional no contact orders and/or changing living location, parking location, or class schedules to reduce the chance of continued contact with the alleged victim.

The University will maintain as confidential, to as great a degree as legally possible, any accommodations or interim measures provided to the accused individual to the extent that maintaining such confidentiality would not impair the University's ability to provide the accommodation or interim measure.

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### HOW INCIDENTS MAY BE REPORTED

#### Confidential Reporting Option:

In most cases, psychologists/counselors in the [Student Counseling Office](#) (for students) or [Employee Assistance Plan](#) (for employees) are not required to, nor may, report an incident that in any way identifies students or employees concerned without their consent. However, if an imminent harm situation is present, the counselor must take action to protect whoever is at risk.

#### Reporting to Law Enforcement

Individuals reporting an incident have the option of notifying or not notifying law enforcement authorities including university and local police. An anonymous "Jane/John Doe" report can be filed with the police by the alleged victim while deciding whether to pursue criminal charges. Law enforcement is able to help individuals understand the process of obtaining orders of protection, restraining orders, or similar lawful orders issued by the courts. Below is a list of local law enforcement agencies. Reports should be filed with the agencies where the incident occurred.

Name	Phone
TAMUG Police Department	(409) 740-4545
Galveston Police Department	(409) 765-3702
Galveston County Sheriff's Office	(409) 766-2300

#### Importance of Preserving Physical Evidence

Once an accused individual has been notified that an investigation is underway, it is helpful to retain communications and document any contact with the involved individual(s). If possible, individuals should write down dates, times, locations of contact and preserve any text messages, emails, and/or social media site postings related to the incident.

#### Reporting to the University (Title IX Complaint)

Texas A&M University at Galveston strives to maintain a work and educational environment free from discrimination, sexual harassment, and related retaliation in accordance with applicable federal and state laws. Students and unrelated third parties are encouraged to report all unwelcome conduct of a sexual nature.

An employee who witnesses, is subject to, or is informed about incidents of sex discrimination, sexual harassment (including sexual violence), and/or related retaliation must file a Title IX complaint with the designated official below who handles alleged violations perpetrated by students, faculty, staff, or unrelated third parties.

If the Alleged Offender is a:	Student	Faculty	Non-Faculty Employee or Unrelated Third Party
<b>Then the Official Contact is:</b>	Dr. Todd Sutherland Assistant VP of Student Affairs Texas A&M University at Galveston Seibel Student Services Center #101G Galveston, TX 77553 <a href="mailto:TitleIXStudents@tamug.edu">TitleIXStudents@tamug.edu</a> (409) 740-4598	Dr. Blanca Lupiani Dean of Faculties Texas A&M University 108 YMCA Building College Station, TX 77843 <a href="mailto:Dof@tamu.edu">Dof@tamu.edu</a> (979) 845-4274	Mr. Jeff Boyer Executive Director of HR & Title IX Campus Coordinator Texas A&M University at Galveston Powell Marine Engineering Complex #123 Galveston, TX 77553 <a href="mailto:TitleIXCoordinator@tamug.edu">TitleIXCoordinator@tamug.edu</a> (409) 740-4503

Individuals may make inquiries or file a Title IX complaint by contacting the TAMU Interim Title IX Coordinator, Margaret (Peggy) Zapalac, at (979) 845-0977 or [TitleIX.Coordinator@tamu.edu](mailto:TitleIX.Coordinator@tamu.edu). The office address is 750 Agronomy Road, Suite 2101, College Station, TX 77843.

**Reporting to a Federal Agency**

The United States Department of Education’s Office for Civil Rights (OCR) is a federal agency responsible for enforcing Title IX. Information regarding filing a complaint with OCR can be found at <http://www2.ed.gov/about/offices/list/ocr/docs/howto.html>

**RETALIATION**

The university will take reasonable action to protect the complainant/survivor, the accused, and those providing witness statements on behalf of either party or supporting either party from retaliation. Additionally, those individuals are encouraged to report to designated officials any acts of retaliation from other parties associated with the incident. This action may come at any time during or following an investigation of a sexual harassment complaint (i.e., sexual assault, sexual misconduct, dating violence, domestic violence, and stalking). Instances of retaliation will be investigated and may result in further conduct charges. Individuals are reminded that should there be fear of physical safety a report should be made to the appropriate law enforcement agency.

**CONDUCT PROCEEDINGS AND POSSIBLE SANCTIONS**

**Purpose of the University Investigation**

An investigation is a process to collect information regarding a reported incident. An investigation is conducted in order to determine whether additional action may need to be taken. The investigation also provides an opportunity for the complainant(s) and accused(s) to give their perspectives on the situation under investigation. Once an investigation is conducted, it is routed to the appropriate university officials for review.

**Role of an Advisor**

An advisor in the context of a university complaint relating to the topics referenced above is an individual who lends support to an individual through the process. An advisor may be anyone that the individual chooses to serve in that role.

**Applicable Rules**

For more information regarding the filing and processing of a sexual harassment and/or sexual misconduct report ***for students***, please visit:

- [Student Rule 47](#) for specific information about the investigation and resolution of sexual harassment complaints
- [Student Rule 26](#) for specific information about the student conduct process, including the role of an advisor
- [Student Rule 27](#) for specific information about possible sanctions resulting from a student conduct proceeding

For more information regarding the filing and processing of a sexual harassment and/or sexual misconduct report ***for employees***, please visit:

- [University Standard Administrative Procedure 08.01.01.G1.01](#) – if the accused is a non-faculty employee or unrelated third party
- [University Standard Administrative Procedure 08.01.01.M1.02](#) – if the accused is a faculty member

**COUNSELING AND OTHER SUPPORT RESOURCES**

Counseling, health, mental health, advocacy, legal and other services are available for accused individuals both on-campus and in the community. Below is a brief list of available resources.

Name	Phone	Address	Website
TAMUG Employee Assistance Program (Deer Oaks EAP)	1-888-993-7650	Deer Oaks EAP 126 E. Main Plaza San Antonio, TX 78205	<a href="http://www.deeroakseap.com">www.deeroakseap.com</a>
TAMUG Student Counseling Office	(409) 740-4736	Seibel Student Services Center #104 Galveston Campus	<a href="http://www.tamug.edu/counsel/">http://www.tamug.edu/counsel/</a>

**Medical and Health Services**

Name	Phone	Address	Website
John Sealy Hospital at UTMB	(409) 772-2222	301 University Blvd., Galveston, TX	<a href="http://www.utmbhealth.com/oth/Page.asp?PageID=OTH000004">http://www.utmbhealth.com/oth/Page.asp?PageID=OTH000004</a>
Mainland Medical Center	(409) 938-5000	6801 Emmett F Lowry Expressway Texas City, TX	<a href="http://www.mainlandmedical.com">http://www.mainlandmedical.com</a>
Clear Lake Regional Medical Center	(281) 332-2511	500 Medical Center Blvd. Webster, TX	<a href="http://www.clearlakermc.com">http://www.clearlakermc.com</a>

**Support, Advocacy, and Other Resources**

Name	Phone	Address	Website
TAMUG Employee Assistance Program	1-888-993-7650	Deer Oaks EAP 126 E. Main Plaza	<a href="http://www.deeroakseap.com">www.deeroakseap.com</a>

(Deer Oaks EAP)		San Antonio, TX 78205	
TAMUG Student Counseling Office	(409) 740-4736	Seibel Student Services Center #104 Galveston Campus	<a href="http://www.tamug.edu/counsel/">http://www.tamug.edu/counsel/</a>
U.S. Department of Education, Office for Civil Rights	1-800-872-5327	1999 Bryan St. Suite 1510 Dallas, TX	<a href="http://www2.ed.gov/about/offices/list/ocr/index.html">http://www2.ed.gov/about/offices/list/ocr/index.html</a>
International Student Services (visa and immigration assistance)	(979) 845-1824	1st Floor Bizzell Hall East, College Station Campus, TX	<a href="http://iss.tamu.edu">http://iss.tamu.edu</a>
TAMU International Faculty and Scholarly Services	(979) 862-1719	1111 Research Pkwy, College Station Campus, TX	<a href="http://ifss.tamu.edu/">http://ifss.tamu.edu/</a>
TAMUG Office of Financial Aid	(409) 740-4500	Sea Aggie Center #913 Galveston Campus	<a href="http://www.tamug.edu/finaid/">http://www.tamug.edu/finaid/</a>
TAMUG Aggie Allies			<a href="http://www.tamug.edu/diversity/aggieally.html">http://www.tamug.edu/diversity/aggieally.html</a>

## STUDENT RULES DEFINITIONS

**Sexual Harassment (Student Rule 47)** 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 constitutes actionable 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. The University will use a reasonable person standard to determine these elements.

Sexual harassment occurs when a person is the recipient of conduct of a sexual nature where:

- Submission to or toleration of such conduct is made either explicitly or implicitly a term or condition of an individual's education (including co-curricular activities) or employment;
- Submission to or rejection of such conduct by an individual is used as the basis for academic, co-curricular, or employment decisions affecting the individual's welfare; or
- Such conduct has the purpose or effect of unreasonably interfering with an individual's welfare, academic or work performance, or creates an intimidating, hostile, offensive or demeaning education (including co-curricular activities) or work environment.

Sexual harassment also includes sexual misconduct (non-consensual sexual intercourse and non-consensual sexual contact), sexual exploitation, and dating violence, domestic violence, and stalking when based on sex.

**Sexual Abuse (Student Rule 24.4.20.1)** Sexual abuse is the oral, anal, or vaginal penetration by a sexual organ of another, use of another's sexual organ for oral, anal, or vaginal penetration, or anal/vaginal penetration by any means against the victim's will or without his/her consent (see "consent" in definitions). An individual who is mentally incapacitated, unconscious, or unaware that the sexual abuse is occurring is considered unable to give consent. The type of force employed may involve physical force, coercion, intentional impairment of an individual's ability to appraise the situation through the administering of any substance, or threat of harm to the victim.

**Sexual Contact (Student Rule 24.4.20.2)** Attempting or making sexual contact, including but not limited to inappropriate touching or fondling, without the person's consent (see "consent" in definitions), or in circumstances where the person is physically, mentally or legally unable to give consent.

**Sexual Exploitation (Student Rule 24.4.20.3)** Taking non-consensual or abusive sexual advantage of another for one's own advantage or benefit, or to the benefit or advantage of anyone other than the one being exploited.

**Stalking (Student Rule 24.4.2.3)** Any repeated conduct directed specifically at another person that would cause a reasonable person similarly situated (or a member of that person's family or household) to fear his/her safety. Such conduct includes, but is not limited to, following another person and acts that threaten or intimidate another person through fear of bodily injury or death of self or members of that person's family or household or an offense being committed against that person's property.

**Dating Violence (Student Rule 24.1.7)** Any physical abuse or sexual misconduct committed by a person who is or has been in a social relationship of a romantic or intimate nature with the complainant.

**Domestic Violence (Student Rule 24.1.8)** Any physical abuse or sexual misconduct committed by a person who is or has been a current or former spouse of the complainant, person with whom the complainant shares a child in common, person who is cohabitating with or has cohabitated with the complainant as a spouse, a person similarly situated to a spouse of the complainant, or any other person against an adult or youth complainant who is a part of that person's household.

**Consent (Student Rule 24.1.6)** The term "consent," solely for the purposes of the Sexual Misconduct policy (see *rule* 24.4.20), means clear, voluntary, and positive verbal or non-verbal communication that all participants have agreed to the sexual activity.

- *Consent* must occur prior to or at the same time as the sexual activity.
- *Consent* must remain clear, voluntary, and positive throughout the sexual activity.
- *Consent* must be given for the current sexual contact. The existence of a prior relationship or prior sexual activity does not automatically ensure consent for current or future sexual contact. There must be *consent* for each specific type of sexual contact throughout the sexual activity. *Consent* must be given by each participant involved.
- A person must be 17 years of age or older to be able to *consent* to sexual activity if the other participant(s) involved are more than three (3) years of age older than that person.
- A person who is clearly or visibly incapacitated is not able to give consent to sexual activity.