





# SASH Prevention & Response SASHPR aboard the Training Ship

To be included as section 2.4 of the Safety Management System


	<b>Texas A&amp;M Maritime Academy</b>		Prepared By:
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	<b>SUBJECT – 2.4 SMS Procedures Sexual Assault Sexual Harassment</b> <b>Prevention and Response</b>		Approved By: Michael E. Fossum, Superintendent

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## 1. Authority and Jurisdiction

### 1.1. EMBARC Attestation (EMBARC II.1 II.2, III.3, III.10)

This policy and procedures document applies to all embarked persons.

In accordance with the United States Maritime Administration MARAD's Every Mariner Builds a Respectful Climate (EMBARC) requirements we agree to comply with the tenets and procedures as promulgated in the updated TS EMBARC Document for DOT owned Training Ships. In accordance with section II.2 the Texas A&M Maritime Academy (TAMMA) agrees to conduct self-assessments and update procedures as necessary and submit confirmation of self-assessments to MARAD, any resultant changes from the self-assessments, and copies of their SASH PR policies together with assessment results. In accordance with section II.3 TAMMA agrees to allow MARAD or a 3<sup>rd</sup> party to conduct assessments of compliance. In accordance with section III.1 TAMMA agrees that all SASH reporting procedures are operational. In accordance with Section III.10 TAMMA also agrees to meet with MARAD and others quarterly or as needed to assess compliance and implement any necessary adjustments and/or corrections. TAMMA SASH prevention and response requirements and guidelines are aligned with and as comprehensive as those listed in the SOCP Best Practices Guide.

Per the Safety Management System and the Cadet Sea Term manual, all Cadets, crew faculty, staff, and contractors are subject to USCG, DOT, and University drug and alcohol regulations and testing requirements. Personal possession of alcohol is prohibited onboard the training ship. Periodic testing is conducted for crew members and Cadets throughout the year. Prior to sailing, during training cruises, and before port visits, alcohol and drug usage are discussed, and SASH prevention, reporting, and support services are re-emphasized.


We also agree that this policy and procedure will be complete and operational upon submission and that this policy and procedure will replace section 2.4 of the TAMMA SMS.

### 1.1. Applicable Laws and Policies

**Title IX of Education Amendments Act (TIX Regulations)** requires educational institutions that receive federal funding to promptly and appropriately respond to allegations of sexual discrimination, including sexual assault, dating/domestic violence, sexual harassment, and stalking in their programs and activities. Title IX protects individuals of all genders and sexual orientations, and it applies to students, staff, faculty, independent contractors, campus visitors, and other participants in the University's educational programs and activities.

**The Violence Against Women Act (VAWA)** requires universities to inform students of reporting procedures, prohibit stalking and domestic violence against any person, and report certain crime statistics.

**Texas Education Code 51.252** requires all university employees (both faculty and staff) to promptly report any knowledge of any incident of sexual assault, sexual harassment, dating violence, or stalking

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“committed by or against a person who was a student enrolled at or an employee of the institution at the time of the incident.”

**Texas A&M System Regulation 08.01.01** prohibits all forms of sexual discrimination, including sexual assault, sexual harassment, dating/domestic violence, sexual exploitation, and stalking.

**Texas A&M System Regulation 08.01.01.M1** sets forth the University’s jurisdictional statement for sexual discrimination cases.

**Texas A&M System Regulation 08.01.01.M1.01** sets forth the procedure that the Office of Civil Rights and Title IX Investigation uses to receive and resolve allegations of sexual discrimination.

**Title 46 US Code Sections 10104, 3203, 2114, 1101, 2101, 2109**

**MARAD and TAMMA Memorandum of agreement currently in effect**

**Training Ship Safety Management System (SMS)**

**MARAD TS EMBARC Guidance**

### 1.2. TAMMA’s Jurisdiction over Events That Occur on Training Ship.


Under the TIX Regulations, Universities must address allegations of sexual harassment if the incident occurs in a program or activity of the institution. The TIX Regs do not apply, however, to any event that occurs outside the United States. Thus, the Texas A&M Maritime Academy (TAMMA) is only required by Title IX to respond to events that occur within our programs or activities, in the United States, or presumably, within 12 nautical miles of the coast of the United States and its territories.

The Title IX Regulations note that the boundary limitation is “the floor” for a university’s obligation to act. Educational institutions are expressly authorized to address behavior beyond these limits if desired.

TAMMA is part of the Texas A&M University System. In Texas A&M System Regulation 08.01.01.M1, Section 1.3, the System voluntarily extends the protections of Title IX to require the University to take action to stop, prevent, and remedy sexual discrimination when:

- (1) The conduct occurs on university grounds or other property owned or controlled by the university; or
- (2) The conduct occurs in the context of a university employment or educational program or activity, including but not limited to university-sponsored education abroad, research, online or internship programs...

Thus, TAMMA must act when an event occurs on property owned or controlled by the university (such as our training ship) regardless of the ship’s location in the world. The University must also act when an event occurs during a commercial sea term (again regardless of location), since a sea term is an educational program of the university.

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### 1.3. Notifications of MARAD and USCG CGIS (EMBARC III.8.a III.8.b)

1.3.1. When cadets are embarked, TAMMA shall immediately (within 24 hours after learning of an allegation) notify MARAD of an allegation of SASH-involved behavior, regardless of whether the behavior involves a cadet. If the incident involves a cadet, TAMMA shall provide a complete report of the investigation to MARAD when concluded.

The SMA shall notify MARAD via the MCC at [mccwatchanalyst@dot.gov](mailto:mccwatchanalyst@dot.gov) within 24 hours after learning of an allegation of SASH involved behavior that occurs or is reported on board the TS, regardless of whether the behavior involves a cadet or even if cadets are onboard. The notification shall include, at a minimum:

- i. date of incident;
- ii. classification of the allegation(s);
- iii. category of persons involved (such as cadet, licensed crew, unlicensed crew, faculty, SMA contractor, etc.);
- iv. actions taken by the SMA; and
- v. confirmation that the U.S. Coast Guard (USCG) was notified.

1.3.2. TAMMA shall provide a complete report of investigation without FERPA-protected information, regardless of whether the behavior involves a cadet, to MARAD's Office of Civil Rights (OCR) at [civilrights.marad@dot.gov](mailto:civilrights.marad@dot.gov) within 15 days of resolution of the complaint.

1.3.3. Investigations of alleged SASH violations will utilize best practices listed in the SOCP Best Practice Guide (BPG), as modified by federal or state requirements, for investigations of sexual assaults and sexual harassment. Interviews will be conducted using trauma-informed interview methods.


1.3.4. Per Title 46 USC

All shipboard complaints of sexual misconduct prohibited under current law will be immediately:

Reported to the Coast Guard. These notifications can be made to the Coast Guard National Command Center at +1 (202) 372-2100 or an attributed report through CG Tips.

Adverse or disciplinary actions that result in termination or a probationary status of any crewmember for harassment or SASH should, within existing collective bargaining agreements and allowances, be reported to the nearest Coast Guard Officer In Charge, Marine Inspection, which can be found at the following website:

<https://www.uscg.mil/contact/>

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## 2. General Provisions

In any organization personal relationships develop between individuals that aid in the development of the individual and promote the mission of the organization. Under certain circumstances personal relationships can become inappropriate. Inappropriate interpersonal relationships are those interactions that take place between individuals that can be harmful to those involved and adversely affect the performance of the group. Interpersonal relationships are an important factor for any leader to handle and often present the most difficult challenges that he or she will face. In each of the areas to be discussed in the following articles, several issues are present. They include: the individual rights may come into conflict; perception has enormous impact of the action on the group; the hierarchical nature of our military style organization places enormous power in the hands of Cadets that can be misused; and the role of cultural background on what the individual believes to be an acceptable interaction. They all combine to make the subject of interpersonal relationships extremely complex.

As an institution devoted to learning as well as professional and personal growth, the Academy's character as a community is measured in part by the human relationships we build and sustain within this small, but complex place. Accordingly, it is vitally important that we resist discrimination in all its forms. The Academy must not, and will not, tolerate illegal discrimination, harassment or abuse of any kind.


### 2.1. Purpose

As TAMMA educates and trains the next generation of leaders, it is committed to ensuring that all members of the U.S Merchant Marine learn and work in environments built upon respect, mutual support, accountability, and fairness and that are free from discrimination, harassment (and related retaliation) based on sex, gender identity, or sexual orientation, including sexual assault, sexual harassment, stalking, dating/domestic violence, sex-based misconduct, and sexual exploitation.

### 2.2. Core Tenets

The TAMMA Sexual Assault Sexual Harassment Prevention and Response (SASHPR) Procedures reflect the [Federal EMBARC Standards](#) and outline procedures that serve to prevent, respond to, and redress allegations of sex-based discrimination, harassment, and related retaliation (hereafter "allegations") and to foster a safe and supportive environment. The TAMMA SASHPR Procedures also reflect, and comply with, applicable state and federal law, TAMUS Policy and Regulation and TAMU/TAMUG Rules and Procedures. The following are the Core Tenets that frame the TAMMA SASHPR Procedures:

1. Build and maintain a shipboard culture of community and respect.
2. Establish policies to prevent, respond to, and redress allegations of sex-based discrimination, harassment, and related retaliation
3. Eliminate barriers for complainants, witnesses, and bystanders who wish to

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- report allegations
4. Provide support to survivors and witnesses/bystanders who report allegations.
5. Promptly address any report of behavior that is inconsistent with TAMMA SASHPR Procedures, using every available resource.
6. Review all vessel policies and procedures to ensure that they fully support a work environment in which assault and illegal harassment—and retaliation against those who report assault or harassment—are not tolerated.
7. Implement SASH practices best practices and commit to adopting updates as these are promulgated.
8. Incorporate SASH prevention, response, and reporting procedures into the Academy and Vessel Safety Management Systems (SMS).

The TAMMA SASHPR Procedure should be read in conjunction with [Texas A&M System Regulation 08.01.01., Civil Rights Compliance](#); [Texas A&M University Rule 08.01.01.M1, Civil Rights Compliance](#); and [Texas A&M Standard Administrative Procedure, 08.01.01.M1.01, Investigation and Resolution of Allegations of Discrimination, Harassment, Retaliation, and/or Complicity Against Students, Employees, and Third Parties](#).

#### 2.3. Prior to Sailing

- All persons scheduled for an assignment on the training ship vessel will complete *the Ship Operator Cooperative Program SASH awareness training and send completed certificate to the purser or designee.*
- Prior to sailing, all persons must attend SASH in-person training with the TIX-DPA.
  - This will serve as the first check-in and familiarization for all persons with the primary SASH Contact
  - All persons will receive via email utilizing google groups the SOCP quick reference guides.


#### 2.4. Counselors

TAMMA will provide counselors aboard the training ship for the duration of the sea term. These counselors are not Mandatory Reporters and can assist cadets and crew with issues that may arise.

Everything discussed in counseling is kept strictly confidential except as mandated by Texas state law. Counselors are bound by the law as well as their professional code of ethics to maintain a Cadet's confidentiality and privacy.

Please note that under Texas law, we are required to violate confidentiality if:

- A person discloses that they are a danger to themselves or others
- A person discloses a situation involving child or elder abuse
- A Counselor receives a subpoena

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#### 2.5 Cadet Duties and Responsibilities Prior To sailing

- Cadets will complete the SOCP SASH training and turn in the completion certificate to the TAMMA Admin Office
- Cadets will complete the training provided by the TAMMA TIX-DPA.

#### 2.6 Upon Embarkation

- Cadets will undergo familiarization with the ship in accordance with the established procedures in the SMS.
- Cadets will be encouraged to immediately report any incidents to the TIX-DPA Afloat and/or DPA or any employee they trust
- Cadets will familiarize themselves with the Safety Management System of the vessel
- Cadets will agree to remain out of crewmembers' rooms unless they're on official business
- Cadets will familiarize themselves with the vessel's DPA and contact information.
- At the first full formation cadets will be introduced to the ships officers, counselors, doctors, CR/T9 investigators.

#### 2.7 TIX DPA Cadet Communications

- After initial meeting with cadets during the pre-cruise training the TIXDPA will email all embarked personnel at mid-point of sea term to check up and reiterate their reporting methods.
- Email will also include the DP Afloat contact methods.

#### 2.8 The Master will establish a policy for checking and maintaining functioning locks for all Staterooms certified for 2 or less persons, including establishing a list of Master Key Holders.


The Master will also establish and maintain a list of master key holders with access to cadet staterooms.

### 3. Title IX Designated Person (TIX-DPA) (EMBARC III.2, III.4)

#### 3.1. TIX Designated Person ASHORE

The Title IX Coordinator for Texas A&M University shall serve as the primary contact for all SASH issues. TAMMA will confirm that the TIX-DPA:

- Receives training on Title IX, investigations, civil rights, supportive measures, suicide prevention and disability/pregnancy accommodations.

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- Maintain written records of all contacts with cadets.
- Cadets may privately contact the TIX-DPA at (979-458-8407 | [civilrights@tamu.edu](mailto:civilrights@tamu.edu))

### 3.2. TIX Designated Person Afloat

The Title IX Coordinator for the Texas A&M University (or designee) shall serve as the TIX-DPA Afloat. TAMMA will confirm that the TIX-DPA Afloat:

- Receives training on Title IX, investigations, civil rights, supportive measures, suicide prevention, and disability/pregnancy accommodations.
- Conducts Title IX training for cadets and outlines procedures that serve to prevent, respond to, and redress allegations of sex-based discrimination, harassment, and related retaliation (hereafter “allegations”) and to foster a safe and supportive environment.
- Confirms that the Crewmembers have received annual training by the Texas A&M University Title IX Coordinator or designee. Such training shall include, but is not limited to, reporting protocols, case management, supportive measures, documentation, suicide prevention, and bystander intervention modules.
- Confirms that employees understand their mandatory reporting requirements under TAMU system regulation 08.01.01.
- Maintain written records of all contacts with cadets as well as attendance rosters and educational materials from training sessions.
- Cadets may privately contact the TIX DP afloat at anytime.


## 4. Relationships

### 4.1 Hazing

In accordance with Texas law and TAMU policy, hazing of any student is prohibited.

From Student Rule 24.5

**“Hazing.** Any act that Injurious hazing is defined as any action or situation, which recklessly or intentionally endangers the mental or physical health or safety of a *student*, or that destroys or removes enrolled in a public or private property; and/or assisting, directing, or in any way causing others to participate in degrading behavior and/or behavior that causes ridicule, humiliation, or embarrassment for the purpose of initiation, admission into, affiliation with, or as a condition for continued membership in a group or institution. Accordingly, no person or *organization*; or as part of any activity of a recognized student *organization*, student group, Corps of Cadets, Corps outfit, Corps unit, or Corps Special Activities. Previously relied upon “traditions” (including Corps,

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fraternity/sorority, or any other group or *organization* activity, practice or tradition), intent of such acts, or coercion by current or former members or student leaders of such groups, will not suffice as a justifiable reason for participation in such acts. It is not a defense that the person (or group) against whom the hazing was directed consented to, or acquiesced to, the behavior in question.

Examples of such behavior include but are not limited to:


- 1.1.1. Misuse of authority by virtue of one's class rank or leadership position.
- 1.1.2. Striking another *student* by hand or with any instrument.
- 1.1.3. Any form of shall take action or create a situation that recklessly or intentionally endangers the mental or physical health of a *student*.
- 1.1.4. Taking one or more *students* to an outlying area and dropping them off.
- 1.1.5. Causing a *student* to violate the law or a *University rule* such as indecent exposure, trespassing, violation of visitation, etc.
- 1.1.6. Any form of "quadding."
- 1.1.7. Having firsthand knowledge of the planning of such activities or firsthand knowledge that an incident of this type has occurred and failing to report it to appropriate *University officials* (The Vice President for Student Affairs or designee responsible for oversight of the student conduct processes and/or the University Police Department) is also a violation under this section.

*Students* who are recipients and/or victims of hazing (and who have not perpetrated hazing behavior on others involved in the fact pattern for which they are reporting) and who report the activities to the Vice President for Student Affairs or designee responsible for oversight of the student conduct processes and/or the University Police Department, will not be charged with a violation of the hazing *rule*. The hazing *rule* is not intended to prohibit the following conduct:

- Customary public athletic events, contests, or competitions that are sponsored by the *University* or the organized and supervised practices associated with such events; or
- Any activity or conduct that furthers the goals of a legitimate educational curriculum, a legitimate extracurricular program or a legitimate military training program as defined and approved by the *University*.

Hazing is also a violation of Texas state law. See the Texas Education Code, sections 37.151 and 51.936 and/or Appendix VI of the Student Rules."

Any person associated with the *TS KENNEDY* who violates this policy shall be subject to disciplinary action that may include expulsion or other sanctions. Any organization that violates this policy shall lose all right to conduct activities on *TS KENNEDY* or to receive any benefits/support from the

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college, including any right to claim an affiliation with it. Any person who violates this policy will be removed from and thereafter banned from the *TS KENNEDY*. Disciplinary action enacted under these regulations will be in addition to any other civil or criminal legal process and penalties.

- Hazing will not be tolerated onboard the *TS KENNEDY*.


Texas A&M Maritime Academy establishes that any action which endangers the mental, emotional, or physical health or safety of a student, or which destroys or removes public or private property, for the purpose of initiation, admission into, affiliation with, or as a condition for continued membership in an organization or team whose members are or include students at the Texas A&M Maritime Academy, is strictly prohibited. (NOTE: A person commits a hazing offense if the person engages in hazing; solicits, encourages, directs, aids or attempts to aid another engaging in hazing; or intentionally, knowingly, or recklessly permits hazing to occur).

Anyone who engages in hazing subjects themselves to disciplinary action up to and including termination/dismissal from the training Sea Term and/or the Academy.

The very nature of the Corps of Cadets and the Summer Sea Term places physical and mental demands on a Cadet. Stress is a natural part of being a sea going officer and therefore, a natural part of the Summer Sea Term; its presence is an appropriate part of the training program and is not hazing. However, the application of conditions that result in extreme mental stress is hazing and all involved in these programs should be alert to the impact that an activity has on an individual Cadet. Similarly, physical conditioning and calisthenics are appropriate training tools when used to improve the physical condition and endurance of the Cadet in order to cope with the rigorous demands of the program and to meet the physical standards required of a Merchant Marine Officer. While it is appropriate to place rigorous physical demands on the Cadets, it is hazing to extend any physical conditioning to the point of endangering the Cadet. Examples include: physical conditioning in extreme heat and humidity or cold, continuing an activity knowing that the Cadet has a medical problem that limits his or her ability to perform, or continuing an activity beyond the point where it has any positive value. If it becomes apparent that a Cadet cannot handle the mental stress or physical fitness requirements to participate in the Corps of Cadets, on the Summer Sea Term or as a Merchant Marine Officer, the appropriate action is to refer the Cadet to the Counseling office.

#### 4.2 Fraternization

Fraternization is a difficult and complex issue. It is generally defined as an inappropriate, overly friendly relationship, often of a sexual nature, between a senior member of an organization and a junior member of the organization that results in, or gives the appearance of, preferential treatment. The impact of fraternization varies, but ranges from inequitable treatment toward an individual resulting in reduced performance of the work group, to serious incidences of hazing, discrimination, and sexual harassment. The difficulty of implementing any fraternization policy or regulation lies in determining those actions which

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constitute fraternization and are outside the appropriate interaction among individuals in the academic or regimental setting. Because it becomes a complex issue, fraternization guidelines have been established which will help to preclude negative effects on the organization which might result from inappropriate relationships.

Fraternizing, by Cadets, with officers and/or crew, both on board the Training Ship and ashore is prohibited. Cadets will not frequent officer or crew living spaces, mess decks or lounges, except when authorized, and will not invite crew members to their living spaces for socialization. Official business should be conducted in offices, classrooms and/or other public spaces.

There are relationships that exist at the University that require close contact between underclass and members of the upper classes that are normal and appropriate. The prohibition of fraternization does not mean that an upper classman cannot talk to underclass. It is important that communications between under and upper-class Cadets take place in order for the under-class Cadets to grow and develop. The following are examples of those relationships that are appropriate.


- f. Those that result from the duties and responsibilities of the upper-class Cadets.
- g. Sanctioned extracurricular activities and sports teams (both intercollegiate and intramural) often bring Cadets into close working relationships that are appropriate.
- h. Casual or chance encounters such as sharing a ride home or being at the same location for entertainment, is not an inappropriate relationship.
- i. Family relationships do not constitute fraternization.

#### 4.3 Personal Servitude


Personal servitude, in any form, is forbidden at all levels at the University. Only such work or service deemed to be in the line of duty or in connection with instruction or group activities will be required of any Cadet. All phases of upkeep, maintenance, and operation of the training ship and other training vessels is required of all Cadets, as well as all areas of the University grounds and buildings used by, or related to, services to the Corps of Cadets.

#### 4.4 Officer/Crew/Cadet Relationships (EMBARC III.6)

- The following requirements concerning relationships between officers, crew and Cadets are established for the Sea Term.
- Romantic and or sexual relationships between any embarked employee or contract employee and any embarked cadets is prohibited unless otherwise granted a waiver as allowed in TAMUS Regulation 7.05.01.
- While it is recognized that some may in fact be involved in romantic relationships with others, sexual activity on the ship between cadets is discouraged.

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- Cadets are not allowed in Officer/crew rooms, living areas or lounges except on official business.
- Cadets are not authorized in the rooms and berthing areas of Cadets of a different gender unless on official business.
- Cadets of one gender will not normally do watch relief wake-ups in the Cadet berthing areas of a different gender. In those cases when a Cadet is making a wake-up call of a cadet of a different gender who is in a stateroom, they will do so by knocking on the door of the room, until acknowledged. The Cadet doing the wake-up call will not enter the room.
- During formal personnel and berthing/room inspections, all Cadets (unless physically on watch), are to be out of their racks, and standing by for the inspection.
- For daily room/berthing and sanitation inspections, members of the off-watch (00-04/12-16 & 04-08/16-20), who are asleep will note this on their door. In these cases, the room will be inspected by an officer of the same gender as the room designation. Watch does not excuse cadets from room/berthing and sanitation inspection.
- Texas A&M System Regulation 7.05.01 prohibits all TAMUG employees from engaging in any form of consensual relationships with undergraduate students at TAMUG unless otherwise granted a waiver as allowed in TAMUS Regulation 7.05.01. A consensual relationship is amorous, romantic, and/or sexual relationships that, although consensual, may create actual or perceived ethical, discriminatory, and/or harassing situations disruptive to the university community.
- Non-cadets are prohibited from cadet berthing unless on official business. While in cadet berthing the door must be kept open and another non-cadet and at least one cadet must be present at all times.

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## 5. Reporting and Investigation

### 5.1 How would a TAMMA cadet report an incident?

Before sailing, each Cadet must attend in-person training, where the notification process is defined and articulated. This information is also posted onboard.

Topics to include:


- TIX DPA/DPA Afloat Contact Information
- TAMMA DPA Contact information
- CARE Team
- TAMUG PD
- USCG TIPS
- MARAD DOT

See reporting poster for more information

### 5.2 Primary Investigative and Resolution Steps (EMBARC III.4b)

When any person reports sex-based discrimination, including sexual harassment or assault, the allegation is directed to the Title IX Office, which is housed in the Office of Civil Rights and Title IX Investigations (CR/T9). Within 24hrs, Case Managers reach out to the affected party (Complainant) and offer an intake meeting, where the following information is provided verbally and in writing: right to report and request a resolution; the difference between reporting to CR/T9 vs. law enforcement; options for medical care; availability of disability accommodation in the complaint resolution process; availability of supportive measures and academic accommodations; right to an advisor; anti-retaliation protections; confidentiality and privacy; formal and informal options for resolving the complaint; amnesty; need to preserve evidence; standard of review; and their right to be notified of status updates and final resolution. Should a formal or informal resolution be requested by the Complainant, the accused party (Respondent) is assigned a different case manager and invited for an intake meeting. Respondents receive substantially the same information and supportive resources that were provided to the Complainant.

As required by the Federal Title IX regulations, TAMMA's response to an allegation is most often directed by the wishes of the affected party (Complainant). The purpose of this rule is to avoid "revictimizing the victim" by taking away choices in the handling of their case. Another reason for respecting the wishes of the complainant is to minimize further damage to the reputation or career opportunities of a Complainant since anti-retaliation policies do little to redress the

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damage to a victim. However, in instances where there is repeated misconduct or conduct which is a danger to the greater university community, the Title IX Coordinator may file a formal complaint even if the complainant(s) do not wish to participate in an informal or formal resolution.

TAMMA offers three options for resolving complaints:

- 1) No Resolution (but access to supportive measures and academic accommodations)
- 2) Informal Resolution – a restorative option used when both the Complainant and the Respondent wish to voluntarily resolve their complaint through a facilitated discussion, akin to mediation. Having an “educational conversation with a respondent” is another type of informal resolution where the Title IX Coordinator meets with the Respondent to make them aware of the allegations and the potential sanctions for such behavior if they were found responsible for the behavior. The Title IX Coordinator also discusses other topics (if relevant) such as definitions, consent, reporting, drug and alcohol use, and healthy relationships.
- 3) Formal Investigation followed by a live hearing- CR/T9 investigators collect written and audio/visual forms of evidence and conduct trauma-informed interviews of the parties and witnesses. Once the investigation report is complete the parties have the opportunity to review the report and all the exhibits and submit feedback. Thereafter the report is finalized and submitted to a hearing officer for a live hearing. After the hearing, the hearing officer notifies the parties of the findings and sanctions in an outcome letter and provides information about their right to appeal.

If notified of an issue aboard that requires the immediate removal of a cadet from a ship, for their own safety or the safety of others, the TAMMA DPA will coordinate with the COO Rep Aboard to remove the cadet expeditiously. The cadet will be contacted by the COO Rep, TIXDPA and a Counselor as deemed appropriate.

Texas A&M issues interim suspensions (while an investigation is pending) if a Respondent is determined to be a danger to the health and safety of themselves or others in the university community; Faculty and staff who are accused of sexual harassment are usually placed on a leave of absence during the course of an investigation.

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## 6. SASH Specific Training for embarked persons (EMBARC III.3 III.5, III.7a, III.7b)

### 6.1. Training

Training Requirements. This section provides a summary of all Title IX and EMBARC training conducted:

#### 6.2. Initial Training:

6.2.1. TAMMA conducts initial SASH training for all new Cadets during New Cadet Orientation.

6.2.2. All students are provided the Student Rules, which includes policies and rules regarding bias crimes/incidents, bullying/cyberbullying, harassment, hazing, and sexual misconduct.

6.2.3. All employees and embarked third-party contractors/sub-contractors are provided an electronic copy of SASH and discrimination policies during onboarding to the university.

6.2.4. SASH prevention and response materials are available for all faculty, staff, and students on the TAMU website Title IX webpage. These include: Campus & Community Resources, Definitions, Discrimination Complaint Procedures, Enough Is Enough, Options For Confidentially Disclosing Sexual Violence, Options In Brief, Policy For Alcohol And/Drug Use Amnesty In Sexual And Interpersonal Violence Cases, Reach Out, Reporting An Incident, Sexual Violence Response Policy,

6.3. Annual Training: All crew members, faculty, staff, contractor personnel, and Cadets embarking on the training ship for a sea term must complete the Ship Operations Cooperative Program (SOCP) computer-based training on Maritime Sexual Assault and Sexual Harassment Prevention Training.


6.3.1. This training should be completed before embarkation on the training ship or, if not practicable, within the first 48 hours of being onboard,

6.3.2. This training will be conducted annually such that there is no more than 365 days between two consecutive training sessions.

6.3.3. The TAMMA Officer Manager will maintain a copy of the training certificates.

#### 6.4. Quarterly Training.

SASH Training will be conducted quarterly for all Training Ship crew regardless of whether Cadets are embarked. Each quarter, a different topic should be discussed. These include SASH Prevention, bystander intervention, reporting, and response. The [SOCP Best Practices Guide](#) and other [resources](#) provide excellent training materials.

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6.4.1. SASH discussions will be incorporated into periodic safety meetings. This is an excellent venue for discussing trends and lessons learned from other training ships and the industry.

6.5. Pre-cruise Training. During the pre-cruise period:

6.5.1. Cadets will be introduced to crew, faculty, staff, and embarked contractors/subcontractors during muster formations, training sessions, and drills.

6.5.2. Cadets, crew, faculty, staff, and contractors will be familiarized with the ship during onboarding in accordance with the SMS.

6.5.3. Cadets, crew, faculty, staff, and contractors will receive information electronically regarding SASH prevention and reporting. This will include, but is not limited to, the phone number and email address of the TAMU Title IX Coordinator (SASH Contact), Mental Health Counselor, USCG, and MARAD, reporting procedures, and resources.

## 7. SASH PR Posters on Ship

7.1 Displays and Posters Onboard the Training Ship: Posters that reflect USCG, DOT/MARAD, and TAMU Policies regarding prevention, reporting, and victim support and guides that support a respectful and inclusive workplace culture will be displayed. Posters will be displayed in the following areas:


- Cadet and Crew Lounges
- Corridors in cadet areas adjacent to entrances into crew, faculty, staff, and steward areas
- Mess Deck
- Commandant Offices
- Waiting Area health services

7.2 Poster displaying the SASH contact information will also be displayed in the above areas.

7.3 Posters displaying the QR codes to information regarding SASH, Retaliation, Drug and Alcohol Usage, and cadet presence in non-cadet rooms and vice versa.

7.4 Posters will be command strip taped to bulkhead

7.5 The above posters and information will also be displayed in the lobby of TAMMA Hall. And in the TAMMA administrative offices in BLDG 3026

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## 8. Prohibited Conduct

All TAMMA Cadets receive training on definitions of prohibited conduct during their “incoming student” sexual assault prevention training. The Title IX Coordinator also reviews these definitions during the live Cadet training just prior to boarding the ship for SST. The University’s Title IX website also has definitions of prohibited conduct.


Texas A&M policy definitions are identical to those required by the Title IX regulations, except that, we have intentionally expanded the federal definition of Sexual Harassment. While Title IX only requires the University to prohibit unwelcome conduct of a sexual nature when it is sufficiently severe, persistent **AND** pervasive enough to create a hostile work or learning environment, Texas A&M’s definition prohibits behavior that is severe, persistent **OR** pervasive. The expanded definition used by Texas A&M is consistent with other federal laws, such as Title VII, and it is also consistent with the reporting requirements set forth in the Clery Act and the Texas Education Code.

8.1. Prohibited Conduct is a phrase used to describe illegal discrimination or harassment based on another person’s protected characteristics or statuses. Retaliating against someone who reports discrimination or harassment, or participates in an investigation of prohibited conduct, is also included in the definition.

Some forms of gender or sex-based misconduct are considered Prohibited Conduct if such behavior is so severe, persistent, or pervasive that it unreasonably affects an individual’s employment, work or educational performance, or creates an intimidating or hostile work, educational, or campus living environment. Please see [Texas A&M University Rule 08.01.01.M1](#) for more information about *Prohibited Conduct*.

Although every case is individually evaluated based on the facts and circumstances specific to that case, examples of behaviors that would likely constitute *Prohibited Conduct* could include:

- Firing an employee because he is a new father who plans to take 12 weeks of FMLA leave to bond with his newborn child.
- Repeatedly pressuring another person for a date or for specific sexual acts (i.e. not taking “No” for an answer).
- Making serious threats of violence towards a person that you are dating or living with.
- Penetrating another person without consent.
- Posting an intimate picture of your ex-girlfriend on social media without consent.

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- Asking a student enrolled in your class if they would trade sex for an “A” in the class.
- Failing to hire an applicant because she is a transgender woman.
- Having sex with someone without disclosing an STI (sexually transmitted infection) and giving them the opportunity to decline to have sex with you.
- Denying an employee a promotion because he is gay or straight.
- Paying an employee a lower salary because he is disabled.

#### 8.2. *The difference between **Prohibited Conduct** and **Inappropriate Conduct Related to Sex or Gender***

Inappropriate Conduct **Related to Sex or Gender** is unwelcome, unprofessional or inappropriate sexual or gender-based conduct that is not severe, persistent, or pervasive enough to meet the definition of “prohibited conduct.” Even though such behavior is not a violation of [Texas A&M System Regulation 08.01.01](#), it may be addressed under other University Rules. CR/T9 handles the investigation and resolution of complaints of “prohibited conduct” while “inappropriate conduct related to sex or gender” is usually addressed by other University administrators.

#### 8.3. *Examples of conduct which would likely be classified as **Inappropriate Conduct Related to Sex or Gender** rather than a Title IX violation:*

- A professor tells a single joke in class that is mildly offensive to a particular gender identity. While this conduct is unprofessional, it is not severe, persistent, or pervasive enough to interfere with the learning environment. CR/T9 would likely refer this complaint to the Head of the Department for resolution.
- Your lab partner “accidentally” brushes your hand or outer thigh as they walk past you on several occasions, but you believe that the touching was intentional. Even though this conduct is inappropriate, it is not severe, persistent, or pervasive enough to interfere with a reasonable person’s ability to conduct an experiment. CR/T9 would likely refer this complaint to the Student Conduct Office to address under the Student Code of Conduct.
- You have told a co-worker that you are not interested in pursuing a romantic relationship. One day, the co-worker finds you alone in the break room, eating your lunch. The co-worker leans over and brushes the top of your head with his lips. While this behavior is unprofessional and unwelcome, it is not likely to be severe, persistent, or pervasive enough to interfere with your work performance. CR/T9 would likely refer this complaint to Human Resources for resolution.

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## 9. Make a Report (EMBARC III.2 , III.8.a)

Texas A&M strongly encourages (but does not require) students to report incidents of sexual assault, sexual exploitation, or sex discrimination — including discrimination of the basis of gender identity, gender expression, and sexual orientation — in addition to sexual harassment, dating and domestic violence, related retaliation, and stalking. However, all employees are mandatory reporters.

**See reporting poster for Specific information on reporting on the training ship.**

### 9.1. Communications off the ship for SASH or other incident reporting

All embarked persons may use their personal device connected to ships satellite connection or may request confidential satellite telephone service from the ship's counselor.

### 9.2. Make a Report to University Title IX


You may file a report with the University if you are seeking support and resources, and/or disciplinary remedies such as probation, suspension, or expulsion (for students), or termination of employment (for employees).

Anyone who feels that s/he has been the victim of prohibited conduct is encouraged to bring it to the attention of the University's Title IX Officer. They empowered to provide supportive remedies and academic adjustments to all individuals involved in these situations and to protect the safety of the campus community through these measures.

### 9.3. Employees – Make a Mandatory Report

Texas law requires any employee of a college or university in Texas to report to the Title IX Coordinator or Deputy Coordinator any information regarding an alleged incident of sexual harassment, sexual assault, dating violence, or stalking, committed by or against a person enrolled at or employed by the institution at the time of the incident. The law requires colleges to terminate employment for employees who fail to report such matters and imposes criminal penalties of up to a year in jail.

The obligation to report applies whenever an employee receives, in the course and scope of employment, information about an alleged incident which reasonably constitutes sexual harassment, sexual assault, dating violence, or stalking committed by or against a person who was a student or employee at the time of the incident. The report must include all information known to the employee which would be relevant to an investigation or redress of the incident,

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including whether the alleged victim has expressed a desire for confidentiality. A party's desire for confidentiality does not relieve the employee's obligation to report.

The Master of the Vessel must notify the SMA SASH Contact of alleged SASH-involved behavior

#### 9.4. Make a Report to Law Enforcement

If you are seeking criminal penalties (such as incarceration or sex offender registration), you should file a report with the relevant law enforcement agency.

#### 9.5. Make an Anonymous Report

You may report without sharing your name by using the electronic reporting form found at [www.tamug.edu/care/](http://www.tamug.edu/care/). Your report will be forwarded to the Title IX Officer for review.

Depending on the amount of information disclosed, the University's ability to investigate and respond to the report may be limited.

#### 9.6. Unsure About Reporting?

Whether an incident occurred recently or in the past, help is still available. Resources are available even if an individual chooses not to file a formal complaint to law enforcement or the university.

#### 9.7. Mandatory Reporters

Employees are required to report if they witness, are subjected to, or are informed about incidents of sexual assault, sexual exploitation, sex discrimination (including discrimination of the basis of gender identity, gender expression, and sexual orientation), sexual harassment, dating and domestic violence, and/or related retaliation.

#### 9.8. Can I report on Behalf of Someone Else?


Anyone can report sex based-discrimination, sexual harassment, or related retaliation.

#### 9.9. Reporting to the police or reporting to the Title IX Officer: What's the difference?

A Complainant may choose to make a report to the University and may also choose to make a report to law enforcement. A Complainant may pursue either or both options at the same time. A Complainant may also choose to report to neither the University nor to law enforcement.

As set forth in [Texas A&M Rule 08.0.01.M1](#), a Complainant who wishes to pursue criminal action in addition to, or instead of, making a report to the University should contact law enforcement directly

During a criminal investigation, investigators gather evidence in order to determine whether someone broke the law. If a person is found guilty of breaking a law, a judge assigns criminal penalties (like incarceration or sex offender registration).

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A Complainant seeking criminal penalties should file a report with the relevant law enforcement agency.

A Complainant seeking University support and resources and/or disciplinary remedies should file a report with the University's Title IX Officer. University investigations are conducted by the Department of Civil Rights and Title IX Investigations at Texas A&M University.

During a university investigation, investigators gather evidence in order to make conclusions about whether a System regulation or University rule or policy has been broken. If a person is found responsible for a rule or policy violation, a university administrator issues sanctions such as probation, suspension, or expulsion (for students) or termination of employment (for employees).

Please consult the [University's Title IX Student Sanctioning Matrix](#) for a fuller explanation of the range of student sanctions.


Still have questions?

Contact the Title IX office at [979-458-8407](tel:979-458-8407) or [civilrights@tamu.edu](mailto:civilrights@tamu.edu).

#### 9.10 Preserving Evidence

Even if you choose not to report the incident to the University or to law enforcement, you are encouraged to take steps to preserve evidence. This will ensure that evidence is available if you later decide to proceed with a criminal or university investigation.

- Do not shower, bathe, douche, and/or brush your teeth or hair.
- Seek treatment at a local hospital emergency room as soon as possible.
- Immediately notify medical staff if you believe drugs or alcohol were involved. Medical staff are specially trained to collect evidence and perform tests, including tests that can provide important evidence if drugs or alcohol were involved.
- Save any clothing you were wearing at the time of the assault in a paper bag.
- Make every effort to save anything that might contain DNA. Do not clean up or move anything that might have been touched.
- Write down as much as you can remember about the circumstances, including a description of the other party.
- Save any electronic communications with the assailant or relevant to the incident (voicemails, emails, text messages, social media messages or posts, etc.).

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## 10. The Investigation Process (EMBARC III.4.e)

- 10.1. The Department of Civil Rights and Title IX Investigations (CR/T9) at Texas A&M University is responsible for investigating allegations of prohibited conduct, to protect students, faculty, staff, and campus visitors from all forms of sex discrimination.

What does the investigation and resolution process look like? Review the step-by-step flow chart below to understand more about our process. You can also [download the investigation process flow chart](#), or view the [accessible outline of the flow chart diagram](#).



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## Investigation Process

Complaint submitted to the Department of Civil Rights and Equity Investigations

### Title IX Coordinator Reviews Complaint

- Is this a Title IX, Sex-based Misconduct and/or Civil Rights complaint? Are there immediate safety concerns?
- If not, refer to alternative University Authority for review
- If so, assign individual Case Managers to Complainant and Respondent

### Case Management

Case Manager invites parties to Intake Meeting, where Case Manager Reviews:

- Rights, Resources and Options (RRO) of Complainant
- Investigation Process
- Option to Request Supportive Measures and/or Academic Adjustments
- Difference between reporting to law enforcement and university investigations
- Right to Advisor
- Determines jurisdiction and complaint classification

### Informal Resolution

Does Complainant wish to proceed with an Informal Resolution?

**NO**

Matter is closed.

**YES**

Matter is resolved informally and case is closed.

### Formal Resolution

#### Case Management with a Respondent

Case Manager invites Respondent to Intake Meeting, where Case Manager Reviews:

- Rights, Resources and Options (RRO) of Respondent
- Investigation Process
- Option to Request Supportive Measures and/or Academic Adjustments
- Difference between reporting to law enforcement and university investigations
- Right to Advisor


### Investigation

- Evidence collected
- Investigation Report created
- Statements and Evidence attached as Exhibits
- Parties review report and exhibits

### Decision on Responsibility and Sanctions

**Appeal**

**MATTER IS CLOSED**

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## 10.2. Stages of the Investigation Process

You can read summary descriptions of the three stages in our process: intake, investigation, and decision. Please see [Texas A&M Rule 08.01.01.M1](#) and Texas A&M Rule [08.01.01.M1.01](#) for more complete information about our process.

## 10.3. Stage 1: Intake

When CR/T9 receives an allegation of discrimination, harassment, or retaliation, CR/T9 will invite the Complainant to our offices for an intake meeting. At the meeting, a Case Manager will listen to the Complainant's concerns and familiarize the Complainant with their rights, resources, and options. If the Complainant requests a resolution of the allegations, the Title IX Officer will determine whether the allegations, if true, would be a violation of [Texas A&M System Regulation 08.01.01](#) or any other University policy. If so, CR/T9 will proceed with a formal or an informal resolution.

If a formal resolution is sought, the Title IX Officer will notify all parties that an investigation has commenced. A different Case Manager will be appointed to support the Respondent, who will also be invited to our offices for an intake meeting. After listening to the Respondent's concerns, the Case Manager will provide the Respondent with information about their rights, resources, and options during the investigation and resolution process.

See [Texas A&M Rule 08.01.01.M1](#) for more information about the process.


## 10.4. Stage 2: Investigation

During the investigation phase, the investigator will gather all information and evidence relevant to the allegations. This includes interviewing the Complainant(s), Respondent(s), and Witnesses. The Investigator will also collect any relevant documentation, electronic evidence or other evidence related to the allegations.

Once the investigation is complete, the Investigator prepares a draft report, which may be reviewed by the parties. Parties may respond to the draft report and point out any errors or omissions. The response, if any, will be attached to the report as an exhibit.

The investigator will reopen the investigation, if necessary, and then draft a final report and forward it to the University's Designated Administrator, who will make one of the following decisions about responsibility for each allegation:

- Substantiated – it is more likely than not that the alleged conduct occurred
- Unsubstantiated – it is more likely than not that the alleged conduct did not occur

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- Unsubstantiated due to insufficient information – there was insufficient evidence to decide whether it is more likely than not that the alleged conduct occurred

The final report will also contain 1) an analysis of the facts and 2) conclusions about whether the Respondent is responsible for violating any other Texas A&M System regulation or University rule or policy.

See [Texas A&M Rule 08.01.01.M1](#) for more information about the process.

#### 10.5. Stage 3: Decision


Once the Investigation Report is finalized, the report is sent to a Designated Administrator, who is the Fact Finder for the case. The Fact Finder will review the report and the exhibits prior to making a determination responsibility. Depending on the severity of the facts of the case, the Fact Finder may conduct a live hearing before determining responsibility. The Fact Finder will not have been involved with the case during the intake or investigation phases, and the Fact Finder is usually a university employee. The Fact Finder will also assign sanctions, if applicable.

A party has five business days after the determination of responsibility to file an appeal. The bases for appeal are limited to the following:

1. There is new evidence that was unknown or unavailable during the investigation that could have significantly impacted the outcome;
2. There was a procedural error or omission that significantly impacted the outcome; and/or
3. A party would like to contest the appropriateness or severity of the sanctions.


If an employee is found to have sexually harassed (including non-consensual sexual contact, sexual assault, sexual exploitation, stalking, dating violence, and domestic violence when based on sex) another member of the university or agency community, the third basis for appeal (appropriateness or severity of sanctions) is not available as a basis for appeal.

Appeals are reviewed by an Appellate Authority, who can overturn the decision of the Fact Finder or remand the case back to the Fact Finder. After the appeal, the decision is considered final, and the case will be closed.

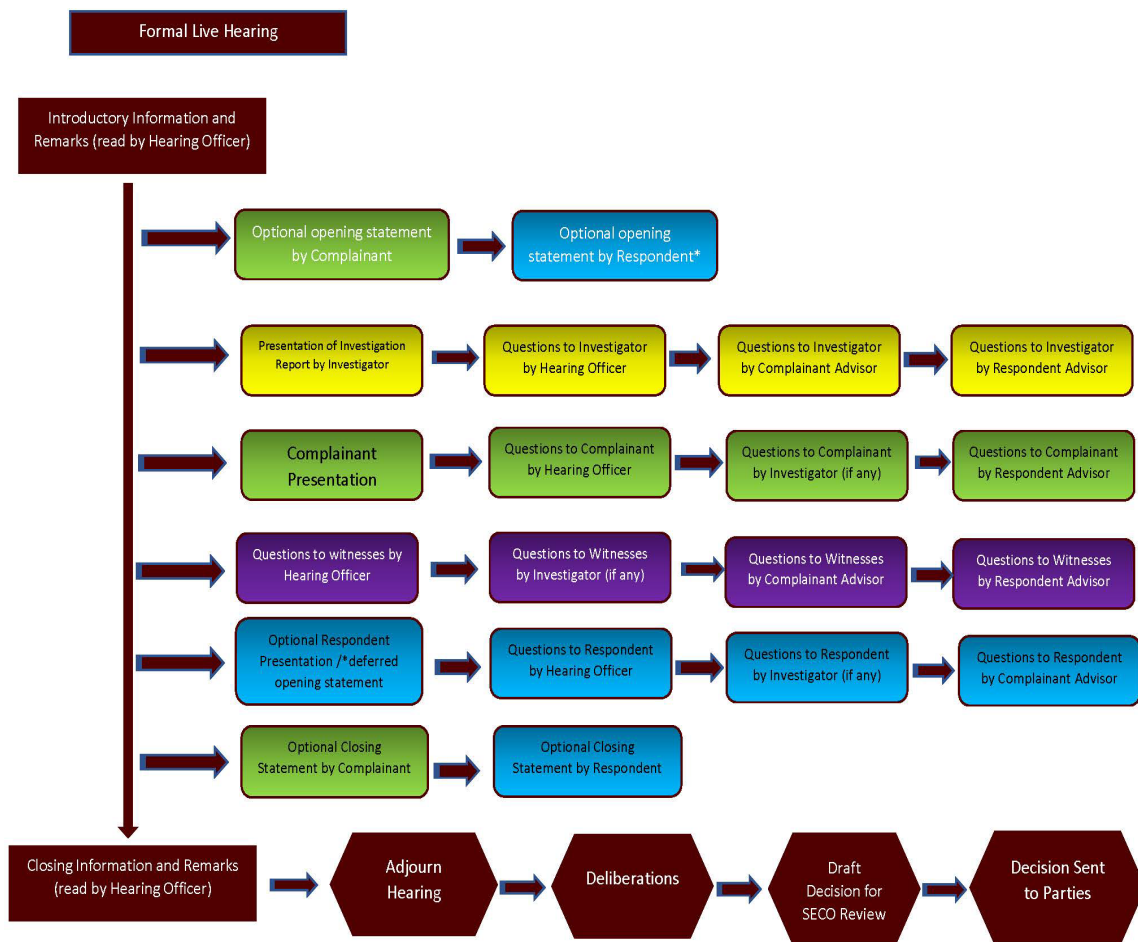
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## 10.6 Who will decide my case?

If allegations are against: (options below)	<i>The Designated Administrator decides responsibility and sanctions</i>	<i>The Appellate Authority decides the appeal (if any)</i>
<b>Student</b>	Hearing Officer	University Disciplinary Appeals Committee (UDAP)
<b>Staff</b>	Hearing Officer	Vice President for Human Resources and Organizational Effectiveness
<b>Faculty</b>	Provost	University Committee on Faculty Disciplinary Appeals (UCFDA) renders an advisory opinion to the Provost and Executive Vice President, who renders a final decision

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## 10.7 Overview of the CR/T9 Hearing Process



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## 11 Information for Complainants

### How do I file a report?

You can [make a report](#) with the University, law enforcement or anonymously.

### What types of conduct can I report?


The Department of Civil Rights and Title IX Investigations (CR/T9) investigates allegations of civil rights violations at Texas A&M University. This includes harassment based on a protected class, discrimination based on a protected class, sexual harassment, sexual assault, sexual exploitation, dating violence, domestic violence, and stalking. CR/T9 also investigates allegations of retaliation for reporting or participating in the investigation of any of the above behaviors.

At Texas A&M University, the list of protected classes includes: race, color, religion, national origin, sex, gender identity, gender expression, sexual orientation, age, ability, veteran status, and genetic information. Harassment or discrimination based on any of these classes can be reported to CR/T9.

### What is the difference between civil rights and sexual misconduct? Why does student conduct handle some cases?

The Department of Civil Rights and Title IX Investigations (CR/T9) is charged with investigating violations of civil rights. Sexual misconduct becomes a civil rights violation when it is so severe, persistent, or pervasive that it creates a work, educational, or campus living environment that a reasonable person would consider intimidating, hostile, or abusive. The determination of whether an environment is “hostile” must be based on all of the circumstances, which may include the frequency of the conduct, the nature and severity of the conduct, whether the conduct was physically threatening or humiliating, and the mental or emotional effect of the conduct on the individual(s) subjected to the alleged harassment. An “intimidating or abusive” environment exists when the conduct interferes with, limits, or deprives an individual from participating in or benefiting from the University’s educational, employment, and/or campus-residential experience (including participation in university programs, activities, or benefits).

Sometimes, a behavior may be unacceptable behavior for members of the Texas A&M community but may also not reach the standards required by law to be a civil rights violation. To ensure that this kind of behavior does not go unaddressed, CR/T9 may delegate the investigation and sanctioning of unprofessional or inappropriate conduct of a sexual nature to other university administrators, such as a Department Head or the Dean of Student Life.

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### What is Prohibited Conduct?

#### **Can I report on the behalf of someone else?**

Yes. If you witnessed or become aware of a potential civil rights violation that is happening to someone else, you can report it to the Department of Civil Rights and Title IX Investigations (CR/T9). CR/T9 will take your statement and then reach out to the person being impacted and offer their help and resources.

#### **Is there a time limit for reporting?**

No. You may report discrimination based on sex or gender, sexual harassment, sexual assault, sexual exploitation, dating violence, domestic violence, and stalking at any time. However, if the alleged Respondent has graduated or is no longer employed with Texas A&M University, CR/T9's response to the report may be limited.

#### **Are there consequences for making false reports?**

Yes. Individuals who intentionally mislead an investigator will be sanctioned by CR/T9. Please note that a finding of "not responsible" is not evidence of a false report.

#### **What happens after I make a report?**


All reports of civil rights violations (including Title IX) are forwarded to the Department of Civil Rights and Title IX Investigations (CR/T9). You will be contacted by one of CR/T9's case managers who will invite you to a meeting where they can go over all of your rights, resources, and options. You will be given the opportunity to request either a formal resolution, informal resolution, or no resolution to your report.

#### **What are my rights as a Complainant during this investigation?**

View or download our [Complainant Rights, Resources and Options](#).

#### **If I tell CR/T9 about what happened, is there any amnesty available to me for other student conduct violations (underage drinking, drugs, etc.)?**

When you make a report, in good faith, as a complainant or witness to an incident of sexual harassment, sexual assault, sexual exploitation and domestic violence, dating violence, or stalking, the University will not take disciplinary action against you for other violations of the Student Conduct Code occurring at or near the time of the incident reported. The University may, however, investigate to determine whether a report of an incident of sexual harassment, sexual assault, dating violence, domestic violence, or

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stalking was made in good faith. The amnesty policy will not apply to a student who reports the student's own commission or complicity in the commission of sexual harassment, sexual assault, dating violence, domestic violence, or stalking. A determination that a student is entitled to amnesty is final and may not be revoked.

#### **How do I get to the Department of Civil Rights and Title IX Investigations (CR/T9)? Where can I park?**

CR/T9 is located in the lower level of the YMCA Building. YMCA is centrally located on main campus on Houston St. between Beutel Health Center and the Coke Building. Entering YMCA from the side facing the Academic Building, CR/T9 is in Suite 108 which is at the end of the main entry corridor.

Unfortunately, there is no free parking near YMCA. Both University Center and Stalling Blvd garages are near the building for paid parking. If you have a University Business Pass, you can park in lot 30 without paying.

You can also reach YMCA by using any Aggie Spirit Bus with a stop near the Memorial Student Center.

#### **If I want to report my professor or my boss, can they retaliate against me?**


If someone retaliates against you because you made a report or participated in an investigation, you may file a complaint against them for retaliation. Retaliation includes job reprimands, removal from a team or activity, poor grades, negative evaluations, threats, harassment, or other adverse actions.

#### **What is an Academic Adjustment or an Interim Support?**

Going through an investigation as either a Complainant or a Respondent is very stressful. CR/T9 can often assist with postponing a test, moving your work location, dropping a class after a Q drop date, or moving you to a different section of the same class. CR/T9 can also support you by facilitating a move to a different dorm or parking garage or by issuing a "No Contact" restriction so that you and the other party do not talk to each other during the investigation.

Please discuss your specific request with your Case Manager. Your request will be considered regardless of whether you choose to report the incident to law enforcement or pursue an investigation through our office. CR/T9 considers requests from **both Complainants and Respondents**.

#### **I will have to miss work/class in order to come to the meeting that CR/T9 scheduled. Can you help?**

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Absolutely! We will work with your schedule to try and avoid scheduling you for an interview time that conflicts with your schedule. If it is not possible to avoid a conflict, CR/T9 will provide you with an excuse note for your supervisor/professor.

#### **How do “No Contact” Restrictions work?**

CR/T9 can issue a “No Contact” restriction at the request of either the Complainant or the Respondent. Once both parties have been notified of the “No Contact” restriction, all communication between the parties should cease until the restriction has been lifted. Asking another person to communicate with the other party will also be considered a violation of the restriction. If you violate the no contact restriction, CR/T9 may take action against you.

If you are in a public place (such as a restaurant or Kyle Field), and the other person arrives at the same location, you should avoid each other. If you are uncomfortable being at the same location as the other person, you should leave the premises.

#### **I am a student. Will I have to move out of my dorm?**

In some cases, you may wish to move to a different residence hall in order to avoid contact with the other person. Please talk to your CR/T9 Case Manager if you would like to do so.


In other cases, it may be necessary for the University to move a student to a different residence hall or restrict access to certain locations on campus while an investigation is ongoing.

After the investigation, persons who are found responsible for committing an act of sex-based violence and/or non-consensual sexual penetration of another person face Campus Housing Sanctions, including (a) loss of campus housing privilege, (b) deferred loss of campus housing privilege, and (c) campus housing probation.

Please refer to [Student Rule 27.2](#) for further information.

#### **If a Student Respondent is found responsible for a policy violation, will the Respondent be able to hold a leadership position in a student organization?**

During an investigation of allegations of sex-based violence or non-consensual penetration of another person, the Dean of Student life makes case-by-case determinations about a student’s eligibility to participate in extracurricular activities, including student organizations.

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After the investigation, a student who is 1) found responsible for sex-based violence or non-consensual penetration of another, and 2) given a sanction of “Conduct Probation” or “Suspension” will not be in good standing with the University during the probation/suspension period.

Students who are not in good standing with the University are ineligible to 1) hold an office in any student organization; or, 2) represent the University at any official function, including intercollegiate athletics or other form of intercollegiate competition or representation (includes events taking place both on and off the University campus).

A student who re-enrolls with the university after a suspension period of one year or more will not be eligible to hold an office in any student organization or represent the University at any official function.

Please refer to [Student Rule 27.1.2](#) for further information.

#### **Where can I get counseling or other support services?**


Going through an investigation as either a Complainant or a Respondent is very stressful. Individuals may wish to seek on-campus or off-campus [confidential support services](#), including counseling, and/or medical services.

For information about other types of support services, please consult our [campus and community resources](#).

#### **What is the difference between a criminal investigation and a University Investigation?**

During a criminal investigation, investigators gather evidence in order to determine whether someone broke the law. If a person is found guilty of breaking a law, a judge assigns criminal penalties (like incarceration or sex offender registration). A Complainant seeking criminal penalties files a report with the relevant law enforcement agency.

Investigations conducted by the Department of Civil Rights and Title IX Investigations at Texas A&M University are administrative investigations, not criminal investigations. During a university investigation, investigators gather evidence in order to make a conclusion about whether a System regulation or University rule or policy has been broken. If a violation is found, a university administrator issues sanctions such as probation, termination of employment, suspension, or expulsion. Please consult the University’s [Title IX Sanctioning Matrix](#) for an explanation the University’s sanction. A Complainant seeking University sanctions for student misconduct [files a report](#) with the University.

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An individual is not required to report an issue to law enforcement or the University, but individuals are encouraged to report to either or both. A criminal investigation and a university investigation may occur concurrently.

#### **What if I need disability accommodation during the investigation and resolution process?**

Please notify your case manager as soon as possible if you would like to request accommodation due to disability during the investigation process. **Note that it is your responsibility to make your need known and to provide any supporting documentation requested by the case manager to support the need for accommodation.**

#### **Can I talk with other people about what is going on?**

In order to protect the privacy of all who are involved in the investigation process (including complainants, respondents, and witnesses), and to protect the integrity of the investigation process, we ask that you keep information related to the investigation private. You are not prohibited from speaking with others about what is going on; however, you should be careful to not engage in conduct that could be perceived as retaliation.

#### **Can I report anonymously?**

You have the option to report anonymously. However, if you choose to remain anonymous or do not wish to disclose information regarding the individual you wish to report, the University's ability to respond to the report may be limited.


#### **Can I submit evidence during the investigation?**

Absolutely. You may provide the Investigator with any information or evidence you wish to have reviewed. The investigator will gather your evidence and determine if it is relevant to the allegations. If so, your evidence will be included in the report, as appropriate.

#### **Will the other party see my statement?**

Yes. The Investigator will write a report which will include your statement. Both parties will have the opportunity to read and respond to the draft report before it is given to the Fact Finder.

#### **What if the Investigator's report has an error in it?**

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You will have the opportunity to review and respond to the draft investigation report before it goes to the decision maker.

The investigation report is a compilation of ALL relevant evidence gathered by the Investigator. You should see your side of the story as well as the other party's story (even if you believe it is untrue) in the report. If you believe that the investigator left out a key piece of evidence or forgot to talk to a witness who has relevant evidence, you may notify the investigator of your concerns in your response to the draft report. Your response will be attached to the final report as an exhibit. The investigator has the discretion to decide whether more investigation is needed after reviewing both responses to the draft report.

#### **How long does the investigation take?**

CR/T9 usually completes an investigation within 30 to 60 business days. Many factors, such as the complexity of the investigation, the availability of witnesses, or the availability of CR/T9 staff can make the investigation take longer. We will keep you reasonably notified of delays, and you can call your case manager at any time for a status update.

#### **I am a student. Will you tell my parents about this investigation?**


No, we only share information with parents or others if you have filled out and signed a waiver allowing us to do so. Texas A&M University's Title IX investigations are bound by the Family Educational Rights and Privacy Act (FERPA), a federal privacy law, as well as the university's privacy policy. However, we are also bound by state child abuse reporting laws which state that if the student is a minor, we are required to notify the proper authorities.

#### **What is the standard of proof?**

The standard of proof used in Title IX Cases is the "preponderance of the evidence" standard. Preponderance of the evidence means that, based on the evidence, the allegation is more likely than not to have occurred. This standard is different than the "beyond a reasonable doubt," which is a much higher standard of proof that is used in criminal court.

#### **Can I bring my parents or my attorney to the investigation interview?**

You have the right to choose an advisor to be present with you at any point during the investigation and resolution process, including your interview with the Investigator. Your advisor may be any person selected by you, including legal counsel. The advisor's participation will be limited to the role of an observer, although the advisor may request

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a break at any point to give you advice. The advisor cannot be called as a witness once they have assumed the role of advisor. Any fees charged by an advisor will be paid by the party that brings the advisor.

#### **Can I hire a private investigator?**

Yes, filing a claim with our office or being a party to a claim in our office does not preclude you from hiring a private investigator or reporting to the police.

#### **What if I have a conflict of interest with the Investigator, Decision Maker, or Appellate Authority?**

If you believe that a conflict of interest exists with respect to the Investigator, Decision Maker, or Appellate Authority assigned to your case, contact your case manager for information about challenging these persons.

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## 12 Texas A&M University Title IX Cumulative Student Sanctioning Matrix for cadets\*

\*Behavioral examples identified in the matrix are not intended to represent an exhaustive listing of prohibited conduct.

### 12.1 Sexual Harassment



- Severe, persistent, and objectively offensive sexual innuendos, jokes, remarks, questions, gestures, and/or gifts of a sexual nature.
- Display of sexually explicit visual material.
- Unwelcome kissing or non-fondling sexual touching.

### Stage 2

Any one or the combination of Stage 1 behaviors, plus:

- A behavior from another category.
- Offering to trade an education benefit for a date or sexual favors.

### Stage 3

Any one or the combination of Stage 1 and/or Stage 2 behaviors, plus a behavior from another category.

### Stage 4

#### Expulsion

Any one or the combination of Stage 1, Stage 2 and/or Stage 3 behaviors, plus a behavior from another category.



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#### 12.2 [Stalking](#)

- Repeated, unsolicited phone calls, emails, texts, and/or gifts to another person and/or their family/household.
- Repeatedly following another person or conducting surveillance of another person and/or their family/household.

#### Stage 2

Any one or combination of Stage 1 behaviors, plus:

- Second violation of stalking.
- Repeated, unsolicited visits to another person's home, business, and/or class, and/or that of their family/household.
- Repeated, unsolicited contact or attempts to contact via social media.
- Assuming another's identity in order to make contact with complainant.

#### Stage 3

Any one or combination of Stage 1 and/or Stage 2 behaviors, plus a behavior from another category.

#### Stage 4

#### Expulsion

Any one or combination of Stage 1, Stage 2 and/or Stage 3 behaviors.



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#### 12.3 [Dating or Domestic Abuse](#)



Intimidation: using actions, gestures, and tone of voice to indicate a threat of violence.

#### Stage 2

Any one or combination of Stage 1 behaviors, plus:

- Preventing complainant from calling for help.
- Destruction of property.
- Physical abuse: Pushing, shoving, hair-pulling, scratching, and/or hitting.

#### Stage 3

Any one or combination of Stage 2 behaviors, plus:

- Displaying weapons, and/or throwing objects at a person with potential to injure.

#### Stage 4

#### Expulsion

Any one or combination of Stage 1, Stage 2 and/or Stage 3 behaviors.

#### 12.4 [Sexual Exploitation](#)

Category: Sexual Exploitation



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#### Review the Definition of Sexual Exploitation

- Viewing of nudity or engaging in sexual behaviors without attempts to shield others.
- Allowing others to observe sexual activity without the other person's consent.

#### Stage 2

Any one or combination of Stage 1 behaviors, plus:

- Taking or transmitting images or videos of another person in a sexual, intimate, or private act without that person's consent.
- Distributing sexual or intimate images or recordings of another person without that person's consent.
- Collecting, creating, viewing, and/or distributing child pornography/sexual images of those under 18.

#### Stage 3

Any one or combination of Stage 1 and/or Stage 2 behaviors, plus:

- Engaging in sexual activity while knowingly infected with an STD without the other person's knowledge.
- Indecent exposure.

#### Stage 4

#### Expulsion

Any one or combination of Stage 1, Stage 2 and/or Stage 3 behaviors, plus:

- Prostituting another person



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#### 12.5 [Sex-based Misconduct](#)

- Severe, persistent, or pervasive sexual innuendos, jokes, remarks, questions, gestures, and/or gifts of a sexual nature.
- Display of sexually explicit visual material.
- Unwelcome kissing or non-fondling sexual touching.
- Allegations of sexual harassment, sexual assault, dating violence, domestic violence, and/or stalking based sex that are dismissed from the Title IX process under 08.01.01, Section 4.2.10(d) and (e).

#### Stage 2

Any one or combination of Stage 1 behaviors, plus a behavior from another category, plus:

- Offering to trade an education benefit for a date or sexual favors.

#### Stage 3

Any one or combination of Stage 1 and/or Stage 2 behaviors.

#### Stage 4

#### Expulsion

Any one or combination of Stage 1, Stage 2 and/or Stage 3 behaviors.



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#### 12.6 [Sexual Assault](#)



Fondling of breasts, groin, genitals or buttocks above or below clothing.

#### Stage 3

A Stage 2 behaviors and/or:

- Oral sex.
- Penetration (by sex organs).
- Penetration (by means other than sex organs).
- Incest.
- Statutory rape.

#### Stage 4

#### Expulsion

Any one or combination of Stage 2 and/or Stage 3 behaviors with predation.

#### 12.7 [Retaliation](#)


Category: Retaliation

[Review the Definition of Retaliation](#)

#### Stage 2

#### Probation

Threats in retaliation for reporting sexual misconduct, dating/domestic violence, and/or stalking.

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Stage 3


A Stage 2 behaviors and/or:

- Intimidation or physical abuse in retaliation for reporting sexual misconduct, dating/domestic violence, and/or stalking.

Stage 4

Expulsion

Any one or combination of Stage 2 and/or Stage 3 behaviors.

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### 13. Get Help Now

The Department of Civil Rights and Title IX Investigations (CR/T9) is charged with the [investigation and resolution](#) of alleged violations of Texas A&M University's civil rights policies, including Title IX.

#### **File a Report with Title IX**

Anyone who feels they have been the victim of prohibited conduct is encouraged to bring it to the attention of the University's Title IX Officer. She is empowered to provide supportive remedies and academic adjustments to all individuals involved in these situations and to protect the safety of the campus community through these measures. You can also request a formal investigation or an informal resolution of your complaint by filing a report with the Title IX Officer.

#### Local Campus Contact for Allegations Against Student

Dr. Todd Sutherland – Associate VP of Student Affairs

Seibel Student Services Center, Suite #101G, Galveston, TX 77553

(409) 740-4598

[sutherlt@tamug.edu](mailto:sutherlt@tamug.edu)

#### Local Campus Contact for Allegations Against Employees & Third Parties

Mr. Ron Sorensen – Executive Director of Human Resources

Aggie Special Events Center, Suite #115, (Building #3035), Galveston, TX 77554

(409) 740-4503

[r\\_sorensen@tamug.edu](mailto:r_sorensen@tamug.edu)

[View a brief overview of what happens when a complaint is received by CR/T9.](#)



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#### Helpful Resources on the Galveston Campus and in the Community

- [Local Law Enforcement](#)
- [TAMUG Care](#)
- [TAMUG Student Policies](#)
- [TAMUG Employee Policies](#)
- [TAMUG Campus Security Report](#)
- [Case Managers in the Office of Civil Rights and Title IX Investigations at Texas A&M University](#)
- [Confidential Support and Counseling](#)
- [Medical Assistance & Preventive Care](#)
- [Other Campus Resources](#)
- [Community Resources](#)
- [Nationwide Resources](#)

#### a. Title IX Support across the University System

Get help from other campuses in the Texas A&M University System by reaching out to the appropriate contact below:

- [Texas A&M at Galveston, TX](#)
- [Texas A&M University School of Law in Fort Worth, TX: Students | Faculty & Staff](#)
- [Texas A&M University at Qatar](#)
- [Texas A&M College of Dentistry in Dallas, TX](#)
- [Texas A&M College of Medicine in Bryan, TX](#)
- [Texas A&M Irma Lerma Rangel College of Pharmacy in Kingsville, TX](#)
- [Texas A&M College of Nursing in Bryan, TX](#)
- [Texas A&M School of Public Health in College Station, TX](#)
- [Texas A&M Mays at CityCentre – Mays Business School in Houston, TX](#)
- [Texas A&M University System Agencies](#)

#### b. Help is Always Available

Whether an incident occurred recently or in the past, help is still available. Resources are available even if an individual chooses not to file a formal complaint to law enforcement or the university.

#### Resources for Students

##### College Station

##### Student Counseling Service

No cost counseling service for students. If you are in crisis, no appointment is necessary.  
24 Hour HelpLine **(979) 845-2700**



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Schedule an Appointment: **(979) 845-4427**

Website: [scs.tamu.edu](https://scs.tamu.edu)

#### **Student Health Services**

Schedule an appointment: **(979) 458-8310**

Located in the A.P. Beutel Health Center, 1264 TAMU, College Station, TX

Website: [shs.tamu.edu](https://shs.tamu.edu)

#### **Texas A&M Psychology Clinic**

Texas A&M Psychology Clinic, located off-campus, offers mental health screenings on a sliding scale fee.

Phone (for more information): **(979) 595-1770**

Counseling Services Scheduling: **(979) 845-8021**

Website: [liberalarts.tamu.edu/psychology/about/psychology-clinic/](https://liberalarts.tamu.edu/psychology/about/psychology-clinic/)

#### **Galveston**

##### **TAMUG Student Counseling Office**

Phone (for more information): **(409) 740-4376**

Seibel Student Services Center #104

Galveston Campus

#### **Resources for Faculty and Staff**

##### **College Station**


##### **Work/Life Solutions Program**

No cost counseling services for benefit-eligible faculty and staff as well as their dependents/household members. Services cover up to five confidential, short-term mental health counseling sessions per person per issue per year.

Phone: **866-301-9623**

##### **Galveston**

##### **TAMUG Employee Assistance Program (Staff and Faculty)**

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## Notice of Non-Discrimination

### Notice of Non-Discrimination

The following applies to all embarked persons.

Texas A&M University is committed to providing safe and non-discriminatory learning, living, and work environments for all members of the University community. The University provides equal opportunity to all employees, students, applicants for employment or admission, and the public regardless of race, color, sex to include pregnancy [1] and parental status, religion, national origin, age, disability, genetic information, veteran status, sexual orientation, or gender identity.

Texas A&M University will promptly, thoroughly, and fairly investigate and resolve all complaints of discrimination, harassment (including sexual harassment), complicity and related retaliation based on a protected class in accordance with System Regulation 08.01.01, University Rule 08.01.01.M1, Standard Administrative Procedure (SAP) 08.01.01.M1.01, and applicable federal and state laws. In accordance with Title IX and its implementing regulations, Texas A&M does not discriminate on the basis of sex in any educational program or activity, including admissions and employment.

The University's response to allegations of discrimination, harassment, complicity, and related retaliation will be 1) prompt, thorough, and equitable; 2) intended to prevent the recurrence of any harassment; and 3) intended to remedy its discriminatory effects, as appropriate. A substantiated allegation of such conduct may result in disciplinary action, up to and including separation from the University. Visitors, contractors, and third parties who commit discrimination, harassment, complicity, or related retaliation may have their relationships with the University terminated and/or their privileges of being on University premises withdrawn.

The procedures for responding to allegations of discrimination, harassment, complicity, and related retaliation against students, faculty, staff, and third parties are detailed in the University's SAP. The sanctioning guidance for substantiated allegations against employees and students can also be found in the SAP. Additional sanctioning guidance related to substantiated sex-based allegations against students can be found here: Title IX Cumulative Sanctioning Matrix. Questions about the University's policies or procedures should be directed to Jennifer Smith, Associate Vice President & Title IX Coordinator at [civilrights@tamu.edu](mailto:civilrights@tamu.edu).

### Reporting Responsibilities

Allegations of sexual assault, sexual harassment, sex-based misconduct, dating/domestic violence, or stalking

All employees (except those identified below) who, in the course and scope of their employment, witness or receive information regarding the occurrence of an incident that the employee reasonably believes constitutes sexual harassment, sexual assault, sex-based misconduct, dating/domestic violence, or stalking and is alleged to have been committed by or against a person who was an enrolled student or an employee of the institution at the time of the incident shall promptly report all known information about the incident to the Associate Vice President & Title IX Coordinator. An employee who experiences sexual harassment, sexual assault dating/domestic violence, or stalking may report but is not required to do so. Licensed



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Michael E. Fossum, Superintendent

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health care providers and licensed counselors acting in the course and scope of employment when a disclosure is received must report de-identified statistics but shall not report any other information. The University will terminate an employee if, in accordance with its applicable disciplinary processes, the University determines that the employee knowingly failed to make a required report, or that the employee, with the intent to harm or deceive, knowingly made a report that is false. State law also criminalizes the failure to report and may charge an individual with a Class A Misdemeanor.

Allegations of discrimination, harassment, complicity, or related retaliation other than allegations of sexual assault, sexual harassment, sex-based misconduct, dating/domestic violence, or stalking

All employees (except licensed health care providers and licensed counselors) who, in the course and scope of their employment, experience, witness, or receive information regarding the occurrence of an incident that the employee reasonably believes constitutes discrimination, harassment, complicity, or retaliation related to a protected class (other than allegations of sexual harassment, sexual assault, sex-based misconduct, dating/domestic violence or stalking) shall promptly report all known information about the incident to the Associate Vice President & Title IX Coordinator or their supervisor.

An employee's failure to report alleged or suspected discrimination may result in disciplinary action, including dismissal. The University will terminate an employee if, in accordance with its applicable disciplinary processes, the University determines that the employee knowingly failed to make a required report, or that the employee, with the intent to harm or deceive, knowingly made a report that is false. Licensed health care providers and licensed counselors do not report any information received in the course and scope of their employment related to discrimination, harassment, complicity, or retaliation related to a protected class (other than de-identified statistics related to allegations of sexual harassment, sexual assault, dating/domestic violence, or stalking).

Students and non-affiliated members of the public are strongly encouraged, but not required, to report incidents. Confidential Resources (who report de-identified statistics only as required by law) are available to students and employees through TAMU's counseling and medical services.

A confidential resource for all students, regardless of their campus affiliation or location, is TELUS Health Student Support (<https://uhs.tamu.edu/index.html>). Through the TELUS Student Support Program app, students can access virtual, confidential mental health counseling, available 24/7 as well as phone or chat options by calling 1.866.408.2828 (outside of the US or Canada call 001.416.380.6578).

On the main campus, other confidential resources include:

- Licensed mental health counselors and medical providers are available at University Health Services. Students can schedule an appointment online at [uhs.tamu.edu](https://uhs.tamu.edu), access crisis services, or call 979-458-HLTH (4584) for further assistance. University Health Services' HelpLine is available 4 pm – 8 am and 24 hours a day on weekends when classes are in session, 979-845-2700.
- Licensed counselors at Work/Life Solutions Program by GuidanceResources. Employees may speak with personnel by calling (866) 301-9623, may download App: GuidanceNow, or go to <https://www.guidanceresources.com/> (Web ID: TAMUS).



## Texas A&M Maritime Academy Safety Management System

Prepared By:  
Allan Post, Deputy Superintendent  
Approved By:  
Michael E. Fossum, Superintendent

### SUBJECT – 2.4 SMS Procedures Sexual Assault Sexual Harassment Prevention and Response

Students and Employees at locations other than main campus may report confidentially through their counseling and health care providers. Contact information for providers at satellite locations may be found here: <https://titleix.tamu.edu/get-help/>.

#### Where to Report an Incident

- Designated Official: The University has designated Jennifer Smith, Associate Vice President and Title IX Coordinator to receive all reports of discrimination, harassment, complicity, and retaliation related to a protected class or status. Protected classes or statuses include race, color, sex to include pregnancy and parental status, gender identity, age, religion, disability, national origin, immigration status, citizenship status, sexual orientation, genetic information, or veteran status.

- **To file a report with the University, please contact:**

Ms. Jennifer M. Smith, TAMU Associate Vice President & Title IX Coordinator  
YMCA Building, Suite 108  
1268 TAMU  
College Station, TX 77843-1268  
(979) 458-8407  
[civilrights@tamu.edu](mailto:civilrights@tamu.edu)


You may also submit a report online through the Title IX Website, which may be found at <https://titleix.tamu.edu/>.

- To request disability accommodations or inquire about discrimination based on disability, you may contact Julie Kuder, ADA Coordinator, at 979-845-8116 or [ADA.Coordinator@tamu.edu](mailto:ADA.Coordinator@tamu.edu). Her office is located at YMCA Building, Suite 108, 1268 TAMU, College Station, TX 77843. The ADA website can be found at: <https://orec.tamu.edu/ada/>.
- To request pregnancy accommodations as a staff or faculty member, you may contact your HR professional or Employee Relations at 979-845-4141.
- To request pregnancy accommodations as a student, you may contact Julie Kuder at 979-845-8116 or [TIX.Pregnancy@tamu.edu](mailto:TIX.Pregnancy@tamu.edu).
- To make an anonymous report, you may use the University's online reporting form: Tell Somebody. Anonymous reports usually limit the University's ability to respond to or resolve an allegation.

#### Reporting to Law Enforcement

Anyone who has experienced discrimination, harassment, complicity, or related retaliation has the right to choose whether to report the behavior to law enforcement instead of or in addition to reporting to the University. The Associate Vice President & Title IX Coordinator can assist in making a report to law enforcement authorities. A complainant may also choose to decline to notify law enforcement.

A report to law enforcement, even to the University Police Department (UPD), is separate from a report to the University. An individual pursues administrative disciplinary remedies by reporting to the University and criminal remedies by reporting to law enforcement. Disciplinary and criminal remedies may be pursued separately or at the same time. An individual wishing to pursue disciplinary remedies and criminal remedies simultaneously should make a report to both the Associate Vice President & Title IX Coordinator and to the appropriate law enforcement agency.

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For emergencies, call 9-1-1. For non-emergencies, contact local law enforcement:

In and around Main Campus:

- University Police Department (979-845-2345)
- Bryan Police Department (979-209-5300)
- College Station Police Department (979-764-3600)
- Brazos County Sheriff's Office (979-361-4900)

In and around the TAMUG campus:

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

To report abuse or neglect of persons aged 65 or older, persons with disabilities, or minors:

State law requires all persons having cause to believe that a child's physical or mental health or welfare has been adversely affected by abuse or neglect to immediately make a report (even if the belief is premised upon incomplete or dated information) to any of the following:

- any local or state law enforcement agency;
- the Department of Family and Protective Services (DFPS); or
- the state agency that operates, licenses, certifies, or registers the facility in which the alleged abuse or neglect occurred; or the agency designated by the court to be responsible for the protection of children.

Further, all persons having cause to believe that an individual 65 years or older or a disabled person 18 years of age or older is being abused, neglected, or exploited are required to notify the DFPS at the Texas Abuse Hotline at 1-800-252-5400 or [www.dfps.state.tx.us/Contact\\_Us/report\\_abuse.asp](http://www.dfps.state.tx.us/Contact_Us/report_abuse.asp).

Reporting to Outside Agencies


Individuals may file a complaint at any time with any local, state, or federal civil rights offices, including, but not limited to, the Equal Employment Opportunity Commission, the Texas Workforce Commission's Civil Rights Division, the U.S. Department of Education's Office of Civil Rights, and the U.S. Department of Justice.

Inquiries about the application of Title IX and its implementing regulations may be referred to the University's Associate Vice President & Title IX Coordinator or the U.S. Department of Education's Office of Civil Rights' Assistant Secretary, or both.

### **Amnesty and Immunities**

A person acting in good faith who:

- reports or assists in the investigation of a report of an incident of sexual harassment, sexual assault, dating violence or stalking;
- testifies or otherwise participates in a judicial proceeding arising from a report of sexual harassment, sexual assault, dating/domestic violence or stalking; or,
- participates in the University's investigation or resolution processes related to an allegation of sexual harassment, sexual assault, dating violence or stalking

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will not be subjected to any disciplinary action by the University where the person is enrolled or employed for any violations of the University’s code of conduct reasonably related to the incident. Such amnesty shall not be given for violations of the University’s code of conduct if the sanction for the violation is suspension or expulsion from the institution.

The University may, however, investigate to determine whether a report of an incident of sexual harassment, sexual assault, dating/domestic violence, or stalking was made in good faith. The amnesty will not apply to a person who reports the person's own commission or complicity in the commission of sexual harassment, sexual assault, dating/domestic violence, or stalking.

### **Confidentiality**

The confidentiality of a complaint of sexual misconduct and all documents, correspondence, and information collected during an investigation will be maintained by the University on a need-to-know basis to the extent permitted by law.


### **Retaliation**

Students, faculty and staff are prohibited from retaliating against a person for (1) making a good faith report of a violation of Texas A&M System policies, university rules, student rules, and or/the law; or (2) participating in any proceeding related to the investigation or resolution of such report. Retaliation includes threatening, intimidating, harassing, coercing or any other conduct that would discourage a reasonable person from engaging in activity protected under this policy. Retaliation may be present even where there is a decision of “unsubstantiated,” “insufficient information to substantiate,” “not responsible” or “not guilty” on the allegations of discrimination, harassment, complicity, or related retaliation. Retaliation does not include good faith actions lawfully pursued in response to a report of discrimination, harassment, or related retaliation. Violation of an interim, remedial, or protective measure may be considered retaliation.

### **Rights, Resources, and Options for Sexual Harassment**

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 constitute sexual harassment when 1) an employee of the University conditions the provision of an aide, benefit, or service of the member on an individual's participation in the unwelcome sexual conduct; or 2) the conduct would be determined by a reasonable person to be so severe, persistent, and objectively offensive that it effectively denies a person equal access to the University’s education program or activity; or (3) the conduct meets the definition of sexual assault, dating violence, domestic violence, or stalking based on sex. The University also prohibits sex-based misconduct, which is unwelcome conduct of a sexual nature that is severe, persistent, or pervasive enough to create a work, educational, or campus living environment that a reasonable person would consider intimidating, abusive, or offensive.

A misconception regarding sexual assault is that most of the time the perpetrator is a stranger. However, research indicates that approximately 2/3 of sexual assaults are committed by someone known to the victim. Sexual assault is an act of violence; the perpetrator is asserting power and control over another person. Tactics may include force, threats, intimidation, or physical violence. Many

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victims struggle with identifying whether they have been sexually assaulted due to tactics such as manipulation, restraint, victim-blaming, and taking advantage of another’s level of incapacitation.

A student or employee who has been a victim of sexual harassment, sex-based misconduct, sexual assault, stalking, domestic violence, or dating violence, whether it occurred on or off-campus, has certain resources, rights, and options available, including the right to a prompt, thorough, and equitable resolution. Even if you choose not to report the incident to the University or to law enforcement, you are encouraged to take steps to preserve evidence. This will ensure that evidence is available if you later decide to proceed with a criminal or university investigation. You are encouraged to go to a hospital as soon as practicable after an incident and have a Sexual Assault Nurse Examiner (SANE) assess you for physical trauma, sexually transmitted infections, and pregnancy. A SANE can also collect and preserve evidence of a sexual assault.

Resources, including advocacy and counseling services, are available through the University. Students and employees may also have access to supportive measures (e.g., “No Contact” Restrictions or changes in housing, parking, work location, or class schedule) that may be needed until the resolution of the complaint. Complainants and Respondents are afforded equitable opportunities to supportive measures and access to information regarding the investigation.

A student or an employee who has experienced sexual harassment, sexual assault, sex-based misconduct, stalking, or dating/domestic violence, whether it occurred on or off-campus, has certain resources, rights, and options available. Please see: Rights, Resources, and Options for Complainants. Employees and students who are located at satellite or branch campuses can find their Rights, Resources, and Options document under the “Get Help Now” menu on the Title IX website: <https://titleix.tamu.edu/>.

A student or an employee who is accused of sexual harassment, sexual assault, sex-based misconduct, stalking, or dating/domestic violence, whether it occurred on or off-campus, has certain resources, rights, and options available. Please see: Rights, Resources, and Options for Respondents. Employees and students who are located at satellite or branch campuses can find their Rights, Resources, and Options document under the “Get Help Now” menu on the Title IX website: <https://titleix.tamu.edu/>.

For more information, contact:

Jennifer Smith  
 Associate Vice President & Title IX Coordinator  
 Division of Risk, Ethics & Compliance | Dept. of Civil Rights & Title IX Investigations  
 YMCA Building, Suite 108 | College Station, TX 77843-1268  
 (979) 458-8407  
[civilrights@tamu.edu](mailto:civilrights@tamu.edu)