

Title IX

University Policy

Texas A&M University-Commerce supports academic, housing, and work environments that are free of discrimination, harassment (including sexual harassment and sexual violence), and retaliation. No individual will, on the basis of race, color, sex, religion, national origin, age, disability, genetic information, veteran status, sexual orientation or gender identity be excluded from participation in, or be denied the benefit of or be subject to discrimination under any university program or activity.

Confidentiality

Conversations with the administrator are kept as confidential as possible, but information about incidents of sexual misconduct must be shared with relevant administrators if the University needs to take action for reasons of community safety. In all cases, the wishes of the person initiating the conversation are given full consideration.

Law Enforcement

A&M-Commerce recognizes the importance of protecting the privacy of persons impacted by sexual assault and takes seriously its obligation to balance that privacy interest with legitimate concerns for the safety of others. When necessary to address the risks to the campus community (or specific persons), information regarding reported incidents may be shared with law enforcement personnel (UPD or other agencies, as appropriate). A&M-Commerce emphasizes the importance of encouraging victims of sexual assault to report to law enforcement directly. Assistance with how to make a report to law enforcement may be obtained from any of the offices listed on this brochure.

Title IX Definitions

Retaliation

A&M-Commerce prohibits retaliation against individuals who engage in the protected activity of filing complaints of sexual harassment, sexual misconduct, domestic violence, dating violence, and stalking or who participate in complaint processes. Retaliatory action is regarded as a basis for a separate complaint under the University's procedures and can lead to sanctions.

The Law

Sexual harassment and sexual violence is prohibited in the education context by Title IX of the Education Amendments of 1972 and in the employment context by Title VII of the Civil Rights Act of 1964, as amended, and Section 304 of the Violence Against Women Reauthorization Act of 2013.

DEFINITIONS

Consent – The affirmative, unambiguous, and voluntary agreement to engage in a specific sexual activity. A person who is incapacitated by alcohol or other drugs, is unconscious or asleep, is physically or mentally unable to resist, is unaware of what is occurring, or does not understand the nature of the activity cannot give consent.

Dating Violence – An act, other than a defensive measure to protect oneself, by an individual against a victim with whom there is or was a romantic or intimate relationship or marriage, and that is intended to result in physical harm, bodily injury, assault, or sexual assault or that is a threat that reasonably results in a fear of such harm. (Texas Family Code 71.0021)

Title IX Definitions

Domestic or Family Violence – An act against another member of the family or household that is intended to result in physical harm, bodily injury, assault, or sexual assault, or the threat of which reasonable causes fear of such harm. (Texas Family Code Section 71.004)

Sexual Assault – Intentionally or knowingly (a) causing the penetration of the sex organ or anus of another person by any means; (b) causing the penetration of the mouth of another person by the sex organ of the actor; or (c) causing the sex organ of another person to contact or penetrate the mouth, anus, or sex organ of another person, including the actor; without the other person's consent.

Sexual Exploitation - A situation in which an individual takes non-consensual or abusive sexual advantage of another for his or her own advantage or benefit, or to benefit or advantage anyone other than the one being exploited. For example, sexual exploitation could include such actions as secretly videotaping sexual activity, voyeurism, sexually-based stalking, invasion of sexual privacy, and knowingly transmitting a sexually transmitted infection to another person.



Title IX Definitions

Sexual Harassment – including sexual violence – Sexual harassment is a form of sex discrimination and is therefore prohibited under Title IX. Unwelcome sexual contact, requests for sexual favors and other verbal, nonverbal or physical conduct of a sexual nature constitute sexual harassment when this conduct is so severe, persistent or pervasive that it unreasonably interferes with an individual's work or educational performance, thereby creating an intimidating or hostile environment. Unwelcome means that an individual did not request or invite it and considers the conduct to be undesirable or offensive. Submission to the conduct or failure to complain does not always mean that the conduct was welcome. Sexual harassment includes non-consensual sexual contact, non-consensual sexual intercourse and sexual exploitation. Sex-based discrimination may - or may not – be sexual in nature. Regardless, such conduct is prohibited when it impacts access to or benefits of educational services and/or activities.



Title IX Definitions

Stalking – Knowingly engaging in conduct, including following a person, that one reasonable believes is threatening the bodily injury or death of themselves, a member of their family or household, or their property. (Texas Penal Code 42.072)

Sexual Violence – Physical sexual acts perpetrated against a person's will or when a person is incapable of giving consent. A number of different acts fall into the category of sexual violence, including sexual assault, sexual battery, sexual abuse, sexual coercion, and sexual exploitation.



Reporting Sexual Harassment, Domestic Violent, Dating Violence or Stalking

The University can only respond to allegations of sexual harassment, sexual misconduct, domestic violence, dating violence, retaliation, or stalking if they are reported. Reporting enables the University to promptly provide support to the impacted student(s), and to take appropriate action against the responding party to prevent a recurrence and protect the campus community. Any student who believes she or he may be the victim of sexual harassment, sexual misconduct, domestic violence, dating violence, retaliation, or stalking is encouraged to report to A&M-Commerce through one or more of the following resources:

Emergency Response: 911

Title IX Administrator: 903-886-5025

Texas A&M University-Commerce Police Department 903-886-5868

Any student, faculty or staff member, or applicant for admission who has concerns about sex discrimination or sexual misconduct is encouraged to seek the assistance of the Title IX Administrator. The Human Resources office encourages anyone who is aware of incidents that may violate our policy to contact the Title IX Administrator so we can look into the matter. And under the university's regulation, all employees are required to report complaints of discrimination, harassment, or sexual violence.



Reporting Sexual Harassment, Domestic Violent, Dating Violence or Stalking

Amnesty for Reporting Students

- ***If you are a victim or witness to sex-based or relationship violence, Texas law protects you against university discipline EVEN IF you may have committed a violation of law or policy. This could include underage drinking, public intoxication, and/or illegal use of drugs or medication.***
- (b) A postsecondary educational institution may not take any disciplinary action against a student enrolled at the institution who in good faith reports to the institution being the victim of, or a witness to, an incident of sexual harassment, sexual assault, dating violence, or stalking for a violation by the student of the institution's code of conduct occurring at or near the time of the incident, regardless of the location at which the incident occurred or the outcome of the institution's disciplinary process regarding the incident, if any.
- (c) A postsecondary educational institution may investigate to determine whether a report of an incident of sexual harassment, sexual assault, dating violence, or stalking was made in good faith.
- (d) A determination that a student is entitled to amnesty under Subsection (b) is final and may not be revoked.
- (e) Subsection (b) does not apply to a student who reports the student's own commission or assistance in the commission of sexual harassment, sexual assault, dating violence, or stalking.
- (f) This section may not be construed to limit a postsecondary educational institution's ability to provide amnesty from application of the institution's policies in circumstances not described by Subsection (b).
- Selections taken from Sec 51.9366 of the Texas Education Code. Effective June 12th, 2017.



Confidential Resources

In addition to the previous resources, students may report confidentially to the following resources that provide support and guidance:

Counseling Center (903) 886-5145

Crisis Center of Northeast Texas (903) 454-9999

24 Hour Hotline (800) 656-Hope



Additional Resources

In addition to the confidential resources, students may report to the following resources that provide support and guidance:

Student Judicial Affairs (903) 886-5087

Compliance Office Contact Information:

Mr. Nathan Perry, Title IX Coordinator

903-468-3104

McDowell Administration Building 259D

Nathan.Perry@tamuc.edu

