

NOTICE OF NON-DISCRIMINATION AND ABUSE

Texas A&M University is committed to providing a safe and non-discriminatory learning, living, and working environment 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, religion, national origin, age, disability, genetic information, veteran status, sexual orientation, or gender identity. Texas A&M University will promptly 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 08.0.01.M1, Standard Administrative Procedure (SAP) 08.01.01.M1.01, and applicable federal and state laws.

The University's response to allegations of discrimination, harassment, complicity, and related retaliation will be 1) prompt 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 will result in disciplinary action, up to and including separation from the University. Visitors, contractors, and third parties who commit discrimination, harassment, 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may have their relationships with the University terminated and/or their privileges of being on University premises withdrawn.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 SAP. The University's student sanctioning guidance for substantiated allegations of discrimination on the basis of sex, including sexual harassment, sexual violence and related retaliation, can be found here: [Title IX Cumulative Sanctioning Matrix](#). The University's student sanctioning guidance for substantiated allegations of discrimination, harassment, complicity or related retaliation on the basis of all other protected classes can be found in the SAP. Questions about the University's policies or procedures should be directed to Mr. Kevin McGinnis, Chief Compliance Officer, at civilrights@tamu.edu.

REPORTING RESPONSIBILITIES

Allegations of sexual assault, sexual harassment, dating 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, dating 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 Assistant Vice President of Compliance and Title IX Coordinator or the Deputy Title IX Coordinator. Licensed 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.

In accordance with state law, any employee who fails to make a required report of sexual assault, sexual harassment, dating violence or stalking will be terminated from employment by the University and may be charged with up to a Class A Misdemeanor.

Allegations of discrimination, harassment, complicity or related retaliation other than allegations of sexual assault, sexual harassment, dating violence or stalking

All employees (except licensed health care providers and licensed counselors) 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 discrimination, harassment, complicity or retaliation related to a protected class (other than allegations of sexual harassment, sexual assault, dating violence or stalking) shall promptly report all known information about the incident to the Assistant Vice President of Compliance & Title IX Coordinator or the Deputy Title IX Coordinator. Any employee who fails to make a required report may be disciplined, up to and including termination of employment.

Students and non-affiliated members of the public are strongly encouraged, but not required, to report incidents. Confidential Resources are available to students and employees. Students may speak confidentially with licensed counselors at **Counseling and Psychological Services (CAPS)** by scheduling an appointment at (979) 845-4427 or calling the 24 Hour HelpLine at (979) 845-2700. Licensed medical providers at **Student Health Services** are also confidential. Employees may speak with personnel at the **Work/Life Solutions Program by GuidanceResources** confidentially by calling (866) 301-9623.

REPORTING OPTIONS

All reports of discrimination, harassment, complicity or related retaliation must be submitted to **Jennifer Smith, Assistant Vice President of Compliance and Title IX Officer**, at the Medical Sciences Library, Suite 007, 202 Olsen Boulevard, College Station, TX, 77843. To make a report, you may call (979) 458- 8407 or submit an email report to civilrights@tamu.edu. You may also submit a report online at titleix.tamu.edu/report. The Title IX website can be found at: titleix.tamu.edu. The Title IX Officer is responsible for identifying and addressing any patterns or systemic problems of sex discrimination at the University.

To report incidents, request accommodations, or inquire about discrimination based on disability, you may contact **Peggy Zapalac, ADA/Section 504 Coordinator**, at 979-845-8116 or ADA.Coordinator@tamu.edu. You may also make a report at 750 Agronomy Road, Suite 2101, College Station, TX 77843. The ADA website can be found at: urc.tamu.edu/ada/.

ANONYMOUS REPORTS

Reports may be made anonymously through the University's online reporting form: [Tell Somebody](#). Anonymous reports may limit the University's response to an allegation.

REPORTING TO LAW ENFORCEMENT

Anyone who has experienced or witnessed discrimination, harassment, complicity, or related retaliation has the option to file a criminal complaint with the appropriate local law enforcement agency.

Campus authorities 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 Assistant Vice President and Title IX Coordinator and to the appropriate law enforcement agency.

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

- 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)

To report abuse or neglect of persons age 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 in the state of abuse, neglect, or exploitation 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.

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.

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 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

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 violence, domestic violence, or stalking was made in good faith. The amnesty will not apply to a person who reports the student's own commission or complicity in the commission of sexual harassment, sexual assault, dating violence, 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 will be considered retaliation.

FALSE COMPLAINTS AND MATERIALLY MISLEADING INFORMATION

Any person who knowingly files a false complaint of discrimination, harassment, or related retaliation, or provides materially misleading information regarding alleged discrimination or harassment is subject to disciplinary action, up to and including dismissal or separation from the University. A finding of "unsubstantiated" or "insufficient information to substantiate" does not imply that a complaint was false. Any employee who knowingly makes a false report will be terminated.

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 constitutes sexual harassment when this conduct is so severe, persistent, or pervasive that it explicitly or implicitly affects an individual's employment, unreasonably interferes with an individual's work or educational performance, or creates an intimidating, or hostile work or educational environment. Sexual Assault, Dating Violence, Domestic Violence, and Stalking often fall under the broader context of Sexual Harassment. 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, which utilizes power and control over another. Tactics may include force, threats, intimidation, or physical violence. Many 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 intoxication. An individual who has been victimized by a person they are familiar with may know that they were forced to have sex without their consent or approval, but they may not recognize the fact that it was indeed sexual assault.

A student or employee who has been a victim of sexual harassment (including sexual misconduct or stalking), domestic violence, or dating violence, whether it occurred on or off-campus, has certain resources, rights, and options available. A student or employee who witnesses, is subjected to, or is informed about incidents of sexual discrimination, sexual harassment (including sexual violence), and/or related retaliation also has the right to file a Title IX complaint with the University and receive a prompt 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 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, counseling, health and medical services, and legal support are all available at the University. Students may also have access to interim measures (e.g., change in housing, class schedules) that may be needed until the resolution of the complaint. Alleged offenders are afforded equal opportunities for representation and access to information regarding the investigation. The confidentiality issues surrounding complaints of this nature are supported as fully as possible for all parties involved.

A student or an employee who has **experienced** sexual harassment (including sexual misconduct or stalking), domestic violence, or dating violence, whether it occurred on or off-campus, has certain resources, rights and options available. Please see: Rights, Resources, and Options for Complainants at: titleix.tamu.edu/wp-content/uploads/2019/07/Title-IX-Complainant-RRO-9.1.19.pdf.

A student or an employee who is **accused** of sexual harassment (including sexual misconduct or stalking), domestic violence, or dating violence, whether it occurred on or off-campus, has certain resources, rights and options available. Please see: Rights, Resources, and Options for Respondents at: titleix.tamu.edu/wp-content/uploads/2019/07/Title-IX-Respondent-RRO-9.1.19.pdf.