

## **Sexual Harassment, Sexual Misconduct, Stalking, Domestic Violence or Dating Violence Resources, Rights, and Options**

A student who is a survivor of sexual harassment (including sexual misconduct or stalking), domestic violence, or dating violence, whether it occurred on or off-campus, has certain resources, rights and options available. For more information contact [Student Assistance Services](mailto:sas@tamu.edu) at 979-845-3113 or [sas@tamu.edu](mailto:sas@tamu.edu).

For the purposes of this resource, the term “survivor” shall mean any individual to whom the alleged sexual misconduct or, sexual harassment, dating violence, domestic violence, or stalking was directed regardless of whether there has been a finding of responsibility for the accused student(s) allegedly involved.

### **Immediate Interim Measures and Accommodations**

---

Survivors may have various options and assistance with changing academic, living, transportation, and work situations or obtaining protective measures if requested by the survivor and reasonably available. These requests will be considered regardless of whether the survivor chooses to report the incident to law enforcement. Examples of potential accommodations may include assistance in obtaining institutional no contact orders and/or changing living location, transportation, parking location, or class schedules to reduce the chance of continued contact with the alleged offender.

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

### **Reporting the Incident**

---

#### **Reporting to Law Enforcement**

Survivors have the option of notifying or not notifying law enforcement authorities including university and local police. An anonymous “Jane/John Doe” report can be filed with the police while deciding whether to pursue criminal charges. Law enforcement is able to help survivors understand the process of obtaining orders of protection, no contact orders, restraining orders, or similar lawful orders issued by the courts. Below is a list of local law enforcement agencies. Reports should be filed with the agencies where the incident occurred. The Dean of Student Life or staff in Student Assistance Services is available to assist survivors who choose to notify law enforcement authorities.

Name	Phone
University Police Department	979-845-2345
Bryan Police Department	979-209-5301
College Station Police Department	979-764-3600
Brazos County Sheriff’s Department	979-361-4100

**Importance of Preserving Physical Evidence.** Whether a survivor has decided or is still deciding to report, she or he should attempt to preserve all physical evidence that could aid in criminal prosecution or in obtaining a protection order. Physical evidence should be collected immediately, ideally within the first 24 hours. It may be collected later than this, but the quality and quantity of the evidence may be diminished. Survivors of sexual assault should NOT shower or bathe, wash hands, use the toilet, change clothing, or wash clothing or bedding until evidence can be collected. If the survivor has changed clothes and is at a location other than the crime scene, all clothing worn at the time (or bedding) should be carefully placed into a paper, not plastic, bag to be given to the police. If the survivor believes she or he has been drugged, traces of the drug may still appear up to 96 hours after ingestion (depending on dosage and individual metabolism) and the chances of getting proof are best when the sample is obtained quickly. It is also helpful for survivors to retain communications and document any contact with the alleged offender. If possible, survivors should write down dates, times, locations of contact and preserve any text messages, emails, and/or social media site postings related to the incident.

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

Texas A&M University strives to maintain a work and educational environment free from discrimination, sexual harassment, and related retaliation in accordance with applicable federal and state laws. Individuals are encouraged to report all unwelcome conduct of a sexual nature. **Please do not wait to report conduct of concern until it becomes severe, pervasive, or persistent harassment.** University officials can take proactive steps to address conduct, perhaps prevent conduct from continuing or escalating, and/or to otherwise assist the recipient of the conduct.

An individual who witnesses, is subjected to, or is informed about incidents of sexual discrimination, sexual harassment (including sexual violence), and/or related retaliation has the option to file a Title IX complaint to the designated official below who handles alleged violations perpetrated by students, faculty, staff, or unrelated third parties. Please note that a university employee who witnesses, is subjected to, or is informed about incidents of discrimination is responsible for promptly reporting the incident.

If the Alleged Offender is a:	Student	Faculty	Staff or Third Party
Then the Official Contact is:	Dr. Anne Reber <a href="mailto:studentlife@tamu.edu">Dean of Student Life studentlife@tamu.edu</a> 979-845-3111 <i>For current location, please consult website:</i> <a href="http://studentlife.tamu.edu">http://studentlife.tamu.edu</a>	Dr. Blanca Lupiani <a href="mailto:Dof@tamu.edu">Dean of Faculties Dof@tamu.edu</a> 108 YMCA Building College Station, TX 979-845-4274	<a href="#">Human Resources Policy &amp; Practice Review</a> 750 Agronomy Rd, Suite 1201 College Station, TX <a href="mailto:hrpolicy@tamu.edu">hrpolicy@tamu.edu</a> (979) 862-3331

Students may contact the Dean of Student Life for interim accommodation measures, questions or assistance in arranging contact with the Dean of Faculties or the Human Resources, Policy & Practice

Resources, Rights, and Options for Survivors located on the TAMU campus in Brazos County

Review Office. Students may also make inquiries or file a Title IX complaint by contacting the University's Title IX Coordinator at 979.845.0977, [TitleIX.Coordinator@tamu.edu](mailto:TitleIX.Coordinator@tamu.edu).

For more information regarding the filing and processing of a sexual harassment and/or sexual misconduct report please visit <http://student-rules.tamu.edu/rule47>.

### **Reporting to a Federal Agency**

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

### **Confidentiality**

Persons gathering general information, seeking guidance, or filing a complaint may be concerned about the confidentiality of the information they are sharing. While the university wishes to create an environment in which individuals feel free to discuss concerns and make complaints, the university may be obligated to take action when its officials are informed that sexual harassment, dating/domestic violence, and/or stalking may be occurring. Although the confidentiality of the information received, the privacy of the individuals involved, and the wishes of the complainant/survivor regarding action by the university cannot be guaranteed, they will be protected to as great a degree as is legally possible. The expressed wishes of the complainant/survivor regarding confidentiality will be considered in the context of the university's obligation to act upon the information and the right of the charged party to be informed about charges against him/her. If the individual does not disclose any identifying information about him/herself or any other party involved (e.g., names, department or unit) during the inquiry, response on the part of the University may be limited.

The Jeanne Clery Disclosure of Campus Security Policy and Campus Crime Statistics Act (20 USC § 1092(f)) requires the University to disclose information about crime on and around our campus. Records submitted and maintained for Clery Act purposes do not include survivors' personally identifiable information.

### Confidential Reporting Option

**Student Counseling Service.** In most cases, counselors in the Student Counseling Service ([scs.tamu.edu](http://scs.tamu.edu)) are not required to, nor may, report an incident that in any way identifies a student concerned without the student's consent. However, if an imminent harm situation is present, the counselor must take action to protect whomever is at risk.

### **Retaliation**

The university will take reasonable action to protect the complainant/survivor, the alleged offender, and those providing witness statements from retaliation. Additionally, those individuals are encouraged to report to designated officials any acts of retaliation from other parties associated with the incident. This action may come at any time during or following an investigation of a sexual harassment, dating/domestic violence and/or stalking complaint. Instances of retaliation will be investigated and

Resources, Rights, and Options for Survivors located on the TAMU campus in Brazos County

may result in further conduct charges. Individuals are reminded that should there be fear of physical safety a report should be made to the appropriate law enforcement agency.

### Counseling and other Support Resources

---

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

Name	Phone	Address	Website
Student Counseling Service (SCS)	979-845-4427	<i>For current location, please consult website</i>	<a href="http://scs.tamu.edu">http://scs.tamu.edu</a>

### Medical and Health Services

Name	Phone	Address	Website
Scott & White Hospital (ER has a Sexual Assault Nurse Examiner and a special forensic unit)	979-207-0100	700 Scott & White Drive, College Station, TX	<a href="http://www.sw.org/location/college-station-hospital">http://www.sw.org/location/college-station-hospital</a>
Student Health Services	979-458-8250	Beutel Health Center, Texas A&M Campus	<a href="http://shs.tamu.edu">http://shs.tamu.edu</a>
College Station Medical Center	979-764-5100	1604 Rock Prairie Road, College Station, TX	<a href="http://www.csmedcenter.com">http://www.csmedcenter.com</a>
St. Joseph Hospital	979-776-3777	2801 Franciscan Drive, Bryan, TX	<a href="http://www.st-joseph.org">http://www.st-joseph.org</a>

### Support, Advocacy, and Other Resources

Name	Phone	Address	Website
SCS HelpLine (afterhours)	979-845-2700		<a href="http://scs.tamu.edu">http://scs.tamu.edu</a>
Student Assistance Services	979-845-3113	<i>For current location, please consult website</i>	<a href="http://sas.tamu.edu">http://sas.tamu.edu</a>
Women's Resource Center	979-845-8784	<i>For current location, please consult website</i>	<a href="http://wrc.tamu.edu">http://wrc.tamu.edu</a>
GLBT Resource Center	979-862-8920	<i>For current location, please consult website</i>	<a href="http://studentlife.tamu.edu/glb">http://studentlife.tamu.edu/glb</a>
Student Legal Services	979-862-4502	<i>For current location, please consult website</i>	<a href="http://studentlife.tamu.edu/sls">http://studentlife.tamu.edu/sls</a>
National Sexual Assault Hotline	1-800-656-HOPE		
Sexual Assault Resource Center (SARC)	979-731-1000		<a href="http://www.sarcbv.org">http://www.sarcbv.org</a>
International Student Services (visa & immigration assistance)	979-845-1824	<i>For current location, please consult website</i>	<a href="http://iss.tamu.edu">http://iss.tamu.edu</a>
University Police Department – Victims Services	979-458-9767	1111 Research Pkway, Texas A&M Campus	<a href="https://upd.tamu.edu/Pages/VictimsAdvocate.aspx">https://upd.tamu.edu/Pages/VictimsAdvocate.aspx</a>
Student Financial Aid	979-845-3236	2nd Floor, Pavilion, Texas A&M Campus	<a href="http://financialaid.tamu.edu/">http://financialaid.tamu.edu/</a>

Bryan Police Department Victim's Assistance	979-209-5312	301 South Texas Avenue, Bryan, TX	
College Station Police Victim Advocacy & Assistance Program	979-764-5004	2611 Texas Avenue South, College Station, TX	<a href="http://www.cstx.gov/index.aspx?page=2222">http://www.cstx.gov/index.aspx?page=2222</a>
Brazos County Family Violence Unit	979-361-4300	300 East 26 <sup>th</sup> Street, Suite 105, Bryan, TX	<a href="http://brazoscountytexas.gov/index.aspx?NID=112">http://brazoscountytexas.gov/index.aspx?NID=112</a>
Twin City Mission Domestic Violence Services	979-775-5355	2505 South College Avenue, Bryan, TX	<a href="http://www.twincitymission.org/phoebeshome.shtml">http://www.twincitymission.org/phoebeshome.shtml</a>

## Definitions

---

**Sexual Harassment (See Student Rule 47)** Sexual harassment is a form of sex discrimination. Unwelcome sexual advances, requests for sexual favors, and other verbal, nonverbal or physical conduct of a sexual nature constitutes actionable sexual harassment when this conduct is so severe, persistent or pervasive that it explicitly or implicitly affects an individual's employment, unreasonably interferes with an individual's work or educational performance, or creates an intimidating or hostile work or educational environment. The University will use a reasonable person standard to determine these elements.

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

- Submission to or toleration of such conduct is made either explicitly or implicitly a term or condition of an individual's education (including co-curricular activities) or employment;
- Submission to or rejection of such conduct by an individual is used as the basis for academic, co-curricular, or employment decisions affecting the individual's welfare; or

Such conduct has the purpose or effect of unreasonably interfering with an individual's welfare, academic or work performance, or creates an intimidating, hostile, offensive or demeaning education (including co-curricular activities) or work environment. Sexual harassment also includes sexual misconduct (non-consensual sexual intercourse and non-consensual sexual contact) and sexual exploitation.

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

**Sexual Contact (See Student Rule 24.4.20.2)** Attempting or making sexual contact, including but not limited to inappropriate touching or fondling, without the person's consent (see

“consent” in definitions), or in circumstances where the person is physically, mentally or legally unable to give consent.

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

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

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

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

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

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

## Conduct Proceedings and Possible Sanctions

---

The Dean of Student Life or staff in Student Assistance Services is available to assist survivors who have questions about the investigation, resolution, or appeal process. Procedures for student conduct investigations and proceedings involving issues of domestic violence, dating violence, sexual assault, or stalking will:

- be conducted in a manner to provide a prompt, fair, impartial investigation and resolution<sup>1</sup>.
- be conducted by individuals who receive annual training on issues related to domestic violence, dating violence, sexual assault, and stalking.
- allow survivors and alleged offenders the same opportunities to have an advisor of their choice present at any student conduct proceeding or related meeting.
- simultaneously inform survivors and alleged offenders, in writing, of the result of the proceeding, information about appeal procedures, changes in results, and final results.

The process if the alleged offender is:

- staff member or third party is outlined in the University Standard Administrative Procedure 08.01.01.M1.01 - Investigation and Resolution of Complaints Against Non-Faculty Employees and Unrelated Third Parties for Illegal Discrimination, Sexual Harassment, or Related Retaliation Charges. <http://rules.tamu.edu/PDFs/08.01.01.M1.01.pdf>
- faculty member is outlined in the University Standard Administrative Procedure 08.01.01.M1.02 - Investigation and Resolution of Complaints Against Faculty Members for Illegal Discrimination, Sexual Harassment, or Related Retaliation Charges. <http://rules.tamu.edu/PDFs/08.01.01.M1.02.pdf>

Complaints where the alleged offender is a Texas A&M student should be filed with the Dean of Student Life. Upon receipt of a complaint, the University will exercise due diligence in determining what occurred and further action that may be warranted based on the information provided.

- Specific information about the investigation and resolution of sexual harassment complaints can be found in Student Rule 47. <http://student-rules.tamu.edu/rule47>
- Specific information about the student conduct process and the standard of information used during any student disciplinary proceeding can be found in Student Rule 26. <http://student-rules.tamu.edu/rule26>
- Specific information about possible sanctions resulting from a student conduct proceeding can be found in Student Rule 27. <http://student-rules.tamu.edu/rule27>

---

<sup>1</sup> A prompt, fair, and impartial proceeding means a proceeding that is (1) completed within reasonably prompt timeframes designated by policy including a process that allows for extension of timeframes with good cause with written notice to the survivor and alleged offender of the delay and reason for the delay; (2) conducted in a manner that is consistent with policy and transparent to the survivor and alleged offender; (3) includes timely notices of meetings at which the survivor and alleged offender, or both, may be present; (4) provides timely and equal access to the survivor, the alleged offender, and appropriate officials to any information that will be used during informal and formal disciplinary meetings and hearings; (5) be conducted by officials who do not have a conflict of interest or bias for or against the survivor or the alleged offender.