

Notice of Non-Discrimination

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, 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 08.0.01.M1.01, 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 education 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may have their relationships with the University terminated and/or their privileges of being on University premises withdrawn.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 SAP. The University's sanctioning guidance for substantiated allegations against employees and students can 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, Assistant Vice President & Title IX Coordinator at 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 Assistant Vice President & 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, sex-based misconduct, sexual harassment, dating/domestic violence, or stalking will be terminated from employment with 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, 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 Assistant 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 allegations of sexual harassment, sexual assault, sex-based misconduct, 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. Confidential Resources include:

- licensed counselors at **Counseling and Psychological Services (CAPS)**. Students can schedule an appointment by calling (979) 845-4427 or access crisis services through the HelpLine at (979) 845-2700.
- Licensed medical providers at **Student Health Services**. Students can schedule an appointment by calling (979) 458-8310.
- Licensed counselors at the **Work/Life Solutions Program by GuidanceResources**. Employees may speak with personnel by calling (866) 301-9623.

Where to Report an Incident

- **Designated Official:** The University has designated Jennifer Smith, Assistant 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, 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, Assistant Vice President and Title IX Coordinator
Medical Sciences Library
202 Olsen Blvd., Suite 007
College Station, TX 77843
(979) 458-8407
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.

- To request disability accommodations or inquire about discrimination based on disability, you may contact **Peggy Zapalac, ADA Coordinator**, at 979-845-8115 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: <https://orec.tamu.edu/ada/>.
- To make an anonymous report, you may use 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. The Assistant 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 Assistant Vice President & 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 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.

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 Assistant 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 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/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/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.

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 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 and pervasive 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, 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 incapacitation.

A student or employee who has been a victim of sexual harassment, sexual assault, sex-based misconduct, 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, 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 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 at the University. Students and employees also have access to supportive measures (e.g., changes in housing, parking, work location, or class schedule, etc.) that may be needed until the resolution of the complaint. Complainants and alleged offenders 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](#).

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](#).