

# East Texas A&M University

## Civil Rights Policy

### University Non-Discrimination Policy

East Texas A&M University supports academic, housing, and work environments that are free from harassment (including sexual harassment and sexual violence), and retaliation. No individual will, on the basis of race, color, sex (including gender identity, sexual orientation, and pregnancy), religion, national origin, age, disability, genetics, status as a disabled veteran or protected veteran, or any other legally prohibited basis, be excluded from participation in, or be denied the benefit of or be subjected to discrimination under any university program or activity.

### Confidentiality

The University 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 may be shared with law enforcement personnel (UPD or other agencies, as appropriate). Conversations with the Title IX Coordinator are kept as confidential as possible. In all cases, the wishes of the person initiating the conversation are given full consideration.

### Law Enforcement

The University emphasizes the importance of encouraging victims of sexual assault to report to law enforcement directly. Assistance with making a report to law enforcement may be obtained from any of the offices listed in this brochure.

### Retaliation

Retaliatory action of any kind is prohibited when taken against a complainant, respondent, witness or other person participating in a discrimination, sexual harassment or related retaliation investigation, complaint, hearing or suit. Such retaliatory action will be regarded as a separate and distinct cause for complaint and possible disciplinary action, including dismissal or expulsion.

### Student Affairs

Student Affairs will keep conversations private, but reported incidents must be shared with relevant administrators under mandatory reporting requirements of state law and TAMUS regulations.

### Confidential Resources

In addition to the above, students may contact the following resources that provide support and guidance:

- **University Counseling Center:** 903.886.5145
- **Student Advocacy & Support:** [CARE@tamuc.edu](mailto:CARE@tamuc.edu)
- **Crisis Center of Northeast Texas:** 903.454.9999
- **National Sexual Assault Hotline:** 800.656.4673
- **EAP & Work/Life Program:** 866.301.9623

### The Law

Sexual harassment and sexual violence are prohibited in the education context by Title IX of the Education Amendments of 1972 and in the employment context of Title VII of the Civil Rights Act of 1964, as amended, and section 304 of the Violence Against Women Reauthorization Act of 2022.

### Reporting: Dating/Domestic Violence, Sexual Assault, Exploitation or Harassment, Stalking

The University can only respond to allegations if they are reported. Reporting enables the University to promptly provide support to the impacted student(s) and take appropriate action to prevent a recurrence and protect the campus community. Any student who believes they may have experienced any of the below is encouraged to report to the University through one or more of the following resources:

- **Title IX Coordinator:** 903.886.5991
- **University Police:** 903.886.5868 or 9-1-1
- **Student Advocacy and Support:** 903.886.5736

# 08.01.01 Civil Rights Compliance Definitions

## Consent

Clear, voluntary and ongoing agreement to engage in a specific sexual act. Persons need not verbalize their consent to engage in a sexual act for there to be permission. Permission to engage in a sexual act may be indicated through physical actions rather than words. A person who is asleep or mentally or physically incapacitated, either through the effect of drugs or alcohol or for any other reason, or whose agreement was made by threat, coercion, or force, cannot give consent. Consent may be revoked by any party at any time.

## Dating Violence

Violence committed by a person who is or has been in a social relationship of a romantic or intimate nature with the victim.

## Domestic or Family Violence

A felony or misdemeanor crime of violence committed by: a) current or former spouse or intimate partner of the victim; b) a person with whom the victim shares a child in common; c) a person who is cohabitating with, or has cohabitated with, the victim as a spouse or intimate partner; d) a person similarly situated to a spouse of the victim under the domestic or family violence laws of the jurisdiction in which the crime of violence occurred; or e) any other person against an adult or youth victim who is protected from that person's acts under the domestic or family violence laws of the jurisdiction in which the crime of violence occurred. [34 U.S.C. 12291(A)(8)]

## Sexual Assault

An offense that meets the definition of rape, fondling, incest or statutory rape as used in the FBI's Uniform Crime Reporting system. A sex offense is any sexual act directed against another person, without the consent of the victim, including instances in which the victim is incapable of giving consent.

## Sex-based misconduct

Unwelcome conduct on the basis of sex 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. Sex-based includes, but is not limited to, sexual assault, sexual exploitation, dating/domestic violence, and stalking based on sex.

## Sexual Exploitation

A situation in which an individual(s) 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, exposing one's genitals or causing another to expose one's genitals, and knowingly exposing another person to a sexually transmitted infection or disease. Sexual exploitation is a form of sex-based misconduct.

## Sexual Harassment

A form of sex discrimination. Unwelcome conduct on the basis of sex (of a sexual nature or otherwise): 1) by an employee of the member who conditions the provision of an aid, benefit, or service of the member on an individual's participation in that unwelcome sexual conduct; 2) determined by a reasonable person to be so severe and pervasive and objectively offensive that it effectively denies a person equal access to the member's education program or activity; or 3) sexual assault or dating/domestic violence or stalking based on sex.

## Stalking

Engaging in a course of conduct directed at a specific person that would cause a reasonable person to a) fear for the person's safety or the safety of others; or b) suffer substantial emotional distress. Stalking based on sex is a form of sexual harassment or sex-based misconduct.