

# Texas A&M University-Commerce

## Civil Rights Policy

### University Policy

Texas A&M University-Commerce supports academic, housing, and work environments that are free of 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 subjected to discrimination under any university program or activity.

### Confidentially

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 how to make a report to law enforcement may be obtained from any of the offices listed on 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.

### Campus Life and Student Development

Campus Life also keep conversations as confidential as possible, but reported incidents must be shared with relevant administrators when the University needs to take actions.

### Confidential Resources

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

University Counseling Center (903) 886-5145  
Crisis Center of Northeast Texas (903) 454-9999  
24 Hour Hotline (800) 656-HOPE (4673)

# The Law

Sexual harassment and sexual violence is prohibited in the education context by Title IX of the Education Amendments of 1972 and 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 2013.

## 08.01.01 Civil Rights Compliance Definitions

**Consent** – clear and voluntary agreement to engage in a specific sexual activity. A person who was asleep or mentally or physically incapacitated, either through the effect of drugs or alcohol or for any other reason, or whose agreement was made under duress or by threat, coercion, or force, 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)

**Domestic or Family Violence** – an act, other than a defensive measure to protect oneself 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 reasonably causes fear of such harm. (Texas Family Code Section 71.004)

**Sexual Assault** – any intentional or knowing penetration of the sex organs, anus, or mouth without the other person’s consent.

**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, and knowingly transmitting a sexually transmitted infection to another person.

**Sexual Harassment** – 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 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. 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 may be quid pro quo (“this for that”) or may constitute a hostile environment.

**Stalking** – knowingly engaging in conduct, including following a person, that one reasonably 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)

## Reporting: Dating or 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 above is encouraged to report to the University through one or more of the following resources:

Emergency Response: 911  
Title IX Coordinator: (903) 468-3104  
University Police Department: (903) 886-5868

The University encourages anyone who has concerns or is aware of incidents that may violate our policy to contact the Title IX Coordinator. If you have a preference for report intake our office can accommodate your need, additionally there are staff who have completed *Safe Spaces* training.