



**SASH Prevention &
Response SASHPR aboard
the Training Ship**

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1. Authority and Jurisdiction

1.1. EMBARC Attestation (EMBARC II.1 II.2, III.3, III.10)

In accordance with the United States Maritime Administration MARAD's Every Mariner Builds a Respectful Climate (EMBARC) requirements we agree to comply with the tenets and procedures as promulgated in the updated EMBARC Document for DOT owned Training Ships. In accordance with section II.2 the Texas A&M Maritime Academy (TAMMA) agrees to conduct self-assessments and update procedures as necessary. In accordance with section II.3 TAMMA agrees to allow MARAD or a 3rd party to conduct assessments of compliance. In accordance with section III.1 TAMMA agrees that all SASH reporting procedures are operational. In accordance with Section III.10 TAMMA also agrees to meet with MARAD and others quarterly or as needed to assess compliance and implement any necessary adjustments and/or corrections.

1.1. Applicable Laws and Policies

Title IX of Education Amendments Act (TIX Regulations) requires educational institutions that receive federal funding to promptly and appropriately respond to allegations of sexual discrimination, including sexual assault, dating/domestic violence, sexual harassment, and stalking in their programs and activities. Title IX protects individuals of all genders and sexual orientations, and it applies to students, staff, faculty, independent contractors, campus visitors, and other participants in the University's educational programs and activities.

The Violence Against Women Act (VAWA) requires universities to inform students of reporting procedures, prohibit stalking and domestic violence against any person, and report certain crime statistics.

Texas Education Code 51.252 requires all university employees (both faculty and staff) to promptly report any knowledge of any incident of sexual assault, sexual harassment, dating violence, or stalking "committed by or against a person who was a student enrolled at or an employee of the institution at the time of the incident."

Texas A&M System Regulation 08.01.01 prohibits all forms of sexual discrimination, including sexual assault, sexual harassment, dating/domestic violence, sexual exploitation, and stalking.

Texas A&M System Regulation 08.01.01.M1 sets forth the University's jurisdictional statement for sexual discrimination cases.

Texas A&M System Regulation 08.01.01.M1.01 sets forth the procedure that the Office of Civil Rights and Equity Investigation uses to receive and resolve allegations of sexual discrimination.

Title 46 US Code Sections 10104, 3203, 2114, 1101, 2101, 2109

MARAD and TAMMA Memorandum of agreement currently in effect

Training Ship Safety Management System (SMS)

MARAD Training Ship SASHPR Guidance

1.2. TAMMA's Jurisdiction over Events That Occur on Training Ship.

Under the new TIX Regulations, Universities must address allegations of sexual harassment if the incident occurs in a program or activity of the institution. The TIX Regs do not apply, however, to any event that occurs outside the United States. Thus, the Texas A&M Maritime Academy (TAMMA) is only required by Title IX to respond to events that occur within our programs or activities, in the United States, or presumably, within 12 nautical miles of the coast of the United States and its territories.

The Title IX Regulations note that the boundary limitation is “the floor” for a university’s obligation to act. Educational institutions are expressly authorized to address behavior beyond these limits if desired.

TAMMA is part of the Texas A&M University System. In Texas A&M System Regulation 08.01.01.M1, Section 1.3, the System voluntarily extends the protections of Title IX to require the University to take action to stop, prevent, and remedy sexual discrimination when:

- (1) The conduct occurs on university grounds or other property owned or controlled by the university; or
- (2) The conduct occurs in the context of a university employment or educational program or activity, including but not limited to university-sponsored education abroad, research, online or internship programs...

Thus, TAMMA must act when an event occurs on property owned or controlled by the university (such as our training ship) regardless of the ship’s location in the world. The University must also act when an event occurs during a commercial sea term (again regardless of location), since a sea term is an educational program of the university.

1.3. Notifications of MARAD and USCG CGIS (EMBARC III.8.a III.8.b)

1.3.1. When cadets are embarked, TAMMA shall immediately (within 24 hours after learning of an allegation) notify MARAD of an allegation of SASH-involved behavior, regardless of whether the behavior involves a cadet. If the incident involves a cadet, TAMMA shall provide a complete report of the investigation to MARAD when concluded.

1.3.2. Per Title 46 USC

Requirement to report sexual offenses

(a) Mandatory Reporting by Responsible Entity of a Vessel.—

(1) In general.—The responsible entity of a vessel shall report to the Commandant any complaint or incident of harassment, sexual harassment, or sexual assault in violation of employer policy or law, of which such entity is made aware.

(2) Penalty.—A responsible entity of a vessel who knowingly fails to report in compliance with paragraph (1) is liable to the United States Government for a civil penalty of not more than \$50,000.

(b) Reporting Procedures.—

(1) Responsible entity of a vessel reporting.—A report required under subsection (a) shall be made immediately after the responsible entity of a vessel gains knowledge of a sexual assault or sexual harassment incident by the fastest telecommunication channel available to—

(A) a single entity in the Coast Guard designated by the Commandant to receive such reports; and

(B) the appropriate officer or agency of the government of the country in whose waters the incident occurs.

(2) Contents.—Such shall include, to the best of the knowledge of the individual making the report—

(A) the name, official position or role in relation to the vessel, and contact information of such individual;

(B) the name and official number of the documented vessel;

(C) the time and date of the incident;

(D) the geographic position or location of the vessel when the incident occurred; and

(E) a brief description of the alleged sexual harassment or sexual assault being reported.

(3) Receiving reports; collection of information.—

(A) Receiving reports.—With respect to reports submitted under subsection (a), the Commandant—

(i) may establish additional reporting procedures, including procedures for receiving reports through—(I) a single telephone number that is continuously manned at all times; and(II) a single email address that is continuously monitored; and
(ii) shall use procedures that include preserving evidence in such reports and providing emergency service referrals.

(B)Collection of information.—After receipt of the report made under subsection (a), the Coast Guard shall collect information related to the identity of each alleged victim, alleged perpetrator, and any witnesses identified in the report through means designed to protect, to the extent practicable, the personal identifiable information of such individuals.

(c)Subpoena Authority.—

(1)In general.—The Commandant may compel the testimony of witnesses and the production of any evidence by subpoena to determine compliance with this section.

(2)Jurisdictional limits.—The jurisdictional limits of a subpoena issued under this section are the same as, and are enforceable in the same manner as, subpoenas issued under chapter 63 of this title.

(d)Company After-action Summary.—

(1) A responsible entity of a vessel that makes a report under subsection (a) shall—

(A) submit to the Commandant a document with detailed information to describe the actions taken by such entity after becoming aware of the sexual assault or sexual harassment incident, including the results of any investigation into the complaint or incident and any action taken against the offending individual; and

(B) make such submission not later than 10 days after such entity made the report under subsection (a).

(2) Civil penalty.—A responsible entity of a vessel that fails to comply with paragraph (1) is liable to the United States Government for a civil penalty of \$25,000 and \$500 shall be added for each day of noncompliance, except that the total amount of a penalty with respect to a complaint or incident shall not exceed \$50,000 per violation.

(e)Investigatory Audit.—The Commandant shall periodically perform an audit or other systematic review of the submissions made under this section to determine if there were any failures to comply with the requirements of this section.

(f)Applicability; Regulations.—

(1)Regulations.— The Secretary may issue regulations to implement the requirements of this section.

(2)Interim reports.—Any report required to be made to the Commandant under this section shall be made to the Coast Guard National Command Center, until regulations implementing the procedures required by this section are issued.

(g)Definition of Responsible Entity of a Vessel.—In this section, the term “responsible entity of a vessel” means—

(1) the owner, master, or managing operator of a documented vessel engaged in commercial service; or

(2) the employer of a seafarer on such a vessel.

Per 46 USC 2101

‘sexual assault’ means any form of abuse or contact as defined in chapter 109A of title 18, or a substantially similar State, local, or Tribal offense.

‘sexual harassment’ means—

(A) conduct that—

(i) involves unwelcome sexual advances, requests for sexual favors, or deliberate or repeated offensive comments or gestures of a sexual nature if any—

(I) submission to such conduct is made either explicitly or implicitly a term or condition of employment, pay, career, benefits, or entitlements of the individual;

(II) submission to, or rejection, of such conduct by an individual is used as a basis for decisions affecting that individual's job, pay, career, benefits, or entitlements;

(III) such conduct has the purpose or effect of unreasonably interfering with an individual's work performance or creates an intimidating, hostile, or offensive work environment; or

(IV) conduct may have been by an individual's supervisor, a supervisor in another area, a co-worker, or another credentialed mariner; and

(ii) is so severe or pervasive that a reasonable person would perceive, and the victim does perceive, the environment as hostile or offensive;

(B) any use or condonation associated with first-hand or personal knowledge, by any individual in a supervisory or command position, of any form of sexual behavior to control, influence, or affect the career, pay, benefits, entitlements, or employment of a subordinate; and

(C) any deliberate or repeated unwelcome verbal comment or gesture of a sexual nature by any fellow employee of the complainant.

2. General Provisions

In any organization personal relationships develop between individuals that aid in the development of the individual and promote the mission of the organization. Under certain circumstances personal relationships can become inappropriate. Inappropriate interpersonal relationships are those interactions that take place between individuals that can be harmful to those involved and adversely affect the performance of the group. Interpersonal relationships are an important factor for any leader to handle and often present the most difficult challenges that he or she will face. In each of the areas to be discussed in the following articles, several issues are present. They include: the individual rights may come into conflict; perception has enormous impact of the action on the group; the hierarchical nature of our military style organization places enormous power in the hands of Cadets that can be misused; and the role of cultural background on what the individual believes to be an acceptable interaction. They all combine to make the subject of interpersonal relationships extremely complex.

As an institution devoted to learning as well as professional and personal growth, the Academy's character as a community is measured in part by the human relationships we build and sustain within this small, but complex place. Accordingly, it is vitally important that we resist discrimination in all its forms. The Academy must not, and will not, tolerate illegal discrimination, harassment or abuse of any kind.

2.1. Purpose

As TAMMA educates and trains the next generation of leaders, it is committed to ensuring that all members of the U.S Merchant Marine learn and work in environments built upon respect, mutual support, accountability, and fairness and that are free from discrimination, harassment (and related retaliation) based on sex, gender identity, or sexual orientation, including sexual assault, sexual harassment, stalking, dating/domestic violence, sex-based misconduct, and sexual exploitation.

2.2. Core Tenets

The TAMMA Sexual Assault Sexual Harassment Prevention and Response (SASHPR) Procedures reflect the [Federal EMBARC Standards](#) and outline procedures that serve to prevent, respond to, and redress allegations of sex-based discrimination, harassment, and related retaliation (hereafter "allegations") and to foster a safe and supportive environment. The TAMMA SASHPR Procedures also reflect, and comply with, applicable state and federal law, TAMUS Policy and Regulation and TAMU/TAMUG Rules and Procedures. The following are the Core Tenets that frame the TAMMA SASHPR Procedures:

1. Build and maintain a shipboard culture of inclusion and respect.
2. Establish policies to prevent, respond to, and redress allegations of sex-based discrimination, harassment, and related retaliation
3. Eliminate barriers for complainants, witnesses, and bystanders who wish to report allegations
4. Provide support to survivors and witnesses/bystanders who report allegations.
5. Promptly address any report of behavior that is inconsistent with TAMMA SASHPR Procedures, using every available resource.
6. Review all vessel policies and procedures to ensure that they fully support a work environment in which assault and illegal harassment —and retaliation against those who report assault or harassment—are not tolerated.
7. Implement SASH practices best practices and commit to adopting updates as these are promulgated.
8. Incorporate SASH prevention, response, and reporting procedures into the Academy and Vessel Safety Management Systems (SMS).

The TAMMA SASHPR Procedure should be read in conjunction with [Texas A&M System Regulation 08.01.01., Civil Rights Compliance](#); [Texas A&M University Rule 08.01.01.M1, Civil Rights Compliance](#); and [Texas A&M Standard Administrative Procedure, 08.01.01.M1.01, Investigation and Resolution of Allegations of](#)

[Discrimination, Harassment, Retaliation, and/or Complicity Against Students, Employees, and Third Parties.](#)

2.3. Title IX Designated Person (TIX-DPA) (EMBARC III.2, III.4)

2.3.1. TIX DPA ASHORE

The Deputy Title IX Coordinator for the Texas A&M University (or designee) shall serve as the TIX-DPA. TAMMA will confirm that the TIX-DPA:

- Receives training on Title IX, investigations, civil rights, supportive measures, suicide prevention and disability/pregnancy accommodations.
- Maintain written records of all contacts with cadets.

2.3.2. TIX DP Afloat

The Title IX Coordinator for the Texas A&M University (or designee) shall serve as the TIX-DPA Afloat. TAMMA will confirm that the TIX-DPA Afloat:

- Receives training on Title IX, investigations, civil rights, supportive measures, suicide prevention, and disability/pregnancy accommodations.
- Conducts Title IX training for cadets and outlines procedures that serve to prevent, respond to, and redress allegations of sex-based discrimination, harassment, and related retaliation (hereafter “allegations”) and to foster a safe and supportive environment.
- Confirms that the Crewmembers have received annual training by the Texas A&M University Title IX Coordinator or designee. Such training shall include, but is not limited to, reporting protocols, case management, supportive measures, documentation, suicide prevention, and bystander intervention modules.
- Confirms that employees understand their mandatory reporting requirements under TAMU system regulation 08.01.01.
- Maintain written records of all contacts with cadets as well as attendance rosters and educational materials from training sessions.

2.3.3. Prior to Sailing

- Every cadet that is scheduled for an assignment on the training ship vessel will complete *the Ship Operator Cooperative Program SASH awareness training.*
- Prior to sailing, every cadet must attend SASH in-person training with the TIX-DPA Afloat.
- The Academy will create posters for display aboard the training ship. These posters will describe processes that will allow a cadet to report or anonymously report allegations.

2.3.2. Counselors

TAMMA will provide counselors aboard the training ship for the duration of the sea term. These counselors are not Mandatory Reporters and can assist cadets and crew with issues that may arise.

Everything discussed in counseling is kept strictly confidential except as mandated by Texas state law. Counselors are bound by the law as well as their professional code of ethics to maintain a Cadet’s confidentiality and privacy.

Please note that under Texas law, we are required to violate confidentiality if:

- A cadet discloses that they are a danger to themselves or others

- A cadet discloses a situation involving child or elder abuse
- A Counselor receives a subpoena

2.3.3. Cadet Duties and Responsibilities Prior To sailing

- Cadets will complete the SOCP SASH training and turn in the completion certificate to the TAMMA Admin Office
- Cadets will complete the training provided by the TAMMA TIX-DPA Afloat.

2.3.4. While Embarked

- Cadets will be encouraged to immediately report any incidents to the TIX-DPA Afloat and/or DPA or any employee they trust
- Cadets will familiarize themselves with the Safety Management System of the vessel
- Cadets will agree to remain out of crewmembers' rooms unless they're on official business
- Cadets will familiarize themselves with the vessel's DPA and contact information.

2.4. Hazing

In accordance with Texas law and TAMU policy, hazing of any student is prohibited.

From Student Rule 24.5

“Hazing. Any act that Injurious hazing is defined as any action or situation, which recklessly or intentionally endangers the mental or physical health or safety of a *student*, or that destroys or removes enrolled in a public or private property; and/or assisting, directing, or in any way causing others to participate in degrading behavior and/or behavior that causes ridicule, humiliation, or embarrassment for the purpose of initiation, admission into, affiliation with, or as a condition for continued membership in a group or institution. Accordingly, no person or *organization*; or as part of any activity of a recognized student *organization*, student group, Corps of Cadets, Corps outfit, Corps unit, or Corps Special Activities. Previously relied upon “traditions” (including Corps, fraternity/sorority, or any other group or *organization* activity, practice or tradition), intent of such acts, or coercion by current or former members or student leaders of such groups, will not suffice as a justifiable reason for participation in such acts. It is not a defense that the person (or group) against whom the hazing was directed consented to, or acquiesced to, the behavior in question.

Examples of such behavior include but are not limited to:

- Misuse of authority by virtue of one’s class rank or leadership position.
- Striking another *student* by hand or with any instrument.
- Any form of shall take action or create a situation that recklessly or intentionally endangers the mental or physical health of a *student*.
- Taking of one or more *students* to an outlying area and dropping them off.
- Causing a *student* to violate the law or a *University rule* such as indecent exposure, trespassing, violation of visitation, etc.
- Any form of “quadding.”
- Having firsthand knowledge of the planning of such activities or firsthand knowledge that an incident of this type has occurred and failing to report it to appropriate *University officials*(The Vice President for Student Affairs or designee responsible for oversight of the student conduct processes and/or the University Police Department) is also a violation under this section.

Students who are recipients and/or victims of hazing (and who have not perpetrated hazing behavior on others involved in the fact pattern for which they are reporting) and who report the activities to the Vice President for Student Affairs or designee responsible for oversight of the student conduct processes and/or the University Police Department, will not be charged with a violation of the hazing *rule*. The hazing *rule* is not intended to prohibit the following conduct:

- Customary public athletic events, contests, or competitions that are sponsored by the *University* or the organized and supervised practices associated with such events; or
- Any activity or conduct that furthers the goals of a legitimate educational curriculum, a legitimate extracurricular program or a legitimate military training program as defined and approved by the *University*.

Hazing is also a violation of Texas state law. See the Texas Education Code, sections 37.151 and 51.936 and/or Appendix VI of the Student Rules.”

Any person associated with the *TS KENNEDY* who violates this policy shall be subject to disciplinary action that may include expulsion or other sanctions. Any organization that violates this policy shall lose all right to conduct activities on *TS KENNEDY* or to receive any benefits/support from the college, including any right to claim an affiliation with it. Any person who violates this policy will be removed from and thereafter banned from the *TS KENNEDY*. Disciplinary action enacted under these regulations will be in addition to any other civil or criminal legal process and penalties.

1.1. Hazing will not be tolerated onboard the *TS KENNEDY*.

1.2. Texas A&M Maritime Academy establishes that any action which endangers the mental, emotional, or physical health or safety of a student, or which destroys or removes public or private property, for the purpose of initiation, admission into, affiliation with, or as a condition for continued membership in an organization or team whose members are or include students at the Texas A&M Maritime Academy, is strictly prohibited. (NOTE: A person commits a hazing offense if the person engages in hazing; solicits, encourages, directs, aids or attempts to aid another engaging in hazing; or intentionally, knowingly, or recklessly permits hazing to occur).

1.3. Anyone who engages in hazing subjects themselves to disciplinary action up to and including termination/dismissal from the training Sea Term and/or the Academy.

2.4 The very nature of the Corps of Cadets and the Summer Sea Term places physical and mental demands on a Cadet. Stress is a natural part of being a sea going officer and therefore, a natural part of the Summer Sea Term; its presence is an appropriate part of the training program and is not hazing. However, the application of conditions that result in extreme mental stress is hazing and all involved in these programs should be alert to the impact that an activity has on an individual Cadet. Similarly, physical conditioning and calisthenics are appropriate training tools when used to improve the physical condition and endurance of the Cadet in order to cope with the rigorous demands of the program and to meet the physical standards required of a Merchant Marine Officer. While it is appropriate to place rigorous physical demands on the Cadets, it is hazing to extend any physical conditioning to the point of endangering the Cadet. Examples include: physical conditioning in extreme heat and humidity or cold, continuing an activity knowing that the Cadet has a medical problem that limits his or her ability to perform, or continuing an activity beyond the point where it has any positive value. If it becomes apparent that a Cadet cannot handle the mental stress or physical fitness requirements to participate in the Corps of Cadets, on the Summer Sea Term or as a Merchant Marine Officer, the appropriate action is to refer the Cadet to the Counseling office.

2.5. [Fraternization](#)

2.5.1. Fraternalization is a difficult and complex issue. It is generally defined as an inappropriate, overly friendly relationship, often of a sexual nature, between a senior member of an organization and a junior member of the organization that results in, or gives the appearance of, preferential treatment. The

impact of fraternization varies, but ranges from inequitable treatment toward an individual resulting in reduced performance of the work group, to serious incidences of hazing, discrimination, and sexual harassment. The difficulty of implementing any fraternization policy or regulation lies in determining those actions which constitute fraternization and are outside the appropriate interaction among individuals in the academic or regimental setting. Because it becomes a complex issue, fraternization guidelines have been established which will help to preclude negative effects on the organization which might result from inappropriate relationships.

- 2.5.2. Fraternizing, by Cadets, with officers and/or crew, both on board the Training Ship and ashore is prohibited. Cadets will not frequent officer or crew living spaces, mess decks or lounges, except when authorized, and will not invite crew members to their living spaces for socialization. Official business should be conducted in offices, classrooms and/or other public spaces.
- 2.5.3. There are relationships that exist at the University that require close contact between underclass and members of the upper classes that are normal and appropriate. The prohibition of fraternization does not mean that an upper classman cannot talk to underclass. It is important that communications between under and upper-class Cadets take place in order for the under-class Cadets to grow and develop. The following are examples of those relationships that are appropriate.
 - f. Those that result from the duties and responsibilities of the upper-class Cadets.
 - g. Sanctioned extracurricular activities and sports teams (both intercollegiate and intramural) often bring Cadets into close working relationships that are appropriate.
 - h. Casual or chance encounters such as sharing a ride home or being at the same location for entertainment, is not an inappropriate relationship.
 - i. Family relationships do not constitute fraternization.

2.6. Personal Servitude

Personal servitude, in any form, is forbidden at all levels at the University. Only such work or service deemed to be in the line of duty or in connection with instruction or group activities will be required of any Cadet. All phases of upkeep, maintenance, and operation of the training ship and other training vessels is required of all Cadets, as well as all areas of the University grounds and buildings used by, or related to, services to the Corps of Cadets.

2.7. Discrimination

Harassment and abuse, directed toward individuals or groups, may include at least the following forms: use of threat of physical violence, coercion, intimidation and verbal harassment and abuse. Harassment and abuse may be discriminatory or may be non-discriminatory. Although all forms of harassment and abuse - both discriminatory and non-discriminatory - are equally prohibited, the University's commitment to non-discrimination means that discriminatory harassment may be punished more severely than non-discriminatory forms of harassment.

Discrimination based on race, religion, ethnicity, age, national origin, disability, sex, gender identity, sexual orientation, veteran's status, or genetic information is not only prohibited at the University but may also be a violation of federal, state and local laws.

2.8. Officer/Crew/Cadet Relationships (EMBARC III.6)

- 2.8.1. The following requirements concerning relationships between officers, crew and Cadets are established for the Sea Term.
 - Romantic and or sexual relationships between any embarked employee or contract employee and any embarked cadets is prohibited unless otherwise granted a waiver as allowed in TAMUS Regulation 7.05.01.
 - While it is recognized that some may in fact be involved in romantic relationships with others, sexual activity on the ship between cadets is discouraged.

- Cadets are not allowed in Officer/crew rooms, living areas or lounges except on official business.
- Cadets are not authorized in the rooms and berthing areas of Cadets of a different gender unless on official business.
- Cadets of one gender will not normally do watch relief wake-ups in the Cadet berthing areas of a different gender. In those cases when a Cadet is making a wake-up call of a cadet of a different gender who is in a stateroom, they will do so by knocking on the door of the room, until acknowledged. The Cadet doing the wake-up call will not enter the room.
- During formal personnel and berthing/room inspections, all Cadets (unless physically on watch), are to be out of their racks, and standing by for the inspection.
- For daily room/berthing and sanitation inspections, members of the off-watch (00-04/12-16 & 04-08/16-20), who are asleep will note this on their door. In these cases, the room will be inspected by an officer of the same gender as the room designation. Watch does not excuse cadets from room/berthing and sanitation inspection.
- Texas A&M System Regulation 7.05.01 prohibits all TAMUG employees from engaging in any form of consensual relationships with undergraduate students at TAMUG unless otherwise granted a waiver as allowed in TAMUS Regulation 7.05.01. A consensual relationship is amorous, romantic, and/or sexual relationships that, although consensual, may create actual or perceived ethical, discriminatory, and/or harassing situations disruptive to the university community.

2. Summary

2.1. How would a TAMMA cadet report an incident?

Before sailing, each Cadet must attend in-person training, where the notification process is defined and articulated.

- TIX DPA/DPA Afloat Contact Information
- TAMMA DPA Contact information
- CARE Team
- TAMUG PD
- USCG TIPS
- MARAD DOT

See Appendix A for specific information on how to report.

2.2. Primary Investigative and Resolution Steps (EMBARC III.4b)

When any person reports sex-based discrimination, including sexual harassment or assault, the allegation is directed to the Title IX Office, which is housed in the Office of Civil Rights and Equity Investigations (CREI). Within 24hrs, Case Managers reach out to the affected party (Complainant) and offer an intake meeting, where the following information is provided verbally and in writing: right to report and request a resolution; the difference between reporting to CREI vs. law enforcement; options for medical care; availability of disability accommodation in the complaint resolution process; availability of supportive measures and academic accommodations; right to an advisor; anti-retaliation protections; confidentiality and privacy; formal and informal options for resolving the complaint; amnesty; need to preserve evidence; standard of review; and their right to be notified of status updates and final resolution. Should a formal or informal resolution be requested by the Complainant, the accused party (Respondent) is assigned a different case manager and invited for an intake meeting. Respondents receive substantially the same information and supportive resources that were provided to the Complainant.

As required by the Federal Title IX regulations, TAMMA's response to an allegation is most often directed by the wishes of the affected party (Complainant). The purpose of this rule is to avoid "revictimizing the victim" by taking away choices in the handling of their case. Another reason for respecting the wishes of the complainant is to minimize further damage to the reputation or career opportunities of a Complainant since anti-retaliation policies do little to redress the damage to a victim. However, in instances where there is repeated misconduct or conduct which is a danger to the greater university community, the Title IX Coordinator may file a formal complaint even if the complainant(s) do not wish to participate in an informal or formal resolution.

TAMMA offers three options for resolving complaints:

- 1) No Resolution (but access to supportive measures and academic accommodations)
- 2) Informal Resolution – a restorative option used when both the Complainant and the Respondent wish to voluntarily resolve their complaint through a facilitated discussion, akin to mediation. Having an "educational conversation with a respondent" is another type of informal resolution where the Title IX Coordinator meets with the Respondent to make them aware of the allegations and the potential sanctions for such behavior if they were found responsible for the behavior. The Title IX Coordinator also discusses other topics (if relevant) such as definitions, consent, reporting, drug and alcohol use, and healthy relationships.

3) Formal Investigation followed by a live hearing- CREI investigators collect written and audio/visual forms of evidence and conduct trauma-informed interviews of the parties and witnesses. Once the investigation report is complete the parties have the opportunity to review the report and all the exhibits and submit feedback. Thereafter the report is finalized and submitted to a hearing officer for a live hearing. After the hearing, the hearing officer notifies the parties of the findings and sanctions in an outcome letter and provides information about their right to appeal.

If notified of an issue aboard that requires the immediate removal of a cadet from a ship, for their own safety or the safety of others, the TAMMA DPA will coordinate with the COO Rep Aboard to remove the cadet expeditiously. The cadet will be contacted by the COO Rep, TIXDPA and a Counselor as deemed appropriate.

Texas A&M issues interim suspensions (while an investigation is pending) if a Respondent is determined to be a danger to the health and safety of themselves or others in the university community; Faculty and staff who are accused of sexual harassment are usually placed on a leave of absence during the course of an investigation.

3. SASH Specific Training for embarked persons (EMBARC III.3 III.5, III.7a, III.7b)

3.1. Cadet annual training

August

- Semi-Mandated - Howdy Week: Step In Stand Up Presentation: Title IX discussion and training given to all incoming students. Also included is an overview of where to report and how to notice signs of abuse in those around you.
- Encouraged - Healthy Relationships/Student Safety Committee- Staff, Faculty and Students serve on this committee to provide programming and events around Title IX.
- Encouraged Green Dot- Proactive bystander intervention training presented to students in leadership positions as well as different student organizations such as the Maritime Corps of Cadets throughout the Fall and Spring semester.
- Mandatory IDI (Intercultural Development Inventory)- Resource that is custom to students and groups of students to help identify where there learning needs to take place and at what stage they are at in their Intercultural Development. (<https://idiinventory.com/>)

September

- Encouraged - Hullabaloo U (Freshman Required Course one class session)- Presentation on what a Healthy Relationship is and discussion of definitions of Title IX.
- Encouraged - Safe Sex Bingo- Event hosted by the peer educators where students can openly ask questions about safe sex as well as given information from different experts.
- Encouraged - Health Fair- Different booths and tables are set up with information from safe sex to Galveston resources that are available to students. This is set up in a main lobby on campus that students have access to going to and from class.
- Encouraged - RAINN (Rape, Abuse & Incest National Network) Day- Umbrellas are placed open at each Residence Hall front desks with information posted about what RAINN means as well as a QR code posted that leads the students to the website to learn more information about Sexual Assault.

October/November

- Encouraged - My Costume Does Not Equal My Consent
- Encouraged - Trick or Treat- HIV and sexual assault myths on cards at each front desk with a piece of candy teaching students the facts and the myths
- Encouraged - Walk A Mile in Her Shoes- Resource Center of Galveston County hosts a walk in Galveston that Texas A&M Galveston promotes.
- Encouraged - Purple Out (Domestic Violence Awareness)- During a Fall Yell Practice peer educators pass out information about Sexual Assault awareness and purple ribbons or purple glow in the dark sticks to show awareness of Domestic Violence Awareness.

February

- Encouraged - Mardi Gras Safety- Safe Mardi Gras bags are made for students on campus and are placed at the front desks and delivered to students that include information about how to be safe

- Encouraged - Valentines - Candy is passed out at the Residence Hall front desks with information about the importance of asking for consent and what that means.

March

- Encouraged - Safe Spring Break- Booths and tables are set up outside in the quad where students can get information and have access to resources where they can learn about how to be safe when they travel for Spring Break. This includes information on sexual assault, the dangers of drinking and decision making as well as other general safety information.

April

- Encouraged - Denim Day- Staff, Faculty and students wear denim to bring awareness towards Sexual Assault. Cadets can pay \$1 to wear denim instead of their normal cadet uniforms and the money goes to the Resource and Crisis Center of Galveston County.
- Encouraged - How to be Safe in Port- Information on how to be safe while on cruise. HIV testing is also made available so that students can know their status and information on the importance of knowing their status.

3.2. Mandatory SOCP Training

Texas A&M Maritime Academy utilizes the Ship Operations Cooperative Program (SOCP) SASH Training program and associated resources for annual SASH awareness training. Completion of training is required annually

- Training Module: <https://www.socp.us/free-downloads?pgid=kk7flnvl-394c48e0-6d62-45e4-ab2a-b497bc05c8e2>
- Best Practices Guide: <https://www.socp.us/free-downloads?pgid=kk7flnvl-9811ddd9-0f97-48e4-a0c5-22b4ea39e1c0>
- Tool Kit: <https://www.socp.us/free-downloads?pgid=kk7flnvl-957952a1-810a-4bd2-8082-55dd508d696e>

3.3. Mandatory Annual In-Person Training

The Title IX office performs annual in-person training for training ship embarked persons.

See Appendix B for more information on the training.

4. Prohibited Conduct

All TAMMA Cadets receive training on definitions of prohibited conduct during their “incoming student” sexual assault prevention training. The Title IX Coordinator also reviews these definitions during the live Cadet training just prior to boarding the ship for SST. The University’s Title IX website also has definitions of prohibited conduct.

Texas A&M policy definitions are identical to those required by the Title IX regulations, except that, we have intentionally expanded the federal definition of Sexual Harassment. While Title IX only requires the University to prohibit unwelcome conduct of a sexual nature when it is sufficiently severe, persistent **AND** pervasive enough to create a hostile work or learning environment, Texas A&M’s definition prohibits behavior that is severe, persistent **OR** pervasive. The expanded definition used by Texas A&M is consistent with other federal laws, such as Title VII, and it is also consistent with the reporting requirements set forth in the Clery Act and the Texas Education Code.

4.1. Prohibited Conduct is a phrase used to describe illegal discrimination or harassment based on another person’s protected characteristics or statuses. Retaliating against someone who reports discrimination or harassment, or participates in an investigation of prohibited conduct, is also included in the definition.

Some forms of gender or sex-based misconduct are considered Prohibited Conduct if such behavior is so severe, persistent, or pervasive that it unreasonably affects an individual’s employment, work or educational performance, or creates an intimidating or hostile work, educational, or campus living environment. Please see [Texas A&M University Rule 08.01.01.M1](#) for more information about *Prohibited Conduct*.

Although every case is individually evaluated based on the facts and circumstances specific to that case, examples of behaviors that would likely constitute *Prohibited Conduct* could include:

- Firing an employee because he is a new father who plans to take 12 weeks of FMLA leave to bond with his newborn child.
- Repeatedly pressuring another person for a date or for specific sexual acts (i.e. not taking “No” for an answer).
- Making serious threats of violence towards a person that you are dating or living with.
- Penetrating another person without consent.
- Posting an intimate picture of your ex-girlfriend on social media without consent.
- Asking a student enrolled in your class if they would trade sex for an “A” in the class.
- Failing to hire an applicant because she is a transgender woman.
- Having sex with someone without disclosing an STI (sexually transmitted infection) and giving them the opportunity to decline to have sex with you.
- Denying an employee a promotion because he is gay or straight.
- Paying an employee a lower salary because he is disabled.

4.2. *The difference between Prohibited Conduct and Inappropriate Conduct Related to Sex or Gender*

Inappropriate Conduct **Related to Sex or Gender** is unwelcome, unprofessional or inappropriate sexual or gender-based conduct that is not severe, persistent, or pervasive enough to meet the definition of “prohibited conduct.” Even though such behavior is not a violation of [Texas A&M System Regulation 08.01.01](#), it may be addressed under other University Rules. CREI handles the investigation and resolution of complaints of

“prohibited conduct” while “inappropriate conduct related to sex or gender” is usually addressed by other University administrators.

4.3. Examples of conduct which would likely be classified as Inappropriate Conduct Related to Sex or Gender rather than a Title IX violation:

- A professor tells a single joke in class that is mildly offensive to a particular gender identity. While this conduct is unprofessional, it is not severe, persistent, or pervasive enough to interfere with the learning environment. CREI would likely refer this complaint to the Head of the Department for resolution.
- Your lab partner “accidentally” brushes your hand or outer thigh as they walk past you on several occasions, but you believe that the touching was intentional. Even though this conduct is inappropriate, it is not severe, persistent, or pervasive enough to interfere with a reasonable person’s ability to conduct an experiment. CREI would likely refer this complaint to the Student Conduct Office to address under the Student Code of Conduct.
- You have told a co-worker that you are not interested in pursuing a romantic relationship. One day, the co-worker finds you alone in the break room, eating your lunch. The co-worker leans over and brushes the top of your head with his lips. While this behavior is unprofessional and unwelcome, it is not likely to be severe, persistent, or pervasive enough to interfere with your work performance. CREI would likely refer this complaint to Human Resources for resolution.

5. Make a Report (EMBARC III.2 , III.8.a)

Texas A&M strongly encourages (but does not require) students to report incidents of sexual assault, sexual exploitation, or sex discrimination — including discrimination on the basis of gender identity, gender expression, and sexual orientation — in addition to sexual harassment, dating and domestic violence, related retaliation, and stalking. However, all employees are mandatory reporters.

See Appendix A for Specific information on reporting on the training ship.

5.1. Communications off the ship for SASH or other incident reporting

All embarked persons may use their personal device connected to the ship's satellite connection or may request confidential satellite telephone service from the ship's counselor.

5.2. Make a Report to University Title IX

You may file a report with the University if you are seeking support and resources, and/or disciplinary remedies such as probation, suspension, or expulsion (for students), or termination of employment (for employees).

Anyone who feels that s/he has been the victim of prohibited conduct is encouraged to bring it to the attention of the University's Title IX Officer. She is empowered to provide supportive remedies and academic adjustments to all individuals involved in these situations and to protect the safety of the campus community through these measures.

5.3. Employees – Make a Mandatory Report

Texas law requires any employee of a college or university in Texas to report to the Title IX Coordinator or Deputy Coordinator any information regarding an alleged incident of sexual harassment, sexual assault, dating violence, or stalking, committed by or against a person enrolled at or employed by the institution at the time of the incident. The law requires colleges to terminate employment for employees who fail to report such matters and imposes criminal penalties of up to a year in jail.

The obligation to report applies whenever an employee receives, in the course and scope of employment, information about an alleged incident which reasonably constitutes sexual harassment, sexual assault, dating violence, or stalking committed by or against a person who was a student or employee at the time of the incident. The report must include all information known to the employee which would be relevant to an investigation or redress of the incident, including whether the alleged victim has expressed a desire for confidentiality. A party's desire for confidentiality does not relieve the employee's obligation to report.

5.4. Make a Report to Law Enforcement

If you are seeking criminal penalties (such as incarceration or sex offender registration), you should file a report with the relevant law enforcement agency.

5.5. Make an Anonymous Report

You may report without sharing your name by using the electronic reporting form found at www.tamug.edu/care/. Your report will be forwarded to the Title IX Officer for review. Depending on the amount of information disclosed, the University's ability to investigate and respond to the report may be limited.

5.6. Unsure About Reporting?

Whether an incident occurred recently or in the past, help is still available. Resources are available even if an individual chooses not to file a formal complaint to law enforcement or the university.

5.7. Mandatory Reporters

Employees are required to report if they witness, are subjected to, or are informed about incidents of sexual assault, sexual exploitation, sex discrimination (including discrimination on the basis of gender identity, gender expression, and sexual orientation), sexual harassment, dating and domestic violence, and/or related retaliation.

5.8. Can I report on Behalf of Someone Else?

Anyone can report sex based-discrimination, sexual harassment, or related retaliation.

5.9. Reporting to the police or reporting to the Title IX Officer: What's the difference?

A Complainant may choose to make a report to the University and may also choose to make a report to law enforcement. A Complainant may pursue either or both options at the same time. A Complainant may also choose to report to neither the University nor to law enforcement.

As set forth in [Texas A&M Rule 08.0.01.M1](#), a Complainant who wishes to pursue criminal action in addition to, or instead of, making a report to the University should contact law enforcement directly

During a criminal investigation, investigators gather evidence in order to determine whether someone broke the law. If a person is found guilty of breaking a law, a judge assigns criminal penalties (like incarceration or sex offender registration).

A Complainant seeking criminal penalties should file a report with the relevant law enforcement agency.

A Complainant seeking University support and resources and/or disciplinary remedies should file a report with the University's Title IX Officer. University investigations are conducted by the Department of Civil Rights and Equity Investigations at Texas A&M University.

During a university investigation, investigators gather evidence in order to make conclusions about whether a System regulation or University rule or policy has been broken. If a person is found responsible for a rule or policy violation, a university administrator issues sanctions such as probation, suspension, or expulsion (for students) or termination of employment (for employees).

Please consult the [University's Title IX Student Sanctioning Matrix](#) for a fuller explanation of the range of student sanctions.

Still have questions?

Contact the Title IX office at [979-458-8407](tel:979-458-8407) or civilrights@tamu.edu.

5.10. Preserving Evidence

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.

- Do not shower, bathe, douche, and/or brush your teeth or hair.
- Seek treatment at a local hospital emergency room as soon as possible.

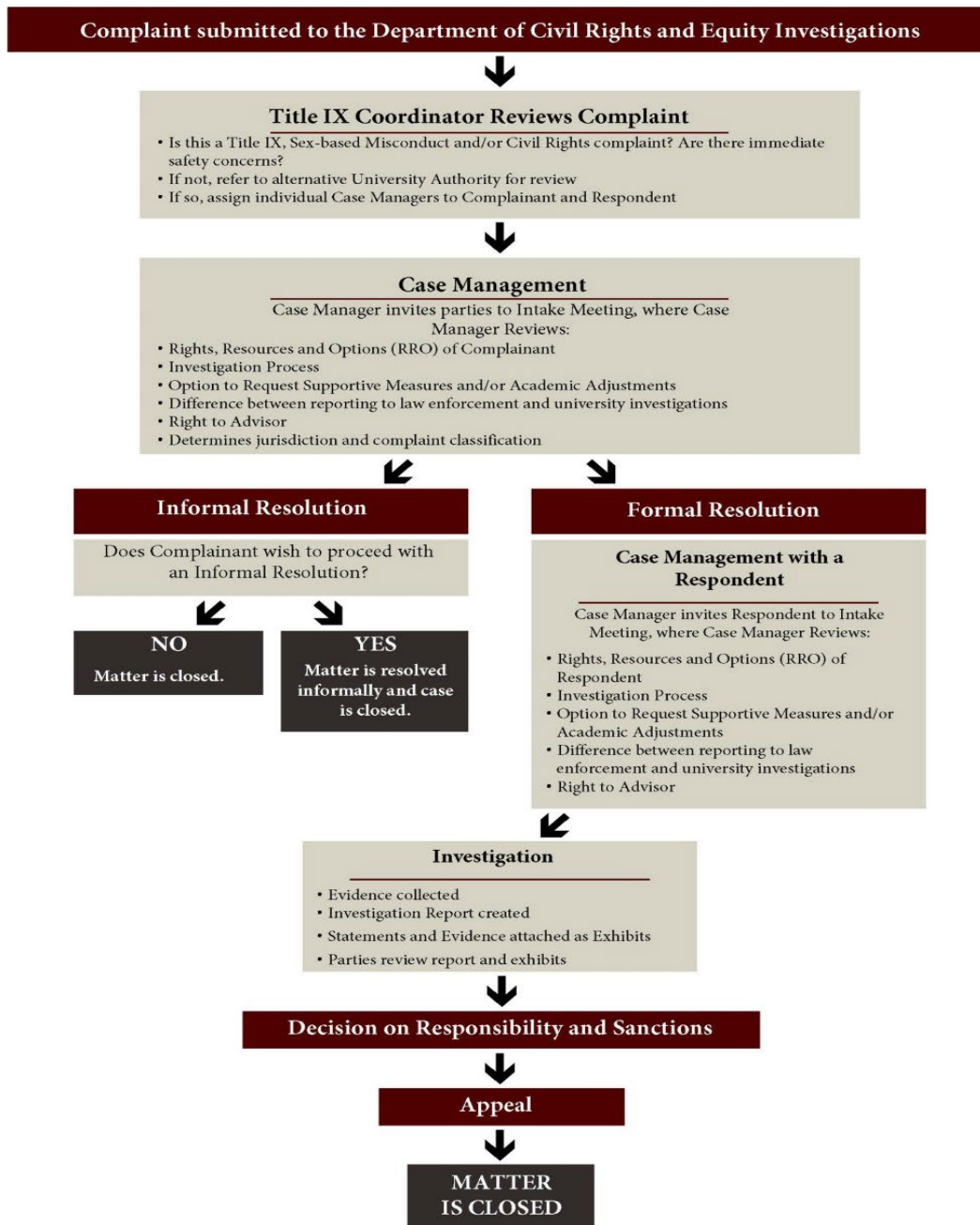
- Immediately notify medical staff if you believe drugs or alcohol were involved. Medical staff are specially trained to collect evidence and perform tests, including tests that can provide important evidence if drugs or alcohol were involved.
- Save any clothing you were wearing at the time of the assault in a paper bag.
- Make every effort to save anything that might contain DNA. Do not clean up or move anything that might have been touched.
- Write down as much as you can remember about the circumstances, including a description of the other party.
- Save any electronic communications with the assailant or relevant to the incident (voicemails, emails, text messages, social media messages or posts, etc.).

6. The Investigation Process (EMBARC III.4.e)

- 6.1. [The Department of Civil Rights and Equity Investigations \(CREI\)](#) at Texas A&M University is responsible for investigating allegations of prohibited conduct, to protect students, faculty, staff, and campus visitors from all forms of sex discrimination.

What does the investigation and resolution process look like? Review the step-by-step flow chart below to understand more about our process. You can also [download the investigation process flow chart](#), or view the [accessible outline of the flow chart diagram](#).

Investigation Process



6.2. Stages of the Investigation Process

You can read summary descriptions of the three stages in our process: intake, investigation, and decision. Please see [Texas A&M Rule 08.01.01.M1](#) and Texas A&M Rule [08.01.01.M1.01](#) for more complete information about our process.

6.3. Stage 1: Intake

When CREI receives an allegation of discrimination, harassment, or retaliation, CREI will invite the Complainant to our offices for an intake meeting. At the meeting, a Case Manager will listen to the Complainant’s concerns and familiarize the Complainant with their rights, resources, and options. If the Complainant requests a resolution of the allegations, the Title IX Officer will determine whether the allegations, if true, would be a

violation of [Texas A&M System Regulation 08.01.01](#) or any other University policy. If so, CREI will proceed with a formal or an informal resolution.

If a formal resolution is sought, the Title IX Officer will notify all parties that an investigation has commenced. A different Case Manager will be appointed to support the Respondent, who will also be invited to our offices for an intake meeting. After listening to the Respondent's concerns, the Case Manager will provide the Respondent with information about their rights, resources, and options during the investigation and resolution process.

See [Texas A&M Rule 08.01.01.M1](#) for more information about the process.

6.4. Stage 2: Investigation

During the investigation phase, the investigator will gather all information and evidence relevant to the allegations. This includes interviewing the Complainant(s), Respondent(s), and Witnesses. The Investigator will also collect any relevant documentation, electronic evidence or other evidence related to the allegations.

Once the investigation is complete, the Investigator prepares a draft report, which may be reviewed by the parties. Parties may respond to the draft report and point out any errors or omissions. The response, if any, will be attached to the report as an exhibit.

The investigator will reopen the investigation, if necessary, and then draft a final report and forward it to the University's Designated Administrator, who will make one of the following decisions about responsibility for each allegation:

- Substantiated – it is more likely than not that the alleged conduct occurred
- Unsubstantiated – it is more likely than not that the alleged conduct did not occur
- Unsubstantiated due to insufficient information – there was insufficient evidence to decide whether it is more likely than not that the alleged conduct occurred

The final report will also contain 1) an analysis of the facts and 2) conclusions about whether the Respondent is responsible for violating any other Texas A&M System regulation or University rule or policy.

See [Texas A&M Rule 08.01.01.M1](#) for more information about the process.

6.5. Stage 3: Decision

Once the Investigation Report is finalized, the report is sent to a Designated Administrator, who is the Fact Finder for the case. The Fact Finder will review the report and the exhibits prior to making a determination responsibility. Depending on the severity of the facts of the case, the Fact Finder may conduct a live hearing before determining responsibility. The Fact Finder will not have been involved with the case during the intake or investigation phases, and the Fact Finder is usually a university employee. The Fact Finder will also assign sanctions, if applicable.

A party has five business days after the determination of responsibility to file an appeal. The bases for appeal are limited to the following:

1. There is new evidence that was unknown or unavailable during the investigation that could have significantly impacted the outcome;
2. There was a procedural error or omission that significantly impacted the outcome; and/or
3. A party would like to contest the appropriateness or severity of the sanctions.

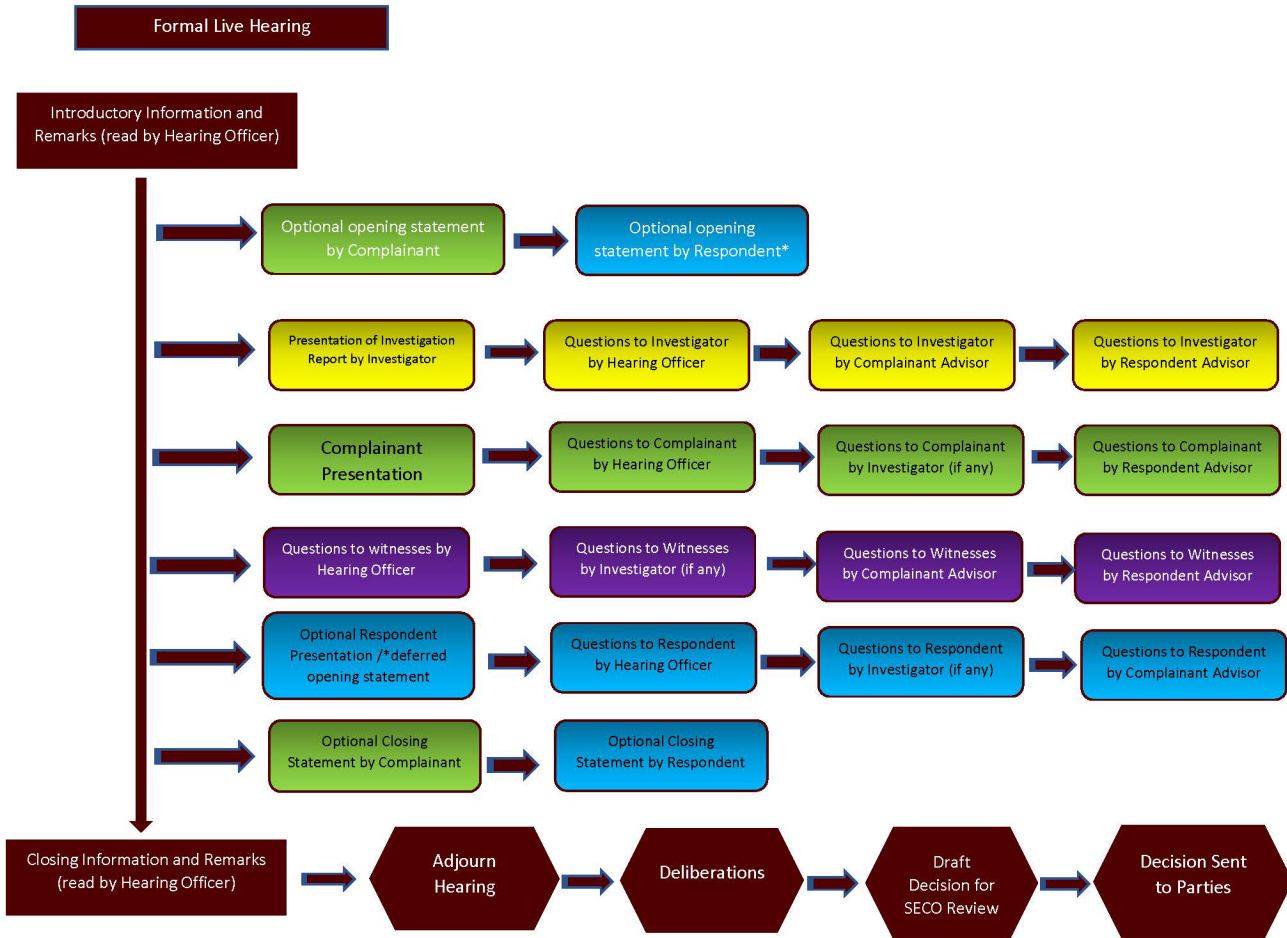
If an employee is found to have sexually harassed (including non-consensual sexual contact, sexual assault, sexual exploitation, stalking, dating violence, and domestic violence when based on sex) another member of the university or agency community, the third basis for appeal (appropriateness or severity of sanctions) is not available as a basis for appeal.

Appeals are reviewed by an Appellate Authority, who can overturn the decision of the Fact Finder or remand the case back to the Fact Finder. After the appeal, the decision is considered final, and the case will be closed.

9.6. Who will decide my case?

If allegations are against: (options below)	<i>The Designated Administrator decides responsibility and sanctions</i>	<i>The Appellate Authority decides the appeal (if any)</i>
Student	Hearing Officer	University Disciplinary Appeals Committee (UDAP)
Staff	Hearing Officer	Vice President for Human Resources and Organizational Effectiveness
Faculty	Provost	University Committee on Faculty Disciplinary Appeals (UCFDA) renders an advisory opinion to the Provost and Executive Vice President, who renders a final decision

6.6. Overview of the CREI Hearing Process



7. Information for Complainants

How do I file a report?

You can [make a report](#) with the University, law enforcement or anonymously.

What types of conduct can I report?

The Department of Civil Rights and Equity Investigations (CREI) investigates allegations of civil rights violations at Texas A&M University. This includes harassment based on a protected class, discrimination based on a protected class, sexual harassment, sexual assault, sexual exploitation, dating violence, domestic violence, and stalking. CREI also investigates allegations of retaliation for reporting or participating in the investigation of any of the above behaviors.

At Texas A&M University, the list of protected classes includes: race, color, religion, national origin, sex, gender identity, gender expression, sexual orientation, age, ability, veteran status, and genetic information. Harassment or discrimination based on any of these classes can be reported to CREI.

What is the difference between civil rights and sexual misconduct? Why does student conduct handle some cases?

The Department of Civil Rights and Equity Investigations (CREI) is charged with investigating violations of civil rights. Sexual misconduct becomes a civil rights violation when it is so severe, persistent, or pervasive that it creates a work, educational, or campus living environment that a reasonable person would consider intimidating, hostile, or abusive. The determination of whether an environment is “hostile” must be based on all of the circumstances, which may include the frequency of the conduct, the nature and severity of the conduct, whether the conduct was physically threatening or humiliating, and the mental or emotional effect of the conduct on the individual(s) subjected to the alleged harassment. An “intimidating or abusive” environment exists when the conduct interferes with, limits, or deprives an individual from participating in or benefiting from the University’s educational, employment, and/or campus-residential experience (including participation in university programs, activities, or benefits).

Sometimes, a behavior may be unacceptable behavior for members of the Texas A&M community but may also not reach the standards required by law to be a civil rights violation. To ensure that this kind of behavior does not go unaddressed, CREI may delegate the investigation and sanctioning of unprofessional or inappropriate conduct of a sexual nature to other university administrators, such as a Department Head or the Dean of Student Life.

[What is Prohibited Conduct?](#)

Can I report on the behalf of someone else?

Yes. If you witnessed or become aware of a potential civil rights violation that is happening to someone else, you can report it to the Department of Civil Rights and Equity Investigations (CREI). CREI will take your statement and then reach out to the person being impacted and offer their help and resources.

Is there a time limit for reporting?

No. You may report discrimination based on sex or gender, sexual harassment, sexual assault, sexual exploitation, dating violence, domestic violence, and stalking at any time. However, if the alleged Respondent has graduated or is no longer employed with Texas A&M University, CREI's response to the report may be limited.

Are there consequences for making false reports?

Yes. Individuals who intentionally mislead an investigator will be sanctioned by CREI. Please note that a finding of "not responsible" is not evidence of a false report.

What happens after I make a report?

All reports of civil rights violations (including Title IX) are forwarded to the Department of Civil Rights and Equity Investigations (CREI). You will be contacted by one of CREI's case managers who will invite you to a meeting where they can go over all of your rights, resources, and options. You will be given the opportunity to request either a formal resolution, informal resolution, or no resolution to your report.

What are my rights as a Complainant during this investigation?

View or download our [Complainant Rights, Resources and Options](#).

If I tell CREI about what happened, is there any amnesty available to me for other student conduct violations (underage drinking, drugs, etc.)?

When you make a report, in good faith, as a complainant or witness to an incident of sexual harassment, sexual assault, sexual exploitation and domestic violence, dating violence, or stalking, the University will not take disciplinary action against you for other violations of the Student Conduct Code occurring at or near the time of the incident reported. 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 policy will not apply to a student who reports the student's own commission or complicity in the commission of sexual harassment, sexual assault, dating violence, domestic violence, or stalking. A determination that a student is entitled to amnesty is final and may not be revoked.

How do I get to the Department of Civil Rights and Equity Investigations (CREI)? Where can I park?

CREI is located in the lower level of the YMCA Building. YMCA is centrally located on main campus on Houston St. between Beutel Health Center and the Coke Building. Entering YMCA from the side facing the Academic Building, CREI is in Suite 108 which is at the end of the main entry corridor.

Unfortunately, there is no free parking near YMCA. Both University Center and Stalling Blvd garages are near the building for paid parking. If you have a University Business Pass, you can park in lot 30 without paying.

You can also reach YMCA by using any Aggie Spirit Bus with a stop near the Memorial Student Center.

If I want to report my professor or my boss, can they retaliate against me?

If someone retaliates against you because you made a report or participated in an investigation, you may file a complaint against them for retaliation. Retaliation includes job reprimands, removal from a team or activity, poor grades, negative evaluations, threats, harassment, or other adverse actions.

What is an Academic Adjustment or an Interim Support?

Going through an investigation as either a Complainant or a Respondent is very stressful. CREI can often assist with postponing a test, moving your work location, dropping a class after a Q drop date, or moving you to a different section of the same class. CREI can also support you by facilitating a move to a different dorm or parking garage or by issuing a “No Contact” restriction so that you and the other party do not talk to each other during the investigation.

Please discuss your specific request with your Case Manager. Your request will be considered regardless of whether you choose to report the incident to law enforcement or pursue an investigation through our office. CREI considers requests from **both Complainants and Respondents**.

I will have to miss work/class in order to come to the meeting that CREI scheduled. Can you help?

Absolutely! We will work with your schedule to try and avoid scheduling you for an interview time that conflicts with your schedule. If it is not possible to avoid a conflict, CREI will provide you with an excuse note for your supervisor/professor.

How do “No Contact” Restrictions work?

CREI can issue a “No Contact” restriction at the request of either the Complainant or the Respondent. Once both parties have been notified of the “No Contact” restriction, all communication between the parties should cease until the restriction has been lifted. Asking another person to communicate with the other party will also be considered a violation of the restriction. If you violate the no contact restriction, CREI may take action against you.

If you are in a public place (such as a restaurant or Kyle Field), and the other person arrives at the same location, you should avoid each other. If you are uncomfortable being at the same location as the other person, you should leave the premises.

I am a student. Will I have to move out of my dorm?

In some cases, you may wish to move to a different residence hall in order to avoid contact with the other person. Please talk to your CREI Case Manager if you would like to do so.

In other cases, it may be necessary for the University to move a student to a different residence hall or restrict access to certain locations on campus while an investigation is ongoing.

After the investigation, persons who are found responsible for committing an act of sex-based violence and/or non-consensual sexual penetration of another person face Campus Housing Sanctions, including (a) loss of campus housing privilege, (b) deferred loss of campus housing privilege, and (c) campus housing probation.

Please refer to [Student Rule 27.2](#) for further information.

If a Student Respondent is found responsible for a policy violation, will the Respondent be able to hold a leadership position in a student organization?

During an investigation of allegations of sex-based violence or non-consensual penetration of another person, the Dean of Student life makes case-by-case determinations about a student’s eligibility to participate in extracurricular activities, including student organizations.

After the investigation, a student who is 1) found responsible for sex-based violence or non-consensual penetration of another, and 2) given a sanction of “Conduct Probation” or “Suspension” will not be in good standing with the University during the probation/suspension period.

Students who are not in good standing with the University are ineligible to 1) hold an office in any student organization; or, 2) represent the University at any official function, including intercollegiate athletics or other form of intercollegiate competition or representation (includes events taking place both on and off the University campus).

A student who re-enrolls with the university after a suspension period of one year or more will not be eligible to hold an office in any student organization or represent the University at any official function.

Please refer to [Student Rule 27.1.2](#) for further information.

Where can I get counseling or other support services?

Going through an investigation as either a Complainant or a Respondent is very stressful. Individuals may wish to seek on-campus or off-campus [confidential support services](#), including counseling, and/or medical services.

For information about other types of support services, please consult our [campus and community resources](#).

What is the difference between a criminal investigation and a University Investigation?

During a criminal investigation, investigators gather evidence in order to determine whether someone broke the law. If a person is found guilty of breaking a law, a judge assigns criminal penalties (like incarceration or sex offender registration). A Complainant seeking criminal penalties files a report with the relevant law enforcement agency.

Investigations conducted by the Department of Civil Rights and Equity Investigations at Texas A&M University are administrative investigations, not criminal investigations. During a university investigation, investigators gather evidence in order to make a conclusion about whether a System regulation or University rule or policy has been broken. If a violation is found, a university administrator issues sanctions such as probation, termination of employment, suspension, or expulsion. Please consult the University’s [Title IX Sanctioning Matrix](#) for an explanation the University’s sanction. A Complainant seeking University sanctions for student misconduct [files a report](#) with the University.

An individual is not required to report an issue to law enforcement or the University, but individuals are encouraged to report to either or both. A criminal investigation and a university investigation may occur concurrently.

What if I need disability accommodation during the investigation and resolution process?

Please notify your case manager as soon as possible if you would like to request accommodation due to disability during the investigation process. **Note that it is your responsibility to make your need known and to provide any supporting documentation requested by the case manager to support the need for accommodation.**

Can I talk with other people about what is going on?

In order to protect the privacy of all who are involved in the investigation process (including complainants, respondents, and witnesses), and to protect the integrity of the investigation process, we

ask that you keep information related to the investigation private. You are not prohibited from speaking with others about what is going on; however, you should be careful to not engage in conduct that could be perceived as retaliation.

Can I report anonymously?

You have the option to report anonymously. However, if you choose to remain anonymous or do not wish to disclose information regarding the individual you wish to report, the University's ability to respond to the report may be limited.

Can I submit evidence during the investigation?

Absolutely. You may provide the Investigator with any information or evidence you wish to have reviewed. The investigator will gather your evidence and determine if it is relevant to the allegations. If so, your evidence will be included in the report, as appropriate.

Will the other party see my statement?

Yes. The Investigator will write a report which will include your statement. Both parties will have the opportunity to read and respond to the draft report before it is given to the Fact Finder.

What if the Investigator's report has an error in it?

You will have the opportunity to review and respond to the draft investigation report before it goes to the decision maker.

The investigation report is a compilation of ALL relevant evidence gathered by the Investigator. You should see your side of the story as well as the other party's story (even if you believe it is untrue) in the report. If you believe that the investigator left out a key piece of evidence or forgot to talk to a witness who has relevant evidence, you may notify the investigator of your concerns in your response to the draft report. Your response will be attached to the final report as an exhibit. The investigator has the discretion to decide whether more investigation is needed after reviewing both responses to the draft report.

How long does the investigation take?

CREI usually completes an investigation within 30 to 60 business days. Many factors, such as the complexity of the investigation, the availability of witnesses, or the availability of CREI staff can make the investigation take longer. We will keep you reasonably notified of delays, and you can call your case manager at any time for a status update.

I am a student. Will you tell my parents about this investigation?

No, we only share information with parents or others if you have filled out and signed a waiver allowing us to do so. Texas A&M University's Title IX investigations are bound by the Family Educational Rights and Privacy Act (FERPA), a federal privacy law, as well as the university's privacy policy. However, we are also bound by state child abuse reporting laws which state that if the student is a minor, we are required to notify the proper authorities.

What is the standard of proof?

The standard of proof used in Title IX Cases is the “preponderance of the evidence” standard. Preponderance of the evidence means that, based on the evidence, the allegation is more likely than not to have occurred. This standard is different than the “beyond a reasonable doubt,” which is a much higher standard of proof that is used in criminal court.

Can I bring my parents or my attorney to the investigation interview?

You have the right to choose an advisor to be present with you at any point during the investigation and resolution process, including your interview with the Investigator. Your advisor may be any person selected by you, including legal counsel. The advisor’s participation will be limited to the role of an observer, although the advisor may request a break at any point to give you advice. The advisor cannot be called as a witness once they have assumed the role of advisor. Any fees charged by an advisor will be paid by the party that brings the advisor.

Can I hire a private investigator?

Yes, filing a claim with our office or being a party to a claim in our office does not preclude you from hiring a private investigator or reporting to the police.

What if I have a conflict of interest with the Investigator, Decision Maker, or Appellate Authority?

If you believe that a conflict of interest exists with respect to the Investigator, Decision Maker, or Appellate Authority assigned to your case, contact your case manager for information about challenging these persons.

8. Texas A&M University Title IX Cumulative Student Sanctioning Matrix for cadets*

*Behavioral examples identified in the matrix are not intended to represent an exhaustive listing of prohibited conduct.

8.1. Sexual Harassment

Category: Sexual Harassment

Review the Definition of Sexual Harassment

Stage 1

Reprimand, Restrictions & Review

- Severe, persistent, and objectively offensive sexual innuendos, jokes, remarks, questions, gestures, and/or gifts of a sexual nature.
- Display of sexually explicit visual material.
- Unwelcome kissing or non-fondling sexual touching.

Stage 2

Probation

Any one or the combination of Stage 1 behaviors, plus:

- A behavior from another category.
- Offering to trade an education benefit for a date or sexual favors.

Stage 3

Suspension

Any one or the combination of Stage 1 and/or Stage 2 behaviors, plus a behavior from another category.

Stage 4

Expulsion

Any one or the combination of Stage 1, Stage 2 and/or Stage 3 behaviors, plus a behavior from another category.

8.2. [Stalking](#)

Category: Stalking

Review the Definition of Stalking

Stage 1

Reprimand, Restrictions & Review

- Repeated, unsolicited phone calls, emails, texts, and/or gifts to another person and/or their family/household.
- Repeatedly following another person or conducting surveillance of another person and/or their family/household.

Stage 2

Probation

Any one or combination of Stage 1 behaviors, plus:

- Second violation of stalking.
- Repeated, unsolicited visits to another person’s home, business, and/or class, and/or that of their family/household.
- Repeated, unsolicited contact or attempts to contact via social media.
- Assuming another’s identity in order to make contact with complainant.

Stage 3

Suspension

Any one or combination of Stage 1 and/or Stage 2 behaviors, plus a behavior from another category.

Stage 4

Expulsion

Any one or combination of Stage 1, Stage 2 and/or Stage 3 behaviors.

8.3. [Dating or Domestic Abuse](#)

Category: Dating or Domestic Violence

Review the Definition of Dating and Domestic Violence

Stage 1

Reprimand, Restrictions & Review

Intimidation: using actions, gestures, and tone of voice to indicate a threat of violence.

Stage 2

Probation

Any one or combination of Stage 1 behaviors, plus:

- Preventing complainant from calling for help.
- Destruction of property.
- Physical abuse: Pushing, shoving, hair-pulling, scratching, and/or hitting.

Stage 3

Suspension

Any one or combination of Stage 2 behaviors, plus:

- Displaying weapons, and/or throwing objects at a person with potential to injure.

Stage 4

Expulsion

Any one or combination of Stage 1, Stage 2 and/or Stage 3 behaviors.

8.4. [Sexual Exploitation](#)

Category: Sexual Exploitation

Review the Definition of Sexual Exploitation

Stage 1

Reprimand, Restrictions & Review

- Viewing of nudity or engaging in sexual behaviors without attempts to shield others.
- Allowing others to observe sexual activity without the other person's consent.

Stage 2

Probation

Any one or combination of Stage 1 behaviors, plus:

- Taking or transmitting images or videos of another person in a sexual, intimate, or private act without that person's consent.
- Distributing sexual or intimate images or recordings of another person without that person's consent.
- Collecting, creating, viewing, and/or distributing child pornography/sexual images of those under 18.

Stage 3

Suspension

Any one or combination of Stage 1 and/or Stage 2 behaviors, plus:

- Engaging in sexual activity while knowingly infected with an STD without the other person's knowledge.
- Indecent exposure.

Stage 4

Expulsion

Any one or combination of Stage 1, Stage 2 and/or Stage 3 behaviors, plus:

- Prostituting another person

8.5. [Sex-based Misconduct](#)

Category: Sex-based Misconduct

[Review the Definition of Sex-based Misconduct](#)

Stage 1

Reprimand, Restrictions & Review

- Severe, persistent, or pervasive sexual innuendos, jokes, remarks, questions, gestures, and/or gifts of a sexual nature.
- Display of sexually explicit visual material.
- Unwelcome kissing or non-fondling sexual touching.
- Allegations of sexual harassment, sexual assault, dating violence, domestic violence, and/or stalking based sex that are dismissed from the Title IX process under 08.01.01, Section 4.2.10(d) and (e).

Stage 2

Probation

Any one or combination of Stage 1 behaviors, plus a behavior from another category, plus:

- Offering to trade an education benefit for a date or sexual favors.

Stage 3

Suspension

Any one or combination of Stage 1 and/or Stage 2 behaviors.

Stage 4

Expulsion

Any one or combination of Stage 1, Stage 2 and/or Stage 3 behaviors.

8.6. [Sexual Assault](#)

Category: Sexual Assault

Review the Definition of Sexual Abuse

Stage 2

Probation

Fondling of breasts, groin, genitals or buttocks above or below clothing.

Stage 3

Suspension

A Stage 2 behaviors and/or:

- Oral sex.
- Penetration (by sex organs).
- Penetration (by means other than sex organs).
- Incest.
- Statutory rape.

Stage 4

Expulsion

Any one or combination of Stage 2 and/or Stage 3 behaviors with predation.

8.7. [Retaliation](#)

Category: Retaliation

Review the Definition of Retaliation

Stage 2

Probation

Threats in retaliation for reporting sexual misconduct, dating/domestic violence, and/or stalking.

Stage 3

Suspension

A Stage 2 behaviors and/or:

- Intimidation or physical abuse in retaliation for reporting sexual misconduct, dating/domestic violence, and/or stalking.

Stage 4

Expulsion

Any one or combination of Stage 2 and/or Stage 3 behaviors.

9. Get Help Now

The Department of Civil Rights and Equity Investigations (CREI) is charged with the [investigation and resolution](#) of alleged violations of Texas A&M University's civil rights policies, including Title IX.

File a Report with Title IX

Anyone who feels they have been the victim of prohibited conduct is encouraged to bring it to the attention of the University's Title IX Officer. She is empowered to provide supportive remedies and academic adjustments to all individuals involved in these situations and to protect the safety of the campus community through these measures. You can also request a formal investigation or an informal resolution of your complaint by filing a report with the Title IX Officer.

Local Campus Contact for Allegations Against Student

Dr. Todd Sutherland – Associate VP of Student Affairs

Seibel Student Services Center, Suite #101G, Galveston, TX 77553

(409) 740-4598

sutherlt@tamug.edu

Local Campus Contact for Allegations Against Employees & Third Parties

Mr. Ron Sorensen – Executive Director of Human Resources

Aggie Special Events Center, Suite #115, (Building #3035), Galveston, TX 77554

(409) 740-4503

r_sorensen@tamug.edu

[View a brief overview of what happens when a complaint is received by CREI.](#)

9.1. Helpful Resources on the Galveston Campus and in the Community

- [Local Law Enforcement](#)
- [TAMUG Care](#)
- [TAMUG Student Policies](#)
- [TAMUG Employee Policies](#)
- [TAMUG Campus Security Report](#)
- [Case Managers in the Office of Civil Rights and Equity Investigations at Texas A&M University](#)
- [Confidential Support and Counseling](#)
- [Medical Assistance & Preventive Care](#)
- [Other Campus Resources](#)
- [Community Resources](#)
- [Nationwide Resources](#)

9.2. Title IX Support across the University System

Get help from other campuses in the Texas A&M University System by reaching out to the appropriate contact below:

- [Texas A&M at Galveston, TX](#)
- [Texas A&M University School of Law in Fort Worth, TX: Students | Faculty & Staff](#)
- [Texas A&M University at Qatar](#)
- [Texas A&M College of Dentistry in Dallas, TX](#)
- [Texas A&M College of Medicine in Bryan, TX](#)
- [Texas A&M Irma Lerma Rangel College of Pharmacy in Kingsville, TX](#)
- [Texas A&M College of Nursing in Bryan, TX](#)
- [Texas A&M School of Public Health in College Station, TX](#)
- [Texas A&M Mays at CityCentre – Mays Business School in Houston, TX](#)
- [Texas A&M University System Agencies](#)

9.3. Help is Always Available

Whether an incident occurred recently or in the past, help is still available. Resources are available even if an individual chooses not to file a formal complaint to law enforcement or the university.

Resources for Students

College Station

Student Counseling Service

No cost counseling service for students. If you are in crisis, no appointment is necessary.

24 Hour HelpLine **(979) 845-2700**

Schedule an Appointment: **(979) 845-4427**

Website: scs.tamu.edu

Student Health Services

Schedule an appointment: **(979) 458-8310**

Located in the A.P. Beutel Health Center, 1264 TAMU, College Station, TX

Website: shs.tamu.edu

Texas A&M Psychology Clinic

Texas A&M Psychology Clinic, located off-campus, offers mental health screenings on a sliding scale fee.

Phone (for more information): **(979) 595-1770**

Counseling Services Scheduling: **(979) 845-8021**

Website: liberalarts.tamu.edu/psychology/about/psychology-clinic/

Galveston

TAMUG Student Counseling Office

Phone (for more information): **(409) 740-4376**

Seibel Student Services Center #104

Galveston Campus

Resources for Faculty and Staff

College Station

Work/Life Solutions Program

No cost counseling services for benefit-eligible faculty and staff as well as their dependents/household members. Services cover up to five confidential, short-term mental health counseling sessions per person per issue per year.

Phone: **866-301-9623**

Galveston

TAMUG Employee Assistance Program (Staff and Faculty)