

TITLE IX

The U.S. Department of Education's Office for Civil Rights (<http://www2.ed.gov/about/offices/list/ocr/aboutocr.html>) (OCR) enforces, among other statutes, Title IX of the Education Amendments of 1972 (<http://www.justice.gov/crt/about/cor/coord/titleix.php>). Title IX protects people from discrimination based on sex in education programs or activities that receive Federal financial assistance. Title IX states that:

No person in the United States shall, on the basis of sex, be excluded from participation in, be denied the benefits of, or be subjected to discrimination under any education program or activity receiving Federal financial assistance.

Title IX applies to institutions that receive federal financial assistance from the Department of Education, including state and local educational agencies. Educational programs and activities that receive Department of Education funds must operate in a nondiscriminatory manner. Some key issue areas in which recipients have Title IX obligations are: recruitment, admissions, and counseling; financial assistance; athletics; sex-based harassment; treatment of pregnant and parenting students; discipline; single-sex education; and employment. Also, a recipient may not retaliate against any person for opposing an unlawful educational practice or policy, or made charges, testified or participated in any complaint action under Title IX. For a recipient to retaliate in any way is considered a violation of Title IX.

Sexual Misconduct

Sexual misconduct is a violation of university standards of conduct for students, faculty, staff, and the university community as well as a violation of the law.

Sexual misconduct includes, but is not limited to, forcing, threatening to force, coercing, or deceiving another to engage in sexual activity or engaging in sexual activity with another knowing that the person does not want to engage in the activity, feels the activity is offensive, or is unable to assess the nature of or control the conduct.

Sexual misconduct also includes engaging in sexual activity with another when that person has impaired judgment or control due to drugs or other intoxicants.

Engaging in sexual conduct without consent is a serious offense; furthermore, the person may withdraw such consent, whether verbal or non-verbal, at any time without regard to activity preceding the withdrawal of consent.

The university will not tolerate such offenses that may cause not only physical harm but also emotional harm. Please visit the T (<https://www.tamut.edu/Campus-Life/Support-Resources/Title-IX/>) title IX (https://www.tamut.edu/About/Administration/Title_IX/) website for additional information.

Direct questions or concerns about sexual misconduct to:

Jill Whittington
Director of Compliance and Risk Management / Title IX Coordinator
UC Room 414J
jwhittington@tamut.edu
(903) 334-6755

Statement of Sexual Harassment

Texas A&M University-Texarkana will neither accept nor tolerate sexual harassment of students or employees. Guidelines governing the university policy are available from the Office of Compliance, see above, or in University Rule 08.01.01.H1, (<https://tamut.edu/compliance/rules/08-01-01-h1.pdf>) *Civil Rights Compliance*.

Hazing

The Texas Legislature enacted an anti-hazing law in 1987. The state law provides penal sanctions in the event of a conviction of hazing. According to this law, individuals or organizations engaging in hazing could be subject to fines and charged with a criminal offense.

Hazing on the part of students, faculty or staff is strictly forbidden, whether on or off campus. Texas A&M University-Texarkana students are expected to be partners in fulfilling the mission of the University by creating and maintaining standards within student groups, teams and organizations that are conducive to personal growth and development. The University will take disciplinary action against individuals and/or groups who are involved in hazing activities. Such disciplinary action may be taken independently of state or local criminal actions.

Definition

State law defines hazing as "any intentional, knowing or reckless act, occurring on or off the campus of an educational institution, by one person alone or acting with others, directed against a student, that endangers the mental or physical health or safety of a student for the purpose of pledging, being initiated into, affiliating with, holding office in, or maintaining membership in an organization whose members are or include students at an educational institution. The term includes but is not limited to:

1. Any type of physical brutality such as whipping, beating, striking, branding, electronic shocking, placing of a harmful substance on the body, or similar activity;
2. Any type of physical activity such as sleep deprivation, exposure to the elements, confinement in a small space, calisthenics, or other activity that subjects the student to an unreasonable risk of harm or that adversely affects the mental or physical health or safety of the student;
3. Any activity involving consumption of a food, liquid, alcoholic beverage, liquor, drug, or other substance which subjects the student to an unreasonable risk or harm or which adversely affects the mental or physical health or safety of the student;
4. Any activity that intimidates or threatens the student with ostracism that subjects the student to extreme mental stress, shame, humiliation, or that adversely affects the mental health or dignity of the student or discourages the student from entering or remaining registered in an educational institution, or that may reasonably be expected to cause a student to leave the organization or the institution rather than submit to acts described in this subsection; and
5. Any activity that causes or requires the student to perform a duty or task which involves a violation of the Penal Code or Code of Student Conduct.

Personal Hazing Offense

A person commits a hazing offense if the person:

- Engages in hazing
- Solicits, encourages, directs, aids, or attempts to aid another in engaging in hazing
- Intentionally, knowingly or recklessly permits hazing to occur
- Has firsthand knowledge of the planning of a specific hazing incident involving a student in an educational institution, or has firsthand knowledge that a specific hazing incident has occurred, and knowingly fails to report said knowledge in writing to the Asst. Vice President of Student Affairs office, Assistant Director of Student Life, University Police Department or other appropriate entity or official of the institution.

University Disciplinary Rules

The law does not restrict the right of A&M-Texarkana to enforce its own rules against hazing, and the University will take disciplinary action for conduct that constitutes hazing regardless of any criminal charges files under the state hazing laws.

- Hazing with or without the consent of the student is prohibited by A&M-Texarkana. Both the individual(s) inflicting the hazing and the person submitting to the hazing are subject to disciplinary action.
- The fact that an individual consented to or acquiesced in a hazing activity is not a defense to prosecution of an offense under the hazing law, and neither will it be under the University's disciplinary process
- Initiations or activities by organizations may not include any feature which is dangerous, harmful or degrading to the student.
- A violation of this prohibition renders both the organization and participating individuals subject to discipline

Disciplinary Actions

The disciplinary actions assigned/determined in a particular case will vary depending on the nature of the conduct involved. Possible actions range from a verbal warning to expulsion from the university.

Immunity from Prosecution Available

In an effort to encourage reporting of hazing incidents, the court may grant immunity from civil or criminal prosecution to any person reporting a specific hazing incident involving a student in an educational institution to the Assistant Vice President of Student Affairs or other appropriate official at A&M-Texarkana. A person reporting in bad faith or with malice is not protected by this section.

Disciplined Organizations

In accordance with requirements of the *Texas Education Code*, Section 51.936(c), the following organization(s) have been disciplined for hazing and/or convicted for hazing as of the last three years when the sanction was complete. **None.**

To report an act of hazing, please contact the Office of Student Life at (903) 223-1351.