



Title IX, VAWA, and U

Sexual Violence: An Overview of Employee Rights and Responsibilities

***For more information about this brochure's content, please contact the Title IX Office at ext. 2857.*



NOT ON OUR CAMPUS

Members of the Texas A&M International University (TAMIU) community (employees, students, and third parties) are entitled to a campus that is free from discrimination and harassment based on sex.

TAMIU is committed to providing an educational and working environment that is conducive to the personal and professional development of each member of the University community. As such, TAMIU strictly prohibits all forms of sex discrimination, sexual harassment (which includes sexual violence, rape, sexual assault, domestic violence, dating violence, and stalking), and related retaliation. Conduct constituting sex discrimination, sexual harassment, and related retaliation will result in appropriate sanctions. Definitions of sexual harassment and other forms of sexual misconduct are provided at the end of this brochure.

WHAT IS TITLE IX? | WHAT IS VAWA?

- ◆ **Title IX** is a statute under the Education Amendments of 1972 that is intended to end sex discrimination in education. It 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.” Sexual harassment (which includes sexual violence, rape, sexual assault, domestic violence, dating violence, and stalking) is a form of sex discrimination and, therefore, prohibited under Title IX.
- ◆ **VAWA** (Violence Against Women Act) is a federal law set forth to improve the criminal justice response to violent crimes against women. VAWA coverage, however, extends to male victims/survivors as well. VAWA defines sexual violence to include rape, sexual assault, domestic violence, dating violence, and stalking.

YOUR RESPONSIBILITY TO REPORT | HOW TO REPORT

- ◆ All TAMIU employees and students are responsible for ensuring their work and educational environments are free from sex discrimination, sexual harassment, and related retaliation.
- ◆ When alleged or suspected sex discrimination, sexual harassment, or related retaliation is experienced by, observed by, or made known to an employee or student, the employee or student is required to promptly report that information.
- ◆ Reports can be made to a supervisor, the Title IX Coordinator, the Title IX Deputy Coordinator, or the University Police Department. Title IX reports or inquiries can also be made by emailing TitleIX@tamiu.edu.



Life-Threatening or Violent Situations, Immediately Dial:

2911 – TAMIU Police Department (on mobile phone, dial 326-2911)

911 – Laredo Police Department or EMS

IF ALLEGED OFFENDER IS:	REPORT INCIDENT TO:
Employee (staff, administrator, student worker) Third Party Student Student Athlete	Lorissa M. Cortez Director of Equal Opportunity & Diversity (Title IX Coordinator) Killam Library Building, Room 159B (956) 326-2857 TitleIX@tamiu.edu
Faculty Member	Dr. Kevin Lindberg Associate Provost (Title IX Deputy Coordinator) Killam Library Building, Room 332B (956) 326-2601 klindberg@tamiu.edu



CONFIDENTIALITY & PRIVACY

TAMIU wishes to create an environment in which individuals feel comfortable to discuss concerns and file complaints/reports. The confidentiality of information received and the privacy of individuals involved will be limited to those with a reasonable need to know and kept private to the greatest extent possible.

All TAMIU employees (except licensed counseling personnel officially acting in this capacity such as those under the Employee Assistance Program available to employees or those in TAMIU's Office of Student Counseling Services available to students) have an obligation to report sexual misconduct, even if the individual providing the information requests that the information be kept confidential and that no action be taken.

Requests to withhold names (reporter, accused, others affected) or requests not to investigate or seek action will be considered in the context of TAMIU's duty to provide a safe and non-discriminatory work and educational environment. Although such requests may limit TAMIU's ability to respond and provide interim assistance or protective measures, TAMIU will do so to the greatest extent possible.



WHAT HAPPENS AFTER REPORTING?

With regard to criminal acts of sexual violence, sexual assault, domestic violence, dating violence, and stalking, TAMIU's Title IX administrative process for responding is different and separate from the criminal process followed by police (University or local police). A victim/survivor is not required to file a report with police but is strongly encouraged to do so. And in addition to or in lieu of filing a report with police, a victim/survivor can file a report with the Title IX Coordinator. Regardless of whether or not a victim/survivor files a report with police, TAMIU is responsible for following up on all Title IX reports (sex discrimination, sexual harassment, sexual violence, etc.)

TAMIU's Administrative Process for Responding to Title IX Reports: When a Title IX report is filed with the Title IX Coordinator, interim assistance and/or protective measures will be provided at the victim's request or as reasonably necessary (see below) and a trained investigator may be assigned to the case. The investigation and resolution process is prompt, thorough, and equitable for all parties. The standard used to determine the merits of a Title IX report is the preponderance of evidence (i.e., more likely than not that misconduct occurred). Both parties are informed in writing of the outcome and may appeal on limited grounds.

INTERIM ASSISTANCE & PROTECTIVE MEASURES | POSSIBLE SANCTIONS

TAMIU provides parties (reporter, complainant, respondent, others affected) interim assistance and/or protective measures (e.g., contact restrictions, alternative work arrangements, counseling services, police escort) at the victim's/survivor's request or as reasonably necessary.

At any point in the complaint, investigation, or appeal process, the respondent may be temporarily placed on administrative leave, suspended, reassigned, or placed in another temporary status pending the completion of the investigation and the final resolution. Final sanctions may include written reprimand, required training or counseling, "no contact" order, or employment termination.



RETALIATION IS PROHIBITED

Any adverse action against an individual who has participated in a protected activity and/or an investigation, hearing, or inquiry by the University is prohibited. NOTE: There must be a causal connection between participating in the protected activity and the adverse action.



NON-CITIZEN VICTIMS OF DOMESTIC VIOLENCE

U.S. law protects all individuals in domestic violence situations—including non-citizens. VAWA creates relief for victims so that abusers cannot use the victim's immigration status to prevent them from calling police or seeking safety. VAWA allows an abused spouse or child of a U.S. Citizen or Lawful Permanent Resident or an abused parent of a U.S. Citizen to self-petition for lawful status in the U.S., receive employment authorization, and access public benefits. VAWA provides victims essential means for escaping violence and establishing safe, independent lives from their abuser. Information, guidance, and support are available at the Mexican Consulate in Laredo, 1612 Farragut Street, (956) 723-0990, consul@srelaredo.org.

POLICIES, REGULATIONS, RULES, PROCEDURES

System Policy 08.01, Civil Rights Protections and Compliance
<http://policies.tamus.edu/08-01.pdf>

System Regulation 08.01.01, Civil Rights Compliance
<http://policies.tamus.edu/08-01-01.pdf>

TAMIU Rule 08.01.01.L1, Civil Rights Complaint and Appeal Procedures
<http://www.tamtu.edu/compliance/documents/Rules and SAPs/08.01.01.L1CivilRightsComplaintandAppealProcess.pdf>



COUNSELING & OTHER SUPPORT SERVICES

You are not alone – there is help. A comprehensive list of support services is available online on the TAMIU Title IX webpage (www.tamiau.edu/compliance/Title IX.shtml) under the RESOURCES tab.

ON-CAMPUS

- TAMIU Police Department (24/7).....Killam Library 005.....(956) 326-2100
**Crime victim advocacy and assistance available.
- TAMIU Title IX Office.....Killam Library 159.....(956) 326-2857
- Employee Assistance Program (EAP) (for employees).....1-888-993-7650
Free, 24/7 confidential counseling services/guidance (comprehensive assessment by phone, in-the-moment phone support/crisis intervention, referrals to community resources/support groups). Info about other EAP services found at www.deerocks.com (click LOGIN; enter **tamiu for username and password).
- TAMIU Community Counseling Center (by appointment only).....Canseco Hall 205A.....(956) 326-3120
**Assistance with familial, relational, financial, career, and life changes issues
- TAMIU Student Counseling & Disability Services (for students).....Zaffirini Success Center 138.....(956) 326-2230

OFF-CAMPUS

- Doctors Hospital (sexual assault crisis facility).....10700 McPherson Rd.....(956) 523-2000
**Sexual Assault Nurse Examiner (SANE) available.
- National Domestic Violence Hotline.....1-800-799-SAFE (7233)
- National Suicide Prevention Lifeline.....1-800-273-TALK (8255)
- Casa de Misericordia (domestic violence shelter).....1000 Mier St.....(956) 712-9591 | HOTLINE 1-877-782-2722
- Border Region Behavioral Health Center.....1500 Pappas St.....(956) 794-3000 | HOTLINE 1-800-343-1102
- SCAN (Serving Children & Adolescents in Need).....1605 Saldana Ave.....(956) 724-3177
- Texas Dept. of Family & Protective Services.....5411 McPherson Ave.....(956) 764-6040
- District Attorney’s Office.....1110 Victoria St., Suite 401.....(956) 523-4900
**Protective Orders & Domestic Violence Unit



BYSTANDER INTERVENTION BE AWARE • STEP UP • MAKE YOUR MOVE

Bystander Intervention is refusing passivity and safely and actively providing help to a person in need. When it is safe to do so, the following are effective techniques:

- Intervene directly. Check with the target or victim to see if you can do anything to help (e.g., *Hey, are you okay? Is that person bothering you? Can I do anything to help?*)
- Intervene indirectly. Let others know or use others (e.g., a supervisor, bouncer, bartender, group of friends) to help intervene or to tell an individual that his/her behavior is inappropriate and disrespectful and may lead to serious consequences (e.g., *Excuse me, but I heard what you said just now, and that is not OK. You are better than that. You know it is not OK to treat people like that.*)
- Make up an excuse to get a person out of a potentially dangerous situation. Come between the target and harasser or create a commotion to distract the harasser and allow the target to leave the situation.
- Don’t leave a person’s side if that person may be in trouble despite the efforts of someone else to get him/her alone or away from you.
- Take steps to curb a person’s use of alcohol before problems occur.
- Report all incidents of sexual misconduct.
- If the situation is life-threatening or violent, immediately call the local or University police department.

SIGN UP TODAY!
Green Dot Bystander Intervention Training
<https://goo.gl/forms/a7YyYXyecbsVMfk62>

SIGNS OF ABUSIVE BEHAVIOR

- **Physical Abuse** – hits, chokes, pushes, threatens physical violence towards you or others
- **Emotional/Verbal Abuse** – yells, criticizes, controls, intimidates, displays jealous behavior, stalks, isolates you from friends and family
- **Sexual Abuse** – sexual assault, pressures you to perform sex acts, displays sexually-harassing behavior
- **Abusive Behavior** – has an explosive temper or mood swings

TIPS TO STAY SAFE | RISK REDUCTION STRATEGIES

- Practice responsible drinking. Be aware of and adhere to your limits when it comes to alcohol.
- Never leave your drink unattended. Never accept drinks from others.
- Do not hesitate to say NO in any situation in which you are uncomfortable or afraid.
- Do not think that because someone spent a lot of time, attention, or money on you that it obligates you to repay that person sexually.
- Never leave an establishment or party with anyone you don’t know.
- Be careful about meeting people online. If you choose to meet someone, meet them in a public place.
- Take precautions at night. Walk with a friend or utilize campus escort services.
- Avoid distracting activities (headphones, talking on the phone) while walking or jogging.
- Pay attention to your surroundings. Avoid situations or places in which you might be vulnerable.
- Trust your instincts! If a situation or place feels wrong, uncomfortable, or dangerous, simply leave.



LET'S TALK SEXUAL MISCONDUCT

Sexual misconduct encompasses non-consensual sexual activity or unwelcome behavior of a sexual nature. Title IX and TAMIU prohibit all forms of sexual misconduct.

- ◆ **Consent** – Clear, voluntary and ongoing agreement to engage in a specific sexual act. Persons need not verbalize their consent to engage in a sexual act for there to be permission. Permission to engage in a sexual act may be indicated through physical actions rather than words. A person who was asleep or mentally or physically incapacitated, either through the effect of drugs or alcohol or for any other reason, or whose agreement was made under duress or by threat, coercion, or force, cannot give consent. (Texas A&M University System Regulation 08.01.01, Civil Rights Compliance)
- ◆ **Discrimination** – Any act or failure to act that is based upon an individual or a group's actual or perceived status (protected classes/groups include sex, gender, religion, race, color, veteran status, disability, sexual orientation, genetic information, gender identity, national origin) that is sufficiently severe, persistent, or pervasive that it limits or denies the ability of another to participate in or benefit from TAMIU's programs or activities. (adapted from Texas A&M International University Student Handbook)
- ◆ **Sexual Harassment** – A form of sex discrimination. Unwelcome sexual advances, requests for sexual favors or other verbal, nonverbal or physical conduct of a sexual nature constitute sexual harassment when this conduct is so severe, persistent or pervasive that it explicitly or implicitly affects an individual's employment, unreasonably interferes with an individual's work or educational performance, or creates an intimidating or hostile work, educational, or campus living environment. Unwelcome means that an individual did not request or invite it and considers the conduct to be undesirable or offensive. Submission to the conduct or failure to complain does not always mean that the conduct was welcome. Sexual harassment may be quid pro quo ("this for that") or may constitute a hostile environment. Sexual harassment includes non-consensual sexual contact, sexual assault, sexual exploitation, stalking, dating violence, and domestic violence when based on sex. (Texas A&M University System Regulation 08.01.01, Civil Rights Compliance)
- ◆ **Quid Pro Quo Sexual Harassment** – "This" for "that"; i.e., unwelcome sexual advances, requests for sexual favors or other verbal, nonverbal or physical conduct of a sexual nature, the submission to or rejection of which may result in an adverse educational or employment action. (Texas A&M University System Regulation 08.01.01, Civil Rights Compliance)
- ◆ **Hostile Environment** – A situation in which there is harassing conduct based on a legally protected class that is severe, persistent, or pervasive enough to create a work, educational, or campus living environment that a reasonable person would consider intimidating 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. (Texas A&M University System Regulation 08.01.01, Civil Rights Compliance)
- ◆ **Sexual Exploitation** – A situation in which an individual(s) takes non-consensual or abusive sexual advantage of another for his or her own advantage or benefit, or to benefit or advantage anyone other than the one being exploited. For example, sexual exploitation could include such actions as secretly videotaping sexual activity, voyeurism, sexually-based stalking, invasion of sexual privacy, exposing one's genitals or causing another to expose one's genitals, and knowingly transmitting a sexually transmitted infection to another person. (Texas A&M University System Regulation 08.01.01, Civil Rights Compliance)
- ◆ **Sexual Assault** – An offense that meets the definition of rape, fondling, incest, or statutory rape as used in the FBI's Uniform Crime Reporting program. [34 CFR 668.46(a)] (Texas A&M University System Regulation 08.01.01, Civil Rights Compliance)
- ◆ **Domestic Violence** – A felony or misdemeanor crime of violence committed by: (a) a current or former spouse or intimate partner of the victim; (b) a person with whom the victim shares a child in common; (c) a person who is cohabitating with, or has cohabitated with, the victim as a spouse or intimate partner; (d) a person similarly situated to a spouse of the victim under the domestic or family violence laws of the jurisdiction in which the crime of violence occurred; or (e) any other person against an adult or youth victim who is protected from that person's acts under the domestic or family violence laws of the jurisdiction in which the crime of violence occurred. [34 CFR 668.46(a)] (Texas A&M University System Regulation 08.01.01, Civil Rights Compliance)
- ◆ **Dating Violence** – Violence committed by a person who is or has been in a social relationship of a romantic or intimate nature with the victim. The existence of such a relationship will be determined based on the reporting party's statement and with consideration of the length of the relationship, the type of relationship, and the frequency of interaction between the persons involved in the relationship. For the purposes of this definition: (1) dating violence includes, but is not limited to, sexual or physical abuse or the threat of such abuse and (2) dating violence does not include acts covered under the definition of domestic violence. [34 CFR 668.46(a)] (Texas A&M University System Regulation 08.01.01, Civil Rights Compliance)
- ◆ **Stalking** – Engaging in a course of conduct directed at a specific person that would cause a reasonable person to: (a) fear for the person's safety or the safety of others; or (b) suffer substantial emotional distress. For the purposes of this definition: (a) "Course of conduct" means two or more acts, including, but not limited to, acts in which the stalker directly, indirectly, or through third parties, by any action, method, device, or means, follows, monitors, observes, surveils, threatens, or communicates to or about a person, or interferes with a person's property. (b) "Reasonable person" means a reasonable person under similar circumstances and with similar identities to the victim. (c) "Substantial emotional distress" means significant mental suffering or anguish that may, but does not necessarily, require medical or other professional treatment or counseling. [34 CFR 668.46(a)] (Texas A&M University System Regulation 08.01.01, Civil Rights Compliance)
- ◆ **Rape** – The penetration, no matter how slight, of the vagina or anus with any body part or object, or the oral penetration by a sex organ of another person, without the consent of the victim. [Violence Against Women Act or VAWA, 668.46(a)]
- ◆ **Statutory Rape** – Sexual intercourse with a person who is under the statutory age of consent. [VAWA, 668.46(a)]
- ◆ **Fondling** – The touching of the private body parts of another person for the purpose of sexual gratification, without the consent of the victim, including instances where the victim is incapable of giving consent because of his/her age or because of his/her temporary or permanent mental incapacity. [VAWA, 668.46(a)]
- ◆ **Incest** – Sexual intercourse between persons who are related to each other within the degrees wherein marriage is prohibited by law. [VAWA, 668.46(a)]