



TEXAS A&M
UNIVERSITY
KINGSVILLE

TitleIX@TAMUK.edu

An Overview of Employee Rights and Responsibilities



NOT ON OUR CAMPUS

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

In order to establish an educational, working, and living environment that is conducive to the personal and professional development of each member of the University community, TAMUK strictly prohibits all forms of sex discrimination, sexual harassment (which includes 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 misconduct are provided at the end of this brochure.

WHAT IS TITLE IX?

- A statute under the Education Amendments of 1972 that is intended to end sex discrimination in education.
- 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, including sexual violence, is a form of sex discrimination and, therefore, prohibited under Title IX.

YOUR RESPONSIBILITY TO REPORT | HOW TO REPORT

- All TAMUK employees and students are responsible for ensuring their work and educational environments are free from sex discrimination, sexual harassment (which includes sexual assault, domestic violence, dating violence, and stalking), 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, the employee is required to promptly report that information.
- Reports can be made to a supervisor, the Title IX Coordinator, a Deputy Title IX Coordinator, or the University Police Department.
- Title IX inquiries or reports can also be made by emailing TitleIX@TAMUK.edu.



Life-Threatening or Violent Situations, Immediately Dial:

2611 – TAMUK Police Department (on mobile phone, dial (361) 593-2611)

911 – Kingsville Police Department or EMS

Title IX Coordinators

*Although all employees are responsible reporters, these individuals serve as additionally trained resources that can provide information and assistance. The Title IX Coordinator is responsible for overseeing TAMUK’s Title IX program. All reports of sexual misconduct shall be forwarded to The Title IX Coordinator for handling.

Title IX Coordinator	
Tasha Ann Clark	(361) 593-4761, tasha.clark@tamuk.edu
Deputy Title IX Coordinators	
Leon Bazar, Executive Director of Human Resources	(361) 593-2258, leonides.bazar@tamuk.edu
Susan Roberson, Assistant Dean (Arts & Sciences)	(361) 593-2012, susan.roberson@tamuk.edu
Kirsten Compary, Associate Vice President of Student Affairs and Dean of Students	(361) 593-3606, kirsten.compary@tamuk.edu
Gina Smith, Director of Residence Life	(361) 593-4648, gina.smith@tamuk.edu
Hanna Lantz, Assistant Athletic Director for Academics & Compliance	(361) 593-2155, hanna.lantz@tamuk.edu

CONFIDENTIALITY & PRIVACY

TAMUK wishes to create an environment in which individuals feel comfortable to discuss concerns and make 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 TAMUK employees (except licensed healthcare or counseling personnel acting in this capacity as part of their official TAMUK employment) 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.

An individual's request to withhold his/her name, the name of the alleged violator, or request not to investigate or seek action will be considered in the context of TAMUK's duty to provide a safe and non-discriminatory work and educational environment. A request to withhold information or to not investigate the alleged misconduct may impair TAMUK's ability to provide accommodations or protective measures.

ACCOMMODATIONS & PROTECTIVE MEASURES | POSSIBLE SANCTIONS

TAMUK offers all parties (reporter, accused, others affected) interim accommodations and/or protections such as physical separation, contact limitations, alternative work arrangements, and counseling services. These will be determined on a case by case review.

At any point in the complaint, investigation, or appeal process, the accused may be placed on administrative leave, suspended, reassigned, or placed in another temporary status pending the completion of the investigation and the final resolution.

RETALIATION IS PROHIBITED

Retaliatory action (any adverse action) against a reporter, witness, or other person participating in a sex discrimination, sexual harassment, or related retaliation complaint, investigation, hearing, suit, or inquiry is prohibited.



BYSTANDER INTERVENTION

BE AWARE • STEP UP • MAKE YOUR MOVE

Bystander Intervention is refusing passivity and actively providing help to a person in need. The following are effective techniques:

- Step in directly to intervene. 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?*)
- Let others know or use others (e.g., a 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 can't 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.
- Call the local or University police department when the situation is life-threatening or violent.

SIGNS OF ABUSIVE BEHAVIOR

- Verbally & emotionally abusive
- Isolates you from friends & family
- Controlling & intimidating
- Jealous of your time with others
- Threatens to harm you or others

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 in person, meet them in a public place.
- Take precautions at night. Walk with a friend or utilize campus escort services (if available).
- 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.



COUNSELING & OTHER SUPPORT SERVICES

You are not alone – there is help. For a more comprehensive list of support services, visit the TAMUK Title IX webpage at http://www.tamuk.edu/compliance/title_9/index.html.

On-Campus Resources

University Police Department (24/7)..... (361) 593-2611
Seale Hall

Office of Compliance (Title IX).....(361) 593-4758
Lewis Hall, Room 130

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 can be found at www.deeroaks.com (click LOGIN; enter **tamuk** for username and password).*

Office of Student Health and Wellness (for students only).....(361) 593-3991
Life Services & Wellness Building, 1210 Retama

Office of Student Affairs (for students).....(361) 593-3606
Student Union Building, Room 306

Off-Campus Resources

Doctor’s Regional Hospital in Corpus Christi (sexual assault crisis facility).....(361) 761-1400
***Sexual Assault Nurse Examiner (SANE) available.*

National Domestic Violence Hotline.....1-800-799-SAFE (7233)

Women’s Shelter of South Texas.....1-800-580-HURT (4878)
www.thewomensshelter.org

Rape, Sexual Abuse & Domestic Violence Hotline(254) 965-HELP (4357)



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>

TAMUK Rule 08.01.01.K1, Civil Rights Complaint and Appeal Procedures
<http://www.tamuk.edu/policy/rules/pdf/08.01.01.K1.pdf>



LET'S TALK SEXUAL MISCONDUCT

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

- **Consent** – The affirmative, unambiguous, and voluntary agreement to engage in a specific sexual activity. A person who is incapacitated by alcohol or other drugs, is unconscious or asleep, is physically or mentally unable to resist, is unaware of what is occurring, or does not understand the nature of the activity cannot give consent.
- **Discrimination** – The unequal treatment of an individual or group of individuals based on a protected class (race, color, national origin, religion, age, sex, pregnancy, genetic information, disability, or veteran status) that results in the individual or group suffering adverse consequences in employment or educational opportunities.
- **Sexual Harassment** – Sexual harassment is a form of sex discrimination. Unwelcome sexual advances, requests for sexual favors and other verbal, nonverbal, or physical conduct of a sexual nature constitute sexual harassment when this conduct is so severe, persistent, or pervasive that it explicitly or implicitly affects an individual's employment, unreasonably interferes with an individual's work or educational performance, or creates an intimidating or hostile work or educational environment. Sexual harassment includes non-consensual sexual contact, non-consensual sexual intercourse, and sexual exploitation. (System Regulation 08.01.01 Civil Rights Compliance)
- **Quid Pro Quo Sexual Harassment** – Quid pro quo basically means “this for that.” This form of sexual harassment involves unwelcome sexual advances, requests for sexual favors, or other verbal, physical, or non-physical conduct of a sexual nature, the submission to or rejection of which may result in an adverse educational or employment action.
- **Hostile Environment** – Any situation in which there is harassing conduct that is sufficiently severe, persistent, or pervasive that it alters the conditions of employment or limits, interferes with, or denies educational benefits or opportunities. 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 effect of the conduct on the reporter's mental or emotional state.
- **Sexual Assault** – Any intentional and knowing penetration of the sex organs, anus, or mouth without the other person's consent.
- **Sexual Violence** – Physical sexual acts perpetrated against a person's will or when a person is incapable of giving consent. Several different acts falls into the category of sexual violence, including but not limited to rape, sexual assault, sexual battery, sexual abuse, and sexual coercion.
- **Sexual Exploitation** – Sexual exploitation occurs when an individual 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, and invasion of sexual privacy. (System Regulation 08.01.01 Civil Rights Compliance)
- **Dating Violence** – An act, other than a defensive measure to protect oneself, by an individual against a victim with whom there is or was a romantic or intimate relationship or marriage, and that is intended to result in physical harm, bodily injury, assault, or sexual assault or that is a threat that reasonably results in a fear of such harm. (Texas Family Code 71.0021)
- **Domestic Violence** – An act against another member of the family or household that is intended to result in physical harm, bodily injury, assault, or sexual assault, or the threat of which reasonably causes fear of such harm. (Texas Family Code Section 71.004)
- **Stalking** – Knowingly engaging in repeated harassing or menacing conduct that the victim reasonably believes is threatening their bodily injury or death, is threatening the bodily injury or death of a member of their family or household, or an offence will be committed against their property. Examples of such conduct include but are not limited to following or approaching the victim, sending the victim unwanted items/gifts, and contacting the victim through calls, emails, or texts.
- **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)
- **Statutory Rape** – Sexual intercourse with a person who is under the statutory age of consent. (Violence Against Women Act or VAWA)
- **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. (Violence Against Women Act or VAWA)
- **Incest** – Sexual intercourse between persons who are related to each other within the degrees wherein marriage is prohibited by law. (Violence Against Women Act or VAWA)