

Discrimination Based on Sex Investigations

Title IX Investigation

Same Process

Sex-Based Misconduct Investigation

Sexual Harassment; Unwelcome conduct on the basis of sex (of a sexual nature or otherwise): **1)** quid pro quo by an employee; **2)** determined by a reasonable person to be so severe and pervasive and objectively offensive that it effectively denies a person equal access to the member's education program or activity; or **3)** sexual assault, dating violence, domestic violence, or stalking based on sex

Unwelcome conduct on the basis of sex that is severe, persistent, or pervasive enough to create a work, educational, or campus living environment that a reasonable person would consider intimidating abusive, or offensive. Includes, but is not limited to, sexual assault, sexual exploitation, dating violence, domestic violence, and stalking based on sex

Would the alleged conduct result in sexual harassment if proved?

No, dismiss and continue under Sex-Based Misconduct

Yes

Did the alleged incident occur within a TAMUK program or activity?

No, dismiss and continue under Sex-Based Misconduct

Yes

Did the conduct occur against a person in the United States?

No, dismiss and continue under Sex-Based Misconduct

Yes

Is the respondent still enrolled or employed?

No, MAY dismiss and continue under Sex-Based Misconduct

Yes

Are there specific circumstances that prevent the collection of evidence needed to reach a determination?
(for example, complainant has ceased participating in the process; when the passage of time precludes the collection of sufficient evidence; when complainant's identity is not known; or when the exact same allegations have already been investigated and adjudicated)

Yes, MAY dismiss and continue under Sex-Based Misconduct

No, continue under Title IX