

Texas A&M Title IX Cumulative Sanction Matrix Dashboard*

SANCTION RANGE



Sexual Harassment Examples

SEVERE, PERSISTENT, OR PERVASIVE BEHAVIOR	1	2	3	4
Sexual innuendos, jokes, remarks, questions	■	■		
Sexual gestures and/or gifts of a sexual nature	■	■		
Display of sexually explicit visual material	■	■	■	
Pressuring another person for dates or sexual favors	■	■	■	
Depriving another person educational access, benefits, opportunities	■	■	■	■
Threats in retaliation for reporting sexual misconduct, dating/domestic violence, and/or stalking (includes deprivation of and educational opportunity or benefit)			■	■

Domestic Abuse & Violence Examples

BEHAVIOR	1	2	3	4
Intimidation: Using actions, gestures, and tone of voice to indicate a threat of violence	■	■	■	■
Preventing complainant from calling for help		■	■	■
Destruction of property		■	■	■
Physical abuse: Pushing, shoving, hair-pulling, scratching, hitting, using force to prevent partner from leaving		■	■	■
Intimidation or Physical abuse in retaliation for reporting sexual misconduct, dating/domestic violence, and/or stalking			■	■
Displaying weapons, throwing objects at a person with potential to injure			■	■

Stalking Examples

BEHAVIOR	1	2	3	4
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	■	■	■	■
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		■	■	■
Intimidation or physical abuse in retaliation for reporting sexual misconduct, dating/domestic violence, and/or stalking			■	■
Assuming another's identity in order to make contact with complainant			■	■

Sexual Exploitation Examples

BEHAVIOR	1	2	3	4
Reckless viewing of nudity or sexual behavior	■	■	■	
Allowing others to observe sexual activity without the other person's consent		■	■	■
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		■	■	■
Allowing others to observe sexual activity without the other person's consent		■	■	■
Engaging in sexual activity while knowingly infected with an STD without the other person's knowledge			■	■
Possessing and/or viewing child pornography/sexual images of those under 18		■	■	■
Deliberate indecent exposure with intent for impact			■	■
Collecting, creating, and/or distributing child pornography/sexual images of those under 18				■
Prostituting another person				■

Dating Abuse & Violence Examples

BEHAVIOR	1	2	3	4
Intimidation: Using actions, gestures, and tone of voice to indicate a threat of violence	■	■	■	■
Preventing complainant from calling for help		■	■	■
Destruction of property		■	■	■
Physical abuse: Pushing, shoving, hair-pulling, scratching, hitting, using force to prevent partner from leaving		■	■	■
Intimidation or Physical abuse in retaliation for reporting sexual misconduct, dating/domestic violence, and/or stalking			■	■
Displaying weapons, throwing objects at a person with potential to injure			■	■

Non-consensual Sexual Contact Examples

BEHAVIOR	1	2	3	4
Unwelcomed kissing and/or light touching over clothing	■	■	■	
Non-genital fondling, groping or heavy touching		■	■	■
Unwelcomed increased touching, fondling, groping, or genital touching		■	■	■
Unwelcomed touching, fondling, groping or genital touching			■	■

Sexual Abuse Examples

BEHAVIOR	1	2	3	4
Oral sex			■	■
Penetration (by sex organs)			■	■
Penetration (by means other than sex organs)			■	■

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

Conduct Violation: Sexual Harassment

RANGE: 1-4

EXAMPLES (Severe, persistent, or pervasive behaviors):

- Sexual innuendos, jokes, remarks, questions
- Sexual gestures and/or gifts of a sexual nature
- Display of sexually explicit visual material
- Pressuring another person for dates or sexual favors
- Depriving another person educational access, benefits, opportunities
- Threats in retaliation for reporting sexual misconduct, dating/domestic violence, and/or stalking (includes deprivation of and educational opportunity or benefit)

DEFINITION FROM CONDUCT CODE

A form of sex discrimination. Sexual harassment occurs when a person is the recipient of conduct of a sexual nature where:

- Submission to or toleration of such conduct is made either explicitly or implicitly a term or condition of an individual's education (including co-curricular activities) or employment;
- Submission to or rejection of such conduct by an individual is used as the basis for academic, co-curricular, or employment decisions affecting the individual's welfare; or
- Such conduct that has the purpose or effect of unreasonably interfering with an individual's welfare, academic or work performance, or creates an intimidating, hostile, offensive or demeaning education (including co-curricular activities) or work environment. Sexual harassment also includes sexual misconduct (non-consensual sexual intercourse and non-consensual sexual contact) and sexual exploitation.



Mitigating Factors:*

- The harm caused by the deprivation of access/benefits/opportunities was minimal and temporary.
- The behavior was committed in error, by mistake, or was unintentional.
- Prior instances where respondent's similar advances were welcome.
- Complainant impact statement and reduced sanction request.

Aggravating Factors:*

- The harm caused by the deprivation of access/benefits/opportunities was lengthy, extensive or irreparable.
- The totality of the behavior was exceptionally severe, persistent, or pervasive.
- The harassment was threatening, intimidating, or aggressive.
- There is a current no-contact restriction between the parties.
- A request for enhanced sanctions from the complainant.

Compounding Factors:**

- Prior history of misconduct (i.e., found in violation of policy through formal process).
- The student's prior history of misconduct involved the same or similar types of behavior.
- Cumulative violations.

* Sources: The ATIXA Guide to Sanctioning Student Sexual Misconduct Violations (Feb 2018); Texas A&M University Internal Review Committee (July 2018)

** ATIXA's Compounding Factors are designed to determine if the sanction range needs to be bumped upward as a result of the compounding factors.

Conduct Violation: Stalking

RANGE: **1-4**

- 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
- 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
- Intimidation or physical abuse in retaliation for reporting sexual misconduct, dating/domestic violence, and/or stalking
- Assuming another's identity in order to make contact with complainant

DEFINITION FROM CONDUCT CODE

Any repeated conduct directed specifically at another person that would cause a reasonable person similarly situated (or a member of that person's family or household) to fear his/her safety. Such conduct includes, but is not limited to, following another person and acts that threaten or intimidate another person through fear of bodily injury or death of self or members of that person's family or household or an offense being committed against that person's property.



Mitigating Factors:*

- The responding party exhibited articulable signs of possessing below-average social skills and/or demonstrated inability to perceive and understand normal social cues or conventions.
- Evidence that respondent may not have reasonably known that their conduct was regarded as unwelcome.
- Complainant impact statement and reduced sanction request.

Aggravating Factors:*

- A request for enhanced sanctions from the complainant.
- The responding party's refusal to stop the conduct after being told that their behavior was unwelcome.
- The responding party's behavior was excessive, pervasive, aggressive, and/or violent.

Compounding Factors:**

- Prior history of misconduct (i.e., found in violation of policy through formal process).
- The student's prior history of misconduct involved the same or similar types of behavior.
- Cumulative violations.

Conduct Violation: Dating Abuse & Violence

RANGE: **1-4**

EXAMPLES

- Intimidation: Using actions, gestures, and tone of voice to indicate a threat of violence
- Preventing complainant from calling for help
- Destruction of property
- Physical abuse: Pushing, shoving, hair-pulling, scratching, hitting, using force to prevent partner from leaving
- Intimidation or physical abuse in retaliation for reporting sexual misconduct, dating/domestic violence, and/or stalking
- Displaying weapons, throwing objects at a person with potential to injure

DEFINITION FROM CONDUCT CODE

Any physical abuse or sexual misconduct, other than a defensive measure to protect oneself, committed by a person who is or has been in a social relationship of a romantic or intimate nature with the complainant.



Mitigating Factors:*

- Defending ones self (in cross-claims, if self-defense doesn't fully excuse the conduct).
- The harm caused by the violence or abuse was minimal.
- Low potential that behavior will occur again.
- Complainant impact statement and reduced sanction request.

Aggravating Factors:*

- The violence or abuse was long-lasting, occurred multiple times, and/or involved several types of abuse.
- The harm caused by the violence or abuse was extensive or irreparable.
- The violence or abuse resulted in the complainant needing medical attention.
- The violence or abuse was particularly egregious.
- High potential for the behavior to occur again (the relationship may be ongoing or not fully severed).
- A request for enhanced sanctions from the complainant.

Compounding Factors:**

- Prior history of misconduct (i.e., found in violation of policy through formal process).
- The student's prior history of misconduct involved the same or similar types of behavior.
- Cumulative violations.

Conduct Violation: Domestic Abuse & Violence

RANGE: **1-4**

EXAMPLES

- Intimidation: Using actions, gestures, and tone of voice to indicate a threat of violence
- Preventing complainant from calling for help
- Destruction of property
- Physical abuse: Pushing, shoving, hair-pulling, scratching, hitting, using force to prevent partner from leaving
- Intimidation or Physical abuse in retaliation for reporting sexual misconduct, dating/domestic violence, and/or stalking
- Displaying weapons, throwing objects at a person with potential to injure

DEFINITION FROM CONDUCT CODE

Any physical abuse or sexual misconduct, other than a defensive measure to protect oneself, committed by a person who is or has been a current or former spouse of the complainant, person with whom the complainant shares a child in common, person who is cohabitating with or has cohabitated with the complainant as a spouse, a person similarly situated to a spouse of the complainant, or any other person against an adult or youth complainant who is a part of that person's household.



Mitigating Factors:*

- Defending ones self (in cross-claims, if self-defense doesn't fully excuse the conduct).
- The harm caused by the violence or abuse was minimal.
- Low potential that behavior will occur again.
- Complainant impact statement and reduced sanction request.

Aggravating Factors:*

- The violence or abuse was long-lasting, occurred multiple times, and/or involved several types of abuse.
- The harm caused by the violence or abuse was extensive or irreparable.
- The violence or abuse resulted in the complainant needing medical attention.
- The violence or abuse was particularly egregious.
- High potential for the behavior to occur again (the relationship may be ongoing or not fully severed).
- A request for enhanced sanctions from the complainant.

Compounding Factors:**

- Prior history of misconduct (i.e., found in violation of policy through formal process).
- The student's prior history of misconduct involved the same or similar types of behavior.
- Cumulative violations.

Conduct Violation: Sexual Exploitation

RANGE: 1-4

EXAMPLES

- Reckless viewing of nudity or sexual behavior
- Allowing others to observe sexual activity without the other person's consent
- 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
- Allowing others to observe sexual activity without the other person's consent

- Engaging in sexual activity while knowingly infected with an STD without the other person's knowledge
- Collecting, creating, distributing and/or viewing child pornography/sexual images of those under 18
- Prostituting another person
- Possessing and/or viewing child pornography/sexual images of those under 18
- Deliberate indecent exposure with intent for impact

DEFINITION FROM CONDUCT CODE

Taking non-consensual or abusive sexual advantage of another for one's own advantage or benefit, or to the benefit or advantage of anyone other than the one being exploited.



Mitigating Factors:*

- Prior instances where the photography or recording was consensual between the parties thereby creating ambiguity of consent in the current instance.
- The transmittal was accidental.
- Complainant impact statement and reduced sanction request.
- Status as a minor.

Aggravating Factors:*

- The responding party was in a position of power or authority over the complainant.
- The responding party used manipulation or misrepresentation to effectuate the abuse.
- The private/intimate/sexual acts photographed or recorded were highly explicit.
- The non-consensual dissemination of the private/intimate/sexual acts was premeditated, extensive, pervasive, and/or exposed the complainant to a large number of people.
- The complainant's identity was clear or easily discernible to viewers.
- The complainant experienced a substantial amount of harm, embarrassment, or humiliation.
- The responding party's disclosure of private/intimate/sexual material was vengeful, malicious, or retaliatory.
- The behavior (e.g., voyeurism, non-consensual dissemination, etc.) occurred multiple times.
- A request for enhanced sanctions from the complainant.

Compounding Factors:**

- Prior history of misconduct (i.e., found in violation of policy through formal process).
- The student's prior history of misconduct involved the same or similar types of behavior.
- Cumulative violations.

Conduct Violation: Non-Consensual Sexual Contact

RANGE: 1-4

EXAMPLES

- Unwelcomed kissing and/or light touching over clothing
- Non-genital fondling, groping or heavy touching
- Unwelcomed increased touching, fondling, groping, or genital touching
- Unwelcomed touching, fondling, groping or genital touching

DEFINITION FROM CONDUCT CODE

Attempting or making sexual contact, including but not limited to inappropriate touching or fondling, without the person’s consent (see “consent” in definitions), or in circumstances where the person is physically, mentally or legally unable to give consent.



Mitigating Factors:*

- Consent was ambiguous.
- Prior instances where the responding party’s sexual contact was welcome.
- The sexual contact was (relatively) minimally invasive, such as a grazing touch rather than a prolonged squeeze, or the contact was over the clothes rather than under.
- The sexual contact was relatively brief.
- Complainant impact statement and reduced sanction request.

Aggravating Factors:*

- A request for enhanced sanctions from the complainant.
- The sexual contact was comparatively more invasive, such as a responding party reaching under the complainant’s clothes or engaging in more vigorous or aggressive fondling rather than merely touching.
- The sexual contact was extensive.
- The sexual contact was aggressive or violent.
- The responding party engaged in the sexual contact—or continued to engage in the sexual contact—after the reporting party communicated, verbally and/or nonverbally, that it was unwelcome.
- An ongoing hostile environment persists.
- The responding party was in a position of power over the complainant.

Compounding Factors:**

- Prior history of misconduct (i.e., found in violation of policy through formal process).
- The student’s prior history of misconduct involved the same or similar types of behavior.
- Cumulative violations.

Conduct Violation: Sexual Abuse

RANGE: 3-4

EXAMPLES

- Oral sex
- Penetration (by sex organs)
- Penetration (by means other than sex organs)
- Incidents with predation are automatic expulsion

DEFINITION FROM CONDUCT CODE

The oral, anal, or vaginal penetration by a sexual organ of another, use of another's sexual organ for oral, anal, or vaginal penetration, or anal/vaginal penetration by any means against the victim's will or without his/her consent (see "consent" in definitions). An individual who is mentally incapacitated, unconscious, or unaware that the sexual abuse is occurring is considered unable to give consent. The type of force employed may involve physical force, coercion, intentional impairment of an individual's ability to appraise the situation through the administering of any substance, or threat of harm to the victim.



Mitigating Factors:*

- Consent was ambiguous.
- The responding party's behavior, though non-consensual, did not exhibit a deliberate disregard for the dignity and autonomy of the complainant, but instead appeared to be an error in judgment, possibly affected by drug or alcohol use.
- The responding party's behavior was not malicious.
- Complainant impact statement and reduced sanction request.

Aggravating Factors:*

- A request for enhanced sanctions by the complainant.
- The responding party's use of force or physical violence in the perpetration of the non-consensual sexual intercourse.
- The responding party's use of a weapon or restraints.
- The responding party threatened bodily injury or intimidated the reporting party.
- The use of drugs or alcohol to intentionally incapacitate the complainant.
- The responding party's brazen refusal to desist the conduct after consent had been clearly revoked.
- The responding party's behavior was predatory.
- The responding party knew they had an STD at the time of the intercourse and did not disclose it.
- "Stealth" (removing a condom during sex without the reporting party's consent).
- An ongoing hostile environment persists.
- The responding party was in a position of power or authority over the complainant.

Compounding Factors:**

- Prior history of misconduct (i.e., found in violation of policy through formal process).
- The student's prior history of misconduct involved the same or similar types of behavior.
- Cumulative violations.

Title IX Cumulative Sanctions Defined



- **Restrictions:** The withdrawal of specified privileges for a definite period of time, but without the additional stipulation contained in the imposition of a sanction which results in a student being not in good standing. The restrictions involved will be clearly defined.
- **Restitution:** A payment for financial injury to an innocent party in cases involving theft, destruction of property or deception. The assessed costs to be paid may be in addition to receipt of any of the above sanctions.
- **Community/University Service:** A student may be offered an opportunity to complete a specified number of hours of Community/University Service. The type of Community/University Service must be approved by the Student Conduct Administrator.
- **Educational Requirements:** A provision to complete a specific educational requirement. Such educational requirements may include, but are not limited to, completion of an alcohol education workshop, a diversity awareness workshop, essays, reports, reflective writing assignments, etc.
- **Letter of Reprimand:** A letter that makes a matter of record any incident that reflects unfavorably on the student or the University.
- **Conduct Review:** An official warning that the student's conduct is in violation of Texas A&M University Student Rules, but is not sufficiently serious to warrant expulsion, suspension, or conduct probation. A student on conduct review shall have their conduct under review for a specified period of time. This sanction may require regular meetings with an appropriate official to ascertain and evaluate compliance with student rules. Additional restrictions or conditions also may be imposed, depending on the nature and seriousness of the misconduct. Students placed on this sanction remain in good standing with the University. If there is a finding of responsibility for subsequent violations of the Student Rules during this period of time, more severe sanctions may be administered.

- **Conduct Probation:** An official warning that the student's conduct is in violation of Texas A&M University Student Rules, but is not sufficiently serious to warrant expulsion or suspension. A student on conduct probation is deemed "not in good standing" with the University. If there is a finding of responsibility for subsequent violations of the student rules during this period of time, more severe sanctions may be administered.
- **Letter of Enrollment Block:** A letter stating that the student may not reenter Texas A&M University without prior approval through the Offices of the Dean of Student Life or the Vice President for Student Affairs if enrollment has been blocked for a previous student conduct problem or for medical reasons.
- **Suspension:** Separation of the student from the University for a definite period of time. The student is not guaranteed readmission at the end of such period of time, but is guaranteed a review of the case and a decision regarding eligibility for readmission. The suspension takes effect when the appeal for the offense is exhausted, waived or time limit has passed. Suspensions may be implemented in one of two ways: immediate implementation of suspension or deferred implementation of suspension. The sanction of suspension may be placed in deferred status. If the student is found in violation of any University rule during the time of deferred suspension, the suspension takes effect immediately without further review. Additional student conduct sanctions appropriate to the new violation also may be applied. A student who has been issued a deferred suspension sanction is deemed "not in good standing" with the University.
- **Expulsion:** Separation of the student from the University whereby the student is not eligible for readmission to this University.

Sanctioning Considerations

Sanctioning Considerations

When a Student Conduct Administrator is determining the most appropriate sanction or combination of sanctions for a student, these factors are considered:

- The nature of the violation – How serious is the violation? Who was harmed? What were the outcomes?
- Prior violations/previous disciplinary history – Does the student have other violations and sanctions on record? Please remember this is used only in the sanctioning phase, not in finding of responsibility.
- Mitigating/Aggravating circumstances surrounding the incident – What were the special circumstances surrounding the situation? To mitigate = reasons the sanction should be lessened. To aggravate = reasons the sanction should be more severe.
- Motivation for the behavior – Why did the student engage in the behavior? Was there evidence of malicious intent?
- Developmental and educational impact for individual and community – What message does this send to the community and the student? What can the sanction teach a student? How can the sanction help a student develop as a community member and individual? What does the complainant think is an appropriate sanction?
- Eligible to be in Good Standing - Should the student be allowed to represent the University in an official capacity (good standing requirement)?

Specific factors surrounding each case are unique and the facts/findings may yield different results. These factors, if present, may increase the severity of the sanctions. Additional sanctioning factors may include:

- Use of force
- Use of weapons
- Incapacitation
- Threats to the community
- Coercion
- Manipulations
- Persistent violations
- Penetration

Violence & Sexual Abuse

Students found responsible for committing acts of sex-based violence and/or non-consensual sexual penetration of another person will be subject to a minimum sanction of a one-year suspension, in the absence of significant mitigating factors. Students found responsible for these acts who have demonstrated predatory behaviors for the purpose of carrying out these acts shall be subject to a minimum sanction of permanent expulsion.

Students found responsible for committing acts of sex-based violence and/or non-consensual sexual penetration of another person who are allowed to return to a member university after a suspension of one year or more will be ineligible to hold an office in any student organization (including student government), ineligible to represent the university in any way (including intercollegiate athletics or other competitions, both on and off campus), and ineligible to receive a university-administered scholarship.

Title IX Interim Conduct Probation: Representation and/or Participation

RANGE:

2-4

Proposed Student Rule Change

27.5 Interim Conduct Probation

A student may not be placed on conduct probation prior to a student conduct proceeding except when the Dean of Student Life (or designee) believes that interim conduct probation should be instituted.

Interim conduct probation may be imposed (1) when a determination is made to implement a transcript hold under TAMUS Policy 11.99.02 and/or (2) in instances when the student's participation or representation would threaten or negatively impact other students who are participating and/or representing an organization/university. A student conduct proceeding will be scheduled as soon thereafter as practicable.

27.5.1 During the interim conduct probation, a student is deemed "not in good standing" (see Student Rule 27.1.2) and "additional restrictions or conditions also may be imposed, depending on the nature and seriousness of the misconduct."

27.5.2 The interim conduct probation does not replace the regular process, which shall proceed on the normal schedule, up to and through a student conduct conference, if required. However, the student will be notified in writing of the specifics associated with this action and the reasons for the interim conduct probation. The notice will include the time, date, and place of a subsequent conference at which the student may show cause as to why TAMUS Policy 11.99.02 should not have been invoked and/or his/her continued participation and/or representation does not constitute a negative impact or threat (and at which s/he may contest whether a campus rule was violated).

Conduct Probation: An official warning that the student's conduct is in violation of Texas A&M University Student Rules, not is not sufficiently serious to warrant expulsion or suspension. A student on conduct probation is deemed "not in good standing" (Student Rule 27) with the University. If there is a finding of responsibility for subsequent violations of the student rules during this period of time, more severe sanctions may be administered.

Not in good standing:

A student who is not in good standing is subject to the following restrictions:

- Ineligibility to hold an office in any student organization recognized by the University or to hold any elected or appointed office of the University.
- Ineligibility to represent the University in any way, including representing the University at any official function, intercollegiate athletics or any forms of intercollegiate competition or representation. This includes events taking place both on and off of the University campus.
- Ineligibility to receive a University administered scholarship when the length of the period of not in good standing is greater than one semester. Some scholarships adhere to more strict guidelines, and, therefore, ineligibility may result from a lesser length of not in good standing. This sanction implies a serious offense and must be uniformly applied by the office administering the scholarship upon notification by the University Conduct Administrator.
- Additional restrictions or conditions also may be imposed, depending on the nature and seriousness of the misconduct.

Proposed Definitions

Participation: Engagement in any activity associated with the student organization, campus activity, and/or university sponsored organization (Corps, college, athletics, club sports, etc.).

Representation: Assuming an elected/appointed leadership, performing, and/or competitive role in a student organization, campus activity, and/or university sponsored organization (Corps, college, athletics, club sports, etc.).

Title IX Transcript Notation Charge/Final Disposition

RANGE: **3-4**

11.99.02 Conduct Requirements for Admissions Applications and Transcripts

1. Responsibilities of Member Academic Institutions

1.2 Transcript Notations

Each CEO of the academic institution will adopt a standard transcript notation process for students who are suspended, dismissed or expelled.

1.2.1 The notation must include:

- (a) The nature of the separation (e.g., suspension, dismissal or expulsion);
- (b) The type of infraction (e.g., academic or conduct);
- (c) The department responsible for issuing the student separation from the institution (e.g., Office of Student Conduct); and
- (d) The effective dates of separation from the academic institution, if applicable.

1.2.2 Transcripts of students with pending conduct investigations that could result in suspension, dismissal or expulsion may be held until the conduct process is complete.

1.2.3 Each academic institution must adopt a standard process for the evaluation and decision on what conduct charges will result in a student's transcript being held pending a conduct investigation.