



## Resources, Rights, and Options for Individuals Accused of Sexual Harassment, Sex-based Misconduct, Sexual Assault, Sexual Exploitation, Sex-based Discrimination, Stalking, Domestic Violence, or Dating Violence

*(for Texas A&M Higher Education Center in McAllen)*

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**Respondent** – An individual who is alleged to have engaged in sexual harassment, sex-based misconduct, sexual exploitation, sexual assault, discrimination based on sex, stalking, domestic or dating abuse or violence (“Prohibited Conduct”), whether it occurred on or off-campus. A respondent has certain resources, rights, and options available. For questions and additional information, contact the Department of Civil Rights and Equity Investigations (CREI) at 979-458-8407 or email [civilrights@tamu.edu](mailto:civilrights@tamu.edu).

### **RIGHTS OF A RESPONDENT**

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1. You have the right to a presumption of not-responsible for alleged Prohibited Conduct unless the Hearing Officer/Designated Administrator determines that it is more likely than not that you are responsible for violating a Texas A&M System Regulation or a Texas A&M University rule.
2. You have the right to choose an Advisor to be present with you at any meeting, including an interview with an Investigator(s) or a live hearing. Your Advisor may be any person, including legal counsel. Except at a formal hearing, the Advisor’s participation will be limited to providing support and guidance to you. At a formal hearing, the Advisor will conduct cross-examination. If you do not have an advisor, the university will appoint one to assist you at a formal hearing.
3. You have the right to be assigned a Case Manager. The Case Manager is a University staff member assigned to you to explain your rights, resources, and options for resolving the complaint, to answer any questions you might have, and to provide supportive measures. You will be assigned a different Case Manager than the Complainant (the individual alleging Prohibited Conduct).
4. If a Title IX complaint is dismissed prior to a formal or informal resolution, you have the right to a prompt notification of the reason for the dismissal, even if the Complaint is going to be reclassified and investigated under the same process as a complaint of Sex-Based Misconduct. You have the right to appeal the decision to dismiss the Complaint.
5. You have the right to have an impartial Investigator, Hearing Officer/Designated Administrator, and Appellate Authority (the person(s) who will hear an appeal) in your case. Your case and/or the appeal of your case will be decided by a person(s) who did not participate in the investigation of the allegations.
6. You have the right to be notified of (1) the receipt of a formal complaint stating the allegation of Prohibited Conduct; (2) the identity of the appointed Investigator(s); (3) the identity of the appointed Hearing Officer/Designated Administrator/Appellate Authority; (4) the option to request supportive measures, if any; and, (5) the availability of any informal resolution processes. You have the right to the identities of the parties involved in the incident, if known, the Prohibited Conduct alleged to have occurred, and the date and location of the alleged incident, if known. You have the right to a thorough and fair investigation of the allegations.
7. During the investigation, both you and the Complainant have the right to receive equitable treatment in all facets of the complaint investigation and resolution process including, but not limited to, the right to submit evidence, the right to suggest witnesses to be interviewed. You have the right to discuss the allegations under investigation with anyone you choose.
8. You have the right to have irrelevant prior sexual history excluded as evidence during a hearing.
9. You have the right to review the draft investigation report, including all inculpatory and exculpatory evidence gathered during the investigation. You may submit a response to the report before the report is finalized and submitted to the Hearing Officer/Designated Administrator.
10. You have the right to be informed of the outcome of the investigation at the same time as the Complainant, and in cases of sexual assault, sexual harassment, sex-based misconduct, sex-based discrimination, stalking, dating violence, or domestic violence, you will be notified of the sanction imposed (if any).

11. You have the right to appeal the decision of the Designated Administrator based on new evidence; procedural irregularity; bias or conflict of interest on the part of the Title IX Coordinator, Investigator(s), or Designated Administrator; or, appropriateness/severity of the sanctions. You have the right to be notified if the case is appealed by either party and the outcome of the appeal.
12. If you believe that the other party has subjected you to prohibited conduct, you have the right to file a university complaint against the other party. You also have the right to file a criminal complaint against the other party with the appropriate law enforcement agency, if appropriate.

More information about these rights can be found on the Title IX website at [titleix.tamu.edu](http://titleix.tamu.edu). If you have questions, please contact your Case Manager or the Department of Civil Rights and Equity Investigations at 979-458-8407.

## **PRIVACY OF INFORMATION**

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### **Privacy of Information**

Most university employees are mandatory reporters, which means that if an employee experiences, observes, or becomes aware of an alleged or suspected incident of discrimination or harassment in the course and scope of their employment, the employee must report all known information to the University. Counselors and Medical providers report de-identified statistics only. See [Texas A&M University System Regulation 08.01.01, Section 2.1](#) for more information about mandatory reporting.

The University is committed to protecting the privacy of reporting parties, complainants, and respondents to the extent allowed by law. Given the sensitive nature of reports, information will be maintained in a secure manner and will only be disclosed to school officials who are responsible for handling the university's response and/or have a legitimate educational interest. All students' educational records are protected under the Family Educational Rights and Privacy Act (FERPA). For more information about FERPA, go to [registrar.tamu.edu](http://registrar.tamu.edu).

## **SUPPORTIVE MEASURES**

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Accused individuals have an equitable right to request assistance with changes to academic, living, transportation, and work situations. Contact your Case Manager to request these changes. Supportive measures will be provided free of charge and may not unreasonably burden either party.

Counseling, health, mental health, advocacy, and other services are available for complainants both on-campus and in the community. In most cases, psychologists/counselors in the University Health Services (students, [uhs.tamu.edu](http://uhs.tamu.edu)) or Work/Life Solutions Program (employees, [employees.tamu.edu/eap](http://employees.tamu.edu/eap)) are not required to, nor may, report an incident that in any way identifies students or employees concerned without their consent. However, if an imminent harm situation is present, the counselor must take action to protect whoever is at risk. Below is a brief list of available resources. Confidential resources are *italicized*; however, in accordance with the Clery Act, confidential resources will report de-identified statistics only.

### **Counseling**

<b>Name</b>	<b>Phone</b>	<b>Address</b>	<b>Website</b>
<i>University Health Services at McAllen</i>	956-271-1366	6200 Tres Lagos Blvd., McAllen, TX	<a href="http://uhs.tamu.edu/mental-health/index.html">uhs.tamu.edu/mental-health/index.html</a>
<i>Work/Life Solutions Program (employees)</i>	866-301-9623		<a href="http://employees.tamu.edu/eap">employees.tamu.edu/eap</a>
<i>Telus Health Student Support App (offers students 24/7 access to professional counseling)</i>	866-408-2828		<a href="http://uhs.tamu.edu/mental-health/student-support">uhs.tamu.edu/mental-health/student-support</a>

## Support, Advocacy, and Other Resources

Name	Phone	Address	Website
<b>TAMU Disability Resources</b>	979-845-1637	Student Services Building College Station, TX Texas A&M Campus	<a href="http://disability.tamu.edu">disability.tamu.edu</a>
<b>TAMU Employee Assistance Program</b>	866-301-9623		<a href="http://employees.tamu.edu/eap">employees.tamu.edu/eap</a>
<b>TAMU International Faculty Immigration Affairs</b>	979-845-4274	400 Bizzell Street, Ste. 200 College Station, TX Texas A&M Campus	<a href="http://facultyaffairs.tamu.edu/immigration-affairs/index.html">facultyaffairs.tamu.edu/immigration-affairs/index.html</a>
<b>TAMU International Student and Scholar Services (visa and immigration assistance)</b>	979-845-1824	Pavilion, 110 1226 TAMU College Station, TX Texas A&M Campus	<a href="http://global.tamu.edu/iss">global.tamu.edu/iss</a>
<b>TAMU Student Life Center</b>	979-845-3111	Student Services Building College Station, TX Texas A&M Campus	<a href="http://studentlife.tamu.edu/">studentlife.tamu.edu/</a>
<b>TAMU Scholarships and Financial Aid</b>	979-862-4502	General Services Complex College Station, TX Texas A&M Campus	<a href="http://financialaid.tamu.edu/">financialaid.tamu.edu/</a>
<b>TAMU Student Assistance Services</b>	979-845-3113	Student Services Building College Station, TX Texas A&M Campus	<a href="http://studentlife.tamu.edu/sas">studentlife.tamu.edu/sas</a>
<b>TAMU Student Conduct Office</b>	979-847-7272	Student Services Building College Station, TX Texas A&M Campus	<a href="http://studentlife.tamu.edu/sco/">studentlife.tamu.edu/sco/</a>
<b>TAMU Student Legal Services</b>	979-862-4502	Student Services Building College Station, TX Texas A&M Campus	<a href="http://studentlife.tamu.edu/sls">studentlife.tamu.edu/sls</a>
<b>TAMU Women's Support Services</b>	979-845-8784	Student Services Building College Station, TX Texas A&M Campus	<a href="http://studentlife.tamu.edu/wss">studentlife.tamu.edu/wss</a>
<b>U.S. Equal Employment Opportunity Commission</b>	800-669-4000		<a href="mailto:info@eeoc.gov">info@eeoc.gov</a>

## REPORTING PROHIBITED CONDUCT

### Anonymous Reporting

Individuals wishing to submit an anonymous report may use the reporting form found on the [Title IX website](#). The University's ability to investigate and respond to an anonymous report may be limited.

### Reporting to Law Enforcement

Individuals reporting an incident have the option of notifying or not notifying law enforcement authorities, including university and local police. An individual may decline to notify law enforcement. An anonymous "Jane/John Doe" report can be filed with the police by the alleged victim while deciding whether to pursue criminal charges. Law enforcement is able to help individuals understand the process of obtaining orders of protection, restraining orders, or similar lawful

orders issued by the courts. Below is a list of local law enforcement agencies. Reports should be filed with the law enforcement agency that is located where the incident occurred.

Name	Phone
Hidalgo County Sheriff Office	956-383-8114
Higher Education Center at McAllen Security Office	956-271-1301
McAllen Police Department	956-681-2000

**Importance of Preserving Physical Evidence**

Retain communications and document any contact with the involved individual(s). If possible, individuals should write down dates, times, locations of contact and preserve any text messages, emails, and/or social media site postings related to the incident.

**Reporting to the University (Civil Rights Complaint)**

Individuals may make inquiries or file a complaint by contacting the University’s Title IX Officer, Jennifer Smith, at [civilrights@tamu.edu](mailto:civilrights@tamu.edu) or 979-458-8407. Individuals may also visit the Department for Civil Rights and Equity Investigations in the YMCA Building, Suite 108, 365 Houston Street, College Station, TX, 77843.

Name	Phone	Address	Website
Department of Civil Rights and Equity Investigations	979-458-8407	YMCA Building Suite 108 365 Houston Street	<a href="http://titleix.tamu.edu">titleix.tamu.edu</a>

**Reporting to a Federal Agency**

The United States Department of Education’s Office for Civil Rights is a federal agency responsible for enforcing Federal civil rights laws that prohibit discrimination. Information regarding filing a complaint with the Office for Civil Rights can be found at: <http://www2.ed.gov/about/offices/list/ocr/docs/howto.html?src=rt>.

**RETALIATION**

The university will take reasonable action to protect the complainant, the respondent, and those providing witness statements on behalf of either party or supporting either party from retaliation. Additionally, those individuals are encouraged to report any acts of retaliation from other individuals associated with the incident. This action may come at any time during or following an investigation of a complaint. Individuals are reminded to contact law enforcement immediately if there is a threat to physical health or safety.

**SANCTIONING**

Individuals seeking information about sanctioning of students should consult the [Student Sanctioning Matrix](#). Information about employee sanctions may be found in [University Standard Administrative Procedure 08.01.01.M1.01](#).