



## Resources, Rights, and Options for Individuals Accused of Non-Sex-Related Discrimination, Harassment, or Retaliation Based on a Protected Class *(for Texas A&M University System Agencies<sup>1</sup>)*

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**Respondent** – An individual alleged of subjecting another to discrimination, harassment, or retaliation based on a protected class (“Prohibited Conduct”), whether it occurred on or off-campus. A Respondent has certain resources, rights, and options available. For questions and additional information, please contact the Department of Civil Rights and Equity Investigations at 979- 458-8407 or email [civilrights@tamu.edu](mailto:civilrights@tamu.edu).

### **RIGHTS OF A RESPONDENT**

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A Respondent has the following rights:

1. You have the right to a presumption of not-responsible for alleged Prohibited Conduct until the Designated Administrator (the individual who will decide whether or not Prohibited Conduct occurred and will assign appropriate sanctions) determines that it is more likely than not that you are responsible.
2. You have the right to choose an advisor to be present with you at any point during the investigation and resolution process, including your interview with the Investigator. Your advisor may be any person selected by you, including legal counsel. The advisor’s participation will be limited to the role of an observer, although the advisor may request a break at any point to give advice.
3. You have the right to be assigned a Case Manager that is different than the Case Manager assigned to the Complainant (the individual allegedly subjected to Prohibited Conduct). The Case Manager is a staff member assigned to each party to help explain the rights, resources, and options that are available to them, answer any questions each party might have, and assist with providing supportive measures.
4. You have the right to have an impartial Investigator(s) and Designated Administrator in your case. Your case will be decided by a person who did not participate in the investigation of the allegations.
5. You have the right to be notified of (1) receipt of the complaint stating the allegation of Prohibited Conduct; (2) the appointed Investigator(s); (3) the appointed Designated Administrator; (4) interim supportive measures, if any; and, (5) any informal resolution process that may be available. If you are a Texas A&M University employee, you have a right to an unredacted version the complaint for you and your advisor, if applicable. You have the right for the investigation of the complaint to occur within a reasonable time frame from your receipt of these notifications.
6. 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 present evidence and witnesses and the right to be informed of the outcome of the investigation.
7. You have the right to review the draft investigation report and submit a response and/or written, relevant questions you want asked of the any other party or witnesses before the report is submitted to the Designated Administrator.
8. You have the right to appeal the sanction of the Designated Administrator in accordance with member rules.
9. 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 report the conduct to the appropriate law enforcement agency, if appropriate.

More information about your rights can be found on the Department of Civil Rights and Equity Investigations 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.

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<sup>1</sup> CREI is the designated Civil Rights Office for the following Texas A&M University System agencies: Texas A&M AgriLife Research, Texas A&M AgriLife Extension, Texas A&M Veterinary Medical Diagnostic Laboratory, Texas A&M Forest Service, Texas A&M Engineering Experiment Station, and Texas Division of Emergency Management.

## 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 allowable under 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 respondents both on-campus and in the community. In most cases, psychologists/counselors in GuidanceResources® by ComPsych (for employees, <https://www.tamus.edu/benefits/work-life-solutions/>) 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

Name	Phone	Address	Website
<i>GuidanceResources® by ComPsych (for employees)</i>	866-301-9623		<a href="https://www.tamus.edu/benefits/work-life-solutions/">https://www.tamus.edu/benefits/work-life-solutions/</a>
<i>Texas Health and Human Services (community resources for employees)</i>	Locate a local mental health authority here:		<a href="https://resources.hhs.texas.gov/pages/find-services">resources.hhs.texas.gov/pages/find-services</a>

### Support, Advocacy, and Other Resources

Name	Phone	Address	Website
<i>GuidanceResources® by ComPsych (for employees)</i>	866-301-9623		<a href="https://www.tamus.edu/benefits/work-life-solutions/">https://www.tamus.edu/benefits/work-life-solutions/</a>
<b>Americans with Disabilities Act (ADA) Coordinator</b>	979-845-8116	YMCA Building Suite 108 Texas A&M Campus	<a href="http://orec.tamu.edu/ada">orec.tamu.edu/ada</a>
<b>A&amp;M System Human Resources Officer</b>	Locate your Agency's Human Resources Officer here:		<a href="https://www.tamus.edu/benefits/benefits-administration/human-resources-contacts/">https://www.tamus.edu/benefits/benefits-administration/human-resources-contacts/</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

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### 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	Name	Phone
University Police Department	979-845-2345	College Station Police Department	979-764-3600
Bryan Police Department	979-209-5301	Brazos County Sheriff Department	979-361-4900

Employees outside of Brazos County should contact the law enforcement agency that is located where the incident occurred. Accredited agencies can be searched here: <https://calea.org/calea-client-database>.

### 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

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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

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