

Additional Information

Consensual Relationships

“Consensual relationship” means a mutually agreeable amorous, romantic, and/or sexual relationship. Such relationships can be **improper** between two university employees, between an employee and a student, or between an employee and a third party. It becomes improper when one of the individuals has job duties making that individual responsible for hiring, supervising, evaluating, teaching, grading, or advising the other individual, or providing benefits to or obtaining benefits from the third party, including employment. An improper consensual relationship must be promptly reported to the employee’s immediate supervisor, and the employee must cooperate in making alternative arrangements for hiring, supervising, evaluating, teaching, grading, advising, or providing benefits to or obtaining benefits from the other individual.

Prevention!

Each member of the campus community is responsible for preventing sexual harassment and ensuring that both the work and academic environments are free from harassment. Become informed and evaluate your own behavior to ensure that you are not engaging in sexual harassment. Ask yourself: “Was my behavior appropriate?” “Was it welcomed?” “Was it offensive?” If you see the behavior happening can you help? You can by notifying someone of authority, directing the individuals to another point of focus, or get a friend’s assistance.

Just Say No

It is OK to tell the harasser to stop and what they are doing is unwanted and unwelcome! Report sexual harassment to the Title IX Administrator on campus.

Criminal vs. Administrative Investigations

A criminal investigation into allegations of sexual harassment or sexual violence does not relieve the university of its duty under Title IX of the Education Amendments of 1972 to conduct an administrative investigation. First, the university may need to take immediate steps to protect the complainant from further harassment, such as separation from the accused harasser and the complainant and/or provide counseling for the complainant and/or accused harasser. Second, administrative sanctions or discipline may be appropriate even if there is insufficient evidence to prosecute an offender. Employees are required to report incidents of

sexual harassment or violence that they experience, observe, or which are made known to them to the university’s Chief Human Resources Officer (complaint against employee or third party) or Assistant VP and Dean of Campus Life & Student Development (complaint against a student).



Resources

Always Dial 911 in an Emergency

University Police (903) 886-5868

Title IX Administrator (903) 886-5025

Human Resources (903) 886-5881

Student Judicial Affairs (903) 886-5195

Counseling Center (903) 886-5145

Crisis Center of Northeast Texas (903) 454-9999

24 Hour Hotline (800) 656-Hope

Women in Need (903) 455-4612

City of Commerce Police (903) 886-1139

Assistance with this document is available upon request. Please contact Student Disability Resources and Services at (903) 886-5150 (students) or Human Resources at: (903) 886-5881 (employees)

TEXAS A&M
UNIVERSITY
COMMERCE

**Discrimination
& Sexual
Harassment
Grievance Procedure
& Information**

**Human Resources
Office
McDowell
Administration
Building,
Room 171
(903) 886-5041**

Texas A&M University-Commerce

affirms a commitment to freedom from discrimination against any person on the basis of:

Race
Color
Religion
Sex
Age
National Origin
Disability
Sexual Orientation
Gender Identity
Genetic Information
or Veteran Status

The responsibility, protection, and commitment to ensuring this freedom encompasses students, faculty, staff, administration, and third parties.

Any person that believes they have been discriminated against or harassed by a student or employee of Texas A&M University-Commerce on the basis of any of the above listed statuses, may request assistance or file a grievance.

What is Sexual Harassment?

Sexual harassment is a form of sex discrimination. Unwelcome sexual advances, requests for sexual favors and other verbal or physical conduct of a sexual nature constitute sexual harassment when this conduct is so frequent or severe that it explicitly or implicitly affects an individual's employment, unreasonably interferes with an individual's work or educational performance, or creates an intimidating, hostile or offensive work environment. Sexual harassment includes non-consensual sexual contact, non-consensual sexual intercourse, and sexual exploitation.

What is Discrimination?

Discrimination is unequal treatment based on the sex of an individual and it can occur in academic programs, discipline, classroom assignments, grading, extracurricular activities, and/or athletics.

PROCEDURE FOR FILING A GRIEVANCE

Step 1: Complaints against employees: any employee or student who believes that he or she has been subjected to discrimination, sexual harassment and/or related retaliation by an A&M-Commerce employee should promptly report the incident to his or her supervisor, a university administrator, or the Office of Human Resources. A third party (including, but not limited to, anyone receiving services from the university, vendors and private business associates) should promptly report the incident involving an employee to the Office of Human Resources.

Step 1: Complaints against students: should be handled in the same manner as above but reported to the Assistant VP and Dean of Campus Life & Student Development.

Step 2: Depending upon if the complaint is against an employee or a student either the Chief Human Resources Officer or Assistant VP and Dean of Campus Life & Student Development will receive complaints and will determine the investigative authority within 5 business days. The investigative authority will review each complaint, interview witnesses, if applicable, and provide a report on the merits of the complaint within fifteen (15) business days of receipt of the complaint, unless unusual circumstances require more time. The appropriate administrator will render a report in writing. The report and decision will be provided to the complainant, respondent (s), supervisor and/or department head (s) of all within five (5) business days after receiving the investigative authority's report, unless unusual circumstances request additional time. This will be the final decision regarding the merits of the complaint and cannot be appealed.

Visit Online for the complete rule at:
www.tamuc.edu/aboutUs/policiesProceduresStandardsStatement/rulesProcedures/08CivilRightsProtectionsAndCompliance/08.01.01.R0.01CivilRightsComplianceProcedure.pdf

Disciplined Employees or Students

Any employee disciplined may appeal that action in accordance with **32.01.02 Complaint and Appeal Process for Nonfaculty Employees, 32.01.01 Complaint and Appeal Procedures for Faculty Members**, and/or other procedures as appropriate. Any student disciplined pursuant to this regulation may appeal the action in accordance with the procedure for student grievances.

No Retaliation

Retaliation against anyone for initiating or participating in a grievance procedure will not be tolerated by the university. Retaliation, threats, or other forms of intimidation against any party involved may be grounds for disciplinary action up to and including termination.

Confidentiality

The privacy of all parties regarding a complaint of sexual harassment will be respected, except as it may interfere with the university's obligation to investigate the allegations. When information is required to be shared privacy will still be tightly controlled.

Contact Information

The President has delegated the investigation of grievances based on race, color, religion, sex, age, national origin, disability, sexual orientation, gender identity, genetic information, or veteran status to:

Students:

Assistant VP and Dean of Campus Life & Student Development
Halladay Student Services, Room 201
(903) 886-5195

Faculty, Staff, third parties:

Chief Human Resources Officer
McDowell Administration, Room 171
(903) 886-5041

