LE IX BEVIEWS

TEXAS A&M UNIVERSITY

UPDATE AUGUST 2018

Summary, Actions and Next Steps



PURPOSE

This presentation provides a high level summary of:

- Reviews background;
- Internal and external reviews;
- Committee recommendations;
- Immediate actions; and
- Continuing work.

Full internal and external review reports available at: https://today.tamu.edu/



BACKGROUND

- Reviews announced: President Young announced in June internal and external reviews of the handles Title IX investigations and sanctioning; university's Title IX rules, policies and processes following concerns raised about how the university
- advocacy group at the invitation of Provost Carol Fierke to hear their concerns Meeting to hear concerns: President, Chancellor, other leaders met with an Aggie-led sexual assault
- Committees formed and met regularly: Students, faculty, staff, community Sexual Assault Resource scope, methodologies, committee membership and recommendations; Group (SARC), advocacy group members, and Student Body President. See full review reports to see
- and secondary research and recommendations; External firm selected, conducted research and interviews: See full report for benchmarking, primary
- Review recommendations submitted
- Actions approved: Announced August 20; and
- Ongoing work: Continuing work, including input from faculty, staff and students not here during this time period



PRIMARY CONCERNS IDENTIFIED

1. Report Intake Help individuals to understand where to report, the process ahead, their rights. Minimize the number of times necessary to have to retell their storage. 2. Trauma-Informed Communications Support students professionally and with care specific to traumatic cases are every interaction throughout the process. Convey clear policies, rights, and a range of sanctions and participation that are commensurate with the type and severity of the violation(s).	Category	Concerns/Needs
-Informed Support students professionally and with cannications every interaction throughout the process. Convey clear policies, rights, and a range of are commensurate with the type and severit	1. Report Intake	Help individuals to understand where to report, the process ahead, their rights. Minimize the number of times necessary to have to retell their story.
Convey clear policies, rights, and a range of are commensurate with the type and severit	2. Trauma-Informed Communications	Support students professionally and with care specific to traumatic cases at every interaction throughout the process.
	3. Policies	Convey clear policies, rights, and a range of sanctions and participation that are commensurate with the type and severity of the violation(s).

4. Resources

Ensure consistency in communications across university.

Provide resources that can be easily accessed and understood.



PRESIDENT'S ANNOUNCED ACTIONS

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Transcript notations in immediate effect	Additional trainings and communications approved, such as: mandatory reporter; traumainformed cases; rights and resources	Expansion and distribution of counselors	Assign one-on-one case managers to assist students throughout process	Hire four additional positions (investigators, Title IX Deputy Coordinator, case manager)	Enhance and empower Title IX office, redefining role, resources and authority	Update communications to a central omnibus site, to and from which all resources flow	Decision for eligibility to return to participation determined at investigation finding, not upon return from suspension	Dean of Students – not organization/team – decides interim restrictions	New guidelines for participation in representing the university in extracurricular activities	New approved sanctioning model for students	



Committee One: Student experience in Title IX investigations

Charge/Scope

- to sexual assault, focusing on interaction for complainant, respondent and other participants. Research and analyze student experience in investigations, including policies and practices of Title IX processes pertaining
- Make recommendations that address concerns and establish Texas A&M as a national leader.

How committee uncovered strengths, weaknesses/opportunities for improvement:

in the process that led to recommendations impossible to simulate the reality of traumatic cases, this helped uncover some key findings scenario posing as a graduate student with Mr. McGinnis as a faculty advisor assisting. While In addition to committee meetings, Dr. Means-Coleman also participated in a mock-intake



Committee One Recommendations

- Consolidate intake and investigation into expanded Title IX Office;
- 2. that communicates the timeline for process; Ensure a trauma-informed response for all that includes access to case managers and
- ω Improve and expand methods of consistent communication; and
- Justice). Explore alternative resolution models (Investigator Model, Administrator, Restorative

in the full review report. Note: More than 40 recommendations that relate to the core recommendations above are



Committee Two: Sanctioning and participation

Charge/Scope

- Research, discuss and develop recommendations for student sanctioning model and eligibility to represent Texas A&M in extracurricular activities
- Make recommendations that address concerns and establish Texas A&M as a national leader.

How committee uncovered strengths, weaknesses/opportunities for improvement:

- Minnesota, others; Code of Conduct Title IX violations language, associated sanctions, mitigating, aggravating and compounding factors; Extensive review: current guidelines, benchmark examples such as ATIXA, University of
- Research and discussion of scenarios and accompanying sanctions and interim suspension and suspension/expulsion processes;
- band, Corps of Cadets, student government representatives, etc. Review and extension to all extracurricular activities - such as athletic teams, clubs,



Committee Two: Recommended Sanctioning Matrix

- Specific, fair, clear
- Visual, multi-format

Primary goal: Clarity pre/during hearings Secondary goal: Educational tool

SANCTION RANGE —

	N		
DATING ABUSE & VIOLENCE	• 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 • Direct or private unsolicited contact or attempts to contact via social media	 SEXUAL HARASSMENT Severe, persistent, or pervasive sexual innuendos, jokes, remarks, questions, gestures Display of sexually explicit visual material 	Stage 1: Reprimand/Restrictions/Review
DATING ABUSE & VIOLENCE	STALKING Any one or combination of Stage 1 behaviors plus: • 2nd violation of stalking • Repeated, unsolicited contact or attempts to contact via social media .	SEXUAL HARASSMENT Any one or combination of Stage 1 behaviors plus a behavior from another category	Stage 2: Probation
DATING ABUSE & VIOLENCE	Any one or combination of Stage 1 and/or Stage 2 behaviors plus: Intimidation or Physical abuse in retaliation for reporting sexual misconduct, dating/domestic violence, and/or stalking Repeated, unsolicited visits to another person's home, business, and/or class, and/or that of their family/household Assuming another's identity in order to make contact with complainant	SEXUAL HARASSMENT Any one or combination of Stage 1 and/or Stage 2 behaviors plus a behavior from another category	Stage 3: Suspension
DATING ABUSE & VIOLENCE	STALKING Any one or combination of Stage 1, Stage 2 and/or Stage 3 behaviors	SEXUAL HARASSMENT Any one or combination of Stage 1, Stage 2 and/or Stage 3 behaviors plus a behavior from another category	Stage 4: Expulsion
	'		

*NOTE: Partial graphic only. See Internal Review Report for complete chart



Committee Two: Recommended Sanctioning Dashboard

SANCTION RANGE

Stage 1: Reprimand/Restrictions/Review

Stage 2: Probation

Stage 3: Suspension

Stage 4: Expulsion

Examples of sanction dashboard.

See full Internal Review chart for all violations

Non-consensual Sexual Contact Examples

				Unwelcomed touching, fondling, groping or genital touching
				Unwelcomed increased touching, fondling, groping, or genital touching
	87 2 - 5			Non-genital fondling, groping or heavy touching
				Unwelcomed kissing and/or light touching over clothing
4	3	2 3 4	1	BEHAVIOR

Sexual Abuse Examples

Penetration (by means other than sex organs)	Penetration (by sex organs)	Oral sex	BEHAVIOR 1
			2
			2 3
8			4



Committee Two: Sanctioning Clarity – One chart per violation

APPENDIX A: TITLE IX CUMULATIVE SANCTION MATRIX

Texas ASM University Title IX Internal Review and Recommendations

3-4

sanctions for this violation

Range of

Definition

conduct misconduct violation to this that applies Examples

EXAMPLES

Oral sex

Penetration (by sex organs)

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

Conduct Violation: Sexual Abuse

DEFINITION FROM CONDUCT CODE

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

SANCTION RANGE

Mitigating Factors:*

Aggravating Factors:*

- Consent was ambiguous.
- disregard for the dignity and autonomy of the complainant, but instead appeared to be an error in judgment, possibly affected by drug or The responding party's behavior, though non-con-sensual, did not exhibit a deliberate

The responding party's use of a weapon or restraints

- The responding party's behavior was not
- Complainant impact statement and reduced

The responding party's behavior was predatory.

 The responding party's brazen refusal to desist the conduct after consent had been The use of drugs or alcohol to intentionally incapacitate the complainant. The responding party threatened bodily injury or intimidated the reporting party.

An ongoing hostile environment persists.

 The responding party was in a position of power or authority over the complainant "Steatthing" (removing a condom during sex without the reporting party's consent) The responding party knew they had an STD at the time of the intercourse and did

Compounding Factors:**

- The responding party's use of force or physical violence in the perpetration of the 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.

one lands on the determine where compounding aggravating, and factors that Mitigating,

Note: This slide contains just one example of seven violation definition pages. See Internal Review Report

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

Proposed Texas A&M Title IX Cumulative Sanction Matrix* DATING ABUSE & VIOLENCE * Internal above using actions, gentures, and tune of voice to indicate a threat of violence. DOMESTIC ABUSE & VIOLENCE - Intimiduation: using actions, greatures, and tune of voice to indicate a threat of violence Severa persistent of pervisive sexual innuendor, joken, remarks, questions, NON-CONSENSUAL SEXUAL CONTACT * Unwelcomed kissing end/or light touch-ing over conting SEXUAL EXPLOITATION Reckless viewing of nudity or sexual behavior NON-CONSENSUAL SEXUAL CONTACT Any one or combination of Stage 1 behavior spice a behavior from another casegory plan: Non-spin-al fonding, groping or heavy mouthing Ago use to comment of the part DOMESTIC ABUSE & VIOLENCE Anyonese combessions of Stage 1 betweethers place informations the custing for the recenting discretions the custing for the custom of property in place above the staget, drawing the postulations of property in proposal above the staget, drawing the postulation of property in proposal above the staget, drawing the postulation of property operts. DATING ABUSE & VIOLENCE Any one is communicated of Suge? I have the communicated of Suge? I have the substance of Suge in have the substance of Suge in have the substance of Suge in Datas colored in Suge in Datas colored in SEXUAL HARASSMENT Any one or combination of Stage 1 behaviors plus a behavior from another category STALXING Any one or combination of Stage 1 behaviors plus. - Ind violation of stalking. - Repeated, unsolicited contact or attempts to contact via social media. ding groping or genical touching SANCTION RANGE ____ Any one or correor Stage 2 behavior or Stage 2 behavior pornographysis under 18 Taking or trans of an identified internation of port person's cooses person's cooses internation of port person's cooses or recordings to som editiousit the Stagely infectors of the Stagely DOMESTIC ABL Any one or consi behaviors plus: Intimidation or retailation for conduct, duting and/or stabling Objelaying wee at a person will Destruction of DATING ABUSE Any one or cont behavior's place - intimidation or retailation for conduct, dailing and/or statising - Displaying was of a person wit - Destruction of SEXUAL HARAS Any one or comi and/or Stage 2 b from another ca SEXUAL ABUSE *Oral sex *Penetration (by *Penetration (by organs) Internal Review Commettee Title IX/Studeed Austinean Services Processes 4, Procedures 16

nsion Stage 4: Exputsion	SANCTION RANGE Stage II Reprintand/Restrictions/Review Stage 2 Probation	RANGE Stage 3: Suspension Stage 4: Exp.	uision
AASSMENT SEXUAL HABASSMENT SEXUAL HABASSMENT Any one or combination of Stage 1.	Sexual Harassment Examples	Domestic Abuse & Violence Examples	
behavior from another category	SEVERE PRINSPERIE OF PERMANENT BEHAVIOR (1 2 3 4	1	2 3 4
	Sexual innuendos, jokus, remarks, questions	intimidation: Using actions, gestures, and tone of voice to	
	Sexual gestures and/or gifts of a sexual nature		
e 2 behavior spius: Stage 2 and/or Stage 3 behavior s on Physical abuse in refail-		Destruction of property	
sporting sessual misconduct.	Proceding another person educational access, benefits,	Physical abuse: Pushing, shoving, hair-pulling, scratching, hitting, using force to prevent partner from leaving	
unsdidted visits to another one, business, and/or class.		Intimidation or Physical abuse in recalistion for reporting serval resconduct, dating/domestic violence, and/or stalking	
t of their family/household another's identity in order to act with complainant	ing domestic volence, and/or stailing (includes deprivation of and educational opportunity or benefit)	Displaying weapons, throwing objects at a person with potential to injure	
USE & VIOLENCE DATING ABUSE & VIOLENCE Any one or containation of Stage 1.	Scalking Examples		
540	80MM08	Sexual Exploication Examples	
for reporting sexual mis- ading/domeosic violence,	Repeated, unsolicited phone calls, emails, texts, and/or gifts to another nemons and/or their familiations about	BEHANDIR 1	2 3 4
owing objects		Reddess viewing of nudity or sexual behavior	
n with potential to injure in of valuative property	surveillance of another person and/or their family/household	Allowing others to observe sexual activity without the other person's consent	
	Repeated, unselfaced visits to another person's home, business, anddor class, and/or that of their family/household	Taking or transmitting images or videous of another person in a serval intimate, or private act without that person's consent	
ABUSE & VIOLENCE DOMESTIC ABUSE & VIOLENCE	Represent, uncelidated contact of attempts to contact via social media	Distributing sessual or intimate images or recordings of enoth-	
combination of Stage 2 Any one or combination of Stage 1, Stage 2 and/or Stage 3 behaviors	interdation or physical abuse in residution for reporting sexual misconduct, dating domestic violence, and/or stalking	Allowing others to observe sexual activity without the other	
for reporting sexual mis- taing/Jornes8c violence, bins	Assuming another's identity in order to make contact with complainant	Engaging in sexual activity while knowingly infected with an STD without the other person's knowledge	
weapoins, throwing abjects a with potential to injure in of valuable property	Dation Abuse & Violence Committee	Possessing and/ or viewing child pernographysterial images of those under 18	
	80HATOR 7 2 3 4	Deliberate indexent exposure with intent for impact	
PLOITATION SEXUAL EXPLOITATION	Interviaution: Using actions, gestimes, and tone of voice to Indicate a threat of violence	Collecting, creating, and/or distributing child pornography/ sexual images of those under 18	
Stage 1 and/	Preventing complainant from calling for help	Prostituting another person	
	Destruction of property		
9	Physical abuse Publing, browing, hally publing, scrattling, hitting, using force to prevent partner from leaving	Non-consensual Sexual Contact Examples	2
r private act without that	sexual misconduct, dating/domestic violence, and/or stalking	Unwelcomed kissing and/or light touching over clothing	
g sexual or intimate images gs of another identified per-	Displaying weapons, throwing objects as a person with potential to injure	Non-genital fondling, groping or heavy touching	
at that person's consent		Unwelcomed increased touching, fondling, groping, or general touching	
urb browledge indexent exposure with		Unwelcomed touching, fondling, groping or genital touching	
ENSUAL SEXUAL CONTACT NON-CONSENSUAL SEXUAL CONTACT Any one of sembleution of Stage 1.		Sexual Abuse Examples	
etastors plus: Stage 2 and/or Stage 3 behaviors et trustime frontine error.		1 SOMME	2 3 4
Edi Duching		Onal sex	
		Penetration (by sux organs)	
_		Penetration (by means other than sex organs)	

Internal Enniew Committee Title IX (Student Aussianus Services Processes & Procedures 17



Committee Two: Participation Recommendations

- Representing the university in extracurricular activities is a "privilege" not a "right"
- New guidance includes athletic teams, clubs, fraternities, sororities, the Corps of Cadets, band, student government, and other formally-recognized groups;
- but is remanded to the Dean of Students for interim restrictions and to sanctioning body if found responsible at the hearing; Decision to allow or deny participation is not left to the club, team, coach or organization
- penetration will be subject to a minimum of one-year suspension in the absence of Students found responsible for acts of sex-based violence and/or non-consensual sexual significant mitigating factors;
- the university and also will be ineligible to receive institution-administered scholarships; Those allowed to return after a year or more of suspension will not be eligible to represent
- Those with predatory behaviors will be permanently expelled.



EXTERNAL REVIEW

Husch Blackwell (HB)

Charge/Scope

- Evaluate investigative rules, policies, processes and implementation
- Interview students, faculty, staff, participants
- Make recommendations for improvements that will set a national standard in Title IX.

Recommendations

- Overhaul structure of TAMU's Title IX-related policies by consolidating all relevant provisions in an omnibus policy to improve clarity and ease of access for faculty, staff and students;
- 2. Streamline reporting obligations (What it means to be a mandatory reporter);
- ω ensure compliance and execution of the critical functions of the role; Redefine the role of the Title IX Coordinator, clarifying resources and authority available to
- 4 Establish ongoing, collaborative process for evaluating policy improvements on a regular

Note: For full findings and recommendations, see external review recommendations report



APPROVED ACTIONS

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Transcript notations in immediate effect	Additional trainings and communications approved, such as: mandatory reporter; traumainformed cases; rights and resources	Expansion and distribution of counselors	Assign one-on-one case managers to assist students throughout process	Hire four additional positions (investigators, Title IX Deputy Coordinator, case manager)	Enhance and empower Title IX office, redefining role, resources and authority	Update communications to a central omnibus site, to and from which all resources flow	Decision for eligibility to return to participation determined at investigation finding, not upon return from suspension	Dean of Students – not organization/team – decides interim restrictions	New guidelines for participation in representing the university in extracurricular activities	New approved sanctioning model for students	



ONGOING ACTIONS

S 2 4 Approved Recommendations for Continuing Improvement Establish benchmarking considerations to ensure that Texas A&M is a national leader. Launch faculty/staff sanction task force to develop consistent sanctions. continuous review of processes and practices. Launch implementation task force to ensure that all agreed actions are conducted and to ensure faculty and staff cases. Explore alternate resolution models including moving to centralized investigator model for student,



Do actions address concerns and more?

Issue	Concern/Need	Actions
Report Intake	Help individuals to understand where to report, the process ahead, rights and not to have to retell their story more times than necessary.	 Clear pathway to report Ensure clear communications on processes and rights for all Minimize # times story told
Trauma-Informed Communications	Support students professionally and with care specific to traumatic cases at every interaction throughout the process.	 Training staff on sensitivities Dedicated one-to-one case manager Greater counselor access
Policies	Convey clear policies, rights, and a range of sanctions and participation commensurate with the type and severity of violation(s).	✓ Update and communicate clear rules ✓ Specify sanctions and participation commensurate with violation(s)
Resources	Provide resources that can be easily accessed and understood.	 Review staffing levels for best support Allocate staff or funds to improve online and hard copy tools



in all that we are and all that we do. We must continue to aspire to live our core values

Leadership • Loyalty • Integrity Respect • Excellence Selfless Service Our Core Values