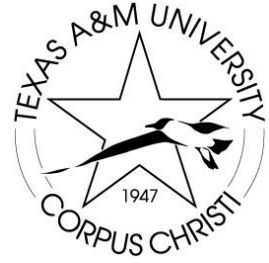


08.01.01.C1.03 Student Title IX Sexual Misconduct (assault/violence) Incident Coordination



Approved: September 27, 2016
Next Scheduled Review: September 27, 2021

Procedure Statement

Texas A&M University-Corpus Christi is committed to providing a prompt and effective process in response to addressing a notice of sexual misconduct in violation of Title IX. As such, the university will take steps to: (1) investigate (2) stop the harassing behavior (3) engage in remedial support for the victim and the campus community, and (4) take action to reasonably prevent the reoccurrence of the harassing behavior, and to do so in a prompt, equitable and effective manner. Timelines for investigation and reporting will be in accordance with section 4.2.5 of TAMUS Regulation 08.01.01 Civil Rights Compliance.

Reason for Procedure

Sexual Misconduct (assault/violence) complaints and/or incidents may involve on and off campus criminal processes. Accordingly, law enforcement investigations may create delays to a concurrent institutional investigation and these investigative efforts must be properly coordinated. Even in the event of an investigative delay, the university will engage and coordinate efforts to provide remedial support and assistance to the alleged victim and accused in accordance with Title IX guidelines. Upon conducting the Title IX investigation, the university will inform the relevant parties of the investigation timeline, keep them informed throughout the process and document all actions. This procedure provides the key actions, coordination, and timeline for university activities to promptly and effectively respond to a notice of sexual misconduct. For information on how to report an incident or file a complaint see student misconduct process (student code of conduct) and faculty & staff civil rights grievance procedures, TAMUCC Rule, 08.01.01.C1, Civil Rights Compliance.

Procedures and Responsibilities

1. Notice:

- 1.1. Official notice begins when a complaint or incident of sexual misconduct is reported to the University Police Department (UPD), Title IX Coordinator, or responsible employee.

Complaints/incidents regarding campus sexual violence, assault, dating violence, domestic violence, and stalking, will be forwarded, if not already reported, to the University Police Department.

1.2. Upon receiving a report of a complaint/incident of sexual violence/misconduct as described above occurring on property owned or leased by the university, the UPD will conduct an initial investigation of the complaint/incident and render a police report.

1.2.1. The UPD will notify the following individuals of the report/incident, as appropriate: Executive Vice President for Finance & Administration (who will notify President's Cabinet members as appropriate), Title IX Coordinator/Deputy Coordinator, Associate Dean of Students, and the Public Affairs/Information Officer.

1.2.2. The University Police Chief will determine if a timely Clery Act notice will be issued to the campus community.

1.3. Upon receiving a report of a complaint/incident of sexual violence/misconduct as described above not occurring on property owned or leased by the university, the Title IX Coordinator will conduct an initial investigation of the complaint/incident and render a report.

1.3.1. The Title IX Coordinator will notify the following individuals of the report/incident, as appropriate: Executive Vice President for Finance & Administration (who will notify President's Cabinet members as appropriate), UPD, Associate Dean of Students, and the Public Affairs/Information Officer as appropriate.

1.3.2. The University Police Chief will determine if a timely Clery Act notice will be issued to the campus community.

2. Title IX response team coordination meeting:

2.1. The Title IX response team (Title IX Coordinator/deputy Coordinator, Associate Dean of Students, UPD, and others campus representatives, as appropriate, will meet generally not later than 16 hours after the official notice to assess and recommend interim accommodation measures (e.g. suspension, classroom changes, housing, counseling, medical support) as appropriate.

2.2. After this meeting, the Associate Dean of Students and Deputy Title IX coordinator will continue to meet throughout the investigation and hearing phases to coordinate and effect accommodations as needed for complainant and respondent.

3. Title IX Coordinator initial inquiry and/or investigation determination:

- 3.1. Upon receiving a complaint/incident of sexual misconduct (including sexual violence), the Title IX Coordinator will review the complaint/incident and determine generally not later than 24 hours after the official notice whether there is reasonable or no reasonable cause to believe specific policy/regulations have been violated. The Title IX Coordinator/Deputy Coordinator will also notify the TAMUS Equal Opportunity and Diversity Director/Title IX Coordinator of an allegation of sexual violence (including sexual assault, rape, sexual battery, sexual coercion, and sexual exploitation) involving a student or employee.
 - 3.2. Upon conducting an inquiry, the case will be closed if there is no reasonable cause to believe policy/regulation has been violated. Accommodations, support, and remediation for the complainant may still be implemented.
 - 3.3. If there is reasonable cause to believe a specific policy/regulation has been violated, then a Title IX investigation will be opened, investigator(s) assigned, and a notice of investigation will be provided to both the alleged victim and respondent generally not later than 48 hours after the official notice.
 - 3.4. If notified by an outside authority of a parallel investigation, the Title IX Coordinator will determine appropriate action (i.e. continue the investigation without regard to the parallel process, or at the point at which law enforcement has concluded the evidence gathering phase of its investigation).
4. Title IX investigator(s) general duties:
 - 4.1. Establish a preliminary timeline for the investigation, using reasonable time frames, and communicate that timeline to appropriate parties (complainant and respondent). Update the timeline as progress and changes are needed. Note clearly and document any delays in this timeline and the reasons therefore.
 - 4.2. Make a statement of findings
 - Clearly identify the applicable policies and procedures that apply to the investigation. Coordinate procedures where more than one applies, and give clear notice of these procedures to the complainant and respondent
 - List the evidence and what it shows
 - Assess credibility of complainant, respondent and witnesses
 - Make a determination as to whether the evidence (facts, opinions, circumstances) establishes a violation or no violation of policy/regulations using a preponderance of the evidence (more likely than not) standard.
 - Cite concretely the reasons for this conclusion in a written report.
 - 4.3. Refer the complaint and findings to the Title IX Coordinator who will review, make a final determination, and forward the findings to the Associate Dean of Students and notify the complainant and respondent in accordance with TAMUS Regulation 08.01.01

Civil Rights Compliance. The Associate Dean of Students will schedule a hearing if the complaint is substantiated or there is cause to believe that the student code may have been violated.

5. Office of Judicial Affairs, Division of Student Engagement & Success responsibilities:

5.1. Hearing, sanctions, and/or appeals will be conducted in accordance with Student Sexual Misconduct procedures. Hearings and sanctions will be completed generally not later than 60 business days after the official notice of complaint as described in Section 1.1 in accordance with TAMUS Regulation 08.01.01 Civil Rights Compliance. Appeals, if necessary, may be completed outside of the general 60-business day time frame.

5.2. Final outcomes of the hearing, sanctions, and appeal will be shared with both the complainant and respondent.

5.3. Sanctions will be issued and efforts made to prevent reoccurrence.

5.4. Efforts will continue to remedy effects on the complainant and campus community as appropriate.

5.5. Final outcomes and/or remaining issues/concerns will be submitted to the Title IX Coordinator.

6. Training/Education/Information

Hearing Boards, Investigators, University Police, Compliance Services personnel, and the Title IX Coordinator/Deputy Coordinator will receive formal training annually. Managers and supervisors will receive information as part of regular supervisor training & orientations. The University has policies, rules, procedures, and resources regarding sexual violence, including student handbooks, protocols, videos, website, and brochures. Materials and implementation of policies and procedures will include information on what constitutes sexual harassment/violence, what to do and how to report, information for resources, how to contact Title IX Coordinator, and measures the university will take.

7. Monitoring/Compliance Review

The Employee Development and Compliance Services Department will (1) document and track Title IX timeline compliance. (2) evaluate the university's performance in responding to complaints and/or incidents of sexual misconduct, and (3) request and implement measures to improve performance where necessary.

The Employee Development and Compliance Services Department will provide report of the number and type of complaints/incidents received and processed, and systemic issues/concerns to the President's Cabinet each semester.

Related Statutes, Policies or Rules

[System Policy 08.01 Civil Rights Protections and Compliance](#)

[System Regulation 08.01.01 Civil Rights Compliance](#)

[University Rule 08.01.01.C1 Civil Rights Compliance](#)

[Student Code of Conduct, Article X](#)

Contact Office

Contact for interpretation and clarification: Employee Development & Compliance Services
Department
(361) 825-5826