08.01.01.C1.02 Student Sexual Assault Incident Coordination

Procedure Summary

Texas A&M University-Corpus Christi is committed to providing a prompt and effective process in response to addressing a notice of sexual assault 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 reporter/complainant 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 system regulation 08.01.01, Civil Rights Compliance.

Sexual assault 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 reporter/complainant and respondent 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 assault. For information on how to report an incident or file a complaint see student sexual misconduct process (student code of conduct), faculty & staff civil rights grievance procedures, and university rule 08.01.01.C1 Civil Rights Compliance.

Procedure

1. University Coordination after Notice:

   1.1. Notice begins when a complaint or incident of sexual assault is reported to the University Police Department (UPD), Title IX Coordinator, or university employee.

   1.2. Upon receiving a report of a complaint/incident of sexual assault/violence 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, as appropriate.
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 Clery Act notice (emergency notification/timely warning) 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 coordinate efforts to assess and recommend interim accommodation measures (e.g. suspension, classroom changes, housing, counseling, medical support) as appropriate.

2.2. The Associate Dean of Students and Deputy Title IX coordinator will continue to coordinate and assess accommodations as needed for reporter/complainant and respondent throughout the investigation and hearing phases and/or adjudication.

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

3.1. Upon receiving a complaint/incident of sexual assault/sexual violence), the Title IX Coordinator will (concurrent with the criminal process) 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 provide system with a Civil Rights Incident report of an allegation of sexual harassment/discrimination (including sexual assault, sexual harassment, domestic violence, dating violence, stalking, sexual exploitation, and retaliation) involving a student or employee.

3.2. Upon conducting an inquiry and in consultation with OGC, the case will be closed if there is insufficient information to investigate, the allegations are baseless. Accommodations, support, and remediation for the complainant may still be implemented.

3.3. If there is sufficient information to investigate, then a Title IX investigation will be opened, investigator(s) assigned, and a notice of investigation will be provided to both the reporter/complainant and respondent generally not later than 48 hours after the official notice.

3.4. If notified by an outside authority of a parallel investigation (external law enforcement), 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) duties:

4.1. Primary Duties:

(a) Establish a preliminary timeline for the investigation, using reasonable time frames, and communicate that timeline to appropriate parties (complainant and respondent)
(b) Update the timeline as progress and changes are needed
(c) Document any delays in this timeline and the reasons therefore
(d) Assign an investigator(s) to review each complaint and provide an investigation report with conclusions.

4.2. Investigation Report:

(a) 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
(b) List the evidence and what it shows
(c) Assess credibility of complainant, respondent and witnesses
(d) Make a conclusion as to whether the evidence (facts, opinions, circumstances) substantiates a violation or no violation of policy/regulations using a preponderance of the evidence (more likely than not) standard.
(e) Cite concretely the reasons for this conclusion in a written report.

Refer the complaint and conclusion to the Title IX Coordinator who will review and forward the investigation report to the Associate Dean of Students and notify the reporter/complainant and respondent in accordance with system regulation 08.01.01, Civil Rights Compliance.

5. Associate Dean of Students, Division of Student Engagement & Success responsibilities:

5.1. Hearing, sanctions, and/or appeals may be conducted in accordance with Student Sexual Misconduct procedures by Student Conduct & Community Standards. Appeals, if applicable, may be completed outside of the general 60-business day time frame.

5.2. Final outcomes of the adjudication process will be shared with both the complainant and respondent, as well as the Title IX Coordinator and any other official deemed appropriate.

5.3. Sanctions will be issued, and efforts made to prevent reoccurrence.
5.4. Efforts will continue to remedy effects of the complaint on the campus community, as appropriate.

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. All first-year students will be required to complete Title IX training. The university has policies, rules, procedures, and resources regarding sexual violence, including 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

7.1. 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.

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

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**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

This procedure supersedes:
- *08.01.01.C1.03, Student Title IX Sexual Misconduct (assault/violence) Incident Coordination*

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**Contact Office**

Contact for interpretation and clarification: Employee Development & Compliance Services,
Title IX Coordinator
(361) 825-5826