



Notice of Non-Discrimination

Texas A&M AgriLife (AgriLife) is committed to providing safe and non-discriminatory learning, and work environments for all members of the AgriLife community. AgriLife provides equal opportunity to all persons regardless of race, color, sex to include pregnancy [1] and parental status, religion, national origin, age, disability, genetic information, veteran status, sexual orientation, or gender identity, or any other classification protected by federal, state, or local law. All complaints of discrimination, harassment (including sexual harassment), complicity and related retaliation based on a protected class will be promptly, thoroughly, and fairly investigated in accordance with System Regulation 08.01.01, AgriLife 08.01.01 Rules, and applicable federal and state laws. In accordance with Title IX and its implementing regulations, AgriLife does not discriminate on the basis of sex in any educational program or activity, or employment.

The response to allegations of discrimination, harassment, complicity, and related retaliation will be 1) prompt, thorough, and equitable; 2) intended to prevent the recurrence of any harassment; and 3) intended to remedy its discriminatory effects, as appropriate. A substantiated allegation of such conduct may result in disciplinary action, up to and including separation of employment. Visitors, contractors, and third parties who commit discrimination, harassment, complicity, or related retaliation may have their relationships with AgriLife terminated and/or their privileges of being on AgriLife premises withdrawn.

The procedures for responding to allegations of discrimination, harassment, complicity, and related retaliation against students, faculty, staff, and third parties are detailed in System Regulation [08.01.01](#), AgriLife [Rules](#), and Texas A&M University's [SAP](#). The sanctioning guidance for substantiated allegations against employees and students can also be found in the SAP. Questions should be directed to Jennifer Smith, Title IX Coordinator at: civilrights@tamu.edu.

Reporting Responsibilities

Allegations of sexual assault, sexual harassment, sex-based misconduct, dating/domestic violence, or stalking

All employees (except those identified below) who, in the course and scope of their employment, witness or receive information regarding the occurrence of an incident that the employee reasonably believes constitutes sexual harassment, sexual assault, sex-based misconduct, dating/domestic violence, or stalking and is alleged to have been committed



by or against a person who was an AgriLife employee at the time of the incident, shall promptly report all known information about the incident to the Title IX Coordinator. An employee who experiences sexual harassment, sexual assault dating/domestic violence, or stalking may report but is not required to do so. Licensed health care providers and licensed counselors acting in the course and scope of employment when a disclosure is received must report de-identified statistics but shall not report any other information. If, in accordance with its applicable disciplinary processes, it is determined that the employee knowingly failed to make a required report, or that the employee, with the intent to harm or deceive, knowingly made a false report, the employee will be terminated. State law also criminalizes the failure to report and may charge an individual with a Class A Misdemeanor.

Allegations of discrimination, harassment, complicity, or related retaliation other than allegations of sexual assault, sexual harassment, sex-based misconduct, dating/domestic violence, or stalking

All employees (except licensed health care providers and licensed counselors) who, in the course and scope of their employment, experience, witness, or receive information regarding the occurrence of an incident that the employee reasonably believes constitutes discrimination, harassment, complicity, or retaliation related to a protected class (other than allegations of sexual harassment, sexual assault, sex-based misconduct, dating/domestic violence or stalking) shall promptly report all known information about the incident to the Title IX Coordinator or their supervisor. An employee's failure to report alleged or suspected discrimination may result in disciplinary action, including dismissal. If, in accordance with its applicable disciplinary processes, it is determined that the employee knowingly failed to make a required report, or that the employee, with the intent to harm or deceive, knowingly made false report, the employee will be terminated. Licensed health care providers and licensed counselors do not report any information received in the course and scope of their employment related to discrimination, harassment, complicity, or retaliation related to a protected class (other than de-identified statistics related to allegations of sexual harassment, sexual assault, dating/domestic violence, or stalking).

- Non-affiliated members of the public are strongly encouraged, but not required, to report incidents to the Title IX Coordinator. Confidential Resources (who report de-identified statistics only as required by law) are available to employees through licensed counselors at **Work/Life Solutions Program by GuidanceResources**.



Employees may speak with personnel by calling (866) 301-9623, may download App: GuidanceNow, or go to <https://www.guidanceresources.com/> (Web ID: TAMUS).

Employees at locations other than College Station may report confidentially through their counseling and healthcare providers. Contact information for providers at satellite locations may be found here: <https://titleix.tamu.edu/get-help/>

Where to Report an Incident

- **Designated Official:** AgriLife has designated Jennifer Smith, Title IX Coordinator, to receive all reports of discrimination, harassment, complicity, and retaliation related to a protected class or status. Protected classes or statuses include race, color, sex to include pregnancy and parental status, gender identity, age, religion, disability, national origin, immigration status, citizenship status, sexual orientation, genetic information, or veteran status.

To file a report please contact:

Ms. Jennifer M. Smith, TAMU Associate Vice President & Title IX Coordinator

YMCA Building, Suite 108

1268 TAMU

College Station, TX 77843-1268

(979) 458-8407

civilrights@tamu.edu

You may also submit a report online through the Title IX Website, which may be found at <https://titleix.tamu.edu/>.

- For reporting incidents or to make inquiries regarding discrimination based on disability, contact Jennifer Smith (information above).
- To request disability accommodations, please contact Elizabeth Schwartz, Chief Human Resources Officer and ADA Coordinator, Texas A&M AgriLife / elizabeth.schwartz@ag.tamu.edu / (979) 845-2423
- To request pregnancy accommodations as a staff or faculty member, you may contact your AgriLife Human Resources at (979) 845-2423.



- To make an anonymous report, TAMU's online reporting form may be used: Tell Somebody. Anonymous reports usually limit TAMU CREI's ability to respond to or resolve an allegation.

Reporting to Law Enforcement

Anyone who has experienced discrimination, harassment, complicity, or related retaliation has the right to choose whether to report the behavior to law enforcement instead of or in addition to reporting to the TAMU CREI. Jennifer Smith, Title IX Coordinator, can assist in making a report to law enforcement authorities. A complainant may also choose to decline to notify law enforcement.

A report to law enforcement, even to the University Police Department (UPD), is separate from a report to the TAMU CREI. An individual pursues administrative disciplinary remedies by reporting to the TAMU CREI and criminal remedies by reporting to law enforcement. Disciplinary and criminal remedies may be pursued separately or at the same time. An individual wishing to pursue disciplinary remedies and criminal remedies simultaneously should make a report to both Jennifer Smith, Title IX Coordinator, and to the appropriate law enforcement agency.

For emergencies, call 9-1-1. For non-emergencies, contact local law enforcement:

In College Station:

- University Police Department (979-845-2345)
- Bryan Police Department (979-209-5300)
- College Station Police Department (979-764-3600)
- Brazos County Sheriff's Office (979-361-4900)

To report abuse or neglect of persons aged 65 or older, persons with disabilities, or minors:

State law requires all persons having cause to believe that a child's physical or mental health or welfare has been adversely affected by abuse or neglect to immediately make a report (even if the belief is premised upon incomplete or dated information) to any of the following:

- any local or state law enforcement agency;
- the Department of Family and Protective Services (DFPS); or



- the state agency that operates, licenses, certifies, or registers the facility in which the alleged abuse or neglect occurred; or the agency designated by the court to be responsible for the protection of children.

Further, all persons having cause to believe that an individual 65 years or older or a disabled person 18 years of age or older is being abused, neglected, or exploited are required to notify the DFPS at the Texas Abuse Hotline at 1-800-252-5400 or www.dfps.state.tx.us/Contact_Us/report_abuse.asp.

Reporting to Outside Agencies

Individuals may file a complaint at any time with any local, state, or federal civil rights offices, including, but not limited to, the Equal Employment Opportunity Commission, the Texas Workforce Commission's Civil Rights Division, the U.S. Department of Education's Office of Civil Rights, and the U.S. Department of Justice.

Inquiries about the application of Title IX and its implementing regulations may be referred to Jennifer Smith, Title IX Coordinator, or the U.S. Department of Education's Office of Civil Rights' Assistant Secretary, or to both.

Amnesty and Immunities

A person acting in good faith who:

- reports or assists in the investigation of a report of an incident of sexual harassment, sexual assault, dating violence or stalking;
- testifies or otherwise participates in a judicial proceeding arising from a report of sexual harassment, sexual assault, dating/domestic violence or stalking; or,
- participates in the TAMU CREI's investigation or resolution processes related to an allegation of sexual harassment, sexual assault, dating violence or stalking

will not be subjected to any disciplinary action by AgriLife. Such amnesty shall not be given for violations of The Texas A&M University System's policies or regulations if the sanction for the violation is suspension or expulsion from the institution.

TAMU CREI may, however, investigate to determine whether a report of an incident of sexual harassment, sexual assault, dating/domestic violence, or stalking was made in good faith. The amnesty will not apply to a person who reports the person's own commission or complicity in the commission of sexual harassment, sexual assault, dating/domestic violence, or stalking.



Confidentiality

The confidentiality of a complaint of sexual misconduct and all documents, correspondence, and information collected during an investigation will be maintained by TAMU CREI on a need-to-know basis to the extent permitted by law.

Retaliation

Employees are prohibited from retaliating against a person for (1) making a good faith report of a violation of Texas A&M System policies, AgriLife rules, student rules, and or/the law; or (2) participating in any proceeding related to the investigation or resolution of such report. Retaliation includes threatening, intimidating, harassing, coercing or any other conduct that would discourage a reasonable person from engaging in activity protected under this policy. Retaliation may be present even where there is a decision of “unsubstantiated,” “insufficient information to substantiate,” “not responsible” or “not guilty” on the allegations of discrimination, harassment, complicity, or related retaliation. Retaliation does not include good faith actions lawfully pursued in response to a report of discrimination, harassment, or related retaliation. Violation of an interim, remedial, or protective measure may be considered retaliation.

Rights, Resources, and Options for Sexual Harassment

Sexual harassment is a form of sex discrimination. Unwelcome sexual advances, requests for sexual favors, and other verbal, nonverbal, or physical conduct of a sexual nature constitute sexual harassment when 1) an employee conditions the provision of an aide, benefit, or service of the member on an individual's participation in the unwelcome sexual conduct; or 2) the conduct would be determined by a reasonable person to be so severe, persistent, and objectively offensive that it effectively denies a person equal access to an AgriLife education program or activity; or (3) the conduct meets the definition of sexual assault, dating violence, domestic violence, or stalking based on sex. Sex-based misconduct, which is unwelcome conduct of a sexual nature that is severe, persistent, or pervasive enough to create a work, educational, or campus living environment that a reasonable person would consider intimidating, abusive, or offensive, is also prohibited.

A misconception regarding sexual assault is that most of the time the perpetrator is a stranger. However, research indicates that approximately 2/3 of sexual assaults are committed by someone known to the victim. Sexual assault is an act of violence; the perpetrator is asserting power and control over another person. Tactics may include force, threats, intimidation, or physical violence. Many victims struggle with identifying whether



they have been sexually assaulted due to tactics such as manipulation, restraint, victim-blaming, and taking advantage of another's level of incapacitation.

An employee who has been a victim of sexual harassment, sex-based misconduct, sexual assault, stalking, domestic violence, or dating violence, whether it occurred on or off AgriLife premises, has certain resources, rights, and options available, including the right to a prompt, thorough, and equitable resolution. Even if the employee chooses not to report the incident to TAMU CREI or to law enforcement, they are encouraged to take steps to preserve evidence. This will ensure that evidence is available if a decision is made later to proceed with a criminal or civil rights investigation. Employees are encouraged to go to a hospital as soon as practicable after an incident and have a Sexual Assault Nurse Examiner (SANE) complete an assessment for physical trauma, sexually transmitted infections, and pregnancy. A SANE can also collect and preserve evidence of a sexual assault.

Resources, including advocacy and counseling services, are available through the Work/Life Solutions Program by GuidanceResources EAP, 1-866-301-9623 (available 24 hours a day), through TAMU CREI, or through a local agency. Employees may also have access to supportive measures (e.g., "No Contact" Restrictions or changes in, parking or work location,) that may be needed until the resolution of the complaint. Complainants and Respondents are afforded equitable opportunities to supportive measures and access to information regarding the investigation.

An employee who has **experienced** sexual harassment, sexual assault, sex-based misconduct, stalking, or dating/domestic violence, whether it occurred on or off AgriLife premises, has certain resources, rights, and options available. Please see: [Rights, Resources, and Options for Complainants](#). Employees who are located away from College Station can find their Rights, Resources, and Options document under the "Get Help Now" menu on the Title IX website: <https://titleix.tamu.edu/>.

An employee who is **accused** of sexual harassment, sexual assault, sex-based misconduct, stalking, or dating/domestic violence, whether it occurred on or off AgriLife premises, has certain resources, rights, and options available. Please see: [Rights, Resources, and Options for Respondents](#). Employees located away from College Station can find their Rights, Resources, and Options document under the "Get Help Now" menu on the Title IX website: <https://titleix.tamu.edu/>.

For more information, contact:



Jennifer Smith
TAMU Associate Vice President & Title IX Coordinator

Division of Civil Rights & Equity Investigations (CREI)
YMCA Building, Suite 108
365 Houston St. #108
College Station, TX 77843-1268

(979) 458-8407 civilrights@tamu.edu

[1] Title IX prohibits discrimination on the basis of sex, including pregnancy and related conditions, in educational programs and activities. This includes harassment and discrimination against a student based on pregnancy, childbirth, false pregnancy, termination of pregnancy, or recovery from any of these conditions.