

Texas A&M Releases Reports On Title IX Policy And Procedures

COLLEGE STATION, Aug. 20, 2018 — President Michael K. Young today outlined 11 immediate actions Texas A&M University is taking to improve how it deals with Title IX investigations and sanctioning, including hiring additional staff and implementing more strict and clear-cut penalties.

The extensive changes being implemented are the result of internal and external investigations [launched](#) by President Young more than nine weeks ago after concerns were raised about how the university handles reports of sexual assault and sexual misconduct against students.

Both investigative reports were made public by President Young in a message to all students, faculty and staff. He also announced the formation of a pair of new task forces: One will review the president's immediate changes and consider possible improvements in cases involving student victims. The second task force will look this fall at overhauling staff and faculty guidelines and sanctions related to sexual misconduct.

President Young based many of the student-related changes on findings from the [internal review](#). They include:

- The creation of a predetermined range of sanctions based on severity of violation that clearly shows how each violation can result in reprimand, probation, suspension or expulsion. For example, students found responsible for acts of sex-based violence and/or non-consensual sexual penetration will be subject to a minimum of one-year suspension in the absence of significant mitigating factors; and those allowed to return after a year or more of suspension will not be eligible to represent the university or receive university-administered scholarships;
- Those filing a grievance will deal one-on-one with a case manager rather than having to tell their experience to multiple staff members;
- The Dean of Students — not a coach or an organization's leader— will decide interim restrictions placed on an accused student;
- The new guidelines for those participating in Texas A&M's extracurricular activities, which go into effect this week, apply to all campus organizations, including Greek life, Corps of Cadets, athletics, clubs and others;
- Whether a student will be eligible to return to participating in an extracurricular activity will be determined when the investigation findings are announced, not later when the student returns from a suspension;
- Counselors will be more accessible at various locations on campus;
- Policies, guidelines, resources and other communications will be uploaded on a standalone website; and
- A notation will be made on all transcripts when there is an academic or conduct case resulting in separation from the university, including for suspension, dismissal or expulsion. The policy also requires a transcript hold in all pending conduct cases that could result in such actions.

The [external review](#), conducted by higher education law firm Husch Blackwell, provided a 23-page report with benchmarking, a review of policies and recommendations to change existing policies. While the firm will continue this fall to gather input and evaluate progress, President Young made these changes now:

- The role of Texas A&M's Title IX office — with a mission to protect people from gender-based discrimination in educational programs and activities at institutions which receive federal financial assistance — will be redefined and enhanced;
- Four more people will be hired to support the Title IX office, including investigators, a deputy coordinator and case manager; and
- Additional training will be implemented for employees who are required to report violations. This includes learning how to better help someone who has filed a grievance.

President Young emphasized that more actions will come from the recommendations made so far. He said the immediate improvements not only meet local, state and federal standards, but better serve the campus community while raising the bar across the higher education community.

"We are committed to ensuring student safety, to creating the kind of environment that students can thrive in," Young said, adding that university officials have been working for three years to more effectively address sexual assault issues on campus.

"This is and always will be a continuous process. The advocacy group that came forward gave us a chance to delve deeper, to listen to people who have engaged in this process. Their input has given us critical information to help make improvements."

'Enhance transparency'

Texas A&M Provost and Executive Vice President Carol A. Fierke is the liaison to Husch Blackwell's external investigation as it continues to review the university's efforts to address and prevent sexual misconduct.

Fierke said the outcome from both inquiries will allow Texas A&M to carry out the best processes for student conduct.

"I feel confident that these changes will make our Title IX processes more sensitive, transparent and fair for our students," Fierke said. "Our next steps will be to apply the insights we've learned to improve the processes involving faculty and staff."

The report said Texas A&M has a "strong foundation to build upon," but needs to strengthen its policies, including improving its communication with both the complainant and the accused, as well as maintaining documents regardless of whether the case is dismissed.

"While the university's policies are generally compliant with applicable Title IX requirements and federal agency guidance, to raise the bar, they must be improved to better align with best practices and current trends, as well as core principles articulated through recent Title IX case decisions," the report concluded.

The law firm review states that key terms outlined in policies are not defined clearly, nor are some of the university's statements and expectations related to the Title IX processes, which the report describes as "difficult to access and understand."

The outside review included interviews with students, staff, faculty, administrators and members of the Aggie-led group advocating for improvements at the university. In addition, the report benchmarks to more than a dozen universities from across the country for comparison.

The internal review, which was chaired by Vice President and Associate Provost for Diversity Dr. Robin Means Coleman, had two committees with more than 25 members.

One group examined the student experience in Title IX processes; its members included students, professors, a compliance official and a forensic nurse who examines sexual assault victims. A current and former student representing the advocacy group that initially raised concerns earlier this summer also were on the committee, along with the president of the Sexual Assault Resource Center, a non-profit community organization in Brazos County.

The second internal review committee — which was led by Vice President for Student Affairs Dr. Danny Pugh — was charged with researching, discussing and developing recommendations for student sanctioning, as well as eligibility guidelines for participation in extracurricular activities. The findings apply to students alleged with and found responsible for violations in association with Student Rule 47, which involves complaints against students for sexual harassment, sexual assault, dating violence, domestic violence, stalking and related retaliation.

The report pointed out that participation and performance as a representative of the university is a “privilege, not a right.”

“The committee felt strongly that not only is eligibility to participate in extracurricular activities a privilege, but also that eligibility includes and transcends all recognized groups, teams, clubs, Corps of Cadets and other areas in which students represent the university,” the report said.

Pre-determined sanctions

The committee’s work resulted in what is called a “Title IX Cumulative Sanction Matrix,” which cross-references violations in the Student Code of Conduct with recommended ranges of sanctions by violation — including mitigating, aggravated and compounding examples.

The detailed and clear set of sanction minimums through expulsion will go far toward enhancing transparency for all those involved, committee chairs reported, adding that all stakeholders on campus will need to learn the new guidelines, and the university must look at various ways to educate students on the rules.

Like the external review, Coleman’s group also said Texas A&M’s explanation of the Title IX process is complicated and identified several ways to make it better, including having multiple types of educational communication including audio, video and multi-media, as well as making the reporting site easier to navigate.

More awareness and prevention training will be required for employees who are considered “mandatory reporters,” meaning they are required to report Title IX violations through established channels once they learn of it.

Better communication throughout the process was urged throughout the report, including when explaining that a university Title IX inquiry is separate from a police investigation, and that staffers should inform the complainant or the respondent when the other has secured legal representation. Adding a “Speak with a Counselor” on the Title IX website was one of the 40-plus suggestions made by the group.

Coleman’s report includes dozens of suggestions on how to make the reporting process go more smoothly. She said she decided to put herself through the entire steps of the sexual assault reporting process to examine the strengths and weaknesses, though she acknowledged that it was impossible to simulate the trauma felt by a survivor.

“I came to Texas A&M at the point when the investigation was just beginning. Not very many people on campus knew me yet, so there was no special treatment,” she said, adding that she represented herself as a graduate student. “This afforded me an invaluable opportunity to learn about what complainants and respondents go through as they work through the process on campus.

She said the experience showed her Texas A&M has an “incredible intake staff” who is on top of critical literature that explains how to support both complainants and respondents.

“My experience taught me we could be more straight-forward about how long the process takes, why it’s important to hear both sides of the story, and that it is very clear to all parties whether or not there will be sanctions, and if so what those sanctions will be,” Coleman said.

Full reports here:

- [Internal Review](#)
- [External Review](#)

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