

## MEMORANDUM

DATE: July 13, 2018

TO: Julie Harlin  
Speaker, Faculty Senate

FROM: Dr. Anne Reber  
Chair, Rules and Regulations Committee

SUBJECT: Proposed Revisions to the Texas A&M Student Rules

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Attached please find proposed revisions to the Texas A&M University Student Rules as approved by the Rules and Regulations Committee. These changes are for the following section:

Change to **Rule 47**

Approved by the Student Rules & Regulations Committee on July 13, 2018.

Approved by the Faculty Senate on August 13, 2018.

Approved by the President on September 4, 2018.



## **PROPOSAL**

Please see attached rule for extensive changes

## **JUSTIFICATION**

Proposed changes will bring Student Rule 47 in alignment with changes to federal guidance (2017 Dear Colleague Letter), state laws (SB 968 & 969), TAMUS regulation 08.01.01, and review findings.

## **PROPOSED BY:**

Name: Cynthia L. Hernandez, Ph.D.  
Phone: 979-845-4728  
E-Mail Address: [cynthia.hernandez@tamu.edu](mailto:cynthia.hernandez@tamu.edu)  
Department: Office of the Vice President for Student Affairs  
Department Mail Stop: 1256 TAMU  
Date: July 2018



## **Rule 47. Investigation and Resolution of Complaints Against Texas A&M Students for Sexual Harassment, Sexual Assault, Dating Violence, Domestic Violence, Stalking and Related Retaliation (SSDDSR)**

(Revised: ~~2016~~ **2018**)

*The decision as to which procedure to utilize for a grievance filed by a student shall be made solely by the university and shall be based on the fact pattern of each particular case. Each grievance shall be directed to a specific procedure and shall be accorded only one opportunity to be adjudicated unless the appeal body remands for further review.*

Texas A&M University strives to maintain a work and educational environment free from discrimination, sexual harassment, sexual assault, dating violence, domestic violence, stalking and related retaliation in accordance with applicable Federal and State laws. Individuals are encouraged to report all unwelcome conduct of a sexual nature and should not wait to report conduct of concern until it becomes severe, pervasive, or persistent harassment. University officials can take proactive steps to address conduct, perhaps prevent conduct from continuing or escalating, and/or to assist the recipient of the conduct.

This grievance procedure is intended to describe the process for investigating and resolving complaints pertaining to Sexual Harassment, Sexual Assault, Dating Violence, Domestic Violence, Stalking and Related Retaliation (SSDDSR) filed against a Texas A&M student.

NOTE: A complaint where the alleged offender is staff member or third party should be filed with [Human Resources](#). The process if the alleged offender is a staff member or third party is outlined in the University [Standard Administrative Procedure 08.01.01.M1.01 - Investigation and Resolution of Complaints Against Non-Faculty Employees and Unrelated Third Parties for Illegal Discrimination, Sexual Harassment, or Related Retaliation Charges](#).

A complaint where the alleged offender is faculty member should be filed with the [Dean of Faculties and Associate Provost](#). The process if the alleged offender is a faculty employee is outlined in the University [Standard Administrative Procedure 08.01.01.M1.02 - Investigation and Resolution of Complaints Against Faculty Members for Illegal Discrimination, Sexual Harassment, or Related Retaliation Charges](#)

### 47.1 Information and Consultation

Personnel are available to serve as a resource to any individual who has a SSDDSR inquiry or complaint. These resource persons have information about applicable laws, university rules and procedures, reporting options to local law enforcement, confidentiality and privacy, resources e.g., counseling, health services, and options available for resolution of complaints. The table below identifies personnel to contact for information and consultation.

Location	Contact
College Station campus	<a href="#">Dean of Student Life</a>



Campus outside of College Station	College of Dentistry - <a href="#">Associate Dean for Student Affairs</a>
	College of Medicine - <a href="#">Associate Dean for Student Affairs</a>
	College of Pharmacy - <a href="#">Associate Dean for Student Affairs</a>
	College of Nursing - <a href="#">Associate Dean for Student Affairs</a>
	School of Public Health - <a href="#">Associate Dean for Student Affairs</a>
	School of Law - <a href="#">Assistant Dean for Student Affairs</a>
	Mays Business School (Houston) – <a href="#">Dean of Student Life</a>
	Galveston - <a href="#">Assistant Vice President for Student Affairs</a>
Qatar - <b>Executive Director for Student Affairs and Academic Services</b> <del>Director of Student Affairs</del>	
All other locations	<a href="#">Dean of Student Life</a>

47.2 Reporting to Law Enforcement

Individuals have the option, ~~of~~ **but are not required, to** notifying law enforcement authorities including university police and local police. Law enforcement is able to assist individuals understand the process of obtaining protective orders, bond conditions and any other safety precautions to take. A report can be filed with the local police department in the jurisdiction of where the crime occurred. For certain offenses, including sexual assault, individuals have the right to participate in the pseudonym program to have their identifying information confidential from all public files and records concerning the offense. A criminal investigation may occur independent from a conduct proceeding on campus.

**The Title IX Coordinator, Official Contact, or designee can assist individuals in contacting the police if desired. The University will not contact police without the reported victim’s permission except where there is an immediate threat to health or safety and/or as otherwise required by law. Reporting to law enforcement does not preclude a complainant from filing a complaint with the University.**

**If a complainant has obtained an ex parte order of protection, full order of protection, or any other temporary restraining order or no contact order against the accused student from a criminal, civil, or tribal court, the complainant may provide such information to the Title IX Coordinator or Dean of Student Life. If provided, the Title IX Coordinator or Dean of Student Life, in conjunction with the University Police Department, will take all reasonable and legal action to implement the order.**

47.3 Confidential Reporting Options **Resources**

Suite 117 Koldus Student Services Building  
 1256 TAMU  
 College Station, TX 77843-1256

Tel. 979.845.4728 Fax 979.845.3320  
<http://studentaffairs.tamu.edu>

**Confidential communication cannot legally be disclosed to another person without the consent of the individual who originally provided the information, except under very limited circumstances such as allegations of elderly, disabled or child abuse; an imminent threat of injury or to the life of any person; or as required by law.**

**Students have the opportunity to speak with a variety of staff on campus and in the community who are permitted by law to maintain confidential relationships including licensed health care personnel and sexual assault advocates who have completed a training program approved by the Attorney General of Texas, when acting in this capacity as part of their official employment.**

~~Students have the option to report confidentially.~~ For purposes of reporting and maintaining public safety, **some** university officials listed as confidential ~~reporting options may~~ **resources are required by law** to share information about an incident in a way that does not identify the student(s) concerned.

- Students enrolled on a Brazos County campus may ~~report~~ **speak to a licensed health care personnel** confidentially ~~through~~ at the Student Counseling Service or Student Health Services.
- Referrals to confidential resources can be made for a student enrolled at other locations as follows:
  - Referrals at TAMU Law School can be made through the Assistant Dean for Student Affairs
  - Referrals at ~~campuses~~ **off-site instructional locations** outside of Brazos County (~~College of Dentistry, College of Medicine, College of Pharmacy, College of Nursing, and School of Public Health~~ **Dallas, Fort Worth, McAllen, etc.**) can be made through the ~~Associate Dean for Student Affairs~~ **staff** in each respective college/school
  - ~~○ Referrals at Mays Business School at City Centre – Houston can be made by contacting the Facilities Coordinator.~~
  - Referrals at Galveston – can be made by contacting the Assistant Vice President for Student Affairs
  - Referrals at the Qatar campus – can be made by contacting the Director of Student Affairs
- An anonymous “Jane/John Doe” report can be filed with the police while deciding whether to pursue criminal charges.

~~As defined in System Regulation 08.01.01, “Confidential” is a form of privileged communication which need not be disclosed in court as part of evidence, answered by a witness either in depositions or trial, or provided to the parties to a lawsuit or their attorneys. This is based on the inherent private relationship between the person communicating and the confidante’s occupation or relationship to that person.~~

#### 47.4 Procedures for Filing a Complaint

SSDDSR complaint procedures are initiated by filing a complaint with an Official Contact of the university. Students have the option to file a criminal complaint with law enforcement and a complaint with the university simultaneously.

**Throughout the process, complainants and accused students may have an advisor of their choice present at any meeting related to the investigation, conduct process, and appeal. An advisor of choice may include an attorney at the student’s own expense. Any person who serves as an advisor should plan to make themselves available for meetings throughout the process. During the process, the advisor may not actively participate, directly address an involved university official, or advocate on behalf of the student. An advisor who is verbally abusive, disruptive to the process, or persists in trying to substantively participate in the process after warnings to cease and desist may**

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**be asked to leave and may be precluded from attendance at future meetings. The University has the right at all times to determine what constitutes appropriate behavior on the part of an advisor. The advisor may not be a witness or otherwise have any conflicting role in the process.**

**As Student should be aware, as** outlined in System Regulation 08.01.01, all **Texas A&M** employees are responsible for ensuring their work and educational environments are free from illegal discrimination, sexual harassment and/or related retaliation. When alleged or suspected discrimination, sexual harassment and/or retaliation is experienced or observed by or made known to an employee, the employee is responsible for promptly reporting that information **to the appropriate University Official as outlined in University Rule 08.01.01.M1**. Students **and Third Parties are strongly encouraged (but not required) to** ~~should also~~ promptly report an incident.

Reports are filed with the Official Contacts below:

	Then the Official Contact is:
If the Alleged Offender is a Student (Main Campus, off site locations, and distance education students)	<a href="#">Dean of Student Life</a> <b>Student Affairs at White Creek</b> <b>College Station, TX 77843-1257</b> <a href="mailto:studentlife@tamu.edu">studentlife@tamu.edu</a> <b>(979) 845-3111</b>
<del>Campus outside of College Station</del>	<del>College of Dentistry — <a href="#">Associate Dean for Student Affairs</a></del> <del>College of Medicine — <a href="#">Associate Dean for Student Affairs</a></del> <del>College of Pharmacy — <a href="#">Associate Dean for Student Affairs</a></del> <del>College of Nursing — <a href="#">Associate Dean for Student Affairs</a></del> <del>School of Public Health — <a href="#">Associate Dean for Student Affairs</a></del> <del>School of Law — <a href="#">Assistant Dean for Student Affairs</a></del> <del>Mays Business School (Houston) — <a href="#">Dean of Student Life</a></del> <del>Galveston — Assistant Vice President for Student Affairs</del> <del>Qatar — Director of Student Affairs</del>
<b>Student (Galveston Campus)</b>	<b>Assistant VP of Student Affairs</b> <b>Texas A&amp;M University at Galveston</b> <b>Seibel Student Services Center #101G</b> <b>Galveston, TX 77553</b> <a href="mailto:TitleIXStudents@tamug.edu">TitleIXStudents@tamug.edu</a> <b>(409) 740-4598</b>
<b>Student (Qatar Campus)</b>	<b>Executive Director for Student Affairs and Academic Services</b> <b>Texas A&amp;M University at Qatar</b> <b>Office 148A Engineering Building</b> <a href="mailto:ryan.mclawhon@qatar.tamu.edu">ryan.mclawhon@qatar.tamu.edu</a> <b>+974.4423.0181</b>



All other locations	<a href="#">Dean of Student Life</a>
<b>Any reports or inquiries may also be directed to:</b>	<b>TAMU Title IX Coordinator</b> <b>750 Agronomy Road, Suite 2101, College Station, TX 77843</b> <u><a href="mailto:TitleIX.Coordinator@tamu.edu">TitleIX.Coordinator@tamu.edu</a></u> <b>(979) 845-0977</b>

Any individual may contact the ~~[Title IX Coordinator](#)~~.

**47.4.1 Anonymous Reporting Options**

**Individuals wishing to submit an anonymous report may choose not to identify themselves when speaking to an official contact and/or use the electronic reporting form found at <http://TellSomebody.tamu.edu> (TAMU at Galveston students - [http://www.tamug.edu/care/Tell\\_Somebody.html](http://www.tamug.edu/care/Tell_Somebody.html)). Anonymous reporting may limit the University's response to the allegation.**

**47.4.2 Privacy of information**

While the university wishes to create an environment in which individuals feel free to discuss concerns and make complaints, the university may be obligated to take action when its officials are informed that SSDDSR may be occurring.

Information shared with university personnel and officials who are not listed as confidential ~~reporting options~~ **resources** is considered private but not confidential. Although the confidentiality of information received, the privacy of the individuals involved, and the wishes of reporting party, complainant, and/or alleged offender cannot be guaranteed, they will be protected to as great a degree as is legally possible.

The University is committed to protecting the privacy of reporting parties, complainants, and alleged offenders. Given the sensitive nature of reports, information will be maintained in a secure manner and will only be disclosed to school officials who are responsible for handling the university's response and/or have a legitimate educational interest. The expressed wishes of the reporting party, complainant, and/or alleged offender regarding privacy will be considered in the context of the university's obligation to act upon the charge and the right of the charged party to be informed about charges against ~~him/her~~ **them**.

**47.4.2.1** The Official Contact or designee is responsible for evaluating requests for privacy. If the individual does not disclose any identifying information about him/herself or any other party involved (e.g., names, department or unit) during the inquiry, response on the part of the University may be limited.

**47.5 Investigations of Complaints**

47.5.1 Once an individual discloses information to an Official Contact of the university, ~~he/she~~ **the Official Contact** will promptly notify the University's Title IX Coordinator.

47.5.2 The University will respond to complaints in a prompt, **fair**, and **impartial** equitable manner. Reasonable extensions can be made for extenuating circumstances. These extensions are granted by the Title IX Coordinator or designee.

47.5.3 Upon receipt of a complaint, the University will exercise due diligence in determining what occurred and further action that may be warranted based on the information provided. The Official Contact or designee, will make an immediate assessment of any risk of harm to individuals or to the campus community and will take steps necessary to address those risks. The Official Contact may consult with the University/local police department, the Title IX Coordinator or designee, and/or other campus officials to assist in this assessment. These steps may include interim protective measures to provide for the safety of the individual and the campus community.

Thereafter, the assessment may continue considering a variety of factors, such as the complainant's wish to pursue formal (47.6) or informal (47.7) procedures, the risk posed to any individual or the campus community by not proceeding, and the nature of the allegation.

**If the complainant requests that no investigation of the allegations occurs the University will seek to honor the request whenever possible without impeding the University's ability to protect the health and safety of the complainant and the University Community. The University reserves the right to initiate an investigation despite a complainant's request not to in limited circumstances involving serious or repeated conduct or where the alleged perpetrator may pose a continuing threat to the campus community.**

47.5.4 The complaint will be reviewed to determine if there is sufficient information to proceed with an investigation or if additional information is needed. If the information is insufficient, the Official Contact or designee may, in consultation with the Office of General Counsel, ~~conduct an inquiry into the circumstances of the complaint~~ **determine not to proceed with an investigation unless additional information is provided**. If the information is sufficient, the Official Contact or designee will appoint an Investigating Authority.

47.5.5 The Investigating Authority, composed of one or more people, is responsible for all administrative activities required to conduct the investigation. The investigation is the follow through on a complaint to ascertain details and circumstances associated with the complaint. **Individuals will have an equal opportunity to present relevant witnesses and other evidence to the investigating authority**. Investigations may result in charges, a form of alternative dispute resolution, or dismissal of complaint. This determination is made at the sole discretion of the Official Contact and/or designee. (See Student Rule 24.1.11)

## 47.6 Formal Resolution Procedures

47.6.1 If further investigation or a conduct conference is warranted, the alleged offender will be informed of the allegations, the identity of the complainant and the information surrounding the allegations.



47.6.2 Student Conduct Proceedings. Refer to Student Rule 26 for information about the student conduct process. A preponderance of the information standard is used in all student conduct proceedings. Conduct proceedings will be conducted by university faculty/staff who are trained annually.

47.6.3 The Official Contact or designee shall notify, in writing, the ~~alleged offender~~ **accused student** and the complainant regarding the resolution of the complaint, including any sanctions.

47.6.4 Sanctions. Refer to Student Rule 27 for information about possible sanctions.

47.6.5 Appeals.

47.6.5.1 An appeal may be filed by the complainant and/or the student who has been assessed any conduct sanction(s) in cases of alleged or determined SSDDSR.

47.6.5.2 Students appealing sanctions shall be directed to the University Disciplinary Appeals Panel. Refer to Student Rules [51](#) and [58](#) for information about the Student Conduct Separation and Appeals Process.

**47.6.5.3 If no appeal is filed, both parties will be notified and informed that the results from the initial hearing are final.**

#### 47.7 Informal Resolution Procedures

~~47.7.1 Informal procedures, including mediation, will not be used to resolve sexual assault complaints.~~

47.7.2~~1~~ Adopting informal procedures for resolving complaints does not mean that the institution does not take sexual harassment, dating violence, domestic violence, stalking and related retaliation seriously. Informal procedures ~~simply~~ **facilitated by an appropriate university administrator** provide an alternative method for stopping these behaviors. Generally, under informal procedures, the complainant **and/or accused student** may, at any time, elect to ~~file a formal complaint~~ **pursue a formal resolution**. Staff is available to assist individuals with the informal complaint process.

Mediation may be utilized as a method for resolving the complaint informally. Mediation requires the good faith effort of all involved parties to arrive at a mutual agreement that resolves the complaint to everyone's satisfaction. Examples of outcomes resulting from informal procedures include, but are not limited to, no contact orders, a commitment to refrain from similar behaviors in the future, etc.

**47.7.2 Informal procedures, including mediation, will not be used to resolve the type of sexual harassment classified as sexual abuse.**

#### 47.8 Protection of Complainant, Alleged Offender, and Others

47.8.1 Interim Measures. The university will take prompt steps to protect the complainant, the alleged offender, and other affected individuals as necessary, including taking interim protections or remedies before the

completion of the investigation (such as avoiding contact by allowing a change in class schedule, **transportation/parking options, work situations**, on-campus living arrangements as appropriate, etc.), or other actions as appropriate.

47.8.2 Retaliation. The university will take reasonable action to assure that the complainant, the alleged offender, and those providing witness statements on behalf of either party or supporting either party in other ways, are protected from retaliation. This action may come at any time during or following an investigation of a SSDDSR complaint. Instances of retaliation will be investigated and may result in further conduct charges.

47.8.3 In the event the allegations are not substantiated, reasonable steps will be taken to restore the reputation of the alleged offender if damaged by the proceedings. Instances where a complainant intentionally makes dishonest or malicious allegations will be investigated and may result in conduct charges.

47.8.4 To the extent possible, university proceedings will be conducted in a manner that protects the privacy of all parties involved.

#### 47.9 Resources

Counseling, health, mental health, advocacy, legal and other services are available to TAMU students both on-campus and in the community. Staff can assist with referring students to appropriate resources (see Section 47.1).

#### 47.10 Complainant Follow Up

In order to verify that the harassing behavior by a student or student employee has ceased, the Official Contact or designee will follow up with the complainant.

#### 47.11 Definitions

**Sexual Harassment (See Student Rule 24.4.2.1)** ~~A form of sex discrimination.~~ Unwelcome sexual advances, requests for sexual favors, and other verbal, nonverbal or physical conduct of a sexual nature constitutes ~~actionable~~ sexual harassment when this conduct is so severe, persistent or pervasive that it explicitly or implicitly affects an individual's employment, unreasonably interferes with an individual's work or educational performance, or creates an intimidating or hostile work or educational environment. Unwelcome means that an individual did not request or invite it and **a reasonable person similarly situated would** considers the conduct to be undesirable or offensive. Submission to the conduct or failure to complain does not always mean that the conduct was welcome. Sexual harassment may be quid pro quo ("this for that") or may constitute a hostile environment. Sexual harassment includes non-consensual sexual contact, sexual abuse, sexual exploitation, stalking, dating violence, and domestic violence when based on sex. The University will use a reasonable person standard to determine these elements.

Sexual harassment occurs when a person is the recipient of conduct of a sexual nature where:

- Submission to or toleration of such conduct is made either explicitly or implicitly a term or condition of an individual's education (including co-curricular activities) or employment;
- Submission to or rejection of such conduct by an individual is used as the basis for academic, co-curricular, or employment decisions affecting the individual's welfare; or

- Such conduct that has the purpose or effect of unreasonably interfering with an individual’s welfare, academic or work performance, or creates an intimidating, hostile, offensive or demeaning education (including co-curricular activities) or work environment. Sexual harassment also includes sexual misconduct (~~non-consensual sexual intercourse and non-consensual sexual contact~~) and sexual exploitation. **(See Student Rule 24.1.10 for definition of Hostile Environment.)**

**Sexual Abuse (See Student Rule 24.4.20.1)** The oral, anal, or vaginal penetration by a sexual organ of another, use of another’s sexual organ for oral, anal, or vaginal penetration, or anal/vaginal penetration by any means against the victim’s will or without ~~his/her~~ **their** consent (see “consent” in definitions). An individual who is mentally incapacitated, unconscious, or unaware that the sexual abuse is occurring is considered unable to give consent. The type of force employed may involve physical force, coercion, intentional impairment of an individual’s ability to appraise the situation through the administering of any substance, or threat of harm to the victim.

**Sexual Contact (See Student Rule 24.4.20.2)** Attempting or making sexual contact, including but not limited to inappropriate touching or fondling, without the person’s consent (see “consent” in definitions), or in circumstances where the person is physically, mentally or legally unable to give consent.

**Sexual exploitation (See Student Rule 24.4.20.3)** Taking non-consensual or abusive sexual advantage of another for one’s own advantage or benefit, or to the benefit or advantage of anyone other than the one being exploited. For example, sexual exploitation could include such actions as secretly videotaping sexual activity, voyeurism, sexually-based stalking, invasion of sexual privacy, and knowingly transmitting a sexually transmitted infection to another person.

**Stalking (See Student Rule 24.4.2.3)** ~~Any repeated conduct directed specifically at another person that would cause a reasonable person similarly situated (or a member of that person’s family or household) to fear his/her safety. Such conduct includes, but is not limited to, following another person and acts that threaten or intimidate another person through fear of bodily injury or death of self or members of that person’s family or household or an offense being committed against that person’s property.~~ **Engaging in a course of conduct directed at a specific person that would cause a reasonable person to:**

- (a) fear for the person's safety or the safety of others; or**
- (b) suffer substantial emotional distress.**

**For the purposes of this rule:**

- (a) Course of conduct means two or more acts, including, but not limited to, acts in which the individual directly, indirectly, or through third parties, by any action, method, device, or means, follows, monitors, observes, surveils, threatens, or communicates to or about a person, or interferes with a person's property.**
- (b) Reasonable person means a reasonable person under similar circumstances and with similar identities to the victim.**
- (c) Substantial emotional distress means significant mental suffering or anguish that may, but does not necessarily, require medical or other professional treatment or counseling.**

**Dating violence (See Student Rule 24.1.7)** Any physical abuse or sexual misconduct, other than a defensive measure to protect oneself, committed by a person who is or has been in a social relationship of a romantic or intimate nature with the complainant.

**Domestic violence (See Student Rule 24.1.8)** Any physical abuse or sexual misconduct, other than a defensive measure to protect oneself, committed by a person who is or has been a current or former spouse of the complainant, person with

whom the complainant shares a child in common, person who is cohabitating with or has cohabitated with the complainant as a spouse, a person similarly situated to a spouse of the complainant, or any other person against an adult or youth complainant who is a part of that person's household.

**Consent (See Student Rule 24.1.6)** The term "consent," solely for the purposes of the Sexual Misconduct **rule** ~~policy~~ (see *rule* 24.4.20), means clear, voluntary, and positive verbal or non-verbal communication that all participants have agreed to the sexual activity.

- *Consent* must occur prior to or at the same time as the sexual activity.
- *Consent* must remain clear, voluntary, and positive throughout the sexual activity.
- *Consent* must be given for the current sexual contact. The existence of a prior relationship or prior sexual activity does not automatically ensure *consent* for current or future sexual contact. There must be *consent* for each specific type of sexual contact throughout the sexual activity. *Consent* must be given by each participant involved.
- A person must be 17 years of age or older to be able to consent to sexual activity if the other participant(s) involved are more than three (3) years of age older than that person.
- A person who is incapacitated clearly and visibly is not able to give *consent* to sexual activity. (See **Student Rule 24.1.11 for definition of incapacitation.**)

#### 47.12 Free Speech

Texas A&M University respects the right of free speech guaranteed by the First Amendment of the Constitution and the principles of academic freedom. Constitutionally protected expression cannot be considered harassment under this ~~policy~~ **rule**. Each faculty member is entitled to full freedom in the classroom in discussing the subject which ~~he or she~~ **they** teaches (see Committee Academic Freedom and Tenure in the Report on Freedom in the Classroom as stated in the AAUP Policy Documents and Reports). However, the right to free speech and principles of academic freedom are not absolute.

The offensive conduct underlying some incidents might be protected speech, but may still be in contradiction to Texas A&M University's commitment to civility, diversity, academic freedom, equality of opportunity and the valuing of human dignity. In these instances, constitutional rights will continue to be protected, but University staff will also exercise their right to speak and engage in educational dialogue with those engaged in these types of behaviors.

#### 47.13 Incidents not rising to the level of harassment

In some instances offensive conduct might not be severe, persistent or pervasive to rise to the level of reasonably interfering or limiting an individual's participation in services, activities or privileges provided by Texas A&M University. Nevertheless, the offensive conduct could still be a violation of the Student Conduct Code or other published rules of the university. As stated in the Student Conduct Code, violations of the Student Conduct Code that are motivated by prejudice toward a person or group because of factors such as race, religion, ethnicity, disability, national origin, age, gender or sexual orientation may be assessed an enhanced sanction (see rule 24.5)