



THURGOOD MARSHALL SCHOOL OF LAW
TITLE IX INFORMATION HANDBOOK



JANUARY 1, 2018

THURGOOD MARSHALL SCHOOL OF LAW—TEXAS SOUTHERN UNIVERSITY

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Letter from Acting Dean Gary L. Bledsoe



Thurgood Marshall School of Law carries the name of the Honorable Thurgood Marshall, former associate justice of the United States Supreme Court. Justice Marshall's distinguished career as a civil rights lawyer and lifelong trumpeter for equality serves as a model for what we aspire to achieve here at our law school.

Our law school is proud of the fact that it is one of the most diverse law schools in the nation. We are the 6th largest producer of African American Lawyers in the country and 11th for Hispanic Lawyers. Similarly, we boast a highly diverse faculty and staff.

But it is not enough to merely be diverse, we must ensure that everyone who matriculates at Thurgood, everyone who works at Thurgood and those who interact with our law school are treated fairly and without the effect of impermissible bias. To that end, we have formalized our procedures for processing Title IX claims. These procedures are designed to provide as speedy resolution to any such claim as possible.

You have our commitment and that of the university to conduct our business in a discrimination free environment and we look forward to your help in ensuring we meet this goal. If you have any questions or want to file any claim, please refer to the procedures in this handbook. You are also encouraged to contact the law school's Title IX Liaison or the chair of the Gender Equity Committee:

Professor Marcia Johnson
Title IX Liaison
mjohnson@tmslaw.tsu.edu
Law School Office 236-B
713-313-7406

Professor Kathryn Vukadin
Gender Equity Committee Chair
kvukadin@tmslaw.tsu.edu
Law School Office 231-J
713-313-313-7395

Respectfully,

Gary L. Bledsoe
Acting Dean

Overview of Title IX of the Education Amendments of 1972

On June 23, 1972, the President signed Title IX of the Education Amendments of 1972, 20 U.S.C. Â§1681 et seq., into law. Title IX is a comprehensive federal law that prohibits discrimination on the basis of sex in any federally funded education program or activity.

Title IX states that:

No person in the United States shall, on the basis of sex, be excluded from participation in, be denied the benefits of, or be subjected to discrimination under any education program or activity receiving Federal financial assistance.

The principal objective of Title IX is to avoid the use of federal money to support sex discrimination in education programs and to provide individual citizens effective protection against those practices. Title IX applies, with a few specific exceptions, to all aspects of federally funded education programs or activities. In addition to traditional educational institutions such as colleges, universities, and elementary and secondary schools, Title IX also applies to any education or training program operated by a recipient of federal financial assistance. This includes more than 16,000 local school districts, 7,000 postsecondary institutions, charter schools, for-profit schools, libraries, and museums. Also included are vocational rehabilitation agencies and education agencies of 50 states, the District of Columbia, and territories and possessions of the United States.

The Department of Education has issued regulations on the requirements of Title IX, 34 C.F.R. § 106.1 et seq. The Title IX common rule published on August 30, 2000 covers education program providers/recipients that are funded by other federal agencies.

Texas Southern University Position Statement

Texas Southern University (TSU) is a strong proponent of Title IX enforcement and in ensuring that sex discrimination and sexual violence is eradicated. Title IX is a Federal law that prohibits sex discrimination under any education program or activity receiving Federal financial assistance. In accordance with Title IX, TSU policies prohibit sex discrimination and sexual misconduct (which includes: sexual harassment, sexual assaults, dating violence, domestic violence, sexual exploitation and stalking). Please review the **University Title IX Grievance Procedure** (MAPP 02.05.09) and familiarize yourself with its content. A copy is appended. In addition to the MAPP, you might want to visit the TSU website at <http://hr.tsu.edu/current-employees/employee-relations-compliance/tix/>.

Let's all do our part to ensure Title IX compliance at Texas Southern University. Forward together, this goal can be accomplished.

SEX DISCRIMINATION

Sex discrimination can occur when conduct is directed at a specific individual or a group of identifiable individuals that adversely affects the education or employment of the individual or group because of sex. Behavior that may be sex discrimination include, but are not limited to:

- Exclusion from educational resources or activities because of one's gender
- Subjection to jokes or derogatory comments about one's gender; or
- Being held to different standards or requirements on the basis of one's gender

SEXUAL MISCONDUCT OFFENSES INCLUDE, BUT ARE NOT LIMITED TO:

1. Sexual Harassment
2. Non-Consensual Sexual Contact (or attempts to commit same)
3. Non-Consensual Sexual Intercourse (or attempts to commit same)
4. Sexual Exploitation

SEXUAL HARASSMENT:

Sexual Harassment is

- unwelcome, gender-based verbal or physical conduct that is,
- sufficiently severe, persistent or pervasive that it,
- unreasonably interferes with, denies or limits someone's ability to participate in or benefit from the university's educational program and/or activities, and is
- based on power differentials (quid pro quo), the creation of a hostile environment, or retaliation.

NON-CONSENSUAL SEXUAL CONTACT:

Non-Consensual Sexual Contact is

- any intentional sexual touching,
- however slight,
- with any object,
- by a man or a woman upon a man or a woman,
- that is without consent and/or by force.

Sexual Contact includes:

Intentional contact with the breasts, buttock, groin, or genitals, or touching another with any of these body parts, or making another touch you or themselves with or on any of these body parts; any intentional bodily contact in a sexual manner, though not involving contact with/of/by breasts, buttocks, groin, genitals, mouth or other orifice.

NON-CONSENSUAL SEXUAL INTERCOURSE:

Non-Consensual Sexual Intercourse is

- any sexual intercourse
- however slight,
- with any object,
- by a man or woman upon a man or a woman,
- that is without consent and/or by force.

Intercourse includes:

Vaginal penetration by a penis, object, tongue or finger, anal penetration by a penis, object, tongue, or finger, and oral copulation (mouth to genital contact).

SEXUAL EXPLOITATION

Occurs when a person takes non-consensual or abusive sexual advantage of another for his/her own advantage or benefit, or to benefit or advantage anyone other than the one being exploited, and that behavior does not otherwise constitute one of other sexual misconduct offenses. Examples of sexual exploitation include, but are not limited to:

- Invasion of sexual privacy;
- prostituting a student;
- non-consensual video or audio-taping of sexual activity;
- going beyond the boundaries of consent (such as letting friends hide in the closet to watch you having consensual sex);
- engaging in voyeurism;
- knowingly transmitting an STI or HIV;
- Exposing one's genitals in non-consensual circumstances; inducing another to expose their genitals;
- Sexually-based stalking and/or bullying may also be forms of sexual exploitation

Scope of Title IX

Educational programs and activities that receive ED funds must operate in a nondiscriminatory manner. Some key issue areas in which recipients have Title IX obligations are: recruitment, admissions, and counseling; financial assistance; athletics; sex-based harassment; treatment of pregnant and parenting students; discipline; single-sex education; and employment. Also, a recipient may not retaliate against any person for opposing an unlawful educational practice or policy, or made charges, testified or participated in any complaint action under Title IX. For a recipient to retaliate in any way is considered a violation of Title IX. See [ED Title IX regulations](#) (Volume 34, Code of Federal Regulations, Part 106) for additional information about the forms of discrimination prohibited by Title IX.

Privacy

Information shared is kept confidentially within the Title IX Office. Except in rare cases involving an acute threat to community safety, Title IX Coordinators defer to complainants' wishes.

The Title IX Coordinator ensures schools are compliant with Title IX, coordinates the investigation and disciplinary process, and looks for patterns or systematic problems with compliance to ensure schools fulfill all their federal obligations. The Coordinator may not have any other job responsibility that creates a conflict of interest with their responsibilities under Title IX. For example, the Title IX coordinator may not also sit on a disciplinary board or serve as legal counsel to the college.

The Texas Southern University Title IX Coordinator is

Ms. Keisha David,
Vice President of Human Resources who may be reached at

The Texas Southern University Title IX Deputy Coordinators are

Title IX Investigators:

- Ms. Dominique Guinn, Professor (**GuinnDR@tsu.edu**)
- Mr. David Anderson, Associate Director of Facilities (**David.Anderson@tsu.edu**)
- Mr. William Thomas, Assistant VP of Student Services (**Thomas_WA@tsu.edu**)
- Dr. Dwalah Fisher, Sr. Woman's Administrator (**Fisher_DL@tsu.edu**)

The Thurgood Marshall School of Law Title IX Liaison is

Professor Marcia Johnson
TMSL Office 236-B
SOPA Office 205
713-313-1027
713-313-7046

Title IX Liaison Position. The Law School Dean has created the administrative position of Title IX Liaison. The Law School Title IX Liaison will maintain a Title IX Compliance Office and work directly with the University Title IX Coordinator.

The Title IX Liaison's duties and responsibilities include:

- a. ensuring compliance with legal mandates and obligations;
- b. developing procedures for receiving Title IX complaints;
- c. conducting investigations of Title IX claims;
- d. recommending resolutions in accordance with University policies and procedures;
- e. leading the Law School efforts to develop and provide education programs for faculty, staff, and students;
- f. collaborating with the Law School Gender Equity Committee, described in subsection 1.2.3, to help create and maintain an environment free from gender discrimination;

- g. collecting and maintaining data related to the Law School’s gender equity measures;
- h. conducting Law School climate surveys;
- i. recommending and promoting adoption of policy and procedural initiatives;
- j. developing and maintaining effective communication strategies;
- k. submitting written reports of the Law School Title IX –related activities at least annually, and more frequently, if circumstances require, to the University Title IX Coordinator; and
- l. at the request of the Dean, performing other duties related to maintaining a gender-discrimination-free atmosphere at the Law School or to complaints.

Gender Equity Committee

The Law School Dean appoints a group of faculty and staff to a Law School Gender Equity Committee. The committee members are committed to creating proactive responses to faculty and staff who have experienced or observed instances of gender bias and sexual discrimination at the Law School. The Gender Equity Committee’s charges include:

- a. providing support to those who are targeted by gender discrimination;
- b. in collaboration with the Title IX Liaison, referring complainants to appropriate resources and services;
- c. helping to educate the campus community about the impact of gender discrimination as well as the grievance procedure provided under the rules of the University; and
- d. promoting initiatives that further a welcoming, bias- and hate-free climate at the Law School and the University.

Notices of Non-Discrimination

Texas Southern University

Texas Southern University (TSU) is a strong proponent of Title IX enforcement and in ensuring that sex discrimination and sexual violence is eradicated. Title IX is a Federal law that prohibits sex discrimination under any education program or activity receiving Federal financial assistance. In accordance with Title IX, TSU policies prohibit sex discrimination and sexual misconduct (which includes: sexual harassment, sexual assaults, dating violence, domestic violence, sexual exploitation and stalking).

Statement of Thurgood Marshall School of Law Non-discrimination Policy

It is the policy of Thurgood Marshall School of Law (TMSL), Texas Southern University, to provide a working and academic environment that provides equal opportunity to all members of the Law School community. In accordance with federal and state law, TMSL prohibits all unlawful discrimination, including harassment, on the basis of race, color, religion, national origin, gender, gender identity, gender expression, sexual orientation, including sexual harassment, age, disability, citizenship, and veteran status, in the administration of its academic programs, employment policies, or other law school administered rights, privileges, programs or activities.

Grievance Procedures

Under Title IX, schools are required to adopt and publish a grievance procedure outlining the complaint, investigation, and disciplinary process for addressing sex discrimination, sexual harassment, and sexual violence occurring within educational programs. The TSU grievance procedure addresses discrimination perpetrated by students, employees, or third parties. Additionally, school security and/or law enforcement personnel must notify victims of their rights to use the school's grievance procedure in addition to being able to file a criminal complaint. TSU grievance policy and procedures are reprinted below as an appendix.

Sexual Violence Complaints

Both the Clery Act and Title IX Guidance require school employees that address sexual violence complaints to have appropriate training. The U.S. Department of Education (ED) also recommends that professors, campus police, administrators, counselors, health center staff, cleaning staff, coaches, resident advisers and others likely to receive reports be trained on how to identify and report sexual harassment and violence.

University Obligations

According to the Department of Education, schools need to:

- Ensure that responsible employees with the authority to address sexual violence know how to respond appropriately to reports of sexual violence; that other responsible employees know that they are obligated to report sexual violence to appropriate school officials; and that all other employees understand how to respond to reports of sexual violence.
- Make sure professional counselors, pastoral counselors, and non-professional counselors or advocates understand the extent to which they may keep a report confidential.
- Provide training to all employees likely to witness or receive reports of sexual violence, including teachers, professors, school law enforcement unit employees, school administrators, school counselors, general counsels, athletic coaches, health personnel, and resident advisors.

A school also should train responsible employees to inform students of:

- The reporting obligations of responsible employees;
- Students' option to request confidentiality and available confidential advocacy, counseling, or other support services; and
- Their right to file a Title IX complaint with the school and to report a crime to campus or local law enforcement.

Title IX Guidance reminded schools that they have an obligation under the Clery Act to inform victims of their reporting options. Schools must notify victims of their right to report to police and facilitate that process if desired by the victim. Victims also have the right *not* to report to the police.

Regardless of a victim's choice to report to the police, a victim may use a school's grievance procedure to address sexual harassment or sexual violence or merely seek accommodations. When

reasonable, schools must accommodate a victim on campus to remedy a hostile environment on a school's campus. This means schools may change academic or extracurricular schedules to prevent an ongoing hostile education environment or put in place safety measures, such as a no-contact directive or facilitate a student obtaining a restraining order. The burden of accommodations or safety measures should not be solely placed on the victim, as this may be seen as a violation of Title IX.

Know your rights

Under Title IX, both the accuser and accused have equal rights, such as the right to:

- Have an adviser of choice present during the process (this includes an attorney if allowed at all by schools)
- Present evidence or have witnesses speak on their behalf
- Have timely access to information that will be used at the hearing
- Be present at pre-hearing meetings that provide an opportunity to present their testimony
- Receive the final hearing decision in writing at the same time as the other party *without being required to sign a non-disclosure agreement*
- Have the right to appeal a final decision

In addition, since Title IX is a federal civil right, the appropriate standard of evidence is a “preponderance of the evidence.” This standard of evidence means that a hearing must determine whether a complaint of sex discrimination is “more likely than not” to have occurred or 51% likely to have occurred. This standard applies for all complaints of sex discrimination, including sexual harassment and violence, because Title IX outlines standards for *school disciplinary processes* — not *criminal complaints*, which require the highest standard of evidence, “beyond a reasonable doubt.”

The 2017 Interim Guidance allows schools to use the “clear and convincing” evidence standard, but only if all other forms of campus misconduct investigations utilize this standard.

As a federal civil right, Title IX automatically protects any individual who reports sex discrimination, sexual harassment, or sexual violence against retaliation. This means employees and third party reports are protected along with reporting victims from any adverse consequence, harassment, intimidation, or discrimination that is causally related to reporting sex discrimination under Title IX. Schools must protect against other employees or students retaliating against a reporting party when it “knows or should know” about the retaliatory harassment or behavior.

If a school discourages or threatens you about discussing complaints of sex discrimination, sexual harassment, or sexual violence, this may be considered retaliation.

COMPLAINTS PROCESS

Who to Contact:

Sex discrimination, sex harassment and sex assault complaints should be filed with the following University officials:

- **against TSU faculty, staff, visitors or contractors** should be filed with Keisha David David_KL@tsu.edu; 713-313-7037
- **against TSU students** should be filed with William Thomas Thomas_WA@tsu.edu
- **against an Athletic coach**, administrator or student should be filed with Dwalah Fisher Fisher_DL@tsu.edu

Informal complaints at the law school may be filed with the Title IX Liaison at mjohnson@tmslaw.tsu.edu.

Complaints alleging sexual assault can also be filed with the University's Police Department (TSUDPS) **ext. 7000**

Title IX Resources

TMSL Gender Equity Committee is composed of students, faculty, and administrators. The group advises on programming, publications, policies, and training.

TSU: How to file a complaint

<http://hr.tsu.edu/current-employees/employee-relations-compliance/tix/filing-a-title-ix-complaint/>

TSU Title IX Grievance Procedure presentation

<http://www.tsu.edu/about/administration/general-counsel/pdf/title-ix-presentation-kmckanders-july2012.pdf>

TSU's Title IX Coordinator is Ms. Keisha David, Associate Vice President CHRO

TSU's Deputy Title IX Coordinators who collaborate with the University's Title IX Coordinator and other Deputy Title IX Coordinators. Their responsibilities include:

- Tracking and monitoring incidents, including sex discrimination and sexual misconduct;
- Ensuring that the University responds effectively to each complaint; and
- Where appropriate, conducting investigations of particular situations.

TMSL's Title IX Liaison is Professor Marcia Johnson.

Any person who has concerns about sex discrimination or sexual misconduct is encouraged to seek the assistance of a Title IX coordinator. Coordinators are knowledgeable about, and will provide information on, all options for complaint resolution. Any person is free to contact any Texas Southern University Title IX Coordinator.

Texas Southern University Campus Police 713-313-7000

Texas Southern University Counseling Center

Monday—Friday

8:00 a.m.—5:00 p.m.

713-313-7804 (main line)

713-313-7817 (fax line)

Houston Area Women's Center

24-Hour Hotline Numbers

Domestic Violence Hotline 713-528-2121

Rape Crisis Hotline 713-528-7273

Texas Southern University Manual of Administrative Policies and Procedures
<http://www.tsu.edu/mapp/>

Texas Southern University Student Code of Conduct
<http://hr.tsu.edu/wp-content/uploads/2015/04/2015-TSU-Student-Code-of-Conduct.pdf>

Office of Civil Rights
https://www2.ed.gov/about/offices/list/ocr/docs/tix_dis.html

Texas Southern University Faculty Manual
<http://www.tsu.edu/about/administration/division-of-academic-affairs-and-research/pdf/2014-faculty-manual.pdf>

Learn About a Title IX Complaint

A Title IX complaint is a narrative that details the ways that an institution has violated Title IX. This complaint can involve a single case or multiple cases. The primary focus ought to be on what the school did (or did not do) that created a hostile environment for the survivor, or how the institution failed to adequately prevent, respond to, and remedy the effects of the sexual violence or harassment. Examples include:

- Adjudicators dragging out cases beyond a reasonable timeframe.
- Professors refusing to provide academic accommodations.
- Investigators failing to provide timely updates about the cases or resolve them promptly.
- Failing to inform a survivor of their right to academic and living accommodations.
- Failing to protect a survivor from future harassment, including retaliation, from peers.

The length of the complaint varies, depending upon the number of cases and the level of detail provided. Complaints can include appendices with supporting documents (e.g., emails between yourself and relevant administrators or faculty, student newspaper articles, hearing board documents, emails, photographic evidence of retaliation).

Complainants can either be named or anonymous, and they can go into as much or as little detail about their cases as they like. The details of the sexual harassment or violence itself do not have to be disclosed, just one sentence that includes the date is enough.

Some complainants also claim violations of other civil rights laws in their Title IX complaints (e.g., Title VI and Title VII of the Civil Rights Act of 1964) that prohibit racial discrimination in education

and sex discrimination in employment, respectively, as well as and Title II of the Americans with Disabilities Act.

Title II (also known as Section 504 of the American Rehabilitation Act for private universities) prohibits discrimination on the basis of ability. Survivors often file Title II/Section 504 complaints regarding the failure of institutions to provide mental health accommodations.

FAQs

Q. What is Title IX?

Title IX of the Education Amendments Act of 1972 is a federal law that states:

"No person in the United States shall, on the basis of sex, be excluded from participation in, be denied the benefits of, or be subjected to discrimination under any education program or activity receiving Federal financial assistance."

Q. Who does Title IX apply to?

Title IX applies to all educational institutions, both public and private, that receive federal funds. Almost all private colleges and universities must abide by Title IX regulations because they receive federal funding through federal financial aid programs used by their students.

Q. Does Title IX benefit only girls and women?

Title IX benefits everyone and requires educational institutions to maintain policies, practices and programs that do not discriminate against anyone on the basis of gender. Elimination of discrimination against women and girls has received more attention because females historically have faced greater gender restrictions and barriers in education. However, Title IX also has benefited men and boys. A continued effort to achieve educational equity has benefited all students by moving toward creation of school environments where all students may learn and achieve the highest standards.

Q. Who is responsible for enforcing Title IX?

Institutions are responsible for complying with federal laws. The Office for Civil Rights (OCR) of the U.S. Department of Education enforces Title IX. OCR has the authority to develop policy on the regulations it enforces. In regard to athletics programs, OCR developed an Intercollegiate Athletics Policy Interpretation that was issued December 11, 1979. The 1979 Policy Interpretation remains current policy. On April 2, 1990, OCR issued an athletics policy document called "Title IX Athletics Investigator's Manual" that has assisted athletics departments with enforcement and compliance issues with Title IX. Anyone may file an OCR complaint, and the identity of the party who files the complaint will be kept confidential.

Q. How is Title IX compliance assessed?

Title IX compliance is assessed through a total program comparison. In other words, the entire men's program is compared to the entire women's program, not just one men's team to the women's team in the same sport. The broad comparative provision was intended to emphasize that Title IX does not require the creation of mirror image programs. Males and females can participate in different sports according to their respective interests and abilities. Thus, broad variations in the type and number of sports opportunities offered to each gender are permitted.

Q. Does Title IX require that equal dollars be spent on men and women's sports?

No. The only provision that requires that the same dollars be spent proportional to participation is scholarships. Otherwise, male and female student-athletes must receive equitable "treatment" and "benefits."

Q. Why does Title IX not require the same amount be spent on men and women's sports?

The Javits Amendment stated that legitimate and justifiable discrepancies for nongender related differences in sports could be taken into account (i.e., the differing costs of equipment or event management expenditures). A male football player needs protective equipment such as pads and a helmet, and a female soccer player needs shin guards. Title IX does allow for a discrepancy in the cost of the equipment as long as both the football and soccer player received the same quality of equipment. However, a female ice hockey player must receive the same protective equipment that a male ice hockey player would receive, inasmuch as the protective equipment is the same.

Q. Is there someone at my institution who would know about Title IX?

Compliance with Title IX is a shared responsibility of an entire institution, from top-level administration to individual staff members. Title IX mandates that institutions or other recipients of federal funds designate at least one employee as a Title IX coordinator to oversee compliance efforts. Institutions also are required to investigate any complaints of gender discrimination. In addition, all students and employees must be notified of the name, office address and telephone number of the designated Title IX coordinator.

Both victims and third parties should contact the Coordinator to report incidents of sex discrimination, sexual harassment, or sexual violence.

SOURCES:

The United States Department of Justice website at <https://www.justice.gov/crt/overview-title-ix-education-amendments-1972-20-usc-1681-et-seq>

United States Department of Education, Office for Civil Rights
https://www2.ed.gov/about/offices/list/ocr/docs/tix_dis.html

20 U.S. Code § 1681 (Pub. L. 92–318, title IX, § 901, June 23, 1972, 86 Stat. 373; Pub. L. 93–568, § 3(a), Dec. 31, 1974, 88 Stat. 1862; Pub. L. 94–482, title IV, § 412(a), Oct. 12, 1976, 90 Stat. 2234; Pub. L. 96–88, title III, § 301(a)(1), title V, § 507, Oct. 17, 1979, 93 Stat. 677, 692; Pub. L. 99–514, § 2, Oct. 22, 1986, 100 Stat. 2095.)

Texas Southern University web sites:

<http://hr.tsu.edu/current-employees/employee-relations-compliance/tix/>

<http://www.tsu.edu/about/administration/general-counsel/pdf/title-ix-presentation-kmckandersjuly2012.pdf>

<http://www.tsu.edu/mapp/human-resources.php>

Thurgood Marshall School of Law websites:

<http://www.tsulaw.edu/mapp/index.html>

<http://www.tsulaw.edu/faculty/Non-discrimination-Policy.html>

APPENDIX

**TEXAS SOUTHERN UNIVERSITY MANUAL OF ADMINISTRATIVE POLICIES AND
PROCEDURES**

SECTION: Human Resources Policy 02.05.09

AREA: Employee Relations

SUBJECT: Title IX Grievance Procedure

June 2012; Revised November 2013; Revised September 2015

I. PURPOSE AND SCOPE

It is the policy of Texas Southern University not to discriminate on the basis of sex in its educational programs and activities as required by Title IX of the Education Amendments of 1972. Title IX provides that “No person in the United States shall, on the basis of sex, be excluded from participation in, be denied the benefits of, or be subjected to discrimination under any education program or activity receiving Federal financial assistance. Sex discrimination includes sexual harassment and sexual assault. This policy shall apply to all students, staff, faculty, contractors, vendors, and/or visitors to Texas Southern University.

As a student of the University you are protected from sex discrimination in areas including, but not limited to:

- Admission to schools/colleges
- Access to enrollment in courses
- Access to and use of school facilities
- Counseling and guidance materials, tests and practices
- Vocational education
- Physical education
- Competitive athletics
- Graduation requirements
- Student rules, regulations and benefits
- Treatment as a married and/or pregnant student
- Housing
- Financial assistance
- Health services
- School-sponsored extracurricular activities

As an employee of the University you are protected from sex discrimination in areas including, but not limited to:

- Employment, evaluation, wages, advancement, assigned duties and shifts
- Career advancement
- Other terms and conditions of employment

II. DEFINITIONS

A. Sex Discrimination. Sex discrimination can occur when conduct is directed at a specific individual or a group of identifiable individuals that adversely affects the education or employment of the individual or group because of sex. Behavior that may be sex discrimination include, but are not limited to:

- Exclusion from educational resources or activities because of one's gender
- Subjection to jokes or derogatory comments about one's gender; or
- Being held to different standards or requirements on the basis of one's gender

B. Sexual Harassment. Sexual harassment is a form of sex discrimination that can occur when there are:

- Unwelcome sexual advances;
- Request for sexual favors, whether or not accompanied by promises or threats relating to the employment or academic relationship, or that in any way influence any academic or personnel decision regarding a person's academic standing, employment, evaluation, wages, advancement, assigned duties, shifts or any other condition of employment, career or academic development;
- Any verbal or physical conduct of a sexual nature that threatens or implies, either explicitly or implicitly, that an employee's or student's submission to or rejection of sexual advances will in any way influence any personnel or academic decision regarding his or her academic standing, employment, evaluation, wages, advancement, assigned duties, shifts or any other condition of employment, career or academic development;
- Any verbal or physical conduct that has the purpose or effect of substantially interfering with an employee's ability to do his or her job or a student's academic standing, performance or development;
- Any verbal or physical conduct that has the purpose or effect of creating an intimidating, hostile or offensive working or educational environment; and
- Certain conduct in the workplace or educational environment, whether physical or verbal, committed by supervisors, non-supervisory personnel, or faculty, including but not limited to references to an individual's body; use of sexually degrading words to describe an individual; offensive comments; off-color language or jokes; innuendoes; and sexually suggestive objects or behavior, books, magazines, photographs, cartoons or pictures.

C. Sexual Assault. Sexual assault is a non-consensual act involving psychological manipulation, physical force, or coercion. As defined by the Texas Penal Code, a stranger or acquaintance commits sexual assault through forcible sodomy, forcible sexual penetration, however slight, of another person's mouth, anal or genital opening with any object. These acts must be committed without the victim's consent either by force, threat of force or violence, intimidation or through the use of the victim's mental or physical helplessness of which the accused was aware or should have been aware.

III. REPORTING COMPLAINTS

A. Texas Southern University (TSU) encourages any student, employee or visitor who thinks that she or he has been subjected to sex discrimination, sexual harassment or sexual assault by another student, member of the faculty or staff, campus visitor or contractor, to report that action immediately to the University's Title IX Coordinator or a Deputy Coordinator.

B. Any complaint of sex discrimination, sexual harassment or sexual assault made under this procedure must be submitted in writing within 180 days after the occurrence (or the last of a series of occurrences) of the alleged discrimination.

C. All TSU employees are responsible for promptly reporting incidents of sex discrimination, sex harassment and sexual assault that come to their attention to the University's Title IX Coordinator or a Deputy Coordinator (unless the employee is statutorily barred from sharing such information). All other individuals (e.g. students, visitors) are urged to report to their supervisors or the University's Title IX

Coordinator/Deputy Coordinators conduct that they believe violate the University policies prohibiting sex discrimination.

IV. NOTICE OF TITLE IX COORDINATOR/DEPUTY COORDINATORS

While compliance with the law is everyone's responsibility at the University, listed below are the University's Title IX Coordinator/Deputy Coordinators who have primary responsibility for Title IX Compliance.

1. Title IX Coordinator

Keisha David

Director of Human Resources
Office of Human Resources
Hannah Hall, Room 126
Texas Southern University
Houston, TX 77004
(713) 313-7037
David_KL@tsu.edu

Duties and responsibilities of the Title IX Coordinator include monitoring and oversight of overall implementation of Title IX compliance at the University, including, but not limited to coordination of training, education, communications, and administration of grievance procedures for faculty, staff, students and other members of the University community.

2. Title IX Deputy Coordinators

For students:

Corliss Rabb William Thomas

Director of Judicial Affairs Associate Dean of Students
Office of the Dean of Students Office of the Dean of Students
Recreation Center, Room 200 Recreation Center, Room 200
Texas Southern University Texas Southern University
Houston, TX 77004 Houston, TX 77004
(713) 313-7956 (713) 313-6816
Rabb_ca@tsu.edu Thomas_wa@tsu.edu

If you have a complaint against a TSU student for sex discrimination, sex harassment or sexual assault, you should contact the Associate Dean of Students or the Director of Judicial Affairs. The Associate Dean of Students and the Director of Judicial Affairs are responsible for Title IX compliance for matters involving students, including training, education, communication, and administration of the grievance procedure for all complaints filed against TSU students.

For faculty, staff and visitors:

Sanya Sinclair

Human Resources Generalist
Office of Human Resources

Hannah Hall, Room 126
Texas Southern University
Houston, TX 77004
(713) 313-7881
SinclairSA@tsu.edu

If you have a complaint against a TSU faculty member, staff member, visitor or contractor for sex discrimination, sex harassment or sexual assault, you should contact the Office of Human Resources. The Human Resources Generalist is responsible for Title IX compliance for matters involving faculty and staff, including training, education, communication, and administration of the grievance procedure for all complaints against faculty, staff and visitors, including those complaints filed by students.

For Athletics:

Dr. Dwalah Fisher

Senior Woman Administrator - Athletics
Health & Physical Education Building, Room
Texas Southern University
Houston, Texas 77004
(713) 313-7272
Fisher_DL@tsu.edu

Complaints against TSU students and Employees in Athletics

If you have a complaint against a TSU student, coach or administrator for sexual discrimination, sexual harassment, or sexual assault, you may contact one of the offices listed above, or you may contact the Senior Woman Administrator - Athletics, who will facilitate the handling of the complaint with the appropriate office.

Gender Equity in Athletics

If you have a complaint about gender equity in TSU athletic programs, you should contact the Senior Woman Administrator - Athletics, who is responsible for Title IX compliance in matters relating to gender equity in TSU athletic programs.

For Sexual Assault:

To file a complaint of sexual assault, you may contact one of the offices listed above, and you may also contact:

TSU Department of Public Safety

Texas Southern University
3443 Blodgett Street
(713) 313-7000 (Emergency)
(713) 313-7001 (Non-emergency)

U. S. Department of Education, Office for Civil Rights

You may also file a complaint of illegal discrimination with the Dallas regional office of the U. S. Department of Education's Office for Civil Rights (OCR).
Contact information for OCR is: 1999 Bryan Street, Suite 1620

Dallas, Texas 75201
(214) 661-9600
OCR.Dallas@ed.gov

Confidentiality

Discrimination and harassment complaints will be handled in a confidential manner to the extent possible and consistent with principles of due process. Information will only be shared on a need-to-know basis and as provided for by University policy and applicable federal and state laws.

V. INFORMAL RESOLUTION PROCEDURES

Though not required, employees and students are encouraged to attempt initially to resolve complaints at the lowest level through the administrative structure of the employment unit or academic department.

A. If you would like to proceed informally, you should ask your supervisor, the other person's supervisor, the Title IX Coordinator or a Deputy Title IX Coordinator to intervene. Do not rely upon other co-workers or individuals who are not familiar with University policy to intervene on your behalf when discussing your concerns with the person whose behavior is unwelcome and/or offensive. In cases involving allegations of sexual assault, mediation is not appropriate, even on a voluntary basis.

B. You have the right to end the informal resolution process at any time and begin the formal resolution process.

C. Supervisors or administrators, including faculty, always should contact the Title IX Coordinator or a Deputy Coordinator before attempting to resolve any complaints.

VI. FORMAL RESOLUTION PROCEDURES

You may initiate formal complaint procedures by filing a complaint with the University's Title IX Coordinator or a Deputy Coordinator ("Coordinator") whether or not you have attempted resolution through informal procedures. The individual who files the complaint is referred to as the "Complainant". The individual against whom the complaint is filed is referred to as the "Respondent". Collectively these individuals are referred to as the "parties". The University will work to investigate all complaints as quickly and professionally as possible. When investigations confirm the discrimination and/or harassment allegations, appropriate corrective action will be taken to prevent the recurrence of any discrimination or harassment.

A. Filing of a Complaint.

1. The complaint must be submitted in writing, must be filed within one hundred eighty (180) days of the incident (or last of a series of incidents) that is the basis of the complaint, and must contain the following information:

- a. Complainant's name and contact information, including address, telephone number and e-mail address;
- b. Name of Complainant's Department Head/Dean/Vice President (if Complainant is an employee);
- c. Name of person(s) responsible for alleged violation(s);
- d. Date(s) and place(s) of alleged violation(s);

- e. Nature of alleged violation(s) as defined in this policy;
- f. Detailed description of the specific conduct that is the basis of alleged violation(s);
- g. Names of any witnesses to alleged violation(s);
- h. Action requested to resolve the situation;
- i. Complainant's signature and date of filing; and
- j. Any other relevant information/documents

2. The following communications do not constitute a complaint and will not be investigated or resolved pursuant to this complaint resolution process:

- Oral allegations
- E-mail correspondence
- Anonymous communications
- Courtesy copies of correspondence or a complaint filed with others/other entities
- Inquires that seek advice or information only
- Pre-complaint consultations and informal resolution activities

Notwithstanding the foregoing, the University will, pursuant to its obligations under Title IX, respond to all incidents of possible sex discrimination, harassment and sexual assault, of which it knows or reasonably should know.

B. Receipt of a Complaint.

1. Upon receipt of the written complaint, the Coordinator will meet with the Complainant within five (5) working days to review the complaint procedures, discuss the Complainant's allegations, and determine, if appropriate, whether the Complainant is amenable to resolving the complaint through informal procedures. If the Complainant is willing to first proceed informally, the Coordinator will temporarily postpone the complaint investigation and contact the Respondent to determine whether he or she is willing to participate in an informal resolution.

2. If the Complainant wishes to proceed directly with the formal complaint procedures, or the Respondent declines to participate in an informal resolution, or attempts to resolve the complaint through informal procedures are unsuccessful, the Coordinator will assess the Complainant's written complaint to determine whether the allegations state a potential violation of federal or state laws and/or University policies.

C. Acceptance of a Complaint.

1. Within five (5) working days of: 1) the Coordinator's receipt of the complaint; 2) the Coordinator's initial meeting with the Complainant; or 3) the Coordinator's determination that an informal resolution of the Complainant's complaint is no longer feasible – whichever is later, the Coordinator shall decide whether the written complaint states a potential violation of University policies or federal or state laws and shall notify the Complainant in writing of her/his determination.

2. If the Coordinator determines that the allegations of the complaint state a potential violation, the Coordinator will notify the Complainant that the complaint has been accepted and within ten (10) days thereafter provide written notice to the Respondent of the complaint allegations. In addition to notice of the complaint being provided to the Respondent, the Coordinator shall provide notice to the Respondent's immediate supervisor and divisional vice president.

3. If the Coordinator determines that the allegations of the complaint do not state a violation of University policy or federal or state laws, the Coordinator will provide written notice of this decision to the Complainant. The notice shall explain why the complaint does not state a violation.

D. Complaint Investigation.

1. The allegations in all complaints will be investigated thoroughly to assure a resolution that is consistent with the facts. The investigation may include, but is not limited to:

- Interviewing the Complainant
- Interviewing the Respondent
- Interviewing witnesses and reviewing evidence presented by the parties
- Interviewing other material witnesses
- Reviewing relevant files and records;
- Comparing the treatment of the Complainant to that of others similarly situated in the department or unit; and/or
- Reviewing applicable policies and procedures

2. All interviews will be audio recorded. Parties and witnesses will be informed that their statements will remain confidential only to the extent allowed by laws.

3. Evidence will be reviewed using a preponderance of the evidence standard (e.g. is it more likely than not that a violation of University policy occurred).

E. Abandonment of Complaint.

1. The following acts may constitute abandonment of a complaint:

- Failing to respond or take an action required by the policy or procedure within the specified time limit;
- Failing to appear for a scheduled meeting/hearing without adequate cause; or
- Otherwise failing to advance the complaint in a timely manner.

2. No further action or appeal will be allowed following a Coordinator's determination that the Complainant has abandoned their complaint. The Coordinator will provide written notice to the Complainant of this determination.

3. Notwithstanding the foregoing, the University will, pursuant to its obligations under Title IX, respond to all incidents of possible sex discrimination, harassment and sexual assault, of which it knows or reasonably should know.

F. Report of Findings and Recommendation – Complaints Against Non-students.

1. The investigation shall normally be concluded within sixty (60) working days of the filing of the written complaint, at which time the Coordinator shall issue a written report to the Respondent's supervisor/department head. If a complaint is directed against a supervisor/department head who would otherwise act on a complaint, the function assigned to that supervisor/department head will be delegated to the next level supervisor in the Respondent's line of supervision. The report shall include a summary of the Complainant's allegations, the Respondent's response to the allegations, findings of fact and conclusions, as well as appropriate recommendations.
2. If the report determines a finding of a violation of University policy and/or federal or state law, within five (5) working days following receipt of the report of findings and recommendation, the supervisor/department head shall determine a disciplinary action that is appropriate for the severity of the conduct. Disciplinary action which may include sexual harassment, non-retaliation and/or managerial training, a letter of reprimand, a formal letter of apology to the Complainant, a reduction in administrative duties (e.g. removal as chair of department), unpaid suspension and/or termination of employment, will be taken in accordance with applicable University policies and procedures. Disciplinary action must be approved by the Office of Human Resources prior to the action being taken.
3. The supervisor/department head shall communicate the discipline decision in writing to the Coordinator and the Coordinator shall provide written notice to the parties of the outcome of the investigation.

G. Report of Findings and Recommendation – Complaints Against Students.

1. The investigation shall normally be concluded within sixty (60) days of the filing of the written complaint, at which time the Coordinator shall issue a written report. The report shall include a summary of the Complainant's allegations, the Respondent's response to the allegations, findings of fact and conclusions, as well as appropriate recommendations.
2. Any disciplinary proceedings involving a student will be conducted pursuant to the provisions of the University's Student Conduct Code. Disciplinary sanctions under the Code may include sexual harassment and non-retaliation counseling, disciplinary reprimand, disciplinary probation, suspension and expulsion.
3. The University will take necessary steps to prevent the recurrence of any discrimination found to exist.
4. The Coordinator shall provide written notice to the parties of the outcome of the investigation.
5. In all Student Conduct Code disciplinary proceedings initiated pursuant to this Policy the Complainant will be provided with the same procedural protections provided to the Respondent, including but not limited to the right to:
 - a. receive notice of the hearing;
 - b. select and be accompanied and assisted by an advisor;
 - c. attend a pre-hearing disciplinary conference;
 - d. present witnesses and evidence in support of her/his position;
 - e. appeal the determination of the hearing panel;
 - f. notice of the outcome of the complaint and any appeal

Further, the Complainant and Respondent will not be allowed to personally question or cross-examine each other during disciplinary hearings/proceedings. Finally, all evidence will be reviewed using a

preponderance of the evidence standard (e.g. is it more likely than not that a violation of the Student Conduct Code occurred).

6. As required by Federal law, any disclosure of the findings and decision in regards to student disciplinary proceedings will be governed by the provisions of the Family Educational Rights and Privacy Act.

H. Protective Measures.

At times the Title IX Coordinator/Deputy Coordinator may deem it necessary to recommend steps before or during an investigation to protect the rights and interests of the Complainant and/or the Respondent. Those measures may be designed to reduce or eliminate contact between the Complainant and Respondent so that both parties feel safe in their work or educational environment. Protective measures may also guard against further actual or perceived discrimination or retaliation.

Protective measures may include but are not limited to temporary changes in working conditions (such as changes in supervisor, shift, job site, or office location), changes in class schedule, changes in living arrangements, directives to the Complainant and Respondent to avoid personal contact or refrain from such contact without a third party neutral person present, and in severe cases interim suspension.

I. Effect of Criminal Proceedings.

Because sexual assault may constitute both a violation of University policy and criminal activity, the University encourages students to report alleged sexual assaults promptly to University and/or local law enforcement agencies. Criminal investigations may be useful in the gathering of relevant evidence, particularly forensic evidence. Because the standards for finding a violation of criminal law are different from the standards for finding a violation of this Policy, criminal investigations or reports are not determinative of whether sexual assault, for purposes of this Policy, has occurred. In other words, conduct may constitute sexual assault under this Policy even if law enforcement agencies lack sufficient evidence of a crime and therefore decline to prosecute.

The filing of a complaint of sexual assault under this Policy is independent of any criminal investigation or proceeding, and (except that the University's investigation may be delayed temporarily while the criminal investigators are gathering evidence) the University will not wait for the conclusion of any criminal investigation or proceedings to commence its own investigation and take interim measures to protect the Complainant and the University Community, if necessary.

J. Retaliation Prohibited.

It is contrary to Title IX, and other federal and state civil rights laws, and to University policy, to retaliate against any person for asserting his/her civil rights, including filing a claim of discrimination or participating as a witness in an investigation. Retaliation or reprisals against any participant in an investigation will not be tolerated by the University. Retaliation against a person who files a claim of discrimination (including sexual harassment or sexual assault) is grounds for a subsequent claim by that person under the University's Retaliation policy (MAPP 02.05.14). If a person believes that he or she has

been retaliated against as a result of filing a grievance or participating in the investigation of a grievance, he or she may pursue a separate complaint charging retaliation.

K. Filing of False Complaints.

Any employee or student who knowingly and intentionally files a false complaint under this procedure is subject to disciplinary action up to and including dismissal from the University/termination of employment.

L. Time Frames.

Time frames referenced in these procedures may be extended by the Coordinator for good cause, such as holidays or when classes are not in session, or when it is necessary to complete an investigation due to difficulties reaching witnesses or parties to the complaint.

VII. TITLE IX GRIEVANCE PROCEDURES.

This procedure shall constitute the grievance procedures for complaints alleging unlawful sex discrimination required under Title IX of the Education Amendments of 1972. As used herein, “complaint” is synonymous with “grievance”.

VIII. OTHER DISCRIMINATION GRIEVANCES/COMPLAINTS

Complaints and grievances by faculty, staff and students alleging other forms of unlawful discrimination and harassment by faculty or staff, including but not limited to unlawful discrimination/harassment based on race, color, religion, national origin, age, disability, sexual orientation or veteran status, are subject to the procedures set forth in the University’s “Complaint and Grievance Policy” – MAPP 02.05.01.

IX. REVIEW AND RESPONSIBILITIES

Responsible Party: Associate Vice President/CHRO
Review: Every three years, on or before September 1

X. APPROVAL

Edward C. Ness
Vice President for Administration & Finance
John M. Rudley
President
Effective Date: September 2015