POLICY ON
SEXUAL MISCONDUCT
Policy brief & purpose

Texas A&M University seeks to offer robust programming to prevent sex discrimination and sexual misconduct. It also wants to ensure that the manner in which it addresses complaints is equitable, trauma informed, fair, thorough and swift, while at the same time, reflecting its values of cultivating and educating its community, and ensuring a welcoming and safe environment for all. Policies in place to support these efforts include:

08.01.01.M1 Prohibited Conduct: Discrimination, Harassment, Complicity, and Related Retaliation based on a Protected Characteristic

and

08.01.01.M1.01 Investigation and Resolution of Allegations of Prohibited Conduct Against Students, Employees, and Third Parties

This policy on sexual misconduct aims to protect all students, staff, patients and faculty of Texas A&M University College of Dentistry (COD), regardless of sex or gender identification, from unwanted sexual advances and give them guidelines to report incidents. The policy also identifies measures approved by the University to manage claims of sexual misconduct and the sanctions recommended to address these claims.

COD will not tolerate sexual misconduct of any kind in our workplace in any shape or form. Our culture is based on mutual respect and collaboration. Sexual violence and sexual harassment are serious violations of those principles.

Scope

This policy applies to every stakeholder within the college and all who enter regardless of sex, gender, sexual orientation, level, function, seniority, status or other protected characteristics. All are obliged to comply with this policy.

Policy elements

What is sexual harassment? Sexual harassment is the provocation (typically of a woman) in a workplace, or other situation, involving the making of unwanted sexual advances or obscene remarks.

Sexual harassment has many forms of variable seriousness. A person sexually harasses someone when they:
Warning: Please note that this policy addresses issues of sexual violence and uses descriptions and examples of this conduct which can be triggering.

- Insinuate, propose or demand sexual favors of any kind.
- Invade another person’s personal space (e.g. inappropriate touching.)
- Stalk, intimidate, coerce or threaten another person to get them to engage in sexual acts.
- Send or display sexually explicit objects or messages.
- Comment on someone’s looks, dress, sexuality or gender in a derogatory or objectifying manner or a manner that makes them uncomfortable.
- Make obscene comments, jokes or gestures that humiliate or offend someone.
- Pursue or flirt with another person persistently without the other person’s willing participation.
- Also, flirting with someone at an inappropriate time (e.g. in a team meeting) is considered sexual harassment, even when these advances would have been welcome in a different setting. This is because such actions can harm a person’s professional reputation and expose them to further harassment.
- The most extreme form of sexual harassment is sexual assault. This is a serious crime and COD will support employees who want to press charges against offenders.

What is sexual assault? Sexual assault is defined as intentional sexual contact, characterized by use of force, threats, intimidation, abuse of authority, or a victim that does not or cannot consent.

Sexual assault includes:
- Rape
- Forcible sodomy (oral or anal sex)
- Other unwanted sexual contact that is: aggravated, abusive, or wrongful (to include unwanted and inappropriate sexual contact)
- Or attempts to commit these acts

How to report sexual misconduct

Complaints may be made verbally; however, written complaints are preferred. The following reporting mechanisms are in place for individuals who are being sexually assaulted/harassed (or suspect another person is being harassed or harassed):

- If a student is harassed:
  - By patient: Firmly tell the patient to stop the behavior. If it continues or is aggressive, for immediate action, tell the faculty member with whom you are working. Then, both the faculty member and the student must report the incident to the Associate Dean for Student Affairs.
  - By a faculty or staff member: Tell another faculty member, supervisor or group leader, and immediately report to the Associate Dean for Student Affairs.
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• By another student: Report immediately to the Associate Dean for Student Affairs directly.

♦ If faculty members are victims of or witness to sexual harassment, it should be immediately reported to the Associate Dean for Academic Affairs.

♦ If staff are victims of or witness to sexual harassment, it should be reported to the Director of Human Resources immediately.

All claims of sexual harassment will be reported to the Title IX Office at TAMU for investigation and the subsequent levying of any due sanctions. This reporting will primarily be conducted only by COD administration upon receiving claims. The education, job and/or benefits of any individual will not be jeopardized or altered as a result of reporting or participating in the investigation of sexual misconduct.

If sexual assault occurs, it must be reported to the police immediately. In such situations, COD will provide any possible support until the matter is resolved and will ensure that individuals are not victimized and that access is granted to any and all relevant evidence admissible in court, such as security video footage or emails (without revealing confidential information about other employees.)

The College’s rules on sexual harassment

♦ No one has the right to sexually harass our students, employees, and patients. Any person in our institution who is found guilty of serious harassment will be terminated, whether they are VPs or assistants. Also, if representatives of our contractors or vendors sexually harass our employees, the university will demand that the company they work for takes disciplinary action and/or refuse to work with this person in the future.

♦ Sexual harassment is never too minor to be dealt with. Any kind of harassment can wear down employees and create a hostile workplace. The university will hear every claim and punish offenders appropriately.

♦ Sexual harassment is about how we make others feel. Many do not consider behaviors like flirting or sexual comments to be sexual harassment, thinking they are too innocent to be labeled that way. But, if something you do makes your colleagues uncomfortable, or makes them feel unsafe, you must stop.

♦ Every sexual misconduct claim will be assumed to be legitimate unless proven otherwise. The university will listen to claims of sexual harassment and conduct investigations properly. Occasional false reports do not undermine this principle.
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- The intentional reporting of false claims is discouraged. Makers of such will be investigated and held accountable.

- Further victimization of harassed students or employees will not be allowed. The college and university will fully support those who were sexually harassed and will not take any adverse action against them. For example, we will not move employees to positions with worse pay or benefits or allow others to retaliate against them.

- Retaliation is prohibited. Action in response to a protected activity is not retaliatory unless (a) it has a materially adverse effect on the working, academic, or other University-related environment of an individual; and (b) it would not have occurred in the absence of the protected activity.

- Those who support or overlook sexual harassment are as much at fault as offenders. Managers and HR especially are obliged to prevent sexual harassment and act when they have suspicions or receive reports. Letting this behavior go on or encouraging it will bring about disciplinary action. Anyone who witnesses an incident of sexual harassment or has other kinds of proof should report to HR.

Responsibility of Faculty when Students are sexually harassed by patients;

These situations can be difficult depending on the level of confidence and experience of the student. While faculty should advise students, they should also be sensitive in regards to what actions each student is willing to take. Suggested courses of action are listed below:

1. In case of harassment short of assault, faculty should encourage students to confront the patient directly concerning their actions and reaffirm to the patient that such harassment is not tolerated and the continuance of such behavior could result in the dismissal of the patient.

2. In case where students are uncomfortable with confronting the patient, faculty should step in and do this for them.

3. If following an incident, a student is not comfortable continuing with a patient, the patient should be reassigned to another student following assurances from the patient that no further such incidences should occur.

4. The degree of harassment required to dismiss a patient entirely will be modest and made after consultation of the affected student and faculty member with the Associate Dean for Clinical Affairs. It is not the task of students and faculty to educate patients about sexual harassment and allowable behaviors. It is the task of the college and faculty to protect our students from harm.
5. Students and faculty must be reminded of these recommendations on a regular basis.

Terminology:
Retaliation is any action, performed directly or through others, that is aimed to deter a reasonable person from engaging in a protected activity or is done in retribution for engaging in a protected activity.

Coercion is more than an effort to persuade, entice, or attract another person to have sex. In evaluating whether coercion was used, the College will consider: (1) the frequency of the application of the pressure, (2) the intensity of the pressure, (3) the degree of isolation of the person being pressured, and (4) the duration of the pressure. Coercion includes conduct, intimidation, and express or implied threats of physical or emotional harm that would reasonably place an individual in fear of immediate or future harm and that is employed to persuade or compel someone to engage in sexual contact. Coercion may consist of physical force, intimidation, threats, or severe or persistent pressure that would reasonably cause an individual to fear significant consequences if they refuse to engage in sexual contact.”

References:
2. Husch Blackwell Higher Education Group Review Of Texas A&M University’s Title IX-Related Policies
3. https://oeo.tufts.edu/policies-procedures/sexual-misconduct/
4. www.workable.com