THE FACULTY SENATE

March 1, 1998

Dr. Ray M. Bowen
President
Texas A&M University

Dear President Bowen:

At its regular meeting held March 9, 1998 the Faculty Senate approved the enclosed changes to the 1998-1999 Texas A&M Student Rules and recommends them for your approval.

Thank you for considering these items. Please inform me of your action on these recommendations.

Sincerely,

Wayne E. Wylie
Speaker, 1997-98

Enclosure
pc: Dr. Ronald G. Douglas, Executive Vice President & Provost
    Dr. Brent G. Paterson, Chair, Rules & Regulations Committee

APPROVED

_DATE_

FACULTY SENATE
RECEIVED
MAY 29 1998
24.3.2.1 Sexual Assault/Rape. Sexual assault is the oral, anal, or vaginal penetration by a sexual organ of another or anal/vaginal penetration by any means against the victim’s will or without his/her consent. An individual who is mentally incapacitated, unconscious, or unaware that the sexual assault 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. (See Appendix XII, p.)

Justification:

1. The title of “sexual misconduct” and the vagueness of the existing code minimize the seriousness of these violations. This message of minimized serious substantially impacts victims seeking to pursue disciplinary charges through the university. In addition, the message sent to alleged assailants is that they are accused of misconduct rather than a more serious offense of sexual assault.

2. Conduct codes should include specific language prohibiting sexual assault, including acquaintance rape.

3. The language in the revision and the accompanying appendix serves to make students aware of a variety of issues including: a) that date rape and acquaintance rape (not simply stranger rape) are forms of sexual assault; b) that sexual assault occurs when a person is unable to give consent; c) that the types of force used in a sexual assault vary, not being limited only to use of weapons or physical violence.

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New wording is shown as a shadow.
Appendix XII
Sexual Assault

I. Introduction

Sexual assault is a felony under the criminal laws of the State of Texas and will not be tolerated at Texas A&M University. Any such act committed by an A&M student is a violation of University Student Rules and subject to disciplinary action.

Texas A&M University is committed to providing an educational atmosphere in which students can achieve their goals and maximum potential. When students experience sexual assault, their sense of safety and trust is violated. This violation can seriously interfere with their lives and educational goals. Thus, the University is committed to establishing rules and procedures that are responsive to victims of sexual assault.

II. Definitions

According to Texas A&M University Student Rules, sexual assault is defined as:
... the oral, anal, or vaginal penetration by a sexual organ of another or anal/vaginal penetration by any means against the victim's will or without his/her consent. An individual who is mentally incapacitated, unconscious, or unaware that the sexual assault is occurring is considered unable to give consent. The type of force employed may involve physical violence or 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.

According to Texas A&M University Student Rules, sexual abuse is defined as:
Attempting or making sexual contact, including but not limited to inappropriate touching or fondling, with another against the person's will or in circumstances where the person is physically, mentally, or legally unable to give consent.

In both cases, the same definition applies whether the perpetrator is a stranger or an acquaintance or a group of individuals. Date or acquaintance rape is the sexual assault or sexual abuse of an individual by someone the individual knows. Group or gang rape is the sexual assault or sexual abuse of an individual by multiple perpetrators. Although sexual assault and sexual abuse are usually committed against women, men can also be victimized.

III. Response Protocol

If a sexual assault has "just" occurred, the following response protocol should be used:
• Make sure the student is safe. Call the police immediately (911, 9-911 on campus) if the perpetrator might still be in the area.
• Assist in preserving evidence. Tell the student NOT to change clothes, shower, douche, comb hair, brush teeth, eat or drink, and if possible not to urinate. Tell the student not to disturb the crime scene and to take a change of clothes to the hospital.
• Encourage a medical evaluation. Whether or not the student plans to press charges, a medical evaluation is needed. There may be hidden injuries of which the student is not aware.
• Arrange psychological support for the student. Get a friend of the student, a counselor, or a victim’s advocate to accompany the student through medical and legal procedures.
• Encourage legal (criminal and/or civil charges) and/or University disciplinary options. Survivors can decide not to proceed with charges later.

In assisting a survivor of sexual assault, it is important to remember the following:
• It is very important that you allow the student to control the process.
• It is always the survivor’s choice as to whether or not they wish to report sexual assault.
• Medical evidence should be collected within 48 hours if possible.
• If the student is willing to report the sexual assault to the police, it is critical that the police are contacted as soon as possible so that evidence can be preserved.
• The survivor has the option of requesting a concealed identity or pseudonym during the police investigation.
• Survivors can choose to stop the legal process.

Whether or not the student wants to involve the police or the University disciplinary process, medical examination is essential. A physical examination is necessary to take care of obvious and/or hidden physical injuries and will provide the opportunity to discuss with a physician potential communicable disease or pregnancy concerns. Rape kit examinations are available through St. Joseph’s Regional Health Center and Columbia Medical Center. Physical examinations are also available through Student Health Services and/or through the student’s regular physician.

IV. Legal and Judicial Options

The survivor of an attempted or completed sexual assault or incidence of sexual abuse may choose to pursue the following legal and/or judicial options:

Seek Criminal Prosecution
Reporting a sexual assault or attempted sexual assault to the police does not mean that the survivor has to press charges. However, it does begin the legal process
should the decision to prosecute be made at a later date. The sooner an assault is reported, the more likely valuable evidence can be collected.

**Pursue Charges Through the University Judicial Process**
Rape is viewed by University officials as a very serious offense and can result in a range of sanctions that may include removal from the University. Disciplinary action against students committing sexual assault is administered by the Student Conflict Resolution Services (847-7272). Survivors have the option to pursue University disciplinary action against their assailant if the assailant is also a student at Texas A&M University.

Survivors are under no obligation to pursue disciplinary action by contacting this office. During the initial consultation, the student affairs professional will clarify the disciplinary process and explain the options available to the survivor, as well as review the incident. Crisis counselors or other support persons are welcome and encouraged to accompany the survivor.

**File a Civil Suit**
Survivors can consult an attorney about initiating a suit in civil court for damages against the assailant for the tort of battery. The purpose of a civil suit is to compensate the survivor for the wrong done to her/him. Civil action may be brought against the assailant regardless of whether criminal charges are pursued.

**V. Victim/Survivor Rights**
When an administrative hearing is held through Texas A&M University’s Student Conflict Resolution Services, a victim/survivor has specific rights as outlined in section 26.2 of the Texas A&M University Student Rules.

**VI. Services Available to Students**
Survivors of sexual assault have a variety of campus and community resources available to them. These resources include but are not limited to the following:

**Gender Issues Education Services (Department of Student Life)**
- Support in crisis and through the recovery process.
- Advocacy through the judicial, medical and counseling process.
- Assistance with contacting professors, with residence hall arrangements (for victims living on campus), with referrals, and with the disciplinary process.
- Educational programs and individual consultation.

**Student Counseling Service**
- 24-hour emergency peer support by phone or professional counseling for currently enrolled students.
- Individual, couples, and/or group counseling.
HelpLine 845-2700
- 24-hour hotline

Brazos County Rape Crisis Center
- 24-hour emergency hotline and face-to-face counseling.
- Advocacy and support throughout medical and/or legal procedures.
- Support for survivors and their friends and family.
- Confidential, web-based counseling- http://www.rapecrisis.txcyber.com