



Student Rules

TEXAS A&M UNIVERSITY

31. Racial and Ethnic Harassment

(Revised: 2008)

31.1 Texas A&M University respects the right of free speech guaranteed by the First Amendment of the Constitution and of academic freedom. Constitutionally protected expression cannot be considered harassment under this policy. Each faculty member is entitled to full freedom in the classroom in discussing the subject which he or she teaches. (See Committee A on 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 academic freedom are not absolute. The First Amendment has been interpreted by the U.S. Supreme Court to permit restrictions on the content of speech and expression when such speech and expression is of such slight social value as a step toward truth that any benefit that may be derived from it is clearly outweighed by the social interest in order and morality.

This includes: a) words which by their very utterance tend to incite an immediate breach of the peace; b) threats which express an intention to commit violence to a particular individual or group of individuals; c) threatening or harassing speech that is communicated via "common carriers," including telephones and the internet; d) speech that is accompanied by illegal conduct which reveals a racially discriminatory motivation for the conduct; and e) advocating the use of force to incite or produce imminent lawless action and it is likely to incite or produce the lawless action. Such forms of speech, when used to engage in racial and/or ethnic discrimination or harassment, will be punishable by this rule as described below.

31.2 Racial and Ethnic Harassment is discrimination based on race, color, or national origin and involves behavior that is so severe and pervasive and objectively offensive so as to interfere with or limit the ability of a student to participate in or benefit from the services, activities or privileges provided by Texas A&M University.

31.2.1 To rise to the level of Racial and Ethnic Harassment, behaviors must include something beyond the mere expression of views, words, symbols or thoughts that some person finds offensive. The conduct must also be sufficiently serious to deny or limit a student's ability to participate in or benefit from the educational program and/or experience.

31.2.2 In order for the Texas A&M University to have authority to take action under section 31.2 of this rule, two conditions must be met. First the complaint must be alleged in an "operation" of the University; that is, a program, activity, or event under the control of the University. Second, the complaint must be filed in a timely manner with the Official Contact of the University as listed below. Official Contact of the University:

31.2.2.1 TAMU (All Brazos County campuses)

If the Alleged Offender is a:	Then the Official Contact is:
Student	<u>Student Affairs</u> <u>(https://studentaffairs.tamu.edu/meet-our-staff/)</u>
Student Employee	<u>Student Affairs</u> <u>(https://studentaffairs.tamu.edu/meet-our-staff/)</u>
Graduate Student or Postdoctoral Student working in academic affairs	<u>Faculty Affairs (https://dof.tamu.edu/)</u> *
Graduate Student or Postdoctoral Students working in other areas	<u>Civil Rights & Equity Investigations</u> <u>(https://titleix.tamu.edu/our-team/)</u> *
Non-Faculty Employee	<u>Civil Rights & Equity Investigations</u> <u>(https://titleix.tamu.edu/our-team/)</u> *
Faculty	<u>Faculty Affairs (https://dof.tamu.edu/)</u> *

* Note: Students may contact Student Life (for students enrolled on the campus of the TAMU Law School: the Assistant Dean for Student Affairs at the Law School; for students enrolled on the campus of the School of Dentistry: the Associate Dean for Student Affairs at the School of Dentistry) for assistance in arranging the official contact with the Faculty Affairs or the Employee Relations Manager. Incidents occurring with individuals across these areas of responsibility will be coordinated among the appropriate official contacts depending on the circumstances.

31.2.2.2 TAMU (All campuses outside of Brazos County) If you are a TAMU student on a campus outside of Brazos County, regardless of who the alleged offender may be, the following are official contacts for reporting:

TAMU campuses	The Official Contact is:
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Dallas	<u>Civil Rights & Equity Investigations</u> <u>(https://titleix.tamu.edu/our-team/)</u>
Houston	<u>Civil Rights & Equity Investigations</u> <u>(https://titleix.tamu.edu/our-team/)</u>
Kingsville	<u>Civil Rights & Equity Investigations</u> <u>(https://titleix.tamu.edu/our-team/)</u>
McAllen	<u>Civil Rights & Equity Investigations</u> <u>(https://titleix.tamu.edu/our-team/)</u>
Round Rock	<u>Civil Rights & Equity Investigations</u> <u>(https://titleix.tamu.edu/our-team/)</u>
Temple	<u>Civil Rights & Equity Investigations</u> <u>(https://titleix.tamu.edu/our-team/)</u>
TAMU Law School campus	<u>Civil Rights & Equity Investigations</u> <u>(https://titleix.tamu.edu/our-team/)</u>
Mays Business School at CityCentre	<u>Civil Rights & Equity Investigations</u> <u>(https://titleix.tamu.edu/our-team/)</u>

31.3 In some instances offensive conduct might not be severe and pervasive and objectively offensive to rise to the level of 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 24.4)

31.3.1 In order for the Texas A&M University to have authority to take action under section 31.3 of this rule, the alleged perpetrator must be a student and the alleged rule violation must take place on University premises or (see rule 24.5 of the Student Conduct Code) if the alleged rule violation takes place off University premises there must be student misconduct demonstrating flagrant disregard for any person or persons or a student's or student organization's behavior must be judged to threaten the health safety, and/or property of any individual or group; or any other activity which adversely affects the University community and/or the pursuit of its objectives. Additionally, the complaint must be filed in a timely manner with the Student Conduct Office (for students enrolled on the campus of the TAMU Law School: the Assistant Dean for Student Affairs at the Law School; for students enrolled on the campus of the School of Dentistry: the Associate Dean for Student Affairs at the School of Dentistry)

31.4 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.

31.4.1 In order for the Texas A&M University to have authority to take action under section 31.4 of this rule, two conditions must be met. First the alleged offender must be a member of the university community (faculty, staff, or student). Second, the complaint must be filed in a timely manner with the Official Contact of the University as listed below. Official Contact of the University:

31.4.1.1 TAMU (All Brazos County campuses)

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31.4.1.2 TAMU (All campuses outside of Brazos County) If you are a TAMU student on a campus outside of Brazos County, regardless of who the alleged offender may be, the following are official contacts for reporting:

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[Propose a Student Rule Revision \(https://student-rules.tamu.edu/propose/revision/?title=Racial and Ethnic Harassment§ion=\)](https://student-rules.tamu.edu/propose/revision/?title=Racial%20and%20Ethnic%20Harassment§ion=)