



The University of Mississippi Title IX/Interpersonal Violence and Sexual Misconduct Student Sanction Matrix¹

Level 1: Reprimand/Restrictions/Assessment	Level 2: Probation	Level 3: Suspension	Level 4: Expulsion
<ul style="list-style-type: none"> • Oral Reprimand • Written Reprimand • Assessment • Substance Abuse Education • Community Service • Educational Project(s) • Wellness Education 	<ul style="list-style-type: none"> • Disciplinary Probation with any of the following: <ul style="list-style-type: none"> ○ Loss of Privileges ○ Assessment ○ Substance Abuse Education ○ Community Service ○ Educational Projects ○ Wellness Education ○ Restitution 	<ul style="list-style-type: none"> • Suspension plus any other lower sanction 	<ul style="list-style-type: none"> • Expulsion

Sexual Harassment Examples

Severe, Persistent, and Objectively Offensive Behavior	1	2	3	4
Sexual innuendos, jokes, remarks, or questions				
Sexual gestures and/or gifts of a sexual nature				
Display of sexually explicit visual material				
Unwelcome kissing or non-fondling sexual touching				
Offering to trade an educational benefit for a date or sexual favor				

Sexual Assault Examples

Behavior	1	2	3	4
Non-consensual penetration, however slight, of the vagina by the penis (Rape)				
Non-consensual oral sexual intercourse (Sodomy)				
Non-consensual anal sexual intercourse (Sodomy)				
Non-consensual fondling of the private body part (including, but not limited to, breast, groin, genitals, or buttocks) of another person above or below clothing				
Incest				
Statutory Rape				
Non-consensual penetration, however slight, of the genital or anal opening using an object or instrument (Sexual assault with an object)				

¹ The conduct identified in the matrix is not intended to be an exhaustive list of prohibited behaviors.

The University of Mississippi Title IX/Interpersonal Violence and Sexual Misconduct Student Sanction Matrix²

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Dating or Domestic Violence Examples

Behavior	1	2	3	4
Preventing complainant from calling for help or leaving premises during or after violence has been committed				
Destruction of property during or after violence has been committed				
Physical abuse (including, but not limited to, pushing, shoving, hair-pulling, scratching, hitting, biting)				
Displaying/using weapons during or after violence has been committed				
Throwing objects at the complainant that causes injury				

Stalking Examples

Behavior	1	2	3	4
Repeated, unsolicited phone calls, emails, text messages, and/or gifts to another person and/or their family/household/significant other				
Repeatedly following another person or conducting surveillance of another person and/or their family/household/significant other				
Repeated, unsolicited visits to another person's residence, workplace, and/or class, and/or that of their family/household/significant other				
Repeated, unsolicited contact or attempts to contact via social media				
Assuming another's identity in order to make contact with the complainant				
Communication (phone calls, emails, text messages, notes, mail, messages via social media) to another person threatening that person and/or their family/household/significant other				

² The conduct identified in the matrix is not intended to be an exhaustive list of prohibited behaviors.

The University of Mississippi Title IX/Interpersonal Violence and Sexual Misconduct Student Sanction Matrix³

Level 1: Reprimand/Restrictions/Assessment	Level 2: Probation	Level 3: Suspension	Level 4: Expulsion
<ul style="list-style-type: none"> • Oral Reprimand • Written Reprimand • Assessment • Substance Abuse Education • Community Service • Educational Project(s) • Wellness Education 	<ul style="list-style-type: none"> • Disciplinary Probation with any of the following: <ul style="list-style-type: none"> ○ Loss of Privileges ○ Assessment ○ Substance Abuse Education ○ Community Service ○ Educational Projects ○ Wellness Education ○ Restitution 	<ul style="list-style-type: none"> • Suspension plus any other lower sanction 	<ul style="list-style-type: none"> • Expulsion

Sexual Exploitation Examples

Behavior	1	2	3	4
Non-consensual videotaping, audiotaping, or photographing of sexual activity even if the sexual act is consensual				
Non-consensual posting, publishing, sharing, or displaying photo, audio, or video of sexual activity even if the activity was originally recorded with effective consent				
Voyeurism (when one individual engages in secretive observation or non-consensual video or audio taping of another for personal sexual pleasure)				
Any disrobing of another or exposure to another without effective consent				
Collecting, creating, viewing, and/or distributing child pornography/sexual images of those under 18 years old				

Retaliation Examples

Behavior	1	2	3	4
Threats as a result of reporting sexual misconduct, sexual harassment, sexual exploitation, dating/domestic violence, and/or stalking				
Intimidation or physical abuse as a result of reporting sexual misconduct, sexual harassment, sexual exploitation, dating/domestic violence, and/or stalking				
Any adverse action or treatment as a result of reporting sexual misconduct, sexual harassment, sexual exploitation, dating/domestic violence, and/or stalking				

³ The conduct identified in the matrix is not intended to be an exhaustive list of prohibited behaviors.

Violation: Sexual Harassment

SANCTION RANGE

Level 1: Reprimand/Restrictions/Assessment	Level 2: Probation	Level 3: Suspension	Level 4: Expulsion
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DEFINITION FROM TITLE IX POLICY, ACA.EO.100.012

Sexual Harassment: (1) an employee of the University conditioning the provision of an aid, benefit, or service of the University on an individual's participation in unwelcome sexual conduct; OR (2) unwelcome sexual conduct determined by a reasonable person to be so severe, pervasive, and objectively offensive that it effectively denies a person equal access to an educational program or activity of the University; OR (3) sexual assault, dating violence, domestic violence, or stalking.

DEFINITION FROM INTERPERSONAL VIOLENCE AND SEXUAL MISCONDUCT POLICY, ACA.EO.100.022

Sexual Harassment: (i) unwelcome sexual conduct determined by a reasonable person to be so severe, pervasive, and objectively offensive that it effectively denies a person equal access to an educational program or activity of the University; OR (ii) sexual assault, dating violence, domestic violence, stalking, or sexual exploitation.

FACTORS TO CONSIDER WHEN DETERMINING SANCTION

Mitigating Factors:*

- The behavior and/or effect of the behavior was committed by mistake or was unintentional.
- Prior instances where Respondent's similar advances were welcome and/or reciprocated thereby creating ambiguity of consent in the current instance.
- Complainant's request for leniency.
- The Respondent shows genuine remorse.
- The Complainant was not the target recipient of the conduct; although the Complainant was offended, the target was not.

Aggravating Factors:*

- The harm caused by the deprivation of access/benefits/opportunities was lengthy, extensive, or irreparable.
- The language used was extraordinarily offensive, hate-based, and/or the totality of the behavior was exceptionally severe, persistent, and objectively offensive.
- The harassment was threatening, intimidating, or aggressive.
- The behavior continued despite a No-Contact Order between the parties.
- The behavior persisted despite repeated attempts to indicate it was unwelcome, or repeated attempts to get the behavior to stop.

Compounding Factors:**

- Prior history of misconduct (i.e., found in violation of University policy through formal process)
- Cumulative violations
- The student's prior history of misconduct involved the same or similar types of behavior.

* Sources: Adapted from The ATIXA Guide to Sanctioning Student Sexual Misconduct Violations (2023); Texas A&M Title IX/Sex-Based Misconduct Cumulative Sanction Matrix (Nov. 2020)

** ATIXA's Compounding Factors are designed to determine if the sanction range needs to be bumped upward as a result of the compounding factors.

Violation: Sexual Assault – Fondling

SANCTION RANGE

Level 1: Reprimand/Restrictions/Assessment	Level 2: Probation	Level 3: Suspension	Level 4: Expulsion
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DEFINITION FROM TITLE IX POLICY, ACA.EO.100.012 and INTERPERSONAL VIOLENCE AND SEXUAL MISCONDUCT POLICY, ACA.EO.100.022

Fondling: the touching of the private body part of another person for the purpose of sexual gratification, without the consent of the victim, including instances where the victim is incapable of giving consent because of their age or because of their temporary or permanent mental or physical disability.

FACTORS TO CONSIDER WHEN DETERMINING SANCTION

Mitigating Factors:*

- Prior instances where the responding party's sexual conduct was welcomed and/or reciprocated thereby creating ambiguity of consent in the current instance.
- The sexual contact was (relatively) minimally invasive, such as a grazing touch rather than a prolonged squeeze, or the contact was over the clothes rather than under.
- The sexual contact was relatively brief.
- Complainant's request for leniency.
- The Respondent shows genuine remorse.
- Consent was ambiguous.

Aggravating Factors:*

- The fondling was extensive.
- The fondling was aggressive or violent.
- The fondling was more invasive, such as the Respondent reaching under the Complainant's clothes or engaging in more vigorous or aggressive fondling rather than only touching.
- The Respondent continued the fondling after the Complainant communicated, verbally and/or nonverbally, that it was unwelcome.
- The Respondent was in a position of power or authority over the Complainant.

Compounding Factors:**

- Prior history of misconduct (i.e., found in violation of University policy through formal process)
- Cumulative violations
- The student's prior history of misconduct involved the same or similar types of behavior.

* Sources: Adapted from The ATIXA Guide to Sanctioning Student Sexual Misconduct Violations (2023); Texas A&M Title IX/Sex-Based Misconduct Cumulative Sanction Matrix (Nov. 2020)

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Violation: Sexual Assault – Rape

SANCTION RANGE

Level 2: Probation

Level 3: Suspension

Level 4: Expulsion

DEFINITION FROM TITLE IX POLICY, ACA.EO.100.012 and INTERPERSONAL VIOLENCE AND SEXUAL MISCONDUCT POLICY, ACA.EO.100.022

Rape: the carnal knowledge of a person, without the consent of the victim, including instances where the victim is incapable of giving consent because of their age or because of their temporary or permanent mental or physical incapacity. Carnal knowledge exists if there is the slightest penetration of the sexual organ of the female (vagina) by the sexual organ of the male (penis).

FACTORS TO CONSIDER WHEN DETERMINING SANCTION

Mitigating Factors:*

- Consent was ambiguous.
- The Respondent's behavior, though non-consensual, did not exhibit a deliberate disregard for the dignity and autonomy of the Complainant, but instead appeared to be an error in judgment, possibly affected by drug or alcohol use.
- Complainant's request for leniency.
- The Respondent shows genuine remorse.

Aggravating Factors:*

- The Respondent's use of force or physical violence in the perpetration of the non-consensual sexual intercourse.
- The Respondent's behavior was premeditated.
- The Respondent was in a position of power or authority over the Complainant.
- The Respondent's use of a weapon or restraints.
- The Respondent threatened bodily injury or intimidated the Complainant.
- The use of drugs or alcohol to intentionally incapacitate the Complainant.
- The Respondent's refusal to stop the conduct after consent had been clearly revoked.
- The Respondent knew they had an STD at the time of the intercourse and did not disclose it.

Compounding Factors:**

- Prior history of misconduct (i.e., found in violation of University policy through formal process)
- Cumulative violations
- The student's prior history of misconduct involved the same or similar types of behavior.

* Sources: Adapted from The ATIXA Guide to Sanctioning Student Sexual Misconduct Violations (2023); Texas A&M Title IX/Sex-Based Misconduct Cumulative Sanction Matrix (Nov. 2020)

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Violation: Sexual Assault – Sodomy

SANCTION RANGE

Level 2: Probation

Level 3: Suspension

Level 4: Expulsion

DEFINITION FROM TITLE IX POLICY, ACA.EO.100.012 and INTERPERSONAL VIOLENCE AND SEXUAL MISCONDUCT POLICY, ACA.EO.100.022

Sodomy: oral or anal sexual intercourse with another person, without the consent of the victim, including instances where the victim is incapable of giving consent because of their age or because of their temporary or permanent mental or physical incapacity.

FACTORS TO CONSIDER WHEN DETERMINING SANCTION

Mitigating Factors:*

- Consent was ambiguous.
- The Respondent's behavior, though non-consensual, did not exhibit a deliberate disregard for the dignity and autonomy of the complainant, but instead appeared to be an error in judgment, possibly affected by drug or alcohol use.
- Complainant's request for leniency.
- The Respondent shows genuine remorse.

Aggravating Factors:*

- The Respondent's use of force or physical violence in the perpetration of the non-consensual sexual intercourse.
- The Respondent's behavior was premeditated.
- The Respondent was in a position of power or authority over the Complainant.
- The Respondent's use of a weapon or restraints.
- The Respondent threatened bodily injury or intimidated the Complainant.
- The use of drugs or alcohol to intentionally incapacitate the Complainant.
- The Respondent's refusal to stop the conduct after consent had been clearly revoked.
- The Respondent knew they had an STD at the time of the intercourse and did not disclose it.
- "Stealth" — surreptitiously removing, intentionally causing to break, or failing to wear a condom in a situation in which condom use is an understood expectation or condition of consent.

Compounding Factors:**

- Prior history of misconduct (i.e., found in violation of University policy through formal process)
- Cumulative violations
- The student's prior history of misconduct involved the same or similar types of behavior.

* Sources: Adapted from The ATIXA Guide to Sanctioning Student Sexual Misconduct Violations (2023); Texas A&M Title IX/Sex-Based Misconduct Cumulative Sanction Matrix (Nov. 2020)

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Violation: Sexual Assault with an Object

SANCTION RANGE

Level 2: Probation

Level 3: Suspension

Level 4: Expulsion

DEFINITION FROM TITLE IX POLICY, ACA.EO.100.012 and INTERPERSONAL VIOLENCE AND SEXUAL MISCONDUCT POLICY, ACA.EO.100.022

Sexual assault with an object: the use of an object or instrument to penetrate, without the consent of the victim, however slightly, the genital or anal opening of the body of another person, without the consent of the victim, including instances where the victim is incapable of giving consent because of their age or because of their temporary or permanent mental or physical disability. An “object” or “instrument” is anything used by the offender other than the offender’s genitalia, e.g. a finger, bottle, stick.

FACTORS TO CONSIDER WHEN DETERMINING SANCTION

Mitigating Factors:*

- Consent was ambiguous.
- The Respondent’s behavior, though non-consensual, did not exhibit a deliberate disregard for the dignity and autonomy of the complainant, but instead appeared to be an error in judgment, possibly affected by drug or alcohol use.
- Complainant’s request for leniency.
- The Respondent shows genuine remorse.

Aggravating Factors:*

- The Respondent’s use of force or physical violence in the perpetration of the non-consensual sexual intercourse.
- The Respondent’s behavior was premeditated.
- The Respondent was in a position of power or authority over the Complainant.
- The Respondent’s use of a weapon or restraints.
- The Respondent threatened bodily injury or intimidated the Complainant.
- The use of drugs or alcohol to intentionally incapacitate the Complainant.
- The Respondent’s refusal to stop the conduct after consent had been clearly revoked.

Compounding Factors:**

- Prior history of misconduct (i.e., found in violation of University policy through formal process)
- Cumulative violations
- The student’s prior history of misconduct involved the same or similar types of behavior.

* Sources: Adapted from The ATIXA Guide to Sanctioning Student Sexual Misconduct Violations (2023); Texas A&M Title IX/Sex-Based Misconduct Cumulative Sanction Matrix (Nov. 2020)

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Violation: Sexual Assault - Incest

SANCTION RANGE

Level 2: Probation

Level 3: Suspension

Level 4: Expulsion

DEFINITION FROM TITLE IX POLICY, ACA.EO.100.012 and INTERPERSONAL VIOLENCE AND SEXUAL MISCONDUCT POLICY, ACA.EO.100.022

Incest: sexual intercourse between persons who are related to each other within the degrees wherein marriage is prohibited by law.

FACTORS TO CONSIDER WHEN DETERMINING SANCTION

Mitigating Factors:*

- The Respondent's behavior did not exhibit a deliberate disregard for the dignity and autonomy of the complainant, but instead appeared to be an error in judgment, possibly affected by drug or alcohol use.
- Complainant's request for leniency.
- The Respondent shows genuine remorse.
- The Respondent was unaware, and a reasonable person in the Respondent's position would have been unaware, that they were related to the Complainant within the degrees wherein marriage is prohibited by law.
- Lack of potential for behavior to occur again (no longer in an ongoing relationship with the Complainant).

Aggravating Factors:*

- The Respondent's behavior was premeditated.
- The Respondent was in a position of power or authority over the Complainant.
- The Respondent's use of a weapon or restraints.
- The Respondent threatened bodily injury or intimidated the Complainant.
- The use of drugs or alcohol to intentionally incapacitate the Complainant.
- High potential for the behavior to occur again (ongoing relationship).
- The Respondent's behavior resulted in the Complainant needing medical attention.
- The Respondent's behavior was particularly cruel and/or sadistic.

Compounding Factors:**

- Prior history of misconduct (i.e., found in violation of University policy through formal process)
- Cumulative violations
- The student's prior history of misconduct involved the same or similar types of behavior.

* Sources: Adapted from The ATIXA Guide to Sanctioning Student Sexual Misconduct Violations (2023); Texas A&M Title IX/Sex-Based Misconduct Cumulative Sanction Matrix (Nov. 2020)

** ATIXA's Compounding Factors are designed to determine if the sanction range needs to be bumped upward as a result of the compounding factors.

Violation: Sexual Assault – Statutory Rape

SANCTION RANGE

Level 2: Probation

Level 3: Suspension

Level 4: Expulsion

DEFINITION FROM TITLE IX POLICY, ACA.EO.100.012 and INTERPERSONAL VIOLENCE AND SEXUAL MISCONDUCT POLICY, ACA.EO.100.022

Statutory Rape: intercourse with a person who is under the statutory age of consent.

FACTORS TO CONSIDER WHEN DETERMINING SANCTION

Mitigating Factors:*

- The Respondent's behavior, though non-consensual, did not exhibit a deliberate disregard for the dignity and autonomy of the complainant, but instead appeared to be an error in judgment, possibly affected by drug or alcohol use.
- The Complainant's request for leniency.
- The Respondent shows genuine remorse.
- The Respondent was unaware, and a reasonable person in the Respondent's position would have been unaware, that the Complainant was below the statutory age of consent.
- Lack of potential for behavior to occur again (no longer in an ongoing relationship with the Complainant).

Aggravating Factors:*

- The Respondent's use of force, physical violence, a weapon, or restraints.
- The Respondent's behavior was premeditated.
- The Respondent was in a position of power or authority over the Complainant.
- The Respondent threatened bodily injury or intimidated the Complainant.
- The use of drugs or alcohol to intentionally incapacitate the Complainant.
- High potential for the behavior to occur again (ongoing relationship).
- The Respondent's behavior resulted in the Complainant needing medical attention.
- The Respondent's behavior was particularly cruel and/or sadistic.
- The harm caused by the Respondent's behavior was extensive or irreparable.

Compounding Factors:**

- Prior history of misconduct (i.e., found in violation of University policy through formal process)
- Cumulative violations
- The student's prior history of misconduct involved the same or similar types of behavior.

* Sources: Adapted from The ATIXA Guide to Sanctioning Student Sexual Misconduct Violations (2023); Texas A&M Title IX/Sex-Based Misconduct Cumulative Sanction Matrix (Nov. 2020)

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Violation: Dating Violence

SANCTION RANGE

Level 2: Probation

Level 3: Suspension

Level 4: Expulsion

DEFINITION FROM TITLE IX POLICY, ACA.EO.100.012 and INTERPERSONAL VIOLENCE AND SEXUAL MISCONDUCT POLICY, ACA.EO.100.022

Dating Violence: violence committed by a person who is or has been in a social relationship of a romantic or intimate nature with the victim. The existence of such a relationship shall be determined based on a consideration of the following factors: (i) the length of the relationship, (ii) the type of relationship, and (iii) the frequency of interaction between the persons involved in the relationship.

FACTORS TO CONSIDER WHEN DETERMINING SANCTION

Mitigating Factors:*

- Self-defense.
- Complainant's request for leniency.
- The harm caused by the violence or abuse was minimal.
- The Respondent shows genuine remorse.
- Lack of potential for behavior to occur again (no longer in an ongoing relationship with the Complainant).
- While still constituting a violation, the abuse was brief and mild.

Aggravating Factors:*

- The violence or abuse was long-lasting, occurred multiple times, and/or involved several types of abuse.
- The harm caused by the violence or abuse was extensive or irreparable.
- The violence or abuse resulted in the complainant needing medical attention.
- The violence or abuse was particularly egregious.
- The violence or abuse was particularly cruel or sadistic.
- High potential for the behavior to occur again (ongoing relationship).

Compounding Factors:**

- Prior history of misconduct (i.e., found in violation of University policy through formal process)
- Cumulative violations
- The student's prior history of misconduct involved the same or similar types of behavior.

* Sources: Adapted from The ATIXA Guide to Sanctioning Student Sexual Misconduct Violations (2023); Texas A&M Title IX/Sex-Based Misconduct Cumulative Sanction Matrix (Nov. 2020)

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Violation: Domestic Violence

SANCTION RANGE

Level 2: Probation	Level 3: Suspension	Level 4: Expulsion
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DEFINITION FROM TITLE IX POLICY, ACA.EO.100.012 and INTERPERSONAL VIOLENCE AND SEXUAL MISCONDUCT POLICY, ACA.EO.100.022

Domestic Violence: felony or misdemeanor crimes of violence committed by a current or former spouse or intimate partner of the victim, by a person with whom the victim shares a child in common, by a person who is cohabitating with or has cohabitated with the victim as a spouse or intimate partner, by a person similarly situated to a spouse of the victim under the domestic or family violence laws of the applicable jurisdiction, or by any other person against an adult or youth victim who is protected from that person's acts under the domestic or family violence laws of the jurisdiction.

FACTORS TO CONSIDER WHEN DETERMINING SANCTION

Mitigating Factors:*

- Self-defense.
- Complainant's request for leniency.
- The harm caused by the violence or abuse was minimal.
- The Respondent shows genuine remorse.
- Lack of potential for behavior to occur again (no longer in an ongoing relationship with the Complainant).
- While still constituting a violation, the abuse was brief and mild.

Aggravating Factors:*

- The violence or abuse was long-lasting, occurred multiple times, and/or involved several types of abuse.
- The harm caused by the violence or abuse was extensive or irreparable.
- The violence or abuse resulted in the complainant needing medical attention.
- The violence or abuse was particularly egregious.
- The violence or abuse was particularly cruel or sadistic.
- High potential for the behavior to occur again (ongoing relationship).

Compounding Factors:**

- Prior history of misconduct (i.e., found in violation of University policy through formal process)
- Cumulative violations
- The student's prior history of misconduct involved the same or similar types of behavior.

* Sources: Adapted from The ATIXA Guide to Sanctioning Student Sexual Misconduct Violations (2023); Texas A&M Title IX/Sex-Based Misconduct Cumulative Sanction Matrix (Nov. 2020)

** ATIXA's Compounding Factors are designed to determine if the sanction range needs to be bumped upward as a result of the compounding factors.

Violation: Stalking

SANCTION RANGE

Level 1: Reprimand/Restrictions/Assessment	Level 2: Probation	Level 3: Suspension	Level 4: Expulsion
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DEFINITION FROM TITLE IX POLICY, ACA.EO.100.012 and INTERPERSONAL VIOLENCE AND SEXUAL MISCONDUCT POLICY, ACA.EO.100.022

Stalking: is a course of conduct directed at a specific person that would cause a reasonable person to: (i) fear for their safety or the safety of others; or (ii) suffer substantial emotional distress.

FACTORS TO CONSIDER WHEN DETERMINING SANCTION

Mitigating Factors:*

- The Respondent exhibited signs of a disability or demonstrated below-average social skills and/or cognitive understanding and/or an inability to perceive and understand normal social cues or conventions.
- Evidence that respondent may not have reasonably known that their conduct was regarded as unwelcome.
- Complainant's request for leniency.
- The Respondent shows genuine remorse.
- The Respondent appears to be on the Autism spectrum and intends no harm.

Aggravating Factors:*

- The Respondent's refusal to stop the conduct and/or communication after being informed that their behavior was unwelcome.
- The responding party's behavior was excessive, pervasive, aggressive, and/or violent.

Compounding Factors:**

- Prior history of misconduct (i.e., found in violation of University policy through formal process)
- Cumulative violations
- The student's prior history of misconduct involved the same or similar types of behavior.

* Sources: Adapted from The ATIXA Guide to Sanctioning Student Sexual Misconduct Violations (2023); Texas A&M Title IX/Sex-Based Misconduct Cumulative Sanction Matrix (Nov. 2020)

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Violation: Sexual Exploitation

SANCTION RANGE

Level 2: Probation

Level 3: Suspension

Level 4: Expulsion

DEFINITION FROM INTERPERSONAL VIOLENCE AND SEXUAL MISCONDUCT POLICY, ACA.EO.100.022

Sexual Exploitation: includes, but is not limited to, the following behaviors that occur inside or outside a University program or activity: Non-consensual videotaping, audiotaping, or photographing of sexual activity even if the sexual act is consensual; Non-consensual posting, publishing, sharing, or displaying photo, audio, or video of sexual activity even if the activity was originally recorded with effective consent; Voyeurism, which is a form of sexual exploitation in which one individual engages in secretive observation or non-consensual video or audio taping of another for personal sexual pleasure; Any disrobing of another or exposure to another without effective consent; Collecting, creating, viewing, and/or distributing child pornography/sexual images of those under 18 years old.

FACTORS TO CONSIDER WHEN DETERMINING SANCTION

Mitigating Factors:*

- Prior instances where the photography or recording was consensual between the parties thereby creating ambiguity of consent in the current instance.
- The non-consensual transmittal was accidental.
- Complainant's request for leniency.
- The Respondent shows genuine remorse.
- The private/intimate/sexual acts photographed or recorded were not highly explicit.
- The harm, embarrassment, or humiliation experienced by the Complainant was mild because the exposure was either: limited to a few people, occurred for a short period of time, or the Complainant's identity was unknown to viewers.

Aggravating Factors:*

- The Respondent was in a position of power or authority over the Complainant.
- The Respondent used manipulation or misrepresentation to exploit the Complainant.
- The private/intimate/sexual acts photographed or recorded were highly explicit.
- The non-consensual dissemination of the private/intimate/sexual acts was premeditated, extensive, pervasive, and/or exposed the Complainant to a large number of people.

Aggravating Factors:*

- The Respondent's disclosure of private/intimate/sexual material was vengeful, malicious, or retaliatory.
- The behavior occurred multiple times.
- The behavior continued despite a mutual No-Contact Order between the parties.
- The Complainant experienced a substantial amount of harm, embarrassment, or humiliation.
- The Complainant's identity was clear or easily discernible to viewers.

Compounding Factors:**

- Prior history of misconduct (i.e., found in violation of University policy through formal process)
- Cumulative violations
- The student's prior history of misconduct involved the same or similar types of behavior.

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Violation: Retaliation

SANCTION RANGE

Level 2: Probation

Level 3: Suspension

Level 4: Expulsion

DEFINITION FROM TITLE IX POLICY, ACA.EO.100.012 and INTERPERSONAL VIOLENCE AND SEXUAL MISCONDUCT POLICY, ACA.EO.100.022

Retaliation: Retaliation under this policy is defined as any adverse action, including intimidation, taken against an individual who has participated in any manner in an investigation, proceeding, or hearing under the University's policies and procedures.

FACTORS TO CONSIDER WHEN DETERMINING SANCTION

Mitigating Factors:*

- The Respondent shows genuine remorse.
- The retaliatory conduct was mild, meaning not aggressive or violent and did not involve threatening or intimidating behavior (such as social ostracism by a student organization).

Aggravating Factors:*

- The retaliatory conduct included threats, particularly threats of physical violence or severe academic consequence.
- The retaliatory conduct was intended to discourage participation in a protected activity (such as specifically telling the Complainant to withdraw their complaint and stop the investigation).

Compounding Factors:**

- Prior history of misconduct (i.e., found in violation of University policy through formal process)
- Cumulative violations
- The student's prior history of misconduct involved the same or similar types of behavior.

* Sources: Adapted from The ATIXA Guide to Sanctioning Student Sexual Misconduct Violations (2023); Texas A&M Title IX/Sex-Based Misconduct Cumulative Sanction Matrix (Nov. 2020)

** ATIXA's Compounding Factors are designed to determine if the sanction range needs to be bumped upward as a result of the compounding factors.

Title IX/Interpersonal Violence and Sexual Misconduct Sanctions Defined

SANCTION RANGE

Level 1: Reprimand/Restrictions/Assessment	Level 2: Probation	Level 3: Suspension	Level 4: Expulsion
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- **Oral reprimand:*** An oral statement of disapproval with or without written follow-up communication.
- **Written reprimand:*** A written notice to the respondent of the inappropriate nature of the conduct.
- **Disciplinary probation:** Probation accompanied by a written reprimand to the respondent for violation of the Title IX Policy. Probation is for a definite period of time and includes the possibility of more severe sanctions if the respondent is found responsible for violating any other University rules and regulations during the probationary period.
- **Loss of privileges:** Denial of specified privileges for a designated period of time. This may include, but is not limited to, loss of visitation rights, denial of participation in specific programs, denial of participation in University-related organizations or groups, denial of the right to attend University-sponsored events, and denial of access to campus resources or facilities.
- **Restitution:** Reasonable compensation for loss, damage, or injury to the appropriate party. Restitution may take the form of community service, monetary compensation, or material replacement.
- **Community service:*** Assignments for the benefit of the University or community. Community service assignments must be approved by the Title IX Coordinator.
- **Assessment:*** A respondent may be required to attend sessions with a counselor for an assessment, either through the University's Counseling Center, Student Health Services, or an outside provider.
- **Substance abuse education:*** A respondent may be required to meet with a substance abuse educator or attend programs designed to help the student deal with substance abuse issues and learn from the experience.
- **Wellness education:** A respondent may be required to undergo mental health and well-being education (such as anger management, impulse control, etc.) or attend programs designed to help the student with mental health and learn from the experience.
- **Educational project(s):*** A respondent may be required to participate in educational projects that will enhance the educational impact of the Title IX grievance process on the respondent, which may include oral or written reports to the Title IX Coordinator. Educational sanctions are designed to increase the respondent's understanding of how his or her behavior affects others.
- **Suspension:** Separation of the student respondent from the University for a definite period of time, after which the student is eligible to return. Conditions for readmission may be specified.
- **Expulsion:** Permanent separation of the student respondent from the University community without the possibility of readmission. This sanction will be noted on the academic transcript of the respondent.
- A combination of any of the above sanctions.
- **Other remedies:** Though not a disciplinary sanction, the Independent Decision-Maker may order remedies which are designed to restore or preserve equal access to the University's education program or activity by the University to the complainant.

*The sanctions with a * notation can be used in Level 2 also.

Information to Know

SANCTION RANGE

Level 1: Reprimand/Restrictions/Assessment

Level 2: Probation

Level 3: Suspension

Level 4: Expulsion

- Mitigating/Aggravating/Compounding circumstances surrounding the incident:
 - Mitigating circumstances may result in lesser sanctions.
 - Aggravating circumstances may result in more severe sanctions.
 - Compounding circumstances may result in the sanction range being bumped up.