

2026-2027 Student Handbook



WESTERN
— **TEXAS COLLEGE** —

6200 College Avenue
Snyder, Texas 79549-9502
Main: 325-573-8511
Toll-Free: 888-468-6982
Website: <https://www.wtc.edu/>

SCURRY COUNTY JUNIOR COLLEGE DISTRICT
An Equal Opportunity Institution

Publication Date: September 9, 2026

Student Handbook Addendum

Effective September 16, 2026

Nondiscrimination and Title IX

The *2026–2027 Student Handbook for Western Texas College*, published September 9, 2026 contains a “Nondiscrimination and Title IX” section.

Effective September 16, 2026, this section is superseded by the following:

Western Texas College is committed to maintaining a learning and working environment that is free from unlawful discrimination and harassment. The College provides equal educational and employment opportunities and does not discriminate on the basis of race, color, national origin, religion, sex, age, disability, veteran status, or any other characteristic protected by applicable federal or state law in its educational programs, activities, admissions, student services, scholarships, financial aid, employment practices, or other institutional operations.

Consistent with Title IX of the Education Amendments of 1972, Western Texas College does not discriminate on the basis of sex and prohibits sex discrimination in any education program or activity it operates, including admissions and employment. The College also complies with applicable federal and state civil rights laws, including Section 504 of the Rehabilitation Act of 1973 and the Americans with Disabilities Act (ADA).

Questions regarding the application of Title IX to Western Texas College may be referred to the College’s Title IX Coordinator, the U.S. Department of Education’s Office for Civil Rights, or both.

Title IX Coordinator

Tanya Lytle, Human Resources Director
Building 15, Room 106, Western Texas College
6200 College Avenue, Snyder, Texas 79549
Telephone: 325-574-7602
Email: hr@wtc.edu

Students who experience or become aware of conduct that may constitute sex discrimination, sexual harassment, sexual assault, dating violence, stalking, retaliation, or other conduct prohibited by applicable College policy are encouraged to report the concern through the College’s Title IX reporting process. Students may contact the Title IX Coordinator to make a report or to obtain information regarding reporting options, supportive measures, and available resources.

Students may contact the Title IX Coordinator to make a report or to obtain information regarding reporting options, supportive measures, and available resources.

Additional information regarding Title IX, sexual harassment awareness and prevention, reporting, and College resources is available at:

<https://www.wtc.edu/page/sexualharassmentawarenessprevention>

Sexual Harassment, Sexual Assault, Dating Violence, and Stalking

Western Texas College prohibits sexual harassment, sexual assault, dating violence, and stalking in accordance with applicable law and College policy.

The College’s policy governing these matters is included in its entirety at the end of this handbook as:

- FFDA — Freedom from Discrimination, Harassment, and Retaliation: Sex and Sexual Violence

Students should refer to FFDA and applicable College procedures for definitions, reporting requirements and options, institutional response procedures, supportive measures, disciplinary provisions, and other rights and responsibilities.

Freedom of Expression and Expressive Activities

Western Texas College recognizes and protects freedom of speech and expression and lawful expressive activities in accordance with applicable federal and state law.

The College's policy governing student expression and the use of College facilities is included in its entirety at the end of this addendum as:

- FLA — Student Rights and Responsibilities: Student Expression and Use of College Facilities

FLA governs expressive activities and the use of College facilities and supersedes any inconsistent summary of these requirements in the Student Handbook.

Hazing

Western Texas College prohibits hazing.

Texas Education Code Chapter 37, Subchapter F establishes criminal offenses and other requirements relating to hazing at educational institutions. Hazing may include certain intentional, knowing, or reckless acts occurring on or off campus that endanger the mental or physical health or safety of a student for the purpose of pledging, initiation into, affiliation with, holding office in, or maintaining membership in an organization whose members include students.

Texas law provides for criminal penalties for hazing and for certain conduct involving the failure to report hazing. An organization may also be subject to penalties for hazing under circumstances established by law.

Texas law provides immunity from civil or criminal liability for certain persons who report a specific hazing incident involving a student to an appropriate institutional official and otherwise satisfy the requirements for immunity established by law.

Students and student organizations are responsible for complying with applicable Texas hazing law and Western Texas College policy.

Western Texas College's policy addressing prohibited organizations and hazing is included at the end of this addendum as:

- FLBC — Student Conduct: Prohibited Organizations and Hazing

The complete statutory provisions concerning hazing are contained in Texas Education Code Chapter 37, Subchapter F. Western Texas College also publishes hazing information and its hazing report as required by law.

HIV/AIDS Information

Western Texas College makes available to students, upon request, the educational pamphlet concerning HIV infection developed by the appropriate Texas state health agency.

The College's policy regarding communicable diseases, including applicable provisions concerning HIV/AIDS, is available to students in accordance with law.

Students may obtain information regarding the educational pamphlet and applicable College policy from the Student Affairs Division. The applicable College policy is:

- FFAC — Wellness and Health Services: Communicable Diseases

Effect of Addendum

This addendum reflects updated legally required and institutional information following publication of the *2026–2027 Western Texas College Student Handbook* on September 9, 2026. This addendum:

- supersedes the "Nondiscrimination and Title IX" section as provided in Section 1;
- supplements the Student Handbook with the College's policy regarding sexual harassment, sexual assault, dating violence, and stalking;

- supplements the “Freedom of Expression and Peaceful Assembly” section with the College’s current expressive-activities policy;
- supplements the Student Handbook’s hazing provisions with the required summary of Texas hazing law; and
- supplements the Student Handbook with the required HIV/AIDS information.

All other provisions of the *2026–2027 Western Texas College Student Handbook* remain in effect.

About This Handbook

The Western Texas College Student Handbook is designed to help students navigate college life and understand the resources, expectations, rights, and responsibilities associated with being a member of the WTC community.

The handbook provides information about student support services, campus life, safety and security, student rights and responsibilities, standards of conduct, complaints and grievances, and other resources that support student success.

Some topics are governed by more detailed official College publications. Students should consult the Publications webpage for current information. When this handbook summarizes information from another official College publication or policy, the most current version of that publication or policy governs.

Keeping Information Current

Western Texas College may revise policies, procedures, services, programs, and other information as necessary to comply with federal or state law, accreditation requirements, Board action, or institutional needs. The online edition of the Student Handbook is the official version and should be used for the most current information.

Equal Opportunity

Western Texas College is an equal opportunity institution and does not discriminate based on race, color, national origin, religion, sex, age, disability, veteran status, or any other status protected by applicable law in its educational programs, activities, admissions, or employment.

Information about Title IX, disability accommodations, nondiscrimination, and grievance procedures is available through the College's official publications and website.

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Quick Reference: Key Contacts and Online Resources

Need help but not sure where to start? The contacts and resources below can help connect you with commonly used WTC services. For a complete list of employees and departments, visit the WTC Campus Directory.

Key Student Contacts

Office or Service	Phone Number
Academic and Career Advising	325-574-7621
Admissions	325-574-7918
Athletics	325-574-7988
Business Office	325-574-7610
College Safety and Security	325-207-3709
Financial Aid	325-574-7640
Housing	325-574-7649
Library	325-574-7678
Registrar	325-574-7914
Student Accessibility Services	325-574-7689
Student Affairs	325-574-7689
Technology Help Desk	325-574-7668

Emergency: Call 911 for an emergency or immediate threat to health or safety. For non-emergency campus safety assistance, call College Safety and Security at 325-207-3709.

Online Student Resources

Resource	What You'll Find
YourWTC Student Portal	Course schedules, financial information, unofficial transcripts, and other student information
Brightspace (D2L)	Course materials, assignments, grades, announcements, and instructor communication
Academic and Career Advising	Advising appointments, degree planning, registration assistance, and academic resources
Financial Aid	Financial aid information, resources, forms, and assistance
Student Accessibility Services	Accommodation requests, accessibility information, and student support
Student Activities	Current campus activities and student events
College Safety and Security	Campus safety, parking, lost and found, RAVE alerts, and safety resources
Campus Directory	WTC faculty, staff, departments, and contact information
Campus Map	Campus buildings and locations
Course Schedules	Current semester course offerings
WTC Catalog and Publications	Current Catalog, Student Handbook, and other official College publications
WTC Athletics	Teams, schedules, rosters, results, and athletics information

Important Online Systems

- YourWTC Student Portal: your.wtc.edu
- Brightspace (D2L): learn.wtc.edu
- WTC Website: wtc.edu
- WTC Athletics: wtcathletics.com

Welcome to WTC!

Welcome Message



As the Interim Vice President for Student Affairs and Dean of Students, I realize that choosing a college is an important decision, and I am delighted you have selected WTC to further your education. Whether you are beginning your first semester, continuing your studies, or pursuing a new educational goal, the faculty, staff, and administration at WTC are committed to helping you learn, grow, and succeed.

We recognize that every student's journey is unique and strive to provide the resources, opportunities, and support needed to help you achieve your academic and personal goals. We also recognize that your college experience extends beyond the classroom. We encourage you to become an active member of the WTC community by participating in campus activities, student organizations, athletics, leadership opportunities, and other programs and events. Getting involved can help you build meaningful relationships, develop valuable skills, explore new interests, and create lasting memories.

WTC is committed to providing a safe, welcoming, and respectful environment for all students. Each student plays an important role in creating a positive campus community. Students are expected to treat others with dignity and respect, follow college policies and procedures, take responsibility for their actions, and contribute positively to the WTC community.

We encourage you to take advantage of the academic, personal, wellness, career, and student support resources available to you. Please review this Student Handbook and become familiar with important policies, procedures, expectations, safety information, and campus resources.

As you begin or continue your journey at WTC, embrace new opportunities, challenge yourself, make meaningful connections, and take an active role in your education. Your time at Western Texas College is an opportunity to learn, grow, discover your strengths, and prepare for your future. We wish you a successful and rewarding college experience!

Dr. Melissa Perryman
Interim Vice President for Student Affairs and Dean of Students

Mission Statement

Western Texas College empowers students to achieve educational, workforce, and life goals through high-quality learning, holistic support, and strong community partnerships.

Vision Statement

Western Texas College is a student-centered, workforce-aligned, and community-anchored institution that expands access, strengthens connection and engagement, and prepares learners to thrive in a changing world.

Values

- Students First: We design learning, services, and systems around student success and completion.
- Better Together: We collaborate across the college and with our communities to expand opportunity and impact.
- Do What's Right: We act with integrity, accountability, and care in all we do.

Getting Started and Staying Connected

Western Texas College provides several online tools and campus resources to help students manage their coursework, receive important information, and access services. Students are encouraged to become familiar with these resources at the beginning of each semester.

YourWTC Student Portal

YourWTC is WTC's student portal for accessing important student information and services, including course schedules, financial information, and unofficial transcripts.

Access YourWTC at: <https://your.wtc.edu/>.

Brightspace

Brightspace (D2L) is WTC's learning management system. Instructors use Brightspace to provide course materials, assignments, grades, announcements, and other course-related information. Students should access Brightspace regularly and follow the expectations established by their instructors.

Access Brightspace at: <https://learn.wtc.edu/>

Student Email and Official Communications

WTC provides students with a college email account for official College communications. Students should check their WTC email regularly for messages related to courses, registration, financial aid, campus services, deadlines, and other College business.

WTC student email is hosted through Google. Students should access their WTC email through Gmail rather than Microsoft Outlook to ensure they receive College communications.

Student Identification

Students attending the WTC campus should obtain a WTC student ID. Student IDs are used to verify student status and may be needed to access College services, facilities, events, or other student resources.

Student IDs are available through College Safety and Security in Building 2.

Technology Assistance

The WTC Technology Department provides assistance with College technology resources, including account access and supported systems.

For technology assistance:

Technology Department — Building 2

Email: support@wtc.edu

Additional technology information and support resources are available on the WTC Technology webpage.

Parking & Campus Access

Students who bring a vehicle to campus should obtain and properly display a current WTC parking permit.

Current information about parking permits, campus parking, and safety and security services is available through the College Safety and Security webpage: <https://www.wtc.edu/page/security>

Students are responsible for following current College parking and campus safety requirements.

Student Success and Support

Western Texas College is committed to helping students succeed academically, personally, and professionally. Students are encouraged to seek assistance early, ask questions, and take advantage of the resources available throughout their time at WTC.

Academic and Career Advising

Academic and career advising helps students make informed decisions about their educational and career goals. Advisors can assist with course selection, degree planning, transfer considerations, and other questions related to a student's academic pathway.

Students are encouraged to meet regularly with an academic or faculty advisor and should be aware that advising may be required before registration for some students.

For advising information or to schedule an appointment, visit the Academic and Career Advising webpage or contact advising@wtc.edu.

Academic Support and Tutoring

WTC provides free academic support to help students strengthen their skills and succeed in their courses. The Student Success Tutoring Program offers opportunities for individual tutoring and study support throughout the academic year.

Students do not need to wait until they are struggling to seek assistance. Tutoring can also be a valuable resource for reviewing course material, preparing for exams, and building effective study habits.

For current tutoring opportunities, schedules, and contact information, visit the Student Success Tutoring webpage or contact study@wtc.edu.

Library and Learning Resources

The WTC Library, located in Building 2, provides resources and services that support learning, research, and academic success. Students have access to print and digital resources, research assistance, study spaces, and materials available for checkout.

A valid WTC student ID may be required to access certain library services.

For current hours, available resources, and research assistance, visit the WTC Library webpage or contact library@wtc.edu.

Student Accessibility Services

WTC is committed to providing equal access to educational programs, services, activities, and housing for qualified students with disabilities in accordance with applicable law.

Students who need accommodations should contact Student Accessibility Services as early as possible. Information about requesting accommodations, documentation, and the accommodation review process is available on the Student Accessibility Services webpage.

Questions may be directed to accessibility@wtc.edu.

Financial Aid

The Financial Aid Office helps students understand and navigate financial aid opportunities, including grants, scholarships, federal work-study, and student loans.

Because financial aid requirements, eligibility, and processes may change, students should consult

the Financial Aid Office and current WTC financial aid resources for official information and deadlines.

Students may visit the Financial Aid Office in Building 20 or access the Financial Aid webpage for current information.

Behavioral Health and Wellness

WTC partners with Cogdell Behavioral Health to connect currently enrolled students with behavioral health and wellness resources. Available support includes connections to behavioral health professionals, referral and intake assistance, wellness education, and access to regional and community resources.

Students seeking behavioral health support should visit the following webpage for current services and contact information: <https://www.wtc.edu/page/strongertogether>

In a mental health crisis or immediate danger, call or text 988 or call 911.

Student Support Resources

TRIO Student Support Services (SSS) provides eligible WTC students with additional academic and personal support designed to promote persistence, graduation, and continued educational success. Services may include tutoring, academic and career advising, mentoring, financial aid assistance, educational activities, and other student success resources.

Eligibility requirements apply. Students interested in participating should visit the TRIO Student Support Services webpage for current eligibility information, program requirements, and application instructions.

Academic Success

Academic success is a shared commitment. Western Texas College provides students with resources, guidance, and support, while students are responsible for actively engaging in their education, understanding academic expectations, and seeking assistance when needed.

Student Academic Responsibilities

Students are responsible for taking an active role in their academic progress. This includes understanding the requirements of their courses and academic programs, completing coursework on time, monitoring their academic progress, and communicating with instructors and advisors.

Students are expected to:

- Read and follow the syllabus and requirements for each course.
- Attend and actively participate in classes and other required learning activities.
- Complete assignments, examinations, and other coursework by established deadlines.
- Regularly monitor WTC email, Brightspace, and other College systems used for academic communication.
- Know the requirements of their degree or certificate program and work with an advisor when making academic decisions.
- Seek assistance from instructors, advisors, tutoring services, or other College resources when challenges arise.
- Conduct themselves in accordance with WTC's academic and student conduct expectations.

Students are encouraged to ask questions and seek assistance early. Taking responsibility for academic progress includes recognizing when support is needed and using the resources available at WTC.

Attendance and Participation

Regular attendance and active participation are important to student learning and academic success. Students are expected to attend classes, laboratories, clinical experiences, online activities, and other required course components as established by their instructors.

Attendance and participation expectations may vary by course and instructional format. Students should review each course syllabus carefully and communicate directly with their instructor when circumstances affect their ability to attend or participate.

Students remain responsible for course requirements and should not assume that an absence automatically excuses missed coursework or other academic obligations.

Additional information regarding attendance requirements is available in the current WTC Catalog and individual course syllabi.

Academic Integrity

Academic integrity is essential to learning and to the value of a Western Texas College education. Students are expected to complete their academic work honestly, responsibly, and in accordance with the expectations established by their instructors and the College.

Academic misconduct may include, but is not limited to, cheating, plagiarism, unauthorized collaboration, falsification or fabrication of information, submitting work completed by another person, or obtaining or providing unauthorized assistance on academic work.

Students are also responsible for understanding an instructor's expectations regarding the use of technology and other resources when completing academic work. When uncertain about what assistance, collaboration, or resources are permitted, students should ask their instructor before

submitting the work.

The WTC Catalog and applicable College policies provide the governing definitions, requirements, and procedures related to academic integrity and academic misconduct.

Adding, Dropping and Withdrawing

Changes to a student's course schedule can affect academic progress, financial aid, enrollment status, athletic or program eligibility, graduation timelines, and other aspects of the student's college experience. Students considering adding or dropping a course or withdrawing from the College are strongly encouraged to speak with an advisor and, when appropriate, the Financial Aid Office before making a decision.

Requirements and deadlines vary depending on when a schedule change occurs. Students should consult the current WTC Academic Calendar and WTC Catalog for official deadlines, requirements, and procedures.

Students needing assistance with a schedule change should contact Academic and Career Advising or the appropriate College office as early as possible.

Academic Standing

Students are expected to make satisfactory progress toward their educational goals and maintain the academic standards established by WTC.

Academic standing is generally determined by a student's academic performance and may affect continued enrollment, financial aid, participation in certain programs, or other opportunities. Students experiencing academic difficulty are encouraged to meet with an advisor and use available academic support resources as early as possible.

The current WTC Catalog contains the official definitions, grade-point-average requirements, classifications, and procedures associated with academic standing.

Academic Concerns and Appeals

WTC encourages students to address academic concerns promptly and at the level closest to the concern. When appropriate, a student's first step should generally be to communicate directly with the instructor to seek clarification and attempt to resolve the matter.

If the concern cannot be resolved with the instructor, or if direct communication with the instructor is not appropriate, the student should seek guidance from the appropriate academic administrator regarding the next step.

Some academic decisions may be subject to a formal appeal or grievance process. Students should consult the WTC Catalog and applicable College policies and procedures to determine the appropriate process, requirements, and deadlines for their particular concern.

Students are responsible for initiating an appeal or grievance within applicable timelines and for providing information required by the relevant process.

Campus Life and Student Engagement

College is about more than what happens in the classroom. Western Texas College encourages students to connect with others, participate in campus activities, explore their interests, and make the most of their WTC experience. Getting involved can help students build relationships, develop leadership skills, and strengthen their connection to the WTC community.

Student Activities

WTC offers activities and events throughout the year that provide opportunities for students to connect, have fun, and become involved in campus life. Activities may include social events, recreational opportunities, celebrations, service activities, and other campus programs.

All WTC students are encouraged to participate. For current events and activities, visit the Student Activities webpage.

Student Government Association

The Student Government Association (SGA) provides students with opportunities to represent the student body, develop leadership skills, participate in campus initiatives, and contribute to the WTC community.

Through SGA, students can share ideas and perspectives, help plan activities, participate in service opportunities, and gain valuable leadership experience.

Students interested in participating or learning more about student government should visit the Student Government Association webpage.

Clubs and Organizations

Student clubs and organizations provide opportunities to meet people with shared interests, connect with the campus community, develop new skills, and participate in activities beyond the classroom.

WTC offers a variety of organizations reflecting students' academic, professional, service, faith-based, leadership, and special interests. Opportunities may change from year to year based on student interest and participation.

Students interested in joining an existing organization or learning about opportunities to become involved should visit the Student Clubs and Organizations webpage.

Leadership and Service

Leadership can happen throughout the WTC experience. Students can develop leadership skills through SGA, clubs and organizations, campus activities, service opportunities, athletics, academic programs, and other forms of involvement.

Students are encouraged to seek opportunities that help them develop skills such as communication, teamwork, problem-solving, responsibility, and service to others.

Students interested in leadership or service opportunities can begin by contacting Student Activities or exploring WTC's current clubs and organizations.

Athletics and Recreation

Athletics are an important part of campus life at WTC. Students are encouraged to support the Westerners and participate in the spirit and traditions of the WTC community.

Current team information, schedules, rosters, and athletic events are available through the WTC Athletics website.

WTC also provides opportunities for recreation and physical activity through campus facilities and recreational spaces. Availability, hours, and access may vary throughout the year. Students should consult current campus information for available recreational opportunities and facility guidelines.

Student Rights and Responsibilities

Western Texas College is committed to an educational environment in which students are treated with respect, have access to educational opportunities, and understand the rights and responsibilities that come with membership in the College community.

The information in this section provides a general overview. Students should consult the WTC Board Policy Manual, WTC Catalog, and applicable College administrative procedures for governing requirements and processes.

Student Rights

Students at WTC have rights and protections established by law and College policy. These include, as applicable, the right to:

- Participate in an educational environment free from unlawful discrimination, harassment, and retaliation.
- Have educational records handled in accordance with applicable privacy laws and College policy.
- Request reasonable accommodations when eligible.
- Express ideas, engage in discussion, and participate in peaceful assembly consistent with applicable law and College policy.
- Receive information about College expectations, requirements, and procedures that affect students.
- Raise concerns and access applicable complaint, grievance, and appeal processes without unlawful retaliation.

Students are encouraged to ask questions and seek assistance when they are uncertain about their rights or the appropriate process for addressing a concern.

Student Responsibilities

Membership in the WTC community also carries responsibilities. Students are expected to contribute to an environment that supports learning, safety, respect, and the rights of others.

Students are responsible for:

- Following applicable federal, state, and local laws and WTC policies, procedures, and requirements.
- Treating students, employees, visitors, and other members of the College community with respect.
- Respecting College property, facilities, technology, and resources.
- Conducting themselves in ways that support a safe and productive learning environment.
- Taking responsibility for their decisions and actions.
- Understanding and following expectations communicated through the WTC Catalog, course syllabi, College policies, and other official College communications.
- Cooperating with reasonable requests from authorized College employees acting within the scope of their responsibilities.

Additional standards of student conduct and applicable procedures are provided in the WTC Catalog, Board Policy Manual, and other applicable College policies and procedures.

Nondiscrimination and Title IX

WTC is committed to providing an educational and working environment free from unlawful discrimination, harassment, and retaliation. The College prohibits discrimination as provided by applicable federal and state law and WTC policy.

Title IX and related College policies address sex discrimination and certain forms of sex-based harassment and provide processes for reporting concerns and obtaining information and assistance.

Students who believe they have experienced or witnessed discrimination, harassment, or retaliation are encouraged to use the appropriate College reporting process. Current information about Title IX, reporting options, and available resources is provided on WTC's Title IX and Sexual Harassment Awareness and Prevention webpage and in applicable Board policies.

Accessibility and Accommodations

WTC is committed to providing qualified students with disabilities equal access to its educational programs, services, activities, and housing in accordance with applicable law.

Students seeking accommodations should contact Student Accessibility Services. Information about requesting accommodations, documentation, and the accommodation process is available on the Student Accessibility Services webpage.

Additional information about accessibility services is provided in the Student Success and Support section of this Handbook.

Student Records and Privacy

WTC protects the privacy of student education records in accordance with the Family Educational Rights and Privacy Act (FERPA) and applicable College policy.

FERPA provides eligible students certain rights regarding their education records, including rights related to access, amendment, and disclosure. Some information designated as directory information may be disclosed in accordance with law and College policy.

Students should consult WTC's FERPA Information webpage and applicable College policies for current information about education records, directory information, disclosure, student rights, and related procedures.

Freedom of Expression and Peaceful Assembly

WTC recognizes students' rights to freedom of speech and expression and to peaceful assembly as provided by applicable law and College policy.

Students may express ideas and viewpoints, participate in discussion, and engage in lawful expressive activities. The exercise of these rights also carries responsibilities. Expressive activities must respect the rights of others and comply with applicable laws and College policies governing the use of College property, safety, and College operations.

Students should consult Board Policy FLA (LEGAL) and FLA (LOCAL) and other applicable College policies and procedures for current requirements related to student expression and use of College facilities.

Community Standards and Student Conduct

Western Texas College is committed to maintaining a safe, respectful, and supportive environment for learning, working, living, and participating in College activities. Students share responsibility for contributing to that environment and are expected to conduct themselves in accordance with applicable law and College policies.

This section provides a general overview of student conduct expectations. The WTC Board Policy Manual and applicable College procedures contain the governing standards, definitions, processes, and disciplinary provisions.

Standards of Student Conduct

Students are expected to act responsibly, respect the rights and property of others, and follow College policies and reasonable directives from authorized College employees.

Student conduct expectations may apply in classrooms, residence halls, College facilities, online environments, and at College-sponsored or College-related activities, as provided by applicable College policy.

Students should consult Board Policy FLB (LEGAL) and FLB (LOCAL) and other applicable College policies for the official standards governing student conduct.

Respectful and Responsible Behavior

A strong College community depends on students treating one another with respect and consideration. Students are expected to conduct themselves in ways that support learning, safety, and the ability of others to participate in College programs and activities.

Students are encouraged to address disagreements constructively, respect differing perspectives, take responsibility for their actions, and seek assistance when a situation cannot be resolved appropriately.

Respectful disagreement and the lawful expression of differing ideas or viewpoints are not, by themselves, violations of student conduct expectations.

Prohibited Conduct

Conduct that violates applicable law or College policy may result in action through the student conduct process.

Depending on the circumstances and applicable policy, prohibited conduct may include:

- Disruptive conduct — Behavior that substantially interferes with teaching, learning, College activities, or College operations.
- Threatening or violent conduct — Conduct involving threats, intimidation, violence, or other behavior prohibited by College policy.
- Discrimination, harassment, or retaliation — Conduct prohibited by applicable nondiscrimination, harassment, Title IX, or related College policies.
- Bullying — Conduct that meets the definition of bullying under applicable law or College policy.
- Hazing — Conduct prohibited by applicable hazing laws or College policy in connection with membership, affiliation, initiation, or participation in a group or organization.
- Alcohol, drugs, and other prohibited substances — Possession, use, distribution, or other conduct involving alcohol, controlled substances, drug paraphernalia, or other prohibited substances in violation of law or College policy.
- Weapons — Possession, display, use, or carrying of weapons in violation of applicable law or College policy.
- Property violations — Theft, vandalism, damage, unauthorized use, or misuse of College

- property or the property of another person.
- Misuse of College technology — Unauthorized access, disruption, damage, misuse, or other prohibited use of College technology systems, networks, accounts, or resources.
- Other violations of College policy — Conduct prohibited by the WTC Board Policy Manual or other applicable College rules and procedures.

These examples are intended to help students understand general expectations and are not an exhaustive list or substitute for applicable College policy.

Alcohol, Drugs, and Weapons

WTC students are responsible for understanding and following College policies and applicable laws concerning alcohol, controlled substances, weapons, and firearms.

Because these requirements are governed by law and College policy and may change, students should consult the WTC Board Policy Manual and current College safety information for official requirements.

Information regarding firearms and campus carry is available on the WTC Campus Carry webpage.

Reporting Student Conduct Concerns

Students and other members of the College community are encouraged to report conduct that may violate College policy or threaten the safety or well-being of the College community.

Student conduct concerns are generally addressed through the Student Affairs Office in accordance with applicable College policy and procedures.

Situations involving an immediate threat to health or safety should be reported to College Safety and Security or 911, as appropriate.

Concerns involving discrimination, sexual harassment, or other conduct addressed under Title IX or related policies should be reported through the applicable College reporting process.

Student Conduct Process

When WTC receives a report of possible student misconduct, the College reviews the concern and determines the appropriate response in accordance with applicable policy and procedures.

Students involved in the conduct process are provided the rights and opportunities established by applicable College policy, including an opportunity to respond to allegations as provided by the governing process.

The nature of the review, responsible College official, procedures, and available outcomes may depend on the type of conduct involved. Students should consult the WTC Board Policy Manual and applicable College procedures for governing requirements.

Disciplinary Actions

When a student is found responsible for misconduct, disciplinary action may be imposed in accordance with applicable College policy. The action taken may vary based on the circumstances, nature and severity of the conduct, relevant history, and other considerations permitted by College policy.

Possible disciplinary consequences are established by the WTC Board Policy Manual and applicable College procedures.

Appeals

Students may have the right to appeal certain student conduct decisions or disciplinary actions as

provided by applicable College policy.

Students wishing to appeal should carefully review the applicable policy and follow the required process and deadlines. Information about the appropriate appeal process may be obtained from the Student Affairs Office.

The WTC Board Policy Manual and applicable College procedures govern student conduct appeals, including eligibility to appeal, submission requirements, timelines, review, and final decisions.

Safety and Well-Being

Western Texas College is committed to promoting a safe, secure, and supportive environment for students and the College community. Students are encouraged to be aware of available safety resources, report concerns promptly, and seek assistance when needed.

Emergency Assistance

For an emergency or an immediate threat to health or safety, call 911.

Students should contact College Safety and Security for campus safety concerns and non-emergency assistance. Students are encouraged to report concerning, threatening, or unsafe behavior rather than attempting to manage a potentially dangerous situation on their own.

College Safety and Security

College Safety and Security supports the safety and security of the WTC campus and College-owned properties. Students may contact Safety and Security for assistance with concerns such as:

- Campus safety or suspicious activity
- Lost and found items
- Parking or vehicle concerns
- Residence hall lockouts
- After-hours safety assistance or escorts
- Concerning, threatening, or unsafe behavior

College Safety and Security

Phone: 325-207-3709

Email: security@wtc.edu

For current information about campus safety services, parking, crime prevention, and other safety resources, visit the College Safety and Security webpage.

Emergency Notifications and Procedures

WTC uses the RAVE Alert System to communicate important emergency and safety information to the College community. Emergency notifications may include information about severe weather, campus closures, safety threats, or other situations requiring timely communication.

Students should ensure that their contact information is current and pay attention to emergency messages received through College communication systems.

Students are encouraged to become familiar with WTC emergency information and follow instructions provided by College officials and emergency personnel during an emergency.

Information about emergency notifications and the RAVE Alert System is available on the WTC website.

Mental Health and Crisis Support

Students experiencing emotional distress or behavioral health concerns are encouraged to seek assistance. WTC provides information and connections to behavioral health and wellness resources through Stronger Together for Student Success.

If you or someone else is experiencing a mental health crisis, call or text 988. If there is an immediate threat to health or safety, call 911.

Additional behavioral health and wellness information is provided in the Student Success and Support section of this Handbook and through WTC's Stronger Together resources.

Sexual Misconduct and Title IX Reporting

WTC provides reporting options and resources for students who experience or become aware of sexual harassment, sex discrimination, sexual violence, or other conduct that may fall under Title IX or applicable College policy.

Students seeking to make a report, obtain assistance, or learn about available resources should visit WTC's Title IX and Sexual Harassment Awareness and Prevention webpage or contact the appropriate Title IX representative identified by the College.

Students may seek information about available support and reporting options even when they are uncertain whether conduct constitutes a policy violation.

For an immediate threat to health or safety, call 911.

The WTC Board Policy Manual and applicable College procedures provide the governing requirements and processes related to Title IX and sexual misconduct.

Alcohol and Drug Resources

Students experiencing concerns related to alcohol or drug use are encouraged to seek assistance. WTC provides information and connections to resources for students who may be concerned about their own substance use or that of someone they know.

College standards concerning the possession, use, or distribution of alcohol, controlled substances, and other prohibited substances are addressed separately through applicable WTC Board policies and student conduct requirements.

Resolving Concerns, Complaints, and Grievances

Western Texas College encourages students to raise questions and concerns promptly and to seek resolution through the appropriate College process. Students should begin with the person or office most directly connected to the concern whenever appropriate.

Different types of concerns may be governed by different procedures, requirements, and timelines. The information below is intended to help students identify where to begin. The WTC Catalog, Board Policy Manual, and applicable College procedures provide the governing requirements for formal complaints, grievances, and appeals.

Where to Start

Students who are unsure where to take a concern may use the following guide:

Type of Concern	Contact
Course or instructional concern	Instructor
Final grade appeal	Final Grade Appeal process
Academic standing or suspension	Registrar's Office
Student conduct concern	Student Affairs
Discrimination, harassment, or Title IX concern	Title IX reporting process or designated College contact
Accessibility or accommodation concern	Student Accessibility Services
General student complaint or grievance	Individual or department involved, when appropriate, or Student Affairs for guidance
Immediate safety concern	College Safety and Security or 911, as appropriate

Students who are uncertain about the appropriate process may contact Student Affairs for assistance identifying the appropriate College office or procedure.

Academic Concerns

Students with a concern related to a course or other instructional matter should generally begin by communicating directly with the instructor. Many concerns can be resolved through clarification and discussion.

If the concern cannot be resolved with the instructor, or if contacting the instructor is not appropriate, the student should seek guidance from the appropriate academic administrator.

Formal academic appeals, including final grade appeals, must follow the applicable College process. Students should review the WTC Catalog and current academic appeal information for requirements, documentation, and deadlines.

Final Grade Appeals

Students who wish to appeal a final course grade should follow WTC's established Final Grade Appeal process. Because grade appeals are subject to specific requirements and timelines, students should review the current procedure carefully before submitting an appeal. The Final Grade Appeal Form and current instructions are available on the WTC website.

Questions about the appropriate academic appeal process may be directed to the Academic Affairs Office.

Student Conduct Concerns

Concerns about student behavior that may violate College conduct standards should be reported to Student Affairs.

Reports involving an immediate threat to health or safety should be directed to College Safety and Security or 911, as appropriate.

Student conduct concerns are reviewed and addressed in accordance with applicable WTC Board policies and College procedures.

Discrimination, Harassment, and Title IX Concerns

Students who experience or become aware of discrimination, harassment, sex discrimination, sexual harassment, retaliation, or other conduct that may be prohibited by College policy are encouraged to report the concern through the appropriate College process.

Current reporting contacts, reporting options, supportive resources, and information about applicable procedures are available through WTC's Title IX and Sexual Harassment Awareness and Prevention resources and applicable College policies.

Students who are uncertain which process applies may seek guidance from the appropriate College contact identified in WTC's current Title IX and nondiscrimination information.

For an immediate threat to health or safety, call 911.

Accessibility and Accommodation Concerns

Students with questions or concerns about disability-related access or accommodations should begin with Student Accessibility Services.

Students who disagree with an accommodation decision or have a concern about disability-related access should follow the applicable accessibility grievance or complaint process.

Information about requesting accommodations and addressing accessibility concerns is available through Student Accessibility Services and applicable College policies and procedures.

General Student Complaints and Grievances

Students with a general concern about a College service, decision, employee, or department should ordinarily begin with the individual or office most directly connected to the concern, when appropriate. If the matter is not resolved, the student may seek review through the appropriate administrative structure. Students who are unsure whom to contact may contact Student Affairs for assistance identifying the appropriate next step.

When informal resolution is unsuccessful or is not appropriate, a student may use WTC's applicable formal complaint or grievance process. Current information is available through the Student Grievance Procedure webpage and applicable College policies.

Appeals

Appeal rights and procedures depend on the type of decision being appealed. A process that applies to a final grade may differ from one involving academic standing, student conduct, accessibility, or another College decision.

Students considering an appeal should:

- Identify the specific appeal process that applies to the decision.
- Review the current requirements and submission instructions.
- Pay close attention to applicable deadlines.
- Provide the information and documentation required by the process.
- Submit the appeal to the office or individual identified in the applicable procedure.

The WTC Catalog, Board Policy Manual, and applicable College procedures govern appeal rights, requirements, timelines, review, and decisions.

Board Policies

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AIDS / HIV

Policy

Each institution of higher education, including each college district, shall make available the institution's policy on HIV infection and AIDS to students by including the policy in the student handbook if practicable or by any other method. *Education Code 51.919(b)*

Educational
Pamphlet

Each institution of higher education shall make available to students, on request, the educational pamphlet on HIV infection developed by the Texas Department of State Health Services (DSHS) and shall include in the student handbook a statement that the pamphlet is available. *Education Code 51.919(c)*

Health Centers

The student health center of each institution of higher education shall provide clear, accurate information on how to prevent the transmission of HIV infection, including:

1. The value of abstinence and long-term mutual monogamy.
2. Information on the efficacy and use of condoms.
3. Offering of or referring students, faculty, or staff to anonymous HIV counseling and testing services.
4. State laws relating to the transmission of and to conduct that may result in transmission of HIV.

Education Code 51.919(d)

Bacterial Meningitis

The Coordinating Board shall prescribe procedures by which each institution of higher education, including each college district, shall provide information relating to bacterial meningitis to new students of the institution. The procedures must provide for the information to be provided in a brochure or other manner so that the information is reasonably likely to come to the attention of each student. The Coordinating Board shall prescribe the form and content of the information. The information must cover:

1. The symptoms of the disease, how it may be diagnosed, and its possible consequences if untreated;
2. How the disease is transmitted, how it may be prevented, and the relative risk of contracting the disease for students of institutions of higher education;
3. The availability and effectiveness of vaccination against and treatment for the disease, including how students of the institution may seek vaccination or treatment and whether a vaccination is available from the student health center, and a brief description of the risks and possible side effects of vaccination; and

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4. Sources of additional information regarding the disease and must include the telephone numbers of the student health center, if there is a student health center, and the appropriate office of the DSHS.

An institution of higher education, with the written consent of the Coordinating Board, may provide the information required by this section to new students of the institution by a method different from the method prescribed by the Coordinating Board if the Coordinating Board determines that method would be effective in bringing the information to the attention of all new students of the institution.

Each institution of higher education shall make reasonable efforts to obtain from each new student of the institution a confirmation signed or acknowledged by the student that the student has received the information required to be provided to the student and shall retain the confirmation for not less than two years after the student first enrolls at the institution.

“New student” means a first-time student of an institution of higher education and includes a student who transfers to the institution from another institution.

Education Code 51.9191(a)(2), (b), (d)-(e)

Reports

The persons described in Health and Safety Code 81.042 shall report to the local health authority or the DSHS a suspected case of a reportable disease, as defined by state law and the Health and Human Services Commission (HHSC) executive commissioner, and all information known concerning the person who has or is suspected of having the disease if a report is not made as required by Health and Safety Code 81.042(a)-(d):

1. A professional registered nurse;
2. An administrator or director of a public or private temporary or permanent child-care facility;
3. An administrator or health official of a public or private institution of higher education;
4. A health professional; or
5. A peace officer.

Health and Safety Code 81.041-.042; 25 TAC 97.2(d)

In addition to the reporting requirements for communicable diseases found in 25 Administrative Code 97.1, individuals listed at 25 Administrative Code 97.132, including the following, shall report cases and suspected cases of sexually transmitted diseases

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(STDs), which includes HIV-exposed infants, in the manner described in 25 Administrative Code 97.133:

1. A health professional, and any other person mandated to report under Health and Safety Code 81.042; and
2. Any person in charge of a clinical laboratory, hospital laboratory, blood bank, mobile unit, or other facility (such as a contract research organization laboratory) in which a laboratory examination of a blood specimen, or any specimen derived from a human body, yields microscopic, cultural, serological, or any other evidence of a suspected STD.

The Health Insurance Portability and Accountability Act (HIPAA) allows covered entities to disclose otherwise protected health information, without either obtaining the written authorization of the individual whose information is at issue or giving that individual the opportunity to agree or object, for purposes of public health communicable disease reporting requirements [see 45 C.F.R. 164.512(a)-(b)].

25 TAC 97.132

If there is no local health authority appointed for the jurisdiction where the school is located, the report shall be made to the DSHS regional director. Public health emergencies shall be reported to DSHS's central office if the local health authority or DSHS's regional director is not immediately accessible. *25 TAC 97.5(a)*

Note: For a list of reportable diseases, visit DSHS [Infectious Disease Control Unit Notifiable Conditions](http://www.dshs.state.tx.us/idcu/investigation/conditions/)¹ website.

¹ Infectious Disease Control Unit Notifiable Conditions:
<http://www.dshs.state.tx.us/idcu/investigation/conditions/>

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Communicable diseases include, but are not limited to, measles, influenza, viral hepatitis-A (infectious hepatitis), viral hepatitis-B (serum hepatitis), human immunodeficiency virus (HIV), AIDS, AIDS-Related Complex (ARC), leprosy, and tuberculosis.

For the purposes of this policy, the term "HIV infection" shall include AIDS, ARC, and a positive test for the antibody to HIV.

Basis for Action

The College District's decisions involving persons who have communicable diseases shall be based on current and well-informed medical judgments concerning the diseases, the risks of transmitting the illnesses to others, the symptoms and special circumstances of each individual who has a communicable disease, and a careful weighing of the identified risks and the available alternatives for responding to a student with a communicable disease.

Nondiscrimination

The College District shall not discriminate in enrollment against any student solely on the ground that the student has a communicable disease. A member of the student body of the College District shall not be denied access to a College District facility, program, function, or campus activity solely on the grounds that the student has a communicable disease. The College District reserves the right to exclude a person with a communicable disease from College District facilities, programs, functions, and campus activities if the College District makes a medically based determination that the restriction is necessary for the welfare of the person who has the communicable disease and/or the welfare of the other members of the College District community.

Privacy

The College District shall comply with all pertinent statutes and regulations that protect the privacy of persons in the College District community who have a communicable disease. The College District shall ensure that procedural safeguards sufficient to maintain the strictest confidence about persons who have HIV infection are in effect throughout the College District.

**Education Program
About HIV Infection**

The College District shall develop and maintain a comprehensive education program about HIV infection for members of the College District community. The program shall address current medical opinions about the nature of HIV infection and its symptoms, methods of transmission, types of behavior that increase the risk of transmission of the disease, and preventive measures for avoiding infection.

Publication

The College District's policy on HIV infection shall be made available to students by including it in the student handbook or other appropriate publications.

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Note: This policy addresses complaints of sex discrimination, sexual harassment, sexual assault, dating violence, domestic violence, stalking, and retaliation targeting students. For additional legally referenced material relating to discrimination, harassment, and retaliation, including the Clery Act, see FA(LEGAL) and FAA(LEGAL). For sex discrimination, sexual harassment, sexual assault, dating violence, domestic violence, stalking, and retaliation targeting employees, see DIAA.

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Section I: Title IX

Definitions

Complainant

“Complainant” means an individual who is alleged to be the victim of conduct that could constitute sexual harassment. *34 C.F.R. 106.30(a)*

Respondent

“Respondent” means an individual who has been reported to be the perpetrator of conduct that could constitute sexual harassment. *34 C.F.R. 106.30(a)*

*Education
Program or
Activity*

For the purposes of 34 C.F.R. 106.44, 34 C.F.R. 106.30, and 34 C.F.R. 106.45, “education program or activity” includes locations, events, or circumstances over which the recipient exercised substantial control over both the respondent and the context in which the sexual harassment occurs, and also includes any building owned or controlled by a student organization that is officially recognized by a postsecondary institution. *34 C.F.R. 106.44(a)*

*Sexual
Harassment*

“Sexual harassment” means conduct on the basis of sex that satisfies one or more of the following:

1. An employee of the recipient conditioning the provision of an aid, benefit, or service of the recipient on an individual’s participation in unwelcome sexual conduct;
2. Unwelcome conduct determined by a reasonable person to be so severe, pervasive, and objectively offensive that it effectively denies a person equal access to the recipient’s education program or activity; or
3. “Sexual assault” as defined in 20 U.S.C. 1092(f)(6)(A)(v), “dating violence” as defined in 34 U.S.C. 12291(a)(10), “domestic violence” as defined in 34 U.S.C. 12291(a)(8), or “stalking” as defined in 34 U.S.C. 12291(a)(30).

34 C.F.R. 106.30(a)

Formal Complaint

“Formal complaint” means a document filed by a complainant or signed by the Title IX coordinator alleging sexual harassment against a respondent and requesting that the recipient investigate the allegation of sexual harassment.

The phrase “document filed by a complainant” means a document or electronic submission, such as by electronic mail or through an online portal provided for this purpose by the recipient, that contains the complainant’s physical or digital signature, or otherwise indicates that the complainant is the person filing the formal complaint.

34 C.F.R. 106.30(a)

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*Actual
Knowledge*

“Actual knowledge” means notice of sexual harassment or allegations of sexual harassment to a recipient’s Title IX coordinator or any official of the recipient who has authority to institute corrective measures on behalf of the recipient. Imputation of knowledge based solely on vicarious liability or constructive notice is insufficient to constitute actual knowledge. This standard is not met when the only official of the recipient with actual knowledge is the respondent. The mere ability or obligation to report sexual harassment or to inform a student about how to report sexual harassment, or having been trained to do so, does not qualify an individual as one who has authority to institute corrective measures on behalf of the recipient.

“Notice” as used in this paragraph includes, but is not limited to, a report of sexual harassment to the Title IX coordinator as described in 34 C.F.R. 106.8(a).

34 C.F.R. 106.30(a)

*Supportive
Measures*

“Supportive measures” means non-disciplinary, non-punitive individualized services offered as appropriate, as reasonably available, and without fee or charge to the complainant or the respondent before or after the filing of a formal complaint or where no formal complaint has been filed. Such measures are designed to restore or preserve equal access to the recipient’s education program or activity without unreasonably burdening the other party, including measures designed to protect the safety of all parties or the recipient’s educational environment, or deter sexual harassment.

Supportive measures may include counseling, extensions of deadlines or other course-related adjustments, modifications of work or class schedules, campus escort services, mutual restrictions on contact between the parties, changes in work or housing locations, leaves of absence, increased security and monitoring of certain areas of the campus, and other similar measures.

The recipient must maintain as confidential any supportive measures provided to the complainant or respondent, to the extent that maintaining such confidentiality would not impair the ability of the recipient to provide the supportive measures. The Title IX coordinator is responsible for coordinating the effective implementation of supportive measures.

34 C.F.R. 106.30(a)

Notice of
Nondiscrimination

Each recipient must notify persons entitled to a notification under 34 C.F.R. 106.8(a) that the recipient does not discriminate on the basis of sex in the education program or activity that it operates, and that it is required by Title IX and 34 C.F.R. Part 106 not to dis-

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	criminate in such a manner. Such notification must state that the requirement not to discriminate in the education program or activity extends to admission and employment, unless 34 C.F.R. Part 106, Subpart C does not apply, and that inquiries about the application of Title IX and 34 C.F.R. Part 106 to such recipient may be referred to the recipient's Title IX coordinator, to the Assistant Secretary, or both. <i>34 C.F.R. 106.8(b)(1)</i>
Title IX Coordinator	Each recipient must designate and authorize at least one employee to coordinate its efforts to comply with its responsibilities under 34 C.F.R. Part 106, which employee must be referred to as the "Title IX coordinator." <i>34 C.F.R. 106.8(a)</i>
Grievance Procedures	A recipient must adopt and publish grievance procedures that provide for the prompt and equitable resolution of student and employee complaints alleging any action that would be prohibited by 34 C.F.R. Part 106 and a grievance process that complies with 34 C.F.R. 106.45 for formal complaints. These requirements apply only to sex discrimination occurring against a person in the United States. <i>34 C.F.R. 106.8(c)-(d)</i>
<i>Process for Formal Complaints</i>	A recipient's grievance process must require that any individual designated by a recipient as a Title IX coordinator, investigator, decision-maker, or any person designated by a recipient to facilitate an informal resolution process, not have a conflict of interest or bias for or against complainants or respondents generally or an individual complainant or respondent. <i>34 C.F.R. 106.45(b)</i>
Conflict of Interest Prohibited	
Training	A recipient must ensure that Title IX coordinators, investigators, decision-makers, and any person who facilitates an informal resolution process, receive training on the definition of sexual harassment in 34 C.F.R. 106.30, the scope of the recipient's education program or activity, how to conduct an investigation and grievance process including hearings, appeals, and informal resolution processes, as applicable, and how to serve impartially, including by avoiding prejudgment of the facts at issue, conflicts of interest, and bias. A recipient must ensure that decision-makers receive training on any technology to be used at a live hearing and on issues of relevance of questions and evidence, including when questions and evidence about the complainant's sexual predisposition or prior sexual behavior are not relevant, as set forth in 34 C.F.R. 106.45(b)(6). A recipient also must ensure that investigators receive training on issues of relevance to create an investigative report that fairly summarizes relevant evidence, as set forth in 34 C.F.R. 106.45(b)(5)(vii).

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Any materials used to train Title IX coordinators, investigators, decision-makers, and any person who facilitates an informal resolution process, must not rely on sex stereotypes and must promote impartial investigations and adjudications of formal complaints of sexual harassment.

34 C.F.R. 106.45(b)

Time Frames	A recipient's grievance process must include reasonably prompt time frames for conclusion of the grievance process, including reasonably prompt time frames for filing and resolving appeals and informal resolution processes if the recipient offers informal resolution processes, and a process that allows for the temporary delay of the grievance process or the limited extension of time frames for good cause with written notice to the complainant and the respondent of the delay or extension and the reasons for the action. Good cause may include considerations such as the absence of a party, a party's advisor, or a witness; concurrent law enforcement activity; or the need for language assistance or accommodation of disabilities. <i>34 C.F.R. 106.45(b)</i>
Presumption of Responsibility Prohibited	A recipient's grievance process must include a presumption that the respondent is not responsible for the alleged conduct until a determination regarding responsibility is made at the conclusion of the grievance process. <i>34 C.F.R. 106.45(b)</i>
Information Subject to Privilege	A recipient's grievance process must not require, allow, rely upon, or otherwise use questions or evidence that constitute, or seek disclosure of, information protected under a legally recognized privilege, unless the person holding such privilege has waived the privilege. <i>34 C.F.R. 106.45(b)</i>
Evaluation of Evidence and Credibility Determinations	A recipient's grievance process must require an objective evaluation of all relevant evidence – including both inculpatory and exculpatory evidence – and provide that credibility determinations may not be based on a person's status as a complainant, respondent, or witness. <i>34 C.F.R. 106.45(b)</i>
Standard of Evidence	A recipient's grievance process must state whether the standard of evidence to be used to determine responsibility is the preponderance of the evidence standard or the clear and convincing evidence standard, apply the same standard of evidence for formal complaints against students as for formal complaints against employees, including faculty, and apply the same standard of evidence to all formal complaints of sexual harassment. <i>34 C.F.R. 106.45(b)</i>

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Supportive Measures	A recipient's grievance process must describe the range of supportive measures available to complainants and respondents. <i>34 C.F.R. 106.45(b)</i>
Sanctions and Remedies	A recipient's grievance process must treat complainants and respondents equitably by providing remedies to a complainant where a determination of responsibility for sexual harassment has been made against the respondent, and by following a grievance process that complies with 34 C.F.R. 106.45 before the imposition of any disciplinary sanctions or other actions that are not supportive measures against a respondent. Remedies must be designed to restore or preserve equal access to the recipient's education program or activity. Such remedies may include the same individualized services described in 34 C.F.R. 106.30 as "supportive measures"; however, remedies need not be non-disciplinary or non-punitive and need not avoid burdening the respondent. A recipient's grievance process must describe the range of possible disciplinary sanctions and remedies or list the possible disciplinary sanctions and remedies that the recipient may implement following any determination of responsibility. <i>34 C.F.R. 106.45(b)</i>
Appeals	A recipient's grievance process must include the procedures and permissible bases for the complainant and respondent to appeal. <i>34 C.F.R. 106.45(b)</i>
Additional Procedures	Any provisions, rules, or practices other than those required by Section 106.45 that a recipient adopts as part of its grievance process for handling formal complaints of sexual harassment, as defined in 34 C.F.R. 106.30, must apply equally to both parties. <i>34 C.F.R. 106.45(b)</i>
Reporting	Any person may report sex discrimination, including sexual harassment, whether or not the person reporting is the person alleged to be the victim of conduct that could constitute sex discrimination or sexual harassment, in person, by mail, by telephone, or by electronic mail, using the contact information listed for the Title IX coordinator, or by any other means that results in the Title IX coordinator receiving the person's verbal or written report. Such a report may be made at any time, including during non-business hours by using the telephone number or electronic mail address, or by mail to the office address, listed for the Title IX coordinator. <i>34 C.F.R. 106.8(a)</i>
<i>Formal Complaint Filing</i>	A formal complaint may be filed with the Title IX coordinator in person, by mail, or by electronic mail, by using the contact information required to be listed for the Title IX coordinator under 34 C.F.R.

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106.8(a), and by any additional method designated by the recipient. At the time of filing a formal complaint, a complainant must be participating in or attempting to participate in the education program or activity of the recipient with which the formal complaint is filed.

Where the Title IX coordinator signs a formal complaint, the Title IX coordinator is not a complainant or otherwise a party under 34 C.F.R. Part 106 or under 34 C.F.R. 106.45, and must comply with the requirements of 34 C.F.R. Part 106, including 34 C.F.R. 106.45(b)(1)(iii).

34 C.F.R. 106.30(a)

Consolidation of
Complaints

A recipient may consolidate formal complaints as to allegations of sexual harassment against more than one respondent, or by more than one complainant against one or more respondents, or by one party against the other party, where the allegations of sexual harassment arise out of the same facts or circumstances. *34 C.F.R. 106.45(b)(4)*

Notice of
Allegations

Upon receipt of a formal complaint, a recipient must provide the following written notice to the parties who are known:

1. Notice of the recipient's grievance process that complies with 34 C.F.R. 106.45, including any informal resolution process.
2. Notice of the allegations of sexual harassment potentially constituting sexual harassment as defined in 34 C.F.R. 106.30, including sufficient details known at the time and with sufficient time to prepare a response before any initial interview. Sufficient details include the identities of the parties involved in the incident, if known, the conduct allegedly constituting sexual harassment under Section 106.30, and the date and location of the alleged incident, if known. The written notice must include a statement that the respondent is presumed not responsible for the alleged conduct and that a determination regarding responsibility is made at the conclusion of the grievance process. The written notice must inform the parties that they may have an advisor of their choice, who may be, but is not required to be, an attorney, under 34 C.F.R. 106.45(b)(5)(iv), and may inspect and review evidence under Section 106.45(b)(5)(vi). The written notice must inform the parties of any provision in the recipient's code of conduct that prohibits knowingly making false statements or knowingly submitting false information during the grievance process.

If, in the course of an investigation, the recipient decides to investigate allegations about the complainant or respondent that are not

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included in the notice provided pursuant to item 2, above, the recipient must provide notice of the additional allegations to the parties whose identities are known.

34 C.F.R. 106.45(b)(2)

Response to Sexual
Harassment

A recipient with actual knowledge of sexual harassment in an education program or activity of the recipient against a person in the United States, must respond promptly in a manner that is not deliberately indifferent. A recipient is deliberately indifferent only if its response to sexual harassment is clearly unreasonable in light of the known circumstances.

A recipient's response must treat complainants and respondents equitably by offering supportive measures to a complainant, and by following a grievance process that complies with 34 C.F.R. 106.45 before the imposition of any disciplinary sanctions or other actions that are not supportive measures against a respondent. The Title IX coordinator must promptly contact the complainant to discuss the availability of supportive measures, consider the complainant's wishes with respect to supportive measures, inform the complainant of the availability of supportive measures with or without the filing of a formal complaint, and explain to the complainant the process for filing a formal complaint.

The U.S. Department of Education may not deem a recipient to have satisfied the recipient's duty to not be deliberately indifferent under 34 C.F.R. Part 106 based on the recipient's restriction of rights protected under the U.S. Constitution, including the First Amendment, Fifth Amendment, and Fourteenth Amendment.

34 C.F.R. 106.44(a)

*Response to
Formal Complaint*

In response to a formal complaint, a recipient must follow a grievance process that complies with 34 C.F.R. 106.45. With or without a formal complaint, a recipient must comply with 34 C.F.R. 106.44(a).

A recipient's treatment of a complainant or a respondent in response to a formal complaint of sexual harassment may constitute discrimination on the basis of sex under Title IX.

34 C.F.R. 106.44(b), .45(a)

Informal Resolution

A recipient may not require as a condition of enrollment or continuing enrollment, or employment or continuing employment, or enjoyment of any other right, waiver of the right to an investigation and adjudication of formal complaints of sexual harassment consistent with 34 C.F.R. 106.45. Similarly, a recipient may not require the parties to participate in an informal resolution process under this

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section and may not offer an informal resolution process unless a formal complaint is filed. However, at any time prior to reaching a determination regarding responsibility, the recipient may facilitate an informal resolution process, such as mediation, that does not involve a full investigation and adjudication, provided that the recipient:

1. Provides to the parties a written notice disclosing: the allegations, the requirements of the informal resolution process including the circumstances under which it precludes the parties from resuming a formal complaint arising from the same allegations, provided, however, that at any time prior to agreeing to a resolution, any party has the right to withdraw from the informal resolution process and resume the grievance process with respect to the formal complaint, and any consequences resulting from participating in the informal resolution process, including the records that will be maintained or could be shared;
2. Obtains the parties' voluntary, written consent to the informal resolution process; and
3. Does not offer or facilitate an informal resolution process to resolve allegations that an employee sexually harassed a student.

34 C.F.R. 106.45(b)(9)

Investigation

When investigating a formal complaint and throughout the grievance process, a recipient must:

1. Ensure that the burden of proof and the burden of gathering evidence sufficient to reach a determination regarding responsibility rest on the recipient and not on the parties provided that the recipient cannot access, consider, disclose, or otherwise use a party's records that are made or maintained by a physician, psychiatrist, psychologist, or other recognized professional or paraprofessional acting in the professional's or paraprofessional's capacity, or assisting in that capacity, and which are made and maintained in connection with the provision of treatment to the party, unless the recipient obtains that party's voluntary, written consent to do so for a grievance process under this section.
2. Provide an equal opportunity for the parties to present witnesses, including fact and expert witnesses, and other inculpatory and exculpatory evidence.

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3. Not restrict the ability of either party to discuss the allegations under investigation or to gather and present relevant evidence.
4. Provide the parties with the same opportunities to have others present during any grievance proceeding, including the opportunity to be accompanied to any related meeting or proceeding by the advisor of their choice, who may be, but is not required to be, an attorney, and not limit the choice or presence of advisor for either the complainant or respondent in any meeting or grievance proceeding; however, the recipient may establish restrictions regarding the extent to which the advisor may participate in the proceedings, as long as the restrictions apply equally to both parties.
5. Provide, to a party whose participation is invited or expected, written notice of the date, time, location, participants, and purpose of all hearings, investigative interviews, or other meetings, with sufficient time for the party to prepare to participate.
6. Provide both parties an equal opportunity to inspect and review any evidence obtained as part of the investigation that is directly related to the allegations raised in a formal complaint, including the evidence upon which the recipient does not intend to rely in reaching a determination regarding responsibility and inculpatory or exculpatory evidence whether obtained from a party or other source, so that each party can meaningfully respond to the evidence prior to conclusion of the investigation. Prior to completion of the investigative report, the recipient must send to each party and the party's advisor, if any, the evidence subject to inspection and review in an electronic format or a hard copy, and the parties must have at least 10 days to submit a written response, which the investigator will consider prior to completion of the investigative report. The recipient must make all such evidence subject to the parties' inspection and review available at any hearing to give each party equal opportunity to refer to such evidence during the hearing, including for purposes of cross-examination.
7. Create an investigative report that fairly summarizes relevant evidence and, at least 10 days prior to a hearing, if a hearing is required under this section or otherwise provided, or other time of determination regarding responsibility, send to each party and the party's advisor, if any, the investigative report in an electronic format or a hard copy, for their review and written response.

34 C.F.R. 106.45(b)(5)

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Hearings	For postsecondary institutions, the recipient's grievance process must provide for a live hearing. <i>34 C.F.R. 106.45(b)(6)(i)</i>
<i>Conduct of Hearing</i>	Live hearings pursuant to this section may be conducted with all parties physically present in the same geographic location or, at the recipient's discretion, any or all parties, witnesses, and other participants may appear at the live hearing virtually, with technology enabling participants simultaneously to see and hear each other. At the request of either party, the recipient must provide for the live hearing to occur with the parties located in separate rooms with technology enabling the decision-maker(s) and parties to simultaneously see and hear the party or the witness answering questions. <i>34 C.F.R. 106.45(b)(6)(i)</i>
<i>Cross-Examination</i>	At the live hearing, the decision-maker(s) must permit each party's advisor to ask the other party and any witnesses all relevant questions and follow-up questions, including those challenging credibility. Such cross-examination at the live hearing must be conducted directly, orally, and in real time by the party's advisor of choice and never by a party personally, notwithstanding the discretion of the recipient under 34 C.F.R. 106.45(b)(5)(iv) to otherwise restrict the extent to which advisors may participate in the proceedings. If a party does not have an advisor present at the live hearing, the recipient must provide without fee or charge to that party, an advisor of the recipient's choice, who may be, but is not required to be, an attorney, to conduct cross-examination on behalf of that party. <i>34 C.F.R. 106.45(b)(6)(i)</i>
Relevance	Only relevant cross-examination and other questions may be asked of a party or witness. Before a complainant, respondent, or witness answers a cross-examination or other question, the decision-maker(s) must first determine whether the question is relevant and explain any decision to exclude a question as not relevant. Questions and evidence about the complainant's sexual predisposition or prior sexual behavior are not relevant, unless such questions and evidence about the complainant's prior sexual behavior are offered to prove that someone other than the respondent committed the conduct alleged by the complainant, or if the questions and evidence concern specific incidents of the complainant's prior sexual behavior with respect to the respondent and are offered to prove consent. <i>34 C.F.R. 106.45(b)(6)(i)</i>

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Refusal to Submit to Cross- Examination	If a party or witness does not submit to cross-examination at the live hearing, the decision-maker(s) must not rely on any statement of that party or witness in reaching a determination regarding responsibility; provided, however, that the decision-maker(s) cannot draw an inference about the determination regarding responsibility based solely on a party's or witness's absence from the live hearing or refusal to answer cross-examination or other questions. 34 C.F.R. 106.45(b)(6)(i)
<i>Recording</i>	Recipients must create an audio or audiovisual recording, or transcript, of any live hearing and make it available to the parties for inspection and review. 34 C.F.R. 106.45(b)(6)(i)
Determination Regarding Responsibility	The decision-maker(s), who cannot be the same person(s) as the Title IX coordinator or the investigator(s), must issue a written determination regarding responsibility. To reach this determination, the recipient must apply the standard of evidence described in 34 C.F.R. 106.45(b)(1)(vii). The written determination must include: 1. Identification of the allegations potentially constituting sexual harassment as defined in 34 C.F.R. 106.30; 2. A description of the procedural steps taken from the receipt of the formal complaint through the determination, including any notifications to the parties, interviews with parties and witnesses, site visits, methods used to gather other evidence, and hearings held; 3. Findings of fact supporting the determination; 4. Conclusions regarding the application of the recipient's code of conduct to the facts; 5. A statement of, and rationale for, the result as to each allegation, including a determination regarding responsibility, any disciplinary sanctions the recipient imposes on the respondent, and whether remedies designed to restore or preserve equal access to the recipient's education program or activity will be provided by the recipient to the complainant; and 6. The recipient's procedures and permissible bases for the complainant and respondent to appeal. The recipient must provide the written determination to the parties simultaneously. The determination regarding responsibility becomes final either on the date that the recipient provides the parties with the written determination of the result of the appeal, if an appeal is filed, or if an

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appeal is not filed, the date on which an appeal would no longer be considered timely.

The Title IX coordinator is responsible for effective implementation of any remedies.

34 C.F.R. 106.45(b)(7)

Dismissal of
Complaint

The recipient must investigate the allegations in a formal complaint. If the conduct alleged in the formal complaint would not constitute sexual harassment as defined in 34 C.F.R. 106.30 even if proved, did not occur in the recipient's education program or activity, or did not occur against a person in the United States, then the recipient must dismiss the formal complaint with regard to that conduct for purposes of sexual harassment under Title IX or 34 C.F.R. Part 106; such a dismissal does not preclude action under another provision of the recipient's code of conduct.

The recipient may dismiss the formal complaint or any allegations therein, if at any time during the investigation or hearing: a complainant notifies the Title IX coordinator in writing that the complainant would like to withdraw the formal complaint or any allegations therein; the respondent is no longer enrolled or employed by the recipient; or specific circumstances prevent the recipient from gathering evidence sufficient to reach a determination as to the formal complaint or allegations therein.

Upon a dismissal required or permitted pursuant to this section, the recipient must promptly send written notice of the dismissal and reason(s) therefor simultaneously to the parties.

34 C.F.R. 106.45(b)(3)

Appeals

A recipient must offer both parties an appeal from a determination regarding responsibility, and from a recipient's dismissal of a formal complaint or any allegations therein, on the following bases:

1. Procedural irregularity that affected the outcome of the matter;
2. New evidence that was not reasonably available at the time the determination regarding responsibility or dismissal was made, that could affect the outcome of the matter; and
3. The Title IX coordinator, investigator(s), or decision-maker(s) had a conflict of interest or bias for or against complainants or respondents generally or the individual complainant or respondent that affected the outcome of the matter.

A recipient may offer an appeal equally to both parties on additional bases. As to all appeals, the recipient must:

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1. Notify the other party in writing when an appeal is filed and implement appeal procedures equally for both parties;
2. Ensure that the decision-maker(s) for the appeal is not the same person as the decision-maker(s) that reached the determination regarding responsibility or dismissal, the investigator(s), or the Title IX coordinator;
3. Ensure that the decision-maker(s) for the appeal complies with the standards set forth in 34 C.F.R. 106.45(b)(1)(iii);
4. Give both parties a reasonable, equal opportunity to submit a written statement in support of, or challenging, the outcome;
5. Issue a written decision describing the result of the appeal and the rationale for the result; and
6. Provide the written decision simultaneously to both parties.

34 C.F.R. 106.45(b)(8)

Confidentiality

The recipient must keep confidential the identity of any individual who has made a report or complaint of sex discrimination, including any individual who has made a report or filed a formal complaint of sexual harassment, any complainant, any individual who has been reported to be the perpetrator of sex discrimination, any respondent, and any witness, except as may be permitted by the Family Educational Rights and Privacy Act (FERPA) statute, 20 U.S.C. 1232g, or FERPA regulations, 34 C.F.R. Part 99, or as required by law, or to carry out the purposes of 34 C.F.R. Part 106, including the conduct of any investigation, hearing, or judicial proceeding arising thereunder. *34 C.F.R. 106.71(a)*

Retaliation
Prohibited

No recipient or other person may intimidate, threaten, coerce, or discriminate against any individual for the purpose of interfering with any right or privilege secured by Title IX or 34 C.F.R. Part 106, or because the individual has made a report or complaint, testified, assisted, or participated or refused to participate in any manner in an investigation, proceeding, or hearing under Part 106. Intimidation, threats, coercion, or discrimination, including charges against an individual for code of conduct violations that do not involve sex discrimination or sexual harassment, but arise out of the same facts or circumstances as a report or complaint of sex discrimination, or a report or formal complaint of sexual harassment, for the purpose of interfering with any right or privilege secured by Title IX or Part 106, constitutes retaliation. Complaints alleging retaliation may be filed according to the grievance procedures for sex discrimination required to be adopted under 34 C.F.R. 106.8(c).

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The exercise of rights protected under the First Amendment does not constitute prohibited retaliation.

Charging an individual with a code of conduct violation for making a materially false statement in bad faith in the course of a grievance proceeding under 34 C.F.R. Part 106 does not constitute prohibited retaliation, provided, however, that a determination regarding responsibility, alone, is not sufficient to conclude that any party made a materially false statement in bad faith.

34 C.F.R. 106.71

Removal or Leave

Nothing in 34 C.F.R. Part 106 precludes a recipient from removing a respondent from the recipient's education program or activity on an emergency basis, provided that the recipient undertakes an individualized safety and risk analysis, determines that an immediate threat to the physical health or safety of any student or other individual arising from the allegations of sexual harassment justifies removal, and provides the respondent with notice and an opportunity to challenge the decision immediately following the removal. This provision may not be construed to modify any rights under the Individuals with Disabilities Education Act, Section 504 of the Rehabilitation Act of 1973, or the Americans with Disabilities Act.

Nothing in 34 C.F.R. Part 106, Subpart D precludes a recipient from placing a non-student employee respondent on administrative leave during the pendency of a grievance process that complies with 34 C.F.R. 106.45. This provision may not be construed to modify any rights under Section 504 of the Rehabilitation Act of 1973 or the Americans with Disabilities Act.

34 C.F.R. 106.44(c)-(d)

Publication

*Title IX
Coordinator and
Notice of Non-
discrimination*

The recipient must notify applicants for admission and employment, students, parents or legal guardians of elementary and secondary school students, employees, and all unions or professional organizations holding collective bargaining or professional agreements with the recipient, of the name or title, office address, electronic mail address, and telephone number of the employee or employees designated as the Title IX coordinator. *34 C.F.R. 106.8(a)*

Each recipient must prominently display the contact information required to be listed for the Title IX coordinator and the policy described in 34 C.F.R. 106.8(b)(1) on its website, if any, and in each handbook or catalog that it makes available to persons entitled to a notification under 34 C.F.R. 106.8(a).

A recipient must not use or distribute a publication stating that the recipient treats applicants, students, or employees differently on

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the basis of sex except as such treatment is permitted by Title IX or 34 C.F.R. Part 106.

34 C.F.R. 106.8(b)(2)

*Grievance
Procedures and
Process*

A recipient must provide to persons entitled to a notification under 34 C.F.R. 106.8(a) notice of the recipient's grievance procedures and grievance process, including how to report or file a complaint of sex discrimination, how to report or file a formal complaint of sexual harassment, and how the recipient will respond. *34 C.F.R. 106.8(c)*

*Training
Materials*

A recipient must make the materials used to train Title IX coordinators, investigators, decision-makers, and any person who facilitates an informal resolution process publicly available on its website, or if the recipient does not maintain a website, the recipient must make these materials available upon request for inspection by members of the public. *34 C.F.R. 106.45(b)(10)*

Recordkeeping

A recipient must maintain for a period of seven years records of:

1. Each sexual harassment investigation including any determination regarding responsibility and any audio or audiovisual recording or transcript required under 34 C.F.R. 106.45(b)(6)(i), any disciplinary sanctions imposed on the respondent, and any remedies provided to the complainant designed to restore or preserve equal access to the recipient's education program or activity;
2. Any appeal and the result therefrom;
3. Any informal resolution and the result therefrom; and
4. All materials used to train Title IX coordinators, investigators, decision-makers, and any person who facilitates an informal resolution process.

For each response required under 34 C.F.R. 106.44, a recipient must create, and maintain for a period of seven years, records of any actions, including any supportive measures, taken in response to a report or formal complaint of sexual harassment. In each instance, the recipient must document the basis for its conclusion that its response was not deliberately indifferent, and document that it has taken measures designed to restore or preserve equal access to the recipient's education program or activity. If a recipient does not provide a complainant with supportive measures, then the recipient must document the reasons why such a response was not clearly unreasonable in light of the known circumstances. The documentation of certain bases or measures does not limit the

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recipient in the future from providing additional explanations or detailing additional measures taken.

34 C.F.R. 106.45(b)(10)

Section II: State Law

Definitions

*Dating Violence,
Sexual Assault,
and Stalking*

"Dating violence," "sexual assault," and "stalking" have the same meanings assigned by the Jeanne Clery Disclosure of Campus Security Policy and Campus Crime Statistics Act, 20 U.S.C. 1092(f)(6)(A). *Education Code 51.251(2), .281(2); 19 TAC 3.3(c)*

*Sexual
Harassment*

"Sexual harassment" means unwelcome, sex-based verbal or physical conduct that:

1. In the employment context, unreasonably interferes with a person's work performance or creates an intimidating, hostile, or offensive work environment; or
2. In the education context, is sufficiently severe, persistent, or pervasive that the conduct interferes with a student's ability to participate in or benefit from educational programs or activities.

Education Code 51.251(5), .281(4); 19 TAC 3.3(e)

Employee

"Employee of a postsecondary educational institution" does not include a student enrolled at the institution. *Education Code 51.251(3)*

*Course and
Scope of
Employment*

"Course and scope of employment" means an employee performing duties in the furtherance of the institution's interests. *19 TAC 3.3(b)*

Sexual Assault
Policy

Each postsecondary educational institution, including each college district, shall adopt a policy on sexual harassment, sexual assault, dating violence, and stalking applicable to each enrolled student and each employee of the institution and have the policy approved by the institution's governing body. The policy must include:

1. Definitions of prohibited behavior;
2. Sanctions for violations;
3. Protocol for reporting and responding to reports of sexual harassment, sexual assault, dating violence, and stalking that complies with the electronic reporting requirement in 19 Administrative Code 3.7;
4. Interim measures to protect victims of sexual harassment, sexual assault, dating violence, or stalking pending the institution's disciplinary process, including protection from retaliation.

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tion, and any other accommodations or supportive measures available to those victims at the institution. This section is not intended to limit an institution's ability to implement accommodations to others as needed; and

5. A statement regarding:
 - a. The importance of a victim of sexual harassment, sexual assault, dating violence, or stalking going to a hospital for treatment and preservation of evidence, if applicable, as soon as practicable after the incident;
 - b. The right of a victim of sexual harassment, sexual assault, dating violence, or stalking to report the incident to the institution and to receive a prompt and equitable resolution of the report; and
 - c. The right of a victim of a crime to choose whether to report the crime to law enforcement, to be assisted by the institution in reporting the crime to law enforcement, or to decline to report the crime to law enforcement.

As part of the protocol for responding to reports of sexual harassment, sexual assault, dating violence, and stalking adopted under this section, each postsecondary educational institution shall:

1. To the greatest extent practicable based on the number of counselors employed by the institution, ensure that each alleged victim or alleged perpetrator of an incident of a sexual harassment, sexual assault, dating violence, and stalking and any other person who reports such an incident are offered counseling provided by a counselor who does not provide counseling to any other person involved in the incident; and
2. Notwithstanding any other law, allow an alleged victim or alleged perpetrator of an incident of sexual harassment, sexual assault, dating violence, and stalking to drop a course in which both parties are enrolled without any academic penalty.

Education Code 51.282(a), (e); 19 TAC 3.4(a), (d)(2)(C)

Review

Each postsecondary educational institution shall review its sexual harassment, sexual assault, dating violence, and stalking policy at least each biennium and revise the policy as necessary and obtain approval from the institution's governing board. *Education Code 51.282(f); 19 TAC 3.4(e)*

Distribution

Each postsecondary educational institution shall make its policy on sexual harassment, sexual assault, dating violence, and stalking available to students, faculty, and staff members by:

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1. Including the policy in the student handbook and personnel handbook or the institution's equivalent(s); and
2. Creating and maintaining a web page dedicated solely to the policy that is easily accessible through a clearly identifiable link on the institution's homepage.

Education Code 51.282(b); 19 TAC 3.4(b)

Responsible
Employee

Each postsecondary educational institution shall designate one or more employees to act as responsible employees for purposes of Title IX of the Education Amendments of 1972, 20 U.S.C. 1681, et seq and inform each student enrolled at the institution of the designated responsible employees. *Education Code 51.290(a); 19 TAC 3.14(a)*

Reporting
*Employee
Reporting
Required*

An employee of a postsecondary educational institution who, in the course and scope of employment, witnesses or receives information regarding the occurrence of an incident that the employee reasonably believes constitutes sexual harassment, sexual assault, dating violence, or stalking and is alleged to have been committed by or against a person who was a student enrolled at or an employee of the institution at the time of the incident shall promptly report the incident to the institution's Title IX coordinator or deputy Title IX coordinator.

The employee is required to report an incident regardless of when or where the incident occurred.

Institutions may establish additional reporting avenues to comply with this section provided that the reports are promptly routed to the Title IX coordinator or deputy Title IX coordinator.

Education Code 51.252(a); 19 TAC 3.5(a)

Exception from
Reporting

A person is not required to make a report under this section concerning:

1. An incident in which the person was a victim of sexual harassment, sexual assault, dating violence, or stalking;
2. An incident of which the person received information due to a disclosure made at a sexual harassment, sexual assault, dating violence, or stalking public awareness event sponsored by a postsecondary educational institution or by a student organization affiliated with the institution; or
3. A sexual harassment, sexual assault, dating violence, or stalking incident in which the person has either learned of the incident during the course of his or her institution's review or process or has confirmed with the person or office overseeing

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the review or process, that the incident has been previously reported.

Education Code 51.252(d); 19 TAC 3.5(d)

Contents of
Report

The report must include all information concerning the incident known to the reporting person that is relevant to the investigation and, if applicable, redress of the incident, including whether an alleged victim has expressed a desire for confidentiality in reporting the incident. *Education Code 51.252(b); 19 TAC 3.5(b)*

Limitations on
Reporting

*Designated
Confidential
Employees*

Each postsecondary educational institution shall designate one or more employees as persons to whom students enrolled at the institution may speak confidentially concerning sexual harassment, sexual assault, dating violence, and stalking and inform each student enrolled at the institution of the designated confidential employees.

A confidential employee designated under this section may not disclose any communication made by a student to the employee unless the student consents to the disclosure or the employee is required to make the disclosure under 19 Administrative Code 3.5(c), state law, or federal law.

Absent consent from the reporting student, an employee designated by the institution as a person with whom students may speak confidentially concerning sexual harassment, sexual assault, dating violence, or stalking shall only state the type of incident reported and may not include any information that would violate a student's expectation of privacy.

Education Code 51.252(c), .290(a), (c); 19 TAC 3.5(c), .14

*Confidential
Employees
Under Other
Law*

Absent consent from the reporting individual, an employee who receives information regarding an incident of sexual harassment, sexual assault, dating violence, or stalking under circumstances that render the employee's communications confidential or privileged under other law shall only state the type of incident reported and may not include any information that would violate an expectation of privacy. *Education Code 51.252(c); 19 TAC 3.5(c)*

*Medical
Providers*

Absent consent from the victim(s), an employee who receives information regarding an incident of sexual harassment, sexual assault, dating violence, or stalking in the course and scope of employment as a health-care provider, mental health-care provider, or other medical provider shall only state the type of incident reported and may not include any information that would violate an expectation of privacy. *Education Code 51.291(d); 19 TAC 3.5(c)*

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<i>Campus Peace Officers</i>	A campus peace officer employed by a postsecondary educational institution who receives information regarding an incident described by Education Code 51.252(a) from an alleged victim who chooses to complete a pseudonym form described by Code of Criminal Procedure Article 58.102, 58.152, 58.202, or 58.252 shall, in making a report, state only the type of incident reported and may not include the victim's name, phone number, address, or other information that may directly or indirectly reveal the victim's identity. <i>Education Code 51.252(c-1)</i>
<i>Multiple Confidential Employees</i>	When multiple confidential employees receive information about the same incident (e.g., student health center or counseling center), only a single report stating the type of incident is required. <i>19 TAC 3.5(c)</i>
<i>Reporting Under Other Law</i>	These limitations on disclosure do not affect the employee's duty to report an incident under any other law, including but not limited to, the Jeanne Clery Disclosure of Campus Security Policy and Campus Crime Statistics Act, 20 U.S.C. 1092(f), Family Code 261.101, or Health and Safety Code 611.004. <i>Education Code 51.290(c); 19 TAC 3.5(c)</i>
Failure to Report or False Report	A person commits an offense if the person is required to make a report under Education Code 51.252 and knowingly fails to make the report or with the intent to harm or deceive, knowingly makes a report under Section 51.252 that is false. A postsecondary educational institution shall terminate the employment of an employee whom the institution determines in accordance with the institution's disciplinary procedure to have committed the offense. <i>Education Code 51.255(a), (c); 19 TAC 3.8</i>
<i>Student Advocate</i>	A postsecondary educational institution may designate one or more students enrolled at the institution as student advocates to whom other students enrolled at the institution may speak confidentially concerning sexual harassment, sexual assault, dating violence, and stalking. The institution shall notify each student enrolled at the institution of the student advocate(s) designated under this section. A student advocate designated under this section may not disclose any communication made by a student to the advocate unless the student consents to the disclosure or the advocate is required to make the disclosure under state or federal law. <i>Education Code 51.290(b)-(c); 19 TAC 3.15</i>

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*Electronic
Reporting*

Each postsecondary educational institution shall provide an option for a student enrolled at or an employee of the institution to electronically report to the institution an allegation of sexual harassment, sexual assault, dating violence, or stalking committed against or witnessed by the student or employee, regardless of the location at which the alleged offense occurred. The electronic reporting option must:

1. Allow for anonymous reporting; and
2. Be easily accessible via a clearly identifiable link on the institution's website home page.

A protocol for reporting sexual assault adopted under Education Code 51.282 must comply with this section.

Education Code 51.283(a)-(c); 19 TAC 3.7

*Reporting on
Reports*

Title IX
Coordinator

Not less than once every three months, the Title IX coordinator of a postsecondary educational institution shall submit to the institution's chief executive officer a written report on the reports received for the institution's reporting period under 19 Administrative Code 3.5, including information regarding:

1. The investigation of those reports;
2. The disposition, if any, of any disciplinary processes arising from those reports; and
3. The reports for which the institution determined not to initiate a disciplinary process, if any.

The Title IX coordinator or deputy Title IX coordinator of a postsecondary educational institution shall immediately report to the institution's chief executive officer an incident reported to the coordinator under Section 3.5 if the coordinator has cause to believe that the safety of any person is in imminent danger as a result of the incident.

Education Code 51.253(a)-(b); 19 TAC 3.6(a)-(b)

Chief Executive
Officer

At least once annually, during each fall or spring semester, the chief executive officer of a postsecondary educational institution shall submit to the institution's governing body and post on the institution's internet website a report concerning the reports received under 19 Administrative Code 3.5. The chief executive officer report may not identify any person and must include:

1. The number of reports received under Section 3.5;
2. The number of investigations conducted as a result of those reports;

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3. The disposition, if any, of any disciplinary processes arising from those reports;
4. The number of those reports for which the institution determined not to initiate a disciplinary process, if any; and
5. Any disciplinary actions taken under 19 Administrative Code 3.8.

If for any semester a postsecondary educational institution has fewer than 1,500 enrolled students, the chief executive officer of the institution shall submit and post a report required for that semester only if more than five reports were received under Section 3.5 during that semester.

Education Code 51.253(c)-(d); 19 TAC 3.6(c)-(d)

Investigations

*Request Not to
Investigate*

If an alleged victim of an incident of sexual harassment, sexual assault, dating violence, or stalking reported to a postsecondary educational institution requests the institution not to investigate the alleged incident, the institution may investigate the alleged incident in a manner that complies with the confidentiality requirements under Education Code 51.291 and 19 Administrative Code 3.17. In determining whether to investigate the alleged incident, the institution shall consider:

1. The seriousness of the alleged incident;
2. Whether the institution has received other reports of sexual harassment, sexual assault, dating violence, or stalking committed by the alleged perpetrator or perpetrators;
3. Whether the alleged incident poses a risk of harm to others; and
4. Any other factors the institution determines relevant.

If a postsecondary educational institution decides not to investigate an alleged incident of sexual harassment, sexual assault, dating violence, or stalking based on the alleged victim's request not to investigate, the institution shall take any reasonable steps the institution determines necessary and consistent with the institution's policy and applicable law to protect the health and safety of the institution's community in relation to the alleged incident.

Education Code 51.285(a)-(b); 19 TAC 3.9(a)-(b)

*Notice of
Decision*

A postsecondary educational institution shall inform an alleged victim of an incident of sexual harassment, sexual assault, dating violence, or stalking who requests the institution not to investigate the

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	alleged incident of the institution's decision whether to investigate the alleged incident. <i>Education Code 51.285(c); 19 TAC 3.9(c)</i>
Confidentiality	Unless waived in writing by the person, the identity of a person described below is confidential and not subject to disclosure under the Public Information Act (PIA) and may be disclosed only to: 1. Persons employed by or under contract with the postsecondary educational institution to which the report is made who are necessary to conduct an investigation or the report or any related hearings; 2. A law enforcement officer as necessary to conduct a criminal investigation of the report; 3. A health-care provider in an emergency, as determined necessary by the institution; 4. The person or persons alleged to have perpetrated the incident, to the extent required by other law; and 5. Potential witnesses to the incident as necessary to conduct an investigation of the report and to the extent required by other law. The protections provided by this section apply to: 1. An alleged victim; 2. A person who reports an incident to an institution; 3. A person who sought guidance from the institution concerning an incident; 4. A person who participated in the institution's investigation of an incident; or 5. A person who is alleged in a report made to an institution to have committed or assisted in the commission of sexual harassment, sexual assault, dating violence, or stalking, if after completing an investigation, the institution determines the report to be unsubstantiated or without merit. <i>Education Code 51.256, .291(a), (c); 19 TAC 3.17</i>
Retaliation Prohibited <i>Employees</i>	A postsecondary educational institution may not discipline or otherwise discriminate against an employee who in good faith makes a report as required by 19 Administrative Code 3.5 or cooperates with an investigation, a disciplinary process, or a judicial proceeding relating to a required report made by the employee. <i>Education Code 51.257(a); 19 TAC 3.18(a)</i>
Exception	The prohibition does not apply to an employee who:

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1. Reports an incident of sexual harassment, sexual assault, dating violence, and stalking perpetrated by the employee; or
2. Cooperates with an investigation, a disciplinary process, or a judicial proceeding relating to an allegation that the employee perpetrated an incident of sexual harassment, sexual assault, dating violence, and stalking.

Education Code 51.257(b); 19 TAC 3.18(b)

Any Person

A person acting in good faith who reports or assists in the investigation of a report of an incident described by 19 Administrative Code 3.5 or who testifies or otherwise participates in a disciplinary process or judicial proceeding arising from a report of such an incident may not be subjected to any disciplinary action by the postsecondary educational institution at which the person is enrolled or employed for any violation by the person of the institution's policy or code of conduct reasonably related to the incident for which suspension or expulsion from the institution is not a possible punishment. This provision does not apply to a person who perpetrates or assists in the perpetration of the incident reported under Section 3.5. *Education Code 51.254; 19 TAC 3.5(e)-(f)*

Awareness

*Orientation on
Policy*

Each postsecondary educational institution shall require each entering freshman or undergraduate transfer student to attend an orientation on the institution's sexual harassment, sexual assault, dating violence, and stalking policy before or during the first semester or term of enrollment at the institution. The institution shall establish the format and content of the orientation. The orientation may be provided online and must include:

1. A video that states:
 - a. The names of the institution's Title IX coordinators and deputy coordinators;
 - b. The location and contact information of the institution's Title IX office;
 - c. The services provided by the institution's Title IX office;
 - d. How to report a sexual assault to the institution;
 - e. Information regarding the crime victims' compensation program; and
 - f. A list of local community and statewide organizations that provide support services to survivors of sexual assault; and
2. The statements described by 19 Administrative Code 3.4(a)(5).

Education Code 51.282(c); 19 TAC 3.4(c)

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*Prevention and
Outreach
Program*

Each postsecondary educational institution shall develop and implement a comprehensive prevention and outreach program on sexual harassment, sexual assault, dating violence, and stalking for enrolled students and employees of the institution. The program must:

1. Address a range of strategies to prevent sexual harassment, sexual assault, dating violence, and stalking, including a public awareness campaign; a victim empowerment program; primary prevention; bystander intervention; and risk reduction; and
2. Provide students with information regarding the protocol for reporting incidents of sexual harassment, sexual assault, dating violence, and stalking, including the name, office location, and contact information of the institution's Title IX coordinator, by:
 - a. Emailing the information to each student at the beginning of each semester or other academic term; and
 - b. Including the information in the institution's orientation, which may be provided online.

Education Code 51.282(d); 19 TAC 3.4(d)

Equal Access

In implementing the requirements under 19 Administrative Code Chapter 3, Subchapter A, a postsecondary educational institution shall, to the greatest extent practicable, ensure equal access for students enrolled at or employees of the institution who are persons with disabilities. The institution shall make reasonable efforts to consult with a disability services office of the institution, advocacy groups for people with disabilities, and other relevant stakeholders to assist the institution with complying with the institution's duties under this section. *Education Code 51.293; 19 TAC 3.16*

Memoranda of
Understanding

To facilitate effective communication and coordination regarding allegations of sexual harassment, sexual assault, dating violence, and stalking at the institution, a postsecondary educational institution shall enter into one or more memoranda of understanding with an entity from one or more of the following categories:

1. Local law enforcement agencies;
2. Sexual harassment, sexual assault, dating violence, or stalking advocacy groups; and
3. Hospitals or other medical resource providers.

Education Code 51.289; 19 TAC 3.13

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Compliance	The chief executive officer of each postsecondary educational institution shall annually certify in writing to the Coordinating Board, not later than October 31 of each year, that the institution is in substantial compliance with Education Code Chapter 51, Subchapter E-2. The Coordinating Board shall make available to institutions a required template for the certification, which satisfies the requirements of this section. <i>Education Code 51.258(a); 19 TAC 3.19(a)</i>
<i>Certification by Institution</i>	
Failure to Timely and Accurately File	A postsecondary educational institution's failure to timely and accurately file the certification of substantial compliance not later than October 31 of each year shall result in a penalty of \$2,000 per day of violation. A postsecondary educational institution may cure the violation by filing its report not later than November 30 of the year the report was due. If the postsecondary educational institution cures the violation, the Coordinating Board shall not assess a penalty. If the postsecondary educational institution fails to cure the violation, the Coordinating Board shall assess the full penalty owed beginning on November 1 of the year the report was due. If a postsecondary educational institution files a good faith correction to a previously filed certification of substantial compliance within a reasonable time of discovering an unintentional error, but not later than February 1 following the due date of the report, the Coordinating Board shall not assess a penalty. <i>19 TAC 3.19(e)</i>
<i>Coordinating Board Review</i>	In addition to annually reviewing the reporting under Education Code 51.258 and 19 Administrative Code 3.19, the Coordinating Board shall conduct risk-based compliance monitoring of Subchapter E-2 and Education Code Chapter 51, Subchapter E-3. The Coordinating Board will determine the basis for reviews based on risk factors such as time since last review, stakeholder feedback, prior findings or complaints, and other factors. The Coordinating Board shall make available to the institutions a report template, which satisfies the requirements of this section. <i>19 TAC 3.19(b)</i>
Substantial Compliance	In evaluating whether an institution or system is in substantial compliance in accordance with 19 Administrative Code 3.3, the Coordinating Board will determine the institution's or system's good faith effort by evaluating the following factors: 1. The nature and seriousness of the compliance error; 2. The extent to which the institution complied with the statutory requirements and to what extent it did not; 3. The number of any institutional compliance errors;

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4. Whether the institution had actual notice of the error;
5. Whether the institution made any effort to rectify any compliance errors or agrees to rectify any violations going forward;
6. The extent to which the institution has relevant policies and/or practices;
7. The institution's intent;
8. Severity of the error's effect;
9. Any previous compliance errors of a similar kind and the time lapse since those error(s);
10. Institutional efforts to prevent compliance errors, including the extent to which the institution provided training to employees and/or acted after learning about the error;
11. The explanation for the cause of the compliance error, including a good-faith mistake; a differing, reasonable interpretation of the law; a conflict between two provisions, or a conflict with another legal or governmental requirement (such as Title IX regulations or a mandatory report to the National Institutes of Health);
12. Any prevention and/or response efforts of the institution, made in good faith, to address a possible compliance error;
13. The degree of cooperation of the institution with the Coordinating Board in remedying a potential compliance error; and
14. Any other fact or circumstance as justice may require.

19 TAC 3.19(d)

Administrative
Penalty

If the Coordinating Board determines that a postsecondary educational institution is not in substantial compliance with Subchapter E-2 or Subchapter E-3, the Coordinating Board may assess an administrative penalty against the institution in an amount not to exceed \$2 million annually. Compliance errors committed by an institution or system that are in substantial compliance with Subchapters E-2 and E-3 will not result in a penalty. The Coordinating Board will not find an institution is out of substantial compliance with the provisions in Subchapter E-2 and Subchapter E-3 based on a determination that the Coordinating Board would have taken different action after an independent evaluation of evidence.

The Coordinating Board may assess an administrative penalty, up to a total of \$2 million annually, if a postsecondary educational institution has failed to maintain substantial compliance with Subchapter E-2 or E-3. In determining the total penalty to assess, the

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Coordinating Board shall consider the number of students at the institution, the penalty matrix in 19 Administrative Code 3.19, apply mitigating and aggravating factors, and any other factor justice may require. Mitigating factors may result in a reduction of the administrative penalty. Aggravating factors may result in an increased administrative penalty, up to \$2 million annually.

Mitigating factors may include:

1. The inability of the postsecondary educational institution to meet the requirement of law due to:
 - a. A disaster declared under Government Code Chapter 418;
 - b. A technology failure rendering compliance impossible; or
 - c. A severe medical impairment of a person responsible for compliance with a requirement under Subchapter E-2 or E-3.
2. Evidence that the postsecondary educational institution properly reported an incident to another state or federal agency with law enforcement or regulatory authority;
3. Any actual notice from the institution of the compliance error;
4. Institutional efforts to prevent compliance errors, including the extent to which the institution provided training to employees and/or acted after learning about the error;
5. The explanation for the cause of the compliance error, including a good-faith mistake; a differing, reasonable interpretation of the law; a conflict between two provisions, or a conflict with another legal or governmental requirement (such as Title IX regulations or a mandatory report to the National Institutes of Health);
6. The lack of harm to any individual; and
7. The extent to which the institution or system complied with Subchapters E-2 and E-3.

Aggravating factors shall include:

1. Harm to an individual caused by, or directly related to, the postsecondary educational institution's failure to comply with Subchapters E-2 and E-3;
2. Any evidence of a postsecondary educational institution's failure to act on a prior substantially similar complaint;

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3. Any evidence of multiple incidents of similar failures or length of time of failure by the postsecondary institution;
4. Any evidence that the postsecondary educational institution or its chief executive officer knowingly provided a false certification under Education Code 51.258(a);
5. That the postsecondary educational institution attempted to conceal or cause others to conceal information relevant to a determination of violation under Subchapters E-2 and E-3; and
6. The extent to which the institution or system failed to comply with Subchapters E-2 and E-3.

If the Coordinating Board assesses an administrative penalty against a postsecondary educational institution, the Coordinating Board shall provide to the institution written notice of the Coordinating Board's reason for assessing the penalty.

A postsecondary educational institution may not pay the administrative penalty using state-appropriated or federal money.

Education Code 51.258(b)-(c), (e), .292(a)-(b), (d); 19 TAC 3.19(c), (f)-(g), (i)

Appeal

A postsecondary educational institution assessed an administrative penalty may appeal the penalty in the manner provided by Government Code Chapter 2001. *Education Code 51.258(d), .292(c); 19 TAC 3.19(h)*

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Note: This policy addresses complaints of sex discrimination, sexual harassment, sexual assault, dating violence, domestic violence, stalking, and retaliation targeting students. For additional legally referenced material relating to discrimination, harassment, and retaliation, see FA(LEGAL) and FAA(LEGAL). For sex discrimination, sexual harassment, sexual assault, dating violence, domestic violence, stalking, and retaliation targeting employees, see DIAA.

**Statement of
Nondiscrimination**

The College District prohibits discrimination, including harassment, against any student on the basis of sex or gender. Retaliation against anyone involved in the complaint process is a violation of College District policy and is prohibited.

Definitions

Discrimination

Discrimination against a student is defined as conduct directed at a student on the basis of sex or gender that adversely affects the student.

*Sexual Harassment
By an Employee*

Sexual harassment of a student by a College District employee includes unwelcome sexual advances; requests for sexual favors; sexually motivated physical, verbal, or nonverbal conduct; or other conduct or communication of a sexual nature when:

1. A College District employee causes the student to believe that the student must submit to the conduct to participate in a college program or activity, or that the employee will make an educational decision based on whether or not the student submits to the conduct; or
2. The conduct is so severe, persistent, or pervasive that it limits or denies the student's ability to participate in or benefit from the College District's educational program or activities.

By Others

Sexual harassment of a student, including harassment committed by another student, includes unwelcome sexual advances; requests for sexual favors; or sexually motivated physical, verbal, or nonverbal conduct when the conduct is so severe, persistent, or pervasive that it limits or denies a student's ability to participate in or benefit from the College District's educational program or activities.

Sexual Violence

Sexual violence is a form of sexual harassment. Sexual violence includes physical sexual acts perpetrated against a person's will or where a person is incapable of giving consent due to the victim's use of drugs or alcohol or due to an intellectual or other disability.

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Dating Violence “Dating violence” means 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 the reporting party’s statement and with consideration of the length of the relationship, the type of relationship, and the frequency of interaction between the persons involved in the relationship.

Domestic Violence “Domestic violence” means violence committed by:

- A current or former spouse or intimate partner of the victim;
- A person with whom the victim shares a child in common;
- A person who is cohabitating with, or has cohabitated with, the victim as a spouse or intimate partner;
- Any other member of the victim’s family as defined by state law;
- Any other current or former member of the victim’s household as defined by state law;
- A person in a dating relationship with the victim as defined by state law; or
- Any other person who acts against the victim in violation of the family violence laws of this state or the jurisdiction where the conduct occurs.

Stalking “Stalking” means engaging in a course of conduct directed at a specific person that would cause a reasonable person to fear for the person’s safety or the safety of others or suffer substantial emotional distress.

For the purposes of this definition:

1. “Course of conduct” means two or more acts, including, but not limited to, acts in which the stalker directly, indirectly, or through third parties, by any action, method, device, or means, follows, monitors, observes, surveils, threatens, or communicates to or about a person, or interferes with a person’s property.
2. “Reasonable person” means a reasonable person under similar circumstances and with similar identities to the victim.

Examples Examples of sexual harassment of a student may include sexual advances; touching intimate body parts or coercing physical contact that is sexual in nature; jokes or conversations of a sexual nature; rape; sexual assault as defined by law; sexual battery; sexual

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coercion; and other sexually motivated conduct, communications, or contact.

Examples may also include forms of dating violence, domestic violence, or stalking, such as physical or sexual assaults; name-calling; put-downs; or threats directed at the student, the student's family members, or members of the student's household; destroying the student's property; threatening to commit suicide or homicide if the student ends the relationship; tracking the student; attempting to isolate the student from friends and family; threatening a student's spouse or partner; or encouraging others to engage in these behaviors.

Gender-Based
Harassment

Gender-based harassment includes physical, verbal, or nonverbal conduct based on the student's gender, the student's expression of characteristics perceived as stereotypical for the student's gender, or the student's failure to conform to stereotypical notions of masculinity or femininity. For purposes of this policy, gender-based harassment is considered prohibited harassment if the conduct is so severe, persistent, or pervasive that the conduct limits or denies a student's ability to participate in or benefit from the College District's educational program.

Acts of gender-based harassment may also be considered sex discrimination or sexual harassment.

Examples

Examples of gender-based harassment directed against a student, regardless of the student's or the harasser's actual or perceived sexual orientation or gender identity, may include offensive jokes, name-calling, slurs, or rumors; physical aggression or assault; threatening or intimidating conduct; or other kinds of aggressive conduct such as theft or damage to property.

Prohibited Conduct

In this policy, the term "prohibited conduct" includes discrimination, harassment, dating violence, domestic violence, stalking, and retaliation as described by this policy, even if the behavior does not rise to the level of unlawful conduct.

Complainant

In this policy, the term "complainant" refers to an applicant for admission or a student who is alleged to have experienced prohibited conduct. The term also includes a former student who is alleged to have experienced prohibited conduct while participating, or attempting to participate, in the College District's educational program or activity.

Respondent

In this policy, the term "respondent" refers to a person who is alleged to have committed prohibited conduct.

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Confidential
Employee

A “confidential employee” is a person who holds a professional license requiring confidentiality, such as a counselor or medical provider, who is supervised by such a person, or a person who is a nonprofessional counselor or advocate designated in administrative procedures as a confidential source.

**Reporting
Procedures**

Student Report

A victim of prohibited conduct has the right to report the incident to the College District and to receive a prompt and equitable resolution of the report.

Any student who believes that he or she has experienced prohibited conduct or believes that another student has experienced prohibited conduct should immediately report the alleged acts to the Title IX coordinator, the College President, or another employee. A report against the College President may be made directly to the Board. If a report is made directly to the Board, the Board shall appoint an appropriate person to conduct an investigation. A student shall not be required to report prohibited conduct to the person alleged to have committed the conduct.

Alternatively, a student may submit the report electronically through the College District’s website. The submission of an anonymous electronic report may impair the College District’s ability to investigate and address the prohibited conduct.

A victim of a crime has the right to choose whether to report the crime to law enforcement, to be assisted by the College District in reporting the crime to law enforcement, or to decline to report the crime to law enforcement.

It is important that a victim of prohibited conduct go to a hospital for treatment and preservation of evidence, if applicable, as soon as practicable after the incident.

Exception

Absent consent or unless required by law, a student designated in administrative regulations as a student advocate to whom another student may speak confidentially concerning prohibited conduct may not disclose any communication made by the other student.

Employee Report

Any College District employee who suspects or receives notice that a student or group of students has or may have experienced prohibited conduct, regardless of when or where the incident occurred, shall immediately notify the Title IX coordinator and shall take any other steps required by this policy. Additionally, the employee may report to the College President or designee.

A report against the College President must also be made directly to the Board. If a report is made directly to the Board, the Board shall appoint an appropriate person to conduct an investigation.

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<i>Exceptions</i>	A person who received the information solely from a disclosure at a sexual harassment, sexual assault, dating violence, or stalking public awareness event sponsored by a postsecondary educational institution or by a student organization affiliated with the institution is not required to report the prohibited conduct unless the person has the authority to institute corrective measures on behalf of the College District.
Disclosure at Event	
Employee Subject to Confidentiality Rules	Absent the student's consent, or unless required by law, a confidential employee shall only be required to disclose the type of incident reported and may not disclose information that would violate the student's expectation of privacy. If multiple confidential employees receive information about the same alleged incident, then only one report disclosing the type of incident must be submitted.
Prior Report	A person who has either learned of an incident of prohibited conduct during the course of the College District's review or process, or has confirmed with the person or office overseeing the review or process that the incident has been previously reported, is not required to report the prohibited conduct.
Title IX Coordinator	Reports of discrimination based on sex, including sexual harassment and gender-based harassment, may be directed to the Title IX coordinator. The College District designates the following person to coordinate its efforts to comply with Title IX of the Education Amendments of 1972, as amended, and related state and federal laws: Title IX Coordinator: Director of Human Resources Address: 6200 College Avenue, Snyder, TX 79549 Telephone: (325) 574-7602 Email: Title IX Coordinator email¹ Webpage: Title IX/Sexual Misconduct webpage²
Responsible Employees	All employees, with the exception of confidential employees, are designated as responsible employees for purposes of compliance with Title IX.
Timely Reporting	A failure to immediately report prohibited conduct may impair the College District's ability to investigate and address the conduct.
Consolidate Reports	When the allegations underlying two or more reports arise out of the same facts or circumstances, the College District may consolidate the reports.

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Advisor	Each party to the complaint may be assisted by an advisor of the party's choice who may participate in the proceedings in a manner consistent with College District procedures.
Conflict of Interest Prohibited	No person designated as the Title IX coordinator, a deputy Title IX coordinator, an investigator, a decision-maker, or a facilitator of an informal resolution process shall have a conflict of interest or bias.
Training	A person designated as the Title IX coordinator, a deputy Title IX coordinator, an investigator, a decision-maker, or a facilitator of an informal resolution process shall receive training as required by law and College District procedures.
Days	"Days" shall mean College District business days, unless otherwise noted. In calculating timelines under this policy, the day a document is filed is "day zero." The following business day is "day one."
Extension of Timelines	Timelines established by this policy and associated procedures may be subject to a limited extension if good cause, as defined in this policy and College District regulations, exists. The College District shall promptly provide written notice to the parties of an extension and the reason for the extension.
Investigation of the Report	The College District may request, but shall not require, a written report. If a report is made orally, the Title IX coordinator or designee shall reduce the report to written form.
Initial Assessment	Upon receipt or notice of a report, the Title IX coordinator shall determine whether the allegations, if proven, would constitute prohibited conduct as defined by this policy. If so, the Title IX coordinator shall promptly offer supportive measures to the complainant. The Title IX coordinator shall explain the process for filing a formal complaint and assess any request not to investigate. If the College District moves forward with the investigation, the Title IX coordinator shall immediately provide notice to the known parties to the complaint. If the Title IX coordinator determines that the allegations, if proven, would not constitute prohibited conduct as defined by this policy but may constitute a violation of other College District rules or regulations, the Title IX coordinator shall refer the complaint for consideration under the appropriate policy.
<i>Request Not to Investigate</i>	The complainant may request that the College District not investigate the allegations. If the complainant requests that the allegations not be investigated, in deciding whether to initiate the investigation, the College District must consider the factors described by law and any other factors the College District considers relevant.

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The College District shall promptly notify the complainant of the decision regarding whether it will conduct the investigation. If the College District decides not to investigate the allegations, the College District shall take reasonable steps to protect the health and safety of the College District community.

Formal Complaint	To be considered a formal complaint under Title IX, the complainant or the Title IX coordinator must sign the written report.
Notice to Parties	The notice to the parties must describe the allegations and the formal and informal options for resolution of the complaint. The notice must state that the respondent is presumed not responsible until a determination regarding responsibility is made. The notice must also include information regarding the option to select an advisor, the opportunity to inspect and review evidence, and the prohibition on knowingly making false statements or submitting false information during the investigation and any ensuing proceedings. If the allegations are subsequently amended, the College District shall provide an updated notice reflecting the new allegations.
Informal Resolution	The College District may offer to the parties a process for the informal resolution of a formal complaint as defined by law. If the parties voluntarily agree in writing to participate in informal resolution of the complaint, the Title IX coordinator shall determine within three days if informal resolution is appropriate for the complaint. If the Title IX coordinator determines that informal resolution is appropriate, then the Title IX coordinator or designee may facilitate that resolution within 10 days. If the Title IX coordinator does not determine informal resolution to be appropriate, then the complaint will be subject to the formal resolution process. This process is not available in situations where an employee is alleged to have sexually harassed a student.
Formal Resolution	If the complaint is not subject to the informal resolution process, the Title IX coordinator shall authorize or undertake an investigation, except as provided below at Criminal or Regulatory Investigation.
Supportive Measures	If appropriate and regardless of whether a criminal or regulatory investigation regarding the alleged conduct is pending, the Title IX coordinator shall promptly provide supportive measures intended to address prohibited conduct, protect the safety of the parties and others, and protect the parties from retaliation prior to the completion of the investigation. Examples of possible supportive measures include academic accommodations, such as extensions of deadlines or other course-related adjustments and modifications of class schedules; housing and dining modifications; temporary removal from an education program or activity in accordance with

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	law; counseling; health services; campus escort services; mutual restrictions on contact between the parties; and increased security and monitoring of certain areas of the campus.
College District Investigation	The investigation may be conducted by the Title IX coordinator or designee or by a third party designated by the College District, such as an attorney. The investigation may consist of personal interviews with the complainant, the respondent, and others with knowledge of the circumstances surrounding the allegations. The investigation may also include analysis of other information or documents related to the allegations. The parties shall be provided an equal opportunity to present witnesses and evidence and to inspect and review any directly related evidence obtained by the College District so that the parties may meaningfully respond during the investigation process. The parties expected to participate in an investigative interview or other meeting shall be provided written notice in enough time to prepare to participate. At least 10 days prior to the completion of the investigation report, the College District must send each party and the party's advisor evidence subject to inspection and review. The parties may submit a written response for consideration by the investigator.
Criminal or Regulatory Investigation	If a law enforcement or regulatory agency notifies the College District that a criminal or regulatory investigation has been initiated, the College District shall confer with the agency to determine if the College District's investigation would impede the criminal or regulatory investigation. The College District shall proceed with its investigation only to the extent that it does not impede the ongoing criminal or regulatory investigation. After the law enforcement or regulatory agency has completed gathering its evidence, the College District shall promptly resume its investigation. Any delay under this provision shall constitute good cause for an extension of timelines established by this policy and associated procedures.
Concluding the Investigation	The investigation shall be completed within a reasonable time, not to exceed 30 days from the date of the report. The investigator shall prepare a written report of the investigation. The investigation report shall be filed with the Title IX coordinator within five days following the completion of the investigation.
Notification of the Report	The Title IX coordinator shall provide the investigation report, within the extent permitted by the Family Educational Rights and Privacy Act (FERPA) or other law, to the complainant and the re-

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**College District
Action**

spondent promptly following receipt. The parties shall be given 10 days to respond to the report.

The Title IX coordinator shall submit the investigation report and any response from the parties to the vice president for student affairs and dean of students promptly after receipt of the parties' response but no later than the expiration of the parties' deadline to respond.

The vice president for student affairs and dean of students or designee shall summon the parties for a hearing to be held within a reasonable time, not to exceed 10 days, following the receipt of the investigation report. The hearing shall be conducted in accordance with law and College District procedures.

After the hearing, the vice president for student affairs and dean of students or designee shall determine whether each individual allegation of prohibited conduct occurred using a preponderance of the evidence standard and determine the appropriate disciplinary or corrective action. In making the determination, the vice president for student affairs and dean of students or designee shall evaluate all relevant evidence objectively and shall not make credibility assessments based on a person's status as the complainant, the respondent, or a witness. The vice president for student affairs and dean of students or designee shall create a written determination regarding responsibility in accordance with law and College District procedures within five days following the hearing and submit the determination to the parties simultaneously.

**Disciplinary or
Corrective Action**

If the vice president for student affairs and dean of students or designee determines that prohibited conduct occurred, the College District shall promptly respond by taking appropriate disciplinary or corrective action reasonably calculated to address the conduct.

Examples of disciplinary or corrective action may include:

- Implementing the disciplinary measures described in FM for students or DH and DM series for employees;
- Providing a training program for those involved in the complaint;
- Providing a comprehensive education program for the College District community;
- Providing counseling for the victim and the party who engaged in prohibited conduct;

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- Permitting the victim or student who engaged in the prohibited conduct to drop a course in which they both are enrolled without penalty;
- Conducting follow-up inquiries to determine if any new incidents or any instances of retaliation have occurred;
- Involving students in efforts to identify problems and improve the College District climate;
- Increasing staff monitoring of areas where prohibited conduct has occurred;
- Reaffirming the College District's policy against discrimination and harassment; and
- Taking other actions described in College District regulations.

Exception

The College District shall minimize attempts to require a complainant to resolve the problem directly with the person who engaged in the harassment; however, if that is the most appropriate resolution method, the College District shall be involved in an appropriate manner. In no event may a student be required to resolve a complaint of sexual harassment by an employee directly with the employee.

Improper Conduct

If the vice president for student affairs and dean of students or designee determines that improper conduct occurred that did not rise to the level of prohibited conduct, the College District may take disciplinary action in accordance with College District policy and procedures or other corrective action reasonably calculated to address the conduct.

Dismissal of Complaint

Mandatory Dismissal

An allegation presented as a formal complaint under Title IX is subject to the mandatory dismissal procedures under law.

Permissive Dismissal

Any complaint may be dismissed at any time on request of a complainant. The Title IX coordinator must first assess the request in accordance with this policy at Request Not to Investigate, above.

A complaint may also be dismissed if specific circumstances prevent the College District from gathering evidence sufficient to reach a determination as to the complaint or allegations.

Notice of Dismissal

Upon dismissal of a complaint, the Title IX coordinator or the vice president for student affairs and dean of students or designee shall provide the parties written notice of the dismissal.

Confidentiality

To the greatest extent possible, consistent with law, the College District shall respect the privacy of the complainant or the respon-

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dent or a person who makes a report or serves as a witness. Limited disclosures may be necessary to carry out the purposes of this policy and associated regulations and to comply with applicable law.

Retaliation

The College District prohibits retaliation against any person for the purpose of interfering with a right or privilege under this policy; the complainant; or a person who, in good faith, makes a report or complaint, serves as a witness, or otherwise participates or refuses to participate in an investigation, proceeding, or hearing under this policy. This prohibition does not apply to discipline of a person who perpetrated or assists in the perpetration of the prohibited conduct.

A person who is alleged to have experienced retaliation may pursue a claim under this policy or policy DIAA, as appropriate.

Examples

Examples of retaliation may include threats, rumor spreading, ostracism, assault, destruction of property, unjustified punishments, or unwarranted grade reductions. Unlawful retaliation does not include petty slights or annoyances.

Failure to Report and False Claims

An employee who fails to make a required report or a student or employee who intentionally makes a false claim, offers a false statement, or refuses to cooperate with a College District investigation regarding prohibited conduct shall be subject to appropriate disciplinary action.

Appeal

**Discipline or
Corrective Action**

Students

Suspension

If the vice president for student affairs and dean of students or designee determines that a student committed prohibited conduct that warrants a suspension, the official shall forward the determination and all evidence collected during the investigation and hearing to the College President. A conference shall be scheduled within 10 days of the notice of determination in accordance with FMA, beginning at Appeal to College District Administration.

Expulsion

If the vice president for student affairs and dean of students or designee determines that the student committed prohibited conduct that warrants expulsion, the official shall forward the determination and all evidence collected during the investigation and hearing to the College President to schedule an expulsion hearing before the Board in accordance with FMA.

Other Action

If the vice president for student affairs and dean of students or designee determines that the student committed prohibited conduct that warrants other discipline or corrective action, the vice president for student affairs and dean of students or designee shall inform the student that the student may appeal the determination within 10 days in accordance with FMA, beginning at Appeal to College District Administration.

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<i>Employee</i>	If the vice president for student affairs and dean of students or designee determines that a contract employee committed prohibited conduct that warrants suspension without pay or termination mid-contract, the vice president for student affairs and dean of students or designee shall inform the employee in writing of the determination, and a Board hearing shall be scheduled in accordance with DMAA.
Suspension Without Pay or Termination of Contract Employees	
Other Action	If the vice president for student affairs and dean of students or designee determines that the employee committed prohibited conduct that warrants other discipline or corrective action, the vice president for student affairs and dean of students or designee shall inform the employee that the employee may appeal the determination within 10 days in accordance with DGBA, beginning at Level Three.
Other Appeals	All other appeals related to this policy may be submitted through the applicable grievance policy beginning at the appropriate level. [See DGBA(LOCAL) for employees, FLD(LOCAL) for students, and GB(LOCAL) for community members]
Complaints Filed with OCR	A party shall be informed of his or her right to file a complaint with the U.S. Department of Education Office for Civil Rights (OCR).
Records Retention	Retention of records shall be in accordance with the College District's records retention procedures. [See CIA]
Access to Policy, Procedures, and Related Materials	Information regarding this policy and any accompanying procedures, as well as relevant educational and resource materials concerning the topics discussed in this policy, shall be distributed to applicants for admission and employment and annually to College District employees, students, and parents or guardians of dual credit students in compliance with law and in a manner calculated to provide easy access and wide distribution, such as through electronic distribution and inclusion in the employee and student handbooks and other major College District publications. Information regarding the policy, procedures, and related materials and any materials used to train a person designated as the Title IX coordinator, a deputy Title IX coordinator, an investigator, a decision-maker, or a facilitator shall also be prominently published on the College District's website on a dedicated page accessible through a clear link on the homepage, taking into account applicable legal requirements. Copies of the policy and procedures shall be readily available at the College District's administrative offices and shall be distributed to a student who makes a report.

¹ Title IX Coordinator email: <mailto:hr@wtc.edu>

² Title IX/Sexual Misconduct webpage:
<https://www.wtc.edu/sexualharassmentawarenessprevention.html>

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Note: For additional legally referenced material relating to this subject matter, see FA(LEGAL). For information on employee expression on campus, see DGC. For information on community expression on campus, see GD. For use of the college district's mail system, see CHE.

First Amendment

A governmental entity, including a college district, shall take no action respecting an establishment of religion, or prohibiting the free exercise thereof; or abridging the freedom of speech, or of the press; or the right of the people peaceably to assemble, and to petition the board for a redress of grievances. *U.S. Const. Amend. I, XIV*

Forum Analysis

Traditional Public Forum

A "traditional public forum" includes locations, such as sidewalks and parks, where members of the public have historically been permitted to gather and speak on any topic. *Cornelius v. NAACP Legal Def. & Educ. Fund, Inc.*, 473 U.S. 788 (1985). An institution's property is not a traditional public forum, with the exception of sidewalks, streets, and parks that are indistinguishable from surrounding city property. *Widmar v. Vincent*, 454 U.S. 263 (1981); *Brister v. Faulkner*, 214 F.3d 675 (2000)

If an institution's property is deemed a traditional public forum, the entity may exclude particular content if that entity can assert a compelling governmental interest that is narrowly tailored to address that interest, a standard referred to as the "strict scrutiny" standard. The institution can also enforce viewpoint-neutral time, place, and manner restrictions to meet a compelling governmental interest if a sufficient number of alternative communication channels are available. *Perry Educ. Ass'n v. Perry Local Educators' Ass'n*, 460 U.S. 37 (1983)

Designated Public Forum

A "designated public forum" is a forum that a college or university intentionally opens to the general public to discuss matters of public concern. *Cornelius v. NAACP Legal Def. and Educ. Fund, Inc.*, 473 U.S. 788 (1985). Once designated, an institution may enforce reasonable time, place, and manner restrictions. *Widmar v. Vincent*, 454 U.S. 263 (1981). Any content limitations are subject to the strict scrutiny standard described above. *Chiu v. Plano Indep. School Dist.*, 260 F.3d 330 (5th Cir. 2001)

Limited Public Forum

A "limited public forum" is a forum that an institution opens to a particular group of speakers or for discussion regarding a particular topic. *Christian Legal Society v. Martinez*, 130 S.Ct. 2971 (2010); *Rosenberger v. Rector & Visitors of Univ. of Va.*, 515 U.S. 819 (1995). Within a limited public forum, limits on expression must be viewpoint-neutral and reasonable in light of the purpose of the fo-

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rum. The government may impose reasonable time, place, and manner restrictions, as long as these restrictions do not relate to the content of the expression. Cornelius v. NAACP Legal Def. and Educ. Fund, Inc., 473 U.S. 788 (1985)

To distinguish between a designated public forum and a limited public forum, courts consider two factors: (1) the intent of the institution regarding the forum, and (2) the forum's nature and compatibility with particular speech. Justice for All v. Faulkner, 410 F.3d 760 (5th Cir. 2005); Chiu v. Plano Indep. School Dist., 260 F.3d 330 (5th Cir. 2001)

Nonpublic Forum

If an institution has not opened a public forum, it remains a "non-public forum." Although limits on expression must be reasonable and viewpoint neutral even within a nonpublic forum, an institution will have greater discretion to control the content of speech within such a forum. Cornelius v. NAACP Legal Def. and Educ. Fund, Inc., 473 U.S. 788 (1985)

Time, Place, and
Manner Restrictions

The mere dissemination of ideas on the campus of an institution of higher education may not be restricted on the basis of conventions of decency, regardless of how offensive those ideas are to good taste. However, an institution has the authority to enforce reasonable regulations as to the time, place, and manner of speech and its dissemination. Papish v. Bd. of Curators, 410 U.S. 667 (1973); Healy v. James, 408 U.S. 169 (1972)

**Protected
Expression on
Campus Under State
Law**

"Expressive activities" means any speech or expressive conduct protected by the First Amendment to the U.S. Constitution or by Texas Constitution Article I, Section 8, and includes assemblies, protests, speeches, the distribution of written material, the carrying of signs, and the circulation of petitions. The term does not include:

1. Commercial speech;
2. Defamation;
3. Unlawful harassment;
4. Incitement to imminent unlawful activity;
5. Obscenity; or
6. Threats to engage in unlawful activity.

Education Code 51.9315(a)(2)

Policy Required

Each institution of higher education shall adopt a policy detailing rights and responsibilities regarding expressive activities at the institution. The policy must:

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7. Allow members of the university community to, subject to reasonable restrictions adopted under Education Code 51.9315(d), engage in expressive activities on campus, including by responding to the expressive activities of others, and student organizations and faculty to, subject to item 2b(2), below, and Education Code 51.9315(h), invite speakers to speak on campus;
8. Prohibit:
 - a. Using a device to amplify sound while engaging in expressive activities on campus during class hours that:
 - (1) Intimidate others;
 - (2) Interfere with campus operations; or
 - (3) Interfere with an institution employee's or a peace officer's lawful performance of a duty;
 - b. During the last two weeks of a semester or term, engaging in expressive activities:
 - (1) In the common outdoor areas of the institution's campus in a manner that materially and substantially disrupts the functioning of the institution;
 - (2) By inviting speakers to speak on campus;
 - (3) By using a device to amplify sound; or
 - (4) By using drums or other percussive instruments;
 - c. Camping or erecting tents or other living accommodations on campus;
 - d. Wearing a disguise or other means of concealing a person's identity while engaging in expressive activities on campus with the intent to:
 - (1) Obstruct the enforcement of the institution's rules or the law by avoiding identification;
 - (2) Intimidate others; or
 - (3) Interfere with an institution employee's or a peace officer's lawful performance of a duty;
 - e. Lowering the institution's flag of the United States or of this state with the intent to raise the flag of another nation or a flag representing an organization or group of people; and
 - f. Engaging in expressive activities on campus between the hours of 10:00 p.m. and 8:00 a.m.;

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9. Establish disciplinary sanctions for students, student organizations, or employees who unduly interfere with the expressive activities of others on campus or violate an institution policy or state law;
10. Include a grievance procedure for addressing complaints of a violation of this section;
11. Require students enrolled at or employees of the institution to present proof of identity and status at the institution on request by an institution official on the institution's campus engaging in an official duty;
12. Be approved by a majority vote of the institution's governing board before final adoption; and
13. Be posted on the institution's internet website.

Nothing in this section limits the authority of an institution of higher education to adopt rules differentiating between the rights of students and employees to engage in expressive activities on campus and those of persons not affiliated with the institution.

Education Code 51.9315(f), (k)

Common Outdoor
Areas

An institution of higher education, including a college district, shall permit students enrolled at and employees of the institution to engage in expressive activities in the common outdoor areas of the institution's campus freely, as long as the expressive activity is not unlawful, and does not materially and substantially disrupt the functioning of the institution. *Education Code 51.9315(c)*

*Time, Place, and
Manner
Restrictions*

An institution of higher education may adopt a policy that imposes reasonable restrictions on the time, place, and manner of expressive activities of students enrolled at and employees of the institution in the common outdoor areas of the institution's campus if those restrictions:

1. Are narrowly tailored to serve a significant institutional interest;
2. Employ clear, published, content-neutral, and viewpoint-neutral criteria;
3. Provide for ample alternative means of expression; and
4. Allow members of the university community to assemble or distribute written material without a permit or other permission from the institution.

Education Code 51.9315(d)

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<i>Exception</i>	Education Code 51.9315(c) and (d) do not limit the right of student expression at other campus locations or prohibit faculty members from maintaining order in the classroom. <i>Education Code 51.9315(e)</i>
Designated Public Forums	The governing board of an institution of higher education shall designate the areas on the institution's campus that are public forums, consistent with the First Amendment to the U.S. Constitution and Texas Constitution Article I, Section 8. <i>Education Code 51.9315(d-1)</i>
Discrimination Prohibited	An institution of higher education may not take action against a student organization or deny the organization any benefit generally available to other student organizations at the institution on the basis of a political, religious, philosophical, ideological, or academic viewpoint expressed by the organization or of any expressive activities of the organization. <i>Education Code 51.9315(g)</i>
Approval of Speaker or Determination of Fee	In determining whether to approve a speaker to speak on campus or in determining the amount of a fee to be charged for use of the institution's facilities for purposes of engaging in expressive activities, an institution of higher education: 1. May consider only content-neutral and viewpoint-neutral criteria related to the needs of the event, such as: a. The proposed venue and the expected size of the audience; b. Any anticipated need for campus security; c. Any necessary accommodations; and d. Any relevant history of compliance or noncompliance by the requesting student organization or faculty member with the institution's policy adopted under Education Code 51.9315(f) and any other relevant policies; and 2. May not consider any anticipated controversy related to the event. <i>Education Code 51.9315(h)</i>
Employee Awareness	Each institution of higher education shall develop materials, programs, and procedures to ensure that the institution's employees responsible for educating or disciplining students understand the requirements of this section and all policies adopted by the institution in accordance with this section. <i>Education Code 51.9315(j)</i>
Publication	Each institution of higher education shall make the institution's policies adopted in accordance with this section, available to students

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enrolled at and employees of the institution by including the policies in the institution's student handbook and personnel handbook, providing a copy of each policy to students during the institution's freshman or transfer student orientation, and posting the policies on the institution's internet website. *Education Code 51.9315(i)*

Harmony with Law

Nothing in this section may be construed to limit or infringe on a person's right to freedom of speech or expression protected by the First Amendment to the U.S. Constitution or by Texas Constitution Article I, Section 8. *Education Code 51.9315(l)*

Religious Services

This state or a political subdivision of this state, including a college district, may not enact, adopt, or issue a statute, order, proclamation, decision, or rule that prohibits or limits religious services, including religious services conducted in churches, congregations, and places of worship, in this state by a religious organization established to support and serve the propagation of a sincerely held religious belief. *Tex. Const. Art. I, Sec. 6-a*

Places of Worship

A government agency, including a college district, or public official may not issue an order that closes or has the effect of closing places of worship in this state or in a geographic area of this state. "Place of worship" means a building or grounds where religious activities are conducted. *Civ. Prac. & Rem. Code 110.001(a), .0031*

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Note: For expression and use of College District facilities and grounds by employees and employee organizations, see DGC. For expression and use of College District facilities and grounds by the community, including by nonstudents and organizations that are not registered student organizations, see GD.

Expressive Activities

Students and student organizations may engage in expressive activities in accordance with this policy. "Expressive activities" means any speech or expressive conduct protected by the First Amendment to the U.S. Constitution or by Texas Constitution Article I, Section 8, and includes assemblies, protests, speeches, the distribution of written material, the carrying of signs, and the circulation of petitions.

**Prohibited Speech
and Conduct**

The term "expressive activities" does not include the following speech and conduct, which is prohibited on College District facilities and grounds and through the use of College District technology and networks:

1. Defamatory statements about public figures or others;
2. Prohibited harassment [see DIAA, DIAB, FFDA, and FFDB];
3. Incitement to imminent lawless or disruptive activity;
4. Obscenity; or
5. Threats to engage in unlawful activity.

The following conduct is also prohibited:

1. Engaging in unlawful conduct.
2. Engaging in expressive activities that materially and substantially disrupt College District operations at any time, including from 10:00 p.m. to 8:00 a.m. and during the last two weeks of each semester or term.
3. Engaging in expressive activities that materially and substantially disrupt College District operations by inviting speakers to speak on campus or by using drums or other percussive instruments during the last two weeks of a semester or term.
4. Using a sound amplification device while engaging in expressive activities during class hours, between 10:00 p.m. to 8:00 a.m., and during the last two weeks of each semester or term to intimidate others, interfere with campus operations, or interfere with a College District employee's or a peace officer's lawful performance of a duty.

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5. Camping or erecting tents or other living accommodations, with the exception of reasonable use and modifications of assigned College District housing consistent with administrative regulations. This prohibition applies to shelters that are erected for the purpose of residing within the shelter. It does not apply to other shelters that are erected on a temporary basis to provide protection from the weather or, with approval granted by the vice president for student affairs and dean of students in accordance with administrative procedures, for special events.
6. Wearing a disguise or other means of concealing a person's identity while engaging in expressive activities with the intent, as determined by the vice president for student affairs and dean of students or a law enforcement officer, to:
 - a. Obstruct the enforcement of law or College District policies and regulations by avoiding identification;
 - b. Intimidate others; or
 - c. Interfere with a College District employee's or a peace officer's lawful performance of a duty.
7. Lowering the College District's U.S. or Texas flag with the intent to raise another nation's flag or the flag representing an organization or group of people.
8. Engaging in expressive activities in a manner that would constitute an immediate and actual danger to the peace or security of the College District that available law enforcement officials could not control with reasonable efforts.
9. Damaging or defacing property.

**Distribution of
Literature**

Written or printed materials, handbills, photographs, pictures, films, tapes, or other visual or auditory materials not sponsored by the College District shall not be sold, circulated, distributed, or posted on any College District premises by any College District student or registered student organization [see FKC], except in accordance with this policy.

The College District shall not be responsible for, nor shall the College District endorse, the contents of any materials distributed by students or registered student organizations that is not sponsored by the College District.

Materials distributed under the supervision of instructional personnel as a part of instruction or other authorized classroom activities shall not be governed by this policy.

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Limitations on Content	Materials shall not be distributed by students or registered student organizations on College District property if: 1. The materials constitute prohibited speech, described above. 2. The materials constitute nonpermissible solicitation. [See FI] 3. The materials infringe upon intellectual property rights of the College District. [See CT]
Time, Place, and Manner Restrictions	Distribution of the materials shall be conducted in a manner that: 1. Is not materially and substantially disruptive to College District operations; [See FLB] 2. Does not impede reasonable access to College District facilities; 3. Does not result in damage to College District property; 4. Does not coerce, badger, or intimidate a person; 5. Does not interfere with the rights of others; and 6. Does not violate local, state, or federal laws or College District policies and procedures. The distributor shall clean the area around which the literature was distributed of any materials that were discarded or leftover. The vice president for student affairs and dean of students shall designate times, locations, and means by which materials that are appropriate for distribution, as provided in this policy, may be made available or distributed by students or registered student organizations to students or others in College District facilities and in areas that are not considered common outdoor areas.
Posting of Signs	For the purposes of this policy, "sign" shall be defined as a billboard, decal, notice, placard, poster, banner, or any kind of hand-held sign; and "posting" shall be defined as any means used for displaying a sign. Except for signs that violate the restrictions in this policy and administrative procedures, a student or registered student organization may publicly post a sign on College District property in common outdoor areas and in areas or locations designated by the vice president for student affairs and dean of students. No object other than a sign may be posted on College District property.
Restrictions	A sign shall not be larger than 22 inches by 28 inches, unless authorized by the vice president for student affairs and dean of students. A sign shall not be attached or posted:

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1. To a shrub or plant;
2. To a tree, except by string to its trunk;
3. To a permanent sign installed for another purpose;
4. To a fence or chain or its supporting structure;
5. To a brick, concrete, or masonry structure;
6. To a statue, monument, or similar structure;
7. On or adjacent to a fire hydrant; or
8. In a College District building, except on a bulletin board designated for that purpose.

Removal

A student or registered student organization shall remove each sign not later than 14 days after posting or, if it relates to an event, not longer than 24 hours after the event to which it relates has ended.

A sign posted in accordance with this section shall not be removed without permission from the vice president for student affairs and dean of students, the student, or the registered student organization.

Disclaimer

Materials distributed by a registered student organization must include a disclaimer indicating that the materials are not sponsored by the College District and do not represent the views of the College District or College District officials, faculty, or staff.

Use of Facilities and Grounds

The facilities and grounds of the College District shall be made available to students or registered student organizations [see FKC] when such use does not conflict with use by, or any of the policies and procedures of, the College District. The requesting students or student organization shall pay all expenses incurred by their use of facilities in accordance with a fee schedule developed by the Board.

Requests to Use Facilities

To request permission to meet or host a speaker in College District facilities, interested students or registered student organizations shall file a written request with the College President or designee in accordance with administrative procedures.

The students or the registered student organization making the request shall indicate that they have read and understand the policies and rules governing use of College District facilities and that they will abide by those rules.

Approval

The College President or designee shall approve or reject the request in accordance with provisions and deadlines set out in this

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policy and administrative procedures, without regard to the religious, political, philosophical, ideological, academic viewpoint, or other content of the speech likely to be associated with the student's or registered student organization's use of the facility.

Approval shall not be granted when the official has reasonable grounds to believe that the use would be prohibited conduct, described above, or that:

1. The College District facility requested is unavailable, inadequate, or inappropriate to accommodate the proposed use at the time requested;
2. The applicant is under a disciplinary penalty or sanction prohibiting the use of the facility;
3. The proposed use includes nonpermissible solicitation [see FI];
4. The applicant owes a monetary debt to the College District and the debt is considered delinquent;
5. The applicant has previously damaged College District property; or
6. The proposed activity would constitute an unauthorized joint sponsorship with an outside group.

The College President or designee shall provide the applicant a written statement of the grounds for rejection if a request is denied.

Common Outdoor
Areas

Students and student organizations may engage in expressive activities in common outdoor areas without prior approval, unless the activities constituted prohibited speech or conduct described above.

Announcements
and Publicity

In accordance with administrative procedures, all students and registered student organizations shall be given access on the same basis for making announcements and publicizing their meetings and activities.

Identification

Students or registered student organizations distributing materials on campus or using College District facilities shall provide identification when requested to do so by a College District representative engaging in official duties.

Violations of Policy

Failure to comply with law or this policy and associated procedures shall result in appropriate administrative action, including but not limited to, confiscation of nonconforming materials, suspension of a student's or registered student organization's use of College District facilities, and/or other disciplinary action in accordance with

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	the College District's discipline policies and procedures [see FM and FMA].
Interference with Expression	Faculty members, students, or student organizations that interfere with the expressive activities permitted by this policy shall be subject to disciplinary action in accordance with the College District's discipline policies and procedures [see DH, FM, and FMA].
Appeals	Decisions made by the administration in accordance with this policy may be appealed in accordance with DGBA(LOCAL) or FLD(LOCAL), as applicable.
Publication	This policy and associated procedures must be posted on the College District's website and distributed in the student and employee handbooks and other appropriate publications. They must also be distributed to students at orientation.

STUDENT CONDUCT
PROHIBITED ORGANIZATIONS AND HAZING

FLBC
(LEGAL)

Hazing Offense

Personal

A person commits an offense if the person:

1. Engages in hazing.
2. Solicits, encourages, directs, aids, or attempts to aid another in engaging in hazing.
3. Has first-hand knowledge of the planning of a specific hazing incident involving a student in an educational institution, including a college district, or first-hand knowledge that a specific hazing incident has occurred, and knowingly fails to report that knowledge to the dean of students or other appropriate official of the institution, a peace officer, or a law enforcement agency.

Education Code 37.152(a), 51.936(a)

Organization

An organization commits an offense if the organization condones or encourages hazing or if an officer or any combination of members, pledges, or alumni of the organization commits or assists in the commission of hazing. *Education Code 37.153(a), 51.936(a)*

Definitions

Hazing

“Hazing” means any intentional, knowing, or reckless act, occurring on or off the campus of an educational institution, by one person alone or acting with others, directed against a student for the purpose of pledging, being initiated into, affiliating with, holding office in, or maintaining membership in an organization if the act:

1. Is any type of physical brutality, such as whipping, beating, striking, branding, electronic shocking, placing of a harmful substance on the body, or similar activity.
2. Involves sleep deprivation, exposure to the elements, confinement in a small space, calisthenics, or other similar activity that subjects the student to an unreasonable risk of harm or that adversely affects the mental or physical health or safety of the student.
3. Involves consumption of a food, liquid, alcoholic beverage, liquor, drug, or other substance, other than as described by item 5, that subjects the student to an unreasonable risk of harm or that adversely affects the mental or physical health or safety of the student.
4. Is any activity that induces, causes, or requires the student to perform a duty or task that involves a violation of the Penal Code.
5. Involves coercing, as defined by Penal Code 1.07, the student to consume a drug or an alcoholic beverage or liquor in an

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amount that would lead a reasonable person to believe that the student is intoxicated, as defined by Penal Code 49.01.

Education Code 37.151(6); 51.936(a)

Organization

“Organization” means a fraternity, sorority, association, corporation, order, society, corps, club, or student government, a band or musical group or an academic, athletic, cheerleading, or dance team, including any group or team that participates in National Collegiate Athletic Association competition, or a service, social, or similar group, whose members are primarily students. *Education Code 37.151(5); 51.936(a)*

Student

“Student” means any person who:

1. Is registered in or in attendance at an educational institution;
2. Has been accepted for admission at the educational institution where the hazing incident occurs; or
3. Intends to attend an educational institution during any of its regular sessions after a period of scheduled vacation.

Education Code 37.151(4); 51.936(a)

**Statements of Policy
on Hazing and
Prevention and
Awareness
Programs**

An institution's, including a college district's, Clery Act annual security report [see GCC] must contain:

1. A statement of current policies relating to hazing, as defined by the institution, how to report incidents of such hazing, and the process used to investigate such incidents of hazing, and information on applicable local and state laws on hazing.
2. A statement of policy regarding prevention and awareness programs related to hazing that includes a description of research-informed campus-wide prevention programs designed to reach students, staff, and faculty, which includes:
 - a. The information referred to item 1; and
 - b. Primary prevention strategies intended to stop hazing before hazing occurs, which may include skill building for bystander intervention, information about ethical leadership, and the promotion of strategies for building group cohesion without hazing.

20 U.S.C. 1092(f)(1)

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**Dissemination of
Hazing Information**

Campus Hazing
Transparency
Report

An institution shall develop, in accordance with the institution's statement of policy relating to hazing under 20 U.S.C. 1092 (f)(1)(K), a campus hazing transparency report summarizing findings concerning any student organization established or recognized by the institution found to be in violation of an institution's standards of conduct related to hazing, as defined by the institution, that requires the institution to:

1. Beginning July 1, 2025, collect information with respect to hazing incidents at the institution;
2. Not later than 12 months after December 23, 2024, make the campus hazing transparency report publicly available on the public website of the institution; and
3. Not less frequently than two times each year, update the campus hazing transparency report to include, for the period beginning on the date which the report was last published and ending on the date on which such update is submitted, each incident involving a student organization for which a finding of responsibility is issued relating to a hazing violation, including:
 - a. The name of such student organization;
 - b. A general description of the violation that resulted in a finding of responsibility, including whether the violation involved the abuse or illegal use of alcohol or drugs, the findings of the institution, and any sanctions placed on the student organization by the institution, as applicable; and
 - c. The dates on which:
 - (1) The incident was alleged to have occurred;
 - (2) The investigation into the incident was initiated;
 - (3) The investigation ended with a finding that a hazing violation occurred; and
 - (4) The institution provided notice to the student organization that the incident resulted in a hazing violation.

The campus hazing transparency report may include:

1. To satisfy the requirements of this provision, information that is included as part of a report published by the institution and meets the requirements of the campus hazing transparency report; and

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2. Any additional information determined by the institution to be necessary or reported as required by state law.

The campus hazing transparency report shall not include any personally identifiable information, including any information that would reveal personally identifiable information in accordance with the Family Educational Rights and Privacy Act (FERPA), 20 U.S.C. 1232g.

“Student organization” means an organization at an institution of higher education, such as a club, society, association, varsity or junior varsity athletic team, club sports team, fraternity, sorority, band, or student government, in which two or more of the members are students enrolled at the institution of higher education, whether or not the organization is established or recognized by the institution.

For purposes of this report, the definition of “campus” under 20 U.S.C. 1092(f)(6)(A)(ii) [see GCC] shall not apply.

20 U.S.C. 1092(f)(6)(A)(vii), (9)(A)-(C), (F)

Exception

An institution is not required to develop the campus hazing transparency report until such institution has a finding of a hazing violation or update the campus hazing transparency report if such institution does not have a finding of a hazing violation for such period.
20 U.S.C. 1092(f)(9)(G)

Publication

The institution shall publish, in a prominent location on the public website of the institution, the campus hazing transparency report, including:

1. A statement notifying the public of the annual availability of statistics on hazing pursuant to the annual security report required under 20 U.S.C. 1092(f)(1)(F), including a link to such report;
2. Information about the institution's policies relating to hazing under 20 U.S.C. 1092(f)(1)(K) and applicable local and state laws on hazing; and
3. The information included in each required update, which shall be maintained for a period of five calendar years from the date of publication of such update.

The institution may include, as part of the publication of the campus hazing transparency report, a description of the purposes of, and differences between, the report required under 20 U.S.C. 1092(f)(1)(F) and the campus hazing transparency report.

20 U.S.C. 1092(f)(9)(D)-(E)

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Under State Law <i>On the College District's Website</i>	Each postsecondary educational institution shall develop and post in a prominent location on the institution's internet website a report on hazing committed on or off campus by an organization registered with or recognized by the institution. The report: 1. Must include information regarding each disciplinary action taken by the institution against an organization for hazing, and each conviction of hazing under Education Code 37.153 by an organization, during the three years preceding the date on which the report is issued or updated, including: a. The name of the organization disciplined or convicted; b. The date on which the incident occurred or the citation was issued, if applicable; c. The date on which the institution's investigation into the incident, if any, was initiated; d. A general description of the incident; the violations of the institution's code of conduct or the criminal charges, as applicable; the findings of the institution or court; and any sanctions imposed by the institution, or any fines imposed by the court, on the organization; and the date on which the institution's disciplinary process was resolved or on which the conviction became final; 2. Must be updated to include information regarding each disciplinary process or conviction not later than the 30th day after the date on which the disciplinary process is resolved or the conviction becomes final, as applicable; and 3. May not include personally identifiable student information and must comply with FERPA of 1974, 20 U.S.C. 1232g. <i>Education Code 51.936(c-2)</i>
<i>To Each Student</i>	Not later than the 14th day before the first class day of each fall or spring semester, each public institution of higher education shall distribute to each student enrolled at the institution a summary of Education Code Chapter 37, Subchapter F, and copy of, or an electronic link to a copy of, the report. <i>Education Code 51.936(c)</i>
<i>At Student Orientation</i>	Each postsecondary educational institution shall provide to each student who attends the institution's student orientation a notice regarding the nature and availability of the report, including the report's internet website address. <i>Education Code 51.936(c-2)</i>
<i>In College District Publications</i>	If the institution publishes a general catalogue, student handbook, or similar publication, it shall publish a summary of the provisions

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**Information
Regarding Gang-
Free Zones**

of Education Code Chapter 37, Subchapter F, in each edition of the publication. *Education Code 51.936(d)*

The governing board of each institution of higher education, including each college district, shall ensure that any student handbook or similar publication for the institution includes information on gang-free zones and the consequences of engaging in organized criminal activity within those zones. *Education Code 51.973*

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Hazing Prohibited	Hazing by students or student organizations, as defined by law, is prohibited even if the person being hazed consents to the hazing.
Reporting Procedures	Any student who believes that he or she has experienced hazing or believes that another student or group of students has experienced hazing should immediately report the alleged acts to the vice president for student affairs and dean of students, the College President, or another employee.
Student Report	
Employee Report	Any College District employee who suspects or receives notice that a student or group of students has or may have experienced hazing shall notify the vice president for student affairs and dean of students in accordance with FMA.
<i>Exceptions</i>	A report that includes allegations that may constitute discrimination or harassment on the basis of sex shall be submitted in accordance with FFDA. A report that includes allegations that may constitute discrimination or harassment on the basis of race, color, national origin, disability, religion, age, or any other basis prohibited by law shall be submitted in accordance with FFDB.
Investigation of the Report	Allegations of hazing shall be investigated under FMA.
Exception	Hazing allegations that may constitute discrimination or harassment on the basis of sex, race, color, national origin, disability, religion, age, or any other basis prohibited by law shall be investigated under FFDA or FFDB, as appropriate.
Access to Policy, Procedures, and Related Materials	Information regarding this policy and any accompanying procedures, as well as relevant educational and resource materials concerning the topics discussed in this policy, shall be distributed to College District employees and students after hire or admission and then annually in a manner calculated to provide easy access and wide distribution, such as through electronic distribution, publication on the College District's website, and inclusion in the employee and student handbooks and other major College District publications.