

**Term of Contract**

Employment contracts for full-time faculty require approval by the District President.

No full-time faculty member will be placed on the College District's payroll in a regular full-time status without a fully executed contract on file with the human resources office, as well as appropriate documentation of credentials and other required personnel forms.

**Contract  
Renewal**

Unless a full-time faculty member on a multi-year contract is otherwise notified in writing by the District President or designee by January 31, the faculty member will be employed by the College District for the forthcoming one-year contract period, subject to a written approved contract being timely filed with the human resources office.

Unless a full-time faculty member on an annual contract is otherwise notified in writing by the District President or designee by March 1, the faculty member will be employed by the College District for the forthcoming one-year contract period, subject to a written approved contract being timely filed with the human resources office.

The position and terms of employment for the forthcoming contract period will be determined by the College District, in its sole discretion, in the written approved contract. In no event will any full-time faculty member have any property right to employment with the College District beyond the term of his or her contract. No right to an initial or additional multi-year contract will exist. Additionally, in no event will any full-time faculty member have any property right beyond the additional one-year contract period identified above.

Notification will be completed upon hand-delivery of notification to the employee or to the employee's division mailbox, by placement of notification in the U.S. mail at the employee's last address of record with the human resources office, or by verifiable electronic communication.

**Annual Contracts**

Beginning with appointment to a full-time faculty position, a College District faculty member will serve three one-year contracts before becoming eligible to be considered for a multi-year contract. If the appropriate vice president/provost and executive vice president do not recommend a multi-year contract at the end of the third year, the faculty member may be issued up to two additional one-year contracts. Following expiration of either or both of the two additional one-year contracts, if the employee is not recommended for a multi-year contract, nonrenewal may result. Nonrenewal may result at the end of any term contract.

### **Multi-Year Contracts**

In order for a faculty member to secure a multi-year contract, a self-evaluation form and Board report will be completed and submitted by the faculty member for consideration by the council on excellence, in addition to the requisite annual dean's evaluations, class visit forms, and student evaluations.

The council on excellence's written recommendation will be forwarded to the appropriate vice president/provost, who will prepare and present written recommendations to the District President for approval. ~~If Full-time faculty multi-year contracts approved by the District President, the vice president's/provost's and executive vice president's recommendations will be submitted~~ are presented to the Board ~~for consideration~~ during the spring semester as a part of the personnel report.

### **Multi-Year Contract Extension**

A faculty member completing a multi-year contract that was recommended through the council on excellence peer review process may be considered for one multi-year contract extension upon recommendation by the requisite dean, who will consider the faculty member's prior multi-year contract Board report, the annual evaluations and performance documentation, class visit forms, and student evaluations. The appropriate dean will prepare and present written recommendations to the appropriate vice president/provost and executive vice president, who will prepare and present written recommendations to the District President for approval. ~~If Full-time faculty multi-year contract extensions approved by the District President, the recommendations of the vice president/provost and executive vice president will be submitted~~ are presented to the Board ~~for consideration~~ during the spring semester as a part of the personnel report.

A faculty member must be considered through the council on excellence peer review process a minimum of every six years.

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**Note:** This policy only addresses employee complaints of sex and gender discrimination, sexual or gender-based harassment, sexual assault, stalking, violence, and retaliation. For legally referenced material relating to this subject matter, see DAA(LEGAL). For sex discrimination, sexual harassment, sexual violence, and retaliation targeting students, see FFDA. For other employee complaints not covered by Title VII or Title IX laws, see DIAB.

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**Definitions**

Solely for purposes of this policy, the term “employee” includes former employees, applicants for employment, and unpaid interns.

**Statement of Nondiscrimination**

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

**Discrimination**

Discrimination against an employee is defined as conduct directed at an employee on the basis of sex or gender that adversely affects the employee’s employment.

**Sexual Harassment**

For purposes of this policy, Ssexual harassment is a form of sex discrimination defined as 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. Submission to the conduct is either explicitly or implicitly a condition of an employee’s employment, or when submission to or rejection of the conduct is the basis for an employment action affecting the employee; or
2. The conduct is so severe, persistent, or pervasive-It is based on unwelcome conduct that a reasonable person would determine is so sever, persistent, pervasive, and objectively offensive that it has the purpose or effect of unreasonably interfering with the employee’s work performance or creates an intimidating, threatening, hostile, or offensive work environment; or
3. Any instance of sexual assault, as defined in the Jeanne Clery Disclosure of Campus Security Policy Campus Crime Statistics Act (Clery Act), and dating violence, domestic violence, or stalking, as defined in the Violence Against Women Act (VAWA).

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Note: Quid pro quo harassment, Clery Act, and VAWA of-  
fenses are not evaluated for severity, pervasiveness, offen-  
siveness, or denial of equal educational access because such  
misconduct is considered sufficiently serious to deprive a stu-  
dent of equal access.

Sexual  
Violence/Assault

Sexual violence-assault is a form of sexual harassment. Sexual vi-  
olence-assault 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. For purposes of this policy, consent is defined as  
an informed, voluntary, affirmative, and mutual agreement between  
the participants to engage in a specific sexual act. Consent is fur-  
ther defined by the consent guidelines in FFDA(LOCAL).

Examples

Examples of sexual harassment may include sexual advances;  
touching intimate body parts; coercing or forcing a sexual act on  
another; jokes or conversations of a sexual nature; offensive or de-  
rogatory language of a sexual nature directed at another person;  
and other sexually motivated conduct, communication, or contact.

Dating Violence,  
Domestic  
Violence, and  
Stalking

For purposes of this policy, the terms "dating violence," "domestic  
violence," and "stalking" are incorporated into this policy as defined  
in FFDA(LOCAL).

**Retaliation**

The College District prohibits retaliation against an employee who  
makes a claim alleging to have experienced discrimination or har-  
assment, or another employee who, in good faith, makes a report,  
serves as a witness, or otherwise participates in an investigation.

An employee who intentionally makes a false claim, offers false  
statements, or refuses to cooperate with a College District investi-  
gation regarding harassment or discrimination is subject to appro-  
priate discipline. Charging an individual with a violation(s) for mak-  
ing a false claim, materially false statement, or refusing to  
cooperate during the course of an investigation regarding discrimi-  
nation or harassment does not constitute retaliation. However, a  
determination regarding responsibility, alone, is not sufficient to  
conclude that any party made a false claim or a materially false  
statement.

Examples

Examples of retaliation may include termination, refusal to hire, de-  
motion, and denial of promotion. Retaliation may also include

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threats, unjustified negative evaluations, unjustified negative refer-  
ences, or increased surveillance.

**Prohibited Conduct**

In this policy, the term “prohibited conduct” includes dating vio-  
lence, domestic violence, sexual assault, stalking, sex discrimina-  
tion, sexual or gender-based harassment, and retaliation as de-  
fined by this policy, even if the behavior does not rise to the level of  
unlawful conduct.

**Reporting  
Procedures**

An employee who believes that he or she has experienced prohib-  
ited conduct or believes that another employee has experienced  
prohibited conduct should immediately report the alleged acts. The  
employee may report the alleged acts to his or her immediate su-  
pervisor.

Alternatively, the employee may report the alleged acts to one of  
the College District officials below or electronically through the Col-  
lege District’s website online complaint form located on its website.

For the purposes of this policy, “College District officials” are the Ti-  
tle IX coordinators listed below and the District President.

**College District’s  
Mandatory Response  
Obligations**

The College District will respond promptly to sexual harassment,  
as defined in this policy, in a manner that is not deliberately indiffer-  
ent, which means a response that is not clearly unreasonable in  
light of known circumstances, or as otherwise required by applica-  
ble Title IX regulations. The College District’s response obligations  
are listed in FFDA(LOCAL).

**Definition of College  
District Officials**

Title IX Coordinator

Reports of discrimination based on sex, including sexual harass-  
ment as defined in this policy, may be directed to the Title IX coor-  
dinators. The College District designates the following persons to  
coordinate its efforts to comply with Title IX of the Education  
Amendments of 1972, as amended:

Name: Floyd Nickerson  
Position: Chief Human Resources Officer  
Address: 3452 Spur 399, McKinney, TX 75069  
Telephone: (972) 599-3159

Deputy Title IX  
Coordinator for  
Human Resources

Name: Tonya Jacobson  
Position: Manager HR/Employee Relations  
Address: 3452 Spur 399, McKinney, TX 75069

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Telephone: (972) 758-3856

Other Anti-discrimination Laws

The District President or designee will serve as coordinator for purposes of College District compliance with all other antidiscrimination laws.

**Alternative Reporting Procedures**

An employee will not be required to report prohibited conduct to the person alleged to have committed it. Reports concerning prohibited conduct, including reports against the Title IX coordinators, may be directed to the District President or designee.

A report under this policy against the District President may be made directly to the Board. If a report is made directly to the Board, the Board will appoint an appropriate person to conduct an investigation.

**Timely Reporting**

Employee Reports of prohibited conduct will be made immediately after the alleged act or knowledge of the alleged act. A failure to promptly report may impair the College District's ability to investigate and address the prohibited conduct.

**Notice of Report**

Any College District supervisor who receives a report of prohibited conduct will immediately notify the appropriate College District official listed above and take any other steps required by this policy.

**Investigation of the Report**

The College District may request, but will not insist upon, a written report or formal complaint as defined in FFDA(LOCAL). If a report is made orally, the College District official receiving the report will reduce the report to written form.

Upon receipt or notice of a report, the College District official will determine whether the allegations, if proven, would constitute prohibited conduct as defined by this policy. If so, the College District official will immediately authorize or undertake an investigation, regardless of whether a criminal or regulatory investigation regarding the same or similar allegations is pending.

If the College District official 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 College District official will refer the complaint for consideration under the appropriate policy.

If appropriate, the College District will promptly take interim action calculated to prevent prohibited conduct during the course of an investigation.

The investigation may be conducted by the College District official or a designee or by a third party designated by the College District,

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such as an attorney. When appropriate, the supervisor will be involved in or informed of the investigation.

~~The investigation of prohibited conduct under this policy will be conducted in accordance with the investigation procedures and guidelines contained in FFDA(LOCAL). may consist of personal interviews with the person making the report, the person against whom the report is filed, 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 College District may dismiss complaints, as mandated or on a discretionary basis, under the procedures and guidelines listed in FFDA(LOCAL).~~

**Concluding the Investigation**

Absent extenuating circumstances, the investigation should be completed within ~~ten~~ 60 College District business days from the date of the report; however, the investigator will take additional time if necessary to complete a thorough investigation.

The investigator will prepare a written report of the investigation. The report will be filed with the College District official overseeing the investigation. The written report will be prepared in accordance with the reporting procedures and guidelines contained in FFDA(LOCAL).

**Hearings**

Consistent with applicable Title IX regulations, the College District will provide for a live hearing of complaints arising under this policy. The live hearing will be conducted in accordance with the procedures and guidelines contained in FFDA(LOCAL).

**College District Action**

If the results of an investigation and live hearing indicate that prohibited conduct occurred using a preponderance of the evidence standard (i.e. more likely than not to have occurred), the College District will promptly respond by taking appropriate disciplinary or corrective action reasonably calculated to address the conduct.

The College District may take action based on the results of an investigation and live hearing, even if the conduct did not rise to the level of prohibited or unlawful conduct.

**Confidentiality**

To the greatest extent possible, the College District will respect the privacy of the complainant, persons against whom a report is filed, and witnesses. Limited disclosures may be necessary in order to conduct a thorough investigation and comply with applicable law. Applicable federal Title IX regulations protect the privacy of a party's medical, psychological, and similar treatment records by

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stating that the College District cannot access or use such records unless the College District obtains the party's voluntary, written consent to do so.

**Appeal**

A party who is dissatisfied with the outcome of the investigation may appeal on the grounds listed in FFDA(LOCAL) 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]. Appeals under this policy will be submitted to the appeals officer or administrator designed by the College District. The applicable appeal deadlines and guidelines of DGBA(LOCAL) or GB(LOCAL) will be followed for appeals made under this policy.

**Informal Resolution**

After a formal complaint is filed, the College District may permit the voluntary use of an information resolution process at any time prior to a final determination. The parties must provide their voluntary consent in writing to participate in such a process. The informal resolution process will be handled in accordance with the procedures and guidelines contained in FFDA(LOCAL).

Informal resolution is prohibited in any case where a College District employee is accused of sexual harassment against a student.

The College District will not require the parties to waive their rights to a formal process and agree to information resolution as a condition of enrollment or employment.

The party may have a right to file a complaint with appropriate state or federal agencies.

**Records Retention**

Retention of records will be in accordance with the College District's records retention procedures. [See CIA]

Records of formal complaint resolutions and informal resolutions will be retained by the College District for a period of seven (7) years. The College District will retain all materials used to train institutional participants in the various phases of the resolution process, including the Title IX coordinators and decision-makers. All materials utilized to train Title IX coordinators, investigators, hearing panel participants, and decision-makers will be made available in accordance with applicable federal Title IX regulation requirements.

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**Access to Policy,  
Procedures, and  
Related Materials**

In instances where the College District receives a report of sexual harassment but a formal complainant is not filed, the institution will maintain a record of all actions taken, including supportive measures, for a period of seven (7) years. In these instances, the College District will include a written rationale explaining why a formal complaint was not filed.

Information regarding this policy and any accompanying procedures, as well as relevant educational and resource materials concerning the topics discussed in this policy, will be distributed annually to College District employees and 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 will also be prominently published on the College District's website, taking into account applicable legal requirements. Copies of the policy and procedures will be readily available at the College District's administrative offices and will be distributed to an employee who makes a report.

**Mandatory Reporting  
under State Law for  
Incidents of Dating  
Violence, Sexual  
Assault, Sexual  
Harassment, and  
Stalking**

In accordance with the Education Code Section 51.252, an employee 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 as defined in this policy, and is alleged to have been committed by or against a person who was a student enrolled at or an employee of the College District at the time of the incident, will promptly report the incident to Collin College's Title IX coordinator or deputy Title IX coordinator. 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.

An employee who is designated by the College District as a person with whom students may speak confidentially concerning sexual harassment as defined in this policy or who receives information regarding such an incident under circumstances that render the employee's communications confidential or privileged under other law will, in making a report under this section, state only the type of incident reported and may not include any information that would violate a student's expectation of privacy. This requirement does not affect the employee's duty to report an incident under any other law.

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Exceptions

An employee is not required to make a report concerning:

1. An incident in which the employee was a victim of dating violence, sexual assault, sexual harassment, or stalking; or
2. An incident in which the employee received information due to a disclosure made at a dating violence, sexual assault, sexual harassment, or stalking public awareness event sponsored by the College District or by a student organization affiliated with the College District.

Anonymous  
Reports

In accordance with Education Code Section 51.9365, College District students and employees can report prohibited conduct anonymously as provided on the Dean of Students page on the College District's website. However, the submission of an anonymous report may impair the College District's ability to investigate and address the prohibited conduct.

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**Note:** This policy addresses complaints dating violence, domestic violence, gender-based harassment, of sex discrimination, sexual assault, sexual harassment, and sexual assault/stalking, and retaliation targeting students participating in the College District's education program or activity. For legally referenced material relating to discrimination, harassment, and retaliation, see FA(LEGAL) and FFDB(LOCAL). For sex discrimination, sexual harassment, sexual assault, and retaliation targeting employees, see DIAA.

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**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.

**College District's  
Education Program  
or Activity**

The College District's education program or activity includes locations, events, or circumstances over which the institution exercises substantial control over both the respondent and the context in which the sexual harassment occurred. This policy applies to all of the College District's education programs and activities, whether such programs or activities occur on campus or off campus. The College District may address sexual harassment affecting its students that falls outside the jurisdiction of this policy in any manner it chooses, including, but not limited to, providing supportive measures or pursuing disciplinary action.

**Sex Discrimination**

Sex 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**

For purposes of this policy, ~~S~~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 in order to participate in a ~~school~~ College District program or activity, or that the employee will make an educational decision based on whether or not the student submits to the conduct (i.e., quid pro quo harassment); ~~or~~
2. ~~The~~ It is based on unwelcome conduct that a reasonable person would determine is so severe, persistent, ~~or~~ pervasive, and objectively offensive that it limits or denies the student's

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educational access and/or ability to participate in or benefit from the College District's educational program; ~~or~~

2-3. Any instance of sexual assault, as defined in the Jeanne Clery Disclosure of Campus Security Policy Campus Crime Statistics Act (Clery Act), and dating violence, domestic violence, or stalking, as defined in the Violence Against Women Act (VAWA).

Note: Quid pro quo harassment, Clery Act, and VAWA offenses are not evaluated for severity, pervasiveness, offensiveness, or denial of equal educational access because such misconduct is considered sufficiently serious to deprive a student of equal access.

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, or objectively offensive that it limits or denies a student's ability to participate in or benefit from the College District's educational program. Physical contact not reasonably construed as sexual in nature is not sexual harassment.

Sexual  
Violence/Assault

Sexual ~~violence/assault~~ is a form of sexual harassment. Sexual ~~vi~~  
~~olence/assault~~ 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.

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; sexual battery; sexual coercion; dating violence, stalking, and other sexually motivated conduct, communications, or contact.~~

~~Physical contact not reasonably construed as sexual in nature is not sexual harassment.~~

College District's  
Definition of  
Consent to Sexual  
Activity

For purposes of this policy, sexual activity requires consent, which is defined as an informed, voluntary, affirmative, and mutual agreement between the participants to engage in a specific sexual act. The following guidelines will be used to determine whether consent was obtained:

1. Consent to sexual activity can be communicated in a variety of ways, but one should not presume consent has been given in

the absence of a clear, positive agreement.

2. Consent can only be accurately gauged through direct communication about the decision to engage in sexual activity. The absence of the word “no” or the like (e.g., “stop”) does not imply consent.
3. Although consent can be nonverbal, verbal communication is the most reliable form of asking for and obtaining consent. Discussing desires, needs, and limitations with sexual partners provides a basis for positive sexual experiences shaped by mutual willingness and respect.
4. Presumptions based upon contextual factors (e.g., provocative clothing or dancing, etc.) are unwarranted, and should not be considered grounds for consent.
5. As defined in the State of Texas Penal Code §22.011 Sexual Assault, the age of sexual consent is 17. Therefore, consent cannot be obtained from someone who is under the age of 17, as that person is legally considered to be a minor.
6. Consent cannot be obtained from someone who is asleep, unconscious, or otherwise mentally or physically incapacitated, whether due to alcohol, drugs, or some other condition (e.g., an intellectual or other disability). A person is mentally or physically incapacitated when that person lacks the ability to make or act on considered decisions to engage in sexual activity. Engaging in sexual activity with a person whom you know – or reasonably should know – to be incapacitated constitutes sexual assault.
7. Consent to some sexual acts does not constitute consent to other sexual acts.
8. Consent must be ongoing throughout a sexual encounter and can be revoked at any time. If you proceed despite your partner’s verbal and/or nonverbal communication to stop, you have committed sexual assault.
9. Consent cannot be obtained by threat, coercion, or force. Agreement under such circumstances does not constitute consent.
10. A prior sexual encounter or pre-existing relationship does not indicate consent to current or future sexual activity.

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**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,~~ or objectively offensive that the conduct limits or denies a student's ability to participate in or benefit from the College District's educational program.

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.

**Dating Violence**

The term "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 and where the existence of such a relationship will be determined based on a consideration of the following factors:

1. The length of the relationship,
2. The type of relationship, and
3. The frequency of interaction between the persons involved in the relationship.

(Office on Violence Against Women, United States Department of Justice<sup>1</sup>)

**Domestic Violence**

The term "domestic violence" includes felony or misdemeanor crimes of violence committed ~~"in a relationship by one partner to gain or maintain power and control over another intimate partner"~~ (Office on Violence Against Women, United States Department of Justice<sup>1</sup>).

Examples

~~Examples of domestic violence may include abuse committed~~ by a current or former spouse or intimate partner of the victim, by a person with whom the victim shares a child in common, by a person who is cohabitating with ~~cohabitates with~~ or has cohabitated with the victim as a spouse or intimate partner, by a person similarly situated to a spouse of the victim under the domestic or family violence laws of the jurisdiction receiving grant monies, or by any other person against an adult or youth victim who is protected from that person's acts under the domestic or family violence laws of the

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jurisdiction. (Office on Violence Against Women, United States Department of Justice<sup>2</sup>).

**Stalking**

The term “stalking” means engaging in a course of conduct directed at a specific person that would cause a reasonable person to fear for his or her safety or the safety of others or suffer substantial emotional distress. (Office on Violence Against Women, United States Department of Justice<sup>3</sup>).

**Retaliation**

The College District prohibits retaliation by a student or College District employee against a student alleged to have experienced discrimination or harassment or another student who, in good faith, makes a report of harassment or discrimination, serves as a witness, or otherwise participates in an investigation.

**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.

**False Claims**

A student who intentionally makes a false claim, offers false statements, or refuses to cooperate with a College District investigation regarding dating violence, domestic violence, gender-based harassment, sex discrimination, sexual assault, or sexual harassment, and/or stalking will be subject to appropriate disciplinary action.

**Prohibited Conduct**

In this policy, the term “prohibited conduct” includes dating violence, domestic violence, sexual or gender-based harassment, sex discrimination, sexual assault, harassment, and retaliation-stalking as defined by this policy, even if the behavior does not rise to the level of unlawful conduct.

**College District’s  
Mandatory Response  
Obligations**

The College District will respond promptly to sexual harassment, as defined in this policy, in a manner that is not deliberately indifferent, which means a response that is not clearly unreasonable in light of known circumstances, or as otherwise required by applicable Title IX regulations. The College District’s response obligations include, but are not limited to:

**Deliberate  
Indifference  
Standard**

1. The College District must offer supportive measures to the person making the allegations (hereafter referred to as the “complainant”).
2. The Title IX coordinator or designee must promptly contact the complainant confidentially 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 filing of a formal

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- complaint, and explain to the complainant the process for filing a formal complaint.
3. The College District must follow a grievance process that complies with applicable federal Title IX regulations before the imposition of any disciplinary sanctions (or other action that are not supportive measures) against a respondent.
  4. The College District must not restrict rights protected under the U.S. Constitution, including the First Amendment, Fifth Amendment, and Fourteenth Amendment, when complying with applicable federal Title IX regulations and this policy.
  5. Under applicable federal Title IX regulations, the College District is required to investigate sexual harassment allegations as defined in this policy in any formal complaint, which can be filed by a complainant or submitted by a Title IX coordinator.
  6. The federal Title IX regulations affirm that a complainant's wishes with respect to whether the institution investigates the complaint should be respected, unless the Title IX coordinator determines that submitting a formal complaint to initiate an investigation against the wishes of the complainant is not clearly unreasonable in light of the known circumstances.
  7. The College District will dismiss the allegations in a formal complaint if such allegations do not meet the definitions of prohibited conduct outlined in this policy, or did not occur in the institution's education program or activity. However, the College District may still address the allegations in any manner it deems appropriate (e.g., general investigation for violation of the Student Code of Conduct in the Student Handbook).

Definitions

When responding to sexual harassment, applicable federal Title IX regulations provide clear definitions of a "complainant," "respondent," "formal complaint," and "supportive measures" so that recipients, students, and employees clearly understand how the College District must respond to sexual harassment incidents in a way that supports the alleged victim and treats both parties fairly. The College District adopts those definitions as outlined in applicable federal Title IX regulations.

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Formal Complaint

In accordance with applicable federal Title IX regulations, a “formal complaint” is a document filed by a complainant or submitted by the Title IX coordinator that alleges sexual harassment against a respondent and requests that the College District investigate the allegation of sexual harassment, and meets the following requirements:

1. At the time of filing a formal complaint, the complainant must be participating in or attempting to participate in a College District education program or activity as defined in this policy.
2. A formal complaint may be filed with the Title IX coordinator in person, by mail, or by email by using the contact information required to be listed for the Title IX coordinator and by any additional method designated by the College District.
3. The phrase “document filed by a complainant” means a document or electronic submission (e.g., by email or through an online portal provided by the College District specifically for this purpose) that contains the complainant’s physical or digital signature, or otherwise indicates that the complainant is the person filing the formal complaint.
4. Where the Title IX coordinator submits a formal complaint, the Title IX coordinator is not a complainant or a party during the grievance process, and must comply with the requirements for Title IX personnel to be free from conflicts and bias.

**Reporting  
Procedures**

Responsible  
Employee

In accordance with applicable federal Title IX regulations, the College District utilizes a consistent, transparent grievance process for resolving formal complaints of sexual harassment. For purposes of this policy, a “responsible employee” is an employee:

Who has the authority to remedy prohibited conduct;

1. Who has been given the duty of reporting incidents of prohibited conduct; or
2. Whom a student reasonably believes has the authority to remedy prohibited conduct or has been given the duty of reporting incidents of prohibited conduct.

The College District designates the following persons as responsible employees: any instructor, any administrator, or any College District official defined at Definition of College District Officials, below.

Student Report

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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 appropriate Title IX coordinator, deputy Title IX coordinator, or another responsible employee or 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.~~

Employee Report

Any College District employee who suspects ~~or any responsible employee who~~ receives notice that a student or group of students has or may have experienced prohibited conduct will immediately notify the Title IX coordinator or deputy Title IX coordinator and appropriate College District official listed in this policy and will take any other steps required by this policy. ~~Additionally, An employee who does not meet the description of a responsible~~ an employee in accordance with this policy may ~~alternatively~~ submit the report electronically via the College District's website. or report it to the District President or designee.

*Exceptions*

~~A person who holds a professional license requiring confidentiality, such as a counselor, or who is supervised by such a person will not be required to disclose a report of prohibited conduct without the student's consent.~~

~~A person who is a nonprofessional counselor or advocate designated in administrative procedures as a confidential source will not be required to disclose information regarding an incident of prohibited conduct that constitutes personally identifiable information about a student or other information that would indicate the student's identity without the student's consent, unless the person is disclosing information as required for inclusion in the College District's annual security report under the Clery Act [see GCC].~~

**Mandatory Reporting under State Law for Incidents of Dating Violence, Sexual Assault, Sexual Harassment, and Stalking**

In accordance with the Education Code Section 51.252, an employee 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 as defined in this policy, and is alleged to have been committed by or against a person who was a student enrolled at or an employee of the College District at the time of the incident, will promptly report the incident to Collin College's Title IX coordinator or deputy Title IX coordinator. 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.

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An employee who is designated by the College District as a person with whom students may speak confidentially concerning sexual harassment as defined in this policy, or who receives information regarding such an incident under circumstances that render the employee's communications confidential or privileged under other law will, in making a report under this section, state only the type of incident reported and may not include any information that would violate a student's expectation of privacy. This requirement does not affect the employee's duty to report an incident under any other law.

Exceptions

An employee is not required to make a report concerning:

1. An incident in which the employee was a victim of dating violence, sexual assault, sexual harassment, or stalking; or
2. An incident in which the employee received information due to a disclosure made at a dating violence, sexual assault, sexual harassment, or stalking public awareness event sponsored by the College District or by a student organization affiliated with the College District.

Anonymous Reports

In accordance with Education Code Section 51.9365, College District students and employees can report prohibited conduct anonymously as provided on the Dean of Students page on the College District's website. However, the submission of an anonymous report may impair the College District's ability to investigate and address the prohibited conduct.

**Definition of College District Officials Designated Title IX Coordinators**

For the purposes of this policy, ~~College District officials are the Title IX coordinators and the District President~~ the following are designated as the College District's Title IX coordinators.

Title IX Coordinators

Reports of ~~dating violence, domestic violence, discrimination based on sex, including sexual harassment or gender-based harassment, sex discrimination, sexual assault, sexual or gender-based harassment, and stalking~~ may be directed to the Title IX coordinators. The College District designates the following persons to coordinate its efforts to comply with Title IX of the Education Amendments of 1972, as amended:

Title IX Coordinator for Students

Name: Terrence Brennan  
Position: District Dean of Students

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	Address:	3452 Spur 399, McKinney, TX 75069
	Telephone:	(972) 881-5734
Title IX Coordinator for Employees	Name:	Floyd Nickerson
	Position:	Chief Human Resources Officer
	Address:	3452 Spur 399, McKinney, TX 75069
	Telephone:	(972) 599-3159
Deputy Title IX Coordinator for Employees	Name:	Tonya Jacobson
	Position:	Manager, HR/Employee Relations
	Address:	3452 Spur 399, McKinney, TX 75069
	Telephone:	(972) 758-3856
Other Anti-discrimination Laws	The District President or designee will serve as coordinator for purposes of College District compliance with all other antidiscrimination laws.	
<b>Alternative Reporting Procedures</b>	A student will not be required to report prohibited conduct to the person alleged to have committed the conduct. Reports concerning prohibited conduct, including reports against the Title IX coordinators, may be directed to the District President.  A report <u>under this policy</u> against the District President may be made directly to the Board. If a report is made directly to the Board, the Board will appoint an appropriate person to conduct an investigation.	
<b>Timely Reporting</b>	Reports of prohibited conduct will be made as soon as possible after the alleged act or knowledge of the alleged act. A failure to immediately report may impair the College District's ability to investigate and address the prohibited conduct.	
<b><u>Amnesty</u></b>	<u>In accordance with the Education Code Section 51.9366, the College District will give amnesty to (i.e., not take disciplinary action against) a student who reports, in good faith, that the student was the victim of or a witness to an incident of prohibited conduct as defined by this policy. This amnesty policy applies regardless of the location at which the incident occurred or the outcome of the College District's disciplinary process regarding the incident, if any. This amnesty policy does not apply to a student who reports their own commission or assistance in the commission of prohibited conduct as defined by this policy.</u>	
<b><u>Victim's Rights and Options</u></b>	<u>In accordance with requirements under federal law, the College District will provide victims with written notification of their rights</u>	

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and options, which will outline appropriate on- and off-campus resources as well as steps a victim may want to take depending on the services the victim needs.

**Investigation of the Report**

The College District may request, but will not require, a written report. If a report is made orally, the College District official will reduce the report to written form.

Initial Assessment

Upon receipt or notice of a report, the College District official will determine whether the allegations, if proven, would constitute prohibited conduct as defined by this policy. If so, the College District official will immediately notify the parties to the complaint of the allegations and the formal and informal options for resolution of the complaint in writing.

~~If the College District official 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 College District official will refer the complaint for consideration under the appropriate policy.~~

Informal Resolution

~~If the parties voluntarily agree to participate in informal resolution of the complaint, the College District official will determine if informal resolution is appropriate for the complaint. If the official determines that informal resolution is appropriate, then the official may facilitate that resolution. If the official does not determine informal resolution to be appropriate, then the complaint will be subject to the formal resolution process.~~

Formal Resolution

If any of the parties decline to participate in informal resolution of the complaint or the College District official finds informal resolution of the complaint to be inappropriate, the College District official will authorize or undertake an investigation, except as provided below at Criminal Investigation.

Interim Action

If appropriate and regardless of whether a criminal or regulatory investigation regarding the alleged conduct is pending, the College District will promptly take interim action calculated to address prohibited conduct prior to the completion of the College District's investigation.

If, after engaging in an individualized safety and risk analysis, the College District determines that an immediate threat to the physical health or safety of any student or other individual, arising from the allegation of sexual harassment, justifies the removal of the re-

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spondent, the College District will provide the respondent with written notice of this interim action and afford the respondent an opportunity to challenge the decision immediately after the removal.

The investigation may be conducted by the College District official or a designee or by a third party designated by the College District, such as an attorney. The investigator will have received appropriate training regarding the issues related to the complaint and the relevant College District's policy and procedures. The investigator will conduct a prompt, fair, and impartial process from the initial investigation to the final result.

The investigation may consist of personal interviews with the person making the report, the person against whom the report is filed, 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. Both the victim and student respondent may have an observer(s) present during any meeting with the investigator.

During the investigation:

1. The burden of gathering evidence and burden of proof must remain on the College District, not on the parties.
2. The College District must provide equal opportunity for the parties to present facts and expert witnesses and other inculpatory and exculpatory evidence.
3. The College District must not restrict the ability of the parties to discuss the allegations or gather evidence (e.g., no "gag orders").
4. The parties must have the same opportunity to select an advisor of the party's choice who may be, but need not be, an attorney.
5. The College District must send written notice of any investigative interviews, meetings, or hearings to the parties. This written notice must include a statement that the respondent is presumed not responsible and that a determination will not be made until the conclusion of the grievance process. If the scope of the investigation expands, the College District must issue a supplemental written notice to the parties providing additional details that also meet this standard.
6. The College District must send the parties and their advisors evidence directly related to the allegations, in electronic format or hard copy, and provide at least 10 days for the parties to inspect, review, and respond to the evidence.

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7. The College District must dismiss allegations of conduct that do not meet the federal Title IX definition of sexual harassment or did not occur in the institution's education program or activity against a person in the U.S. Such dismissal is only for Title IX purposes, and does not preclude the College District from addressing the conduct in any manner the institution deems appropriate (e.g., general discrimination or harassment complaint, Student Code of Conduct violation).
8. The College District may, at its discretion, dismiss a formal complaint or allegations contained therein, if:
  - a. the complainant informs the Title IX coordinator in writing that the complainant desired to withdraw the formal complaint or allegations contained therein,
  - b. the respondent is no longer enrolled at or employed by the College District, or
  - c. specific circumstances prevent the College District from gathering sufficient evidence to reach a determination.
9. The College District must give the parties written notice of a dismissal, whether mandatory or discretionary, and the reasons for the dismissal.

Mandatory dismissal provisions include the following:

- a. The alleged conduct is determined to not constitute sexual harassment, as defined in this policy;
- b. The alleged conduct is determined not to have occurred within a College District's education program or activity; or
- c. The alleged conduct is determined not to have occurred against a person in the United States.

Discretionary dismissal provisions include the following:

- a. The complainant would like to withdraw the complaint,
- b. The respondent is no longer enrolled at or employed by the College District; or
- c. Specific circumstances prevent the College District from gathering evidence sufficient to reach a determination.

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10. The College District may, at its discretion, consolidate formal complaints.

Privacy  
Rights

Federal Title IX regulations protect the privacy of a party's medical, psychological, and similar treatment records by stating that the College District cannot access or use such records unless the College District obtains the party's voluntary, written consent to do so.

Criminal  
Investigation

If a law enforcement or regulatory agency notifies the College District that a criminal or regulatory investigation has been initiated, the College District will confer with the agency to determine if the College District's investigation would impede the criminal or regulatory investigation. The College District will proceed with its investigation only to the extent that it does not impede the ongoing criminal or regulatory investigation and in compliance with applicable federal Title IX regulations. After the law enforcement or regulatory agency has completed gathering its evidence, the College District will promptly resume its investigation.

**Concluding the  
Investigation**

Absent extenuating circumstances, such as a request by a law enforcement or regulatory agency for the College District to delay its investigation, the investigation should be completed within 60 College District business days from the date of the report; however, the investigator will take additional time if necessary to complete a thorough investigation.

The investigator will prepare a written report of the investigation. The report will be filed with the College District official overseeing the investigation. The investigation must result in an investigation report that fairly summarizes the investigation, and the report must be completed at least 10 College District business days prior to the hearing. Access to this report must be given so that the complainant and respondent can meaningfully respond to the evidence prior to the conclusion of the investigation. The College District must send the evidence to each party and their advisors in electronic form and provide at least 10 for them to submit a written response, which the investigator must consider before finalizing the investigation. The College District must make the evidence available again at any hearing, including for use in cross-examination.

Hearings

In accordance with applicable federal Title IX regulations, the College District will provide for a live hearing. During this live hearing:

1. A decision-maker must permit each party's advisor to ask the

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other party and any witnesses all relevant questions and follow-up questions, including those bearing on credibility.

2. Cross-examination must be conducted directly, orally, and in real time by the party's advisor of choice, and never by a party personally.
3. If a party is unable to obtain an advisor, the College District must provide one, free of charge, for the purpose of conducting cross-examination for the party. The advisor provided does not have to be, but may be, an attorney.
4. While the hearing must be "live," at either party's request, the College District must provide the parties with separate rooms and use technology so the decision-maker and parties may simultaneously see and hear the questions.
5. At the hearing, the decision-maker has the responsibility to determine the relevancy of questions and explain in real time any decision not to permit a certain line of questioning.
6. During the investigation or hearing, questioning concerning a complainant's sexual history is generally not permitted, unless allowed by Title IX regulations.
7. If a party or witness refuses to submit to cross-examination, the College District is required to ignore that person's statement and reach a decision based on the remaining body of relevant evidence. The College District is not, however, permitted to draw an adverse inference based on the mere fact that an individual refused to submit to cross-examination.
8. During the hearing, questions and evidence about the complainant's sexual predisposition or prior sexual behavior will be considered irrelevant, unless offered to prove that someone other than the respondent committed the alleged misconduct or to prove consent.
9. The College District must make an audio or video recording of the hearing, or a transcript, and make it available to the parties for inspection and review.
10. The decision-maker(s) facilitating the live hearing must not be the same person(s) as the Title IX coordinator or investigator(s).
11. After the hearing, the decision-maker(s) must issue a written determination of responsibility applying the preponderance of the evidence (i.e., more likely than not to have occurred) standard. The written determination must include the following elements:

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- a. Identification of the allegations at issue.
- b. A description of the procedural steps taken throughout the case.
- c. Findings of fact supporting the determination.
- d. Conclusions regarding application of the College District's Title IX policy.
- e. A statement and rationale as to the determination for each allegation.
- f. A statement of any disciplinary sanction and whether any remedies will be provided to the complainant, and
- g. A description of the procedures and permissible ground for appeal.

12. The decision-maker's written determination must be sent simultaneously to the parties along with information about how to file an appeal.

Notification of the Outcome

The College District will provide written notice of the outcome, within the extent permitted by the Family Educational Rights and Privacy Act (FERPA) or other law, to the victim and the person against whom the complaint is filed. The parties will be given the opportunity to respond to the report.

Upon written request, the College District will disclose to the alleged victim of a crime of violence, as defined in Title 18, § 16, United States Code, or non-forcible sex offense (i.e., incest or statutory rape) the report on the results of any disciplinary proceeding conducted by the College District against a student who is the alleged perpetrator of such crime or offense. If the alleged victim is deceased as a result of such crime or offense, the College District will treat the victim's next of kin as the alleged victim.

**College District Action**

Prohibited Conduct

The College District will determine, based on the results of the investigation, whether each individual allegation of misconduct occurred using a the preponderance of the evidence standard (i.e., more likely than not to have occurred). If the results of an investigation and live hearing indicate that prohibited conduct occurred, the College District will promptly respond by taking appropriate disciplinary or corrective action reasonably calculated to address the conduct, in accordance with College District policy and procedures. [See FM and FMA]

*Corrective Action*

Examples of corrective action may include, but are not limited to, the following:

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1. Providing a training program for those involved in the complaint;
2. Providing a comprehensive education program for the College District community;
3. Providing counseling for the victim-complainant and ~~the student who engaged in prohibited conduct~~ respondent;
4. Permitting the victim-complainant or student engaged in the prohibited conduct respondent to drop a course in which they both are enrolled without penalty;
5. Conducting follow-up inquiries to determine if any new incidents or any instances of retaliation have occurred;
6. Involving students in efforts to identify problems and improve the College District climate;
7. Increasing staff monitoring of areas where prohibited conduct has occurred; and
8. Reaffirming the College District's policy against dating violence, domestic violence, gender-based harassment, sex discrimination, sexual assault, and sexual harassment, and stalking.

Exception

The College District will minimize attempts to require a student who complains of sexual harassment prohibited conduct as defined by this policy to resolve the problem directly with the person who engaged in the harassment prohibited conduct; however, if that is the most appropriate resolution method, the College District will be involved in an appropriate manner.

Improper Conduct

If the College District 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 College District may take other appropriate disciplinary action in accordance with College District policy and procedures.

~~If the investigation reveals improper conduct 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.~~

**Confidentiality**

To the greatest extent possible, the College District will respect the privacy of the complainant, ~~persons against whom a report is~~

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~~filed respondent~~, and witnesses. Limited disclosures may be necessary in order to conduct a thorough investigation and comply with applicable law.

## Appeal

~~A party who is dissatisfied with the outcome of the investigation may appeal through the applicable grievance policy beginning at the appropriate level. [See DGBA(LOCAL) for employees, FMA(LOCAL) for students, and GB(LOCAL) for community members] A party will be informed of his or her right to file a complaint with the U.S. Department of Education Office for Civil Rights.~~

Either the complainant or respondent may appeal the determination rendered as a result of the investigation and live hearing, or any discretionary dismissal of the complaint, on the following permissible grounds:

1. Procedural irregularity that affected the outcome.
2. New evidence not reasonable available that could affect the outcome, and/or
3. Conflict of interest or bias by the College District's participants that affected the outcome.

The College District will ensure that the following elements are present during the course of the appeal:

1. The non-appealing party will be notified of the appeal and allowed to submit a written statement in response.
2. The appeal decision maker(s) cannot be the same individuals as the hearing decision-maker(s). Nor can the appeal decision-maker(s) be the Title IX coordinator or the investigator(s) on the case.
3. The appeal must conclude with a written decision describing the appeal and the rationale for the result that is provided to the complainant and respondent simultaneously.

Appeals under this policy will be submitted to the appeals officer or administrator designed by the College District. The applicable appeal deadlines and guidelines of FMA(LOCAL) will be followed. The College District will provide written notice of the outcome of any appeal(s), within the extent permitted by FERPA or other law, to the ~~victim-complainant~~ and the ~~person against whom the complaint is filed~~ respondent. ~~The parties will be given the opportunity to respond to the report.~~

Upon written request, the College District will disclose to the alleged victim of a crime of violence, as defined in Title 18, § 16,

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United States Code, or non-forcible sex offense (i.e., incest or statutory rape) the report on the results of any disciplinary proceeding conducted by the College District against a student who is the alleged perpetrator of such crime or offense. If the alleged victim is deceased as a result of such crime or offense, the College District will treat the victim's next of kin as the alleged victim.

**Informal Resolution**

After a formal complaint is filed, the College District may permit the voluntary use of an information resolution process at any time prior to a final determination. The parties must provide their voluntary consent in writing to participate in such a process.

Prior to commencing an information resolution process, the College District will provide the parties with the required written notice of the allegations and a description of the parameters of the information resolution process. The notice will include a statement that a party is permitted to withdraw from the information resolution process and resume the formal process at any time prior to a resolution being reached.

Informal resolution is prohibited in any case where a College District employee is accused of sexual harassment against a student.

The College District will not require the parties to waive their rights to a formal process and agree to information resolution as a condition of enrollment or employment.

**Retaliation**

Retaliation against anyone involved in the complaint process is a violation of College District policy, and is prohibited. Neither the College District nor any person may intimidate, threaten, coerce, or discriminate against any individual for the purpose of interfering with any right or privilege secured by applicable federal Title IX regulation; this policy; or because the individual has made a report or complaint, testified, assisted with, participated in, or refused to participate in a Title IX investigation, proceeding, or hearing.

Charging an individual with a violation(s) that does not involve sexual harassment, but arises out of the same facts or circumstances as a formal complaint of sexual harassment, for the purpose of interfering with any right or privilege secured by applicable federal Title IX regulations, constitutes retaliation.

In an effort to prevent acts of retaliation, the College District will keep confidential and not disclose the identities of complainants, respondent, and witnesses, except as permitted by the Family

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Educational Rights and Privacy Act (FERPA), required by law, or necessary to investigate and resolve a Title IX complaint.

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

Charging an individual with a violation(s) for making a materially false statement in bad faith during the course of a Title IX grievance proceeding does not constitute retaliation. However, a determination regarding responsibility, alone, is not sufficient to conclude that any party made a bad faith materially false statement.

Complaints alleging retaliation may be filed in accordance with the College District's prompt and equitable grievance procedure. [See FFDB and FLD.]

**Records Retention**

Retention of records will be in accordance with the College District's records retention procedures. [See CIA]

Records of formal complaint resolutions and informal resolutions will be retained by the College District for a period of seven (7) years. The College District will retain all materials used to train institutional participants in the various phases of the resolution process, including the Title IX coordinators and decision-makers. All materials utilized to train Title IX coordinators, investigators, hearing panel participants, and decision-makers will be made available in accordance with applicable federal Title IX regulation requirements.

In instances where the College District receives a report of sexual harassment but a formal complainant is not filed, the institution will maintain a record of all actions taken, including supportive measures, for a period of seven (7) years. In these instances, the College District will include a written rationale explaining why a formal complaint was not filed.

**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, will be distributed annually to College District employees and 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 will also be prominently published on the College

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District's website, taking into account applicable legal requirements. Copies of the policy and procedures will be readily available at the College District's administrative offices and will be distributed to a student who makes a report.

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<sup>1</sup> Office on Violence Against Women, United States Department of Justice: <https://www.justice.gov/ovw/dating-violence>

<sup>2</sup> Office on Violence Against Women, United States Department of Justice: <https://www.justice.gov/ovw/domestic-violence>

<sup>3</sup> Office on Violence Against Women, United States Department of Justice: <https://www.justice.gov/ovw/stalking>

**Reports of Alleged  
Misconduct**

College District faculty and staff ~~shall~~will submit an alleged violation or violations of College District policies and procedures, including the rules for student conduct [see FLB], committed by a student to the dean of students within a reasonable time following an alleged incident, not to exceed ten College District business days. The allegations must be submitted in writing, through traditional or electronic means, and must describe the violation and any surrounding facts.

The dean of students or designee ~~shall~~will investigate the matter as necessary. If an allegation is deemed to be unfounded, the dean of students or designee ~~shall~~will dismiss the allegation and ~~shall~~will provide the student written notice that the allegation of misconduct was made against the student and that the allegation was dismissed.

**Conference**

If, however, the dean of students or designee determines that the allegation warrants further consideration, the dean of students or designee ~~shall~~will summon the student for a conference to be held within a reasonable time, not to exceed ten College District business days, following the receipt of the allegation of misconduct.

At the conference, the dean of students or designee ~~shall~~will notify the student of the allegation or allegations and provide the student an opportunity to respond.

Unfounded  
Allegations

After conferring with the student, if the dean of students or designee determines that the student did not commit a violation, the allegation or allegations ~~shall~~will be dismissed as unfounded. The student ~~shall~~will be provided written notice of the dismissal.

Misconduct  
Warranting a  
Penalty

If the dean of students or designee determines that the student committed misconduct that warrants a penalty ~~other than suspension or expulsion~~, the dean of students or designee ~~shall~~will provide the student a written administrative decision with written notice of the penalty and the student's right to appeal to the disciplinary appeals committee. A student who accepts the administrative decision rendered by the dean of students or designee will sign an acceptance statement indicating he or she understands the violation(s), penalty or penalties imposed and that by signing the acceptance statement he or she voluntarily waives the right to appeal.

Once the acceptance statement is signed or the deadline for filing an appeal has passed, the administrative decision of the dean of students or designee will be final, binding, and the student will not be allowed to appeal. at a later date.

DISCIPLINE AND PENALTIES  
DISCIPLINE PROCEDURE

FMA  
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~~*Suspension*~~

~~If the dean of students or designee determines that the student committed misconduct that warrants a suspension, the dean of students or designee shall will inform the student in writing of the determination, and a hearing shall will be scheduled for consideration by the disciplinary appeals committee as described below.~~

~~*Expulsion*~~

~~If the dean of students or designee determines that the student committed misconduct that warrants expulsion, the official shall will inform the student in writing of the determination. The dean of students or designee shall will forward the determination and all evidence collected during the investigation and conference to the designated leadership team member in order to schedule an expulsion hearing before the Board [see Petition to Revoke Expulsion, below].~~

Interim Disciplinary  
Action

The dean of students or designee may take immediate interim disciplinary action, including suspension pending a hearing, against a student for policy violations if the continuing presence of the student poses a danger to persons or property or an ongoing threat of disrupting the educational environment.

**Disciplinary Appeals  
Committee**

The disciplinary appeals committee will be convened on a request of a student appealing the penalty or penalties imposed by the dean of students or designee. The student's request must be submitted in writing within ten College District business days of the date of the dean of students or designee's written administrative decision.

~~The disciplinary appeals committee shall~~will be convened:

- ~~1. On request of a student appealing a penalty other than suspension or expulsion. The request must be filed in writing, on a form provided by the College District, within ten College District business days of the date of the administration's written notice.~~
- ~~2. Automatically, if the dean of students or designee determines that a student committed misconduct warranting suspension or expulsion.~~

Composition

The disciplinary appeals committee ~~shall~~will be composed of at least four College District employees and a minimum of one current College District student, when appropriate. The members of the disciplinary appeals committee and the committee chairperson ~~shall~~will be designated according to procedures developed by the designated leadership team member. All members of the disciplinary appeals committee ~~shall~~will be eligible to vote during the hearing.

Hearing Notice

The dean of students or designee ~~shall~~will notify the student by letter of the date, time, and place for the hearing. Unless the student and the dean of students or designee otherwise agree or unless there are unforeseeable circumstances beyond the College District's control, the hearing ~~shall~~will take place within a reasonable time period, not to exceed ten College District business days after the date of the student's request for the hearing or the dean of students or designee's determination that the student should be suspended.

*Contents of  
Notice*

The notice ~~shall~~will:

1. Direct the student to appear on the date and at the time and place specified.
2. Advise the student of his or her rights:
  - a. To have a private hearing.
  - b. To be assisted by an adviser or legal counsel at the hearing.
  - c. To call witnesses, request copies of evidence in the College District's possession, and offer evidence and agreement on his or her own behalf.
  - d. To make an audio recording of the proceedings, after first notifying the dean of students or designee in advance of the hearing, or, at the student's own expense,

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to have a stenographer present at the hearing to make a stenographic transcript of the hearing.

- e. To ask questions of each witness who testifies against the student.
3. Contain the names of witnesses who will testify against the student and a description of documentary and other evidence that will be offered against the student.
4. Contain a description of the allegations of misconduct in sufficient detail to enable the student to prepare his or her defense against the charges.
5. State the proposed punishment or range of punishments that may be imposed.

Failure to Appear  
for Hearing

The disciplinary appeals committee may impose appropriate punishment upon a student who fails without good cause to appear for the hearing; for purposes of assessing punishment, the committee may proceed with the hearing in the student's absence.

Hearing Procedure

The hearing ~~shall~~will proceed as follows:

1. The chairperson ~~shall~~will read the description of the misconduct.
2. The chairperson ~~shall~~will inform the student of his or her rights.
3. The designated official or representative ~~shall~~will present the College District's case.
4. The student or representative ~~shall~~will present the student's defense.
5. The designated College District official or representative ~~shall~~will present rebuttal evidence.
6. The committee members may ask questions of witnesses testifying on behalf of the student or the College District.
7. The designated official or representative ~~shall~~will summarize and argue the College District's case.
8. The student or representative ~~shall~~will summarize and argue his or her case.
9. The designated official or representative ~~shall~~will have an opportunity for rebuttal argument.
10. The committee members ~~shall~~will deliberate in closed session. The committee members ~~shall~~will vote on the issue of

whether or not the student violated College District policies and procedures, including the rules for student conduct.

11. If the committee finds the student ~~did~~ committed misconduct, the committee ~~shall~~will determine whether the penalty assessed, or proposed in the case of suspension, by the dean of students or designee is appropriate and, if necessary, ~~shall~~will assess a different or additional penalty.
12. The committee chairperson ~~shall~~will communicate the decision and any findings of facts in support of the committee's decision to the student in writing within ten College District business days of the hearing. The notice ~~shall~~will include procedures for appealing the committee's decision to the designated leadership team member.

All hearings ~~shall~~will be recorded by the College District.

#### Evidence

Evidence ~~shall~~will be handled in accordance with the following:

1. Legal rules of evidence do not apply ~~unless otherwise required by applicable Title IX regulations~~; the committee chairperson may admit evidence or exclude evidence considered to be irrelevant, immaterial, and unduly repetitious.
2. At the hearing, the College District ~~shall~~will be required to prove by a preponderance of the evidence that the charges are true.
3. A student may not be compelled to testify.
4. The committee ~~shall~~will determine if a violation has occurred and assess an appropriate penalty based solely on the evidence presented at the hearing.

#### Appeal to College District Administration

A student may, within ~~ten~~ ~~ten~~ College District business days of receiving notice of the disciplinary appeal committee's decision, petition in writing the designated leadership team member to review the decision. The student's petition ~~shall~~will state with particularity why the decision is believed to be incorrect. After receiving notice of the appeal, the disciplinary appeals committee chairperson ~~shall~~will forward all evidence considered during the hearing, the audio recording of the hearing, and the digest of the hearing, if applicable, to the designated leadership team member.

The designated leadership team member ~~shall~~will hold a conference within ~~ten~~ ~~ten~~ College District business days after the appeal notice is filed, ~~unless there are unforeseeable circumstances beyond the College District's control~~. At the conference, the student may provide information concerning any documents or information

relied on by the committee. The designated leadership team member may set reasonable time limits for the conference. The conference ~~shall~~will be audio recorded.

The designated leadership team member ~~shall~~will provide the student a written response, stating the basis of the decision, within ten College District business days following the conference. In reaching a decision, the designated leadership team member may consider the evidence included in the student's petition, provided during the conference, and forwarded by the committee chairperson. The designated leadership team member may act to affirm, modify, remand, or reverse the decision of the disciplinary appeals committee. The designated leadership team member's decision is final and non-appealable, except when expulsion is recommended by the dean of students or designee and/or the disciplinary appeals committee ~~and affirmed by the designated leadership team member.~~

**College District  
President Review of  
Recommendation for  
Expulsion Appeal to  
Board**

Solely in the case where expulsion is recommended and affirmed, a student may appeal to the District President or designee. An appeal to the District President or designee will be held on the request of a student appealing the designated leadership team member's decision and affirmation of expulsion. The request must be submitted in writing within ten College District business days of the designated leadership team member's decision. The College District President or designee may request a meeting with the student prior to issuing a final administrative decision.

The District President or designee will review all recommendations for expulsion, whether or not the student chooses to proceed through the disciplinary appeals process. The designated leadership team member will forward the recommendation for expulsion and evidence to the District President or designee for review and final consideration. The District President or designee may act to affirm, modify, or reverse the recommendation for expulsion. The student will be notified in writing of the District President or designee's decision within ten College District business days. The College District President or designee's decision is final and non-appealable. Unless otherwise specified in writing, expulsion shall have District-wide effect and an expelled student may not enroll for admission to any campus without the District President's approval unless the expulsion has expired by its own terms.

~~If the designated leadership team member affirmed the decision of the disciplinary appeals committee's recommendation for expulsion, the student may appeal the decision to the Board. The appeal~~

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~~notice must be filed in writing, on a form provided by the College District, within ten College District business days after receipt of the written response from the designated leadership team member, or, if no response was received, within ten College District business days of the response deadline.~~

~~The designated leadership team member or designee shall~~will ~~inform the student of the date, time, and place of the Board meeting at which the appeal will be on the agenda for presentation to the Board.~~

~~The College District President or designee shall~~will ~~provide the Board the evidence presented to the designated leadership team member, as well as the audio recording of the designated leadership team member's conference with the student and~~with a copy of the student's appeal and any supporting documents provided by the student, ~~the written response provided by the designated leadership team member to the student, and a summary of the leadership team member's findings.~~

~~The College District shall~~will ~~determine whether the appeal will be presented in open or closed meeting in accordance with the Texas Open Meetings Act and other applicable law. [See BD]~~

~~The presiding officer may set reasonable time limits and guidelines for the presentation, including an opportunity for the student and the administration to each make a presentation and provide rebuttal and an opportunity for questioning by the Board. The Board shall~~will ~~hear the appeal and may request that the administration provide an explanation for the decisions at the preceding levels.~~

~~In addition to any other record of the Board meeting required by law, the Board shall~~will ~~prepare a separate record of the hearing. The hearing, including the presentation by the student or the student's representative, any presentation from the administration, and questions from the Board with responses, shall~~will ~~be recorded by audio recording, video/audio recording, or court reporter.~~

~~The Board shall~~will ~~then consider the evidence. It may give notice of its decision orally or in writing at any time up to and including the next regularly scheduled Board meeting. If for any reason the Board fails to reach a decision regarding the evidence by the end of the next regularly scheduled meeting, the lack of a response by the Board upholds the dean of students or designee, disciplinary appeals committee, and/or the designated leadership team member's decision. The Board's decision is final and non-appealable, except when considering expulsion revocation requests [see Petition to Revoke Expulsion].~~

**Petition to Revoke  
Expulsion**

Once five calendar years from the date of the College District President or designee's Board's final decision has lapsed, the student may petition to revoke the expulsion.