

**MINUTES OF THE Policies Committee Meeting OF THE BOARD OF REGENTS  
GALVESTON COMMUNITY COLLEGE DISTRICT  
4015 Avenue Q  
Galveston, Texas 77550  
Room M-220 – Moody Hall  
Wednesday, August 12, 2020  
4:30 PM**

At the Policies Committee Meeting of the Galveston Community College District Board of Regents, duly held on Wednesday, August 12, 2020, in Room M-220 Galveston College 4015 Avenue Q Galveston, Texas 77550 of Moody Hall, commencing at 4:30 PM, the following Regents were present:

Mr. George F. Black, Chairperson  
Mr. Armin Cantini, Vice Chairperson  
Mr. Raymond Lewis, Jr., Secretary  
Mrs. Barbara K. Crews  
Dr. Paul J. Cunningham  
Ms. Karen F. Flowers  
Mr. Florentino “Tino” F. Gonzalez  
Mr. Carl E. Kelly  
Mr. Carroll G. Sunseri

Faculty and staff present included Dr. W. Myles Shelton, President, Ms. Carla Biggers, Mr. M. Jeff Engbrock

- I. **Call to Order**
- II. Certification of Posting Notice of Policies Committee Meeting
- III. Consider Approval of Minutes from June 10, 2020 Meeting *(Action Item)*
- IV. Citizens Desiring to Appear Before the Committee on Agenda Items  
*(Please complete a request card prior to the start of the meeting. The Committee Chairperson may limit the time of appearance before the Committee to three minutes.)*
- V. Review and Discuss Proposed Revisions to Board Policies: DH(LOCAL), DHA(LOCAL), DIAA(LOCAL), FFDA(LOCAL), FM(LOCAL), and FMA(LOCAL)
- VI. Determine Committee Recommendation to Board of Regents Regarding the Adoption of Proposed Revisions to Board Policies: DH(LOCAL), DHA(LOCAL), DIAA(LOCAL), FFDA(LOCAL), FM(LOCAL), and FMA(LOCAL) *(Action Item)*
- VII. Adjournment

**MINUTES OF THE BOARD OF REGENTS  
POLICIES COMMITTEE MEETING  
GALVESTON COMMUNITY COLLEGE DISTRICT  
4015 Avenue Q  
Galveston, Texas 77550  
Room M-220 – Moody Hall  
June 10, 2020  
4:30 p.m.**

At the Galveston Community College District Board of Regents Policies Committee Meeting, duly held on Wednesday, June 10, 2020, in Room M-220 of Moody Hall, commencing at 4:30 p.m., the following Policies Committee members were present: Mr. Carroll G. Sunseri, Chairperson, Mr. Carl E. Kelly, Mr. Raymond Lewis, Jr., Ms. Mary R. Longoria, and Ms. Rebecca Trout Unbehagen. Other Regents attending were: Mr. Armin Cantini (*arrived at 4:51 p.m.*), Ms. Karen F. Flowers, Mr. Michael B. Hughes, and Mr. Fred D. Raschke.

Staff present included Dr. W. Myles Shelton, President, Ms. Carla Biggers, Ms. Carol Langston, and Dr. Van Patterson.

- I. **CALL TO ORDER:** Chairperson Carroll G. Sunseri opened the meeting at 4:30 p.m. in Room M-220 of Moody Hall and determined a quorum was present.
- II. **CERTIFICATION OF POSTING NOTICE OF POLICIES COMMITTEE MEETING:** Dr. Shelton confirmed that the notice of the Policies Committee Meeting had been properly posted on June 5, 2020.
- III. **CONSIDER APPROVAL OF MINUTES FROM JANUARY 15, 2020 MEETING:** A reading of the minutes from the January 15, 2020 meeting was waived. Ms. Unbehagen moved to approve the minutes as presented; Mr. Kelly seconded. The motion passed unanimously.
- IV. **CITIZENS DESIRING TO APPEAR BEFORE THE COMMITTEE ON AGENDA ITEMS:** There were no citizens desiring to appear before the Committee.

*Mr. Lewis arrived at 4:32 p.m.*

- V. **REVIEW AND DISCUSS PROPOSED REVISIONS TO LOCAL BOARD POLICIES AND REGULATIONS:** Dr. Shelton provided copies of proposed changes to local policies and regulations in the following sections: Section B – Local Governance (BBF, BBI, BD, BDB), Section C – Business and Support Services (CAA, CAIA, CAIC, CAK, CAK-Regulation, CIA, CS), Section D – Personnel (DGC, DGCA, DIAA), Section E – Instruction (EFAA, EFBA, EGC), Section F – Students (FB, FFDA, FI, FLA, FLB, FLBE, FLD), and Section G – Community and Governmental Relations (GCB, GD). Proposed changes were also published online to review prior to the meeting. Dr. Shelton informed the Committee that a majority of the proposed revisions or additions were due to changes in state statutes passed in the last legislative session. Others were being recommended either by Texas Association of School Boards (TASB) as part of the latest policy update or were housekeeping changes. Policy changes in DIAA(LOCAL) and FFDA(LOCAL) being recommended today will come back to the Committee/Board in August once TASB updates them to include new U.S. Department of Education Title IX rules.

**V. REVIEW AND DISCUSS PROPOSED REVISIONS TO LOCAL BOARD POLICIES AND REGULATIONS: *(Continued)***

Dr. Shelton reviewed each of the proposed changes suggested by TASB and staff. Mr. Lewis noted that the Community College Association of Texas Trustees (CCATT) was not included in the list of organizations in policy BBF(LOCAL) Board Members: Ethics and suggested that it should be added.

**VI. DETERMINE COMMITTEE RECOMMENDATION TO BOARD OF REGENTS REGARDING THE ADOPTION OF PROPOSED REVISIONS TO LOCAL BOARD POLICIES AND REGULATIONS:** Mr. Kelly moved to recommend to the Board of Regents that the proposed revisions to the local policies and regulations discussed be adopted with the addition of CCATT to policy BBF(LOCAL); Ms. Longoria seconded. The motion passed unanimously.

**VII. ADJOURNMENT:** There being no further business to come before the Policies Committee, the meeting adjourned at 5:08 p.m.

APPROVED AS CORRECT:

---

Carla D. Biggers, Clerk

---

Carroll G. Sunseri, Chairperson

Review and Discuss Proposed Revisions to Board Policies  
DH(LOCAL), DHA(LOCAL), DIAA(LOCAL),  
FFDA(LOCAL), FM(LOCAL), and FMA(LOCAL)

Staff will present proposed revisions to the following Board Policies for review by the Policies Committee: DH(LOCAL), DHA(LOCAL), DIAA(LOCAL), FFDA(LOCAL), FM(LOCAL), and FMA(LOCAL). Following discussion, the Committee will determine a recommendation to the Board of Regents regarding these proposed local policies.

**GALVESTON COLLEGE  
PROPOSED BOARD POLICIES**

Policy		Policy Title	Comments
DH	Local	Employee Standards of Conduct: <del>Code of Professional Ethics</del>	The Code of Professional Ethics has been moved from DH to DHA. Standards of Conduct has been updated to include statements requiring employees to perform their duties in accordance with state and federal law. This completely revised policy includes new sections on Ethical Standards, Violations, Electronic Media, Safety Requirements, Tobacco and E-cigarettes, Alcohol and Drugs, and Arrests, Indictments, Convictions, and Other Adjudications.
DHA	Local	Employee Standards of Conduct: Code of Professional Ethics	New Policy - the Code of Professional Ethics has been moved from DH to DHA.
DIAA	Local	Freedom from Discrimination, Harassment, and Retaliation: Sex and Sexual Violence	See attached comments.
FFDA	Local	Freedom from Discrimination, Harassment, and Retaliation: Sex and Sexual Violence	See attached comments.
FM	Local	Student Discipline and Penalties	Adds an exception to this policy to indicate that report of sex discrimination and sexual harassment must be submitted and handled in accordance with DIAA and FFDA.
FMA	Local	Student Discipline and Penalties: Discipline Hearing Procedures	Adds an exception to this policy to indicate that report of sex discrimination and sexual harassment must be submitted and handled in accordance with DIAA and FFDA.

## COMMENTS

### DIAA - FREEDOM FROM DISCRIMINATION, HARASSMENT, AND RETALIATION: SEX AND SEXUAL VIOLENCE

This policy was revised at Discrimination to reflect U.S. Supreme Court's holding in *Bostock v. Clayton County* that the Title VII prohibition on discrimination on the basis of sex applies to discrimination on the basis of gender identity and sexual orientation.

In response to the new Title IX regulations, the overall structure of the policy has been expanded to encompass not only the investigation procedures but also initial disciplinary steps. Recommended revisions include the following:

- To comply with the new definition of *sexual harassment*, Domestic Violence was added to the policy under Sexual Harassment. In addition, Sexual Violence, Dating Violence, and Stalking were brought under the Sexual Harassment heading. Examples of the terms were also added.
- At Disclosure at Event, officials and employees with authority to institute corrective measures must report sexual harassment allegations shared at an event.
- The broad definition of college district official was removed to focus on the Title IX coordinator. Additionally, the Title IX coordinator contact information was amended to reflect that the regulations permit the name or position of the coordinator to be listed instead of both and require the coordinator's email to be published. The option to publish the Title IX/Sexual Misconduct webpage link was added.
- The college district may Consolidate Reports arising from the same facts or circumstances.
- All parties are allowed to select an Advisor to assist during proceedings.
- At Conflict of Interest Prohibited, any person designated as the Title IX coordinator, a deputy Title IX coordinator, an investigator, a decision-maker, or a facilitator must not have a conflict of interest in a given case. They must have completed Training as required by law.
- At Initial Assessment, the Title IX coordinator must offer supportive measures to the victim and consider any request not to investigate before moving forward with the investigation.
- A report shall not be considered a Formal Complaint under Title IX unless signed by the complainant or the Title IX coordinator.
- The college district must provide Notice to Parties.
- Informal Resolution is only available if a formal complaint is filed under Title IX.
- The steps required to conduct a College District Investigation are discussed. The timeline for Concluding the Investigation is now 30 days.
- Investigations are submitted to a designated decision-maker who decides, as a result of a hearing, if Discipline or Corrective Action is warranted.
- At Dismissal of Complaint, the policy describes circumstances for mandatory and permissive dismissal of a complaint and the required notice.

- More specifics have been added under Appeal, organized by the party bringing the appeal and the reasons for the appeal.
- The list of individuals who must be provided Access to Policy, Procedures, and Related Materials has been expanded.
- Timelines for the various steps have been added throughout the policy.

Additional changes were made for clarity, including the addition of the definitions of *Complainant* and *Respondent*, as well as the definition of *Days* and procedures for the Extension of Timelines. Changes were also made for consistency and policy style.

### **FFDA - FREEDOM FROM DISCRIMINATION, HARASSMENT, AND RETALIATION: SEX AND SEXUAL VIOLENCE**

In response to the new Title IX regulations, the overall structure of the policy has been expanded to encompass not only the investigation procedures but also initial disciplinary steps. Recommended revisions include the following:

- To comply with the new Title IX definition of sexual harassment, Domestic Violence was added to the policy under Sexual Harassment. In addition, Sexual Violence, Dating Violence, and Stalking were also brought under the Sexual Harassment heading. Examples of the terms were also added.
- At Disclosure at Event, officials and employees with authority to institute corrective measures must report sexual harassment allegations shared at an event.
- The broad definition of college district official was removed to focus on the Title IX coordinator. Additionally, the Title IX coordinator contact information was amended to reflect that the regulations permit the name or position of the coordinator to be listed instead of both and require the coordinator's email to be published. The option to publish the Title IX/Sexual Misconduct webpage link was added.
- The college district may Consolidate Reports arising from the same facts or circumstances.
- All parties are allowed to have an Advisor to assist during proceedings.
- At Conflict of Interest Prohibited, any person designated as the Title IX coordinator, a deputy Title IX coordinator, an investigator, a decision-maker, or a facilitator must not have a conflict of interest in a given case. They must have completed Training as required by law.
- At Initial Assessment, the Title IX coordinator must offer supportive measures to the victim and consider any request not to investigate before moving forward with the investigation.
- If a victim makes a Request Not to Investigate a complaint, the report shall not be considered a formal complaint under Title IX unless signed by the Title IX coordinator.
- The college district must provide Notice to Parties.

- Informal Resolution is only available if a formal complaint is filed under Title IX.
- The steps required to conduct a College District Investigation are discussed. The timeline for Concluding the Investigation is now 30 days.
- Investigations are submitted to a designated decision-maker who decides, as a result of a hearing, if Discipline or Corrective Action is warranted.
- At Dismissal of Complaint, the policy describes circumstances for mandatory and permissive dismissal of a complaint and the required notice.
- More specifics have been added under Appeal, organized by the party bringing the appeal and the reasons for the appeal.
- The list of individuals who must be provided Access to Policy, Procedures, and Related Materials has been expanded.
- Timelines for the various steps have been added throughout the policy.

Additional changes were made for clarity, including the addition of the definitions of *Complainant* and *Respondent* as well as the definition of *Days* and procedures for the Extension of Timelines. Changes were also made for consistency and policy style.

Galveston College  
084502

EMPLOYEE STANDARDS OF CONDUCT: ~~CODE OF PROFESSIONAL ETHICS~~

DH  
(LOCAL)

~~STATEMENT OF ETHICS AND PHILOSOPHY~~

~~It is the policy of Galveston College to apply the highest ethical standards to all members of the College community including the Board of Regents, administration, staff, and faculty in achieving its mission, and in managing its resources efficiently and effectively to reach its goals and objectives. The College seeks to treat each person of the College community as a unique individual and to provide a positive, encouraging, and success-oriented environment. College policies and practices that protect the rights and development of each individual in the College community shall be enforced. Protection from unlawful discrimination, including conduct that constitutes sexual harassment and freedom to develop as a student and/or College employee, shall be promoted.~~

~~The College accepts its responsibilities to its students, to its employees, and to the members of the community. The College is committed to meet these responsibilities with balance, fairness, accountability, and ethical integrity.~~

~~EMPLOYEE ETHICS~~

~~The employees of Galveston College affirm the inherent worth and dignity of all persons and the right of all persons to learn. Learning best occurs in an environment devoted to the pursuit of truth, excellence, and liberty. These flourish where both freedom and responsibility are esteemed. In order to more adequately express the affirmation of our professional responsibilities, we the employees of Galveston College hold ourselves and each other subject to, the following Code of Professional Ethics:~~

- ~~1. We shall treat all persons with respect, dignity, and justice, discriminating against no one on any arbitrary basis such as ethnicity, creed, gender, disability, social station, or age.~~
- ~~2. We shall strive to help each student realize his or her full potential as a learner, a scholar, and as a human being.~~
- ~~3. We shall by example and action encourage and defend the unfettered pursuit of truth by both colleagues\* and students supporting the free exchange of ideas, observing the highest~~

~~standards of academic honesty, integrity, and seeking always an attitude of scholarly objectivity and tolerance of other viewpoints.~~

- ~~4. We, recognizing the necessity of many roles in the educational enterprise, shall work in such a manner as to enhance cooperation and collegiality among students, faculty, administrators, and non-academic personnel.~~
- ~~5. We shall recognize and preserve the confidential nature of professional relationships, neither disclosing nor encouraging the disclosure of information or rumor which might damage or embarrass or violate the privacy of any other person.~~
- ~~6. We shall maintain competence through continued professional development, shall demonstrate that competence through consistently adequate preparation and performance, and shall seek to enhance that competence by accepting and appropriating constructive criticism and evaluation.~~
- ~~7. We shall exercise the highest professional standards and shall make the most judicious and effective use of the college's time and resources.~~
- ~~8. We, recognizing the needs and rights of others as embodied in the institution, shall fulfill the employment agreement both in spirit and in fact, shall give reasonable notice upon resignation, and shall neither accept tasks for which we are not qualified, nor assign tasks to unqualified persons.~~
- ~~9. We shall support the goals and ideals of the institution and shall act in public and private affairs in such a manner as to bring credit to the institution.~~
- ~~10. We shall not engage in sexual harassment of students or colleagues and shall adhere to the College's policy that prohibits sexual misconduct.~~
- ~~11. We shall observe the stated policies and procedures of the College, reserving the right to seek revision in a judicious and appropriate manner.~~
- ~~12. We shall participate in the governance of the College by accepting a fair share of committee and institutional responsibilities.~~

~~13. We shall support the right of all to academic freedom and due process, and defend and assist those accused of wrongdoing, incompetence, or other serious offense so long as the individual's innocence may reasonably be maintained.~~

~~14. We shall not support a colleague or an individual who is known to be persistently unethical or professionally incompetent.~~

~~15. We shall accept all the rights and responsibilities of citizenship, including participation in the formulation of public policy, always avoiding use of the privileges of his or her public position for private or partisan advantage.~~

~~\*In this code the term "colleague" refers to administrators, teachers, nonacademic personnel, and any other persons employed by the College in the educational enterprise. Reference: TCCTA, 1997.~~

---

EMPLOYEE STANDARDS OF CONDUCT

DH  
(LOCAL)

All College District employees shall perform their duties in accordance with state and federal law, College District policy, and ethical standards.

All College District personnel shall recognize and respect the rights of students, other employees, and members of the community and shall work cooperatively with others to serve the best interests of the College District.

Employees wishing to express concern, complaints, or criticism shall do so through appropriate channels. [See College Complaint Procedure]

**Ethical Standards**

The College District holds all employees to the ethical standards expressed in the Code of Professional Ethics as set forth in local policy DHA.

**Violations**

Employees shall comply with the standards of conduct set out in this policy and with any other policies, regulations, procedures, and guidelines that impose duties, requirements, or standards attendant to their status as College District employees. Violation of any policies, regulations, or guidelines may result in disciplinary action, including termination of employment.

**Electronic Media**

Electronic media includes all forms of social media, such as text messaging, instant messaging, electronic mail (email), web logs (blogs), electronic forums (chat rooms), video-sharing websites, editorial comments posted on the internet, and social network sites. Electronic media also includes all forms of telecommunication, such as landlines, cell phones, and web-based applications.

**Record Retention**

An employee shall comply with the College District's requirements for records retention and destruction to the extent those requirements apply to electronic media. [See CIA and GCB]

**Personal Use**

Employees shall be held to the same professional standards in their public use of electronic media as they are for any other public conduct. If an employee's use of electronic media violates state or federal law or College District policy, or interferes with the employee's ability to effectively perform his or her job duties, the employee is subject to disciplinary action, up to and including termination of employment.

**Safety Requirements**

All employees shall adhere to College District safety rules and regulations and shall report unsafe conditions or practices to the appropriate supervisor.

**Tobacco and E-cigarettes**

An employee shall not use tobacco products or e-cigarettes on College District property, in College District vehicles, or at College

EMPLOYEE STANDARDS OF CONDUCT

DH  
(LOCAL)

District-related activities, unless authorized by the President or designee.

An employee shall not give or sell tobacco products or e-cigarettes to a person in violation of law.

**Alcohol and Drugs**

A copy of this policy, the purpose of which is to eliminate drug abuse from the workplace, shall be available to each employee and shall be posted on the College's website.

Employees shall not manufacture, distribute, dispense, possess, use, or be under the influence of any of the following substances during working hours while on College District property or at College District-related activities during or outside of usual working hours:

1. Any controlled substance or dangerous drug as defined by law, including but not limited to marijuana, any narcotic drug, hallucinogen, stimulant, depressant, amphetamine, or barbiturate.
2. Alcohol or any alcoholic beverage.
3. Any abusable glue, aerosol paint, or any other chemical substance for inhalation.
4. Any other intoxicant, or mood-changing, mind-altering, or behavior-altering drugs.

An employee need not be legally intoxicated to be considered "under the influence" of a controlled substance.

**Exceptions**

It shall not be considered a violation of this policy if the employee:

1. Manufactures, possesses, or dispenses a substance listed above as part of the employee's job responsibilities;
2. Uses or possesses a controlled substance or drug authorized by a licensed physician prescribed for the employee's personal use;
3. Possesses a controlled substance or drug that a licensed physician has prescribed for the employee's child or other individual for whom the employee is a legal guardian;
4. Cultivates, possesses, transports, or sells hemp as authorized by law; or,
5. Possesses, sells, or distributes Dextromethorphan.

The College President may waive the provisions herein related to intoxicating beverages (alcohol) with respect to the Culinary Arts

EMPLOYEE STANDARDS OF CONDUCT

DH  
(LOCAL)

Program, other specific instructional programs, or for any specific affair or official function that is sponsored by the College.

Notice

Each employee shall be given a copy of the College District's notice regarding a drug-free workplace. [See DI(EXHIBIT)]

**Arrests, Indictments, Convictions, and Other Adjudications**

An employee shall notify his or her immediate supervisor within three calendar days of any arrest, indictment, conviction, no contest or guilty plea, or other adjudication of the employee for any felony or offense involving moral turpitude.

Moral Turpitude

Moral turpitude includes but is not limited to:

1. Dishonesty, fraud, deceit, theft, or misrepresentation;
2. Deliberate violence;
3. Base, vile, or depraved acts that are intended to arouse or gratify the sexual desire of the actor;
4. Felony possession, transfer, sale, distribution, or conspiracy to possess, transfer, sell, or distribute any controlled substance defined in Chapter 481 of the Health and Safety Code;
5. Acts constituting public intoxication, operating a motor vehicle while under the influence of alcohol, or disorderly conduct, if any two or more acts are committed within any 12-month period; or
6. Acts constituting abuse under the Texas Family Code.

Galveston College  
084502

**EMPLOYEE STANDARDS OF CONDUCT:  
CODE OF PROFESSIONAL ETHICS**

**DHA  
(LOCAL)**

**STATEMENT  
OF ETHICS  
AND  
PHILOSOPHY**

It is the policy of Galveston College to apply the highest ethical standards to all members of the College community including the Board of Regents, administration, staff, and faculty in achieving its mission, and in managing its resources efficiently and effectively to reach its goals and objectives. The College seeks to treat each person of the College community as a unique individual and to provide a positive, encouraging, and success-oriented environment. College policies and practices that protect the rights and development of each individual in the College community shall be enforced. Protection from unlawful discrimination, including conduct that constitutes sexual harassment and freedom to develop as a student and/or College employee, shall be promoted.

The College accepts its responsibilities to its students, to its employees, and to the members of the community. The College is committed to meet these responsibilities with balance, fairness, accountability, and ethical integrity.

**EMPLOYEE  
ETHICS**

The employees of Galveston College affirm the inherent worth and dignity of all persons and the right of all persons to learn. Learning best occurs in an environment devoted to the pursuit of truth, excellence, and liberty. These flourish where both freedom and responsibility are esteemed. In order to more adequately express the affirmation of our professional responsibilities, we the employees of Galveston College hold ourselves and each other subject to, the following Code of Professional Ethics:

1. We shall treat all persons with respect, dignity, and justice, discriminating against no one on any arbitrary basis such as ethnicity, creed, gender, disability, social station, or age.
2. We shall strive to help each student realize his or her full potential as a learner, a scholar, and as a human being.
3. We shall by example and action encourage and defend the unfettered pursuit of truth by both colleagues\* and students supporting the free exchange of ideas, observing the highest standards of academic honesty, integrity, and seeking always

an attitude of scholarly objectivity and tolerance of other viewpoints.

4. We, recognizing the necessity of many roles in the educational enterprise, shall work in such a manner as to enhance cooperation and collegiality among students, faculty, administrators, and non-academic personnel.
5. We shall recognize and preserve the confidential nature of professional relationships, neither disclosing nor encouraging the disclosure of information or rumor which might damage or embarrass or violate the privacy of any other person.
6. We shall maintain competence through continued professional development, shall demonstrate that competence through consistently adequate preparation and performance, and shall seek to enhance that competence by accepting and appropriating constructive criticism and evaluation.
7. We shall exercise the highest professional standards and shall make the most judicious and effective use of the college's time and resources.
8. We, recognizing the needs and rights of others as embodied in the institution, shall fulfill the employment agreement both in spirit and in fact, shall give reasonable notice upon resignation, and shall neither accept tasks for which we are not qualified, nor assign tasks to unqualified persons.
9. We shall support the goals and ideals of the institution and shall act in public and private affairs in such a manner as to bring credit to the institution.
10. We shall not engage in sexual harassment of students or colleagues and shall adhere to the College's policy that prohibits sexual misconduct.
11. We shall observe the stated policies and procedures of the College, reserving the right to seek revision in a judicious and appropriate manner.
12. We shall participate in the governance of the College by accepting a fair share of committee and institutional responsibilities.

13. We shall support the right of all to academic freedom and due process, and defend and assist those accused of wrongdoing, incompetence, or other serious offense so long as the individual's innocence may reasonably be maintained.
14. We shall not support a colleague or an individual who is known to be persistently unethical or professionally incompetent.
15. We shall accept all the rights and responsibilities of citizenship, including participation in the formulation of public policy, always avoiding use of the privileges of his or her public position for private or partisan advantage.

\*In this code the term "colleague" refers to administrators, teachers, nonacademic personnel, and any other persons employed by the College in the educational enterprise. Reference: TCCTA, 1997.

---

FREEDOM FROM DISCRIMINATION, HARASSMENT, AND RETALIATION  
SEX AND SEXUAL VIOLENCE

DIAA  
(LOCAL)

---

**Note:** This policy addresses **employee** complaints of sex and gender discrimination, sexual harassment, sexual violence, dating violence, **domestic violence**, stalking, and retaliation **targeting employees**. For **additional** legally referenced material relating to **this subject matter discrimination, harassment, and retaliation**, see DAA(LEGAL). For sex discrimination, sexual harassment, sexual violence, dating violence, **domestic violence**, stalking, and retaliation targeting students, see FFDA.

---

**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 **and is prohibited**.

**Definitions**

Employee

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

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.

**In accordance with law, discrimination on the basis of sex includes discrimination on the basis of biological sex, gender identity, sexual orientation, gender stereotypes, or any other prohibited basis related to sex.**

Sexual Harassment

Sexual 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 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.

*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.

FREEDOM FROM DISCRIMINATION, HARASSMENT, AND RETALIATION  
SEX AND SEXUAL VIOLENCE

DIAA  
(LOCAL)

~~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; sexual assault as defined by law; offensive or derogatory language directed at another person's gender identity; and other sexually motivated conduct, communication, or contact.~~

*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. ~~For the purposes of this definition, dating violence includes, but is not limited to, sexual or physical abuse or the threat of such abuse. Dating violence does not include acts covered under the Clery Act definition of domestic violence [see FA].~~

*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:

FREEDOM FROM DISCRIMINATION, HARASSMENT, AND RETALIATION  
SEX AND SEXUAL VIOLENCE

DIAA  
(LOCAL)

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 an employee may include sexual advances; touching intimate body parts; coercing or forcing a sexual act on another; jokes or conversations of a sexual nature; sexual assault as defined by law; offensive or derogatory language directed at another person's gender identity; and other sexually motivated conduct, communication, 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 employee, the employee's family members, or members of the employee's household; destroying the employee's property; threatening to commit suicide or homicide if the employee ends the relationship; tracking the employee; attempting to isolate the employee from friends and family; threatening an employee's spouse or partner; or encouraging others to engage in these behaviors.

**Prohibited Conduct** In this policy, the term "prohibited conduct" includes discrimination, sexual 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 employee who is alleged to have experienced prohibited conduct.

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

**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**

Reporting by  
Alleged Victim

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.

An employee who believes that he or she has experienced prohibited conduct may report the alleged acts to his or her immediate

supervisor, to the Title IX coordinator, or to the President or designee. ~~Additionally, the employee may report electronically through the College District's website.~~

~~A report~~ Reports against the Title IX coordinator may be directed to the College President or designee. A report against the 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. An employee shall not be required to report prohibited conduct to the person alleged to have committed the conduct.

Alternatively, the employee may report electronically through the College District's website.

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.

Reporting by Other  
Employees

Any employee who believes that another employee has experienced prohibited conduct, regardless of when or where the incident occurred, shall immediately report the alleged acts to the Title IX coordinator. Additionally, the employee may report to the President or designee.

A report against the 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.

*Exceptions*

Disclosure at  
Event

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 an employee organization affiliated with the institution is not required to report the prohibited conduct unless the person has authority to institute corrective measures on behalf of the College District.

Employee  
Subject to  
Confidentiality  
Rules

Absent the employee'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 employee'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

FREEDOM FROM DISCRIMINATION, HARASSMENT, AND RETALIATION  
SEX AND SEXUAL VIOLENCE

DIAA  
(LOCAL)

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.

~~Definition of College District Officials For the purposes of this policy, College District officials are the Title IX Coordinator and the President or designee.~~

**Title IX Coordinator** Reports of discrimination based on sex, including sexual 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: Dr. Mary Jan Lantz  
Address: 4015 Avenue Q, Galveston, TX 77550  
Telephone: 409.944.1281  
Email: [TitleIXCoordinator@gc.edu](mailto:TitleIXCoordinator@gc.edu)  
Webpage: [gc.edu/campus-security-safety/incident-report](http://gc.edu/campus-security-safety/incident-report)

~~Other Anti-discrimination Laws The President or designee shall serve as coordinator for purposes of College District compliance with all other antidiscrimination laws.~~

**Responsible Employees** All employees, with the exception of confidential employees, are designated as responsible employees for purposes of compliance with Title IX.

**Timely Reporting** ~~Reports of prohibited conduct shall be made as soon as possible after the alleged act or knowledge of the alleged act.~~ A failure to promptly immediately report prohibited conduct may impair the College District’s ability to investigate and address the prohibited conduct.

**Consolidate Reports** When the allegations underlying two or more complaints arise out of the same facts or circumstances, the College District may consolidate the complaints.

**Advisor** Each party to a 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.

FREEDOM FROM DISCRIMINATION, HARASSMENT, AND RETALIATION  
SEX AND SEXUAL VIOLENCE

DIAA  
(LOCAL)

**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. A limited delay determined to be necessary so as not to impede a criminal or regulatory investigation shall constitute good cause for an extension of timelines established by this policy and associated procedures.

**Investigation of the Report**

The College District may request, but shall not insist upon, a written report. If a report is made orally, the ~~College District official~~ Title IX coordinator or designee shall reduce the report to written form.

Initial Assessment

Upon receipt or notice of a report, the ~~College District official~~ Title IX coordinator shall determine whether the allegations, if proven, would constitute prohibited conduct as defined by this policy. If so, ~~the College District official shall immediately authorize or undertake an investigation, regardless of whether a criminal or regulatory investigation regarding the same or similar allegations is pending,~~ 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 ~~College District official~~ 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 ~~College District official~~ Title IX coordinator shall refer the complaint for consideration under the appropriate policy.

*Request Not to Investigate*

The complainant may request that the College District not investigate the allegations. If the complainant requests that the allega-

FREEDOM FROM DISCRIMINATION, HARASSMENT, AND RETALIATION  
SEX AND SEXUAL VIOLENCE

DIAA  
(LOCAL)

tions 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.

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	<p>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.</p> <p>If the allegations are subsequently amended, the College District shall provide an updated notice reflecting the new allegations.</p>
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 a formal 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 ten 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.
Formal Resolution	If the complaint is not subject to the informal resolution process, the Title IX coordinator shall authorize or undertake an 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 prevent 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 work accommodations, such as leaves of ab-

sence or administrative leave; mutual restrictions on contact between the parties; counseling and health services; and increased security and monitoring of certain areas of the campus.

College District  
Investigation

The investigation may be conducted by the ~~College District official~~ Title IX coordinator or a designee or by a third party designated by the College District, such as an attorney. When appropriate, the supervisor shall be involved in or informed of the investigation.

The investigation may consist of personal interviews with the ~~person making the report, the person against whom the report is filed~~ 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 alleged victim may request that the College District not investigate the allegations. If the victim 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.~~

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

Interim Action

~~If appropriate, the College District shall promptly take interim action calculated to prevent prohibited conduct and protect the victim from retaliation prior to the completion of the investigation.~~

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 ten days prior to the completion of the investigation ~~Examples of possible accommodations and supportive measures include work accommodations, counseling, and health services.~~ 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.

Concluding the  
Investigation

~~Absent extenuating circumstances, the~~ The investigation shall be completed within ~~10 College business days~~ a reasonable time, not to exceed 30 days from the date of the report.

FREEDOM FROM DISCRIMINATION, HARASSMENT, AND RETALIATION  
SEX AND SEXUAL VIOLENCE

DIAA  
(LOCAL)

The investigator shall prepare a written report of the investigation. The investigation report shall be filed with the ~~College District official~~ 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 law, to the complainant and the respondent promptly following receipt. The parties shall be given ten days to respond to the report.

College District Action

~~If the results of an investigation indicate~~ The Title IX coordinator shall submit the investigation report to the decision maker as designated by the President promptly after receipt of the parties' response, but no later than the expiration of the parties' deadline to respond.

The decision maker as designated by the President shall summon the parties for a hearing to be held within a reasonable time, not to exceed ten days. The hearing shall be conducted in accordance with law and College District procedures.

After the hearing, the decision maker as designated by the President shall determine whether each individual allegation of prohibited conduct occurred using a preponderance of evidence standard and determine the appropriate disciplinary or corrective action. In making the determination, the decision maker as designated by the President 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 decision maker as designated by the President 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 decision maker as designated by the President determines that prohibited conduct occurred, the College District shall 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, even if the conduct did not rise to the level of prohibited or unlawful conduct.

Examples of disciplinary or corrective action may include:

- Implementing the disciplinary measures described in college policy and/or procedures;
- Providing a training program for those involved in the complaint;

FREEDOM FROM DISCRIMINATION, HARASSMENT, AND RETALIATION  
SEX AND SEXUAL VIOLENCE

DIAA  
(LOCAL)

- Providing a comprehensive education program for the College District community;
- Providing counseling for the victim and the student who engaged in prohibited conduct;
- Permitting the victim or student 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 employees 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.

*Improper Conduct*

If the decision maker as designated by the President 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 decision maker as designated by the President 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 ~~persons against whom complainant or the respondent or a person who makes a report or serves is filed and witnesses~~ or as a witness. Limited disclosures may be necessary ~~in order to conduct a thorough investigation to~~ carry out the purposes of this policy and associated regulations and to comply with applicable law.

**Retaliation** The College District prohibits retaliation against ~~an employee who makes any person for the purpose of interfering with a claim alleging to have experienced prohibited conduct, 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 FFDA, as appropriate.

**Examples** Examples of retaliation may include termination, refusal to hire, demotion, and denial of promotion. Retaliation may also include threats, unjustified negative evaluations, unjustified negative references, or increased surveillance.

**Failure to Report and False Claims** An employee who fails to make a required report or an employee or student who intentionally makes a false claim, offers a false statements, or refuses to cooperate with a College District investigation regarding prohibited conduct shall be subject to appropriate disciplinary action.

**Appeal** If the decision maker as designated by the President determines that a contract employee committed prohibited conduct that warrants suspension without pay or termination mid-contract, the decision maker as designated by the President shall inform the employee in writing of the determination, and if requested, a hearing shall be scheduled in accordance with DMAA.

Discipline or  
Corrective Action

Employees

- Suspension Without Pay or Termination of Contract Employees

Other Action

If the decision maker as designated by the President determines that the employee committed prohibited conduct that warrants other discipline or corrective action, the decision maker as designated by the President shall inform the employee that the employee may appeal the determination within ten days in accordance with the College's grievance procedures.

FREEDOM FROM DISCRIMINATION, HARASSMENT, AND RETALIATION  
SEX AND SEXUAL VIOLENCE

DIAA  
(LOCAL)

<i>Students</i>	
Suspension	If the decision maker as designated by the President 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 President or designee. A conference shall be scheduled within ten days of the notice of determination in accordance with FMA, beginning at Appeal to the College District Administration.
Expulsion	If the decision maker as designated by the President 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 President or designee to schedule an expulsion hearing as provided for in College policy and procedures.
Other Action	If the decision maker as designated by the President determines that the student committed prohibited conduct that warrants other discipline or corrective action, the decision maker as designated by the President shall inform the student that the student may appeal the determination within ten days in accordance with FMA, beginning at Appeal to the College District Administration.
Other Appeals	All other appeals related to this policy may be submitted through the applicable grievance policy and/or procedures beginning at the appropriate level. [See <del>DGBA(LOCAL)</del> Employee Handbook for employees, FLD(LOCAL) for students, and GB(LOCAL) for community members]
Complaints Filed with State or Federal Agencies	A party <del>may have a</del> shall be informed of any right to file a complaint with appropriate state or federal agencies.
<b>Records Retention</b>	Retention of records shall be in accordance with the College District's records retention procedures. [See CIA]
<b>Access to Policy, Procedures, and Related Materials</b>	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, <del>and students, and parents or guardians of dual credit</del> 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 <del>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</del> shall also be prominently published on the College District's website on a dedicated page accessible through

FREEDOM FROM DISCRIMINATION, HARASSMENT, AND RETALIATION  
SEX AND SEXUAL VIOLENCE

DIAA  
(LOCAL)

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 an employee who makes a report.

---

**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). 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 **in-order** to participate in a **school 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.

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

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

**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.~~

*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*

~~"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. For the purposes of this definition, dating violence includes, but is not limited to, sexual or physical abuse or the threat of such abuse. Dating violence does not include acts covered under the Clery Act definition of domestic violence.~~

*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 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.

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 President or designee, or another employee. A report against the 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 President or designee.

A report against the 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.

*Exceptions*

Disclosure at Event

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.

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.

**Definition of College District Officials**

~~For the purposes of this policy, College District officials are the Title IX coordinator and the President or designee.~~

**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: Dr. Mary Jan Lantz  
Address: 4015 Avenue Q, Galveston, TX 77550  
Telephone: 409.944.1281  
Email: [TitleIXCoordinator@gc.edu](mailto:TitleIXCoordinator@gc.edu)  
Webpage: [gc.edu/campus-security-safety/incident-report](http://gc.edu/campus-security-safety/incident-report)

**Responsible Employees**

All employees, with the exception of confidential employees, are designated as responsible employees for purposes of compliance with Title IX.

~~Other Anti-discrimination Laws~~

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

**Alternative Reporting Procedures**

~~A student shall 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 coordinator, may be directed to the President.~~

~~A report against the President may be made to the Title IX Coordinator or directly to the Board. If a report is made directly to the Board, the Board shall appoint an appropriate person to conduct an investigation.~~

**Timely Reporting**

~~Reports of prohibited conduct shall be made as soon as possible after the alleged act or knowledge of the alleged act.~~ A failure to immediately report **prohibited conduct** may impair the College District's ability to investigate and address the **prohibited** conduct.

FREEDOM FROM DISCRIMINATION, HARASSMENT, AND RETALIATION  
SEX AND SEXUAL VIOLENCE

FFDA  
(LOCAL)

<b>Consolidate Reports</b>	When the allegations underlying two or more reports arise out of the same facts or circumstances, the College District may consolidate the reports.
<b>Advisor</b>	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.
<b>Conflict of Interest Prohibited</b>	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.
<b>Training</b>	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.
<b>Days</b>	"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."
<b>Extension of Timelines</b>	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.
<b>Investigation of the Report</b>	The College District may request, but shall not require, a written report. If a report is made orally, the <del>College District official</del> Title IX coordinator or designee shall reduce the report to written form.
Initial Assessment	<p>Upon receipt or notice of a report, the <del>College District official</del> 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 <del>official</del> moves forward with the investigation, the Title IX coordinator shall immediately <del>notify</del> provide notice to the known parties to the complaint <del>of the allegations and the formal and informal options for resolution to the complaint.</del></p> <p>If the <del>College District official</del> 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 <del>College District official</del> Title IX coordinator shall refer the complaint for consideration under the appropriate policy.</p>

<i>Request Not to Investigate</i>	<p>The <b>alleged-victim complainant</b> may request that the College District not investigate the allegations. If the <b>victim complainant</b> 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.</p> <p>The College District <b>must shall</b> promptly notify the <b>alleged-victim complainant</b> of the decision regarding whether it will conduct the investigation. If the College District decides not to investigate the allegations, the College District <b>must shall</b> take reasonable steps to protect the health and safety of the College District community.</p>
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	<p>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.</p> <p>If the allegations are subsequently amended, the College District shall provide an updated notice reflecting the new allegations.</p>
Informal Resolution	<p>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 <b>in writing</b> to participate in informal resolution of the complaint, the <b>College-District-official Title IX coordinator</b> shall determine <b>within three days</b> if informal resolution is appropriate for the complaint. If the <b>College-District-official Title IX coordinator</b> determines that informal resolution is appropriate, then the <b>College-District-official Title IX coordinator</b> or designee may facilitate that resolution <b>within ten days</b>. If the <b>College-District-official Title IX coordinator</b> does not determine informal resolution to be appropriate, then the complaint will be subject to the formal resolution process. <b>This process is not available in situations where an employee is alleged to have sexually harassed a student.</b></p>
Formal Resolution	<del>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 shall authorize or undertake an investigation, except as provided below at Criminal Investigation.</del> 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.

~~Interim Action~~

~~If appropriate and regardless of whether a criminal or regulatory investigation regarding the alleged conduct is pending, the College District shall promptly take interim action calculated to address prohibited conduct and protect the victim from retaliation prior to the completion of the College District's investigation. Examples of possible accommodations and supportive measures include academic accommodations, housing and dining modifications, counseling, and health services.~~

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 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 College District official or a designee or by a third party designated by the College District, such as an attorney. The investigator shall have received appropriate training regarding the issues related to the complaint and the relevant College District's policy and procedures.~~

~~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.~~

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 circum-

stances 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 ten 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~~

~~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 ten College District business days from the date of the report; however, the investigator shall take additional time if necessary to complete a thorough investigation.~~

~~The investigator shall prepare a written report of the investigation. The report shall be filed with the College District official overseeing the investigation.~~

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  
Outcome Report

~~The College District shall 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~~

**College District  
Action**

~~against whom the complaint is filed. The parties shall be given the opportunity to respond to 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 respondent promptly following receipt. The parties shall be given ten days to respond to the report.

~~The College District shall determine, based on the results of the investigation, whether each individual allegation of misconduct occurred using a preponderance of the evidence standard. If the results of an investigation indicate that prohibited conduct occurred, the College District shall 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]~~

The Title IX coordinator shall submit the investigation report and any response from the parties to the decision maker as designated by the President promptly after receipt of the parties' response but no later than the expiration of the parties' deadline to respond.

The decision maker as designated by the President shall summon the parties for a hearing to be held within a reasonable time, not to exceed ten 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 decision maker as designated by the President 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 decision maker as designated by the President 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 decision maker as designated by the President 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 ~~results of an investigation indicate~~ decision maker as designated by the President determines that prohibited conduct occurred, the College District shall 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].~~

Examples of disciplinary or corrective action may include:

- Implementing the disciplinary measures described in college policies and procedures 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 **student-party** who engaged in prohibited conduct;
- 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; **and**
- Reaffirming the College District’s policy against discrimination and harassment; **and,**
- Taking other actions described in College District policies, procedures, and regulations.

*Exception*

The College District shall minimize attempts to require a **student who complains of sexual harassment 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 investigation reveals improper conduct** If the decision maker as designated by the President 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	<p>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.</p> <p>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.</p>
Notice of Dismissal	<p>Upon dismissal of a complaint, the Title IX coordinator or the decision maker as designated by the President shall provide the parties written notice of the dismissal.</p>
<b>Confidentiality</b>	<p><del>To the greatest extent possible, consistent with law, the College District shall 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.</del> To the greatest extent possible, consistent with law, the College District shall respect the privacy of the complainant or the respondent 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.</p>
<b>Retaliation</b>	<p><del>The College District prohibits retaliation against a student who makes a claim alleging to have experienced prohibited conduct or a person who, in good faith, makes a report, serves as a witness, or otherwise participates in an investigation. This prohibition does not apply to discipline of a person who perpetrated or assists in the perpetration of the prohibited conduct.</del> 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.</p> <p>A person who is alleged to have experienced retaliation may pursue a claim under this policy or policy DIAA, as appropriate.</p>
Examples	<p>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.</p>
<b>Failure to Report and False Claims</b>	<p>An employee who fails to make a required report or a student or employee who intentionally makes a false claim, offers a false</p>

FREEDOM FROM DISCRIMINATION, HARASSMENT, AND RETALIATION  
SEX AND SEXUAL VIOLENCE

FFDA  
(LOCAL)

statements, 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 decision maker as designated by the President 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 President or designee. A conference shall be scheduled within ten days of the notice of determination in accordance with FM and/or FMA, beginning at Appeal to the College District Administration.

Expulsion

If the decision maker as designated by the President 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 President or designee to schedule an expulsion hearing in accordance with College policy and procedures.

Other Action

If the decision maker as designated by the President determines that the student committed prohibited conduct that warrants other discipline or corrective action, the decision maker as designated by the President shall inform the student that the student may appeal the determination within ten days in accordance with FM and/or FMA, beginning at Appeal to the College District Administration.

*Employee*

Suspension  
Without Pay or  
Termination of  
Contract  
Employees

If the decision maker as designated by the President determines that a contract employee committed prohibited conduct that warrants suspension without pay or termination mid-contract, the decision maker as designated by the President shall inform the employee in writing of the determination, and hearing shall be scheduled in accordance with College policy and procedures.

Other Action

If the decision maker as designated by the President determines that the employee committed prohibited conduct that warrants other discipline or corrective action, the decision maker as designated by the President shall inform the employee that the employee may appeal the determination within ten days in accordance with College policy and procedures.

Other Appeals

All other appeals related to this policy may be submitted through the applicable grievance policy beginning at the appropriate level. [See Employee Handbook 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).

FREEDOM FROM DISCRIMINATION, HARASSMENT, AND RETALIATION  
SEX AND SEXUAL VIOLENCE

FFDA  
(LOCAL)

**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 and, 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.

Galveston College  
084502

## STUDENT DISCIPLINE AND PENALTIES

FM  
(LOCAL)

---

When the Vice President of Student Services (herein referred to as the "Vice President") or the President's designee (in case the Vice President is unavailable) receives information that a student has allegedly violated a College District policy or administrative rule, the Vice President shall investigate the alleged violation. After completing a preliminary investigation, the Vice President may:

1. Dismiss the allegation.
2. Summon the student for a conference and notify the student of his/her rights, including the right to be advised by a person of his/her choice. If the student wishes to be assisted by an advisor, the conference shall be postponed until the advisor can be present; otherwise, the conference shall proceed. After conferring with the student, the Vice President of Student Services or the President's designee may:
  - a. Dismiss the allegation.
  - b. Proceed with the disposition of the violation. The Vice President may issue a warning or reprimand, impose specific restrictions, assess a fine and/or require restitution, assign community service, place the student on disciplinary probation (with or without other restrictions), suspend the student, or expel the student. The decision of the Vice President will be considered final unless the student appeals the decision of the Vice President within three working days. The appeal must be submitted as outlined in College Policy.
  - c. Prepare a complaint and forward the complaint to the Student Affairs Committee. [See FMA(Local)]

**Exception:** Reports of sex discrimination or sexual harassment shall be submitted in accordance with DIAA and/or FFDA, as appropriate.

**STUDENT RIGHTS** Before formal charges are presented students are informed of the following rights:

1. To be accompanied by an advisor of his/her choice. (Note: The Student Discipline process is an educational process not a court of law; however, if the student elects to be advised by legal counsel, legal counsel may be present to advise the individual.)
2. To be informed of the nature of the allegation, charges, or reports brought against him/her.
3. No person should be required to testify against himself/herself.
4. To present testimony, witnesses, and/or evidence with respect to the complaint.
5. To be notified of decisions reached regarding his/her case.
6. To appeal the decision in accordance with College Policy.

**SUMMARY  
SUSPENSION**

The President, the Vice President, or the President's designee may take immediate 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 academic process.

**SUSPENDED  
STUDENTS**

No former student who has been suspended for disciplinary reasons from Galveston College shall be permitted on the campus or other facilities of the College District during the period of suspension without the prior written approval of the College President or a designated representative. Mental health clearance may be required before a student is readmitted to a particular class or allowed to come onto College District property. The Vice President must receive a letter from a licensed mental health professional stating that in his/her professional judgment the student will no longer continue the behavior which gave rise to the disciplinary action against him/her or that the student's continued presence on campus is not a threat to himself/herself or others. The mental health professional must be licensed by the State of Texas and the Vice President must verify that the mental health professional is credentialed to render a professional opinion. The student shall bear the cost and expense of obtaining mental health clearance.

Galveston College  
084502

STUDENT DISCIPLINE AND PENALTIES:  
DISCIPLINE HEARINGS PROCEDURE

FMA  
(LOCAL)

HEARING  
COMMITTEE

In cases where the student is appealing a disciplinary decision or in cases in which the accused student disputes the facts upon which the charges are based as outlined in FM, such charges shall be heard by a hearing committee, which will normally be the Student Affairs Committee. **Exception: Reports, investigations, and hearings involving sex discrimination or sexual harassment shall be submitted and conducted in accordance with local policy DIAA and/or FFDA, as appropriate.**

The hearing committee shall be impartial and shall be designated by the College President or selected according to procedures approved by the College President.

The hearing committee shall preside over a fair hearing for the student and the District's administration. Although student discipline is an educational process, the parties involved (the student and the District) may be advised by legal counsel.

NOTICE

The Vice President of Student Services **or designee** (herein referred to as the "Vice President") shall notify the accused student by letter or e-mail of the date, time, and place for the hearing. Unless the student and the hearing committee otherwise agree, the hearing shall take place within ten working days of the date of the letter. If the student has been suspended, the hearing shall take place as soon as possible.

CONTENTS OF  
NOTICE

The notice shall:

1. Direct the student to appear on the date and at the time and place specified.
2. Contain a statement of the charges or a copy or description of the complaint in sufficient detail to enable the student to prepare his or her defense against the charges. The student shall also be advised that he/she may request copies of any additional evidence in the District's possession relevant to charges or complaint.
3. Contain the names of witnesses who may testify against the student and a description of documentary and other evidence that will be offered against the student.

4. Advise the student of his or her rights:
  - a. To be accompanied by an advisor of his/her choice or advised by counsel at the hearing. (Note: The Student Discipline process is an educational process, not a court of law; however, if the student elects to be advised by legal counsel, legal counsel may be present to advise the individual.)
  - b. To be informed of the nature of the allegation, charges, or reports brought against him/her.
  - c. To not be required to testify against himself/herself.
  - d. To ask questions of each witness who testifies against the student.
  - e. To present testimony, witnesses, and/or evidence with respect to the complaint.
  - f. To be notified of decisions reached regarding his/her case.
  - g. To appeal the decision in accordance with College policy.
5. State the proposed punishment or range of punishments that may be imposed.

FAILURE TO  
APPEAR FOR  
HEARING

The hearing committee may impose appropriate punishment upon a student who fails without good cause to appear for the hearing. The hearing committee may proceed with the hearing and render a decision in the student's absence.

HEARING  
PROCEDURE

The hearing shall proceed as follows:

1. The hearing chairperson of the Student Affairs Committee shall read the complaint.
2. The designated official shall present the District's case.
3. The student shall present his or her defense.
4. The designated official shall present rebuttal evidence.
5. The designated official shall summarize and argue the District's case.
6. The student shall summarize and argue his or her case.
7. The designated official shall have an opportunity for rebuttal argument.

8. The hearing committee, by majority vote, shall decide the issue of guilt or innocence and an appropriate penalty on the basis of the evidence presented at the hearing. The hearing committee may take the matter under advisement for up to three business days before rendering a decision.
9. The decision shall be communicated to the student in writing within 10 working days of the hearing.
10. A recording of the hearing shall be made. The student may request a copy of the recording. A stenographic digest of the recording shall only be made, if needed for an appeal, and, on request, a student defendant shall be given a copy of the digest. A student defendant ~~shall~~ along with his/her advisor may listen to the tape recording and compare it to the digest. A student defendant may at his or her own expense have a stenographer present at the hearing to make a stenographic transcript of the hearing.

#### EVIDENCE

Evidence shall be handled according to the following:

Legal rules of evidence do not apply; the hearing committee chairperson may admit evidence and/or testimony that is commonly accepted by reasonable persons in the conduct of their affairs. The hearing chairperson may exclude irrelevant, immaterial, and unduly repetitious evidence.

#### DECISION

The hearing committee shall render a written decision as to the accused student's guilt or innocence of the charges. If it finds the student guilty, it shall set forth findings of facts in support of its decision. The penalty shall also be stated in the decision. The Vice President shall administer the penalty, if any.

#### HEARING RECORDS

The disciplinary records and proceedings shall be kept confidential and separate from the student's academic record.

#### TYPES OF PENALTIES

The hearing committee may impose one or more of the following penalties:

1. Reprimand - A verbal or written warning to the student following a rule violation. Repetition of such misconduct may result in more severe disciplinary action.
2. Specific Restrictions - The committee **may** assign specific academic, social, or behavioral restrictions without placing the student on Disciplinary Probation.

3. Assessment of Fines or Restitution - The committee may assess a specific monetary fine or require restitution without placing the student on Disciplinary Probation.
4. Community Service - The Committee may assign the student specific work hours or community service without placing the student on Disciplinary Probation.
5. Disciplinary Probation - The placing of a student on notice that any future infraction of the College's Code of Student Conduct, any future violation of the College's rules, regulations, or procedures, or violation of the conditions of probation may result in suspension or expulsion from the College. Disciplinary probation may include social and behavioral restrictions, a fine, restitution for harm caused by misconduct of student, or specified community service. This probation may be for a specified length of time or for an indefinite period according to the relative severity of the infraction or misconduct. Failure to fulfill the terms of the probation may lead to immediate suspension or expulsion.
6. Suspension - Forced withdrawal from the College for either a definite period of time or until stated conditions have been met. Normally, suspension shall extend through a minimum of one regular long semester (with summer sessions not counting in the one semester minimum time lapse). However, suspension may exceed the one semester minimum.
7. Expulsion - Permanent forced withdrawal from the College. A student receiving disciplinary expulsion shall have the action noted in his/her permanent record.

## APPEAL

If the outcome of the hearing before the Student Affairs Committee is not to the student's satisfaction, the student may, within 10 working days of receiving notice of the hearing officer's or committee's decision, submit to the College President an appeal of the Committee's decision. The appeal at a minimum must include a written reason for the appeal or a statement of the problem and/or complaint, and the expected resolution. The President may, in his/her sole discretion, choose to allow oral arguments on the petition. The President may act to affirm, modify, remand, or reverse the decision. If no action is taken within 60 days, the hearing officer's or committee's decision will thereby be affirmed.

If the outcome of the appeal to the President is not to the student's satisfaction, the student may submit to the College President a written request to place the matter on the agenda of the Galveston College Board of Regents.

The College President or designee shall inform the student of the date, time, and place of the meeting. (The posting of the Board's agenda shall be considered adequate notice to the student.) The Board of Regents may, in its sole discretion, choose to allow oral arguments on the petition. If the Board elects to hear oral arguments, the Board Chairperson shall establish a reasonable time limit for oral arguments. The Board may affirm, modify, remand, or reverse the previous decisions. If the Board takes no action within 60 days, the decision of the President will thereby be affirmed.

The Board's consideration shall be based on the complaint records developed at the administrative reviews and no new evidence shall be received by the Board. If the Board elects to allow oral arguments, each side shall be entitled to make oral arguments based on the complaint record within the time restrictions established by the Board.