



CISCO COLLEGE

POLICY AND PROCEDURE ON SEXUAL MISCONDUCT

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ARTICLE I. INTRODUCTION

(a) Notice of Nondiscrimination.

The College does not discriminate on the basis of race, color, national origin, sex, disability, or age in its programs and activities. The following persons have been designated to handle inquiries regarding the non-discrimination policies.

Lori Grubbs, Ed.D.
Title IX Coordinator
101 College Heights
Student Life Building – Cisco Campus
Cisco, Texas 76437
254-442-5022

Leigh Dycus
Disability Services Coordinator
101 College Heights
Vo-Tech I Rm 31 – Cisco Campus
Cisco, Texas 76437
254-442-5023

Deborah Castleman
Disability Services Coordinator
717 E. Industrial Blvd
Office 5– Abilene Educational Center
Abilene, Texas 79602
325-794-4406

(b) Overview.

The College is committed to maintaining and strengthening an environment founded on civility and respect. The College also is committed to providing programs, activities, and an educational environment free from sex discrimination. Under certain circumstances, Sexual Misconduct (as defined in Exhibit B) may constitute sexual discrimination prohibited by Title IX. The College is committed to fostering a community that promotes prompt reporting of all types of Sexual Misconduct and timely and fair resolution of reports of Sexual Misconduct. These Sexual Misconduct Procedures (these “Procedures”) include available resources (Exhibit A); describe prohibited conduct; and establish procedures for responding to reports of Sexual Misconduct.

(c) Applicability.

These Procedures apply to any allegation of Sexual Misconduct made by or against a student or an employee of the College or a third party, regardless of where the alleged Sexual Misconduct occurred, if the conduct giving rise to the Complaint is related to the College’s academic,

educational, or extracurricular programs or activities. The College's disciplinary authority, however, may not extend to third parties who are not students or employees of the College. Sexual Misconduct alleged to have occurred at a significant distance from the College and/or outside of College property may be more difficult for the College to investigate. These Procedures apply regardless of the sexual orientation or gender identity of the parties involved. In the case of allegations of Sexual Misconduct, these Procedures supersede all other procedures set forth in other College documents.

(d) Period of Limitations.

A Complaint of Sexual Misconduct may be filed at any time, regardless of the length of time between the alleged Sexual Misconduct and the decision to file the Complaint. The College strongly encourages individuals to file Complaints promptly in order to preserve evidence for a potential legal or disciplinary proceeding. A delay in filing a Complaint may compromise the College's investigation.

(e) Definitions Applicable to These Procedures.

Capitalized terms used in these Procedures but not defined have the meanings set forth in Exhibit B.

ARTICLE II. STATEMENTS OF POLICY AND PROTOCOL

(a) Prohibition on Sexual Misconduct.

The College prohibits Sexual Misconduct and is committed to the timely and fair resolution of Sexual Misconduct cases. The College encourages prompt reporting of all types of Sexual Misconduct. The College has defined Sexual Misconduct as any unwelcome conduct of a sexual nature.

However, not all unwelcome conduct of a sexual nature rises to the level of warranting full adjudication and/or discipline pursuant to these Procedures. In other words, while the College will investigate any and all reports of Sexual Misconduct, some Sexual Misconduct can be addressed effectively without full adjudication under these Procedures and/or without the imposition of formal disciplinary sanctions against the Responding Party. These Procedures use the term "Actionable Sexual Misconduct," as defined in Exhibit B, to identify those acts of Sexual Misconduct that do warrant full adjudication under, and discipline pursuant to, these Procedures.

(b) Prohibition on Retaliation.

Retaliation against any person participating in good faith in connection with a Complaint of Sexual Misconduct is strictly prohibited. Violations will be addressed through these Procedures and/or other applicable College disciplinary procedures. Any person who feels that he or she has been subjected to Retaliation should make a report to the Title IX Coordinator.

(c) Prohibition on Providing False Information.

Any individual who knowingly files a false report or Complaint under these Procedures, who knowingly provides false information to College officials, or who intentionally misleads College officials involved in the investigation or resolution of a Complaint may be subject to disciplinary

action. The College recognizes that a Complaint made in good faith will not be considered false just because the evidence does not confirm the allegation(s) of Sexual Misconduct.

(d) Confidentiality.

(i) Standard of Confidentiality (Applicable to All Complaints).

The College will respect and make every reasonable effort to properly preserve the confidentiality of the information and identities shared by the parties involved in Sexual Misconduct matters. College administrators will, however, share information regarding alleged Sexual Misconduct, as appropriate and necessary, in order to address and resolve the Complaint at issue, prevent the recurrence of similar Sexual Misconduct, and address the effects of the Sexual Misconduct.

In keeping with this respect for confidentiality, information regarding alleged Sexual Misconduct generally will be disclosed by College staff only, as follows:

1. The College's Responsible Employees are obligated to report information regarding alleged Sexual Misconduct to the Title IX Coordinator.
2. College staff are obligated to handle information regarding alleged Sexual Misconduct in accordance with applicable local, state, and federal laws. For example, the College may be required by federal law to inform the community of the occurrence of the alleged incident(s) of Sexual Misconduct. And information regarding the alleged Sexual Misconduct may be used as an anonymous report for data collection purposes under the Clery Act.
3. College staff may be obligated to report alleged Sexual Misconduct to local law enforcement.
4. College administrators will share information regarding alleged Sexual Misconduct, as appropriate and necessary, in order to address and resolve the Complaint at issue, prevent the recurrence of similar Sexual Misconduct, and address the effects of the Sexual Misconduct.

Please note that the College cannot control disclosures by students or third parties.

(ii) Mandated Reporting

All Cisco College employees are designated as responsible employees (or mandated reporters) for all the details they are aware of about an incident. They are required to share this information with the College's Title IX Coordinator.

Giving a responsible employee notice of an incident constitutes official notice to the institution. Incidents of sexual misconduct will be taken seriously when official notice is given. Such incidents of sexual misconduct will be investigated and resolved in a prompt and equitable manner under the College's Sexual Misconduct Policy and these Procedures.

You may request confidentiality and/or that the Title IX Coordinator provide you with remedies and resources without initiating a formal resolution process. The coordinator will weigh

requests for confidentiality against the College's need to address and remedy discrimination under Title IX.

Generally, the College will be able to respect your wishes, unless it believes there is a threat to the community based on the use of weapons, violence, pattern, predation, or threatening conduct by the person being accused.

In cases where your request for confidentiality is granted, the College will offer you available resources, supports, and remedies. You are not obligated to pursue formal resolution in order to access the resources that are available. If the College decides that it is obligated to pursue a formal resolution based on the notice you have given, you are not obligated to participate in the resolution process. However, the ability of the College to enforce its policies or provide some remedies may be limited as a result of your decision not to participate.

1) Heightened Confidentiality.

If information regarding alleged Sexual Misconduct is shared with a Responsible Employee, that employee is obligated to report that information to the College's Title IX Coordinator. If the Reporting Party to whom the information pertains desires that the Title IX Coordinator not share the information with the Responding Party or with others, even as appropriate and necessary to address the allegations, such individual must request that the College apply heightened confidentiality to such information. This request must be made to the Title IX Coordinator (or designee) in writing.

Requests for heightened confidentiality may limit the College's ability to investigate and take reasonable action in response to a Complaint. A Responding Party has a right to know the name of the accuser and information regarding the nature of the allegations in order to defend against the Complaint; thus, the College may not be able to both adjudicate the Complaint and maintain the confidentiality of the Reporting Party during that process. The College will evaluate heightened confidentiality requests in the context of the College's commitment to provide a reasonably safe and non-discriminatory environment. In order to make such an evaluation, the Title IX Coordinator may conduct a preliminary investigation into the alleged Sexual Misconduct and may weigh requests for heightened confidentiality against the following factors:

- (a) the seriousness of the alleged Sexual Misconduct;
- (b) the Reporting Party's age;
- (c) whether there have been other Complaints of Sexual Misconduct against the Responding Party;
- (d) the Responding Party's right to receive information about the allegations if the information is maintained by the College as an "education record" under FERPA; and
- (e) the applicability of any laws mandating disclosure.

The Title IX Coordinator will inform the person requesting heightened confidentiality of the College's limitations on maintaining heightened confidentiality and whether the College intends to pursue investigation and/or resolution in spite of the person's request.

Even when the College determines to abide by a request for heightened confidentiality (and even if such request limits the College's ability to take disciplinary action against the Responding Party):

(i) To the extent practicable and appropriate, the College will take prompt action to limit the effects of the alleged Sexual Misconduct and to prevent its recurrence. For instance, the College may take appropriate interim measures to ensure an individual's safety even in the absence of a full investigation.

(ii) Information regarding the alleged Sexual Misconduct may be included in College records, as necessary and appropriate.

(iii) College staff are obligated to handle information regarding alleged Sexual Misconduct in accordance with applicable local, state, and federal laws. The College may be required by federal law to inform the community of the occurrence of the alleged incident(s) of Sexual Misconduct. Information regarding the alleged Sexual Misconduct may be used as an anonymous report for data collection purposes under the Clery Act.

Incidents Involving Minors

Please be aware that institutional duties with respect to minors (those under the age of 18), may require reporting sexual misconduct incidents to state agencies and/or local law enforcement. As a result, confidentiality cannot be guaranteed in sexual misconduct incidents involving minors.

Please note that the College cannot control disclosures by students or third parties.

(e) Requests Not to Investigate and Refusals to File a Complaint or to Cooperate.

The Reporting Party may request that the College not investigate the information or allegation(s) reported, refuse to file a Complaint, and/or refuse to cooperate in the investigation and/or resolution of allegation(s).

Such requests and decisions may limit the College's ability to investigate and take reasonable action in response to a Complaint. In such cases, the College will evaluate such requests and decisions in the context of the College's commitment to provide a reasonably safe and nondiscriminatory environment.

In order to make such an evaluation, the Title IX Coordinator may conduct a preliminary investigation into the alleged Sexual Misconduct and may weigh such requests and decisions against the following factors:

- (i) The seriousness of the alleged Sexual Misconduct;
- (ii) The Reporting Party's age;
- (iii) Whether there have been other Complaints of Sexual Misconduct against the Responding Party;

- (iv) The Responding Party's right to receive information about the allegations if the information is maintained by the College as an "education record" under FERPA; and
- (v) The applicability of any laws mandating disclosure.

The Title IX Coordinator will inform the requester if the College intends to conduct further investigation and/or seek resolution in spite of the person's request or refusal.

Regardless of an individual's request, Title IX requires the College to take reasonable action in response to the information known to it. Thus, the College may take such measures as are deemed necessary by the Title IX Coordinator.

Additionally, even if the College cannot take disciplinary action against the Responding Party because of a refusal to file a Complaint or participate in the investigation and/or resolution of allegations, to the extent practicable and appropriate, the College will take prompt action to limit the effects of the alleged Sexual Misconduct and to prevent its recurrence. For instance, the College may issue a "no-contact" order or take other appropriate interim measures to ensure an individual's safety even in the absence of a formal proceeding.

The Complaint or other information regarding alleged Sexual Misconduct may also be used as an anonymous report for data collection purposes under the Clery Act.

(f) Limited Immunity.

The College considers the reporting and adjudication of Sexual Misconduct cases to be of paramount importance. The College does not condone underage drinking or the use of illegal drugs; however, the College may extend limited immunity from punitive sanctioning in the case of illegal alcohol or drug use to Reporting Parties, witnesses, and those reporting incidents and/or assisting the Reporting Party of Sexual Misconduct, provided that they are acting in good faith in such capacity and, in limited circumstances, may also extend such immunity to a Responding Party.

(g) Individuals with Disabilities.

The College will make arrangements to ensure that individuals with disabilities are provided appropriate accommodations, to the extent necessary and available, to participate in the steps and procedures outlined in these Procedures. Employees seeking accommodations may contact Human Resources. Students requesting accommodations may contact the Disability Services Office. For the Disability Service coordinator at the Cisco campus please contact 254-442-5023 or leigh.dycus@cisco.edu. For the Disability Service coordinator for the Abilene Educational Center please contact 325-794-4406 or Deborah.Castleman@cisco.edu.

ARTICLE III. REPORTING ALLEGED SEXUAL MISCONDUCT

For information regarding seeking medical assistance and emotional support, as well as important contact information for local law enforcement agencies and hospitals, see Exhibit A.

(a) Reporting to Local Law Enforcement.

Individuals may report Sexual Misconduct directly to Campus Safety by calling 254-442-5034. Reports may also be made to local law enforcement agencies by dialing 911. In the event of an emergency, please dial 911. Individuals who make a criminal complaint may also choose to pursue a College Complaint simultaneously. A criminal investigation into the matter does not release the College from its obligation to conduct its own investigation (nor is a criminal investigation determinative of whether Actionable Sexual Misconduct, for purposes of these Procedures, has occurred). However, the College's investigation may be delayed temporarily while the criminal investigators are gathering evidence. In the event of such a delay, the College may take interim measures when necessary to protect the Reporting Party and/or the College community.

Individuals may choose not to report alleged Sexual Misconduct to law enforcement authorities. The College respects and supports individuals' decisions with respect to reporting; nevertheless, the College may notify appropriate law enforcement authorities if required or warranted by the nature of the allegations at issue.

(b) Reporting to the College/Filing a Complaint.

Individuals may choose not to report alleged Sexual Misconduct to a campus official. The College respects and supports the individual's decision with respect to reporting; however, if information about Sexual Misconduct comes to the attention of the College, whether through Actual or Constructive Notice, the College may (1) start an investigation even in the absence of a filed Complaint and/or (2) notify appropriate law enforcement authorities if required or warranted by the nature of the information of which it becomes aware.

Anyone wishing to report Sexual Misconduct or file a complaint of Sexual Misconduct to the College should contact any one of the following individuals or offices:

1. Title IX Coordinator. Cisco College's Title IX Coordinator is Lori Grubbs, Director of Academic Support Programs, whose office is in the Student Life Building on the Cisco Campus. This office can be contacted by phone at 254-442-5022 or by email at lori.grubbs@cisco.edu.
2. Office of Provost/Vice-President of Instruction. The Office of the Provost/Vice-President of Instruction is located in Office 11 at the Abilene Educational Center. This office can be contacted by phone at 325-794-4401 or by email at carol.dupree@cisco.edu.
3. Dean of Student Services. The Office of the Dean of Student Services is located in the Student Life Building on the Cisco campus. This office can be contacted by phone at 254-442-5173 or by email at Bryan.Cottrell@cisco.edu.

4. Human Resources. The Human Resources Office is located in the Harrel Fine Arts Building on the Cisco campus. The Human Resources Office is available during business hours (8:00 a.m. to 4:30 p.m., Monday through Thursday and 8:00 a.m. to 2:00 p.m., Friday). Contact Director of Human Resources by phone at 254-442-5121 or by email at Shelli.Garrett@cisco.edu.

5. Campus Safety. The College's Campus Safety Office is available by phone at 254-442-5034. Campus Safety is available by phone 24 hours a day, seven days a week.

6. Online Reporting. Sexual Misconduct Reports may be made online at <https://www.cisco.edu/student-life/campus-safety/incident-reporting>

If an employee of Campus Safety, the Office of the Provost/Vice-President of Instruction, or the Human Resources Office receives a report of alleged Sexual Misconduct, that employee must notify the College's Title IX Coordinator.

It may be very difficult for the College to follow up or take action on anonymous reports, where corroborating information is limited. Anonymous reports may be used for Clery Act data collection purposes.

No member of the College community may discourage an individual from reporting alleged incidents of Sexual Misconduct. As such, an individual may report alleged Sexual Misconduct to a faculty or staff member other than those referenced above. A faculty or staff member with any knowledge about a known or suspected incident of Sexual Misconduct must report the incident to the College's Title IX Coordinator. Included in this requirement are resident advisors. Excluded from this requirement are all other students, student employees, and employees who are statutorily barred from reporting. No employee is authorized to investigate or resolve Complaints without the involvement of the College's Title IX Coordinator.

ARTICLE IV. PROCEDURES APPLICABLE TO ALL COMPLAINTS OF SEXUAL MISCONDUCT

(a) Oversight.

The Title IX Coordinator will act as the Title IX Investigator and will be responsible for overseeing the prompt, fair, and impartial investigation and resolution of reports of Sexual Misconduct to the College.

(b) Conflicts.

If any staff member designated by these Procedures to participate in the investigation or resolution of a Complaint is the Responding Party (including, but not limited to, the Title IX Coordinator), then the Vice President of Student Services will appoint another College staff member to perform such person's duties under these Procedures. (If the Vice President of Student Services is either the Reporting or Responding Party, then the Title IX Coordinator will appoint another Office of Student Services College staff member to perform the duties of the Vice President of Student Services under these Procedures.)

(c) Support Person/Advisor.

Parties and witnesses may be accompanied by a support person of their choice during any meetings or interviews held pursuant to these Procedures, except for a Resolution Meeting in the Informal Resolution Process. The support person may consult with the person he or she is there to support but may not participate in the meeting or interview by asking or answering questions or by making statements to the interviewer(s).

(d) Timing.

The College will make every reasonable effort to ensure that the investigation and resolution of a Complaint occurs in as timely and efficient a manner as possible. The College's investigation and resolution of a Complaint will generally be completed within 60 calendar days of the receipt of the Complaint, absent extenuating circumstances.

Any party may request an extension of any deadline by providing the Title IX Coordinator with a written request for an extension that includes reference to the duration of the proposed extension and the basis for the request. The Title IX Coordinator reserves the right to accept or reject such requests and modify any deadline contained in these Procedures as necessary and for good cause.

(e) Interim Measures.

If at any point during the complaint, investigative or disciplinary processes, the Title IX Coordinator deems it necessary for the protection of any member of the College community, the Title IX Coordinator may take actions, or request that the individual authorized to make personnel decisions take actions, such as the following:

1) Responding Parties:

- a) Placing a registration hold on the Responding Party's student account;
- b) Summarily suspending or expelling the Student Responding Party;
- c) Changing the Student Responding Party's class schedule; or
- d) Taking such steps as are reasonable, appropriate and necessary to restrict the Responding Party's movement on campus.
- e) Issuing no-contact orders to prevent any contact between the Reporting Party, the Responding Party, witnesses, and/or third parties;
- f) Providing the Reporting Party an escort to ensure that he or she can move safely between classes, work, and/or other activities;
- g) Changing work arrangements;
- h) Rescheduling class work, assignments, and examinations;
- i) Arranging for the Reporting Party to take an incomplete in a class;
- j) Moving the Student Responding Party, and if necessary the Reporting Party, from one class section to another, one dorm room to another, and/or one activity or organization to another;
- k) Permitting a temporary withdrawal from the College;
- l) Providing alternative course completion options;
- m) Referring to community counseling services;
- n) Providing academic support services;

o) Reassign or place on paid administrative leave as applicable.

(f) Initial Meeting(s) with the Title IX Investigator.

(i) Reporting Party's Initial Meeting with the Title IX Investigator. As soon as is practicable, the Title IX Investigator will contact the Reporting Party to schedule an initial meeting. At this initial meeting, the Title IX Investigator will, as applicable:

- 1) Provide the Reporting Party a copy of the Sexual Misconduct Policy and these Procedures;
- 2) Explain the avenues for formal resolution and informal resolution of a Complaint;
- 3) Explain the steps involved in a Sexual Misconduct investigation;
- 4) Discuss confidentiality standards and concerns with the Reporting Party;
- 5) Provide the Reporting Party a Sexual Misconduct Complaint Form and determine whether the Reporting Party wishes to file a Complaint and participate in the College's investigation and resolution of the Complaint. Even when a Reporting Party is not cooperative or requests that the College not pursue an investigation, Title IX requires the College to take reasonable action in response to the information known to it. Thus, the College may take such measures as are deemed appropriate by the Title IX Coordinator;
- 6) Refer the Reporting Party to the College's Student Services offices or other resources, as appropriate;
- 7) Discuss protection from, and reporting of, Retaliation; and
- 8) Discuss with the Reporting Party, as appropriate, possible interim measures that can be provided to the Reporting Party pending the investigative and resolution processes. The College may implement such measures if appropriate and reasonably available regardless of whether a formal Complaint has been filed (with either campus administrators or law enforcement agencies) or whether an investigation (by either campus administrators or law enforcement agencies) has commenced. Interim measures may include but are not limited to those listed above.

Following the initial meeting with the Reporting Party, the Title IX Coordinator will, if applicable, promptly determine the interim measures to be provided for the Reporting Party. Such determination will be communicated to the Reporting Party, and to the Responding Party within the extent that such measures affect him or her.

(ii) Responding Party's Initial Meeting with the Title IX Investigator. If the Reporting Party wishes to pursue a formal or informal resolution through the College or if the College deems that further investigation is warranted, as soon as is reasonably practicable after the Title IX Investigator's initial meeting with the Reporting Party, the Title IX Investigator will schedule an initial meeting with the Responding Party. During the initial meeting with the Responding Party, the Title IX Investigator will, as applicable:

- 1) Provide the Responding Party, in writing, sufficient information regarding the complaint, consistent with state and federal privacy laws and, in accordance with any

- request for the Reporting Party's confidentiality. Such communication should allow him or her to respond to the substance of the allegation;
- 2) Provide the Responding Party a copy of the Sexual Misconduct Policy and these Procedures;
 - 3) Explain the College's procedures for formal resolution and informal resolution of the Complaint;
 - 4) Explain the steps involved in a Sexual Misconduct investigation;
 - 5) Discuss confidentiality standards and concerns with the Responding Party;
 - 6) Discuss non-Retaliation requirements with the Responding Party;
 - 7) Inform the Responding Party of any interim measures already determined and being provided to the Reporting Party that directly affect the Responding Party (e.g., changing his or her class schedule, or placing him or her at a different work location or on paid administrative leave);
 - 8) Refer the Responding Party to the College's Student Services offices and other resources, as appropriate; and
 - 9) Discuss with the Responding Party, as appropriate, possible interim measures that can be provided to the Responding Party (such as those set forth above) pending the results of the investigative and resolution processes.

(g) Further Investigation.

(i) The Initial Determination.

The Title IX Coordinator, or designee, will determine that further investigation of a Complaint should be conducted unless it is clear on the face of the Complaint and/or based on the Title IX Investigator's initial meetings with the parties that no reasonable grounds exist for believing that the Responding Party engaged in Actionable Sexual Misconduct.

In the event that the Title IX Coordinator, or designee, determines that further investigation is not warranted, he or she will determine and document the appropriate resolution of the Complaint and inform the parties of the same.

(ii) Investigation and Report.

After the initial determination, the Investigator will promptly continue with further investigation, taking steps such as:

- 1) Conducting interviews with the Reporting Party, the Responding Party, and third-party witnesses (including expert witnesses, where applicable) and summarizing such interviews in written form;
- 2) Where applicable, visiting, inspecting, and taking photographs at relevant sites; and
- 3) Where applicable, collecting and preserving relevant evidence

Note: In cases of corresponding criminal complaints, these steps may be coordinated with law enforcement agencies.

In the role of Investigator, the Title IX Coordinator will complete a written investigative report that includes items such as summaries of interviews conducted, photographs, and descriptions of relevant evidence, summaries of relevant electronic records, and a detailed report of the events in question (the “Investigative Report”). If it is determined that the case should proceed, the Title IX Coordinator, or designee, will make it available, concurrently, to the Reporting Party and the Responding Party. All parties to whom the Investigative Report is made available pursuant to these procedures must maintain this information in confidence. The concurrent review must be completed by both the Reporting Party and the Responding Party within two business days of initial notification from the Investigator in order to allow time for receipt of any additional information provided by either party. This may include additional, verifiable eyewitnesses. Once the additional information is gathered, one last concurrent review is allowed and follows the same timeframe described above before progressing towards the resolution measures.

(h) Formal versus Informal Resolution.

At any time before the Title IX Coordinator refers the case to the Adjudicator under Article V, the Reporting Party may elect to resolve his or her Complaint through the informal resolution process in accordance with Article VI of these Procedures, provided that (i) the Responding Party agrees to such resolution, (ii) both the Reporting Party and the Responding Party are either students or employees of the College, (iii) the Title IX Coordinator determines that informal resolution is an appropriate mechanism for resolving the Complaint, and (iv) the Complaint does not involve Sexual Assault. Otherwise, a Complaint that is not closed pursuant to the Title IX Investigator’s initial determination or evaluation of the Investigative Report will proceed to formal resolution in accordance with Article V of these Procedures.

ARTICLE V. FORMAL RESOLUTION

(a) The Referral to the Adjudicator.

The Title IX Coordinator will refer the case to the Adjudicator. The Adjudicator for the College is the Dean of Student Services. The Title IX Investigator will share the Complaint and the Investigative Report with the Adjudicator and will specify which part(s) of the alleged misconduct will be the subject of formal resolution.

(b) Responding Party’s Acknowledgement of Responsibility.

At any time the Responding Party may elect to acknowledge his or her actions and take responsibility for the alleged Sexual Misconduct. In such a situation, the Adjudicator will propose sanction(s) for the Responding Party. If the Reporting Party and the Responding Party agree to such proposed sanction(s), then the Complaint will be resolved without any further proceedings and without any further rights of appeal by any party. If either the Reporting Party or the Responding Party objects to such proposed sanction(s), then the appointed adjudicator will determine a sanction, which determination may be subject to appeal pursuant to procedures described below.

If at any time the responding party chooses to withdraw or to leave the institution permanently, the proceedings may cease, but only at the discretion of the Reporting Party or the Title IX Coordinator. Always, the institution reserves the right not to allow an individual to

return to the College and may criminally trespass an individual from the College premises as a means of maintaining a safe environment for the College community.

(c) The Formal Resolution Process.

In the case of formal resolution, the Adjudicator will determine whether the Responding Party engaged in Actionable Sexual Misconduct and which sanctions, if any, are appropriate. To do so, the Adjudicator will review the Investigative Report and other available evidence and, as deemed necessary by the Adjudicator in consultation with the Title IX Coordinator, interview the Reporting Party, Responding Party, and/or any witnesses. As much as is feasible, the Adjudicator will work towards resolution without unnecessarily retrying the case.

(i) Outcome.

1) The Decision of the Adjudicator. Following the conclusion of the evidence review, the Adjudicator will determine whether it is more likely than not that the Responding Party committed Actionable Sexual Misconduct based on the preponderance of evidence standard.

2) Sanctions.

a) Generally. Sanctions for a finding of responsibility depend upon the nature and gravity of the misconduct, any record of prior discipline for Sexual Misconduct, or both. Sanctions for employees may include, without limitation, withholding a promotion or pay increase, reassigning employment, terminating employment, administrative leave with or without pay, mandated counseling, educational sanctions, and/or compensation adjustments. Sanctions for students may include warning notice, disciplinary probation, disciplinary withdrawal, disciplinary suspension, disciplinary dismissal, expulsion, and/or educational sanctions deemed appropriate by the Adjudicator. The appointed Adjudicator will determine sanctions, giving consideration as to whether a given sanction will (a) bring an end to the violation in question, (b) reasonably prevent a recurrence of a similar violation, and (c) remedy the effects of the violation. The Adjudicator will forward its determinations regarding sanctions to the Title IX Coordinator.

b) Implementation of Sanctions. Sanctions imposed are not effective until the resolution of any timely appeal pursuant to these procedures. However, if it is advisable in order to protect the welfare of the Reporting Party or the College community, the Adjudicator may determine that any sanctions be effective immediately and continue in effect until such time as the appeal process is exhausted.

3) Final Accommodations and Corrective Action. In addition to any sanctions imposed on the Responding Party, promptly following the Adjudicator's issuance of a determination of responsibility, the Title IX Coordinator, or designee, may determine the final accommodations to be provided to the Reporting Party, if any, and will communicate such decision to the Reporting Party and, to the extent that it affects him or her, to the Responding Party. Such accommodations may include, but are not limited to those listed in Article IV regarding interim measures.

The Title IX Coordinator, or designee, also will take steps to prevent the further harassment of or Retaliation against the Reporting Party or third parties, such as informing them about how to report subsequent problems, following up with them to ensure that there are no subsequent problems, providing trainings for the College community, and providing Sexual Misconduct- related or other counseling for the Responding Party. The Title IX Coordinator, or designee, will also, where appropriate, take steps to prevent the harassment of the Responding Party.

Furthermore, the Title IX Coordinator, or designee, will take prompt corrective action if the Reporting Party experiences Retaliation or is subjected to further Sexual Misconduct or if the original sanctions imposed on the Responding Party are ineffective to protect the safety and wellbeing of the Reporting Party or other members of the College community. In cases involving Sexual Harassment, the Title IX Coordinator, or designee, also will take reasonable steps to eliminate any hostile environment that has been created. In taking the above-outlined steps, the Title IX Coordinator, or designee, will make every reasonable effort to minimize the burden on the Reporting Party.

4) Final Outcome Letter. The Adjudicator will issue a written decision letter (the “Final Outcome Letter”) concurrently to the Responding Party and the Reporting Party.

For employee and third-party Responding Parties, the Final Outcome Letter will set forth (1) the name of the Responding Party, (2) the violation(s) of these Procedures for which the Responding Party was found responsible or a statement that the Responding Party was found not to have violated these Procedures, or a statement that there was not sufficient evidence to substantiate a finding, and (3) the sanctions imposed on the Responding Party.

For Student Responding Parties alleged to have committed Sexual Assault and/or Non-forcible Sex Acts, the Final Outcome Letter will set forth (1) the name of the Responding Party, (2) either the violation(s) of these Procedures for which the Responding Party was found responsible, a statement that the Responding Party was found not to have violated these Procedures, or a statement that there was not sufficient evidence to substantiate a finding, and (3) the sanctions imposed on the Responding Party, if any (setting forth only a description of the disciplinary action taken, the date of its imposition, and its duration).

For student Responding Parties alleged to have committed any other form of Sexual Misconduct, the Final Outcome Letter will set forth (1) the name of the Responding Party, (2) the violation(s) of these Procedures for which the Responding Party was found responsible or a statement that the Responding Party was found not to have violated these Procedures, or a statement that there was not sufficient evidence to substantiate a finding, and (3) the sanctions imposed on the Responding Party, if any (setting forth only a description of the disciplinary action taken, the date of its

imposition, and its duration). To the extent that the sanctions imposed on the Responding Party do not constitute part of the Reporting Party's "education record" (as that term is defined by FERPA), then such information will be redacted from the version of the Final Outcome Letter that is provided to the Reporting Party.

5) Confidentiality and Disclosure. In order to comply with FERPA and Title IX and to provide an orderly process for the presentation and consideration of relevant information without undue intimidation or pressure, the formal resolution process is not open to the general public. Accordingly, documents prepared in connection with the formal resolution process may not be disclosed outside of that process except as may be required or authorized by law.

If it is determined, however, that the Responding Party committed Actionable Sexual Misconduct, College policy does not prohibit the further disclosure of the Final Outcome Letter by either the Reporting Party or the Responding Party.

(ii) Appeals. The Reporting Party or the Responding Party may appeal the decision of the Adjudicator and/or the sanction imposed on the Responding Party within five (5) business days from the date of the Final Outcome Letter. The decision of the Adjudicator and the sanction imposed on the Responding Party may, if desired, be appealed at this time.

Any student who believes he/she has not received fair treatment with regard to a reported and College investigated incident of sexual misconduct should first take the following steps:

1. Appeal to the Dean of Student Services in writing. The Dean of Student Services will respond in writing within five (5) business days from the receipt of the appeal. If the student believes he/she has not received a reasonable and fair response from the Dean, the student should:
2. Appeal to the Vice President of Student Services in writing. The Vice President of Student Services will respond in writing within five (5) business days of the receipt of the appeal.
3. If the student believes he/she has not received a reasonable and fair response from the Vice President, the student should follow the procedures outlined for presenting his/her case to the Hearing Committee.

Hearing Committee Procedures

The college Hearing Committee functions primarily to ensure that members of the college community are treated fairly. The committee is composed of a chairperson, nine faculty/staff members and three students. At the end of each academic year, the chairperson to serve for the following academic year is elected from the current

members of the Hearing Committee. A draft appoints the nine faculty/staff members. The student government selects three students.

Any student wishing to appeal his/her case to the Hearing Committee must make a written request for such a hearing to the Dean of Student Services within 24 hours of the decision he/she wishes to appeal. The Dean of Student Services will then notify the chairperson of the Hearing Committee within 24 hours. Upon notification that a hearing is requested, the chairperson shall convene a meeting within five (5) business days by randomly selecting four faculty and two students from the committee membership.

Prior to the hearing, the chairperson shall, through personal contact, insure that each person selected for the hearing can participate objectively. Should it be determined that a committee member cannot participate objectively, another person shall be randomly selected from the panel until the chairperson is assured that all persons selected represents an objective group. The hearing shall be conducted in accordance with the following general format:

1. The student and the college official assigned to the grievance shall both be present and all hearings shall be closed. The chairperson shall inform the committee members of the specific charges involved, any action taken prior to the hearing and the stated reason for requesting the hearing. A written or recorded record of the hearing shall be kept and retained by the college.
2. The student and the college official assigned to the grievance shall both be afforded the opportunity to explain their position to the committee members and have witnesses, if they wish, on their behalf. The committee members may question any person appearing before the committee.
3. Both the student and the official assigned to the grievance leave the room, and the committee by secret ballot with a majority ruling shall promptly render a decision which shall be announced verbally to the student immediately after the decision is reached and prior to the adjournment of the hearing. The Hearing Committee response/decision is final.

(iii) Documentation. The College will retain documentation (including but not limited to the written Complaint, notifications, the Investigative Report, any written findings of fact, petitions for appeal, and any written communication between the parties) indefinitely for both Student Responding Parties and Staff Responding Parties. Documentation pertaining to employee terminations, expulsions or educational sanctions may also be retained indefinitely.

ARTICLE VI. INFORMAL RESOLUTION

Informal resolution is only appropriate if (i) the Reporting Party requests it, (ii) the Responding Party agrees to it, (iii) both the Reporting Party and the Responding Party are either students or employees of the College, (iv) the Title IX Coordinator determines that it is an appropriate mechanism for resolving the Complaint, and (v) the Complaint does not involve Sexual Assault.

Informal resolution may not be selected for less than all of the misconduct alleged in the Complaint (for example, the parties may not choose to resolve a claim of Sexual Assault according to the formal resolution process but mediate all other claims). If the parties agree to informal resolution (and informal resolution is appropriate for all of the claims at issue), then all of the claims must be resolved according to the informal resolution process.

Either party may terminate the informal resolution process at any time and proceed with formal resolution. Furthermore, the Title IX Coordinator may, where appropriate, terminate or decline to initiate informal resolution, and proceed with formal resolution instead. In such cases, statements or disclosures made by the parties in the course of the informal resolution process may be considered in the subsequent formal resolution proceedings. The informal resolution process may not necessarily result in a formal disciplinary action for the Responding Party. However, the fact and details of the allegation(s) and the outcome of the informal resolution may be considered in connection with the evaluation of any subsequent Sexual Misconduct allegations against, and discipline-related decisions involving, the Responding Party.

(a) The Informal Resolution Process.

(i) The Resolution Meeting. When the Complaint is to be resolved according to the informal resolution process, there will be a resolution meeting. The purpose of the meeting is to allow an opportunity for resolution of the Complaint without using the formal resolution process. The Title IX Coordinator will appoint the assigned facilitator.

(ii) Notice of the Resolution Meeting. Promptly after the Title IX Coordinator has appointed the assigned facilitator, concurrent written notice will be provided to the Reporting Party and the Responding Party, setting forth (1) the date, time and location of a meeting, and (2) the name of the individual selected to serve as the assigned facilitator. If only a portion of the alleged misconduct justifies continuing to adjudication, the written notice will also specify in the notice which part(s) of the alleged misconduct will be the subject of a meeting.

The Title IX Coordinator will evaluate the objection and determine whether to change the assigned facilitator. Failure to submit a timely and proper objection will constitute a waiver of any right of objection. Any substitution of the party serving as the assigned facilitator will be provided in writing to both parties prior to the date of a meeting.

(iii) No Contact Prior to Resolution Meeting. The Reporting Party and the Responding Party may not contact each other outside of a resolution meeting, even to discuss a meeting.

(iv) Attendance. Both the Reporting Party and the Responding Party are expected to attend a resolution meeting. If either party fails to appear at the meeting, and such party was provided proper notice of the meeting as set forth above, then absent extenuating circumstances, the assigned facilitator may direct that resolution of the Complaint be determined according to the formal resolution process set forth above.

(v) Protocols.

1) Rights of the Parties. During a resolution meeting, the Reporting Party and the Responding Party may:

- a) Communicate their feelings and perceptions to each other in the presence of, and supervised by, the assigned facilitator;
- b) Communicate feelings and perceptions regarding the alleged incident and the impact of the alleged incident; and/or
- c) Relay wishes and expectations regarding protection in the future.

2) Counsel and Advisors. Absent accommodation for disability, the parties may not be accompanied by an advisor during a resolution meeting.

3) Resolution. During a meeting, the assigned facilitator will attempt to facilitate the parties' resolution of the Complaint. If a meeting results in a resolution between the parties and the Title IX Coordinator finds the resolution to be appropriate under the circumstances (giving consideration to the extent to which the resolution will protect the safety of the Reporting Party and the entire school community), the informal disciplinary procedure will be concluded and the Complaint will be closed. If the parties are unable to reach a resolution, the formal resolution process outlined in Article V of these Procedures will promptly commence.

(vi) Privacy and Disclosure. In order to comply with FERPA and Title IX and to provide an orderly process for the presentation and consideration of relevant information without undue intimidation or pressure, the informal resolution process is not open to the general public.

(vii) Documentation. The College will retain any documentation of the Informal Resolution Process indefinitely for both Student Responding Parties and Staff Responding Parties.

ARTICLE VII. PROCEDURES APPLICABLE TO DATA MAINTENANCE AND RECORD KEEPING

(a) Overview

These procedures cover records maintained in any medium that are created pursuant to the College's Sexual Misconduct Policy and/or the regular business of the College's Title IX Office. All such records are considered private by the Title IX Office, in accordance with FERPA and the directive from the Department of Education to maintain the confidentiality of records related to Title IX. These records may be shared internally with those who have a legitimate educational or administrative need-to-know, and will be shared with the parties to an investigation under the Sexual Misconduct Policy per the terms of this policy, applicable state and/or federal law, including FERPA, and/or Clery/VAWA §304. The Title IX Office controls the dissemination and sharing of any records under its control.

(b) Types of Records Covered Under this Policy

These records include, but are not limited to:

- Documentation of notice to the institution including incident reports;
- Anonymous reports;
- Any documentation supporting the preliminary inquiry;
- Investigation-related evidence (e.g., physical and documentary evidence collected and interview transcripts);
- Documentation related to the complaint-resolution process;
- The final investigative report (including findings and the basis for those findings);
- Remedy-related documentation;
- Resource and accommodation-related documentation;
- Appeal-related documentation;
- Any other records typically maintained by the College as the investigation file.

Specific examples of records pertaining to the complaint-resolution process include, but are not limited to: anonymous reports; intake documentation; incident reports; the written complaint; the names of the reporting party (if available), the responding party, any witnesses; any relevant statements or other evidence obtained; interview notes or transcripts; timelines, flowcharts and other forms used in the investigation process; witness lists, correspondence, telephone logs, evidence logs and other documents related to the processing of an investigation; correspondence relating to the substance of the investigation; actions taken on behalf of the reporting party; actions taken to restrict the responding party; any interim measures taken for the parties; correspondence with the parties; medical, mental-health and forensic record evidence obtained during the course of the investigation; police reports; expert sources used in consideration of the evidence; documentation of outcome and rationale; correspondence and documentation of the appeals process; documentation of any

sanctions/discipline resulting from the complaint-resolution process; and documentation of reported retaliatory behavior as well as all action taken to address these reports.

(c) Record Storage

Records may be created and maintained in different media formats; this policy applies to all records, irrespective of format. All records created pursuant to the Sexual Misconduct Policy, as defined above, must be stored in digital and/or paper format. The complete file must be transferred to the Title IX Office within fourteen (14) days of resolution of the complaint (including any appeal), if the file is not maintained within the Title IX Office already. Security protocols must be in place to preserve the integrity and privacy of any parts of any record that is maintained in the Title IX Office during the pendency of an investigation.

The Title IX Office will store all records created pursuant to the Sexual Misconduct Policy, regardless of the identities of the parties. Parallel records should be maintained in the Office of the Dean of Student Services and/or Human Resources, respectively and should be maintained in accordance with the security protocols of those offices. Any extra copies of the records (both digital and paper) must be destroyed.

(d) Record Retention

All records created and maintained pursuant to the Sexual Misconduct Policy must be retained *indefinitely* by the Title IX Office in digital, and/ or paper form unless destruction or expungement is authorized by the Title IX Coordinator, who may act under their own discretion, or in accordance with a duly executed and binding settlement of claim, and/or by court order.

(e) Record Access

Access to records created pursuant to the Sexual Misconduct Policy or housed in the Title IX Office is strictly limited to the Title IX Coordinator, College Administrators, and any individual the Coordinator authorizes in writing, at their discretion. Those who are granted broad access to the records of the Title IX Office are expected to only access records pertinent to their scope or work or specific assignment. Anyone who accesses such records without proper authorization may be subject to an investigation and possible discipline/sanction. The discipline/sanction for unauthorized access of records covered by this policy will be at the discretion of the appropriate disciplinary authority, consistent with other relevant college policies and procedures.

(f) Record Security

The Title IX Coordinator is expected to maintain appropriate security practices for all records, including password protection, lock and key, and other barriers to access as appropriate.

EXHIBIT A

Suggested Actions for Victims/Survivors of Sexual Assault

While all types of Sexual Misconduct are inappropriate and taken seriously by the College, actions involving Sexual Assault (as defined in Exhibit B) are particularly concerning. Thus, if you are the victim/survivor of a Sexual Assault, the College's first priority is to help you take steps to address your safety, medical needs and emotional well-being. You are encouraged to take the following actions, as applicable, regardless of whether you have made a decision about whether to pursue criminal or College disciplinary charges.

1. Ensure Your Physical Safety.

You may seek help by contacting Campus Safety at 254-442-5034 or local law enforcement agencies. Campus Police are available 24 hours a day, seven days a week.

2. Seek Medical Assistance and Treatment.

Local options for medical care include any of the hospitals listed in the resources below. It is crucial that you obtain medical attention as soon as possible after a Sexual Assault to determine the possibilities of physical injury and to prevent or treat sexually transmitted diseases (such as HIV). Medical facilities can also screen for the presence of sedative drugs such as Rohypnol or GHB (date-rape drugs). Employees at the College can help with contacting the closest facility to receive medical services.

3. Obtain Emotional Support.

Cisco College Counselors are available to provide crisis intervention on short-term and emergency issues. Referrals to community counseling agencies will be made for longer-term counseling. Eastland County Crisis Center, which serves the Cisco area, can be reached 24/7 at 254-629-3223. Regional Victim Crisis Center, which serves the Abilene Area, can be contacted 24/7 at 325-677-7895.

4. Obtain Information / Report Misconduct.

You are encouraged to report incidents of Sexual Assault to the College's Title IX Coordinator, Deputy Title IX Coordinators, or other designated individuals or offices as outlined in the Sexual Misconduct Policy and these Procedures (even if you have filed a report directly with law enforcement). Further information about how to report Sexual Assault is provided in the body of the Cisco College Sexual Misconduct Policy and these Procedures. College staff can help you access resources if requested and can provide you with support and information, including information on the College's procedures for investigating and addressing instances of Sexual Assault.

IMPORTANT CONTACT INFORMATION

Title IX Resources

Experiences involving sexual misconduct are often difficult, life-changing events. We want you to know that guidance and support for all parties involved is available to help you through those situations.

Please do not hesitate to contact the Title IX Coordinator, Deputy Title IX Coordinator, or any of the resources listed below. We will get you the help and answers you need.

Title IX Coordinator

Lori Grubbs
Director of Academic Support Programs
Student Life Building
254-442-5022
Lori.Grubbs@cisco.edu

Deputy Title IX Coordinator

Carol Dupree
Provost/Vice-President of Instruction
AEC RM – Abilene Educational Center
325-794-4401
Carol.Dupree@cisco.edu

Deputy Title IX Coordinator

Bryan Cottrell
Dean of Student Services
Student Life – Cisco Campus
254-442-5173
Bryan.Cottrell@cisco.edu

Employee Contact

Director of Human Resources
Shelly Garrett
Harrell Fine Arts – Cisco Campus
254-442-5121
Shelly.Garrett@cisco.edu

Law Enforcement

Cisco College Chief of Police
Roger Tighe
254-442-5031
Roger.Tighe@cisco.edu

Off Campus Resources

LIFE-THREATENING EMERGENCIES

Police or Fire: Call 911

Medical or Mental Health: Call 911 or Visit Emergency Room

Rape Crisis Centers and Sexual Assault Nurse Examiners

Hendrick Medical Center/SANE
(Sexual Assault Nurse Examiner) Program
1900 Pine St.
Abilene, Texas
325-670-4200

Eastland County Crisis Center (Cisco area) - is a 501(c)3 non-profit agency offering crisis counseling, advocacy, and accompaniment services to victims and survivors of Domestic Violence and 10 Sexual Assault in Eastland County. To contact: 24 Hour Hotline: 888-686-3222 or 254-629-3223 <http://www.eastlandcrisis.org/>

Regional Victim Crisis Center (Abilene area) - is a 501(c)3 non-profit corporation serving victims of violent crime, including sexual assault, in Abilene and surrounding region of West Texas since 1977. Services are confidential and free of charge. To contact: 24/7 Victim Crisis Hotline 325-677-7895 <http://www.regionalcrime.org/>

Noah Project (Abilene Area) - offers shelter and comprehensive support services to women, children, men, and unaccompanied youth who are victims of family violence, domestic violence, and dating violence. For immediate assistance, call the 24-hour crisis hotline at 325.676.7107 or 1.800.444.3551 <http://noahproject.org/index.html>

Personal Counseling - College counselors are available to provide short-term assistance to help students address issues that may be hindering them in succeeding in college. There is no charge for this service but this counseling is limited in nature and length, and in some cases a student may be referred to community resources to better address their issues.

National Sexual Assault Online Hotline - provides online crisis support. The hotline provides live, secure, anonymous crisis support for victims of sexual violence, their friends, and families. To access help twenty-four hours a day, every day visit <https://rainn.org/gethelp/national-sexual-assault-online-hotline>

LAW ENFORCEMENT

****In an emergency, please dial 911****

Campus Safety

254-442-5034 (24hr assistance) or email police@cisco.edu

City of Cisco Police Department

504 Conrad Hilton Blvd.

Cisco, Texas 76437

254-442-1770

On Duty Police Officer - (Abilene Educational Center)

325-280-3588

City of Abilene Police Department

450 Pecan St

Abilene, Texas 79604

325-673-8331

REPORTING AT CISCO COLLEGE

Title IX Coordinator

Dr. Lori Grubbs

Director of Academic Support Programs

Student Life Building

254-442-5022

Lori.Grubbs@cisco.edu

Deputy Title IX Coordinator

Carol Dupree

Provost/Vice-President of Instruction

AEC RM – Abilene Educational Center

325-794-4401

Carol.Dupree@cisco.edu

Deputy Title IX Coordinator

Bryan Cottrell

Dean of Student Services

Student Life – Cisco Campus

254-442-5173

Bryan.Cottrell@cisco.edu

Employee Contact

Director of Human Resources

Shelly Garrett

Harrell Fine Arts – Cisco Campus

254-442-5121

Shelly.Garrett@cisco.edu

EXHIBIT B

Definitions

Actionable Sexual Misconduct. “Actionable Sexual Misconduct” is Sexual Misconduct that, taking into account the totality of the circumstances, is sufficiently serious and significant to warrant adjudication under, and discipline pursuant to, these Procedures. Specifically, to determine whether Sexual Misconduct rises to the level of Actionable Sexual Misconduct, consideration will be given to the following criteria: (1) the type, frequency and duration of the conduct (the more severe the conduct, the less the need to show a repetitive series of incidents, particularly if the harassment is physical), (2) the identity of and relationship between the alleged harasser and the alleged victim/survivor, (3) the number of individuals involved, (4) the age and sex of the alleged harasser and the alleged victim/survivor, (5) the location of the incidents and the context in which they occurred, and (6) whether there have been similar incidents.

Actual Notice. “Actual Notice” includes but is not limited to a report of sexual misconduct, an individual notifying the Title IX Coordinator or other Responsible Employee, reports to campus police, a responsible employee witnessing sexual misconduct, or indirect notice received from sources such as social media, the internet, flyers posted on campus, video, or media.

Adjudicator. “Adjudicator” refers to the administrator who reviews the evidence and the Investigative Report and determines responsibility and sanctions thereof. Typically, the adjudicator is a) the Dean of Student Services for Student Responding Parties and b) the Director of Human Resources for Personnel Responding Parties.

Clery Act. The Jeanne Clery Disclosure of Campus Security Policy and Campus Crime Statistics Act (the “Clery Act”) is a federal statute codified at 20 U.S.C. § 1092(f), with implementing regulations in the U.S. Code of Federal Regulations at 34 C.F.R. 668.46. The Clery Act requires all colleges and universities that participate in federal financial aid programs to keep and disclose information about crime on and near their respective campuses.

Complaint. A “Complaint” is an allegation of Sexual Misconduct asserted against another party and reported to or filed with the College.

Consent. “Consent” is informed, freely and actively given and mutually understandable words or actions that indicate a willingness to participate in mutually agreed-upon sexual activity. Consent is mutually understandable when a reasonable person would consider the words or actions of the parties to have manifested a mutually understandable agreement between them to engage in certain conduct with each other. Consent cannot be gained by ignoring or acting in spite of the objections of another.

Consent cannot be inferred from:

- 1) Silence, passivity, or lack of resistance alone;

- 2) A current or previous dating or sexual relationship alone (or the existence of such a relationship with anyone else);
- 3) Attire;
- 4) The buying of dinner or the spending of money on a date; or
- 5) Consent previously given (i.e., Consenting to one sexual act does not imply Consent to another sexual act).

Consent is not effective if it is obtained through the use of physical force, violence, duress, intimidation, coercion or the threat, expressed or implied, of bodily injury. Whether a party used intimidation or coercion to obtain Consent will be determined by reference to the perception of a reasonable person found in the same or similar circumstances.

Consent may never be given by:

- 1) Minors, even if the other participant did not know the minor's age;
- 2) Mentally disabled persons, if their disability was reasonably knowable to a sexual partner who is not mentally disabled; or
- 3) Persons who are incapacitated (whether as a result of drugs, alcohol or otherwise), unconscious, asleep or otherwise physically helpless or mentally or physically unable to make informed, rational judgments. The use of alcohol or drugs does not diminish one's responsibility to obtain Consent and does not excuse conduct that constitutes Sexual Misconduct under these Procedures.

If at any time during a sexual act any confusion or ambiguity is or should reasonably be apparent on the issue of Consent, it is incumbent upon each individual involved in the activity to stop and clarify the other's willingness to continue and capacity to Consent. Neither party should make assumptions about the other's willingness to continue.

Constructive Notice. "Constructive Notice" includes but is not limited to situations in which the pervasiveness of the harassment may be enough to conclude that the College should know of the hostile environment, the harassment is widespread, openly visible, or well known to students and/or staff, or a report is made to an employee who had a reporting duty to a supervisor, but failed to do so.

Dating Violence. "Dating Violence" means violence committed by a person

- 1) Who is or has been in a social relationship of a romantic or intimate nature with the alleged victim/survivor or Reporting Party; and
- 2) Where the existence of such a relationship shall be determined based on a consideration of the following factors:
 - a) The length of the relationship,
 - b) The type of relationship, and
 - c) The frequency of interaction between the persons involved in the relationship.

Day. A "day" is a business day, unless otherwise specified.

Deputy Title IX Coordinator. The College’s Deputy Title IX Coordinator works under the oversight of the Title IX Coordinator to assist with the handling of Title IX-related Complaints. The Title IX Coordinator may, at his or her discretion, assign a Deputy Title IX Coordinator as the acting Title IX Coordinator in connection with a given Complaint.

Domestic Violence. “Domestic Violence” includes felony or misdemeanor crimes of violence committed by a current or former spouse of the alleged victim/survivor or Reporting Party, by a person with whom the alleged victim/survivor or Reporting Party shares a child in common, by a person who is cohabiting with or has cohabited with the alleged victim/survivor or Reporting Party as a spouse or intimate partner, by a person similarly situated to a spouse of the alleged victim/survivor or Reporting Party under the domestic or family violence laws of the State of Texas, or by any other person against an adult or youth alleged victim/survivor or Reporting Party who is protected from that person’s acts under the domestic or family violence laws of the State of Texas.

FERPA. The Family Educational Rights and Privacy Act (“FERPA”) is a federal statute codified at 20 U.S.C. § 1232g, with implementing regulations in the U.S. Code of Federal Regulations at 34 C.F.R. 99. FERPA protects the privacy of student education records. FERPA grants to parents or eligible students the right to access, inspect, and review education records, the right to challenge the content of education records, and the right to consent to the disclosure of education records.

Investigator. The “Investigator” for the College is the Title IX Coordinator. The Investigator will be trained regularly on (1) reasonable and appropriate investigative techniques, (2) issues related to Sexual Misconduct, and (3) how to conduct an investigation that protects the safety of alleged victims/survivors or Reporting Parties and promotes accountability.

Non-forcible Sex Act. A “Non-forcible Sex Act” is an unlawful sexual act where Consent is not relevant, such as sexual contact with an individual under the statutory age of Consent, as defined by Texas law, or between persons who are related to each other within degrees wherein marriage is prohibited by law.

Personally Identifiable Information. “Personally Identifiable Information” as defined by FERPA includes, but is not limited to:

- 1) A student’s name;
- 2) The name of a student’s parent(s) or other family members;
- 3) The address of a student or a student’s family;
- 4) A personal identifier, such as a student’s social security number, student number, or biometric record;
- 5) Other indirect identifiers, such as a student’s date of birth, place of birth, or mother’s maiden name;
- 6) Other information that, alone or in combination, is linked or linkable to a specific student and that would allow a reasonable person in the College community, who does not have personal knowledge of the relevant circumstances, to identify the student with reasonable certainty; or

7) Information requested by a person whom the College reasonably believes knows the identity of the student to whom the education record relates.

Rape. “Rape” is the act of sexual intercourse or penetration (anal, oral or vaginal), however slight, with any body part or any object, by a man or a woman upon a man or a woman, without Consent, including vaginal penetration by a penis, object, tongue or finger; anal penetration by a penis, object, tongue or finger; and oral copulation (mouth to genital contact or genital to mouth contact).

Reporting Party. The “Reporting Party” is an alleged victim/survivor of Sexual Misconduct who chooses to file a Complaint and participate in the College’s investigation and resolution of the alleged Sexual Misconduct.

Responding Party. The “Responding Party” is an individual who has been accused of committing Sexual Misconduct by the reporting or filing of a Complaint.

Responsible Employees. The College’s “Responsible Employees” are all College employees not designated as “Strictly Confidential Resources” in Article II of these Procedures.

Retaliation. “Retaliation” means any adverse action threatened or taken against a person because he or she has filed, supported, or provided information in connection with a Complaint of Sexual Misconduct, including but not limited to direct and indirect intimidation, threats, and harassment.

Sex Discrimination. “Sex Discrimination” means adverse treatment of any individual based on sex, gender, gender identity, rather than individual merit. Sex discrimination may also include abusive or harassing behavior, whether verbal or physical, that demeans or intimidates another individual because of sex.

Sexual Assault. “Sexual Assault” means any actual, attempted, or threatened sexual act with another person without that person’s Consent. Sexual Assault includes but is not limited to:

- 1) Rape and attempted Rape;
- 2) Intentional and unwelcome sexual touching (including disrobing or exposure), however slight, with any body part or any object, by a man or a woman upon a man or a woman, without effective Consent, of a person’s breasts, buttocks, groin, or genitals (or clothing covering such areas), or coercing, forcing, or attempting to coerce or force another to touch you, themselves, or a third party with any of these body parts or areas when such touching would be reasonably and objectively offensive;
- 3) Any sexual act in which there is force, violence, or use of duress or deception upon the victim/survivor;
- 4) Any sexual act perpetrated when the victim/survivor is unable to give Consent; and
- 5) Sexual intimidation, which includes but is not limited to:
 - a) Threatening, expressly or impliedly, to commit a sexual act upon another person without his or her Consent,
 - b) Stalking or cyber-stalking, and

- c) Engaging in indecent exposure.

Sexual Exploitation. “Sexual Exploitation” means any act of taking non-Consensual, unjust or abusive sexual advantage of another person for one’s own advantage or benefit or to benefit or advantage anyone other than the person being exploited. Sexual Exploitation includes, but is not limited to:

- 1) Causing or attempting to cause the incapacitation of another person in order to gain a sexual advantage over such person;
- 2) Prostituting another person (i.e., personally gaining money, privilege or power from the sexual activities of another);
- 3) Non-Consensual videotaping, photographing, or audio-taping of sexual activity and/or distribution of these materials via media such as, but not limited to, the Internet;
- 4) Exceeding the boundaries of Consent (e.g., allowing another person to observe Consensual sex without the knowledge of or Consent from all participants);
- 5) Voyeurism; and
- 6) Knowingly or recklessly transmitting a sexually transmitted disease (including HIV) to another individual.

Sexual Harassment. “Sexual Harassment” is any unwelcome verbal, nonverbal, written, electronic or physical conduct of a sexual nature. Examples of Sexual Harassment include:

- 1) Quid Pro Quo Sexual Harassment, which refers to incidents in which submission or consent to the behavior is reasonably believed to carry consequences for the individual’s education, employment, or participation in a College activity. Examples of this type of sexual harassment include:

- a) Pressuring an individual to engage in sexual behavior for some educational or employment benefit, or
- b) Making a real or perceived threat that rejecting sexual behavior will carry a negative educational or employment consequence for the individual.

- 2) Hostile Environment Sexual Harassment, which refers to incidents in which the behavior is so severe or pervasive that it has the effect of substantially interfering with the individual’s work or educational performance by creating an intimidating, hostile, or demeaning environment for employment, education, or participation in a College activity. Examples of this type of sexual harassment include:

- a) One or more instances of Sexual Assault;
- b) Persistent unwelcome efforts to develop a romantic or sexual relationship;
- c) Unwelcome sexual advances or requests for sexual favors;
- d) Unwelcome commentary about an individual’s body or sexual activities;
- e) Repeated and unwelcome sexually-oriented teasing, joking, or flirting; and
- f) Verbal abuse of a sexual nature.

Sexual harassment also includes acts of intimidation, bullying, aggression or hostility based on gender or gender-stereotyping, even if the acts do not involve conduct of a sexual nature.

Sexual Misconduct. “Sexual Misconduct” means any unwelcome conduct of a sexual nature, including any conduct or act of a sexual nature perpetrated against an individual without Consent. Sexual Misconduct can occur between strangers or acquaintances, including people involved in an intimate or sexual relationship. Sexual Misconduct can be committed by men or by women, and it can occur between people of the same or different sex. Sexual Misconduct also includes complicity in Sexual Misconduct. The College encourages reporting of all Sexual Misconduct. Sexual Misconduct includes but is not limited to:

- 1) Dating Violence;
- 2) Domestic Violence;
- 3) Non-forcible Sex Acts;
- 4) Sexual Assault;
- 5) Sexual Exploitation;
- 6) Sexual Harassment; and
- 7) Stalking.

Stalking. “Stalking” means engaging in a course of conduct directed at a specific person that would cause a reasonable person to:

- 1) Fear for his or her safety or the safety of others; or
- 2) Suffer substantial emotional distress.

For purposes of this definition, “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; “substantial emotional distress” means significant mental suffering or anguish that may, but does not necessarily, require medical or other professional treatment or counseling; and “reasonable person” means a reasonable person under similar circumstances and with similar identities to the victim/survivor.

Title IX Coordinator. The College’s Title IX Coordinator is Dr. Lori Grubbs, whose office is in the Student Life Building on the Cisco Campus. This office can be contacted by phone at 254-442-5022 or by email at lori.grubbs@cisco.edu. The Title IX Coordinator has ultimate oversight responsibility for handling Title IX–related complaints and for identifying and addressing any patterns or systemic problems involving Sexual Misconduct. The Title IX Coordinator is available to meet with individuals who are involved with or concerned about issues or College processes, incidents, patterns or problems related to Sexual Misconduct on campus or in College programs. All allegations involving Sexual Misconduct should be directed to the Title IX Coordinator or other designated College individuals or offices as outlined in the Sexual Misconduct Policy and these Procedures.

The Sexual Misconduct Policy and these Procedures can also be located in the Cisco College faculty handbook (Policy 1.3), Student Handbook (p. 59-61), and online at <https://www.cisco.edu/student-life/campus-safety/sexual-assault-policy>