

Notice of Non-Discrimination on the Basis of Gender



Updated 3/17/2016

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3. REFERRAL RESPONSIBILITY

Every supervisor, administrator, and College official is responsible for promptly reporting incidents of sex discrimination and sexual harassment that come to his or her attention to either the Title IX Coordinator, Dean of Students, and/or Director of Campus Safety. Where a supervisor, administrator or College official is concerned about the conduct of a particular College employee but no specific complaint has been made, such concerns may be forwarded to the Student Life Office or to the Office of Campus Safety for discussion and potential and investigation.

Complaints of student-on-student sex discrimination, sexual harassment (including sexual violence) or sexual misconduct will be handled by the Office of the Dean of Students.

Students may also contact the U.S. Department of Education, Office of Civil Rights to complain of sex discrimination or sexual harassment including sexual violence; see: <http://www.hhs.gov/ocr/civirights/complaints/index.html>.

Cases of sexual violence may also be reported to the City of Cisco Police Department 254-442-2017 (non-emergency) or 911.

4. STUDENTS

For more detailed information regarding the procedures for reporting a grievance, see the following policies, as contained in the *Cisco College Student Handbook* http://www.cisco.edu/s/926/images/editor_documents/2016/student_handbook_update_3-17-2016.pdf

- Student Conduct and Disciplinary Procedures (p. 49)
- Prohibition of Sexual Assault and Misconduct (p. 50)
- Policy on Discrimination and Sexual Harassment (p. 58)

5. DEFINITIONS

- a) “Actor” means the person alleged to have committed a sexual assault.
- b) “Another” means a person other than the actor.
- c) “Consent” means assent in fact, whether express or apparent, by all of the involved parties to engage in the same sexual activity at the same time.
- d) “Minor” means a person younger than seventeen (17) years of age.

6. SEX DISCRIMINATION

Sex discrimination, including sexual harassment, is conduct directed at a specific individual or a group of identifiable individuals that subjects the individual or group to treatment that adversely affects the individual’s or group’s employment or education on account of sex.

- a) **Sexual Harassment.** Unwelcome conduct of a sexual nature. Sexual harassment is a form of sex discrimination that includes:
 - i. Sexual violence, as defined under the Texas Penal Code which includes rape, sexual assault, sexual battery, and sexual coercion, and can occur when:
 - the submission to unwelcome physical conduct of a sexual nature, or to unwelcome requests for sexual favors or other verbal conduct of a sexual nature, is made an implicit or explicit term or condition of employment or education;
 - the submission to or rejection of unwelcome physical conduct of a sexual nature, or unwelcome requests for sexual favors or other verbal conduct of a sexual nature, is used as a basis for academic or employment decisions or evaluations;
 - unwelcome physical acts of a sexual nature, or unwelcome requests for sexual favors or other verbal conduct of a sexual nature, have the effect of creating an objectively hostile environment that substantially interferes with employment or education on account of sex; or
 - such conduct is intentionally directed towards a specific individual and has the purpose or effect of unreasonably interfering with that

individual's education, employment, or participation in College activities, or creating an intimidating, hostile, or offensive atmosphere.

- ii. Physical conduct that, depending on the totality of the circumstances present, including frequency and severity, may constitute sexual harassment includes but is not limited to:
 - unwelcome intentional touching; or
 - deliberate physical interference with or restriction of movement.
- iii. Verbal conduct, including oral, written, or symbolic expression, that, depending on the totality of the circumstances present, including frequency and severity, may constitute sexual harassment includes but is not limited to:
 - explicit or implicit propositions to engage in sexual activity;
 - gratuitous comments, jokes, questions, anecdotes or remarks of a sexual nature about clothing or bodies;
 - gratuitous remarks about sexual activities or speculation about sexual experiences;
 - persistent, unwanted sexual or romantic attention;
 - subtle or overt pressure for sexual favors;
 - exposure to sexually suggestive visual displays such as photographs, graffiti, posters, calendars or other materials; or
 - deliberate, repeated humiliation or intimidation based upon sex.

This policy only applies to verbal conduct that is not necessary to an argument for or against the substance of any political, religious, philosophical, ideological, or academic idea.

- b) **Sexual Assault.** An actor commits a sexual assault if he/she intentionally or knowingly:
 - i. Causes the penetration of the anus or sexual organ of another person by any means, without that person's consent; or
 - ii. Causes the penetration of the mouth of another person by the sexual organ of the actor, without that person's consent; or
 - iii. Causes the sexual organ of another person, without that person's consent, to contact or penetrate the mouth, anus, or sexual organ of another person including the actor.
- c) **Dating Violence.** Means an act, other than a defensive measure to protect oneself, by an actor that:

- i. Is committed against a victim:
 - with whom the actor has or has had a dating relationship; or
 - because of the victim's marriage to or dating relationship with an individual with who the actor is or has been in a dating relationship or marriage.
 - ii. Is intended to result in physical harm, bodily injury, assault or sexual assault or that is a threat that reasonably places the victim in fear of imminent physical harm, bodily injury assault, or sexual assault
- d) **Dating Relationship.** Means a relationship between individuals who have or have had a continuing relationship of a romantic or intimate nature. The existence of such a relationship shall be determined based on the consideration of:
- i. the length of the relationship;
 - ii. the nature of the relationship; and
 - iii. the frequency and type of interaction between the persons involved in the relationship;
 - iv. a casual acquaintanceship or ordinary fraternization in a business or social context does not constitute a "dating relationship" under subsection (d).
- e) **Family Violence.** Means an act by a member of a family or household against another member of the family or household that is intended to result in physical harm, bodily injury, assault, or sexual assault or that is a threat that reasonably places the member in fear of imminent physical harm, bodily injury, assault, or sexual assault, but does not include defensive measures to protect oneself.
- f) **Stalking.** Means a person commits an offense if the person on more than one occasion and pursuant to the same scheme or course of contact that is directed specifically at another person, knowingly engages in conduct that:
- i. Constitutes an offense under Section 42.07 of the Texas Penal Code (harassment), or the actor knows or reasonably should know the other person will regard as threatening:
 - bodily injury or death for the other person;
 - bodily injury or death for a member of the other person's family or household or the individual with whom the other person has a dating relationship; or
 - that an offense will be committed against the other person's property.

- ii. Causes the other person, a member of the other person's family or household or an individual who the other person has a dating relationship to be placed in fear of bodily injury or death or in fear that an offense will be committed against the other person's property or to feel harassed, annoyed, alarmed, abused, tormented, embarrassed or offended.
 - iii. Would cause a reasonable person to:
 - Fear bodily injury or death for themselves;
 - Fear death or bodily injury for a member of the person's family household or an individual with whom the person has a dating relationship;
 - Fear that an offense will be committed against the person's property; or
 - Feel harassed, annoyed, alarmed, abused, tormented, embarrassed, or offended.
- g) **Consent.** An individual's manner of dress or the existence of a current or past dating relationship between two or more individuals does not, in and of itself, constitute consent to engage in a particular sexual activity. Consent is informed and voluntary and can be revoked at any time and for any reason. However, there are certain instances where an individual **cannot** give consent to participate in a sexual act. The following illustrate some of those instances:
- i. The actor compels another to submit to or participate in a sexual act by the use of physical force or violence against the other person.
 - ii. The actor compels another to submit to or participate in a sexual act by threatening to use force or violence against the other person.
 - iii. The person has not consented to the sexual act and the actor knows the other person is unconscious or physically unable to resist.
 - iv. The actor knows that the other person is, at the time of the sexual act, incapable of either appraising the nature of the act or of resisting it.
 - v. The other person has not consented to the sexual act and the actor knows the other person is unaware that the sexual act is occurring.
 - vi. The actor or another has intentionally impaired the other person's power to appraise or control the other person's conduct by administering any substance without the other person's knowledge.
 - vii. The actor compels the other person to submit to or participate in a sexual act by threatening to use force or violence against any other person.
 - viii. The individual is under the age of seventeen (17) and is not the spouse of the actor.
- h) **Minors.** An actor commits a sexual assault against a minor (who is not the spouse of the actor) if the actor:

- i. Causes the penetration of the anus or sexual organ of a minor by any means; or
 - ii. Causes the penetration of the mouth of a minor by the sexual organ of the actor; or
 - iii. Causes the sexual organ of a minor to contact or penetrate the mouth, anus, or sexual organ of another person, including the actor; or
 - iv. Causes the anus of a minor to contact the mouth, anus, or sexual organ of another person, including the actor; or
 - v. Causes the mouth of a minor to contact the anus or sexual organ of another person, including the actor.
- i) **Use of Drugs and Alcohol.** The fact that the student accused of sexual assault was under the influence of drugs or alcohol at the time of the assault will not diminish the student's responsibility for a violation of the College specific prohibitions listed in the student handbook, nor shall being under the influence of alcohol or drugs be construed as an invitation to or as implied consent for unwanted sexual advances.

9. CONFIDENTIALITY

The confidentiality of a complaint of sex discrimination, sexual harassment (including sexual violence) or sexual misconduct, and all documents, correspondence, and notes of interviews and discussions related to the investigation of a complaint will be maintained, on a need-to-know basis, to the extent permitted by law. Documentation related to the resolution of complaints or incidents of sex discrimination, sexual harassment (including sexual violence) and sexual misconduct will be maintained by the Office of the Dean of Students, and the Office of Institutional Equity as appropriate.

10. PROHIBITION OF RETALIATION

Students, faculty and staff members are prohibited from retaliating in any way against an individual who has brought a complaint of sex discrimination, sexual harassment (including sexual violence) or sexual misconduct; or against any individual who has participated in an investigation of such complaints.

11. FILING OF FALSE COMPLAINTS

Any person who knowingly and intentionally files a false complaint of sex discrimination, sexual harassment (including sexual violence) or sexual misconduct is subject to disciplinary action, up to and including dismissal from the University.

12. CRISIS SUPPORT

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

On Duty Police Officer (Abilene Educational Center) 325-280-3588

Eastland County Crisis Center

- is a 501(c)3 non-profit agency offering crisis counseling, advocacy, and accompaniment services to victims and survivors of Domestic Violence and

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 will 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/get-help/national-sexual-assault-online-hotline>

13. OPTIONS AND RESOURCES FOR INDIVIDUALS WHO HAVE EXPERIENCED A SEXUAL ASSAULT

Police and Medical.

A student who experiences any form of sexual assault is encouraged to seek immediate medical care. Students can undergo a medical exam to preserve physical evidence of the assault with or without the police's involvement. This should be done immediately if possible. If not immediately, students who have experienced a sexual assault may have a Sexual Assault Forensic Exam (SAFE) performed by a Sexual Assault Nurse Examiner (SANE) within three (3) days of the assault if law enforcement is involved and within three (3) days if they are not. With the student's consent, the physical evidence collected during this medical exam can be used as part of a criminal investigation; however, a student may undergo a SAFE regardless of whether they have contacted, or intend to contact, the police. To undergo a SAFE, go directly to the emergency department at Hendrick Medical Center located in Abilene or contact Eastland County Crisis Center at 254-629-3223 (Cisco Area) or Regional Crime Victim Crisis Center at (325) 677-7895 (Abilene Area)

The cost of the forensic portion of the exam is covered by the law enforcement agency that is investigating the assault or, in cases where a report will not be made to the police, the Texas Department of Public Safety. This does not include fees related to medical treatment that are not part of the SAFE.

Reporting an assault to law enforcement does not mean that the case will automatically go to criminal trial or to a College disciplinary hearing. If the police are called, an officer will be sent to the scene to take a detailed statement. A ride to the hospital may be provided by the police department. A report may be filed with the police regardless of whether or not the assailant was a Cisco College student. If a decision is made to make a report to the police, it is important to note that police jurisdictions depend on where the sexual assault occurred. If the incident occurred on the main College campus in Cisco or at the Abilene Educational Center, a report may be filed with the Cisco College Police Department by calling 254-442-5034 or in person at Office location in the bottom floor of Memorial Hall. If the offense occurs at the Abilene Campus, you may still report it to the Cisco College Police Department; however, the initial information will be turned over to the Abilene Police Department, and they will handle the investigation.

If the incident occurred in Cisco but off-campus, a report may be filed with the Cisco Police Department (CPD), regardless of time elapsed since the assault occurred. In the same manner, if the incident occurred in Abilene but off-campus, a report may be filed with Abilene Police Department. If a report is made to the police, a uniformed officer will be dispatched to the location to make a written report. A student who has experienced a sexual assault is strongly encouraged to seek medical and psychological care regardless of whether he/she intends to request a SAFE or report the assault to the police. He/she may be prescribed medications to prevent sexually transmitted infections and/or pregnancy regardless of whether the police were contacted or a SAFE was performed.

Medical care can be provided at a local emergency room, or by a private physician. Psychological support can be provided by the Eastland County Crisis Center, Regional Crime Victims Crisis Center (Abilene), or by a care provider of the student's choosing.

A student who experiences any form of sexual assault may pursue any civil or criminal remedies provided by state law.

- Emergency: 911
- Cisco College Police: 254-442-5034
- City of Cisco Police: 254-629-1728
- Abilene Police Department: 325-673-8331

For more information about sex discrimination, sexual harassment (including sexual violence) or sexual misconduct, please contact:

- Title IX Coordinator

Dr. Lori Grubbs

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