

# **Sexual Assault and Sex Crimes Prevention**

## **Campus Sex Crimes Prevention Act**

In compliance with the "Campus Sex Crimes Prevention Act" (section 1601 of Public Law 106-386) and the Jacob Wetterling Crimes Against Children and Sexually Violent Offender Registration Act, all persons required to register as part of the State of Texas's Sex Offender Registration Program are required to provide notice of their presence on campus. This information is available at the local police department or at <http://www.txdps.state.tx.us> .

## **Policy Statement**

Frank Phillips College is committed to a positive and productive learning environment in which students, employees, and visitors are free from any form of sexual misconduct. Sexual assault, dating violence, domestic violence, stalking, and any unwelcome physical conduct is prohibited. Frank Phillips College's policies regarding inappropriate conduct extend to all members of the community, including students, employees, community members, children, vendors, and all other parties visiting any of the college campuses. The policies apply regardless of gender, sexual orientation, gender identity, age, or ethnicity. FPC seeks to eliminate sexual violence and sex crimes through providing adequate resources for all stakeholders. These resources include information on prevention and actions in the event of an incident, support for the victim, a comprehensive investigation, and a fair disciplinary action.

## **What is the Clery Act?**

The Jeanne Clery Disclosure of Campus Policy and Campus Crime Statistics Act is the landmark federal law, originally known as the Campus Security Act, that requires colleges and universities throughout the United States to disclose information about crime on and around their respective campus.

Because the law is directly tied to participation in federal student financial aid programs, it applies to most institutions of higher education, both public and private. The act is enforced by the U.S. Department of Education.

By October 1 of each year, institutions must publish and distribute their Annual Campus Security Report to current and prospective students and employees. Institutions are also allowed to provide notice of the report, a URL if available, and how to obtain a paper copy if desired. This report is required to provide crime statistics for the prior three years, policy statements regarding various safety and security measures, campus crime prevention program descriptions, and procedures to be followed in the investigation and prosecution of alleged sex offenses.

The "Clery Act" is named in memory of 19 year-old Lehigh University freshman Jeanne Ann Clery, who was raped and murdered on April 5, 1986 while asleep in her residence hall room. Jeanne's parents, Connie and Howard discovered that students hadn't been told about 38 violent crimes on the Lehigh campus in the three years before Jeanne's murder. They joined with other campus crime victims and persuaded Congress to enact this law, which was originally known as the "Crime Awareness and Campus Security Act of 1990."

The law was amended in 1992 to add a requirement that schools afford the victims of campus sexual assault certain basic rights. It was amended again in 1998 to expand the reporting requirements. The 1998 amendments also formally named the law in memory of Jeanne Clery.

The law was most recently amended in 2000 to require schools, beginning in 2003, to notify the campus community of where the public "Megan's Law" information regarding registered sex offenders on campus could be obtained.

In compliance with the "Campus Sex Crimes Prevention Act" (section 1601 of Public Law 106-386) and the Jacob Wetterling Crimes Against Children and Sexually Violent Offender Registration Act, all persons required to register as part of the State of Texas's Sex Offender Registration Program are required to provide notice of their presence on campus. This information is available at the local police department or at <http://www.txdps.state.tx.us> .

## **Definitions**

**Assault:** Intentionally or knowingly causes physical contact with another when the person knows or should reasonably believe that the other will regard the contact as offensive or provocative (Texas Penal Code Sec. 22.01)

**Sexual Assault:** An offense if committed by a person that intentionally or knowingly causes the penetration of the anus or sexual organ of another person by any means, without that person's consent; or causes the penetration of the mouth of another person by the sexual organ of the actor, without that person's consent; or 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. (Texas Penal Code Sec. 22.011)

### **Without Consent:**

- The actor compels the other person to submit by the use of violence;
- the actor compels the other person to submit by threatening to use violence against the victim or against any other person;
- the other person has not consented and the actor knows the other person is unconscious or physically unable to resist;
- the actor knows that as a result of mental disease the other person is at the time of the sexual assault incapable of appraising the nature of the act;
- the other person has not consented and the actor knows the other person is unaware that the sexual assault is occurring;
- the actor has intentionally impaired the other person's power to appraise the victim's conduct by administering any substance without the victim's knowledge. (Texas Penal Code Sec. 22.011)

## **Prohibited Conduct**

FPC prohibits sexual assaults including rape, fondling, dating and/or domestic violence, and stalking. Such behavior interferes with the productive learning and working environment valued by FPC and endangers the welfare of students, employees, and community members. Attempting to engage in sexual assault, encouraging sexual assault, or sexually assaulting a person on the Frank Phillips College property is a violation of college standards of conduct.

## **Retaliation**

All persons are free from retaliation for reporting sexual assault or unwanted sexual aggression against themselves or others.

## Reporting Sexual Misconduct and Assault

Any person who has experienced an incident of sexual assault, dating or domestic violence, or stalking should consider reporting the incident to law enforcement and seeking medical assistance. Seeking law enforcement and medical assistance as soon as possible may help preserve any important evidence to be used in a legal investigation. FPC encourages any victim of sexual assault, dating or domestic violence, or stalking to report the incident to college officials. **Employees of Frank Phillips College are required to report sexual misconduct according to the Discrimination/Harassment Policy unless the employee has legal authority of confidentiality.**

Victims of sexual assault should consider the following medical treatments:

- **Get Medical Care as soon as possible after the assault.**
- **Do not shower, douche, or change clothes prior to a medical exam in order to preserve valuable evidence and prohibit contamination of the evidence, which can potentially nullify it as legal evidence at a later time.**
- **If you have changed clothing, place the clothing worn at the time of assault in a plastic bag and take it to the hospital with you.**
- **A specially trained sexual assault nurse examiner (SANE) or other approved medical personnel will usually perform an examination in which the information and documentation of evidence will be collected to be used in a possible prosecution case.**
- **Testing and treatment for possible sexually transmitted diseases may be conducted.**

Victims may notify any local law enforcement authorities and receive assistance from FPC personnel in reporting the incident to an officer of the law. A victim may also file a complaint with the Title IX Officer or campus contacts who will notify the Title IX Officer:

### Title IX Officer

Dr. Shannon Carroll  
Classroom Learning Complex  
**Borger Campus**  
(806) 457-4200, extension 732  
[scarroll@fpctx.edu](mailto:scarroll@fpctx.edu)

Mayella Martinez  
**Hereford Campus**  
(806) 36-3688  
[mmartinez@fpctx.edu](mailto:mmartinez@fpctx.edu)

Amber Jones  
**Perryton Campus**  
(806) 648-1450  
[ajones@fpctx.edu](mailto:ajones@fpctx.edu)

Misty Light  
**Dumas Campus**  
(806) 934-9494  
[milight@fpctx.edu](mailto:milight@fpctx.edu)

Ilene Walton  
**Dalhart Campus**  
**Coon Memorial Hospital**  
(806) 244-7669  
[iwalton@fpctx.edu](mailto:iwalton@fpctx.edu)

# Contact Information for Agencies Assisting Victims of Sex Crimes

A victim may seek immediate assistance at any time by dialing 911 or the police department at the following numbers:

## **Borger Campus**

Borger Police Department:

430 Deahl St  
PO Box 5250  
Borger, TX 79007  
(806) 273-0930

Hutchinson County Sheriff's Department

1400 Veta  
Borger, TX 79007  
(806) 274-6343

Golden Plains Hospital

100 Medical Drive  
Borger, TX 79007  
(806) 467-5700

## **Dalhart Campus and Coon Memorial Hospital**

Dalhart Police Department:

202 Rock Island  
Dalhart, TX 79022  
(806) 244-5546

Dallam County Sheriff's Department

501 Denver Avenue  
Dalhart, TX 79022  
(806) 244-5388

Hartley County Sheriff's Department

900 Railroad Avenue  
Channing, Texas 79018  
(806) 235-3142

Coon Memorial Hospital

1411 Denver Avenue  
Dalhart, TX 79022  
(806) 244-4571

## **Dumas Campus**

Dumas Police Department:

124 E 7<sup>th</sup> Street  
Dumas, Texas 79029  
(806) 935-3998

Moore County Sheriff's Department

700 S. Bliss Avenue  
Dumas, Texas 79029  
(806) 935-4145

Moore County Hospital

224 E 2<sup>nd</sup> Street  
Dumas, Texas 79029  
(806) 935-7171

## **Hereford Campus**

Hereford Police Department:

212 Lee Ave  
Hereford, TX 79045  
(806) 363-7120

Deaf Smith County Sheriff's Department

235 E Third Street  
Room 102  
Hereford, Texas 79045  
(806) 364-2311

Hereford Regional Medical Center

540 West 15<sup>th</sup> Street  
Hereford, Texas 79045  
(806) 364-2141

## **Perryton Campus**

Perryton Police Department:

21 SE 2nd Ave  
Perryton, TX 79070  
(806) 435-4002

Ochiltree County Sheriff's Department

21 SE 6<sup>th</sup> Ave  
Perryton, TX 79070  
(806) 435-8000

Ochiltree General Hospital

3101 Garrett Dr.  
Perryton, Texas 79070  
(806) 435-3606

## **Regional Hospital**

Northwest Texas Healthcare System Hospital

1501 S Coulter  
Amarillo, Texas 79106  
(806) 354-1000

## Confidentiality

While it is possible that a victim of sexual assault or harassment might wish to remain anonymous, anonymity may not be guaranteed when the investigation would be impeded by keeping the complainant anonymous. In order to investigate a complaint or a discrimination notification, it may be necessary to divulge information that might clearly indicate the victim. FPC personnel assisting the victim in the complaint process will strive to retain confidentiality but will notify the victim if retaining such confidentiality proves to be impossible in moving forward with the investigation.

As in all other instances, Frank Phillips College strives to respect and protect the privacy of students, employees, and community members. However, if a situation of sexual misconduct requires notification of law enforcement or any kind of disciplinary action, the privacy and identity of the accused and the victim

## Student Grievances

The College views certain individual rights as fundamental in its commitment to provide an atmosphere that enhances the opportunities for success of all students. Serious consideration is given in instances where these rights may have been violated. A procedure has been established to address all complaints brought by students *alleging discrimination* on the basis of age, race, religion, color, national origin, sex, or disability. Students are not required to make direct contact with the alleged harasser.

The steps involved in the Student Grievance Procedure are as follows:

1. The student must contact Dr. Shannon Carroll, Title IX Officer, to discuss with the student the allegations and the right to proceed with the grievance. In order for the college to quickly and fairly resolve the grievance, the student should notify the Title IX Officer within four (4) weeks of the inciting situation. If the grievance regards a violation of Section 504/Americans with Disabilities, the student will be referred to the Section 504/ADA Coordinator, Dr. Deborah Johnson, who will conduct the initial interview and serve as a resource for the student during the appeal process. If a student contacts any employee other than the aforementioned, the employee will notify the Title IX Officer about the situation. In any situation that involves The Title IX Officer or Section 504/ADA Coordinator, the student should contact Dr. Jud Hicks, President. Dr. Hicks will hear the grievance only when it involves the Title IX Officer or 504/ADA Coordinator.
2. After discussing the allegations and the student's rights to proceed, a student may decide to write a formal grievance statement within twenty-one (21) days of the initial meeting. A student is not required to make a formal, written statement in order for the Title IX Officer to investigate the allegations. However, students are encouraged to do so as part of the record-keeping process should a hearing be necessary. During all conferences, however, the VPAA will make notes about the situation.
3. After receiving a grievance statement, either verbally or in writing, from a student, the Title IX Officer will contact the person against whom the allegation has been made and request a written statement regarding the situation.
4. Within fourteen (14) days of receiving the grievance statement from the student, the Title IX Officer will schedule a meeting with both parties in an effort to resolve the grievance. In the case of harassment, the student may request separate meetings in order to avoid direct contact with the alleged harasser. Both parties may present witnesses and other evidence during the meeting; however, no attorneys or other advisors may be present to represent either party. This meeting may not be recorded. After the meeting concludes, the Title IX Officer will complete any further investigation, make a determination regarding the violation of college policies, and render a written decision statement to both parties within fourteen (14) days of

- the meeting.
5. If the student is not satisfied with the decision made by the Title IX Officer, the student may appeal to a committee by notifying the Title IX Officer in writing within fourteen (14) days of receipt of the previous determination.
  6. The Title IX Officer or his or her designee will convene the Student Grievance Committee, which consists of two faculty members, one staff member, and the president of the Student Government Association or his/her designee with the approval of the Title IX Officer or his or her designee. If any of the committee members are named in the allegation of discrimination, an alternate member will be appointed. The committee will choose a chairperson from its membership, and the chairperson will vote only in the case of a tie. If a student can present reasons why any regular member would be biased, the chairperson may choose an alternate.
  7. The student will be notified in writing of the time and place of the formal hearing.
  8. The Student Grievance Committee will convene for the formal hearing within 14 business days following the receipt of the written appeal for a committee hearing. The student will testify and may present evidence or call witnesses to support the allegations. Neither the student nor the institution is allowed to have an attorney present during the proceeding. No electronic recording or participation is permitted.
  9. The committee will make a decision based on a majority vote. The chairperson of the committee will prepare a written document outlining the findings and making a determination about the allegations within seven (7) days of the convening of the hearing. The decision will be given in writing to the Title IX Officer, who will notify the student.
  10. The Title IX Officer will act on the request within 10 days. The Title IX Officer may affirm or overrule the decision in its entirety or may affirm or overrule the decision in part. The student will be notified of the final decision in writing.
  11. Upon receipt of the final decision, the student appeal process is exhausted with no further opportunity to appeal within the college's policies.

## **Student Complaints**

A student may wish to make a complaint without going through an official appeal or grievance process. A student complaint form is available in the Office of Educational Services and through directors at Dalhart, Dumas, Hereford, and Perryton.

A student may choose to make the complaint anonymous to the person(s) about whom the complaint is lodged. However, the student will not remain anonymous to the Executive Vice President for Academic Affairs who will handle the complaint on behalf of the student. If a student wishes to remain anonymous to anyone else, he or she will note this desire on the form. However, students must realize that, in order to address a complaint, the Executive Vice President for Academic Affairs may have to convey information that makes the identity of the student clear. Before discussing the complaint with anyone, however, the Executive Vice President for Academic Affairs will speak to the student who has made the complaint.

Because of the possibility of disciplinary action being taken on the alleged violator, the actions taken to resolve the complaint may not be shared with the student, but if a student feels the situation is not resolved, he or she may speak further with the Executive Vice President for Academic Affairs.

If a situation about which the student complains involves a crime, the EVPAA may be required to notify law enforcement. In that case, the EVPAA will speak with the student about the requirements.

## **Confidentiality**

While it is possible that a victim of sexual assault or harassment might wish to remain anonymous, anonymity may not be guaranteed when the investigation would be impeded by keeping the complainant anonymous. In order to investigate a complaint or a discrimination notification, it may be necessary to divulge information that might clearly indicate the victim. FPC personnel assisting the victim in the complaint process will strive to retain confidentiality but will notify the victim if retaining such confidentiality proves to be impossible in moving forward with the investigation.

As in all other instances, Frank Phillips College strives to respect and protect the privacy of students, employees, and community members. However, if a situation of sexual misconduct requires notification of law enforcement or any kind of disciplinary action, the privacy and identity of the accused and the victim

## **Sanctions**

Students of Frank Phillips College are entitled to certain rights while held to a conduct of behavior that includes responsibilities.

## **Student Rights and Responsibilities**

### ***Rights:***

- Students shall have the right to participate in a free exchange of ideas, speech, expression, petition, and peaceful assembly as set forth in the United States Constitution.
- Students have the right to equal treatment in all aspects of college life regardless of race, color, religion, sex, age, national origin, sexual orientation, or educational disabilities.
- Students have the right to privacy according to the law and the right to give access to personal information to a third party upon the written and documented request of the student.
- Students have the right to appeal disciplinary action through judicial hearings.
- Students have the right to a quality education through competent instruction, fair assessment, and prompt feedback.
- Students have the right to be free from ridicule, discrimination, and harassment and the right to express concerns regarding violations of these freedoms to the Executive Vice President for Academic Affairs or his/her designee.
- Students have the right to appeal course grades through a fair and timely process.

### ***Responsibilities:***

- Students have the responsibility of respecting the rights, freedoms, and property of other students, faculty, staff, and administration.
- Students have the responsibility to comply with College policies and local, state, and federal laws.
- Students have the responsibility to abstain from any activities that are disruptive to the learning of other students.

## **Student Discipline**

Every student is responsible to the College for his or her actions. In cases where a student's actions violate college policy, the Executive Vice President for Academic Affairs or his or her designee



will administer student discipline. Students are subject to such reasonable disciplinary action as considered appropriate. Disciplinary action may include a verbal warning, probation, dismissal from college housing, enforced withdrawal, suspension, or expulsion from the College. When flagrant violations of policy cause major disruption, tension, or danger to the order, safety, or well-being of the institution or other persons, students may be suspended immediately pending formal investigation and hearing to determine final action. Any student who is suspended will forfeit any refunds or deposits. A student who is suspended may not attend classes or use College resources. However, if the disciplinary action is overturned, the student will be allowed to complete all missed assignments with no penalty and will be provided adequate instruction for the missed class days.

If a student is asked to leave the college due to disciplinary action, the student forfeits the right to a refund of the dorm and key deposit. The student has twenty-four hours in which to remove all personal belongings from college property and vacate the premises. In cases in which the students may be a threat to others, he or she will be asked to vacate immediately and will be given assistance in packing and arranging to leave campus. Students who are engaged in an appeal process have the right to remain in residential housing during the appeal, **provided they do not pose any kind of threat to others.** Students who are removed from residential housing due to discipline may be subject to complete withdrawal from all courses.

The steps involved in the Disciplinary Procedure are as follows:

1. The Executive Vice President for Academic Affairs or his or her designee will advise the student of the charges verbally and/or in writing. Information supporting the charges may be verbal or written and the student will be advised of the information.
2. The student may present information in his or her defense and request witnesses are heard in his or her behalf concerning the charges.
3. The Executive Vice President for Academic Affairs or his or her designee will take appropriate disciplinary action, if required. A disciplinary report will be completed and filed as deemed appropriate.
4. The student has the right to appeal decisions resulting in suspension or expulsion to the Disciplinary Committee. The committee is comprised of the Executive Vice President for Academic Affairs or his or her designate, two to three faculty members, one to two staff members and the president of the Student Senate or his/her designee. The committee members may be changed prior to the hearing if membership on the committee presents a conflict of interest with the involved student(s). The student must file a written request for a hearing within 48 business hours to the Executive Vice President for Academic Affairs or his or her designee.
5. The Executive Vice President for Academic Affairs will review the appeal and determine whether there is sufficient reason for a hearing.
6. If there is sufficient reason, the committee will be convened as soon as administratively possible, but no later than two weeks after receipt of the student's written appeal.
7. The student will be notified by the Executive Vice President for Academic Affairs of the date, location and time set for the hearing.
8. The student must provide the names of any witnesses who will appear on his or her behalf at least 24 hours prior to the hearing. Neither the student nor the institution is allowed to have an attorney present during the proceeding. No electronic recording

or participation is permitted.

9. During the hearing, the Executive Vice President for Academic Affairs or his or her designee will present charges and supporting information. The student and the Executive Vice President for Academic Affairs may each call witnesses and cross-examine witnesses.
10. The committee will review the information in closed session and make a final determination of the action to be taken. The decision of the committee will be verbally presented to the student with a written decision available within two weeks of the hearing.

## **Personnel Policies and Responsibilities**

### **Personnel Sanctions**

Employees of the college are also governed by a set of standards to which they are expected to adhere. Among those standards are included the following, which have a direct implication on the behavior related to refraining from inappropriate sexual aggression or harassment:

Texas Community College Teachers Association  
Code of Professional Ethics  
Adopted April 20, 1998  
Frank Phillips College  
Board of Regents

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

- The Professional Educator shall treat all persons with respect, dignity, and justice, discriminating against no one on any arbitrary basis such as ethnicity, creed, gender, disability, or age.
- The professional Educator shall strive to help each student realize his or her full potential as a learner and as a human being.
- The Professional Educator shall by example and action encourage and defend the unfettered pursuit of truth by both colleagues\* and students, supporting the free exchange of ideas, observing the highest standards of academic honesty and integrity, and seeking always an attitude of scholarly objectivity and tolerance of other viewpoints.
- The Professional Educator shall work to enhance cooperation and collegiality among students, faculty, administrators, and other personnel.
- The Professional Educator shall recognize and preserve the confidential nature of professional relationships, neither disclosing nor encouraging the disclosure of information or rumor, which might damage or embarrass or violate the privacy of any other person.
- The Professional Educator shall support the goals and ideals of the college and shall act in public and private affairs in such a manner as to bring credit to the college.

- The Professional Educator shall not engage in sexual harassment of students or colleagues and shall adhere to the college's policy on sexual conduct.
  - The Professional Educator shall observe the stated policies and procedures of the college, reserving the right to seek revision in a judicious and appropriate manner.
  - The Professional Educator shall support the right of all colleagues to academic freedom and due process and defend and assist a professional colleague accused of wrongdoing, incompetence, or other serious offense so long as the colleague's innocence may reasonably be maintained.
  - The Professional Educator shall not support a colleague whose persistently unethical conduct or professional incompetence has been demonstrated through due process.
  - The Professional Educator shall accept all rights and responsibilities of citizenship, always avoiding use of the privileges of his or her public position for private or partisan advantage.\*
- In this Code the term "colleague" refers to all persons employed by colleges in the educational enterprise.

## **Employee Standards of Conduct: Sexual Harassment and Sexual Discrimination**

### **Notice against Sexual Harassment**

Frank Phillips College will not tolerate sexual misconduct in any form. Employees, students, and visitors to the campus have the right to be free from discrimination or harassment on the basis of sex. Employees, students, and visitors to the campus must also conduct themselves in such a way that they do not infringe upon the rights of others.

### **Non-Retaliation**

Frank Phillips College enforces a non-retaliation policy against any individual(s) who has complained about sexual discrimination, harassment, or misconduct or has cooperated with an investigation into such manner. A person violating this policy is subject to discipline, which may include termination for an employee, expulsion for a student, and declaration of no trespass for visitors and community members.

### **Definitions**

Sexual harassment is verbal or physical conduct that denigrates or shows hostility or aversion toward an employee, student, or group of employees or students because of his or her gender and that:

1. Has the purpose or effect of creating an intimidating, hostile, or offensive working or academic environment;
2. Has the purpose or effect of unreasonably interfering with an individual's performance of duties or studies; or
3. Otherwise adversely affects an individual's employment or academic opportunities.

Harassing conduct includes:

1. Epithets, slurs, negative stereotyping, or threatening, intimidating or hostile acts that relate to gender; and
2. Written or graphic material that denigrates or shows hostility or aversion toward an individual or

group because of gender and that is placed on walls, bulletin boards, or elsewhere on Frank Phillips College property or is circulated in the workplace.

### **Employee-to-Employee**

Employees shall not engage in conduct constituting sexual harassment of other employees. Employees who believe they have been sexually harassed by other employees are encouraged to come forward with complaints. College officials or their agents shall investigate promptly all allegations of sexual harassment of employees by other employees, and officials shall take prompt and appropriate disciplinary action against employees found to have engaged in conduct constituting sexual harassment of employees.

### **Employee-to-student**

Employees shall not engage in conduct constituting sexual harassment of students. Sexual harassment includes any unwelcome sexual advances, requests for sexual favors, and other verbal (oral or written), physical, or visual conduct of a sexual nature.

### **Reporting/Investigation**

Employees who have reason to believe that a student is being sexually harassed or sexually abused by a College District employee shall report their suspicion to their immediate supervisor, or Title IX coordinator.

### **Right to Confidentiality**

To the greatest extent possible, complaints will be treated in a confidential manner. Limited disclosure may be necessary in order to complete a thorough investigation.

### **Time Limits**

In resolving complaints, time is of the essence. All time limits shall be strictly complied with, unless extended by mutual consent. All references are to business days on which the college is open for regular business. The complaint shall be considered concluded if the employee does not appeal within the stated time limits.

### **Reporting Harrassment/Filing a Complaint of Sexual Misconduct**

For the purpose of the following complaint process, “days” mean business days on which the college is open for business.

An employee who believes he or she has been or is being subjected to any form of sexual harassment shall bring the matter to the attention of the appropriate administrator, immediate supervisor, or Title IX coordinator for employees. No procedure or step in this policy shall have the effect of requiring the employee alleging harassment to present the matter to a person who is the subject of the complaint.

**Level One:** The employee shall request a conference with his or her immediate supervisor by submitting the complaint in writing or by requesting a conference. If the complaint is made orally, the supervisor receiving the complaint shall reduce it to writing. The complainant will be asked to review the notes and sign when the information is correct. These notes will be forwarded to the Title IX Coordinator for purposes of maintaining a file and/or further investigation. The file will be secured in a locked cabinet in the Title IX Coordinator’s office.

The immediate supervisor shall hold the conference as soon as possible, but in any event within seven days after receipt of the complaint. The immediate supervisor shall ordinarily have seven days following

the conference within which to investigate and respond. The employee shall be informed if extenuating circumstances delay the investigation.

**Level Two:** If the outcome of the conference at Level One is not to the employee's satisfaction, the employee may request a conference with the Title IX Coordinator to discuss the complaint. The request should be in writing and shall be filed within seven days following receipt of a written response from the Level One supervisor or, if no written response is received, within seven days of the response deadline.

The Title IX Coordinator shall hold the conference as soon as possible but within seven days after receipt of the written request. The Title IX Coordinator shall have seven days following the conference within which to respond.

**Level Three:** If the outcome at Level Two is not to the employee's satisfaction or if the time for a response has expired, the employee may submit to the College President a written request to meet in order to discuss the complaint. The request shall be filed within seven days following receipt of a written response from the Title IX Coordinator, or if not written response is received, within seven days of the response deadline.

The College President shall hold the conference as soon as possible but within seven days after receipt of the written request. The College President shall have seven days following the conference within which to respond.

**Note:** In the event that the complaint is against the College President or an active member of the College's Board or Regents, the employee may request a meeting with the College Board of Regents and be placed on the next regular board meeting's agenda. The complaint shall be included as an item on the agenda posted with notice of the meeting. Announcing a decision in the employee's presence constitutes communication of the decision.

The Title IX Coordinator shall provide the Board with copies of the employee's original complaint, all responses, and any written documentation previously submitted by the employee and the administration.

### **Closed Meeting**

The Board may hear the allegation of sexual harassment in closed meeting, if posted in accordance with law, unless an open hearing is requested in writing by the employee or Board member against whom the complaint or charge is brought.

### **Harassment Prevention Training:**

Section 21.010 of the Texas Labor Code requires employment discrimination prevention training (including sexual harassment training) every two years for state employees and within 30 days for any new hire. The on-line course, called "Preventing Workplace Harassment" is located at <https://elearning.ue.org>. Frank Phillips College employees will view the on-line course within 30 days of employment and again in each odd-numbered year.

## **Non-Student/Non-Personnel Sexual Misconduct and Victimization**

Disciplinary action against a community member who is neither an enrolled student nor an employee of Frank Phillips College will be at the discretion of law enforcement and applicable

laws. A community member may be barred from using or participating in an activity conducted on a Frank Phillips College campus and may be subject to criminal trespass.

In all cases of sexual assault that violate any local, state, or federal law, the accused will be reported to local law enforcement, regardless of the accused's connection to Frank Phillips College.