

---

**Note:** This policy addresses complaints of sexual discrimination, sexual harassment, and retaliation involving College District students. For legally referenced material relating to this subject matter, see FFDA(LEGAL). For discrimination, harassment, and retaliation involving students based on race, color, national origin, religion, disability, age, veteran status, or genetic information, see FFDB. Claims by College District employees are addressed at DIAA and DIAB.

---

STATEMENT OF  
NONDISCRIMINATION

The College District prohibits discrimination and harassment of any student on the basis of race, color, national origin, religion, sex, pregnancy, sexual orientation, gender identity or gender expression, disability, age, veteran status, genetic information, or any other basis prohibited by law. Retaliation against anyone involved in the complaint process is a violation of College District policy and is prohibited.

Board members, administrators, faculty, staff, students, and individuals conducting business with the College District shall comply with this policy. Under this policy, "student" shall be defined as any person who is enrolled in courses provided by the College District, whether for credit or noncredit, including but not limited to, courses through dual enrollment programs, workforce education, the center for business and industry training, and community education. This policy shall apply to behaviors that take place on campus, at College District-sponsored events regardless of location, in College District communications, and in College District vehicles. Additionally, the College District may investigate off-campus misconduct, online misconduct, or misuse of social media when the College District determines that the conduct affects a substantial interest of the College District, including but not limited to, situations in which the conduct poses a danger or threat to the health or safety of any person at the College District, adversely impacts the operations of the College District, or has the effect of creating a hostile environment in a program or activity of the College District or otherwise causes a substantial on-campus disruption.

Further, it is the policy of the College District to provide a campus environment free of sexual misconduct, including sexual violence, dating violence, domestic violence, and stalking. It is the policy of the College District to provide training, procedures, and resources to prevent sexual misconduct and to provide an equitable complaint process that provides for prompt, fair, and impartial investigation of complaints and the imposition of sanctions against individuals who are found in violation of these policies.

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

FFDA  
(LOCAL)

This policy prohibits a wide range of unwelcome verbal and physical behaviors ranging from offensive sexual comments to unwanted touching to rape. The definitions within this policy are not intended to be mutually exclusive, and, in some instances, the definitions may overlap. For example, an act of sexual assault may constitute sexual harassment, while an act of dating violence also may constitute a sexual assault.

PREVENTION  
COORDINATORS

The College District designates the following individuals to coordinate the College District's compliance with federal anti-discrimination laws.

Prevention and investigation of claims of sexual misconduct:

Name: Kelli Forde Spiers  
Position: Director, Student Life and Intramural Programs / Title IX Coordinator  
Address: 500 College Drive, Lake Jackson, TX 77566  
Telephone: (979) 230-3355  
E-mail: kelli.fordespiers@brazosport.edu

Name: Victoria Young  
Position: Human Resources Coordinator / Deputy Title IX Coordinator  
Address: 500 College Drive, Lake Jackson, TX 77566  
Telephone: (979) 230-3303  
E-mail: victoria.young@brazosport.edu

DEFINITIONS

The following definitions shall be used in this policy:

COMPLAINANT In this policy, the term "complainant" shall mean the person alleging a violation of College District's policy.

RESPONDENT In this policy, the term "respondent" shall mean the person who is alleged to have violated the College District's policy.

SEXUAL DISCRIMINATION "Sexual discrimination" is the act of treating students adversely based on their sex, sexual orientation, or gender identity and/or gender expression.

SEXUAL MISCONDUCT "Sexual misconduct" as used in this policy collectively refers to a broad range of prohibited acts, including, but not limited to, sexual violence, dating violence, stalking, domestic violence, sexual assault, and sexual harassment. The phrase "sexual misconduct"

also encompasses behavior or conduct of a sexual nature that is unprofessional and/or inappropriate for an educational environment even if the conduct is otherwise consensual, such as engaging in sexual activity in a public place.

SEXUAL  
HARASSMENT

“Sexual harassment” is physical, verbal, or nonverbal conduct that is based on the student’s sex, sexual orientation, gender identity, or gender expression and that is so severe, persistent, or pervasive that:

1. Submission to such conduct is explicitly or implicitly made a term or condition of instruction, participation in a College District activity, or College District employment;
2. Submission to or rejection of such conduct is used as a basis for personnel or academic decisions that affect the student who has been subjected to sexual advances; and/or
3. Such conduct interferes with the student’s work or academic performance or creates an intimidating, hostile, or offensive work or learning environment.

Sexual harassment violates this policy whether it is perpetrated by a student, employee, or visitor to the campus. Additionally, sexual harassment is wrongful regardless of whether the parties are of the same sex or of the opposite sex.

The definition of sexual harassment in this policy includes acts of sexual violence, which are physical acts perpetrated against a person’s will or where a person is incapable of giving consent due to the victim’s use of drugs or alcohol or due to an intellectual or other legal or physical disability. The definition of sexual harassment shall also encompass gender-based harassment, such as actions or comments that target the student’s failure to conform to stereotypical notions of masculinity or femininity.

EXAMPLES

Examples of prohibited sexual harassment may include sexually offensive comments and gestures; requests for sexual favors accompanied by implied or overt promises of preferential treatment; requests for sexual favors accompanied by implied or overt threats of adverse consequences if the recipient does not comply; unwanted flirtation or repeated requests for social/sexual encounters or favors the recipient deems unwelcome; slurs and name-calling based on the student’s perceived sexual orientation; unwelcome or suggestive physical contact, such as grabbing, touching, or patting; and acts of sexual violence, including sexual assault, sexual coercion, and rape.

CONSENT

Affirmative “consent” is a clear, unambiguous, knowing, informed, and voluntary agreement between all participants to engage in

sexual activity. Silence or lack of resistance does not constitute consent. Obtaining consent is the responsibility of the person(s) initiating each specific sexual act regardless of whether the person initiating the act is under the influence of drugs and/or alcohol. Consent to any sexual act or prior consensual sexual activity between or with any party does not constitute consent to any other sexual act. The definition of consent does not vary based on a participant's sex, sexual orientation, gender identity, or gender expression. Consent may be initially given but withdrawn at any time. Consent cannot be given when a person is mentally disabled or incapacitated. Incapacitation occurs when an individual lacks the ability to fully, knowingly choose to participate in sexual activity. Incapacitation includes impairment due to drugs or alcohol (whether such use is voluntary or involuntary), the lack of consciousness, being asleep, or being involuntarily restrained. Consent does not exist when it is the result of any coercion, intimidation, force, or threat of harm. Consent does not exist when the respondent misrepresents his or her true identity to the victim.

Under the Texas Penal Code, victims under the age of 17 cannot give consent as a matter of law. However, it is an affirmative defense to criminal prosecution that the offender was not more than three years older than the victim and of the opposite sex; did not use duress, force, or a threat against the victim at the time of the offense; and was not a registered sex offender.

SEXUAL ASSAULT

"Sexual assault" is defined as intentionally or knowingly causing physical sexual contact or sexual penetration of another person without that person's consent. Sexual assault is without consent of the other person if the actor compels the other person to submit or participate by the use of physical force or violence, or threat of force or violence, and the other person believes the actor has the present ability to execute the threat; or the other person cannot consent. [Texas Penal Code 22.011]

Sexual assault may include any intentional sexual touching, however slight, including with any object. It may also include intentional contact with the breasts, groin, genitals, mouth, or touching another with any of these body parts, or making another touch the respondent or themselves with or on any of these body parts.

AGGRAVATED  
SEXUAL ASSAULT

"Aggravated sexual assault" is defined as sexual assault in which the actor:

1. Causes serious bodily injury or attempts to cause the death of the victim or another person in the course of the same criminal episode;

2. By acts or words, places the victim in fear that any person will become the victim of an offense under Penal Code 20A.02(a)(3), (4), (7), or (8) (smuggling of persons) or that death, serious bodily injury, or kidnapping will be imminently inflicted on any person;
3. By acts or words occurring in the presence of the victim, threatens to cause any person to become the victim of an offense under Penal Code 20A.02(a)(3), (4), (7), or (8) (smuggling of persons) or to cause death, serious bodily injury, or kidnapping;
4. Uses or exhibits a deadly weapon in the course of the same criminal episode;
5. Acts in concert with another who commits a sexual assault directed toward the same victim and occurs during the same criminal episode; or
6. Assaults a victim who is younger than 14 years of age or is an elderly or a disabled individual.

[Texas Penal Code 22.021]

DOMESTIC  
ASSAULT

A person is guilty of “domestic assault” in Texas if he or she commit an assault against a family member, household member, or a current or past dating partner. An assault consists of:

1. Intentionally, knowingly, or recklessly causing bodily injury to another person;
2. Intentionally or knowingly threatening another person with imminent bodily injury; or
3. Intentionally or knowingly causing physical contact with another that the offender knows or reasonably should know the victim will find provocative or offensive.

A person commits aggravated domestic assault if he or she intentionally, knowingly, or recklessly cause serious bodily injury to a family member, household member, or a current or past dating partner, or uses or exhibits a deadly weapon in the course of committing the assault crime.

[Texas Penal Code 22.01]

DATING VIOLENCE

“Dating violence” means an act, other than a defensive measure to protect oneself, by an actor that:

1. Is committed against a victim:

- a. With whom the actor has or has had a dating relationship; or
  - b. Because of the victim's marriage to or dating relationship with an individual with whom the actor is or has been in a dating relationship or marriage; and
2. 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.

A 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 consideration of the length of the relationship, the nature of the relationship, and the frequency and type of interaction between the persons involved in the relationship. A casual acquaintance or ordinary fraternization in a business or social context does not constitute a dating relationship.

[Texas Penal Code 71.0021]

Under federal regulations, when the reporting party asserts there was a dating relationship, the College District should err on the side of assuming that the victim and alleged perpetrator were in a dating relationship.

STALKING

"Stalking" is any repeated conduct directed specifically at another person that would cause a reasonable person similarly situated (or a member of that person's family or household) to fear for their safety. Such conduct includes, but is not limited to, following another person and acts that threaten or intimidate another person through fear of bodily injury or death of self or members of that person's family or household or an offense being committed against that person's property.

REPEATED  
CONDUCT

"Repeated conduct" as used in this policy means two or more acts, including, but not limited to, when the stalker acts directly or indirectly, or through third parties, by any action, method, device, or means.

SEXUAL  
EXPLOITATION

"Sexual exploitation" refers to a situation in which a person takes non-consensual or abusive sexual advantage of another, and that behavior does not otherwise fall within the definitions of sexual harassment, sexual assault, aggravated sexual assault, domestic assault, dating violence, and stalking. Examples of sexual exploitation may include, but are not limited to:

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

FFDA  
(LOCAL)

1. Sexual voyeurism (such as watching a person disrobing, using the restroom or engaging in sexual acts, without the consent of the person observed).
2. Camera phones and other recording devices shall not be used to take a photo of a person's genital area or the female breast area or from a vantage point that a reasonable person would view as an invasion of personal privacy (e.g., under a skirt, inside or down a blouse).
3. Taking pictures, video, or audio recordings of another engaging in a sexual act without the consent of all involved in the activity, or exceeding the boundaries of consent (such as allowing another person to hide in a closet and observe sexual activity, or disseminating sexual pictures without the photographed person's consent).
4. Prostitution.
5. Sexual exploitation also includes engaging in sexual activity with another person while knowingly infected with human immunodeficiency virus (HIV), a sexually transmitted disease (STD) or infection (STI) without informing the other person of the infection.
6. Attempting to administer or administering controlled substances (including, but not limited to, Rohypnol/flunitrazepam, clonazepam/Klonopin, GHB, ketamine, and alprazolam/Xanax) to another person without his or her knowledge or consent.
7. Exposing one's genitals in non-consensual circumstances.

RETALIATION

A student who files a complaint under this policy shall not be subjected to retaliation. Witnesses and other individuals who participate in the investigation process or related proceedings under this policy likewise are protected from unlawful retaliation. Retaliation as used in this policy refers to materially adverse actions or decisions that would dissuade a reasonable person from exercising their right to file a complaint or to participate in an investigation. Prohibited retaliation includes an unwarranted grade reduction, exclusion from a school activity, destruction of property, and cyberbullying.

REPORTING  
PROCEDURES  
STUDENT REPORT

A student who believes he or she has been subjected to conduct that violates this policy may submit an online incident report through the College's sexual misconduct webpage. A complaint may also be reported via e-mail or in person to the Title IX Coordinator or Deputy Title IX Coordinator. A complaint against the Title IX coordinators should be reported to the College President. A

complaint against the College President shall be submitted directly to the Chairperson of the Board of Trustees of the College District.

No student shall be required to report prohibited conduct to the person who allegedly committed the conduct.

A student has the right to simultaneously file a criminal complaint with local law enforcement and a complaint with the College District. A student also may choose to file a campus complaint without filing a law enforcement complaint or to file a law enforcement complaint without filing a campus complaint. A student may also choose not to file any complaint. The Title IX Coordinator shall inform students of their options.

A student is encouraged to report his or her concerns to the College District as soon as possible after the alleged violation. A failure to immediately report may impair the College District's ability to investigate and address the violation.

AMNESTY

A student is encouraged to report incidents of sexual misconduct regardless of whether drugs or alcohol were involved on the occasion in question. The college administration shall not pursue disciplinary sanctions against a complainant who makes a good faith report of sexual misconduct and who consumed drugs or alcohol in conjunction with the incident of sexual misconduct. Likewise, third-party witnesses who observe sexual misconduct are encouraged to report sexual misconduct and will not be subject to disciplinary sanctions for having consumed drug or alcohol violations on the occasion in question.

EMPLOYEE  
REPORTING  
RESPONSIBILITIES

To ensure that all complaints are properly processed, any College District employee who knows or who, in the exercise of reasonable care, should have known of allegations of unwelcomed sexual harassment or sexual misconduct prohibited by this policy are strongly encouraged to promptly notify the Title IX Coordinators. A person who holds a professional license requiring confidentiality, or who is supervised by such a person, shall not be required to disclose a report of prohibited conduct without the student's consent.

RESPONSIBLE  
EMPLOYEE

A "responsible" College District employee is an employee who has the authority to take remedial action, who has the duty to report incidents, or whom a student might reasonably view as having authority to take remedial action. Responsible Employees include the College President, all Vice Presidents, Deans, Division Chairs, faculty members, club and activity sponsors, student services personnel, security personnel, and supervisors. Reports to Responsible Employees are not confidential.

CONFIDENTIALITY

To the greatest extent possible, the College District shall maintain the confidentiality of records related to investigations of complaints based on discrimination, harassment, and sexual violence. Limited disclosures may be necessary in order to conduct a thorough investigation and comply with applicable law. The College District's Title IX Coordinator shall be responsible for evaluating a student's request for confidentiality in the context of the College District's responsibility to provide a safe and nondiscriminatory environment for the entire college community. The Title IX Coordinator shall make every effort to respect a student's request for confidentiality; however, there are situations in which the College District may be unable to guarantee complete confidentiality in order to meet its Title IX obligations. When weighing a student's request for confidentiality that could preclude a meaningful investigation or potential discipline of the respondent, the College District shall consider a range of factors. These factors include circumstances that reasonably suggest there is an increased risk of the respondent committing additional acts of sexual misconduct or violence against the complainant or any other person.

If the College District determines that it must disclose a complainant's identity to a respondent, it shall inform the complainant prior to making this disclosure and take whatever interim measures are necessary to protect the complainant and ensure the safety of others. Additionally, when possible, the complainant and the respondent shall be informed in advance of any public release of information regarding the investigation report. In the event that the College District decides to investigate or impose discipline, the College District shall honor this request and inform the respondent that the College District made the decision to go forward.

INITIAL ASSESSMENT  
AND REVIEW OF THE  
COMPLAINT

Upon receipt of a complaint or notice of allegations of sexual misconduct, the Title IX Coordinator shall review the allegations to determine if a potential violation of this policy exists. If so, the Title IX Coordinator shall immediately authorize or undertake an investigation.

The Title IX Coordinator or designee shall inform the complainant of his or her rights under this policy, including options with respect to investigations and interim measures. The complainant shall receive a list of community and campus resources, including medical services, mental health services, legal services, victim advocacy, academic support, counseling, and disability services. The Title IX Coordinator shall inform the complainant that he or she may request administrative assistance (such as a change in a class schedule) without filing a formal complaint. The Title IX Coordinator shall inform the student of the importance of taking action to

preserve evidence such as soiled clothing, photos of injuries, voice messages, text messages, and e-mails.

In emergency situations in which a student is reporting an act of violence or assault that just occurred, is needing medical assistance or treatment, or is experiencing trauma, the Title IX Coordinator, Dean of Student Services, the College's Chief of Police, Vice President of Human Resources, or other designated officials shall assist the student with obtaining medical transport and with contacting a victim's advocate or family members, if desired by the student.

INFORMAL  
RESOLUTION

The College District may institute an informal resolution in response to a situation or report of a violation of College District's policy when a formal investigation is not desired by the complainant or when there is not enough information to proceed with a formal investigation process. An informal resolution is similar to an interim measure but may serve as a final resolution. Informal resolution does not result in findings related to responsibility or in sanctions. The Title IX Coordinator may institute a formal investigation at any time if the Title IX Coordinator determines that the conduct that is described in the complaint is severe, part of a pattern of persistent misconduct, or otherwise necessary to comply with Title IX.

An informal resolution process may be initiated if the behavior, even if true, would not constitute a potential violation of this policy. However, the formal investigation process will be used when informal resolution is inappropriate (e.g. allegations of sexual misconduct, reports of a pattern of inappropriate behavior, alleged criminal acts such as stalking, sexual assault or physical assault). The resolution sought depends upon the circumstances of the complaint.

Possible resolutions might include, but are not limited to:

1. An agreement by the respondent to cease the behavior;
2. Assisting the respondent to better understand the effects of their conduct and ways in which this behavior might be changed;
3. Participation in educational programs about discrimination or harassment;
4. Verbal or written reprimands;
5. Taking away of privileges or altering schedules.

FORMAL  
INVESTIGATION  
PROCESS

If a potential violation exists, the Title IX Coordinator or designee shall provide written notice to the complainant and the respondent of the complaint and their respective rights under College District

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

FFDA  
(LOCAL)

policy. The notice shall inform the respondent not to contact the complainant or to engage in retaliatory actions.

INTERIM MEASURES  
AND  
ACCOMMODATIONS

When reviewing a complaint, the Title IX Coordinator or other designated administrator shall determine whether interim measures are needed. These interim measures may include issuing a “no-contact” order to the respondent, temporarily suspending the respondent, allowing the complainant to change academic and extracurricular activities or their on-campus working situation as appropriate, or providing a campus escort between classes. When necessary, interim measures may also include providing increased monitoring, supervision, or security at locations or activities where the complainant states the misconduct occurred. The Title IX Coordinator shall consult with the complainant regarding whether interim measures are desired.

INVESTIGATION

A formal investigation shall be initiated if the allegations in a complaint, if determined to be true, would support a finding that the College District’s policy was violated. The College District may decline to process a complaint if the complaint does not describe conduct covered by this policy.

If the complaint is within the scope of this policy, the College District shall commence an investigation regardless of whether a law enforcement agency or other agency is investigating the same allegation.

The Title IX Coordinator shall designate an impartial, trained investigator who is not a member of the affected department, e.g., a complaint by a student against an employee shall not be investigated by someone inside the department where the employee works. Depending on the scope of the investigation, more than one investigator may be appointed. In the event of a complaint filed against the Title IX Coordinator, the College President shall designate another impartial, trained administrator to fulfill the responsibilities of the Title IX Coordinator as stated in this policy.

Barring unusual circumstances, e.g., multiple complaints or a complaint filed shortly before the winter break, the investigation shall be completed as promptly as possible, usually within 60 calendar days. The Title IX Coordinator shall provide periodic status updates in writing throughout the investigation process to both the complainant and the respondent.

The investigator shall interview the complainant, the respondent, and other individuals determined by the investigator to possess relevant information. The complainant and the respondent shall be permitted to provide documentation or other tangible evidence to the investigator.

Both the complainant and the respondent may be assisted by an adviser of their own choosing during any meetings or proceedings under this policy so long as the adviser is not also a witness or otherwise has a conflict of interest. Although the adviser may provide advice and counsel to their party, they are not allowed to present evidence; question witnesses, investigators, or college administrators; or argue on behalf of their party. Advisers may confer privately with their advisees in a manner that does not disrupt the process. Advisers may request a meeting in advance with the Title IX Coordinator to clarify any questions on process or procedure.

The standard of evidence for investigating and adjudicating a complaint is preponderance of the evidence. This standard shall be met if the evidence shows that the allegation is more likely than not to have occurred. Possible outcomes of an investigation are:

1. A finding that the allegation is untrue or could not be substantiated; or
2. A finding that the allegation is substantiated and violates this policy and, if so, a referral to the appropriate administrator for a sanction or other corrective action.

The investigator shall prepare a written report that summarizes the evidence and information collected through the investigation process and states whether a policy violation appears to have occurred based on a preponderance of evidence. Subject to the requirements of the Family Educational Rights & Privacy Act (FERPA), each party shall have seven business days in which to review the report and to submit comments to the investigator.

If the respondent is a student, the Title IX Coordinator shall provide a report to the Dean of Student Services or the Dean's designee. The report shall include the results of the investigation, whether a policy violation appears to have occurred based on a preponderance of evidence, and any recommended sanctions. If the respondent student has been found in violation and has been proposed for expulsion, suspension, or other discipline, the procedures set forth in FMA(LOCAL) shall apply.

Disciplinary action against faculty and staff shall be processed under the College District's policies for discipline and dismissal of employees. Disciplinary actions may include, but are not limited to, written reprimands, reassignment, suspension, nonrenewal, and termination. Accordingly, if the respondent is a College District employee, the report shall be provided to the Vice President of Human Resources or designee. If the respondent employee has been found in violation and has been proposed for a sanction, ter-

mination, or nonrenewal, then policy DGBA, DM, DMAA, or DMAB shall apply, depending on the employee's contract status.

The College District shall simultaneously provide written notice of the outcome to the complainant and respondent and the process for contesting an adverse decision.

Correspondence to the parties may be redacted to ensure compliance with the FERPA.

CRIMINAL  
INVESTIGATION

If a law enforcement or regulatory agency notifies the College District that a criminal or regulatory investigation has been initiated, the College District shall confer with the agency to determine if the College District's investigation would impede the criminal investigation. The College District shall proceed with its investigation only to the extent that it does not impede the ongoing criminal investigation. After the law enforcement agency has completed gathering its evidence, the College District shall promptly resume its investigation. The Title IX Coordinator or designee shall inform the complainant and respondent in writing of any anticipated delays due to a concurrent criminal investigation.

POTENTIAL REMEDIES  
AND SANCTIONS

Remedies may include, but are not limited to:

1. Suspending or expelling a student or revoking privileges;
2. Terminating or suspending an employee;
3. Changing a policy, procedure, program, or service;
4. Providing an effective escort to ensure that the complainant can move safely between classes and activities;
5. Ensuring the complainant and respondent do not share classes or extracurricular activities;
6. Arranging comprehensive, holistic victim services including medical counseling and academic support services, such as tutoring;
7. Arranging for the complainant to have extra time to complete or retake a class or withdraw from a class without an academic or financial penalty;
8. Reviewing and determining whether to set aside any disciplinary actions previously taken against the complainant; and
9. Providing counseling, training, and learning opportunities for the respondent to eliminate the inappropriate behavior and hostile environment.

These remedies are separate from, and in addition to, any interim measures that may have been provided during the College District's investigation. Additionally, if the complainant did not seek or declined a specific service or measure at the commencement of the investigation, the complainant retains the option of requesting such services or measures at the conclusion of the investigation.

The following sanctions may be imposed on any students found to have violated this policy. Sanctions may include, but are not limited to:

1. Educational Sanctions: While any sanction shall be punitive by nature, educational sanctions are those designed to educate students.
2. A written warning is a formal notice of a violation and indicates that continuation or repetition of such conduct may be cause for more severe disciplinary action. The written warning shall be placed in the permanent file of the student and may be used in any future conduct proceedings.
3. Disciplinary Probation: A student on disciplinary probation is excluded from participation in all extracurricular activities set forth in the notice for a specific period of time. Further violations of any kind during this disciplinary probationary period may result in suspension or expulsion.
4. Suspension: Suspension is the revocation of a student's privilege to enroll and to be physically present on campus for a specific period of time. The conditions for reinstatement of these privileges shall be stated in the formal decision of suspension sent to the student.
5. Expulsion: Expulsion is the permanent revocation of a student's privilege to enroll in the College. This effectively ends an academic career at BC. The student may not register for any classes or take part in any academic programs associated with the college. Likewise, expulsion is a revocation of a person's privilege to be physically present on the campus.

#### RIGHT OF APPEAL

A respondent's right to appeal for adverse findings and/or sanctions is set forth in policy FMA for students and policies DGBA, DM, DMAA, DMAB, and/or DMB for employees. If an investigation does not substantiate the complainant's allegation, the complainant may seek review at this stage only on the following grounds:

1. A procedural error or omission occurred that significantly impacted the outcome of the investigation and/or assignment of sanctions (e.g. substantiated bias, material deviation from established procedures, and the like).

2. To consider new evidence, unknown or unavailable during the investigation, that could substantially impact the original finding or sanction. A summary of this new evidence and its potential impact must be included.

The complainant may submit a written appeal to the Vice President of Academics and Student Affairs (or other administrator designated by the College President) within five business days of disposition of the complaint. The respondent shall have an opportunity to respond in writing to the appeal. If the Vice President or designee determines that there may be a reasonable basis for granting the appeal, then the Vice President or designee may issue a determination consistent with the reasons for granting the appeal. In an appropriate case, the Vice President or designee may return the matter to the Title IX Coordinator for further investigation. The Vice President or designee shall inform the parties in writing of the outcome of the appeal.

All deadlines in this policy may be extended by mutual agreement or for good cause.

FEDERAL TIMELY  
WARNING  
OBLIGATIONS

The College District must issue timely warnings for incidents reported to the College District that pose a substantial threat of bodily harm or danger to members of the campus community. No such warning shall identify a victim or contain information that could do so unless permitted by the victim.

ACCESS TO POLICY  
AND PROCEDURES

Information regarding this policy and any accompanying procedures shall be distributed annually to College District employees and students in a manner calculated to provide easy access and wide distribution, including through electronic distribution and inclusion in major College District publications. Information regarding the policy and procedures shall also be prominently published on the College District's website. Copies of the policy and procedures shall be readily available at the College District's administrative offices.

FALSE CLAIMS

Investigations of allegations of sexual discrimination, sexual harassment, or sexual misconduct are serious and often time-consuming endeavors. The College District recognizes that the expenditure of time and resources is necessary to ensure the fair and equitable resolution of complaints. Students and employees who knowingly file false complaints or submit false evidence shall be subject to discipline, up to and including dismissal or expulsion. Before determining that an individual has acted in bad faith and imposing discipline, the Title IX Coordinator, in conjunction with other appropriate administrators, shall carefully evaluate the evidence and shall provide the individual an opportunity to respond to the allegation.

Brazosport College  
020502

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

FFDA  
(LOCAL)

ADOPTED: 01/17/2017