
Note: This policy addresses complaints of sex and discrimination, sexual harassment, sexual assault, and retaliation targeting students. For legally referenced material relating to discrimination, harassment, and retaliation, see FA(LEGAL). For sex discrimination, sexual harassment, sexual assault, and retaliation targeting employees, see DIAA.

**Statement of
Nondiscrimination**

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

**Sex or Gender
Discrimination**

Discrimination against a student is defined as conduct directed at a student on the basis of sex that adversely affects the student.

Sexual Harassment

Sex discrimination includes all forms of sexual and gender-based misconduct. Sex discrimination violates an individual's fundamental rights and personal dignity. The College District is committed to the principle that the working environment of its employees and the educational environment for students should be free from inappropriate conduct of a sexual or gender-based nature by employees, students, or third parties. Sexual and gender-based misconduct is unprofessional and shall not be tolerated and is expressly prohibited. Individuals who engage in such conduct shall be subject to disciplinary action up to and including separation from the College District.

By an Employee

Sexual harassment of a student by a College District employee includes unwelcome sexual advances; requests for sexual favors; sexually motivated physical, verbal, or nonverbal conduct; or other conduct or communication of a sexual nature when:

1. A College District employee causes the student to believe that the student must submit to the conduct in order to participate in a school program or activity, or that the employee will make an educational decision based on whether or not the student submits to the conduct (i.e., quid pro quo sexual harassment); or
2. The conduct is so severe, persistent, or pervasive that it limits or denies the student's ability to participate in or benefit from the College District's educational program (i.e., hostile environment).

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

FFDA
(LOCAL)

By Another Student or Others	Sexual harassment of a student, including harassment committed by another student, includes unwelcome sexual advances; requests for sexual favors; or sexually motivated physical, verbal, or nonverbal conduct when the conduct is so severe, persistent, or pervasive that it limits or denies a student's ability to participate in or benefit from the College District's educational program.
Sexual Violence	Sexual violence is a form of sexual harassment. Sexual violence includes physical sexual acts perpetrated against a person's will or where a person is incapable of giving consent due to the victim's use of drugs or alcohol or due to an intellectual or other disability.
Examples	Examples of sexual harassment of a student may include sexual advances; touching intimate body parts or coercing physical contact that is sexual in nature; jokes or conversations of a sexual nature; rape; sexual assault; sexual battery; sexual coercion; and other sexually motivated conduct, communications, or contact. Physical contact not reasonably construed as sexual in nature is not sexual harassment.
Gender-Based Harassment	Gender-based harassment includes physical, verbal, or nonverbal conduct based on the student's gender, the student's expression of characteristics perceived as stereotypical for the student's gender, or the student's failure to conform to stereotypical notions of masculinity or femininity. For purposes of this policy, gender-based harassment is considered prohibited harassment if the conduct is so severe, persistent, or pervasive that the conduct limits or denies a student's ability to participate in or benefit from the College District's educational program.
Examples	Examples of gender-based harassment directed against a student, regardless of the student's or the harasser's actual or perceived sexual orientation or gender identity, may include offensive jokes, name-calling, slurs, or rumors; physical aggression or assault; threatening or intimidating conduct; or other kinds of aggressive conduct such as theft or damage to property.
Retaliation	The College District prohibits retaliation by a student or College District employee against a student alleged to have experienced discrimination or harassment or another student who, in good faith, makes a report of harassment or discrimination, serves as a witness, or otherwise participates in an investigation.
Examples	Examples of retaliation may include threats, rumor spreading, ostracism, assault, destruction of property, unjustified punishments, or unwarranted grade reductions. Unlawful retaliation does not include petty slights or annoyances.

Prohibited Conduct	In this policy, the term “prohibited conduct” includes discrimination, harassment, and retaliation as defined by this policy, even if the behavior does not rise to the level of unlawful conduct.
Reporting Procedures	For purposes of this policy, a “responsible employee” is an employee:
Responsible Employee	<ol style="list-style-type: none">1. Who has the authority to remedy prohibited conduct;2. Who has been given the duty of reporting incidents of prohibited conduct; or3. Whom a student reasonably believes has the authority to remedy prohibited conduct or has been given the duty of reporting incidents of prohibited conduct.
	The College District designates the following persons as responsible employees: any instructor, any administrator, or any College District official defined below. [See FFDA(REGULATION)]
Student Report	Any student who believes that he or she has experienced prohibited conduct or believes that another student has experienced prohibited conduct should immediately report the alleged acts to a responsible employee or submit the report electronically through the College District’s website.
Employee Report	Any College District employee who suspects and any responsible employee who receives notice that a student or group of students has or may have experienced prohibited conduct shall immediately notify the appropriate College District official listed in this policy and shall take any other steps required by this policy.
<i>Exceptions</i>	<p>A person who holds a professional license requiring confidentiality, such as a counselor, or who is supervised by such a person shall not be required to disclose a report of prohibited conduct without the student’s consent.</p> <p>A person who is a nonprofessional counselor or advocate designated in administrative procedures as a confidential source shall not be required to disclose information regarding an incident of prohibited conduct that constitutes personally identifiable information about a student or other information that would indicate the student’s identity without the student’s consent.</p>
Anonymous Report	A report may be made anonymously online. Many who choose this option are third-party reporters, or just want to document the incident. Depending on the information provided, the College District’s ability to respond may be limited.
Amnesty	The College District encourages the reporting of incidents that violate this policy and/or regulation. The use of alcohol or drugs shall

not be a deterrent to reporting an incident. When conducting the investigation, the College District's primary focus shall be addressing the alleged misconduct and not on alcohol and drug violations that may be discovered or disclosed. The College District does not condone underage drinking; however, the College District shall extend limited amnesty from punitive sanctioning in the case of drug or alcohol use to the parties, witnesses, and others who report incidents, provided that they are acting in good faith in such capacity. The College District may provide referrals to counseling and may require educational options, rather than disciplinary sanctions, in such cases.

Definition of College District Officials

For the purposes of this policy, College District officials are the Title IX coordinator and the deputy Title IX coordinators.

Title IX Coordinator

Reports of discrimination based on sex, including sexual harassment or gender-based harassment, may be directed to the Title IX coordinator or the deputy Title IX coordinators. The College District designates the following person to coordinate its efforts to comply with Title IX of the Education Amendments of 1972, as amended:

Name: Lonica Bush, JD
Position: Director of Diversity and Equity
Address: 1200 Amburn Road, Texas City, TX 77591
Telephone: (409) 933-8413
Email: titleix@com.edu

Investigation of the Report

The College District may request, but shall not require, a written report. If a report is made orally, the College District official shall reduce the report to written form.

Initial Assessment

Upon receipt or notice of a report, the College District official shall determine whether the allegations, if proven, would constitute prohibited conduct as defined by this policy. If so, the College District official shall immediately authorize or undertake an investigation and notify the parties to the complaint of the allegations and the formal and informal options for resolution of the complaint. If the complaint does not rise to the level of a policy violation, the appropriate parties shall be notified.

If the College District official determines that the allegations, if proven, would not constitute prohibited conduct as defined by this policy but may constitute a violation of other College District policies, the College District official shall refer the complaint for consideration under the appropriate policy.

Informal Resolution	If the parties voluntarily agree to participate in informal resolution of the complaint, the College District official shall determine if informal resolution is appropriate for the complaint. If the official determines that informal resolution is appropriate, then the official may facilitate that resolution. If the official does not determine informal resolution to be appropriate, then the complaint will be subject to the formal resolution process.
Formal Resolution	If any of the parties decline to participate in informal resolution of the complaint or the College District official finds informal resolution of the complaint to be inappropriate, the College District official shall authorize or undertake an investigation.
Interim Action	If appropriate and regardless of whether a criminal or regulatory investigation regarding the alleged conduct is pending, the College District shall promptly take interim action calculated to address prohibited conduct prior to the completion of the College District's investigation.
College District Investigation	<p>The investigation may be conducted by the College District official or a designee or by a third party designated by the College District, such as an attorney. The investigator shall have received appropriate training regarding the issues related to the complaint and the relevant College District's policy and procedures.</p> <p>The investigation may consist of personal interviews with the person making the report, the person against whom the report is filed, and others with knowledge of the circumstances surrounding the allegations. The investigation may also include analysis of other information or documents related to the allegations.</p>
Criminal Investigation	If a law enforcement agency notifies the College District that a criminal investigation has been initiated, the College District may confer with the agency, as appropriate. The existence of a criminal investigation does not eliminate the College District's responsibility to conduct a prompt, thorough, and impartial investigation and shall not cause a material delay in the College District's duty to promptly investigate a complaint.
Concluding the Investigation	<p>Absent extenuating circumstances, a request by a law enforcement agency to delay its investigation may be granted to the extent it does not adversely impact the College District's duty to promptly and fairly conduct its own investigation and/or institute necessary interim measures to mitigate or prevent further harm.</p> <p>The investigator shall prepare a written report of the investigation. The report shall be filed with the College District official overseeing the investigation.</p>

Notification of the Outcome The College District shall provide written notice of the outcome, within the extent permitted by the Family Educational Rights and Privacy Act (FERPA) or other law, to the parties. Either party may appeal the outcome as described below.

College District Action

Prohibited Conduct The College District shall determine, based on the results of the investigation, whether each individual allegation of misconduct occurred using a preponderance of the evidence standard. If the results of an investigation indicate that prohibited conduct occurred, the College District shall promptly respond by taking appropriate disciplinary or corrective action including, but not limited to, reprimand, probation, suspension, and expulsion, reasonably calculated to address the conduct, in accordance with College District policy. [See FM and FMA]

Corrective Action Examples of corrective action may include:

- Providing a training program for those involved in the complaint;
- Providing a comprehensive education program for the College District community;
- Providing counseling for the victim and the student who engaged in prohibited conduct;
- Permitting the students involved to drop a course in which they both are enrolled without penalty;
- Conducting follow-up inquiries to determine if any new incidents or any instances of retaliation have occurred;
- Involving students in efforts to identify problems and improve the College District climate;
- Increasing staff monitoring of areas where prohibited conduct has occurred; and
- Reaffirming the College District's policy against discrimination and harassment.

Exception The College District shall minimize attempts to require a student who complains of sexual harassment to resolve the problem directly with the person who engaged in the harassment; however, if both parties consent, and if the complaint does not allege sexual assault, informal resolution may be pursued.

Improper Conduct If the investigation reveals improper conduct that did not rise to the level of prohibited conduct, the College District may take discipli-

nary action in accordance with College District policy and procedures or other corrective action reasonably calculated to address the conduct.

Confidentiality

To the greatest extent possible, the College District shall respect the privacy of the parties and witnesses. Limited disclosures may be necessary in order to conduct a thorough investigation and comply with applicable law.

Appeal

A party who is dissatisfied with the outcome of the investigation may appeal through the applicable grievance policy beginning at the appropriate level. [See DGBA(LOCAL) for employees, FLD(LOCAL) for students, and GB(LOCAL) for community members] A party shall be informed of his or her right to file a complaint with the U.S. Department of Education Office for Civil Rights.

Records Retention

Retention of records shall be in accordance with the College District's records retention procedures. [See CIA]

**Access to Policy,
Procedures, and
Related Materials**

Information regarding this policy and any accompanying procedures, as well as relevant educational and resource materials concerning the topics discussed in this policy, shall be distributed to College District employees and students in compliance with law and in a manner calculated to provide easy access and wide distribution, such as through electronic distribution and inclusion in the employee and student handbooks and other major College District publications. Information regarding the policy, procedures, and related materials shall also be prominently published on the College District's website, taking into account applicable legal requirements. Copies of the policy and procedures shall be readily available at the College District's administrative offices and shall be distributed to a student who makes a report.