
Note: This policy addresses complaints of sex discrimination, sexual harassment, sexual assault, and retaliation targeting students. For additional 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.

Title IX

Grievance
Procedures

A recipient of federal financial assistance, directly or indirectly, shall adopt and publish grievance procedures providing for prompt and equitable resolution of student complaints alleging any action prohibited by Title IX of the Education Amendments of 1972. *34 C.F.R. 106.8(a)*

Coordinator

Each recipient shall designate at least one employee to coordinate its efforts to comply with and carry out its responsibilities under this part, including any investigation of any complaint communicated to such recipient alleging its noncompliance with this part or alleging any actions that would be prohibited by this part. The recipient shall notify all its students and employees of the name, office address, and telephone number of the appointed employee or employees. *34 C.F.R. 106.8(b)*

**State Law Requiring
a Sexual Assault
Policy**

Each postsecondary educational institution, including each college district, shall adopt a policy on sexual assault applicable to each student enrolled at and each employee of the institution. The policy must:

1. Include:
 - a. Definitions of prohibited behavior;
 - b. Sanctions for violations; and
 - c. The protocol for reporting and responding to reports of sexual assault; and
2. Be approved by the institution's governing board before final adoption by the institution.

As part of the protocol for responding to reports of sexual assault adopted under this section, each postsecondary educational institution shall:

1. To the greatest extent practicable based on the number of counselors employed by the institution, ensure that each alleged victim or alleged perpetrator of an incident of sexual assault and any other person who reports such an incident are offered counseling provided by a counselor who does not

provide counseling to any other person involved in the incident; and

2. Notwithstanding any other law, allow an alleged victim or alleged perpetrator of an incident of sexual assault to drop a course in which both parties are enrolled without any academic penalty.

Each biennium, each postsecondary educational institution shall review the institution's sexual assault policy and, with approval of the institution's governing board, revise the policy as necessary.

Education Code 51.9363(b), (f)–(g)

Distribution

Each postsecondary educational institution shall make the institution's sexual assault policy available to students, faculty, and staff members by:

1. Including the policy in the institution's student handbook and personnel handbook; and
2. Creating and maintaining a web page on the institution's Internet website dedicated solely to the policy.

Education Code 51.9363(c)

Training

Each postsecondary educational institution shall require each entering freshman or undergraduate transfer student to attend an orientation on the institution's sexual assault policy before or during the first semester or term in which the student is enrolled at the institution. The institution shall establish the format and content of the orientation. *Education Code 51.9363(d)*

Public Awareness

Each postsecondary educational institution shall develop and implement a public awareness campaign to inform students enrolled at and employees of the institution of the institution's sexual assault policy. As part of the campaign, the institution shall provide to students information regarding the protocol for reporting incidents of sexual assault adopted under Education Code 51.9363(b), including the name, office location, and contact information of the institution's Title IX coordinator, by:

1. E-mailing the information to each student at the beginning of each semester or other academic term; and
2. Including the information in the orientation required under Education Code 51.9363(d), above.

Education Code 51.9363(e)

Electronic Reporting

Each postsecondary educational institution, including each college district, shall provide an option for electronic reporting to the institu-

tion by an enrolled student or an employee of the institution of an allegation of sexual harassment, sexual assault, dating violence, or stalking committed against or witnessed by the student or employee, regardless of the location at which the alleged offense occurred. The electronic reporting option must:

1. Allow for anonymous reporting; and
2. Be easily accessible through a clearly identifiable link on the institution's website home page.

Institutions may contract with a third-party vendor to provide the electronic reporting option.

A protocol for reporting sexual assault adopted under Education Code 51.9363 must comply with this section.

Education Code 51.9365(b)–(d); 19 TAC 3.14

Definitions

"Dating Violence"

"Dating violence" means abuse or violence, or a threat of abuse or violence, against a person with whom the actor has or has had a social relationship of a romantic or intimate nature. *Education Code 51.9365(a)(1); 19 TAC 3.13(a)*

"Sexual Assault"

"Sexual assault" means sexual contact or intercourse with a person without the person's consent, including sexual contact or intercourse against the person's will or in a circumstance in which the person is incapable of consenting to the contact or intercourse. *Education Code 51.9365(a)(3); 19 TAC 3.13(c)*

"Sexual Harassment"

"Sexual harassment" means unwelcome, sex-based verbal or physical conduct that:

1. In the employment context, unreasonably interferes with an employee's work performance or creates an intimidating, hostile, or offensive work environment; or
2. In the education context, is sufficiently severe, persistent, or pervasive that the conduct interferes with a student's ability to participate in or benefit from educational programs or activities.

Education Code 51.9365(a)(4); 19 TAC 3.13(d)

"Stalking"

"Stalking" means a course of conduct directed at a person that would cause a reasonable person to fear for the person's safety or to suffer substantial emotional distress. *Education Code 51.9365(a)(5); 19 TAC 3.13(e)*