



SOUTH TEXAS  
COLLEGE

# Harassment, Discrimination, and Sexual Misconduct Grievance Procedures

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## **Purpose**

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South Texas College is committed to providing an environment that respects the dignity and worth of every member of its community. Members of the campus community are entitled to an educational, learning, and working environment free of harassment, discrimination, sexual misconduct, and retaliation. To ensure compliance with federal and state civil rights laws and College policies, the College has developed internal policies that will provide a supportive process for individuals who report harassment, discrimination, sexual misconduct, and retaliation.

## **Associated Policy**

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[Policy 4216 Harassment, Discrimination, and Sexual Misconduct](#)

## **Reporting Options**

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**All members of the Title IX Committee may be an intake source for the internal response process and will share the information with the Title IX Coordinator or designee for further processing except for the following:**

**Counseling Center and Disability Services Offices who are confidential sources and may maintain strict confidentiality.**

**Campus law enforcement who may not share intake information with the Title IX Committee based on state law limitations for sharing information.**

### **Title IX Committee**

Contact Title IX Coordinator or Title IX Deputy Coordinator(s) at:

#### **Title IX Coordinator**

Mary Elizondo, Vice President for Finance and Administrative Services  
Pecan Campus, Building X, Room 230  
(956) 872-3558

### **Title IX Deputy Coordinator(s)**

Janette Garcia, Institutional Equity Manager  
Pecan Campus, Building X, Room 223  
(956) 872-2307

Santa E. Pena, Director of Counseling  
Pecan Campus, Building K, Room 2.900  
(956) 872-2140

Elizabeth G. Trevino, Police Sergeant  
2509 W. Pecan Blvd, McAllen, Texas  
(956) 872-3889

### **Office of Student Rights and Responsibilities**

Contact Office of Student Rights and Responsibilities at:

Pecan Campus, Building K, Room 2.110  
(956) 872-2180

### **Office of Counseling and Student Disability Services (confidential sources)**

Contact Office of Counseling and Student Disability Services at:

Pecan Campus, Building K, Room 2.900  
(956) 872-2173

Mid-Valley Campus, Building F, Room 114  
(956) 447-1229

Starr County Campus, Building G, Room 1.304C  
(956) 488-5864

Technology Campus, Building B, Room 175  
(956) 872-6125

Nursing & Allied Health Campus, Room 1.408  
(956) 872-3077

## Office of Human Resources

Contact Human Resources at:  
2501 W. Pecan Blvd, McAllen, Texas  
(956) 872-5057; (956) 872-3637 or (956) 872-3805

## Report an Incident or Complaint Online

<https://www.southtexascollege.edu/report/index.html>

## Campus Police (criminal investigations only)\*

Elizabeth G. Trevino, Police Sergeant  
2509 W. Pecan Blvd, McAllen, Texas  
(956) 872-3889  
Campus Police at (956) 872-4444

\*Campus law enforcement are sworn officers of the State of Texas, and respond to all allegations that constitute a criminal act, therefore they are prohibited from sharing any intake information with the Title IX Coordinator on any reports made to the campus police.

Individuals wishing to notify the College of sex/gender based discrimination, harassment or sexual misconduct may share their allegation with any member of the Title IX Committee who will ensure a prompt and effective College response.

An individual may report an allegation of sex/gender misconduct to both the Campus Police for criminal investigation and to a member of the Title IX Team listed above for administrative action.

## For Emergencies

Please call 911

## Procedures

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This process involves a prompt preliminary inquiry to determine if the case falls under Title IX. If so, the College will initiate an investigation that is thorough, reliable, impartial, prompt and fair. This investigation determines whether the College nondiscrimination policy has been violated. If so, the College will promptly implement an effective remedy

designed to end the discrimination, prevent its recurrence and address its effects. The College aims to bring all allegations to a resolution as promptly as possible.

The Title IX Coordinator or Title IX Deputy Coordinator engages in a preliminary inquiry, with notice to the parties. Immediate interim actions may be considered and be granted as deemed necessary. The investigation may lead to informal and formal resolution options. In some cases, the allegation can lead to a formal investigation. Investigations are conducted in a reasonable timeframe, depending on the nature and complexity of the allegations. The parties are regularly apprised of the status as the investigation unfolds.

## **Procedures for Students**

### **A. Informal Resolution Procedures for Students**

Informal resolution is an alternative to the formal complaint resolution process. The Title IX Coordinator or Title IX Deputy Coordinator will determine if informal resolution is appropriate, based on the willingness of all parties and the nature of the alleged conduct.

If a decision on the allegation is made and the finding is that the responding party is not responsible for violating the [Code of Student Conduct](#), the Administrative Student Conduct Process will end. The reporting party may request that the Dean of Students, Office of Student Conduct and/or the Title IX Coordinator reopen the investigation and/or grant a hearing. This decision will be at the discretion of the Dean of Students, Office of Student Conduct and/or the Title IX Coordinator and will only be granted for extraordinary cause. If the College's finding is that the responding party is in violation, and the responding party accepts this finding, the College considers this an "uncontested allegation." The administrator conducting the Initial Inquiry and Informal Resolution Conference will then determine the sanction(s) for the misconduct, which the responding party may accept or reject. If accepted, the process ends. For Conduct Sanction Review Appeal Panel, refer to Appeal/ Sanctions Review Process.

If the administrator conducting the Initial Inquiry and Formal Resolution Conference determines that it is more likely than not that the alleged student is in violation, and the alleged student rejects that finding in whole or in part, then it is considered a contested allegation and the process moves to the next phase of the Administrative Student Conduct Process.

### **B. Formal Resolution Procedures for Students**

#### **a. Complaint Intake**

Following receipt of notice or a complaint, the Title IX Coordinator or Deputy Coordinator will make an initial determination as to whether the information has merit to reasonably indicate there may have been a violation of College policy.

The following are recommended elements of a report:

- Detailed explanation of the alleged incident(s) (e.g.: who, what, when, where, and how it occurred);
- Any supporting documentation and evidence;
- The desired remedy (interim sanction) sought;
- Name and all contact information for the reporting party;
- Clear demonstration of all informal efforts, if any, to resolve the issue(s) with the person involved and the person's supervisor;
- This includes names, dates and times of attempted or actual contact along with a description of the discussion and the manner of communication made in the course of each effort;
- If the investigator cannot contact the person involved and/or the supervisor, the reporting party should state the reasons why.

The Office of Student Rights and Responsibilities has primary authority and responsibility for the administration of student discipline.

Title IX complaints refer to [Policy 4216 Harassment, Discrimination, and Sexual Misconduct](#). Non-Title IX complaints will follow [Policy 3313 Student Grievance and Complaint](#).

b. Notice of Allegations

Once an investigator has been assigned, written notice of the allegations will be provided to the parties involved.

c. Interim Action

The College may implement interim actions upon notice of alleged harassment, discrimination, sexual misconduct, and/or retaliation and will take additional prompt remedial action with respect to any member of the South Texas College Community (employee, student, guest, vendor, or visitor) who has violated this policy. Interim actions include but are not limited to: no contact directives, no trespass notices, providing counseling and/or medical services, academic support, providing a campus escort, academic or work schedule and assignment accommodations, safety planning, and referral to campus and community resources.

The College may suspend, on an interim basis, a student or student organization by imposing restrictions ([Code of Student Conduct](#)) pending the completion of the investigation and procedures. In cases in which an interim suspension is imposed, student or student organization, will be given the opportunity to meet with an appropriate administrator prior to such action being imposed, or as soon thereafter as reasonably possible, to show cause why the action should not be implemented. Violation of interim provisions will be grounds for disciplinary action.

#### d. Investigation Process

Investigations will be thorough, reliable, and impartial. The Student Rights and Responsibilities Investigator/Title IX Investigator will take the following steps, as applicable:

- Initiate any necessary remedial actions, when appropriate, on behalf of the parties, in consultation with the Director of Student Rights and Responsibilities;
- Determine the identity and contact information of the parties;
- Conduct an immediate preliminary inquiry to identify an initial list of all policies that may have been violated, to review the history of the parties, the context of the incident(s), any potential patterns and the nature of the allegations;
  - If the reporting party is reluctant to pursue the allegations, determine whether the allegations should still be pursued and whether sufficient independent evidence could support the allegations without the participation of the reporting party in the investigation;
  - Notify the reporting party of whether the College intends to pursue the allegations regardless of their involvement, and inform the reporting party of their rights in the process and option to become involved if they so choose;
  - The preliminary inquiry shall be completed in reasonable amount of time.
- If indicated by the preliminary inquiry and authorized by the Title IX Deputy Coordinator or Director of Student Rights and Responsibilities, conduct a comprehensive investigation to determine if there is reasonable cause to believe that the responding party violated the South Texas College Code of Student Conduct or other College policy, and to determine what specific policy violations should be addressed;
  - If there is insufficient evidence through the investigation to support reasonable cause, the investigation will be closed with no further action;
  - If reasonable cause is found, the process will continue.
- Meet with the reporting party to take or finalize a statement, which will be drawn up by the investigator as a result of this meeting, or submitted electronically by the reporting party if they do not wish to be interviewed;
- Commence a thorough, reliable, and impartial investigation by developing a strategic investigation plan, including a witness list, evidence list, intended timeframe, and order of interviews for all witnesses and the responding party. The responding party will usually be given at least 48 hours advance notice of an investigation interview, unless an exigency requires less notice or no notice, as in the case of potential destruction of evidence.
  - Prepare the notice of alleged policy violation(s) and a summary of the allegations, on the basis of the reasonable cause determination. This

notice may be delivered prior to, during, or after the responding party is interviewed, at the discretion of the investigator(s), but with a preference for delivery prior to the interview, where possible.

- Interview all relevant witnesses, summarize the information they are able to share, and have each witness sign the summary to verify its accuracy or submit their statement electronically;
- Obtain all documentary evidence and information that is available;
- Obtain all physical evidence that is available;
- Complete the investigation promptly by analyzing all available evidence without unreasonable deviation from the intended timeline;
- Make a recommended finding, based on the **Preponderance of the Evidence** whether a policy violation is **More Likely Than Not**;
- Draft a comprehensive report of the investigation;
- Share the report with the parties, typically giving them 48 hours to respond in person or in writing to the information in the report;
- The investigator may include all information pertaining to the investigation and allow all parties to respond, incorporating all responses into the final report;
- Once finalized, present the investigation report and recommended findings to the responding party, who may:
  - accept the recommended findings,
  - accept the recommended findings in part and reject them in part, or
  - reject all recommended findings;
- If the recommended findings are accepted, they become final. If the findings are fully or partially rejected, the procedures for a hearing, below, will commence;
- A reporting party may make a request that the Director of Student Rights and Responsibilities or Title IX Coordinator require a hearing if a finding of no violation has been recommended, but that request will only be granted under extraordinary circumstances at the sole discretion of the appropriate administrator. Otherwise, the determination of the investigation that there is no violation is final;
- Share the recommended findings and update the reporting party on the status of the investigation and the outcome;
- If findings are accepted, and a policy violation(s) has been found, the investigator will recommend sanction(s). If the sanctions are accepted, they become final, subject to any appeal of sanctions that may be requested;
- If the recommended sanctions are rejected fully or in part, a sanction hearing will be held in accordance with the procedures outlined, below;
- The investigator will provide the investigative summary report to the Title IX Coordinator for review and evaluation. The Dean of Student Affairs, Student Conduct Panel or designee will determine policy violations based on a preponderance of the evidence standard (whether a policy violation is more likely than not) and sanctions.

e. Investigation Party Withdrawal

Should a responding student(s) decide to withdraw from the College and/or not participate in the investigation and/or hearing, the process will nonetheless proceed in the student's absence to a reasonable resolution and that student(s) will not be permitted to return to the College unless any and all sanctions have been completed. The Title IX Coordinator or Title IX Deputy Coordinator will continue to monitor and evaluate the effects of the remedied conduct upon the victim and the community.

f. Investigation Findings

Upon the completion of the investigative report, Director of Students Rights and Responsibilities will forward it to the Dean of Student Affairs or designee for an appropriate hearing per [Code of Student Conduct](#) procedures. Following the hearing, the decision of whether a policy violation has occurred will be determined by using a preponderance of the evidence standard. A finding of a policy violation by a preponderance of the evidence means that it is more likely than not that the policy violation occurred. If, following the hearing, the decision is that no policy violation has occurred the process will end.

Regardless of the outcome, the complainant, the respondent, and the Title IX Coordinator or Title IX Deputy Coordinator will be notified of the finding in writing. If, following a hearing, the student(s) is found to have violated College policy, appropriate disciplinary sanctions will be determined after consultation with the Title IX Coordinator. The Dean of Student Affairs (or designee) will notify the respondent, the complainant, and the Title IX Coordinator in writing of the Dean of Student Affairs' decision. Appropriate administration officials along the proper chain-of-command will also be notified.

g. Notification of Investigative Findings

If it is found there is a violation of College policy, the Office of Student Rights and Responsibilities will impose appropriate sanctions for the violation, after consultation with the Title IX Coordinator and or Title IX Deputy Coordinator. The College will act to end the sexual misconduct, gender discrimination or retaliation, prevent its recurrence, and remedy its effects on the victim and the College community. In the event that the accused individual rejects the findings in part or entirely, the Office of Student Rights and Responsibilities will convene a hearing under its respective procedures to determine whether the accused individual is in violation of the contested aspects of the complaint. At the hearing, the findings of the investigation will be admitted, but are not binding on the decider(s) of fact.

The investigative officer(s) may give evidence. The hearing will determine whether it is more likely than not that the accused individual violated the policies forming the basis of the charge. The goal of the hearing is to provide an equitable resolution via an equitable process, respecting the civil and legal rights of all participants. The Office of Student Rights and Responsibilities has final decision-

making authority with regard to formal complaints, subject to appeal. Where an accused individual is found in violation, preferably in the form of a recommendation of finding and sanction to the Dean of Students Affairs, the Office of Student Rights and Responsibilities will impose appropriate sanctions for the violation, after consultation with the Title IX Coordinator and Title IX Deputy Coordinators. The College will act to end the sexual misconduct, gender discrimination, retaliation or harassment, prevent its recurrence, and remedy its effects on the victim and the College community. Appeal proceedings will apply to all parties to the complaint.

h. Sanctions

Sanctions will be reviewed by the Title IX Committee after meeting with the appropriate administration officials along the chain-of-command.

Sanctions for student(s) who has violated this policy may include: verbal or written warning, restitution, probation, community service, loss of privileges, confiscation of prohibited property, behavioral requirement, educational program, campus or academic reassignment, suspension, expulsion, eligibility restriction, delayed conferral of degree, strike or ban, mental health assessment and/or mandatory treatment, withholding of official transcript, degree, or certificate, withdrawal from a course, and supervision plan or Case Management Plan in accordance with the following student code:

- [Code of Student Conduct](#) (refer to Code of Conduct for definition of sanctions)
- [Policy 3650 Student Conduct and Discipline](#)

i. Failure to Complete Sanctions

All respondents are expected to comply with sanctions within the timeframe specified in their written notice. Failure to follow through on sanctions by the date specified, whether by refusal, neglect, or any other reason, may result in additional sanctions and/or suspension, expulsion, and/or termination from the College. Failure to comply may result in a hold being placed on their records to prevent registration and graduation.

j. Additional Remedial Actions

In addition to the interim actions outlined above, the Title IX Coordinator or Title IX Deputy Coordinator may provide remedial actions intended to address the short or long-term effects of sexual misconduct, gender discrimination, and/or retaliation. That is, remedial actions may be taken at the conclusion of the process in addition to any actions that may have been taken on an interim basis, in order to redress harm to the complainant and the community and to prevent further harassment or violations. Remedial actions may also be used when, in the judgment of the Title IX Coordinator or Title IX Deputy Coordinator, the safety or well-being of any member(s) of the campus community may be jeopardized by the presence on campus of the respondent or the ongoing activity of a student organization whose behavior is in question. These remedies may include, but are

not limited to, referral to counseling and health services, education to the community, altering work arrangements, providing campus escorts, implementing contact limitations between the parties, or offering adjustments to academic deadlines and/or course schedules.

k. Participation of Advisors

All parties may select to have an advisor(s) of their choice to guide and accompany them throughout the campus resolution process. The advisor may be a friend, mentor, family member, attorney or any other supporter a party chooses to advise them who is both eligible and available. People who will be called as witnesses may not serve as advisors.

The parties are entitled to be accompanied by their advisor in all meetings and interviews at which the party is entitled to be present, including intake, interviews, hearings and appeals. Advisors should help their advisees prepare for each meeting, and are expected to advise ethically, with integrity and in good faith. The College cannot guarantee equal advisory rights, meaning that if one party selects an advisor who is an attorney, but the other party does not, or cannot afford an attorney, the College is not obligated to provide one.

All advisors are subject to the same campus rules, whether they are attorneys or not. Advisors may not present on behalf of their advisee in a meeting, interview or hearing and should request or wait for a break in the proceeding if they wish to interact with campus officials. Advisors may confer quietly with their advisees as necessary, as long as they do not disrupt the process. For longer or more involved discussions, the parties and their advisors should ask for breaks or step out of meetings to allow for private conversation. Advisors will typically be given a timely opportunity to meet in advance of any interview or hearing with the administrative officials conducting that interview or meeting. This pre-meeting will allow advocates to clarify any questions they may have, and allows the College an opportunity to clarify the role the advisor is expected to take.

Advisors are expected to refrain from interference with the College investigation and resolution. Any advisor who steps out of their role in any meeting under the campus resolution process will be warned. If the advisor continues to disrupt or otherwise fails to respect the limits of the advisor role, the advisor will be asked to leave the meeting. When an advisor is removed from a meeting, that meeting will typically continue without the advisor present. Subsequently, the Title IX Coordinator or a Title IX Deputy Coordinator will determine whether the advisor may be reinstated, may be replaced by a different advisor, or whether the party will forfeit the right to an advisor for the remainder of the process.

The College provides the documentation related to the allegations and a consent form that authorizes such sharing. The parties must complete this form before the College is able to share records with an advisor. The parties are not otherwise restricted from discussing and sharing information relating to allegations with others who may support them or assist them in preparing and presenting. Advisors are expected to maintain the privacy of the records shared with them by the College. These records may not be shared with 3<sup>rd</sup> parties, disclosed publicly, or used for purposes not explicitly authorized by the College. The College may seek to restrict the role of any advisor who does not respect the sensitive nature of the process or who fails to abide by the College's privacy expectations.

The College expects an advisor to adjust their schedule to allow them to attend College meetings when scheduled. The College does not change scheduled meetings to accommodate an advisor's inability to attend. The College will, however make provisions to allow an advisor who cannot attend in person to attend a meeting by telephone, video and/or virtual meeting technologies as may be convenient and available.

A party may elect to change advisors during the process, and is not locked into using the same advisor throughout.

#### I. Appeals

All sanctions originally imposed will be in effect during the appeal.

Requests for appeal considerations must be submitted in writing to the Vice President for Student Affairs and Enrollment Management or designee as stipulated under the [Code of Student Conduct](#).

#### m. False Complaints, Testimony, and/or Evidence

Any person who knowingly and intentionally files a false complaint, testimony and/or evidence is subject to disciplinary action up to and including dismissal or expulsion from the College, in accordance with existing policies.

## **Procedures for Employees (Faculty and Staff)**

### **A. Informal Resolution Procedures for Employees**

Informal resolution is an alternative to the formal complaint resolution process. The Title IX Coordinator or designee will determine if informal resolution is appropriate, based on the willingness of all parties and the nature of the alleged conduct.

If an allegation includes actions that involve criminal activity and/or sexual assault, reports will be coordinated by the Title IX Coordinator or Title IX Deputy Coordinator; these types of allegations would not be mediated. Individuals are strongly encouraged to report the incident with South Texas College Department of Public Safety. An employee who is aware of a possible criminal violation, including stalking, sexual assault, and intimate partner (dating/domestic) violence, must submit the information to South Texas College Department of Public Safety.

Informal resolution is provided only at the election and agreement of both parties. It is not necessary to pursue informal resolution first in order to make a formal allegation, and anyone participating in informal resolution can stop that process at any time and request to continue through the formal process.

Examples of informal resolutions could be:

- Informal Meetings
  - Informal unstructured discussion between parties (Reporting Party/Responding Party) with an HR representative, or other third party representation, if requested
- Mediation
  - Formal structured discussion between parties (Reporting Party/Responding Party) conducted by a Mediator

### **B. Formal Resolution Procedures for Employees**

#### **a. Allegation Intake**

Following receipt of notice or an allegation, the Title IX Coordinator or designee will make an initial determination as to whether the information has merit to reasonably indicate there may have been a violation of College policy.

The following are recommended elements of a report:

- Detailed explanation of the alleged incident(s) (e.g.: who, what, when, where, and how it occurred);

- Any supporting documentation and evidence;
- The desired remedy (interim sanction) sought;
- Name and all contact information for the Reporting Party;
- Clear demonstration of all informal efforts, if any, to resolve the issue(s) with the person involved and the person's supervisor;
- This includes names, dates and times of attempted or actual contact along with a description of the discussion and the manner of communication made in the course of each effort.

If the investigator cannot contact the individual(s) involved, a Reluctant Party Letter will be sent.

Upon receipt of an allegation, the Office of Human Resources will open a formal case file and assign a Title IX Investigator or designee who will direct the investigation. The Title IX Coordinator or designee may impose interim actions, provide resources for the parties involved, or other necessary remedies.

For Title IX allegations refer to [Policy 4216 Harassment, Discrimination, and Sexual Misconduct](#). Non-Title IX allegations will follow [Policy 4904 Employee Complaint Procedure](#).

b. Notice of Allegations

Once an investigator has been assigned, written notice of the allegations will be provided to the parties involved. If the Responding Party is an employee, the written notice will be copied to the employee's Supervisor, Director, or Dean.

c. Conduct Preliminary Inquiry

Preliminary inquiry consists meeting with the Reporting Party to assess the following:

- Obtain the contact information of the relevant parties;
- Review the process with the Reporting Party;
- Meet with Reporting Party to determine the willingness to engage with the investigation;
- To determine potential policy(ies);
- To implement interim action(s);
- To assess the potential risk(s) identified in the allegation;
- Determine if there is reasonable cause to support a policy(ies) violation and determine if an investigation should be conducted; or
- If an Informal Resolution is the appropriate course of action.

d. Interim Action

The College may implement interim actions upon notice of alleged harassment, discrimination, sexual misconduct, and/or retaliation and will take additional prompt remedial action with respect to any member of the South Texas College Community (employee, student, guest, vendor, or visitor) who has violated this policy. Interim actions include but are not limited to: no contact directives, no trespass notices, providing counseling and/or medical services, academic support, providing a campus escort, academic or work schedule and assignment accommodations, safety planning, and referral to campus and community resources.

The College may suspend, or place an employee on administrative leave as per [Policy 4911 Disciplinary Action Procedures](#) pending the completion of the investigation. Violation of interim provisions will be grounds for disciplinary action.

e. Investigation Process

Investigations will be thorough, reliable, and impartial. The investigator takes the following steps as applicable:

- Commence an investigation if indicated by the preliminary inquiry and as authorized by the Title IX Coordinator or the designee;
- Prepare the notice of allegations on the basis of the initial investigation;
- Interview the Reporting Party(ies) and Responding Party(ies);
- Interview the witness(es) if available and as necessary;
- Request written statements from Reporting Party(ies), Responding Party(ies), and witness(es);
- Obtain any documentary or physical evidence and information that is available;
- Make a recommended finding(s);
- Upon receipt of the Investigative Report, the Title IX Coordinator or designee will determine if a policy(ies) has been violated by using a **Preponderance of the Evidence** standard;
- The investigator will provide the investigative summary report to the Title IX Coordinator or designee who will then meet with the appropriate administration officials along the chain-of-command to determine policy(ies) violations based on a preponderance of the evidence standard (whether a policy(ies) violation is more likely than not) and sanctions;
- Provide the findings and outcome to the Reporting Party and the Responding Party.

If employee (staff/faculty) is found in violation of [Policy 4216 Harassment, Discrimination, and Sexual Misconduct](#), refer to [Policy 4911 Disciplinary Action Procedures](#). If there is insufficient evidence to support reasonable cause, the allegation will be closed. If the-Responding Party is found not responsible for the alleged violation(s), the investigation will be closed.

f. Sanctions

If there is a violation of College policy(ies), the Office of Human Resources and the appropriate chain-of-command will impose appropriate sanctions for the violation. The Title IX Coordinator reviews sanctions determined by the chain-of-command. The College will act to end the sexual misconduct, gender discrimination, harassment, or retaliation, prevent its recurrence, and remedy its effects on the victim and the College community.

Sanctions for an employee who has violated this policy(ies) may include, but are not limited to: counseling, verbal warning, required training, written reprimand, conduct and performance improvement plan, reassignment, suspension with or without pay, and termination in accordance with the following policies:

- [Policy 4118 Provision of Letter of Appointment: Faculty, Administrative, or Executive Employee](#)
- [Policy 4901 Standards of Conduct](#)
- [Policy 4911 Disciplinary Action Procedures](#)

g. Failure to Complete Sanctions

Responding Parties are expected to comply with sanctions within the timeframe specified in their written notice. Failure to comply with the imposed sanctions by the date specified, whether by refusal, neglect, or any other reason, may result in additional sanctions and/or suspension, expulsion, and/or termination from the College.

h. Additional Remedial Actions

The Title IX Coordinator or designee may provide remedial actions intended to address the short or long-term effects of sexual misconduct, gender-based discrimination, and/or retaliation. Remedial actions may be taken at the conclusion of the process in addition to any actions that may have been taken on an interim basis. Remedial actions may also be used when, in the judgment of the Title IX Coordinator or designee, the safety or well-being of any member(s) of the campus

community may be jeopardized by the presence on campus of the Responding Party, or the ongoing activity that is in question.

These remedies may include, but are not limited to, referral to counseling and health services, education to the community, altering work arrangements, providing campus escorts, implementing contact limitations between the parties, or offering adjustments to academic deadlines and/or course schedules.

i. Participation of Advisors

All parties may select to have an advisor(s) of their choice to guide and accompany them throughout the process. The advisor may be a friend, mentor, family member, attorney or any other supporter a party chooses to advise them who is both eligible and available. People who will be called as witnesses may not serve as both a witness and an advisor.

The parties are entitled to be accompanied by their advisor in all meetings and interviews at which the party is entitled to be present, including intake, interviews, hearings and appeals. Advisors should help their advisees prepare for each meeting, and are expected to advise ethically, with integrity and in good faith. The College cannot guarantee equal advisory rights, meaning that if one party selects an advisor who is an attorney, but the other party does not, or cannot afford an attorney, the College is not obligated to provide one.

All advisors are subject to the same campus rules, whether they are attorneys or not. Advisors may not actively represent their advisee in a meeting, interview, or hearing and should request or wait for a break in the proceeding if they wish to interact with campus officials. Advisors may confer quietly with their advisees as necessary, as long as they do not disrupt the process. For longer or more involved discussions, the parties and their advisors should ask for breaks or step out of meetings to allow for private conversation. Advisors will typically be given a timely opportunity to meet in advance of any interview or hearing with the administrative officials conducting that interview or meeting. This pre-meeting will allow advisers to clarify any questions they may have, and allows the College an opportunity to clarify the role the advisor is expected to take.

Advisors are expected to refrain from interference with the College investigation and resolution. Any advisor who steps out of their role in any meeting under the campus resolution process will be warned. If the advisor continues to disrupt or otherwise fails to respect the limits of the advisor role, the advisor will be asked to leave the meeting. When an advisor is removed from a meeting, that meeting will typically continue without the advisor present.-

Party(ies) must provide authorization to the College to share information with their advisor. The parties are not otherwise restricted from discussing and sharing information relating to allegations with others who may support them or assist them in the process. Advisors are expected to maintain the privacy of the records

shared with them by the College. These records may not be shared with 3<sup>rd</sup> parties, disclosed publicly, or used for purposes not explicitly authorized by the College.

The College does not change scheduled meetings to accommodate an advisor's inability to attend. The College will, however, at the request of the party(ies), make provisions to allow an advisor who cannot attend in person to attend a meeting by telephone, video and/or virtual meeting technologies as may be convenient and available.

A party may elect to change advisors and is not required to use the same advisor throughout the process.

j. Appeals

All sanctions originally imposed will be in effect during the appeal.

Requests for appeal considerations must be submitted in writing as stipulated under [Policy 4904 Employee Complaint Procedures](#), [Policy 4118 Provisions of Letter of Appointment: Faculty, Administrative, or Executive Employees](#), [Policy 4911 Disciplinary Action Procedures](#) and as below.

The following are grounds for an appeal:

- A substantive error occurred that significantly impacted the outcome of the hearing (e.g. substantiated bias, material deviation from established procedures, etc.);
- To consider new evidence, unavailable during the original hearing or investigation, that could substantially impact the original finding or sanction. A summary of this new evidence and its potential impact must be included;
- The sanctions imposed fall outside the range of sanctions designated for this offense and the cumulative conduct history of the Responding Party.

k. False Complaints, Testimony, and/or Evidence

Any person who knowingly and intentionally files a false allegation, testimony and/or evidence is subject to disciplinary action up to and including termination from the College, in accordance with existing policies.

l. Resignation During Investigation Process

Should a Responding Party resign while investigation is pending, the investigation report will reflect that status. Should a Reporting Party elect not to participate in the investigation and/or hearing, the process will nonetheless proceed in the Reporting Party's absence to a reasonable resolution based on the Preponderance of the Evidence.

## **Criminal Complaints**

For criminal complaints, the complainant may elect to press charges against the perpetrator.

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## Contact Information

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### South Texas College

#### Title IX Coordinator

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### State and Federal Reporting Options

#### Office of Civil Rights

**Texas Office**

Dallas Office  
Office for Civil Rights  
U.S. Department of Education  
1999 Bryan Street, Suite 1620  
Dallas, Texas 75201-6810  
Telephone: 214-661-9600

FAX: 214-661-9587; TDD: 800-877-8339  
Email: [OCR.Dallas@ed.gov](mailto:OCR.Dallas@ed.gov)

**National Office**

U.S. Department of Education  
Office for Civil Rights  
Lyndon Baines Johnson Department of Education Bldg  
400 Maryland Avenue, SW  
Washington, DC 20202-1100  
Telephone: 800-421-3481  
Fax: 202-453-6012; TDD: 800-877-8339  
Email: [OCR@ed.gov](mailto:OCR@ed.gov)

**Equal Employment Opportunity Commission (EEOC)**

**Texas Office**

Equal Employment Opportunity Commission  
Legacy Oaks, Building A  
5410 Fredericksburg Road  
Suite 200  
San Antonio, TX 78229  
Telephone: 800-669-4000  
Fax: 210-281-7690; TTY: 800-669-6820

**National Office**

U.S. Equal Employment Opportunity Commission  
131 M Street, NE  
Washington, DC 20507  
Telephone: 202-663-4900  
TTY: 202-663-4494