

SEXUAL ASSAULT

Sexual Assault Policy and Procedure

In accordance with Texas HB 699, it is the policy of Trinity Valley Community College (TVCC) to provide an educational and working environment for its students, faculty and staff that is free from sex and gender discrimination, sexual harassment, sexual assault, sexual misconduct, interpersonal violence (including domestic violence and dating violence) and stalking. In accordance with federal and state law, TVCC prohibits discrimination on the basis of sex and gender and prohibits sexual harassment, sexual assault, sexual misconduct, interpersonal violence and stalking.

TVCC will not tolerate sex and/or gender discrimination (including discrimination on the basis of gender orientation, gender identity or gender expression), sexual harassment, sexual misconduct or physical abuse, threats of violence, physical assault, or any form of sexual violence, including but not limited to sexual assault, acquaintance rape, domestic violence, dating violence, or stalking (referred to as “prohibited behavior”). Individuals who alone, or in concert with others, participate or attempt to participate in prohibited behavior described in this policy are subject to disciplinary action by TVCC, notwithstanding any action that may or may not be taken by civil or criminal authorities. Students who engage in such prohibited conduct will be subject to disciplinary action as provided in this catalog (Student Code of Conduct section). Employees who engage in such prohibited conduct will be subject to disciplinary action as provided by TVCC Board Policy. For prohibited behavior, refer to the Student Code of Conduct section in this catalog.

For individuals who would like to pursue criminal charges for an alleged violation mentioned above, or would like to seek an order of protection, the definitions contained in the Texas Penal Code would apply, not the definitions contained in the policy of the Student Code of Conduct or Employee Handbook.

Sexual Assault Sanctions

For incidents that violate this policy, sanctions range from warnings through expulsion. Serious and violent incidents and acts of non-consensual sexual intercourse (the policy equivalent to the crime of rape) usually result in suspension, expulsion or termination of employment. College sanctions are given independently of a criminal investigation. College personnel will cooperate with local community agencies and/or law enforcement if criminal charges are pursued.

Procedure For Reported Incidents of Sexual Assault

TVCC strongly encourages the prompt reporting of prohibited conduct covered by this policy. Delays in reporting can greatly limit TVCC’s ability to stop the alleged conduct, collect evidence and/or take effective action against individuals or organizations accused of violating this policy. A report of alleged violations of this policy may be made by:

- a person who believes they experienced prohibited conduct (a complainant); and/or
- a person who has information that prohibited conduct may have been committed (a reporter).

When TVCC receives a report of sexual assault, sexual misconduct, sexual harassment, gender-based violence or other sex or gender discrimination on the campus, the Title IX Coordinator is notified. If the victim wishes to access local community agencies and/or law enforcement for support, TVCC will assist the victim in making contacts to local community agencies and/or law enforcement.

Contact the Campus Police at 903-675-6235 located in the Athens campus Math/Journalism building room 105, Student Judicial office 903-675-6256 located in the Athens campus Administration building suite AD127, or the Director of Human Resources 903-675-6215 located in the Athens campus Administration building suite AD 214 if you need assistance with TVCC-related concerns, such as no-contact orders or other protective measures. An anonymous report may be submitted through the *Sexual Assault and Other Incidents Report (Anonymous) on the TVCC website*. The campus police, director of human resources and counselor will also assist in any needed advocacy for students who wish to obtain protective or restraining orders from local authorities. TVCC is able to offer reasonable academic accommodations, changes to living arrangements, transportation accommodations, escorts, no contact orders, counseling services access and other supports and resources as needed by a victim.

The Title IX Coordinator will offer assistance to complainants in the form of interim or long-term measures such as opportunities for academic accommodations, changes in housing for the complainant or the responding student, visa and immigration assistance, changes in working situations and other assistance as may be appropriate and available on campus or in the community (such as no contact orders, campus escorts, transportation assistance, targeted interventions, etc.).

If the complainant so desires, he/she will be connected with a counselor on- or off-campus, as well as an on- or off-campus victim's advocate. No complainant is required to take advantage of these services and resources, but TVCC provides them in the hopes of offering help and support without condition or qualification. A summary of rights, options, supports and procedures, in the form of this document, is provided to all complainants, whether they are a student, employee, guest or visitor.

When appropriate upon receipt of notice, the Title IX Coordinator will cause a prompt, fair and impartial process to be initiated, commencing with an investigation which may lead to the imposition of sanctions, based upon a **preponderance of evidence (what is more likely than not)**, upon a responding student or other accused individual(s). Title IX procedures detailing the investigation and resolution processes of TVCC can be found online:

Title IX webpage (<https://www.tvcc.edu/Human-Resources/category.aspx?z=1102>)

The investigation and records of the resolution conducted by the College are maintained confidentially. Information is shared internally between administrators who need to know,

but a tight circle is kept. Where information must be shared to permit the investigation to move forward, the person bringing the accusation will be informed.

Privacy of the records specific to the investigation are maintained in accordance with Texas law and the federal FERPA statute. Any public release of information to comply with the open crime logs or timely warning provisions of the Clery Act will not release the names of victims or information that could easily lead to a complainant's identification. Additionally, TVCC maintains privacy in relation to any accommodations or protective measures afforded to a complainant, except to the extent necessary to provide the accommodations and/or protective measures.

In any complaint of sexual assault, sexual misconduct, sexual harassment, stalking, dating violence, domestic violence or other sex or gender-based discrimination covered under the federal law, Title IX, the person bringing the accusation and the responding party are entitled to the same opportunities for a support person or advisor of their choice throughout the process, including any meeting, conference, hearing or other procedural action. Once complete, the parties will be informed, in writing, of the outcome, including the finding, the sanctions (if any) and the rationale therefor. Delivery of this outcome to the parties will occur without undue delay between notifications. All parties will be informed of the College appeal processes, and their rights to exercise a request for appeal. Should any change in outcome occur prior to finalization, all parties will be timely informed in writing, and will be notified when the results of the resolution process become final.