



AGENDA

BOARD GOVERNANCE COMMITTEE OF THE BOARD OF TRUSTEES

Committee Member

Trustee Monica Richart, Chair

Trustee Sean Cheben

Dr. Pretta VanDible Stallworth

Alternate Member

Trustee Laolu Davies

February 5, 2025

1:45 PM

3100 Main Street, 2nd Floor Auditorium, Houston, Texas 77002

**NOTICE OF A MEETING OF THE
Board Governance Committee
OF THE BOARD OF TRUSTEES**

HOUSTON COMMUNITY COLLEGE

February 5, 2025

Notice is hereby given that a Meeting of the Board Governance Committee of the Board of Trustees of Houston Community College will be held on Wednesday, February 5, 2025 at 1:45 PM, or after, and from day to day as required, 3100 Main Street, 2nd Floor Auditorium, Houston, Texas 77002. The items listed in this Notice may be considered in any order at the discretion of the Committee Chair and items listed for closed session discussion may be discussed in open session and vice versa as permitted by law. Actions taken at this Meeting do not constitute final Board action and are only Committee recommendations to be considered by the Board at the next Regular Board meeting.

I. Call to Order

- A. Opportunity for Public Comments

II. Topics For Discussion and/or Action:

- A. Proposed Revision to Contact Information in EO/TIX Policies
- B. Approve BBBC (LOCAL) Policy: Elections - Reporting Campaign Funds

III. Adjournment to closed or executive session pursuant to Texas Government Code Sections 551.071; 551.072 and 551.074, the Open Meetings Act, for the following purposes:

A. Legal Matters

Consultation with legal counsel concerning pending or contemplated litigation, a settlement offer, or matters on which the attorney's duty to the System under the Texas Disciplinary Rules of Professional Conduct clearly conflicts with the Texas Open Meetings Laws.

B. Personnel Matters

Deliberate the appointment, employment, evaluation, reassignment, duties, discipline or dismissal of a public officer, employee or board member to hear complaints or changes against an officer, employee or board member unless the officer, employee or board member who is the subject of the deliberation or hearing requests a public hearing.

C. Real Estate Matters

Deliberate the purchase, exchange, lease, or value of real property for Agenda items if deliberation in an open meeting would have a detrimental effect on the position of the System in negotiations with a third person.

IV. Additional Closed or Executive Session Authority:

If, during the course of the meeting covered by this Notice, the Board should

determine that a closed or executive meeting or session of the Board should be held or is required in relation to any items included in this Notice, then such closed or executive meeting or session as authorized by Section 551.001 et seq. of the Texas Government Code (the Open Meetings Act) will be held by the Board at that date, hour and place given in this Notice or as soon after the commencement of the meeting covered by the Notice as the Board may conveniently meet in such closed or executive meeting or session concerning:

Section 551.071 - For the purpose of a private consultation with the Board's attorney about pending or contemplated litigation, a settlement offer, or matters on which the attorney's duty to the System under the Texas Disciplinary Rules of Professional Conduct clearly conflicts with the Texas Open Meetings Laws.

Section 551.072 - For the purpose of discussing the purchase, exchange, lease or value of real property if deliberation in an open meeting would have a detrimental effect on the position of the governmental body in negotiations with a third person.

Section 551.073 - For the purpose of considering a negotiated contract for a prospective gift or donation to the System if deliberation in an open meeting would have a detrimental effect on the position of the System in negotiations with a third person.

Section 551.074 - For the purpose of considering the appointment, employment, evaluation, reassignment, duties, discipline or dismissal of a public officer, employee or board member to hear complaints or charges against an officer, employee or board member unless the officer, employee or board member who is the subject of the deliberation or hearing requests a public hearing.

Section 551.076 - To consider the deployment, or specific occasions for implementation of security personnel or devices, or a security audit.

Section 551.082 - For the purpose of considering discipline of a student or to hear a complaint by an employee against another employee if the complaint or charge directly results in a need for a hearing, unless an open hearing is requested in writing by a parent or guardian of the student or by the employee against whom the complaint is brought.

Section 551.084 - For the purpose of excluding a witness or witnesses in an investigation from a hearing during examination of another witness in the investigation. Should any final action, final decision, or final vote be required in the opinion of the Board with regard to any matter considered in such closed or executive meeting or session, then such final action, final decision, or final vote shall be at either:

A. The open meeting covered by this Notice upon the reconvening of the public meeting, or

B. At a subsequent public meeting of the Board upon notice thereof, as the Board shall determine.

V. Reconvene in Open Meeting

VI. Adjournment

CERTIFICATE OF POSTING OR GIVING NOTICE

On this **31st day of January 2025**, this Notice was posted at a place convenient to the public and readily accessible at all times to the general public at the following locations: (1) the HCC Administration Building of the Houston Community College, 3100 Main, First Floor, Houston, Texas 77002 and (2) the Houston Community College's website: www.hccs.edu.

Posted By:

Sharon R. Wright
Director, Board Services

ACTION ITEM

Meeting Date: February 5, 2025

Topics For Discussion and/or Action:

ITEM #	ITEM TITLE	PRESENTER
A.	Proposed Revision to Contact Information in EO/TIX Policies	Dr. Margaret Ford Fisher Nicole Montgomery Melissa Mihalick Lucie Tredennick

RECOMMENDATION

Approve proposed revisions to contact information in EO/TIX Policies.

COMPELLING REASON AND BACKGROUND

Revisions are made to below listed policies to address information of a new and/or current Director of EEO and Compliance/Title IX Coordinator.

The affected policies are:

- DIAA(LOCAL)
- DIAB(LOCAL)
- FA(LOCAL)
- FFDA(LOCAL)
- FFDB(LOCAL)

STRATEGIC ALIGNMENT

5. College of Choice

ATTACHMENTS:

Description	Upload Date	Type
DIAA(LOCAL) Policy	1/24/2025	Attachment
DIAB(LOCAL) Policy	1/24/2025	Attachment
FA(LOCAL) Policy	1/24/2025	Attachment
FFDA(LOCAL) Policy	1/24/2025	Attachment
FFDB(LOCAL) Policy	1/24/2025	Attachment

This item is applicable to the following: District

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

DIAA
(LOCAL)

Note: This policy addresses complaints of sex and gender discrimination to include gender identity and gender expression, sexual harassment, sexual assault, dating violence, domestic violence, stalking, and retaliation targeting employees. For additional legally referenced material relating to discrimination, harassment, and retaliation, see DAA(LEGAL). For sex discrimination, sexual harassment, sexual violence, dating violence, domestic violence, stalking, and retaliation targeting students, see FFDA.

**Statement of
Nondiscrimination**

The College District prohibits discrimination, including harassment, against any individual(s) on the basis of race, color, religion, national origin, age, veteran status, disability, sex, sexual orientation, gender, to include 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 and is prohibited.

Definitions

Employee

"Employee," solely for purposes of this policy, includes current full-time and part-time employees, former employees, applicants for employment, and unpaid interns.

Sex or Gender

"Sex" or "gender," as used in this policy, includes sex, sexual orientation, gender, gender identity, and gender expression.

Consent

"Consent" means a voluntary, mutually understandable agreement that clearly indicates a willingness to engage in each instance of sexual activity. Consent to one act does not imply consent to another. Consent to engage in sexual activity with one person does not imply consent to engage in sexual activity with another. Consent can be withdrawn at any time. Any expression of an unwillingness to engage in any instance of sexual activity establishes a presumptive lack of consent.

Consent is not effective if it results from:

1. The use of physical force;
2. A threat of physical force;
3. Intimidation;
4. Coercion;
5. Incapacitation; or
6. Any other factor that would eliminate an individual's ability to exercise the individual's own free will to choose whether or not to have sexual activity.

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A current or previous dating or sexual relationship, by itself, is not sufficient to constitute consent. Even in the context of a relationship, there must be a voluntary, mutually understandable agreement that clearly indicates a willingness to engage in each instance of sexual activity.

Sex Discrimination The College District prohibits sex discrimination. Sex discrimination against an employee is defined in this policy as conduct directed at an employee on the basis of sex or gender, to include gender identity and gender expression that adversely affects the employee's employment with the College District.

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 classroom environment for students should be free from inappropriate conduct of a sexual or gender-based nature (e.g., sex discrimination, sexual assault, sexual harassment, and sexual violence) by employees, students, or third parties. Sexual and gender-based misconduct is unprofessional, shall not be tolerated, and is expressly prohibited. Individuals who engage in such conduct shall be subject to disciplinary action up to and including termination.

Examples Examples of sex discrimination include, but are not limited to:

1. Denying certain employees compensation or benefits on the basis of their sex or gender; and
2. Paying equally qualified employees in the same position different salaries because of their sex or gender.

Sexual Harassment The College District prohibits sexual harassment. Sexual harassment is a form of sex discrimination defined as 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. Submission to the conduct is either explicitly or implicitly a condition of an employee's employment, or when submission to or rejection of the conduct is the basis for an employment action affecting the employee ("quid pro quo" sexual harassment); or
2. The conduct is so severe, persistent, or pervasive that it has the purpose or effect of unreasonably interfering with the employee's work performance or creates an intimidating, threatening, hostile, or offensive work environment.

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	<p>“Sexual harassment” is defined differently under state law and the federal Title IX regulation. [See DIAA(LEGAL) for the applicable definitions]</p>
<i>Sexual Exploitation</i>	<p>Sexual exploitation is conduct where an individual takes nonconsensual or abusive sexual advantage of another for the individual's own benefit, or to benefit anyone other than the one being exploited. Examples of sexual exploitation include, but are not limited to, engaging in voyeurism, human trafficking, sex trafficking, forwarding of pornographic or other sexually inappropriate material by email, text, or other channels to nonconsenting individuals or groups; the intentional removal of a condom or other contraceptive barrier during sexual activity without the consent of a sexual partner; and any activity that goes beyond the boundaries of consent, such as recording of sexual activity, letting others watch consensual sex, or knowingly transmitting a sexually transmitted disease (STD) to another.</p>
<i>Sexual Violence</i>	<p>The College District prohibits 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.</p>
Dating Violence	<p>“Dating violence” means violence committed by a person who is or has been in a social relationship of a romantic or intimate nature with the victim. The existence of such a relationship shall be determined based on the reporting party's statement and with consideration of the length of the relationship, the type of relationship, and the frequency of interaction between the persons involved in the relationship.</p>
<i>Domestic Violence</i>	<p>“Domestic violence” means violence committed by:</p> <ul style="list-style-type: none">• A current or former spouse or intimate partner of the victim;• A person with whom the victim shares a child in common;• A person who is cohabitating with, or has cohabitated with, the victim as a spouse or intimate partner;• Any other member of the victim's family as defined by state law;• Any other current or former member of the victim's household as defined by state law;• A person in a dating relationship with the victim as defined by state law; or

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- Any other person who acts against the victim in violation of the family violence laws of this state or the jurisdiction where the conduct occurs.

Stalking

“Stalking” means engaging in a course of conduct directed at a specific person that would cause a reasonable person to fear for the person's safety or the safety of others or suffer substantial emotional distress.

For the purposes of this definition:

1. “Course of conduct” means two or more acts, including, but not limited to, acts in which the stalker directly, indirectly, or through third parties, by any action, method, device, or means, follows, monitors, observes, surveils, threatens, or communicates to or about a person, or interferes with a person's property.
2. “Reasonable person” means a reasonable person under similar circumstances and with similar identities to the victim.

Examples

Examples of sexual harassment of an employee include, but are not limited to, sexual advances; touching intimate body parts; coercing or forcing a sexual act on another; jokes or conversations of a sexual nature; sexual assault as defined by law; offensive or derogatory language directed at another person's gender identity; and other sexually motivated conduct, communication, or contact.

Examples may also include forms of dating violence, domestic violence, or stalking, such as physical or sexual assaults; name-calling; put-downs; or threats directed at the employee, the employee's family members, or members of the employee's household; destroying the employee's property; threatening to commit suicide or homicide if the employee ends the relationship; tracking the employee; attempting to isolate the employee from friends and family; threatening an employee's spouse or partner; or encouraging others to engage in these behaviors.

Prohibited Conduct

In this policy, the term “prohibited conduct” includes discrimination, sexual harassment, dating violence, domestic violence, stalking, and retaliation as described by this policy, even if the behavior does not rise to the level of unlawful conduct.

Complainant

In this policy, the term “complainant” refers to an employee who is alleged to have experienced prohibited conduct.

Respondent

In this policy, the term “respondent” refers to a person who is alleged to have committed prohibited conduct.

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Confidential
Employee

A "confidential employee" is a person designated by the institution who holds a professional license requiring confidentiality, such as a licensed counselor, licensed social worker, or medical provider, who is supervised by such a person, or a person who is a nonprofessional counselor or advocate designated in administrative procedures as a confidential source.

**Reporting
Procedures**

Electronic Reporting
Reporting by
Employee

The College District strongly encourages students and, consistent with state law mandates, employees to report incidents of sexual harassment, sexual assault, dating violence, and stalking.

A victim of prohibited conduct has the right to report the incident to the College District and to receive a prompt and equitable resolution of the report.

An employee who believes that the employee has experienced prohibited conduct is encouraged to immediately report the alleged acts to the employee's immediate supervisor, Title IX coordinator, or deputy Title IX coordinator.

Reports against the Title IX coordinator may be directed to the Chancellor or designee. A report against the Chancellor or a Board member must be reported to the Board Counsel in accordance BBFB(LOCAL) and Board bylaws. This alternative reporting procedure does not satisfy a mandatory reporting requirement, if applicable.

Alternatively, employees and students may report prohibited conduct electronically through the College District's Title IX website. [To make a report or obtain more information, visit the [College District's Title IX website](#).']

A victim of a crime has the right to choose whether to report the crime to law enforcement, to be assisted by the College District in reporting the crime to law enforcement, or to decline to report the crime to law enforcement.

It is important that a victim of prohibited conduct go to a hospital for treatment and preservation of evidence, if applicable, as soon as practicable after the incident.

Mandatory
Reporting for
Employees

An employee who, in the course and scope of employment, witnesses or receives information regarding the occurrence of an incident that the employee reasonably believes constitutes sexual harassment, sexual assault, dating violence, or stalking, regardless of when or where the incident occurred, and is alleged to have been committed by or against a person who was a student enrolled at or an employee of the College District at the time of the incident is required, by law, to mandatorily report the incident to the Title IX coordinator or deputy Title IX coordinator.

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The report must include all information concerning the incident known to the reporting person that is relevant to the investigation and, if applicable, redress of the incident, including whether an alleged victim has expressed a desire for confidentiality in reporting the incident.

Exceptions

Disclosure at
Event

A person who received the information solely from a disclosure at a sexual harassment, sexual assault, dating violence, or stalking public awareness event sponsored by a postsecondary educational institution or by an employee organization affiliated with the institution is not required to report the prohibited conduct unless the person has authority to institute corrective measures on behalf of the College District.

Employee
Subject to
Confidentiality
Rules

Absent the employee's consent, or unless required by law, employees designated by the Title IX coordinator as "confidential employees" are exempt from reporting all relevant information known about an incident of sexual harassment, sexual assault, dating violence, or stalking and are only required to report the type of incident to the Title IX coordinator or deputy Title IX coordinator. If multiple confidential employees receive information about the same alleged incident, then only one report disclosing the type of incident must be submitted.

Designated confidential employees include certain licensed professional counselors, licensed professional social workers, and other employees with a professional license requiring confidentiality who are working within that license.

Peace Officer

A College District peace officer who received information regarding the incident from an employee who chooses to complete a pseudonym form as described by law shall only be required to disclose the type of incident reported and may not disclose the employee's name, phone number, address, or other information that may directly or indirectly reveal the employee's identity.

Prior Report

A person who has either learned of an incident of prohibited conduct during the course of the College District's review or process, or has confirmed with the person or office overseeing the review or process that the incident has been previously reported, is not required to report the prohibited conduct.

**Failure to Report and
False Claims**

An employee who knowingly fails to make a required report regarding prohibited conduct concerning an incident the employee reasonably believes constitutes stalking, dating violence, sexual assault, or sexual harassment committed by or against a student or employee at the time of the incident, is subject to disciplinary action, including termination.

Houston Community College
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Title IX Coordinator Reports of discrimination based on sex, including sexual harassment, may be directed to the Title IX coordinator or deputy Title IX coordinator. The College District designates the following person to coordinate its efforts to comply with Title IX of the Education Amendments of 1972, as amended and related state and federal laws:

Title IX Coordinator: ~~Oswaldo Gomez, MSW, Sandra B. Jacobson, J.D., M.Ed.~~ [SHRM-SCP](#)

[Interim](#) Director of EEO and Compliance, Title IX Coordinator/[ADA/Section 504 Coordinator](#)

Address: Office of Equal Opportunity and Title IX (EO/TIX),
3100 Main Street, Suite 700, Houston, TX 77002

Telephone: (713) 718-8271

Email: [Title IX Coordinator email](#)²

Webpage: [Title IX/Sexual Misconduct webpage](#)³

Responsible Employees All employees, with the exception of confidential employees, are designated as responsible employees for purposes of compliance with state law.

Timely Reporting A failure to immediately report prohibited conduct may impair the College District's ability to investigate and address the conduct.

Consolidate Reports When the allegations underlying two or more complaints arise out of the same facts or circumstances, the College District may consolidate the complaints.

Advisor Each party to a complaint may be assisted by an advisor of the party's choice who may participate in the proceedings in a manner consistent with College District procedures.

Conflict of Interest Prohibited No person designated as the Title IX coordinator, a deputy Title IX coordinator, an investigator, a decision-maker, or a facilitator of an informal resolution process shall have a conflict of interest or bias.

Training A person designated as the Title IX coordinator, a deputy Title IX coordinator, an investigator, a decision-maker, or a facilitator of an informal resolution process shall receive training as required by law and College District procedures.

Days "Days" shall mean College District business days, unless otherwise noted. In calculating timelines under this policy, the day a document is filed is "day zero." The following business day is "day one."

Extension of Timelines Timelines established by this policy and associated procedures may be subject to a limited extension if good cause, as defined in

Commented [JL1]: Revisions are made by the Administration and Board Counsel is in concurrence

DATE ISSUED: ~~5/21/2024~~
LDU ~~2024.03~~
DIAA(LOCAL)-X

Adopted:
~~4/17/2024~~

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this policy and College District regulations, exists. The College District shall promptly provide written notice to the parties of an extension and the reason for the extension. A limited delay determined to be necessary so as not to impede a criminal or regulatory investigation shall constitute good cause for an extension of timelines established by this policy and associated procedures.

Investigation of the Report

The College District may request, but shall not insist upon, a written report. If a report is made orally, the Title IX coordinator or designee shall reduce the report to written form.

Initial Assessment

Upon receipt or notice of a report, the Title IX coordinator or deputy Title IX coordinator shall determine whether the allegations, if proven, would constitute prohibited conduct as defined by this policy. If so, the Title IX coordinator, deputy Title IX coordinator, or designee shall promptly offer supportive measures to the complainant and respondent, and the complaint resolution grievance process shall immediately begin, except as provided below at Criminal Investigation. The Title IX coordinator or deputy Title IX coordinator shall explain the process for filing a formal complaint and assess any request not to investigate. If the College District moves forward with the investigation, the Title IX coordinator or deputy Title IX coordinator shall immediately provide notice to the known parties to the complaint. [See DIAA(REGULATION)]

If the Title IX coordinator or deputy Title IX coordinator 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, rules, or regulations, the Title IX coordinator or deputy Title IX coordinator shall refer the complaint for consideration under the appropriate policy and may discuss resources and support services with the reporting party.

Request Not to Investigate

The complainant may request that the College District not investigate the allegations. If the complainant requests that the allegations not be investigated, in deciding whether to initiate the investigation, the College District must consider the factors described by law and any other factors the College District considers relevant.

The College District shall promptly notify the complainant of the decision regarding whether it will conduct the investigation. If the College District decides not to investigate the allegations, the College District shall take reasonable steps to protect the health and safety of the College District community.

Formal Complaint

To be considered a formal complaint under Title IX, the complainant or the Title IX coordinator must sign the written report.

Notice to Parties

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The notice to the parties must describe the allegations and the formal and informal options for resolution of the complaint. The notice must state that the respondent is presumed not responsible until a determination regarding responsibility is made. The notice must also include information regarding the option to select an advisor, the opportunity to inspect and review evidence, and the prohibition on knowingly making false statements or submitting false information during the investigation and any ensuing proceedings.

If the allegations are subsequently amended, the College District shall provide an updated notice reflecting the new allegations.

Informal Resolution

The College District may offer to the parties a process for the informal resolution of a formal complaint as defined by law. If the parties voluntarily agree in writing to participate in informal resolution of a formal complaint, the Title IX coordinator or deputy Title IX coordinator shall determine within three days if informal resolution is appropriate for the complaint. If the Title IX coordinator or deputy Title IX coordinator determines that informal resolution is appropriate, then the Title IX coordinator, deputy Title IX coordinator, or designee may facilitate that resolution within 10 days. If the Title IX coordinator or deputy Title IX coordinator does not determine informal resolution to be appropriate, then the complaint will be subject to the formal resolution process.

Formal Resolution

If the complaint is not subject to the informal resolution process, the Title IX coordinator or deputy Title IX coordinator shall authorize or undertake an investigation.

Supportive
Measures

If appropriate and regardless of whether a criminal or regulatory investigation regarding the alleged conduct is pending, the Title IX coordinator, deputy Title IX coordinator, or designee, shall promptly provide supportive measures intended to prevent prohibited conduct, protect the safety of the parties and others, and protect the parties from retaliation prior to the completion of the investigation. Examples of possible supportive measures include work accommodations, such as leaves of absence or administrative leave; mutual restrictions on contact between the parties; counseling and health services; and increased security and monitoring of certain areas of the campus.

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 whether the College District's investigation would impede the criminal or regulatory investigation. The College District shall proceed with its investigation only to the extent that it does not impede the ongoing criminal or regulatory investigation. After the law enforcement or regulatory agency has completed gathering its evidence,

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	<p>the College District shall promptly resume its investigation. Any delay under this provision shall constitute good cause for an extension of timelines established by this policy and associated procedures.</p>
College District Investigation	<p>An investigation may be conducted by the Title IX coordinator, deputy Title IX coordinator, College District investigators designated by the Title IX coordinator, or by a third party designated by the College District, such as an attorney. When appropriate, the supervisor shall be involved in or informed of the investigation.</p> <p>The investigation may consist of personal interviews with the complainant, the respondent, 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> <p>The parties shall be provided an equal opportunity to present witnesses and evidence and to inspect and review any directly related evidence obtained by the College District so that the parties may meaningfully respond during the investigation process. The parties expected to participate in an investigative interview or other meeting shall be provided written notice in enough time to prepare to participate.</p> <p>At least 10 days prior to the completion of the investigation report, the College District must send each party and the party's advisor evidence subject to inspection and review. The parties may submit a written response for consideration by the investigator.</p>
Concluding the Investigation	<p>The investigation shall be completed within a reasonable time, not to exceed 60 College District business days from the date of the report.</p> <p>The investigators shall prepare a written report summarizing the relevant investigation information. The final investigative report shall be filed with the Title IX coordinator or deputy Title IX coordinator within 10 days overseeing the investigation.</p>
Notification of the Report	<p>The Title IX coordinator shall provide the investigation report, within the extent permitted by law, to the complainant and the respondent promptly following receipt. The parties shall be given 10 days to respond to the report.</p>
College District Action	<p>The Title IX coordinator shall submit the investigation report to the chief human resources officer promptly after receipt of the parties' response but no later than the expiration of the parties' deadline to respond.</p>

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Live Hearing –
Determination of
Responsibility

Absent a formal complaint dismissal or the parties' decision to reach an informal resolution agreement (if applicable), the College District will provide a live hearing for all formal complaints subject to the process outlined in this policy.

The Title IX coordinator shall summon the parties for a hearing to be held within a reasonable time, not to exceed 10 days. The hearing shall be conducted in accordance with law and College District procedures.

After the hearing, the hearing officer shall determine whether each individual allegation of prohibited conduct occurred using a preponderance of evidence standard and determine the appropriate disciplinary or corrective action. In making the determination, the hearing officer shall evaluate all relevant evidence objectively and shall not make credibility assessments based on a person's status as the complainant, the respondent, or a witness. The hearing officer shall create a written determination regarding responsibility in accordance with law and College District procedures within five days following the hearing and submit the determination to the parties simultaneously.

Disciplinary or
Corrective Action

If the hearing officer determines that prohibited conduct occurred, the College District shall promptly respond by taking appropriate disciplinary or corrective action reasonably calculated to address the conduct.

The College District may take action based on the results of an investigation, even if the conduct did not rise to the level of prohibited or unlawful conduct.

Examples of disciplinary or corrective action may include:

- Implementing the disciplinary measures described in DH and the DM series for employees or FM for students;
- 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 individual(s) who engaged in prohibited conduct;
- Conducting follow-up inquiries to determine whether any new incidents or any instances of retaliation have occurred;
- Involving the community in efforts to identify problems and improve the College District climate;

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- Increasing staff monitoring of areas where prohibited conduct has occurred;
- Reaffirming the College District's policy against discrimination and harassment; and
- Taking other actions described in College District regulations.

Exception

The College District shall minimize attempts to require a complainant to resolve the problem directly with the person who engaged in the harassment; however, if that is the most appropriate resolution method, the College District shall be involved in an appropriate manner.

Improper Conduct

If the hearing officer determines that improper conduct occurred that did not rise to the level of prohibited conduct, the College District may take disciplinary action in accordance with College District policy and procedures or other corrective action reasonably calculated to address the conduct in accordance with law and College District Procedures. [See DIAA]

Dismissal of Complaint

Mandatory Dismissal

An allegation presented as a formal complaint under Title IX is subject to the mandatory dismissal procedures under law.

Permissive Dismissal

Any complaint may be dismissed at any time on request of a complainant. The Title IX coordinator must first assess the request in accordance with this policy at Request Not to Investigate, above.

A complaint may also be dismissed if specific circumstances prevent the College District from gathering evidence sufficient to reach a determination as to the complaint or allegations.

Notice of Dismissal

Upon dismissal of a complaint, the Title IX coordinator or designee shall provide the parties written notice of the dismissal.

Confidentiality

To the greatest extent possible, consistent with law, the College District shall respect the privacy of the parties, witnesses, and other persons involved. Limited disclosures may be necessary to carry out the purposes of this policy and associated regulations and to comply with applicable law.

Retaliation

The College District prohibits retaliation against any individual for the purpose of interfering with a right or privilege under this policy; the complainant; or another individual who, in good faith, makes a report or complaint, serves as a witness, or otherwise participates or refuses to participate in an investigation, proceeding, or hearing under this policy. This prohibition does not apply to discipline of a

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	person who perpetrated or assists in the perpetration of the prohibited conduct.
	A person who is alleged to have experienced retaliation may pursue a claim under this policy or policy FFDA, as appropriate.
Examples	Examples of retaliation include, but are not limited to, termination, refusal to hire, demotion, and denial of promotion. Retaliation may also include threats, unjustified negative evaluations, unjustified negative references, or increased surveillance.
False Claims	An employee who intentionally makes a false claim, offers a false statement, or refuses to cooperate with a College District investigation regarding prohibited conduct shall be subject to appropriate disciplinary action.
Interference with the Grievance Process	<p>Any person who interferes with the grievance process outlined in this policy is subject to disciplinary action up to and including dismissal or separation from the institution. Interference with a grievance process may include, but is not limited to:</p> <ol style="list-style-type: none">1. Attempting to coerce, compel, or prevent an individual from providing testimony or relevant information;2. Removing, destroying, or altering documentation relevant to the grievance process; or3. Knowingly providing false or misleading information to the Title IX coordinator, deputy Title IX coordinator, investigator, or hearing officer or encouraging others to do so.
Appeal	If the hearing officer determines that a contract employee committed prohibited conduct that warrants suspension without pay or termination mid-contract, the hearing officer in consultation with the chief human resources officer shall inform the employee in writing of the determination, and a Board hearing shall be scheduled in accordance with DMAA and other applicable policy.
Discipline or Corrective Action	
Employees	
Suspension Without Pay or Termination of Contract	
Employees	
Other Action	If the hearing officer determines that the employee committed prohibited conduct that warrants other discipline or corrective action, the hearing officer in consultation with the chief human resources officer shall inform the employee that the employee may appeal the determination within 10 days in accordance with DIAA.
Students	
Suspension	If the hearing officer determines that a student committed prohibited conduct that warrants a suspension, the official shall forward

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SEX AND SEXUAL VIOLENCE

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	the determination and all evidence collected during the investigation and hearing to the vice chancellor of student services. A conference with the vice chancellor of student services shall be scheduled within 10 days of the notice of determination.
Expulsion	If the hearing officer determines that the student committed prohibited conduct that warrants expulsion, the hearing officer shall forward the determination and all evidence collected during the investigation and hearing to the vice chancellor of student services to schedule an expulsion hearing before the Board.
Other Action	If the hearing officer determines that the student committed prohibited conduct that warrants other discipline or corrective action, the hearing officer shall inform the student that the student may appeal the determination in accordance with institutional policy.
Other Appeals	<p>A party may appeal the findings of an investigation where it is alleged that procedural error or previously unavailable relevant evidence could significantly impact the outcome of the case through the applicable regulation.</p> <p>All other appeals related to this policy may be submitted through the applicable grievance policy beginning at the appropriate level. [See DIAA(REGULATION) for employees, FFDA(REGULATION) for students, and GB(LOCAL) for community members]</p>
Complaints Filed with State or Federal Agencies	A party shall be informed of any right to file a complaint with appropriate state or federal agencies.
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 regulations, as well as relevant educational and resource materials concerning the topics discussed in this policy, shall be distributed to applicants for admission and employment and annually to College District employees, students, and parents or guardians 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, regulations, and related materials and any materials used to train a person designated as the Title IX coordinator, a deputy Title IX coordinator, an investigator, a decision-maker, or a facilitator shall also be prominently published on the College District's website, on a dedicated page accessible through a clear link on the homepage, taking into account applicable legal requirements. Copies of the policy and procedures shall be readily available at the College District's

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administrative offices and shall be distributed to an employee who makes a report.

Any revisions to this policy will require written notice by the Compliance Department to the Coordinating Board in accordance with BBF(LOCAL). This policy must be reviewed by the Board a minimum of every two years.

¹ College District Title IX website: <https://www.hccs.edu/oeotix/>

² Title IX Coordinator email: <mailto:hcc.oeotix@hccs.edu>

³ Title IX/Sexual Misconduct webpage: <https://www.hccs.edu/oeotix/title-ix-know-your-rights/>

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FREEDOM FROM DISCRIMINATION, HARASSMENT, AND RETALIATION
OTHER PROTECTED CHARACTERISTICS

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Note: This policy addresses complaints of discrimination, harassment, and retaliation targeting employees based on protected characteristics other than sex or gender to include gender identity and expression. For discrimination, harassment, and retaliation of employees based on sex or gender, see DIAA. For legally referenced material relating to subject matter addressed in this policy, see DAA(LEGAL) and DIAB(LEGAL). For discrimination, harassment, and retaliation of students based on protected characteristics other than sex or gender, see FFDB. For discrimination, harassment, and retaliation of students based on sex or gender, see FFDA.

**Statement of
Nondiscrimination**

The College District prohibits discrimination, including harassment, against any individual(s) on the basis of race, color, religion, national origin, age, veteran status, disability, sex, sexual orientation, gender, to include 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.

Discrimination

The College District prohibits discrimination. Discrimination against an employee under this policy is defined as conduct directed at an employee on the basis of race, color, religion, national origin, age, disability, or any other basis prohibited by law, that adversely affects the employee's employment.

Harassment

The College District prohibits harassment. Harassment of an employee under this policy is defined as physical, verbal, or nonverbal conduct based on an employee's race, color, religion, national origin, age, disability, or any other basis prohibited by law, when the conduct is so severe, persistent, or pervasive that the conduct:

1. Has the purpose or effect of unreasonably interfering with the employee's work performance;
2. Creates an intimidating, threatening, hostile, or offensive work environment; or
3. Otherwise adversely affects the employee's performance, environment, or employment opportunities.

Examples

Examples of harassment may include offensive or derogatory language directed at another person's religious beliefs or practices, accent, skin color, or need for workplace accommodation; threatening or intimidating conduct; offensive jokes, name-calling, slurs, or rumors; physical aggression or assault; display of graffiti or printed material promoting racial, ethnic, or other stereotypes; or other types of aggressive conduct such as theft or damage to property.

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Retaliation

The College District prohibits retaliation. As used in this policy, retaliation is defined as adverse treatment, including intimidation, reprisal, and harassment, against an individual because he or she has alleged to have experienced discrimination or harassment, or another employee who, in good faith:

1. Makes a report of harassment or discrimination;
2. Serves as a witness; or
3. Otherwise participates in an investigation under this policy.

Examples

Examples of retaliation may include termination, refusal to hire, demotion, and denial of promotion. Retaliation may also include threats, unjustified negative evaluations, unjustified negative references, or increased surveillance.

False Claim

It is a violation of College District policy to intentionally make a false claim under this policy. An employee who intentionally makes a false claim, offers false statements, or refuses to cooperate with a College District investigation regarding harassment or discrimination is subject to disciplinary action.

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

An employee who believes that he or she has experienced prohibited conduct or believes that another employee has experienced prohibited conduct should immediately report the alleged acts. The employee may report the alleged acts to his or her immediate supervisor.

Alternatively, the employee may report the alleged acts to the College District official below.

For the purposes of this policy, College District official is the ADA/Section 504 coordinator.

Definition of College District Officials

ADA / Section 504
Coordinator

The College District designates the following person to coordinate its efforts to comply with Title II of the Americans with Disabilities Act of 1990, as amended, which incorporates and expands upon the requirements of Section 504 of the Rehabilitation Act of 1973, as amended:

Name: ~~Oswaldo Gomez, MSW~~ Sandra B. Jacobson, J.D., M.Ed, SHRM-SCP

Position: Interim Director of EEO and Compliance, Title IX Coordinator ADA/Section 504 Coordinator

Commented [JL1]: Revisions are made by the Administration and Board Counsel is in concurrence.

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Address: Office of Equal Opportunity and Title IX (EO/TIX),
3100 Main Street, Suite 700, Houston, TX 77002

Telephone: (713) 718-8271

Email: hcc.oeotix@hccs.edu

Other Anti-
discrimination Laws

The College District designates the Director of EEO and Compliance/Title IX coordinator and the Office of Equal Opportunity and Title IX or designee to serve as coordinator for purposes of College District compliance with all other antidiscrimination laws.

**Alternative
Reporting
Procedures**

An employee shall not be required to report prohibited conduct to the person alleged to have committed it. Reports against the ADA/Section 504 coordinator may be directed to the Chancellor.

Reports against the Chancellor or a Board member may be made directly to the Board Chair. The complaint shall be handled in accordance with the procedures set forth in BBFB(LOCAL).

Timely Reporting

Reports of prohibited conduct shall be made as soon as possible after the alleged act or knowledge of the alleged act. A failure to promptly report may impair the College District's ability to investigate and address the prohibited conduct.

Notice of Report

Any College District supervisor who receives a report of prohibited conduct shall immediately notify the College District official listed above and take any other steps required by this policy.

**Investigation of the
Report**

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

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 complaint resolution process [see DIAB(REGULATION)] shall immediately begin, except as provided below at Criminal Investigation.

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 rules or regulations, the College District official shall refer the complaint for consideration under the appropriate policy.

When appropriate, the College District shall promptly take interim action calculated to prevent prohibited conduct during the course of an investigation.

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An 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. When appropriate, the supervisor shall be involved in or informed of the investigation.

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.

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 or regulatory investigation. The College District shall proceed with its investigation only to the extent that it does not impede the ongoing criminal or regulatory investigation. After the law enforcement or regulatory agency has completed gathering its evidence, the College District shall promptly resume its investigation.

Concluding the Investigation

Absent extenuating circumstances, the investigation should be completed within 30 College District business days from the date of the report; however, the investigator(s) shall take additional time if necessary to complete a thorough investigation.

The investigator(s) shall prepare a written report summarizing the relevant investigation information. The final investigative report shall be filed with the College District official overseeing the investigation.

College District Action

If the results of an investigation indicate that prohibited conduct occurred, the College District shall promptly respond by taking appropriate disciplinary or corrective action reasonably calculated to address the conduct.

The College District may take action based on the results of an investigation, even if the conduct did not rise to the level of prohibited or unlawful conduct.

Confidentiality

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

Appeal

A party may appeal the findings where it is alleged that procedural error or previously unavailable relevant evidence could significantly impact the outcome of the case through the applicable regulation.

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[See DIAB(REGULATION) for employees, FFDB(REGULATION) for students, and GB(LOCAL) for community members]

The party may have a right to file a complaint with appropriate state or federal agencies.

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 annually 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 student handbook 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 an employee who makes a report.

EQUAL EDUCATIONAL OPPORTUNITY

FA
(LOCAL)

The College District is committed to providing an educational climate that is conducive to the personal and professional development of each individual. The College District does not discriminate and prohibits discrimination on the basis of race, color, religion, gender identity and gender expression, national origin, age, disability, sex, sexual orientation, or veteran status in employment or the rights, privileges, programs, and activities generally accorded or made available to students at the school, administration of its educational policies, admissions policies, scholarship and loan programs, and athletic and other school-administered programs. A lack of English language skills shall not be a barrier to admission and participation in College District programs. To ensure compliance with Title IX and other federal and state civil rights laws, the College District has developed policies and procedures that prohibit discrimination in all of its forms.

The College District is committed to cultivating an environment free from inappropriate conduct of a sexual or gender-based nature including sex discrimination, sexual assault, sexual harassment, and sexual violence. Sex discrimination includes all forms of sexual and gender-based misconduct and violates an individual's fundamental rights and personal dignity.

All inquiries regarding compliance with Title VI and Title VII of the Civil Rights Act of 1964, Title IX of the Education Amendments of 1972, Section 504 of the Rehabilitation Act of 1973, the Americans with Disabilities Act of 1990 or other civil rights laws should be directed to the following individual:

Name: ~~Oswaldo Gomez, MSW~~ [Sandra B. Jacobson, J.D., M.Ed., SHRM-SCP](#)
Position: [Interim](#) Director of EEO and Compliance/
Title IX Coordinator/[ADA/Section 504 Coordinator](#)
Office: The Office of Equal Opportunity and Title IX
Address: 3100 Main Street, Suite ~~702~~ [700](#), Houston, TX 77002
Telephone: (713) 718-8271
Email: hcc.oeotix@hccs.edu

Note: For complaints of discrimination, harassment, and retaliation on the basis of a protected characteristic, see FFDA and FFDB.

Commented [JL1]: Revisions are made by the Administration and Board Counsel is in concurrence.

**Diversity, Equity,
and Inclusion
Initiatives**

Except as required by federal law, the College District shall not:

1. Compel, require, induce, or solicit any person to provide a diversity, equity, and inclusion statement or give preferential consideration to any person based on the provision of a diversity, equity, and inclusion statement;
2. Give preference on the basis of race, sex, color, ethnicity, or national origin to a participant in any College District function; or
3. Require as a condition of enrolling at the College District or performing any College District function any person to participate in diversity, equity, and inclusion training that references race, color, ethnicity, gender identity, or sexual orientation, unless it was developed by an attorney and approved in writing by the College District's general counsel and the Coordinating Board for the sole purpose of ensuring compliance with any applicable court order or state or federal law.

Exceptions

The prohibitions do not apply to:

1. Academic course instruction;
2. Scholarly research or a creative work by College District employees or students;
3. An activity of a student organization registered with or recognized by the College District;
4. Guest speakers or performers on short-term engagements;
5. A policy, practice, procedure, program, or activity to enhance student academic achievement or postgraduate outcomes that is designed and implemented without regard to race, sex, color, or ethnicity;
6. Data collection; or
7. Student recruitment or admissions.

Note: For related information on diversity, equity, and inclusion initiatives, see BG for diversity, equity, and inclusion offices, CFE for contractor discipline, DAA for employees, and DH for employee discipline.

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Note: This policy addresses complaints of sex and gender discrimination, to include gender identity and gender expression, sexual harassment, sexual assault, dating violence, domestic violence, stalking, and retaliation targeting students. For additional legally referenced material relating to discrimination, harassment, and retaliation, see FA(LEGAL) and FAA(LEGAL). For sex discrimination, sexual harassment, sexual assault, dating violence, domestic violence, stalking, and retaliation targeting employees, see DIAA.

**Statement of
Nondiscrimination**

The College District prohibits discrimination, including harassment, against any student on the basis of sex or gender. Retaliation against anyone involved in the complaint process is a violation of College District policy and is prohibited. All definitions are included in FFDA(REGULATION) and FFDA(LEGAL).

Definitions

Discrimination

As defined in this policy, discrimination against a student is defined as conduct directed at a student on the basis of sex or gender that adversely affects the student.

Consent

“Consent” means a voluntary, mutually understandable agreement that clearly indicates a willingness to engage in each instance of sexual activity. Consent to one act does not imply consent to another. Consent to engage in sexual activity with one person does not imply consent to engage in sexual activity with another. Consent can be withdrawn at any time. Any expression of an unwillingness to engage in any instance of sexual activity establishes a presumptive lack of consent.

Consent is not effective if it results from:

1. The use of physical force;
2. A threat of physical force;
3. Intimidation;
4. Coercion;
5. Incapacitation; or
6. Any other factor that would eliminate an individual's ability to exercise the individual's own free will to choose whether or not to have sexual activity.

A current or previous dating or sexual relationship, by itself, is not sufficient to constitute consent. Even in the context of a relation-

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ship, there must be a voluntary, mutually understandable agreement that clearly indicates a willingness to engage in each instance of sexual activity.

The definition of consent for the crime of sexual assault in Texas can be found in Section 22.011(b) of the Texas Penal Code.

Sex Discrimination 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 classroom environment for students should be free from inappropriate conduct of a sexual or gender-based nature (e.g., sex discrimination, sexual assault, sexual harassment, and sexual violence) by employees, students, or third parties. Sexual and gender-based misconduct is unprofessional, 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.

Sexual Harassment
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 to participate in a college program or activity, or that the employee will make an educational decision based on whether or not the student submits to the conduct ("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 or activities.

"Sexual harassment" is defined differently under state law and the federal Title IX regulation. [See FFDA(LEGAL) for the applicable definitions]

By 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 or activities.

Sexual Exploitation Sexual exploitation is conduct where an individual takes nonconsensual or abusive sexual advantage of another for the individual's

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own benefit, or to benefit anyone other than the one being exploited. Examples of sexual exploitation include, but are not limited to, engaging in voyeurism, human trafficking, sex trafficking, forwarding of pornographic or other sexually inappropriate material by email, text, or other channels to nonconsenting individuals or groups; the intentional removal of a condom or other contraceptive barrier during sexual activity without the consent of a sexual partner; and any activity that goes beyond the boundaries of consent, such as recording of sexual activity, letting others watch consensual sex, or knowingly transmitting a sexually transmitted disease (STD) to another.

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.

Dating Violence

"Dating violence" means violence committed by a person who is or has been in a social relationship of a romantic or intimate nature with the victim. The existence of such a relationship shall be determined based on the reporting party's statement and with consideration of the length of the relationship, the type of relationship, and the frequency of interaction between the persons involved in the relationship.

Domestic Violence

"Domestic violence" means violence committed by:

- A current or former spouse or intimate partner of the victim;
- A person with whom the victim shares a child in common;
- A person who is cohabitating with, or has cohabitated with, the victim as a spouse or intimate partner;
- Any other member of the victim's family as defined by state law;
- Any other current or former member of the victim's household as defined by state law;
- A person in a dating relationship with the victim as defined by state law; or
- Any other person who acts against the victim in violation of the family violence laws of this state or the jurisdiction where the conduct occurs.

Stalking

"Stalking" means engaging in a course of conduct directed at a specific person that would cause a reasonable person to fear for the person's safety or the safety of others or suffer substantial emotional distress.

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For the purposes of this definition:

1. "Course of conduct" means two or more acts, including, but not limited to, acts in which the stalker directly, indirectly, or through third parties, by any action, method, device, or means, follows, monitors, observes, surveils, threatens, or communicates to or about a person, or interferes with a person's property.
2. "Reasonable person" means a reasonable person under similar circumstances and with similar identities to the victim.

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 as defined by law; sexual battery; sexual coercion; and other sexually motivated conduct, communications, or contact.

Examples may also include forms of dating violence, domestic violence, or stalking, such as physical or sexual assaults; name-calling; put-downs; or threats directed at the student, the student's family members, or members of the student's household; destroying the student's property; threatening to commit suicide or homicide if the student ends the relationship; tracking the student; attempting to isolate the student from friends and family; threatening a student's spouse or partner; or encouraging others to engage in these behaviors.

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.

Acts of gender-based harassment may also be considered sex discrimination or sexual harassment.

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.

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Prohibited Conduct	In this policy, the term “prohibited conduct” includes discrimination, harassment, dating violence, domestic violence, stalking, and retaliation as described by this policy, even if the behavior does not rise to the level of unlawful conduct.
Complainant	In this policy, the term “complainant” refers to an applicant for admission or a student who is alleged to have experienced prohibited conduct. The term also includes a former student who is alleged to have experienced prohibited conduct while participating, or attempting to participate, in the College District’s educational program or activity.
Respondent	In this policy, the term “respondent” refers to a person who is alleged to have committed prohibited conduct.
Confidential Employee	A “confidential employee” is a person designated by the institution who holds a professional license requiring confidentiality, such as a licensed counselor, licensed social worker, or medical provider, who is supervised by such a person, or a person who is a nonprofessional counselor or advocate designated in administrative procedures as a confidential source.
Reporting Procedures	The College District strongly encourages students and mandates employees to report incidents of sexual harassment, sexual assault, dating violence, and stalking. Students and employees may report prohibited conduct electronically through the College District’s Title IX website. [To make a report or obtain more information, visit the College District’s Title IX website . ¹]
Electronic Reporting	
Student Report	<p>A victim of prohibited conduct has the right to report the incident to the College District and to receive a prompt and equitable resolution of the report.</p> <p>Any student who believes that the student has experienced prohibited conduct or believes that another student has experienced prohibited conduct should immediately report the alleged acts to the Title IX coordinator or deputy Title IX coordinator. Alternatively, the student may report the alleged acts to another employee, one of the College District officials², or electronically through the College District’s website. The submission of an anonymous electronic report may impair the College District’s ability to investigate and address the prohibited conduct.</p> <p>A student shall not be required to report prohibited conduct to the person alleged to have committed the conduct. Reports against the Title IX coordinator may be directed to the Chancellor or designee. A report against the Chancellor or a Board member must be reported to the Board Counsel in accordance BBFB(LOCAL) and Board bylaws.</p>

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A victim of a crime has the right to choose whether to report the crime to law enforcement, to be assisted by the College District in reporting the crime to law enforcement, or to decline to report the crime to law enforcement.

It is important that a victim of prohibited conduct go to a hospital for treatment and preservation of evidence, if applicable, as soon as practicable after the incident.

Exception

Absent consent or unless required by law, a student designated in administrative regulations as a student advocate to whom another student may speak confidentially concerning prohibited conduct may not disclose any communication made by the other student.

Employee Report

Any College District employee, not designated as a confidential employee, who suspects or receives notice that a student or group of students has or may have experienced prohibited conduct, regardless of where the incident occurred, is required to immediately report to the Title IX coordinator or deputy Title IX coordinator and shall take any other steps required by this policy.

*Exceptions and
Confidentiality
Rules*

An employee designated by the institution as a confidential employee with whom students may speak confidentially concerning sexual harassment, sexual assault, dating violence, or stalking who receives information regarding such an incident under circumstances that render the employee's communications confidential or privileged under other law shall, in making a report, state only the type of incident reported and may not include any information that would violate a student's expectation of privacy. If multiple confidential employees receive information about the same alleged incident, then only one report disclosing the type of incident must be submitted.

Designated confidential employees include certain licensed professional counselors, licensed professional social workers, and other employees with a professional license requiring confidentiality who are working within that license.

The confidential employee 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, unless the person is disclosing information as required for inclusion in the College District's annual security report under the Clery Act [see GCC].

Disclosure at
Event

A person who received the information solely from a disclosure at a sexual harassment, sexual assault, dating violence, or stalking public awareness event sponsored by a postsecondary educational

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institution or by a student organization affiliated with the institution is not required to report the prohibited conduct unless the person has the authority to institute corrective measures on behalf of the College District.

Peace Officer A College District peace officer who received information regarding the incident from a student who chooses to complete a pseudonym form as described by law shall only be required to disclose the type of incident reported and may not disclose the student's name, phone number, address, or other information that may directly or indirectly reveal the student's identity.

Prior Report A person who has either learned of an incident of prohibited conduct during the course of the College District's review or process, or has confirmed with the person or office overseeing the review or process that the incident has been previously reported, is not required to report the prohibited conduct.

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

Title IX Coordinator: ~~Oswaldo Gomez, MSW~~ [Sandra B. Jacobson, J.D., M.Ed., SHRM-SCP](#)

~~Interim~~ Director of EEO and Compliance/Title IX Coordinator/[ADA/Section 504 Coordinator](#)

Address: Office of Equal Opportunity and Title IX (EO/TIX),
3100 Main Street, Suite 700, Houston, TX 77002

Telephone: (713) 718-8271

Email: [Title IX Coordinator email](#)³

Webpage: [Title IX/Sexual Misconduct webpage](#)⁴

Responsible Employees

All employees, with the exception of confidential employees, are designated as responsible employees for purposes of compliance with state law.

The Title IX coordinator and deputy Title IX coordinator are authorized to institute corrective measures and must have actual knowledge of a Title IX complaint in order to constitute notice to the College District under the federal Title IX regulation.

Timely Reporting

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	A failure to immediately report prohibited conduct may impair the College District's ability to investigate and address the prohibited conduct.
Notice of Report	Any Board member or College District employee who receives a report of prohibited conduct shall immediately notify the Title IX coordinator or deputy Title IX coordinator and shall take any other steps required by this policy.
Consolidate Reports	When the allegations underlying two or more reports arise out of the same facts or circumstances, the College District may consolidate the reports.
Advisor	Each party to the complaint may be assisted by an advisor of the party's choice who may participate in the proceedings in a manner consistent with College District procedures.
Conflict of Interest Prohibited	No person designated as the Title IX coordinator, a deputy Title IX coordinator, an investigator, a decision-maker, or a facilitator of an informal resolution process shall have a conflict of interest or bias.
Training	A person designated as the Title IX coordinator, a deputy Title IX coordinator, an investigator, a decision-maker, or a facilitator of an informal resolution process shall receive training as required by law and College District procedures.
Days	"Days" shall mean College District business days, unless otherwise noted. In calculating timelines under this policy, the day a document is filed is "day zero." The following business day is "day one."
Extension of Timelines	Timelines established by this policy and associated procedures may be subject to a limited extension if good cause, as defined in this policy and College District regulations, exists. The College District shall promptly provide written notice to the parties of an extension and the reason for the extension.
Investigation of the Report	The College District may request, but shall not require, a written report. If a report is made orally, the Title IX coordinator or designee shall reduce the report to written form.
Initial Assessment	Upon receipt or notice of a report, the Title IX coordinator or deputy Title IX coordinator shall determine whether the allegations, if proven, would constitute prohibited conduct as defined by this policy. If so, the Title IX coordinator shall promptly offer supportive measures to the complainant and respondent, and the complaint resolution process shall immediately begin, except as provided below at Criminal Investigation. The Title IX coordinator or deputy Title IX coordinator shall explain the process for filing a formal complaint and assess any request not to investigate. If the College

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	<p>District moves forward with the investigation, the Title IX coordinator or deputy Title IX coordinator shall immediately provide notice to the known parties to the complaint. [See FFDA(REGULATION)]</p> <p>If the Title IX coordinator or deputy Title IX coordinator 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, Student Code of Conduct, rules, or regulations, the Title IX coordinator or deputy Title IX coordinator may discuss resources and support services with the student and shall refer the complaint for consideration under applicable College District policy, if appropriate.</p>
<i>Request Not to Investigate</i>	<p>The complainant may request that the College District not investigate the allegations. If the complainant requests that the allegations not be investigated, in deciding whether to initiate the investigation, the College District must consider the factors described by law and any other factors the College District considers relevant.</p> <p>The College District shall promptly notify the complainant of the decision regarding whether it will conduct the investigation. If the College District decides not to investigate the allegations, the College District shall take reasonable steps to protect the health and safety of the College District community.</p>
Formal Complaint	<p>To be considered a formal complaint under Title IX, the complainant or the Title IX coordinator must sign the written report.</p>
Notice to Parties	<p>The notice to the parties must describe the allegations and the formal and informal options for resolution of the complaint. The notice must state that the respondent is presumed not responsible until a determination regarding responsibility is made. The notice must also include information regarding the option to select an advisor, the opportunity to inspect and review evidence, and the prohibition on knowingly making false statements or submitting false information during the investigation and any ensuing proceedings.</p> <p>If the allegations are subsequently amended, the College District shall provide an updated notice reflecting the new allegations.</p>
Informal Resolution	<p>The College District may offer to the parties a process for the informal resolution of a formal complaint as defined by law. If the parties voluntarily agree in writing to participate in informal resolution of the complaint, the Title IX coordinator or deputy Title IX coordinator shall determine within three days if informal resolution is appropriate for the complaint. If the Title IX coordinator or deputy Title IX coordinator determines that informal resolution is appropriate, then the Title IX coordinator, deputy Title IX coordinator, or designee may facilitate that resolution within 10 days. If the Title IX</p>

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	coordinator or deputy Title IX coordinator does not determine informal resolution to be appropriate, then the complaint will be subject to the formal resolution process. This process is not available in situations where an employee is alleged to have sexually harassed a student.
Formal Resolution	If the complaint is not subject to the informal resolution process, the Title IX coordinator or deputy Title IX coordinator shall authorize or undertake an investigation, except as provided below at Criminal or Regulatory Investigation.
Supportive Measures	When appropriate and regardless of whether a criminal or regulatory investigation regarding the alleged conduct is pending, the Title IX coordinator shall promptly provide supportive measures intended to address prohibited conduct, protect the safety of the parties and others, and protect the parties from retaliation prior to the completion of the investigation. Examples of possible supportive measures include academic accommodations, such as extensions of deadlines or other course-related adjustments and modifications of class schedules; dining modifications; temporary removal from the education program or activity in accordance with law; counseling; health services; campus escort services; mutual restrictions on contact between the parties; and increased security and monitoring of certain areas of the campus.
College District Investigation	<p>An investigation may be conducted by the Title IX coordinator, deputy Title IX coordinator, College District investigators designated by the Title IX coordinator, or a third party designated by the College District, such as an attorney.</p> <p>The investigation may consist of personal interviews with the complainant, the respondent, 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> <p>The parties shall be provided an equal opportunity to present witnesses and evidence and to inspect and review any directly related evidence obtained by the College District so that the parties may meaningfully respond during the investigation process. The parties expected to participate in an investigative interview or other meeting shall be provided written notice in enough time to prepare to participate.</p> <p>At least 10 days prior to the completion of the investigation report, the College District must send each party and the party's advisor evidence subject to inspection and review. The parties may submit a written response for consideration by the investigator.</p>

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Criminal or Regulatory 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 whether the College District's investigation would impede the criminal or regulatory investigation. The College District shall proceed with its investigation only to the extent that it does not impede the ongoing criminal or regulatory investigation. After the law enforcement or regulatory agency has completed gathering its evidence, the College District shall promptly resume its investigation. Any delay under this provision shall constitute good cause for an extension of timelines established by this policy and associated procedures.
Concluding the Investigation	<p>The investigation shall be completed within a reasonable time, not to exceed 60 days from the date of the report.</p> <p>The investigators shall prepare a written report summarizing the relevant investigation information. The final investigative report shall be filed with the Title IX coordinator within 10 days following the completion of the investigation.</p>
Notification of the Report	The Title IX coordinator or deputy Title IX coordinator shall provide the investigation report, within the extent permitted by the Family Educational Rights and Privacy Act (FERPA) or other law, to the complainant and the respondent promptly following receipt. The parties shall be given 10 days to respond to the report.
College District Action	Absent a formal complaint dismissal or the parties' decision to reach an informal resolution agreement (if agreeable), the Title IX coordinator shall submit the investigation report and any response from the parties to the vice chancellor for student services promptly after receipt of the parties' response but no later than the expiration of the parties' deadline to respond.
Live Hearing – Determination of Responsibility	<p>The Title IX coordinator shall summon the parties for a live hearing to be held within a reasonable time, not to exceed 10 days, following receipt of the responses to the investigation report from both parties. The live hearing shall be conducted in accordance with law and College District procedures.</p> <p>After the hearing, the hearing officer shall determine, based on the results of the investigation, whether each individual allegation of prohibited conduct occurred using a preponderance of the evidence standard and determine the appropriate disciplinary or corrective action. The hearing officer shall evaluate all relevant evidence objectively and shall not make credibility assessments based on a person's status as the complainant, the respondent, or a witness. The hearing officer shall create a written determination regarding responsibility in accordance with law and College District</p>

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	<p>procedures within five days following the hearing and submit the determination to the parties simultaneously.</p>
Disciplinary or Corrective Action	<p>If the hearing officer determines that prohibited conduct occurred, the College District shall promptly respond by taking appropriate disciplinary or corrective action reasonably calculated to address the conduct, in accordance with College District policy and procedures. [See FLB for students found to have violated this policy and DH for employees found to have violated this policy]</p> <p>Examples of disciplinary or corrective action may include:</p> <ul style="list-style-type: none">• Implementing the disciplinary measures described in FM for students or DH and DM series for employees;• 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 party who engaged in prohibited conduct;• Permitting the victim or student who engaged in the prohibited conduct 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;• Reaffirming the College District's policy against discrimination and harassment; and• Taking other actions described in College District regulations.
Exception	<p>The College District shall minimize attempts to require a complainant 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, including but not limited to mediation, may be pursued. In no event may a student be required to resolve a complaint of sexual harassment by an employee directly with the employee.</p>

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Improper Conduct	If the hearing officer determines that improper conduct occurred that did not rise to the level of prohibited conduct, the College District may take disciplinary action in accordance with College District policy and procedures or other corrective action reasonably calculated to address the conduct.
Dismissal of Complaint	An allegation presented as a formal complaint under Title IX is subject to the mandatory dismissal procedures under law.
Mandatory Dismissal	
Permissive Dismissal	<p>Any complaint may be dismissed at any time on request of a complainant. The Title IX coordinator must first assess the request in accordance with this policy at Request Not to Investigate, above.</p> <p>A complaint may also be dismissed if specific circumstances prevent the College District from gathering evidence sufficient to reach a determination as to the complaint or allegations.</p>
Notice of Dismissal	Upon dismissal of a complaint, the Title IX coordinator or designee shall provide the parties written notice of the dismissal.
Confidentiality	To the greatest extent possible, consistent with law, the College District shall respect the privacy of the parties, witnesses, and other persons involved. Limited disclosures may be necessary to carry out the purposes of this policy and associated regulations and to comply with applicable law.
Retaliation	<p>The College District prohibits retaliation by an individual or College District employee against any individual for the purpose of interfering with a right or privilege under this policy; the complainant; or an individual who, in good faith, makes a report or complaint, serves as a witness, or otherwise participates or refuses to participate in an investigation, proceeding, or hearing under this policy. This prohibition does not apply to discipline of a person who perpetrated or assists in the perpetration of the prohibited conduct.</p> <p>A person who is alleged to have experienced retaliation may pursue a claim under this policy or policy DIAA, as appropriate.</p>
Examples	Examples of retaliation may include threats, rumor spreading, ostracism, assaults, destruction of property, unjustified punishments, or unwarranted grade reductions. Unlawful retaliation does not include petty slights or annoyances.
Failure to Report	An employee who fails to make a required report regarding prohibited conduct shall be subject to appropriate disciplinary action as described in DIAA(LOCAL).

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False Claims	A student or employee who intentionally makes a false claim, offers a false statement, or refuses to cooperate with a College District investigation regarding prohibited conduct shall be subject to appropriate disciplinary action.
Interference with the Grievance Process	<p>Any person who interferes with the grievance process outlined in this policy is subject to disciplinary action up to and including dismissal or separation from the institution in accordance with the law and College District policies and procedures. Interference with a grievance process may include, but is not limited to:</p> <ol style="list-style-type: none">1. Attempting to coerce or prevent an individual from providing testimony or relevant information;2. Removing, destroying, or altering documentation relevant to the grievance process; or3. Knowingly providing false or misleading information to the Title IX coordinator, deputy Title IX coordinator, investigator, or hearing officer or encouraging others to do so.
Appeal	<p>If the hearing officer determines that a student committed prohibited conduct that warrants a suspension, the hearing officer shall forward the determination and all evidence collected during the investigation and hearing to the vice chancellor for student services. A conference with the vice chancellor for student services shall be scheduled within 10 days of the notice of determination.</p>
Discipline or Corrective Action	
<i>Students</i>	
Suspension	
Expulsion	If the hearing officer determines that the student committed prohibited conduct that warrants expulsion, the hearing officer shall forward the determination and all evidence collected during the investigation and hearing to the vice chancellor for student services for further processing.
Other Action	If the hearing officer determines that the student committed prohibited conduct that warrants other discipline or corrective action, the vice chancellor for student services or designee shall inform the student that the student may appeal the determination within 10 days in accordance with the appropriate appeals process.
<i>Employee</i>	
Suspension Without Pay or Termination of Contract Employees	If the hearing officer determines that a contract employee committed prohibited conduct that warrants suspension without pay or termination mid-contract, the chief human resources officer or designee shall inform the employee in writing of the determination, and a Board hearing shall be scheduled in accordance with DMAA.
Other Action	If the hearing officer determines that the employee committed prohibited conduct that warrants other discipline or corrective action,

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	the chief human resources officer or designee shall inform the employee that the employee may appeal the determination within 10 days in accordance with DIAA.
Other Appeals	A party may appeal the findings of an investigation where it is alleged that procedural error or previously unavailable relevant evidence could significantly impact the outcome of the case through the applicable regulation. All other appeals related to this policy may be submitted through the applicable grievance policy beginning at the appropriate level. [See DIAA(REGULATION) for employees, FFDA(REGULATION) for students, and GB(LOCAL) for community members]
Other Grievances	Formal complaints that are dismissed because the alleged conduct does not meet the Title IX definition of sexual harassment, but does meet the definition of sexual harassment under state law, may be appealed through the non-Title IX grievance process contained in FFDA2(REGULATION).
Complaints Filed with OCR	A party shall be informed of the party's right to file a complaint with the U.S. Department of Education Office for Civil Rights (OCR).
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 applicants for admission and employment and annually to College District employees, students, and parents or guardians of dual credit 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 and any materials used to train a person designated as the Title IX coordinator, a deputy Title IX coordinator, an investigator, a decision-maker, or a facilitator shall also be prominently published on the College District's website on a dedicated page accessible through a clear link on the homepage, 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. This policy must be reviewed by the Board a minimum of every two years.

¹ College District Title IX website: <https://www.hccs.edu/oeotix/>

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² College District officials: <mailto:hcc.oetix@hccs.edu>

³ Title IX Coordinator email: <mailto:hcc.oetix@hccs.edu>

⁴ Title IX/Sexual Misconduct webpage: <https://www.hccs.edu/oetix/title-ix-know-your-rights/>

DATE ISSUED: ~~5/21/2024~~
LDU ~~2024.03~~
FFDA(LOCAL)-X

Adopted:
~~4/17/2024~~

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Note: This policy addresses complaints of discrimination, harassment, and retaliation targeting students based on protected characteristics other than sex or gender to include gender identity and gender expression. For discrimination, harassment, and retaliation of students based on sex or gender, see FFDA. For legally referenced material relating to subject matter addressed by this policy, see FA(LEGAL) and FFDB(LEGAL). For discrimination, harassment, and retaliation targeting employees based on protected characteristics other than sex or gender, see DIAB. For discrimination, harassment, and retaliation of employees based on sex or gender, see DIAA.

**Statement of
Nondiscrimination**

The College District prohibits discrimination, including harassment, against any individual(s) on the basis of race, color, religion, national origin, age, veteran status, disability, sex, sexual orientation, gender, to include 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 and is prohibited.

Discrimination

The College District prohibits discrimination. Discrimination against a student under this policy is defined as conduct directed at a student on the basis of race, color, religion, national origin, disability, age, or on any other basis prohibited by law, that adversely affects the student.

Harassment

The College District prohibits harassment. Harassment of a student under this policy is defined as physical, verbal, or nonverbal conduct based on the student's race, color, religion, national origin, disability, age, or any other basis prohibited by law that 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 harassment may include offensive or derogatory language directed at another person's religious beliefs or practices, accent, skin color, or need for accommodation; threatening, intimidating, or humiliating conduct; offensive jokes, name-calling, slurs, or rumors; physical aggression or assault; display of graffiti or printed material promoting racial, ethnic, or other negative stereotypes; or other kinds of aggressive conduct such as theft or damage to property.

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Retaliation	<p>The College District prohibits retaliation. As used in this policy, retaliation is defined as adverse treatment, including intimidation, reprisal, and harassment, against an individual because he or she has alleged to have experienced discrimination or harassment; or an individual who, in good faith:</p> <ol style="list-style-type: none">1. Makes a report of harassment or discrimination;2. Serves as a witness; or3. Otherwise participates in an investigation under this policy.
Examples	<p>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.</p>
False Claims	<p>A student who intentionally makes a false claim, offers false statements, or refuses to cooperate with a College District investigation regarding discrimination or harassment shall be subject to appropriate disciplinary action.</p>
Prohibited Conduct	<p>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.</p>
Reporting Procedures	<p>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.</p>
Student Report	
Employee Report	<p>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.</p>
<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 acting in such a capacity, shall generally not be required to disclose a report of prohibited conduct without the student's consent if the disclosure was made to a counselor acting in such a capacity when the relevant information was disclosed.</p> <p>Under such circumstances, the counselor, or individual(s) supervised by such a person acting in such a capacity, 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 iden-</p>

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tity without the student's consent, unless the counselor is disclosing information as required for inclusion in the College District's annual security report under the Clery Act [see GCC] or as otherwise required to by law.

Responsible
Employee

For purposes of this policy, a "responsible employee" is an employee:

1. Who has the authority to remedy prohibited conduct.
2. Who has been given the duty of reporting incidents of prohibited conduct.
3. 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.

**Definition of College
District Officials**

For the purposes of this policy, the College District official is David Cross, the ADA/Section 504 coordinator.

ADA / Section 504
Coordinator

Reports of discrimination based on disability may be directed to the ADA/Section 504 coordinator. The College District designates the following person to coordinate its efforts to comply with Title II of the Americans with Disabilities Act of 1990, as amended, which incorporates and expands the requirements of Section 504 of the Rehabilitation Act of 1973, as amended:

Name: ~~Oswaldo Gomez, MSW~~ Sandra B. Jacobson, J.D., M.Ed., SHRM-SCP

Position: Interim Director of EEO and Compliance, Title IX Coordinator/ADA/Section 504 Coordinator

Address: Office of Equal Opportunity and Title IX (EO/TIX)
3100 Main Street, Suite 700
Houston, TX 77002

Telephone: (713) 718-8271

Email: hcc.oetix@hccs.edu

Other Anti-
discrimination Laws

The College District designates the Director of EEO and Compliance/Title IX Coordinator and the Office of Equal Opportunity and Title IX to serve as coordinator for purposes of College District compliance with all other antidiscrimination laws.

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FREEDOM FROM DISCRIMINATION, HARASSMENT, AND RETALIATION
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**Alternative
Reporting
Procedures**

An individual shall not be required to report prohibited conduct under this policy to the person alleged to have committed the conduct. Reports against the ADA/Section 504 coordinator may be directed to the Chancellor.

A report against the Chancellor or a Board member may be made directly to the Board Chair. The complaint shall be handled in accordance with the procedures set forth in BBFB(LOCAL).

Timely Reporting

Reports of prohibited conduct shall be made as soon as possible after the alleged act or knowledge of the alleged act. A failure to immediately report may impair the College District's ability to investigate and address the prohibited conduct.

**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 complaint resolution process shall immediately begin, except as provided below at Criminal Investigation.

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 rules or regulations, the College District official may discuss resources and support services with the party and shall refer the complaint for consideration under the appropriate policy.

Interim Action

When 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 the prohibited conduct prior to the completion of any College District investigation.

**College District
Investigation**

An investigation may be conducted by the College District official or designee or by a third party designated by the College District, such as an attorney. The investigator(s) shall have received appropriate training regarding the issues related to the complaint and the relevant College District's policies and regulations.

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.

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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 or regulatory investigation. The College District shall proceed with its investigation only to the extent that it does not impede the ongoing criminal or regulatory investigation. After the law enforcement or regulatory agency has completed gathering its evidence, the College District shall promptly resume its investigation.
Concluding the Investigation	<p>Absent extenuating circumstances, such as a request by a law enforcement or regulatory agency for the College District to delay its investigation, the investigation should be completed within 30 College District business days from the date of the report; however, the investigator(s) shall take additional time if necessary to complete a thorough investigation.</p> <p>The investigator(s) shall prepare a written report summarizing the relevant investigation information. The final investigative 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 alleged victim and the person against whom the complaint is filed.
College District Action	If the results of an investigation indicate that prohibited conduct occurred, the College District shall promptly respond by taking appropriate disciplinary or corrective action reasonably calculated to address the conduct, in accordance with College District policy and procedures [see FLB for students found to have violated this policy; see DH for employees found to have violated this policy].
Prohibited Conduct	
Corrective Action	Examples of corrective action may include a training program for those involved in the complaint, a comprehensive education program for the College District community, counseling for the victim and the individual who engaged in prohibited conduct, follow-up inquiries to determine if any new incidents or any instances of retaliation have occurred, student involvement 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.
Improper Conduct	If the investigation reveals improper conduct that did not rise to the level of prohibited conduct, the College District may take discipli-

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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, witnesses, and other persons involved. Limited disclosures may be necessary in order to conduct a thorough investigation and comply with applicable law.

Appeal

A party may appeal the findings where it is alleged that procedural error or previously unavailable relevant evidence could significantly impact the outcome of the case through the applicable regulation. [See DIAB(REGULATION) for employees, FFDB(REGULATION) for students, and GB(LOCAL) for community members] The party may have a right to file a complaint with appropriate state or federal agencies.

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 annually 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 student handbook 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.

ACTION ITEM

Meeting Date: February 5, 2025

Topics For Discussion and/or Action:

ITEM #	ITEM TITLE	PRESENTER
B.	Approve BBBC (LOCAL) Policy: Elections - Reporting Campaign Funds	Dr. Margaret Ford Fisher Nicole Montgomery Melissa Mihalick Lucie Tredennick

RECOMMENDATION

Approve this new local policy (BBBC), as expressed in the attached document.

COMPELLING REASON AND BACKGROUND

The purpose of this policy is to offer Board members the option to electronically file campaign finance reports required by Texas Election Code Chapter 254. This initiative seeks to streamline the filing process and enhance efficiency for timely submission. The policy is designed to make filing of Campaign Finance Reports (CFR) more convenient.

STRATEGIC ALIGNMENT

ATTACHMENTS:

Description	Upload Date	Type
BBBC(LOCAL) Policy	1/29/2025	Cover Memo

This item is applicable to the following: District

ELECTIONS
REPORTING CAMPAIGN FUNDS

BBBC
(LOCAL)

Purpose

The purpose of this policy is to make the filing of each Campaign Finance Report (CFR) more convenient by offering Board members the option to electronically file. This initiative seeks to streamline the filing process and enhance efficiency for timely submission.

Definitions

The following words, terms, and phrases, when used in this policy, have the meaning assigned to them in this section, unless the context clearly indicates otherwise:

Filer: Refers to the Board member.

Report: Refers to Campaign Finance Report (CFR) that must be filed with the governing board local filing authority (Board Services Office) in accordance with Title 15 of the Texas Election Code.

Terms not defined in this article will have the meanings assigned to them in the Texas Election Code, as per its definitions.

**Electronic Filing
Option**

When filing the reports, the Board members shall file the report to the Board Services Office by first class mail, personal delivery, or electronically in accordance with applicable law and directives from Election Code, Title 15, Chapter 254.

Election Code Chapter 254.036(f)

A report required to be filed under this policy with the Board Services Office may be filed in electronic format utilizing the system provided by Houston Community College. This can be accomplished through a platform provided by Houston Community College or via email to Board Services. Should the report necessitate any updates, corrections, or amendments, it is permissible for such revisions to be submitted in a manner consistent with the electronic filing procedure, thereby ensuring that all modifications are documented with the same level of formality and adherence to established protocols as the initial report.

Each report must contain all the information required by Chapter 254, and the report must be in a format approved by the Texas Ethics Commission, such as form C/OH.

Election Code Chapter 254