

**SEXUAL HARASSMENT,
SEXUAL ASSAULT, DATING
VIOLENCE, AND STALKING:
STATE MANDATES**

Topics Covered

Texarkana College Policies

Definitions

Employee Reporting Requirements

College Requirements in Response to a Report
and the Title IX process

Administrative Reporting Requirements

Supportive Measures, Confidentiality & Victim
Rights

FREEDOM FROM DISCRIMINATION, HARASSMENT, AND RETALIATION POLICY





Texarkana College Policies

The primary policies that cover information on reporting allegations of sexual misconduct are:

- [Student Welfare – Freedom from Discrimination, Harassment, and Retaliation policy](#)
- [Employee Welfare- Freedom from Discrimination, Harassment, and Retaliation policy](#)



Title IX Grievance Process

Texarkana College's Title IX Grievance Process covers most of the topics discussed in this training.

Both the grievance process and the anonymous reporting portal can be found on our college website.

<https://www.texarkanacollege.edu/sexual-misconduct/>

In the Title IX process, the individual who is alleged to be the victim of conduct is the complainant. The individual who has been reported to be the perpetrator of conduct is the respondent.

DEFINITION OF WHAT CONSTITUTES 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:

- 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; or
- 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.

Sexual Harassment

Sexual Violence, Dating Violence & Stalking

- 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" 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
- "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.

"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.

Domestic Violence

Employee Reporting Requirements

You can report multiple ways, but most employees of Texarkana College are mandatory reporters. You can also directly report to the HR Director / Title IX Coordinator or via the anonymous report portal.



Mandatory Reporting

Most employees, particularly those designated as "responsible employees," are required to report incidents of sexual harassment, discrimination, or assault that they become aware of to the Title IX Coordinator. Responsible employees include faculty, staff, and administrators who have the authority to take action or who are perceived by students as having that authority.

Due to being mandatory reporters, employees cannot report anonymously. While employees must report incidents, they should also inform the reporting individual about the limits of confidentiality.

Employees Excepted

There are certain employees you can confide in who are not required to report incidents due to the nature of their roles.

Confidential employees, such as counselors, are designated as individuals with whom students can speak confidentially, and they have limited reporting obligations.

Employees designated as confidential employees **MUST** fully report incidents observed or reported to them under circumstances outside the scope of a confidential communication without limitation.

If an employee is a victim of sexual harassment, they are not required to report their own case.

Additionally, if an employee learns about an incident of sexual harassment in their capacity as a student, rather than as an employee, they are also not obligated to report it.

COLLEGE RESPONSE TO
REPORTED SEXUAL
HARASSMENT AND THE
TITLE IX PROCESS

College on Notice

Once a report of sexual harassment is made to an employee of Texarkana College, we are obligated to investigate the matter. Though some complaints may be dismissed due to not meeting the sexual harassment definition, not occurring within TC's educational program or activities, or if it occurred outside of the United States.

A formal complaint can be submitted in person, by mail, or electronically. Upon receipt, the Title IX Coordinator will promptly contact the complainant to discuss available supportive measures, explain the grievance process, and determine whether the allegations fall within the scope of Title IX.

Contact Information:

Human Resources Director / Title IX Coordinator

Texarkana College

2500 N Robison Rd

Texarkana, TX 75599

903-823-3355

human.resources@texarkanacollege.edu

<https://www.texarkanacollege.edu/sexual-misconduct/>



Upon acceptance of a formal complaint, TC will initiate a fair and impartial investigation:

- **Notice:** Both parties will receive written notice of the allegations, their rights under the grievance process, and the identity of the investigator.
- **Investigation:** The investigator will gather evidence, interview both parties and any witnesses, and provide each party with an opportunity to submit relevant information. Both the complainant and respondent may have an advisor of their choice during this process.
- **Evidence Review:** Both parties will have the opportunity to review all evidence directly related to the allegations and provide a written response to the evidence before the investigative report is finalized.
- **Investigation Report:** The investigator will create a report summarizing the relevant evidence. The report will be shared with both parties and their advisors at least 10 days before any hearing.

Investigation Process



Live Hearing

Following the investigation, a live hearing will be conducted by a decision-maker(s), who will be separate from the investigator and Title IX Coordinator. The live hearing may be held virtually or in person.

- **Cross-Examination:** Advisors for both parties may ask relevant cross-examination questions. If a party does not have an advisor, TC will provide one at no cost.
- **Relevance Determinations:** The decision-maker(s) will determine the relevance of each question and provide explanations for any excluded questions.
- **Recording:** The hearing will be recorded, and the recording will be made available to both parties.

Determination of Responsibility

After the hearing, the decision-maker(s) will issue a written determination of responsibility, applying the preponderance of the evidence standard (i.e., more likely than not).

The determination will include:

- Findings of fact
- Conclusions regarding the application of the Title IX policy
- A statement of the rationale for the result for each allegation
- Any disciplinary sanctions imposed on the respondent
- Any remedies provided to the complainant Both parties will be simultaneously notified in writing of the decision.

Appeal Process

Either party may appeal the determination or the dismissal of a formal complaint on the following grounds:

- Procedural irregularity that affected the outcome
- New evidence that was not reasonably available at the time of the decision
- Conflict of interest or bias by the Title IX Coordinator, investigator, or decisionmaker(s)

An appeal must be filed in writing within 10 business days of the decision. A different decisionmaker will review the appeal, and both parties will have the opportunity to submit written statements. The appeal decision will be issued within 10 business days of receiving the appeal.

ADMINISTRATIVE
REPORTING
REQUIREMENTS

Reporting Requirements in the Tex. Edu. Code § 51.253

1. Title IX Coordinator (TIXC) Report Requirement
2. Imminent Danger Reporting Requirement
3. Chief Executive Officer (CEO) Report Requirement
 - CEO reporting exceptions

For more information on these reports, you can review the [Texas Higher Education Coordinating Board training](#) to see the contents of these reports.

SUPPORTIVE
MEASURES,
CONFIDENTIALITY &
VICTIM RIGHTS





Supportive Measures

Upon notification of a complaint, TC will offer supportive measures to both the complainant and respondent. These are non-disciplinary, individualized services designed to restore or preserve equal access to TC's programs without unreasonably burdening the other party. Examples of supportive measures include:

- Counseling services
- Modifications to academic or work schedules
- No-contact orders
- Adjustments to campus housing or transportation These measures are available whether the complainant files a formal complaint.

Counselor: 903-823-3143 or tc.counselor@texarkanacollege.edu

Pregnancy advocacy: 903-823-3462 or kippie.hartcraft@texarkanacollege.edu

Confidentiality

TC will keep confidential the identity of complainants, respondents, and witnesses except as required by law or as necessary to conduct the grievance process.

This grievance process ensures fairness, accountability, and transparency, in compliance with the 2024 Title IX regulations.

Victim Rights

A victim may request that the institution not investigate the reported incident.

The institution may choose whether to honor the request not to investigate after considering:

- Seriousness of the allegation
- Existence of other reports
- Risk of harm to others
- Any other relevant factors

The institution must tell the victim the outcome of the decision regarding whether to investigate. If the institution does not investigate, it must take the reasonable steps it determines are necessary, consistent with the law and institutional policy, to protect the health and safety of the community in relation to the alleged incident.

QUESTIONS OR CONCERNS

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