

## Texarkana College Title IX Grievance Process

### 1. Purpose and Scope

Texarkana College (TC) is committed to providing an educational and working environment free from sexual harassment, discrimination, and retaliation based on sex. This grievance process applies to students, employees, and third parties who allege violations under Title IX of the Education Amendments of 1972, in accordance with the 2024 federal regulations.

### 2. Definitions

- **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 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.

Texarkana College does not discriminate on the basis of race, color, national origin, sex, disability or age in its programs, activities, admission or employment. The following person has been designated to handle inquiries regarding the nondiscrimination policies:

Director of Human Resources/Title IX Coordinator, 2500 N. Robison Rd., Texarkana, TX, 75599, (903) 823-3355,  
human.resources@texarkanacollege.edu.

- **Complainant:** An individual who is alleged to be the victim of conduct that could constitute sexual harassment under Title IX.
- **Respondent:** An individual who has been reported to be the perpetrator of conduct that could constitute sexual harassment under Title IX.
- **Formal Complaint:** A document filed by a complainant or signed by the Title IX Coordinator alleging sexual harassment against a respondent and requesting an investigation.

### 3. Filing a Complaint

A complainant may file a formal complaint of sexual harassment or sex-based discrimination by submitting it to the Title IX Coordinator:

#### Contact Information:

Human Resources Director / Title IX Coordinator

Texarkana College

2500 N Robison Rd

Texarkana, TX 75599

903-823-3355

[human.resources@texarkanacollege.edu](mailto:human.resources@texarkanacollege.edu)

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

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 the availability of supportive measures, explain the grievance process, and assess whether the allegations fall within Title IX's scope.

### 4. 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 or not the complainant files a formal complaint.

### 5. Dismissal of a Formal Complaint

The Title IX Coordinator will dismiss a complaint if:

- The conduct alleged does not constitute sexual harassment as defined under Title IX.
- The conduct did not occur in TC's education program or activity.
- The conduct occurred outside the United States.

TC may dismiss a complaint under Title IX but address it through other policies. Both parties will receive written notice of any dismissal and the reasons for the decision.

## 6. Investigation Process

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.

## 7. 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.

## 8. 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.

## 9. 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 decision-maker(s)

An appeal must be filed in writing within 10 business days of the decision. A different decision-maker 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.

## **10. Retaliation Prohibited**

Retaliation against individuals involved in a Title IX grievance process is strictly prohibited. Any acts of intimidation, threats, coercion, or discrimination against a complainant, respondent, or witness for their participation in this process will result in disciplinary action.

## **11. 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.

Updated: October 2024