



RESOLUTION PROCESS: POLICIES DIAB (LOCAL) AND FFDB (LOCAL)
FREEDOM FROM DISCRIMINATION, HARASSMENT AND RETALIATION:
OTHER PROTECTED CHARACTERISTICS

Process Revision: August 13, 2026

South Plains College is accredited by the Southern Association of Colleges and Schools Commission on Colleges (SACSCOC) to award associate degrees. South Plains College also may offer credentials such as certificates and diplomas at approved degree levels. Questions about the accreditation of South Plains College may be directed in writing to the Southern Association of Colleges and Schools Commission on Colleges at 1866 Southern Lane, Decatur, GA 30033-4097, by calling (404) 679-4500, or by using information available on SACSCOC's website (www.sacscoc.org).

The educational program, degrees and certificates awarded by South Plains College are approved by the Texas Higher Education Coordinating Board. Institutional questions concerning accreditation should be directed to the Vice President for Academic Affairs.

Resolution Process: Policies DIAB(Local) and FFDB (Local) –Freedom from Discrimination, Harassment and Retaliation: Other Protected Characteristics

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Definitions

- **Administrator/Coordinator.** The person with primary responsibility for overseeing and enforcing Policy DIAB (Local) or FFDB (Local). As used in these policies and procedures, the “Administrator or Coordinator” also includes their designee(s).
- **Appeal Decision-maker.** The person or panel who accepts or rejects a submitted appeal request determines whether any grounds for appeal are met, and directs corrective action(s), accordingly.
- **Case Advisor.** The person chosen by a party or appointed by the institution who may accompany the party to meetings related to the Resolution Process and advise the party on that process.
- **Complainant.** A student or employee who is alleged to have been subjected to conduct that could constitute discrimination, harassment, or retaliation under Policy DIAB (Local) or FFDB (Local) and who was participating or attempting to participate in the South Plains College education program or activity at the time of the alleged discrimination, harassment, or retaliation.
- **Complaint.** An oral or written request to South Plains College that can be objectively understood as a request for the College to investigate and decide about the alleged policy violation(s).
- **Confidential Employee.**
 - An employee whose communications are privileged or confidential under federal or Texas law (Texas Education Code Chapter 51, Subchapter E-2, Section 51.252(c). The employee’s confidential status, for purposes of this definition, is only with respect to information received while the employee is functioning within the scope of their duties to which privilege or confidentiality applies; or
 - An employee whom South Plains College has designated as confidential under Policy DIAB (Local) or FFDBA (Local) for the purpose of providing services to persons related to discrimination, harassment, or retaliation. If the employee also has a duty not associated with providing those services, the employee’s confidential status only applies with respect to information received about discrimination, harassment, or retaliation in connection with providing those services (TEC 51.242(c)); or
 - An employee who is conducting an Institutional Review Board-approved human-subjects research study designed to gather information about discrimination, harassment, or retaliation. The employee’s confidential status only applies with respect to information received while conducting the study.
- **Day.** A business day when South Plains College is in normal operation. All references in Policy DIAB (Local) and FFDB (Local) to days refer to business days unless specifically noted as calendar days.
- **Decision-maker.** The person or panel who hears evidence, determines relevance, and makes the Final Determination of whether Policy has been violated and/or assigns sanctions.
- **Education Program or Activity.** Locations, events, or circumstances where South Plains College exercises substantial control over the context in which the discrimination, harassment, and/or retaliation occurs and includes any building owned or controlled by a student organization that is officially recognized by SPC.
- **Employee.** A person employed by South Plains College either full- or part-time, including student employees when acting within the scope of their employment.

- **Final Determination** is a conclusion by preponderance of the evidence that the alleged conduct did or did not violate Policy.
- **Finding:** A conclusion by preponderance of the evidence that the conduct did or did not occur as alleged (as in a “finding of fact”).
- **Informal Resolution.** A resolution agreed to by the Parties and approved by the Title IX Coordinator or designee that occurs prior to a formal Final Determination in the Resolution Process.
- **Investigation Report.** The Investigator’s summary of all relevant evidence gathered during the investigation. Variations include the Draft Investigation Report and the Final Investigation Report.
- **Investigator.** The person(s) authorized by South Plains College to gather facts about an alleged violation of this Policy, assess relevance and credibility, synthesize the evidence, and compile this information into an Investigation Report.
- **Knowledge.** When South Plains College receives Notice of conduct that reasonably may constitute harassment, discrimination, or retaliation in its Education Program or Activity.
- **Mandated Reporter.** An employee of South Plains College who is obligated by Policy DIAA (Local) or FFDA (Local) to share knowledge, notice, and/or reports of discrimination, harassment, and/or retaliation with the Title IX Coordinator and/or their supervisor.^{1,2}
- **Nondiscrimination Team.** The Administrator/Title IX Coordinator, any deputy coordinators, and any member of the Resolution Process Pool.
- **Notice.** When an employee, student, or third-party informs the Title IX Administrator/Coordinator of the alleged occurrence of discriminatory, harassing, and/or retaliatory conduct.
- **Parties.** The Complainant(s) and Respondent(s), collectively.
- **Pregnancy or Related Conditions.** Pregnancy, childbirth, termination of pregnancy, or lactation, medical conditions related thereto, or recovery therefrom.
- **Protected Characteristics.** Any characteristic for which a person is afforded protection against discrimination and harassment by law or South Plains College Policy.
- **Relevant Evidence.** Evidence that may aid a Decision-maker in determining whether the alleged discrimination, harassment, or retaliation occurred, or in determining the credibility of the Parties or witnesses.
- **Remedies.** Typically, post-resolution actions directed to the Complainant and/or the community as mechanisms to address safety, prevent recurrence, and restore or preserve equal access to South Plains College’s educational program and activity.

¹ Not to be confused with those mandated by state law to report child abuse, elder abuse, and/or abuse of individuals with disabilities to appropriate officials, though these responsibilities may overlap with those who have mandated reporting responsibility in this Policy.

² The Title IX coordinator or respective deputy designated to receive information from Mandated Reporters may vary depending upon the type of alleged discrimination, harassment, or retaliation (e.g., on the basis of sex, on the basis of race, on the basis of disability, etc.).

- **Resolution Process.** The investigation and resolution of allegations of prohibited conduct under this Policy, including Informal Resolution, Administrative Resolution, and/or Hearing Resolution.
- **Respondent.** A person who is alleged to have engaged in conduct that could constitute discrimination based on a protected characteristic, harassment, or retaliation for engaging in a protected activity under this Policy.
- **Sanction.** A consequence imposed by South Plains College on a Respondent who is found to have violated the associated Policy.
- **Sex.** Sex assigned at birth, sex stereotypes, sex characteristics, pregnancy or related conditions, sexual orientation, and gender identity.
- **Student.** Any person who has gained admission.
- **Title IX Coordinator.** At least one official designated by South Plains College to ensure ultimate oversight of compliance with Title IX and SPC's Title IX program. References to the Coordinator throughout this policy may also encompass a designee of the Coordinator for specific tasks.

Resolution Process: Policies DIAB (Local) and FFDB (Local) – Other Protected Characteristics

1. Overview

South Plains College will act on any formal notice/complaint of violation of policy DIAB (Local) or FFDB (Local) that is received by the Title IX Coordinator or any other Official with Authority by applying these resolution process procedures.

The procedures below apply only to qualifying allegations of discrimination, harassment, or retaliation of other protected characteristics involving students, staff, administrators, or faculty members.

If other Policy definitions are invoked, such as sexual harassment or discrimination as defined above, please see respective Policies DIAA (Local) and FFDA (Local) for a description of the resolution process procedures applicable to such offenses.

The resolution process outlined in policies DIAA (Local) and FFDA (Local) apply to sexual harassment (including sexual assault, dating violence, domestic violence, and stalking, as defined above). This procedure may apply when jurisdiction does not fall within policies DIAA (Local) and FFDA (Local) as determined by the Title IX Coordinator.

The procedures below may be used to address alleged collateral misconduct by the Respondent arising from the investigation of or occurring in conjunction with reported misconduct (e.g., vandalism, physical abuse of another), when alleged violations of policy DIAA (Local) or FFDA (Local) are being addressed at the same time. In such cases, the Title IX Coordinator may consult with the institution officials who typically oversee such conduct (e.g., human resources, student conduct, academic affairs) to provide input as needed. All other allegations of misconduct unrelated to incidents covered by policies DIAA (Local) or FFDA (Local) will be addressed through procedures described in the student, faculty, and staff handbooks.

2. Notice/Complaint

Upon receipt of a Formal Complaint or notice of an alleged Policy violation to the Title IX Coordinator (for Complaints involving students Policy FFDB) or the Human Resources Director (for Complaints involving only employees Policy DIAB), the Title IX Coordinator or Human Resources Director initiates a prompt initial assessment to determine the next steps South Plains College needs to take. The Title IX Coordinator will contact the Complainant to offer supportive measures, if not previously offered, and determine whether the Complainant wishes to file a Formal Complaint.

The Title IX Coordinator or Human Resources Director will initiate at least one of three responses:

- 1) Offering supportive measures because the Complainant does not want to file a Formal Complaint; and/or
- 2) An Informal Resolution (upon submission of a Formal Complaint);
- 3) A Formal Grievance Process including an investigation and a hearing (upon submission of a Formal Complaint).

South Plains College uses the Formal Grievance Process as described below to determine whether the Policy has been violated. If so, the College will promptly implement effective remedies designed to ensure that it is not deliberately indifferent to harassment or discrimination, their potential recurrence, and/or their effects.

3. Initial Assessment

Following intake, receipt of notice, or a complaint of an alleged violation of South Plains College's nondiscrimination Policy, the Title IX Coordinator or the Human Resources Director³ engages in an initial assessment, which is typically one to five (1 to 5) business days in duration. The steps in an initial assessment can include:

- The Title IX Coordinator (for Complaints involving students) or the Human Resources Director (for Complaints involving only employees) reaches out to the Complainant to offer supportive measures.
- The Title IX Coordinator or Human Resources Director works with the Complainant to ensure they have a Case Advisor.
- The Title IX Coordinator or Human Resources Director works with the Complainant to determine which of three options to pursue: A Supportive Response, an Informal Resolution, or an Administrative Resolution.
 - If a Supportive Response is preferred, the Title IX Coordinator or Human Resource Director works with the Complainant to identify their wishes and then seeks to facilitate implementation. The Administrative Resolution process is not initiated, though the Complainant can elect to initiate it later, if desired.
 - If an Informal Resolution option is preferred, the Title IX Coordinator or Human Resource Director assesses whether the complaint is suitable for Informal Resolution, which informal mechanism may serve the situation best or is available and may seek to determine if the Respondent is also willing to engage in Informal Resolution.
 - If Administrative Resolution is preferred, the Title IX Coordinator or Human Resources Director initiates the investigation process and determines whether the scope of the investigation will address:
 - Incident
 - A potential pattern of misconduct
 - A culture/climate issue⁴
- In many Complaints, the Title IX Coordinator or Human Resources Director may determine that a Violence Risk Assessment (VRA) should be conducted by the CARE team as part of the initial assessment. A VRA can aid in ten critical and/or required determinations, including:
 - Interim suspension of a Respondent who is a threat to health/safety
 - Whether the Title IX Coordinator or Human Resources Director should pursue Administrative Resolution absent a willing/able Complainant
 - Whether to put the investigation on the footing of incident and/or pattern and/or climate
 - To help identify potentially predatory conduct
 - To help assess/identify grooming behaviors
 - Whether a Complaint is amenable to Informal Resolution, and what modality may be most successful

³ If circumstances require, the President or Title IX Coordinator will designate another person to oversee the process below should an allegation be made about the Coordinator or the Coordinator be otherwise unavailable or unable to fulfill their duties.

⁴ The Title IX Coordinator has the discretion to modify these procedures as necessary to address a culture/climate complaint, including the fact that a named complainant may not be available, or that specific respondents may not be identified. Where a program, department, or division is being investigated, administrators are typically named "respondents" on behalf of the program, and are responsible for implementing remedies, but may not be held responsible for misconduct unless there is evidence of intentional disparate treatment).

- Whether to permit a voluntary withdrawal by the Respondent
- Whether to impose transcript notation or communicate with a transfer recipient institution about a Respondent
- Assessment of appropriate sanctions/remedies
- Whether a Clery Act Timely Warning and/or Trespass order/Persona-non-grata is needed

More about South Plains College's process for violence risk assessment (VRA) can be found in [Appendix C](#).

Based on the initial assessment, South Plains College will initiate one of two responses:

- Supportive Response – measures to help restore the Complainant's education access and described in the Policy.
- Informal Resolution – typically used for less serious offenses and only when all parties agree to Alternate Resolution, or when the Respondent is willing to accept responsibility for violating policy. This can also include a remedies-only response.
- Administrative Resolution – investigation of alleged policy violation(s) and recommended finding, subject to a determination by the Title IX Coordinator, Human Resources Director or Decision-maker and the opportunity to appeal.

The investigation and the subsequent Administrative Resolution determine whether Policy DIAB (Local) or FFDB (Local) has been violated. If so, South Plains College will promptly implement effective remedies designed to end the discrimination, prevent recurrence, and address the effects.

The process followed considers the preference of the parties but is ultimately determined at the discretion of the Title IX Coordinator or Human Resources Director. If at any point during the initial assessment or formal investigation the Title IX Coordinator or Human Resources Director determines that reasonable cause does not support the conclusion that policy has been violated, the process will end, and the parties will be notified.

The Complainant may request that the Title IX Coordinator or Human Resources Director review the reasonable cause determination and/or re-open the investigation. This decision lies in the sole discretion of the Title IX Coordinator, but the request is usually only granted in extraordinary circumstances.

4. Resolution Process Pool

The Resolution Process relies on a pool of officials ("Pool") to carry out the process. Members of the Pool are announced in an annual distribution of this Policy to all students, employees, prospective students, and prospective employees.

The list of members and a description of the Pool can be found at <http://www.southplainscollege.edu/about/campusafety/sah.php>. Members of the Pool are trained annually in all aspects of the Resolution Process and can serve in any of the following roles, at the direction of the Title IX Coordinator in collaboration with the Human Resources Director:

- To provide sensitive intake for and initial advice pertaining to the allegations
- To act as optional process Case Advisors to the parties
- To investigate allegations
- To serve as a Decision-maker
- To serve on an Appeal Decision-maker

The Title IX Coordinator and Human Resources Director, in consultation with the President, carefully vets Pool members for potential conflicts of interest or disqualifying biases and appoints the Pool, which acts with independence and impartiality.

Pool members receive annual training organized by the Title IX Coordinator, including a review of South Plains College policies and procedures as well as applicable federal and state laws and regulations so that they are able to appropriately address allegations, provide accurate information to members of the community, protect safety, and promote accountability.

The Pool members receive annual training specific to their role(s). This training includes, but is not limited to:

- The scope of South Plains College's Policy DIAB (Local) or FFDB (Local) and associated procedures
- How to conduct investigations and hearings that protect the safety of Complainants and Respondents and promote accountability
- Implicit bias
- Disparate treatment
- Reporting, confidentiality, and privacy requirements
- Applicable laws, regulations, and federal regulatory guidance
- How to implement appropriate and situation-specific remedies
- How to investigate in a thorough, reliable, timely, and impartial manner
- How to conduct a sexual harassment investigation
- Trauma-informed practices pertaining to investigations and Resolution Processes
- How to uphold fairness, equity, and due process
- How to weigh evidence
- How to conduct questioning
- How to assess credibility
- Impartiality and objectivity
- Types of evidence
- Deliberation
- How to render findings and generate clear, concise, evidence-based rationales
- The definitions of all offenses
- How to apply definitions used by South Plains College with respect to consent (or the absence or negation of consent) consistently, impartially, and in accordance with SPC Policy
- How to conduct an investigation and grievance process including hearings, appeals, and Informal Formal resolution Processes
- How to serve impartially, by avoiding prejudgment of the facts at issue, conflicts of interest, and bias against Respondents and/or for Complainants, and on the basis of sex, race, religion, and other protected characteristics
- Any technology to be used
- Issues of relevance of questions and evidence
- Issues of relevance to create an investigation report that fairly summarizes relevant evidence
- How to determine appropriate sanctions in reference to all forms of harassment and discrimination allegations

Specific training is also provided for Appeal Decision-makers, intake personnel, and Case Advisors. All Pool members are required to attend this annual training.

At a minimum, the Pool will include the following number and types of employees:

- 4 or more chairs: one representative from HR and one from Student Affairs, etc., who are members and who respectively Chair hearings for allegations involving student and employee Respondents. These include the Dean of Students, Human Resource Director, Dean of the Lubbock Downtown Center, Executive Director of the Lubbock Center, Director of the Reese Center, and the Director of the Plainview Center.
- 3 or more members of the Academic Affairs administration and/or faculty
- 3 or more members of the administration/professional staff
- 1 representative from Campus Police Department

- 1 representative from Athletics

Pool members are usually appointed to three-year terms. Individuals who are interested in serving in the Pool are encouraged to contact the Title IX Coordinator.

5. Counterclaims

Counterclaims by the Respondent may be made in good faith or may instead be motivated by a retaliatory intent. South Plains College is obligated to ensure that any process is not abused for retaliatory purposes.

The College permits the filing of counterclaims, but uses the initial assessment described above, to assess whether the allegations are made in good faith. If they are, the allegations will be processed using the resolution procedures below, typically after resolution of the underlying allegation. Counterclaims made with retaliatory intent will not be permitted.

A delay in the processing of counterclaims is permitted, accordingly. Occasionally, allegations and counterclaims can be resolved through the same investigation, at the discretion of the Title IX Coordinator (for Complaints involving students) or Human Resources Director (for Complaints involving only employees). When counterclaims are not made in good faith, they will be considered retaliatory and may constitute a violation of this Policy.

6. Case Advisors

The parties may each have a Case Advisor of their choice present with them for all meetings, interviews, and hearings within the Resolution Process, if they so choose. The parties may select whoever they wish to serve as their Case Advisor as long as the Case Advisor is eligible and available.⁵

Choosing a Case Advisor who is also a witness in the process creates potential for bias and conflict of interest. A party who chooses a Case Advisor who is also a witness can anticipate that issues of potential bias will be explored by the hearing Decision-maker(s).

A. Who Can Serve as a Case Advisor

The Case Advisor may be a friend, mentor, family member, attorney, or any other individual a party chooses to advise, support, and/or consult with them throughout the Resolution Process. The parties may choose Case Advisors from inside or outside of South Plains College community.

The Title IX Coordinator or Human Resources Director will also offer to assign a trained Case Advisor for any party if the party so chooses. If the parties choose a Case Advisor from the pool available from the College, the Case Advisor will be trained by SPC and be familiar with the College's Resolution Process.

If the parties choose a Case Advisor from outside the pool of those identified by South Plains College, the Case Advisor may not have been trained by the College and may not be familiar with SPC policies and procedures.

Parties also have the right to choose not to have a Case Advisor in the initial stages of the resolution process, prior to a hearing.

⁵ "Available" means the party cannot insist on a Case Advisor who simply doesn't have inclination, time, or availability. Also, the Case Advisor cannot have institutionally conflicting roles, such as being a Title IX administrator who has an active role in the matter, or a supervisor who must monitor and implement sanctions.

B. Case Advisor's Role in Meetings and Interviews

The parties may be accompanied by their Case Advisor in all meetings and interviews at which the party is entitled to be present, including intake and interviews. Case Advisors should help the parties prepare for each meeting and are expected to advise ethically, with integrity, and in good faith.

South Plains College cannot guarantee equal Advisory rights, meaning that if one party selects a Case Advisor who is an attorney, but the other party does not or cannot afford an attorney, South Plains College is not obligated to provide an attorney.

C. Case Advisors in Hearings/SPC-Appointed Case Advisor

Under U.S. Department of Education Title IX regulations, a form of indirect questioning is required during the hearing but must be conducted by the parties' Case Advisors. The parties are not permitted to directly question each other or any witnesses. If a party does not have a Case Advisor for a hearing, South Plains College will appoint a trained Case Advisor for the limited purpose of conducting any questioning of the other party and witnesses.

D. Pre-Interview Meetings

Case Advisors may request to meet with the administrative officials conducting interviews/meetings in advance of these interviews or meetings. This pre-meeting allows Case Advisors to clarify and understand their role and SPC's policies and procedures.

E. Case Advisor Violations of SPC Policy

All Case Advisors are subject to the same South Plains College policies and procedures, whether they are attorneys or not, and whether they are selected by a party or assigned by the College. Case Advisors are expected to advise their advisees without disrupting proceedings. Case Advisors should not address SPC officials or Investigators in a meeting or interview unless invited to (e.g., asking procedural questions). The Case Advisor may not make a presentation or represent their advisee during any meeting or proceeding and may not speak on behalf of the advisee to the Investigator(s) or other Decision-maker(s) except during a hearing proceeding, during questioning.

The parties are expected to ask and respond to questions on their own behalf throughout the investigation phase of the Resolution Process. Although the Case Advisor generally may not speak on behalf of their advisee, the Case Advisor may consult with their advisee, either privately as needed, or by conferring or passing notes during any Resolution Process meeting or interview. For longer or more involved discussions, the parties and their Case Advisors should ask for breaks to allow for private consultation.

Any Case Advisor who oversteps their role as defined by this procedure, or who refuses to comply with South Plains College's established rule of decorum for the hearing will be warned. If the Case Advisor continues to disrupt or otherwise fails to respect the limits of the Case Advisor role, the meeting may be ended, or other appropriate measures implemented, including the College requiring the party to use a different Case Advisor or providing a different SPC-appointed Case Advisor. Subsequently, the Title IX Coordinator or Human Resources Director will determine how to address the Case Advisor's non-compliance and future role.

F. Sharing Information with the Case Advisor

South Plains College expects that the parties may wish to have the College share documentation and evidence related to the allegations with their Case Advisors. The College also provides a consent form (FERPA consent to release to third parties in cases involving students) that authorizes the College to share such information directly with their Case Advisor. The parties must either complete and submit this form to the Title IX Coordinator or Human Resources Director or provide similar documentation

demonstrating consent to release information to the Case Advisor before SPC is able to share records with a Case Advisor.

If a party requests that all communication be made through their attorney or Case Advisor, South Plains College will comply with that request at the discretion of the Title IX Coordinator or Human Resource Director.

G. Privacy of Records Shared with a Case Advisor

Case Advisors are expected to maintain the privacy of the records shared with them. These records may not be shared with third parties, disclosed publicly, or used for purposes not explicitly authorized by SPC. The College may seek to restrict the role of any Case Advisor who does not respect the sensitive nature of the process or who fails to abide by South Plains College's privacy expectations.

H. Case Advisor Expectations

South Plains College generally expects a Case Advisor to adjust their schedule to allow them to attend SPC meetings when planned, but SPC may change scheduled meetings to accommodate a Case Advisor's inability to attend, if doing so does not cause an unreasonable delay.

South Plains College may also make reasonable provisions to allow a Case Advisor who cannot attend in person to attend a meeting by telephone, video conferencing, or other similar technologies as may be convenient and available.

Parties whose Case Advisors are disruptive or who do not abide by SPC policies and procedures may face the loss of that Case Advisor and/or possible Policy violations.

Case Advisors are expected to consult with their advisees without disrupting SPC meetings or interviews. Case Advisors do not represent parties in the process; their role is only to advise.

I. Expectations of the Parties with Respect to Case Advisors

Each party may choose a Case Advisor⁶ who is eligible and available⁷ to accompany them throughout the process. The Case Advisor can be anyone, including an attorney, but should not be someone who is also a witness in the process. A party may elect to change Case Advisors during the process and is not obligated to use the same Case Advisor throughout.

The parties are expected to inform the Investigators of the identity of their Case Advisor at least two (2) business days before the date of their first meeting with the Investigator(s) (or as soon as possible if a more expeditious meeting is necessary or desired).

The parties are expected to provide timely notice to the Investigator(s) and/or the Title IX Coordinator (for Complaints involving students) or the Human Resources Director (for Complaints involving only employees) if they change Case Advisors at any time.

⁶ This could include an attorney, advocate, or support person. Witnesses are not entitled to Case Advisors within the process, though they can be advised externally. If South Plains College allows more than one Case Advisor for one party, they should do so for all parties.

⁷ "Available" means the party cannot insist on a Case Advisor who simply doesn't have inclination, time, or availability. Also, the Case Advisor cannot have institutionally conflicting roles, such as being a Title IX administrator who has an active role in the matter, or a supervisor who must monitor and implement sanctions.

Upon written request of a party, South Plains College will copy the Case Advisor on all communications between South Plains College and the party. The Case Advisor may be asked to sign a non-disclosure agreement (NDA) regarding private, sensitive records.

At the discretion of the Title IX Coordinator or Human Resources Director, more than one Case Advisor may be permitted to the parties, upon request. For equity purposes, if one party is allowed another Case Advisor, the other party must be allowed one to as well.

J. Assistance in Securing a Case Advisor

South Plains College maintains a listing of local attorneys who may offer discounted or pro-bono services. The list is available from the Department of Health and Wellness. The list of attorneys and the following links are provided for informational purposes and do not constitute South Plains College's endorsement of any of the external individuals/organizations listed.

For representation, Respondents may wish to contact organizations such as:

- Families Advocating for Campus Equality (FACE) (<http://www.facecampusequality.org>)
- Stop Abusive and Violent Environments (SAVE) (<http://www.saveservices.org>).

Complainants may wish to contact organizations such as:

- The Victim Rights Law Center (<http://www.victimrights.org>),
- The National Center for Victims of Crime (<http://www.victimsofcrime.org>), which maintains the Crime Victim's Bar Association.]
- The Time's Up Legal Defense Fund: <https://nwlc.org/times-up-legal-defense-fund/>]

7. Resolution Options

Proceedings are private. All persons present at any time during the Resolution Process are expected to maintain the privacy of the proceedings in accord with SPC Policy.

While there is an expectation of privacy around what is discussed during interviews, the parties have discretion to share their own experiences with others if they so choose but are encouraged to discuss with their Case Advisors first before doing so.

A. Informal Resolution

Informal Resolution is applicable when the parties voluntarily agree to resolve the matter through Alternate Resolution (mediation, restorative practices, etc.), or when the Respondent accepts responsibility for violating Policy, or when the Title IX Coordinator (for Complaints involving students) or the Human Resource Director (for Complaints involving only employees) can resolve the matter informally by providing remedies to resolve the situation. The Title IX Coordinator has discretion to determine if an investigation will be paused during Informal Resolution, or if it will be limited, or will continue during the Informal Resolution process.

It is not necessary to pursue Informal Resolution first in order to pursue Administrative Resolution, and any party participating in Informal Resolution can stop the process at any time and request the Administrative Resolution process. Further, if an Informal Resolution fails after the fact, Administrative Resolution may be pursued.

i. Alternate Resolution

Alternate Resolution is an informal process, such as mediation or restorative practices, by which the parties mutually agree to resolve an allegation. It may be used for less serious, yet inappropriate, behaviors and is encouraged as an alternative to the Administrative Resolution process (described below) to resolve conflicts, as appropriate. The parties must consent to the use of Alternate

Resolution.

The Title IX Coordinator or Human Resources Director determines if Alternate Resolution is appropriate, based on the willingness of the parties, the nature of the conduct at issue, and the susceptibility of the conduct to Alternate Resolution.

In an Alternate Resolution, a trained administrator or third party facilitates communication among the parties to an effective resolution, if possible. Institutionally imposed sanctions are not possible as the result of an Alternate Resolution process, though the parties may agree to accept sanctions and/or appropriate remedies.

The Title IX Coordinator or Human Resources Director maintains records of any resolution that is reached, and failure to abide by the resolution can result in appropriate enforcement actions.

Alternate Resolution is not typically the primary resolution mechanism used to address reports of violent behavior of any kind or in other cases of serious violations of policy, though similarly structured conversations may be made available after the Administrative Resolution process is completed should the parties and the Title IX Coordinator or Human Resources Director believe it could be beneficial. The results of Alternate Resolution are not appealable.

ii. Respondent Accepts Responsibility for Alleged Violations

The Respondent may accept responsibility for all or part of the alleged policy violations at any point during the Resolution Process. If the Respondent accepts responsibility, the Title IX Coordinator or Human Resources Director determines that the individual is in violation of SPC Policy.

The Title IX Coordinator or Human Resources Director then determines appropriate sanction(s) or responsive actions, which are promptly implemented in order to effectively stop the harassment, discrimination, and/or retaliation; prevent its recurrence; and remedy the effects of the conduct, both on the Complainant and the community.

If the Respondent accepts responsibility for all the alleged policy violations and the Title IX Coordinator, Human Resource Director or designee has determined appropriate sanction(s) or responsive actions, to which the Respondent agrees, and which are promptly implemented, the process is over. The Complainant will be informed of this outcome.

If the Respondent accepts responsibility for some of the alleged policy violations and the Title IX Coordinator or Human Resources Director has determined appropriate sanction(s) or responsive actions, to which the Respondent agrees, and which are promptly implemented, for those violations, then the remaining allegations will continue to be investigated and resolved through Administrative Resolution. The parties will be informed of this outcome. The parties are still able to seek Alternate Resolution on the remaining allegations, subject to the stipulations above.

B. Administrative Resolution via an Investigation and Hearing

Administrative Resolution can be pursued any time during the process for any behavior for which the Respondent has not accepted responsibility that would constitute conduct covered by the Equal Opportunity, Harassment, and Nondiscrimination Policy of proven. Administrative Resolution starts with a thorough, reliable, and impartial investigation.

If Administrative Resolution is initiated, the Title IX Coordinator (for Complaints involving students) or the Human Resources Director (for Complaints involving only employees) will provide written notification of the investigation to the parties at an appropriate time during the investigation. Typically, notice is given at least 48 hours (two (2) business days) in advance of an interview. Advanced notice

facilitates the parties' ability to identify and choose a Case Advisor, if any, to accompany them to the interview.

Notification will include a meaningful summary of the allegations, will be made in writing, and may be delivered by one or more of the following methods: in person, mailed to the local or permanent address of the parties as indicated in official South Plains College records, or emailed to the parties' SPC-issued or designated email account.

Once mailed, emailed, and/or received in-person, notice will be presumptively delivered. The notification will include the policies allegedly violated, if known at the time. Alternatively, the policies allegedly violated can be provided at a later date, in writing, as the investigation progresses, and details become clearer.

South Plains College aims to complete all investigations within a sixty (60) business day period, which can be extended as necessary for appropriate cause by the Title IX Coordinator or Director of Human Resources, with notice to the parties as appropriate. Investigations can take weeks or even months, depending on the nature, extent, and complexity of the allegations, availability of witnesses, police involvement, etc.

Once the decision is made to commence an investigation, the Title IX Coordinator or Human Resources Director appoints Pool members to conduct the investigation (typically using a team of two Investigators depending on the complexity of the Complaint), usually within two (2) business days of determining that an investigation should proceed.

The Title IX Coordinator or Human Resources Director will vet the assigned Investigator(s) to ensure impartiality by ensuring there are no conflicts of interest or disqualifying bias.

The parties may, at any time during the Resolution Process, raise a concern regarding bias or conflict of interest, and the Title IX Coordinator or Human Resources Director will determine whether the concern is reasonable and supportable. If so, another Investigator will be assigned and the impact of the bias or conflict, if any, will be remedied. If the bias or conflict relates to the Title IX Coordinator or the Human Resources Director, concerns should be raised with the College President.

South Plains College will make a good faith effort to complete the investigation as promptly as circumstances permit and will communicate regularly with the parties to update them on the progress and timing of the investigation.

South Plains College may undertake a short delay in its investigation (several days to weeks, to allow evidence collection) when criminal charges based on the same behaviors that invoke the College's Resolution Process are being investigated by law enforcement. The College will promptly resume its investigation and Resolution Process once notified by law enforcement that the initial evidence collection process is complete.

South Plains College action(s) are not typically altered or precluded on the grounds that civil or criminal charges involving the underlying incident(s) have been filed or that criminal charges have been dismissed or reduced.

Investigations involve interviews with all relevant parties and witnesses, obtaining available, relevant evidence, and identifying sources of expert information, as necessary.

All parties have a full and fair opportunity, through the investigation process, to suggest witnesses and questions, to provide evidence, and to fully review and respond to all evidence on the record.

8. Investigation

The Investigators typically take the following steps, if not already completed (not necessarily in this order):

- Determine the identity and contact information of the Complainant
- In coordination with SPC partners (e.g., the Title IX Coordinator or Human Resources Director), initiate or assist with any necessary supportive measures
- Identify all policies implicated by the alleged misconduct
- Assist the Title IX Coordinator (for Complaints involving students) or Human Resources Director (for Complaints involving only employees) with conducting an initial assessment to determine if there is reasonable cause to believe the Respondent has violated policy
- If there is insufficient evidence to support reasonable cause, the process is closed with no further action
- Commence a thorough, reliable, and impartial investigation by developing a strategic investigation plan, including a witness list, evidence list, intended investigation timeframe, and order of interviews for all parties and witnesses
- Meet with the Complainant to finalize their statement, if necessary
- Prepare the initial Notice of Investigation and Allegations (NOIA) based on the initial assessment. Notice may be one step or multiple steps, depending on how the investigation unfolds, and potential policy violations may be added or dropped as more is learned. Investigators will update the NOIA accordingly and provide it to the parties.
- Notice should inform the parties of their right to have the assistance of a Pool member as a process Case Advisor appointed by South Plains College or a Case Advisor of their choosing present for all meetings attended by the advisee
- When formal notice is given, it should provide the parties with a written description of the alleged violation(s), a list of all policies allegedly violated, a description of the applicable procedures, and a statement of the potential sanctions/responsive actions that could result
- Give instructions to the parties to preserve any evidence that is directly related to the allegations
- Provide the parties and witnesses with an opportunity to review and verify the Investigator's summary notes from interviews and meetings with that specific party or witness
- Make good faith efforts to notify each party of any meeting or interview involving another party, in advance when possible
- Interview all relevant individuals and conduct follow-up interviews as necessary
- Allow each party the opportunity to suggest questions they wish for the Investigator(s) to ask the other party and witnesses
- Complete the investigation promptly and without unreasonable deviation from the intended timeline
- Provide regular status updates to the parties throughout the investigation
- Prior to the conclusion of the investigation, summarize for the parties the list of witnesses whose information will be used to render a finding
- Write a comprehensive investigation report fully summarizing the investigation and all evidence
- Provide the parties with a copy of the draft investigation report when it is completed, including all relevant evidence, analysis, credibility assessments, and recommended finding(s)
- Provide each party with a full and fair opportunity to respond to the report in writing within 5 business days and incorporate that response into the report
- Investigators may choose to respond in writing in the report to the responses of the parties, and/or to share the responses between the parties for their responses, while also ensuring that they do not create a never-ending feedback loop
- Share the report with the Title IX Coordinator or Human Resources Director for review and feedback. Provide the final report to the Title IX Coordinator (for Complaints involving students) or Human Resources Director (for Complaints involving only employees). In the report, include a

recommended determination, based on a preponderance of the evidence, whether a policy violation is more likely than not to have occurred.

9. Determination

Within two to three (2-3) business days of receiving the Investigator's recommendation, the Title IX Coordinator, Human Resource Director, or a trained, designated Decision-maker from the Pool⁸ reviews the report and all responses and then makes the final determination based on the preponderance of the evidence.

If the record is incomplete, the Decision-maker, Title IX Coordinator (for Complaints involving students) or Human Resources Director (for Complaints involving only employees) may direct a re-opening of the investigation, or may direct or conduct any additional inquiry necessary, including informally meeting with the parties or any witnesses, if needed.

The investigation recommendation should be strongly considered but is not binding on the Decision-maker, Title IX Coordinator or Human Resources Director. The Title IX Coordinator, Human Resources Director or Decision-maker may invite and consider impact and/or mitigation statements from the parties if and when determining appropriate sanction(s), if any.

The Title IX Coordinator or Human Resources Director then timely provides the parties with a written Notice of Outcome to include findings, any sanction(s), and a detailed rationale, delivered simultaneously (without undue delay) to the parties

10. Additional Details of the Investigation Process

A. Witness Responsibilities

Witnesses (as distinguished from the parties) who are employees of South Plains College are expected to cooperate with and participate in SPC investigation and Resolution Process. Failure of a witness to cooperate with and/or participate in the investigation or Resolution Process constitutes a violation of Policy and may be subject to discipline.

B. Remote Processes

Parties and witnesses may be interviewed remotely by phone, video conferencing, or similar technologies if the Investigator(s) or Decision-maker determines that timeliness or efficiency dictates a need for remote interviewing. Witnesses may also provide written statements in lieu of interviews, or respond to questions in writing, if deemed appropriate by the Investigator(s), though this approach is not ideal. Where remote technologies are used, South Plains College makes reasonable efforts to ensure privacy, and that any technology does not work to the detriment of any party or subject them to unfairness.

C. Recording

No unauthorized audio or video recording of any kind is permitted during the resolution process including investigative interviews. If Investigator(s) elect to audio and/or video record interviews, all involved parties will be made aware of the audio and/or video recording. Texas has a "one-party consent" law that requires that only one party to the conversation consents to the recording.

⁸ When the Title IX Coordinator is the Investigator or has been heavily involved in the process prior to determination, a Decision-maker should be designated from the Pool to ensure there is no conflict of interest.

D. Evidence

Any evidence that is relevant and credible may be considered, including an individual's prior misconduct history as well as evidence indicating a pattern of misconduct, subject to the limitation in (E) below. The process should exclude irrelevant or immaterial evidence and may disregard evidence lacking in credibility or that is improperly prejudicial.

D. Prior Sexual History/Patterns

Unless the Title IX Coordinator (for Complaints involving students) or Human Resources Director (for Complaints involving only employees)/Decision-maker(s) determines it is appropriate, the investigation and the finding do not consider: (1) incidents not directly related to the possible violation(s), unless they evidence a pattern; (2) the irrelevant sexual history of the parties (though there may be a limited exception made with regard to the sexual history between the parties); or (3) irrelevant character evidence.

F. Previous Allegations/Violations

While previous conduct violations by the Respondent are not generally admissible as information supporting the current allegation, the Investigator(s) may supply the Title IX Coordinator or Human Resources Director with information about previous good faith allegations and/or findings, when that information suggests potential patterns and/or predatory conduct.

Previous disciplinary action of any kind involving the Respondent may be considered in determining the appropriate sanction(s).

Character witnesses or evidence may be offered. The investigation and hearing will determine if the character evidence is relevant. If so, it may be considered. If not, it will be excluded.

G. Notification of Outcome

If the Respondent admits to the violation(s), or is found in violation, the Title IX Coordinator or Human Resources Director [in consultation with other administrators as appropriate] determines sanction(s) and/or responsive actions, which are promptly implemented in order to effectively to stop the harassment, discrimination, and/or retaliation; prevent its recurrence; and remedy the effects of the discriminatory conduct, both on the Complainant and the community.

The Title IX Coordinator or Human Resources Director informs the parties of the determination within two to three (2-3) business days of the resolution, ideally simultaneously, but without significant time delay between notifications. Notifications are made in writing and may be delivered by one or more of the following methods: in person; mailed to the local or permanent address of the parties as indicated in official College records; or emailed to the parties' SPC-issued or designated email account. Once mailed, emailed, and/or received in-person, notice is presumptively delivered.

The Notification of Outcome specifies the finding for each alleged policy violation, any sanction(s) that may result which South Plains College is permitted to share pursuant to state or federal law, and the rationale supporting the essential findings to the extent the College is permitted to share under state or federal law.

The notice will detail when the determination is considered final (see Section 11) and will detail any changes that are made prior to finalization.

Unless based on an acceptance of violation by the Respondent, the determination may be appealed by either party. The Notification of Outcome also includes the grounds on which the parties may appeal and

the steps the parties may take to request an appeal of the findings. More information about the appeal procedures can be found in Section 11.

11. Sanctions

Factors considered when determining any sanction(s)/responsive action(s) may include, but are not limited to:

- The nature, severity of, and circumstances surrounding the violation
- An individual's disciplinary history
- Previous allegations or allegations involving similar conduct
- The need for sanctions/responsive actions to bring an end to the discrimination, harassment, and/or retaliation
- The need for sanctions/responsive actions to prevent the future recurrence of discrimination, harassment, and/or retaliation
- The need to remedy the effects of discrimination, harassment, and/or retaliation on the Complainant and the community
- The impact on the parties
- Any other information deemed relevant by the Title IX Coordinator (for Complaints involving students) or Human Resources Director (for Complaints involving only employees)

The sanction(s) will be implemented as soon as is feasible. The sanctions described in this Policy are not exclusive of, and may be in addition to, other actions taken, or sanctions imposed by outside authorities.

A. Student Sanctions

The following are the usual sanctions that may be imposed upon students singly or in combination.

Sanctions that require a transcript notation are in alignment with Texas Education Code 51.9364.:

- Warning or Reprimand – All offenses that may be punishable by reprimand or warning shall be regarded as minor offenses. These actions are cumulative and are considered official college actions and are recorded in the Office of the Dean of Students.
- Referral to Health & Wellness – Under certain situations, a student may be referred to Health and Wellness for counseling services. A set number of visits is established within a given amount of time. Failure to complete prescribed sessions will result in a hold being placed on the students' account for failure to comply. The hold may be lifted once the requirements for all sanctions have been fulfilled.
- Restriction – It may be determined that a student should be restricted from specified campus facilities, organizations or activities as a part of disciplinary action.
- Community Service - A student may be assigned to do additional class work or other community service jobs on campus, as determined by the Dean of Students, the Dean of the Reese Center, the Executive Director of the Lubbock Center, or the Director of the Plainview Center.
- Disciplinary Probation – Any offense leading to disciplinary probation is regarded as a major offense. Disciplinary probation is applied for a stated period with or without specified restrictive conditions. Restrictive conditions may include but are not limited to removing the right of the student to receive any college award, scholarships, or financial aid; removing the right to occupy any position of leadership in any college or student organization or activity; removing the right to operate a motor vehicle on campus. The student is required to show appropriate changes in attitude and behavior during the probationary period.
- Disciplinary Suspension – Any offense leading to disciplinary suspension is regarded as a major offense. Suspension is normally for a stated period, but never less than the remainder of the semester in which the offense is committed. During the period of disciplinary suspension, the student's transcript will have a notation indicating "Disciplinary Suspension effective until

MM/DD/YYYY.” During suspension, the student shall not attend classes, participate in any college related activity, or be on campus for any reason except application for readmission. Readmission on probation may be granted at the end of the suspension period.

- Expulsion – Expulsion is the permanent removal from South Plains College with no opportunity for readmission. Expulsion shall be used only in Complaints of extreme misconduct. The student’s transcript will have a notation of “Disciplinary Expulsion – MM/DD/YYYY.”
- Removal from College Housing – In certain instances, the Dean of Students or Associate Dean of Students may remove a student from college housing and allow him/her to continue attending classes.

B. Student Organization Sanction

The following are the common sanctions that may be imposed upon student organizations singly or in combination:

- Warning: A formal statement that the conduct was unacceptable and a warning that further violation of any South Plains College policy, procedure, or directive will result in more severe sanctions/responsive actions.
- Probation: A written reprimand for violation of institutional policy, providing for more severe disciplinary sanctions if the organization is found in violation of any institutional policy, procedure, or directive within a specified period. Terms of the probation will be articulated and may include denial of specified social and event privileges, denial of College funds, ineligibility for honors and awards, restrictions on new member recruitment, no-contact orders, and/or other measures deemed appropriate.
- Suspension: Termination of student organization recognition for a definite period not to exceed two years and/or until specific criteria are met. During the suspension period, a student organization may not conduct any formal or informal business or participate in College-related activities, whether they occur on or off-campus. Re-recognition is possible but not guaranteed and will only be considered after the end of the suspension period and based on meeting all re-recognition criteria and obtaining clearance from South Plains College.
- Expulsion: Permanent termination of student organization recognition and revocation of the privilege to congregate and conduct business on campus as an organization for any reason.
- Loss of Privileges: Restricted from accessing specific SPC privileges for a specified period.
- Other Actions: In addition to or in place of the above sanctions, the College may assign any other sanctions as deemed appropriate.

C. Employee Sanctions/Responsive Actions

Responsive actions for an employee who has engaged in harassment, discrimination and/or retaliation include

- Warning – Verbal or Written
- Performance Improvement/Management Process
- Required Counseling
- Required Training or Education
- Probation
- Loss of Oversight or Supervisory Responsibility
- Demotion
- Suspension with pay
- Suspension without pay
- Termination
- Other Actions: In addition to or in place of the above sanctions, South Plains College may assign any other sanctions as deemed appropriate.

12. Withdrawal or Resignation While Charges are Pending

A. Students:

South Plains College does not permit a student to withdraw if that student has an allegation pending for violation of the Policy FFDA (Local) or FFDB (Local). South Plains College may place a hold, bar access to an official transcript, and/or prohibit graduation as necessary to permit the Resolution Process to be completed.

B. Employees:

Should an employee resign with unresolved allegations pending, the records of the Human Resources Director will reflect that status, and any SPC responses to future inquiries regarding employment references for that individual will include the former employee's unresolved status and whether the employee is eligible for rehire.

13. Appeals

All requests for appeal consideration must be submitted in writing to the Title IX Coordinator (for Complaints involving students) or Human Resources Director (for Complaints involving only employees) within five (5) business days of the delivery of the written finding of the Title IX Coordinator, Human Resources Director or Decision-maker.

An Appeal Decision-maker chosen from the Pool will be designated by the Title IX Coordinator or Human Resources Director from those who have not been involved in the process previously. Any party may appeal, but appeals are limited to the following grounds:

- 1) A procedural error or omission occurred that significantly impacted the outcome (e.g., substantiated bias, material deviation from established procedures, failure to correctly apply the evidentiary standard).
- 2) To consider new evidence, unknown or unavailable during the investigation, that could substantially impact the original finding or sanction. A summary of this new evidence and its potential impact must be included.
- 3) The sanctions imposed fall outside the range of sanctions South Plains College has designated for the violation(s) and the cumulative disciplinary record of the Respondent.

When any party requests an appeal, the Title IX Coordinator or Human Resources Director will share the appeal request with all other parties or other appropriate persons such as the Investigator(s), who may file a response within three (3) business days. Another party may also bring their own appeal on separate grounds.

If new grounds are raised, the original appealing party will be permitted to submit a written response to these new grounds within five (5) business days. These responses or appeal requests will be shared with each party. The Appeal Decision-maker will review the appeal request(s) within five (5) business days of completing the pre-appeal exchange of materials. If grounds are not sufficient for an appeal, or the appeal is not timely, the Appeal Decision-maker dismisses the appeal.

When the Appeal Decision-maker finds that at least one of the grounds is met by at least one party, additional principles governing the review of appeals include the following:

- Decisions by the Appeal Decision-maker are to be deferential to the original decision, making changes to the finding only when there is clear error and to the sanction(s)/responsive action(s) only if there is compelling justification to do so.

- Appeals are not intended to be full re-hearings (de novo) of the allegation(s). In most Complaints, appeals are confined to a review of the written documentation or record of the investigation and pertinent documentation regarding the grounds for appeal.
- An appeal is not an opportunity for the Appeal Decision-maker to substitute their judgment for that of the original Investigator(s), Title IX Coordinator or Human Resources Director merely because they disagree with the finding and/or sanction(s).
- Appeals granted based on new evidence should normally be remanded to the Investigator(s) for reconsideration. Other appeals should be remanded at the discretion of the Appeal Decision-maker.
- Sanctions imposed as the result of Administrative Resolution are implemented immediately unless the Title IX Coordinator or Human Resources Director stays their implementation in extraordinary circumstances, pending the outcome of the appeal.
 - For students: Graduation, study abroad, internships/externships, etc., do NOT in and of themselves constitute exigent circumstances, and students may not be able to participate in those activities during their appeal.
- All parties will be informed in writing within three (3) business days of the outcome of the appeal without significant time delay between notifications, and in accordance with the standards for Notice of Outcome as defined above.
- When appeals result in no change to the finding or sanction, that decision is final. When an appeal results in a new finding or sanction, that finding or sanction can be appealed one final time on the grounds listed above, and in accordance with these procedures.
- In rare cases when a procedural or substantive error cannot be cured by the original Investigator(s) and/or Decision-maker(s) or the Title IX Coordinator/Human Resources Director/Decision-maker (as in cases of bias), the Appeal Decision-maker may recommend a new investigation and/or Administrative Resolution process, including a new Decision-maker.
- The results of a new Administrative Resolution process can be appealed once, on any of the three applicable grounds for appeals.
- In cases in which the appeal results in Respondent's reinstatement to South Plains College or resumption of privileges, all reasonable attempts will be made to restore the Respondent to their prior status, recognizing that some opportunities lost may be irreparable in the short term.

14. Long-Term Remedies/Actions

Following the conclusion of the Resolution Process, and in addition to any sanctions implemented, the Title IX Coordinator (for Complaints involving students) or the Human Resources Director (for Complaints involving only employees) may implement long-term remedies or actions with respect to the parties and/or the campus community to stop the harassment, discrimination, and/or retaliation; remedy its effects; and prevent its reoccurrence.

These remedies/actions may include, but are not limited to:

- Student referral to counseling and health services
- Employee referral to the Employee Assistance Program
- Education to the community
- Permanent alteration of student housing assignments
- Permanent alteration of work arrangements for employees
- Provision of campus safety escorts
- Climate surveys
- Policy modification
- Provision of transportation assistance
- Implementation of long-term contact limitations between the parties

- Implementation of adjustments to academic deadlines, course schedules, etc.

At the discretion of the Title IX Coordinator or Human Resources Director, long-term remedies may also be provided to the Complainant even if no policy violation is found.

When no policy violation is found, the Title IX Coordinator or Human Resources Director will address any remedial requirements owed by the College to the Respondent.

15. Failure to Complete Sanctions/Comply with Interim and Long-Term Remedies/Responsive Actions

All Respondents are expected to comply with conduct sanctions, responsive actions, and corrective actions within the timeframe specified by the Title IX Coordinator (for Complaints involving students) or the Human Resources Director (for Complaints involving only employees).

Failure to abide by the sanction(s)/action(s) imposed by the date specified, whether by refusal, neglect, or any other reason, may result in additional sanction(s)/responsive/corrective action(s), including suspension, expulsion, and/or termination from South Plains College and may be noted on a student's official transcript or on the employee's personnel file. Supervisors are expected to enforce completion of sanctions/responsive actions for their employees.

A student suspension will only be lifted when compliance is achieved to the satisfaction of the Title IX Coordinator.

16. Recordkeeping

In implementing this Policy, records of all allegations, investigations, resolutions, and hearings will be kept by the Title IX Coordinator or the Human Resources Director in the Title IX complaint database indefinitely, or as required by state or federal law or institutional policy.

17. Statement of the Rights of the Parties (see [Appendix B](#))

18. Disability Accommodation in the Resolution Process

South Plains College is committed to providing reasonable accommodation and support to qualified students, employees, or others with disabilities to ensure equal access to the Resolution Process at SPC. Anyone needing such accommodations or support should contact the Coordinator of Disability Services, who will review the request and, in consultation with the person requesting the accommodation, and the Title IX Coordinator (for Complaints involving students) or the Human Resources Director (for Complaints involving only employees), determine which accommodations are appropriate and necessary for full participation in the process.

APPENDIX A: Informal Resolution (IR)

The Informal Resolution (IR) process is a voluntary, structured interaction between involved parties (Complainant and Respondent) to resolve the allegations following the filing of a Formal Complaint and prior to a formal hearing on the allegations. The Informal Resolution process is intended to be flexible while also providing for a full range of possible outcomes. Informal Resolution can be pursued for any behavior that falls within the policy on Equal Opportunity, Harassment and Nondiscrimination, at any time during the process.

This option may be used when:

- a responding party admits responsibility for all or part of the alleged policy violations at any point in the process
- the investigation reaches a finding that the parties accept
- both parties elect to resolve the allegation using the Informal Resolution process and the Title IX Coordinator or Human Resources Director, when appropriate, assents
- the Title IX Coordinator and the Human Resources Director implement the results of an investigation for an at-will employee
- deployed after formal resolution, as an adjunct healing/catharsis opportunity (that could potentially mitigate sanctions or be a form of sanction)

This option may not be appropriate (at the discretion of the Title IX Coordinator or the Human Resources Director) when:

- Complaints involve violent incidents (sexual violence, stalking, domestic and dating violence, severe sexual harassment, sexual exploitation, etc.); the preferred alternative approach typically involves a minimal number of essential parties and is not a wide restorative circle approach to ensure confidentiality
- situations involve dangerous patterns or significant ongoing threat to the community

During the Informal Resolution, all parties have the right to be present, including presence via remote technology, during all testimony given and evidence presented during any formal grievance hearing.

Alternate Resolution approaches to Informal Resolution must be facilitated by South Plains College or a third-party. Clearly agreed-upon ground rules, which the parties must sign in advance and agree to abide by, will be determined in conjunction with the investigator(s) and the Title IX Coordinator or the Human Resources Director, otherwise the informal resolution process will be deemed to have failed.

In Informal Resolution, the investigator has the authority to address all collateral misconduct, meaning that they hear all allegations of discrimination, harassment and retaliation, but also may address any additional alleged policy violations that have occurred in concert with the discrimination, harassment or retaliation, even though those collateral allegations may not specifically fall within the policy on Equal Opportunity, Harassment and Nondiscrimination. Accordingly, investigations should be conducted with as wide a scope as necessary.

Any evidence that the investigator believes is relevant and credible may be considered, including history and pattern evidence. The investigator may exclude irrelevant or immaterial evidence and may choose to disregard evidence lacking in credibility or that is improperly prejudicial.

Unless the investigator determines it is appropriate, the investigation and the finding will not consider: (1) incidents not directly related to the possible violation, unless they show a pattern, (2) the sexual history of the reporting party (though there may be a limited exception made in regard to the sexual history between the parties), (3) or the character of the reporting party. While previous conduct violations by the responding party are not generally admissible as information about the present allegation, the investigators may consider information about previous good faith allegations and/or findings to consider as evidence of pattern and/or predatory conduct.

The investigator(s) will not meet with character witnesses, but investigators will accept up to two (2) letters supporting the character of each of the parties.

The investigator(s) will base the determination(s) on the preponderance of the evidence, whether it is more likely than not that the responding party violated policy.

The following are the parameters by which an informal resolution may be conducted.

1. The Title IX Coordinator may offer the parties the opportunity to become involved in an informal resolution process. Likewise, either party (Complainant or Respondent) may petition the Title IX Coordinator or Human Resources Director in writing to offer an informal resolution process to the other party. The Title IX Coordinator (for Complaints involving students) or the Human Resources Director (for Complaints involving only employees) is the sole administrator who determines if an Informal Resolution (hereafter IR) is appropriate given the allegations.
2. The Title IX Coordinator, Human Resources Director, and/or the coordinator's trained designee (hereafter facilitator) will supervise the informal resolution process. The facilitator will work with both parties to reach a negotiated resolution.
3. The IR will be voluntary for both parties, and each party must submit a written request to become involved in the IR. An informal resolution cannot be offered if the Complainant is a student, and the respondent is an employee.
4. The IR will not require the parties to confront each other or even be present in the same room.
5. The parties may consult their Case advisor or have their Case advisor present at any time an IR meeting occurs.
6. Either party may withdraw, without penalty, from the IR up until a written resolution agreement is signed by both parties. If either party withdraws from the IR, the formal grievance process will resume.
7. A signed resolution agreement is binding on both parties.
8. The facilitator(s) has the authority to end the resolution process if the facilitator(s) believes that one or both parties are not operating in good faith. If this happens, the formal grievance process will resume.
9. Both parties and the facilitator (s) will have an opportunity to offer proposals to become a part of the final outcome(s)/agreement. An IR agreement may include, but is not limited to, an admission of responsibility, an admission of false allegations, disciplinary/punitive sanctions, counseling, and involvement in an educational program.
10. The Facilitator(s) and both parties must all agree to the outcome(s) of the IR. In doing so the facilitator will write a binding agreement based upon the party's verbal agreement with the negotiated outcome(s). Separately, both parties will then be offered the opportunity to sign this IR agreement. If either party refuses to sign this agreement, the IR will be considered failed, and the grievance process will resume.

Employee as Respondent

At any point during the Informal Resolution process, including at its conclusion, either party may request that the matter be referred to the Formal Resolution Process for presentation before a hearing panel, except in Complaints where the Respondent is an at-will employee.

If either party rejects the sanction/responsive action, a formal hearing will be held on the sanction/responsive action only, according to the Formal Resolution procedures. No evidence elicited within the “safe space” of the informal resolution facilitation is later admissible in the formal resolution unless all parties consent.

If the Respondent admits to the violation(s) a sanctioning body will convene comprised of the following:

1. Supervisor for the responding party or designee
2. Vice president of the responding party’s or designee
3. Director of Human Resources or designee

The sanctioning body will determine an appropriate sanction or responsive action based on College policy. If the sanction/responsive action is accepted by both the reporting party and responding party, the Title IX Coordinator in conjunction with the Human Resources Director will implement the finding and sanction, and act promptly and effectively to stop the harassment or discrimination, prevent its recurrence and remedy the effects of the discriminatory conduct. No appeal is permitted.

Student as Respondent

If the Respondent admits to the violation(s) the Dean of Students will determine an appropriate sanction or responsive action. If the sanction/responsive action is accepted by both the Complainant and Respondent, the Title IX Coordinator in conjunction with the Dean of Students will implement the finding and sanction, and act promptly and effectively to stop the harassment or discrimination, prevent its recurrence and remedy the effects of the discriminatory conduct. No appeal is permitted.

If either party rejects the sanction/responsive action, a formal hearing will be held on the sanction/responsive action only, according to the Formal Resolution procedures. No evidence elicited within the “safe space” of the informal resolution facilitation is later admissible in the formal resolution unless all parties consent.

If alleged misconduct is resolved at this stage, the Title IX Coordinator will inform the parties of the final determination within three (3) days of the resolution, without significant time delay between notifications. Notification will be made in writing and may be delivered by one or more of the following methods: in person; mailed to the local or permanent address of the parties as indicated in official College records; or emailed to the parties’ South Plains College-issued email account. Once mailed, emailed and/or received in-person, notice will be presumptively delivered. The notification of outcome will specify the finding on each alleged policy violation, any sanctions that may result which the College is permitted to share according to state or federal law, and the rationale supporting the essential findings to the extent the College is permitted to share under state or federal law. The notice will also include information on when the results are considered by the College to be final and any changes that occur prior to finalization. Because the alleged misconduct is resolved at this stage, the decision is final and appeals options are not available.

At any point during the Informal Resolution process, including at its conclusion, either party may request that the matter be referred to the Formal Resolution Process for presentation before a hearing panel, except in Complaints where the Respondent is an at-will employee.

In Complaints involving at-will employees, all findings and responsive actions will be determined by the Human Resources Director in collaboration with the Title IX Coordinator, based on the results of the investigation.

APPENDIX B: Statement of Rights of the Parties

Rights of the Parties Under South Plains College Policy DIAB (Local) and FFDB (Local):

- The right to an equitable investigation and resolution of all credible allegations of prohibited harassment or discrimination made in good faith to South Plains College officials.
- The right to timely written notice of all alleged violations, including the identity of the parties involved (if known), the precise misconduct being alleged, the date and location of the alleged misconduct (if known), the implicated policies and procedures, and possible sanctions.
- The right to timely written notice of any material adjustments to the allegations (e.g., additional incidents or allegations, additional Complainants, unsubstantiated allegations) and any attendant adjustments needed to clarify potentially implicated policy violations.
- The right to be informed in advance of any public release of information regarding the allegation(s) or underlying incident(s), whenever possible.
- The right not to have any personally identifiable information released by South Plains College to the public without consent provided, except to the extent permitted by law.
- The right to be treated with respect by South Plains College officials.
- The right to have South Plains College policies and these procedures followed without material deviation.
- The right not to be pressured to mediate or otherwise informally resolve any reported misconduct involving violence, including sexual violence.
- The right not to be discouraged by South Plains College officials from reporting sexual harassment, discrimination, and/or retaliation to both on-campus and off-campus authorities.
- The right to be informed by South Plains College officials of options to notify proper law enforcement authorities, including on-campus and local police, and the option(s) to be assisted by SPC authorities in notifying such authorities, if the party so chooses. This also includes the right not to be pressured to report, as well.
- The right to have allegations of violations of the respective Policy responded to promptly and with sensitivity by South Plains College law enforcement and/or other SPC officials.
- The right to be informed of available supportive measures, such as counseling; advocacy; health care; employee assistance services; student financial aid, visa, and immigration assistance; or other services, both on campus and in the community.
- The right to a South Plains College-implemented no-contact order or a no-trespass order against a non-affiliated third party when a person has engaged in or threatens to engage in stalking, threatening, harassing, or other improper conduct.
- The right to be informed of available assistance in changing academic, living, and/or working situations after an alleged incident of discrimination, harassment, and/or retaliation, if such changes are reasonably available. No formal report, or investigation, either institutional or criminal, needs to occur before this option is available. Such actions may include, but are not limited to:
 - Relocating on-campus students' housing to a different on-campus location
 - Assistance from South Plains College staff in completing the relocation

- Changing an employee's work environment (e.g., reporting structure, office/workspace relocation)
 - Transportation assistance
 - Visa/immigration assistance
 - Arranging to dissolve a housing contract and a pro-rated refund
 - Exam, paper, and/or assignment rescheduling or adjustment
 - Receiving an incomplete in, or a withdrawal from, a class (may be retroactive)
 - Transferring class sections
 - Temporary withdrawal/leave of absence (may be retroactive)
 - Campus safety escorts
 - Alternative course completion options.
- The right to have South Plains College maintain such actions for as long as necessary and for supportive measures to remain confidential, provided confidentiality does not impair South Plains College's ability to provide the supportive measures.
 - The right to receive sufficiently advanced, written notice of any South Plains College meeting or interview involving the other party, when possible.
 - The right to identify and have the Investigator(s), Case Advisors, and/or Decision-maker(s) question relevant available witnesses, including expert witnesses.
 - The right to provide the Investigator(s)/Decision-maker(s) with a list of questions that, if deemed relevant by the Investigator(s)/Decision-maker(s), may be asked of any party or witness.
 - The right not to have irrelevant sexual predisposition/prior sexual history or irrelevant character evidence excluded by the Decision-maker(s).
 - The right to know the relevant and directly related evidence obtained and to respond to that evidence.
 - The right to fair opportunity to provide the Investigator(s) with their account of the alleged misconduct and have that account be on the record.

The right to receive a copy of all relevant and directly related evidence obtained during the investigation, subject to privacy limitations imposed by state and federal law, and a ten (10) business day period to review and comment on the evidence.

- The right to receive a copy of the final investigation report, including all factual, policy, and/or credibility analyses performed, and to have at least ten (10) business days to review and comment on the report prior to the hearing.
- The right to be informed of the names of all witnesses whose information will be used to make a finding, in advance of that finding, when relevant.
- The right to regular updates on the status of the investigation and/or resolution.
- The right to have reports of alleged Policy violations addressed by Investigators, Title IX Coordinators, and Decision-maker(s) who have received relevant annual training.
- The right to a Hearing Panel that is not single sex in its composition, if a panel is used.
- The right to preservation of confidentiality/privacy, to the extent possible and permitted by law.

- The right to meetings, interviews, and/or hearings that are closed to the public.
- The right to petition that any South Plains College representative in the process be recused on the basis of disqualifying bias and/or conflict of interest.
- The right to have a Case Advisor of their choice to accompany and assist the party in all meetings and/or interviews associated with the Resolution Process.
- The right to the use of the appropriate standard of evidence, preponderance of the evidence, to make a Finding and Final Determination after an objective evaluation of all relevant evidence.
- The right to be present, including presence via remote technology, during all testimony given and evidence presented during any hearing.
- The right to have an impact and/or mitigation statement considered by the Decision-maker(s) following a determination of responsibility for any allegation, but prior to sanctioning.
- The right to be promptly informed of the finding(s) and any sanction(s) of the Resolution Process and a detailed rationale of the decision (including an explanation of how credibility was assessed) in a written Notice of Outcome Letter delivered simultaneously (without undue delay) to the parties.
- The right to be informed in writing of when a decision by South Plains College is considered final and any changes to the Final Determination or sanction(s) that occur post Notification of Outcome.
- The right to be informed of the opportunity to appeal the finding(s) and sanction(s) of the Resolution Process, and the procedures for doing so in accordance with the standards for appeal established by South Plains College.
- The right to a fundamentally fair resolution as defined in these procedures.

APPENDIX C: Violence Risk Assessment (VRA)

Threat assessment is the process of assessing the actionability of violence by an individual against another person or group following the issuance of a direct or conditional threat. A **Violence Risk Assessment (VRA)** is a broader term used to assess any potential violence or danger, regardless of the presence of a vague, conditional, or direct threat.

The implementation of VRAs require specific training and are typically conducted by psychologists, clinical counselors, social workers, case managers, law enforcement officers, student conduct officers, and/or other CARE team members.

A VRA occurs in collaboration with the CARE team and must be understood as an ongoing process, rather than a singular evaluation or meeting. A VRA is not an evaluation for an involuntary behavioral health hospitalization, nor is it a psychological or mental health assessment.

A VRA assesses the risk of actionable violence, often with a focus on targeted/predatory escalations, and is supported by research from the fields of law enforcement, criminology, human resources, and psychology.

When conducting a VRA, the assessor(s) use an evidence-based process consisting of:

- 1) an appraisal of **risk factors** that escalate the potential for violence
- 2) a determination of **stabilizing influences** that reduce the risk of violence
- 3) a contextual **analysis of violence risk** by considering environmental circumstances, hopelessness, and suicidality; catalyst events; nature and actionability of threat; fixation and focus on target; grievance collection; and action and time imperative for violence
- 4) the application of **intervention and management** approaches to reduce the risk of violence

To assess an individual's level of violence risk, the Title IX Coordinator will initiate the violence risk assessment process through the CARE team. The CARE team will assign a trained individual(s) to perform the assessment, according to the specific nature of the Title IX Complaint.

The assessor will follow the process for conducting a violence risk assessment as followed by the Student Health and Wellness Center and shared with the CARE Team and will rely on a consistent, research-based, reliable system that allows for the operationalization of the risk levels.

Formalized approaches approved by South Plains College for the VRA process include: The NABITA Risk Rubric,¹⁰ The Structured Interview for Violence Risk Assessment (SIVRA-35),¹¹ Violence Risk Assessment of the Written Word (VRAWW)¹², Workplace Assessment of Violence Risk (WAVR-21),¹⁵ Historical Clinical Risk Management (HCR-20),¹⁶ and MOSAIC.¹⁷

¹⁰ www.nabita.org/tools

¹¹ www.nabita.org/resources/assessment-tools/sivra-35/

¹² www.nabita.org/resources/vraww/

¹⁵ www.wavr21.com

¹⁶ hcr-20.com

¹⁷ www.mosaicmethod.com

The VRA is conducted independently from the Title IX process, is informed by it, but free from outcome pressure. The individual(s) conducting the assessment will be trained to mitigate any bias and provide the analysis and findings in a fair and equitable manner.

The CARE team's member(s) conducts a VRA process and makes a recommendation to the Title IX Coordinator (for all Complaints involving students) or Human Resources Director (for Complaints involving only employees) as to whether the VRA indicates there is a substantial, compelling, and/or immediate risk to health and/or safety of an individual or the community.