



ADMINISTRATIVE AND RESOLUTION PROCESS:

POLICIES DIAA (LOCAL) AND FFDA (LOCAL)

FREEDOM FROM DISCRIMINATION, HARASSMENT AND RETALIATION:

SEX AND SEXUAL VIOLENCE

Process Revision: August 20, 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.

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Definitions

- **Administrator/Coordinator.** The person with primary responsibility for overseeing and enforcing Policy DIAA (Local) or FFDA (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 DIAA (Local) or FFDA (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 make a determination 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 DIAA (Local) or FFDA (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 DIAA (Local) and FFDA (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.
- **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.

- **Required employee.** 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}
- **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 an associated Policy.
- **Sex.** Sex assigned at birth, sex stereotypes, sex characteristics, pregnancy or related conditions, sexual orientation, and gender identity.
- **Sexual harassment.**
 - Workplace harassment – within the definition in the policy, unwelcomeness is subjective and determined by the Complainant (except when the Complainant is younger than the age of consent). Severity, pervasiveness, and objective offensiveness are evaluated based on the totality of the circumstances from the perspective of a reasonable person in the same or similar circumstances (“in the shoes of the Complainant”), including the context in which the alleged incident occurred and any similar, previous patterns that may be evidenced. This definition is broad enough to potentially encompass forms of sex-based disparate treatment, even if not harassing in nature
- **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.

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.).

Administrative Process: Policies DIAA (Local) and FFDA (Local) – Sex and Sexual Violence

1. Overview

South Plains College maintains integrity in reporting to both the federal and state agencies as required by law. The procedures below are required administrative reporting obligations for compliance with the related regulations.

2. Federal Statistical Reporting Obligations

Certain campus officials – those deemed Campus Security Authorities per College policies – have a duty to report the following for federal statistical reporting purposes (Clery Act):

- 1) All “primary crimes,” which include all criminal homicide, sexual assault, robbery, aggravated assault, burglary, motor vehicle theft, and arson;
- 2) Hate crimes, which include any bias motivated primary crime as well as any bias motivated larceny or theft, simple assault, intimidation, or destruction/damage/vandalism of property;
- 3) VAWA -based crimes, which include sexual assault, domestic violence, dating violence, and stalking; and
- 4) Arrests and referrals for disciplinary action for weapons-related law violations, liquor related law violations, and drug law violations.

All personally identifiable information is kept private, but statistical information must be passed along to campus law enforcement regarding the type of incident and its general location (on or off-campus or in the surrounding area, but no addresses are given) for publication in the Annual Security Report and daily campus crime log. This reporting helps to provide the community with a clear picture of the extent and nature of campus crime to ensure greater community safety.

Per College policy HHE, Campus Security Authorities include:

- Athletic Department – including all coaching staff:
 - o Director of Athletics
 - o Basketball
 - o Rodeo
 - o Track & Field
 - o Cross Country
 - o Trainers
 - o Cheerleading & Mascot
 - o Team Managers
- Dean of Students Office
 - o Dean of Students
 - o Associate Dean of Students
 - o Student Life Director
 - o STAR Center Employees
 - o Upward Bound Employees
- Campus Police, Security, and Building Monitors
 - o Levelland
 - o Plainview
 - o Reese
 - o Lubbock Centers

- Housing
 - o Resident Hall Employees
- Director of Health & Wellness, when not in counseling session
 - o Associate Director of Student Health - School Nurse
- SPC Center Leadership
 - o Director of Reese Center
 - o Director of the Plainview Center
 - o Executive Director of the Lubbock Center
 - o Dean of the Lubbock Downtown Center
- Vice President of Student Affairs
- Student Club/Organization Advisors (faculty or staff member)
- Faculty or Staff Member responsible for sponsoring or chaperoning student trips (academic or student activities)

The information to be shared includes the date, the general location of the incident (using Clery location categories) and the Clery crime category. This reporting protects the identity of the reporting party and may be done anonymously by using the form at <http://www.southplainscollege.edu/referral/>.

3. State of Texas Reporting Obligations

Title IX Coordinator Report to the President

The Title IX Coordinator will report on a quarterly basis a written report on the reports received under TEC 51.252 including the following information excluding personally identifiable information when possible:

- Case number from Maxient
- Incident reported date
- Incident date
- Resolution date
- Summary of incident
- Services/Intermediate remedies
- Disposition, if any, of any disciplinary process arising from the report
- Disciplinary actions taken, if none then reasoning why

Quarter	President Report	Board of Regent Report
1 (Sept – Nov)	Mid-December	January meeting
2 (Dec – Feb)	Mid-March	April meeting
3 (March – May)	Mid-June	August Meeting
4 (June – Aug)	Mid-September	October Meeting

President Report to the Board of Regents

The President will report at least once per fall and spring term to the Board of Regents and post on the College's website information concerning the reports received. The report will include the following information without identification of person(s) involved:

- Number of reports received under [TEC 51.252](#);
- Number of investigations conducted as a result of the reports;

- Disposition, if any, of any disciplinary processes arising from those reports;
- Number of those reports for which the College determined not to initiate a disciplinary process, if any; and
- Disciplinary actions taken under [TEC 51.255](#).

Policy Compliance Statement to the Texas Higher Education Coordinating Board (The Coordinating Board)

The President of the College will annually certify in writing to the THECB that the College is in substantial compliance with TEC Subchapter E-2.

Resolution Process: Policies DIAA (Local) and FFDA (Local) – Sex and Sexual Violence

1. Overview

South Plains College will act on any formal notice/complaint of violation of policy DIAA (Local) or FFDA (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 Title IX Sexual Harassment (including sexual assault, dating violence, domestic violence, and stalking, as defined in the Policy) involving students, staff, administrators, or faculty members.

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

The resolution process outlined in policies DIAB (Local) and FFDB (Local) can also apply to sexual harassment (including sexual assault, dating violence, domestic violence, and stalking, as defined above) 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 FFDA) or the Human Resources Director (for Complaints involving only employees Policy DIAA), 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 receipt of notice or a Formal Complaint of an alleged violation of Policy DIAA (Local) or FFDA (Local), the Title IX Coordinator (for Complaints involving students Policy FFDA) or the Human Resources Director (for Complaints involving only employees Policy DIAA)³ engages in an initial assessment, typically within one (1) to five (5) business days. The steps in an initial assessment can include:

- The Title IX Coordinator or Human Resources Director seeks to determine if the person impacted wishes to make a Formal Complaint, and will assist them to do so, if desired.
 - If they do not wish to do so, the Title IX Coordinator or Human Resources Director determines whether to initiate a complaint because a violence risk assessment indicates a compelling threat to health and/or safety.
- If a Formal Complaint is received, the Title IX Coordinator or Human Resources Director assesses its sufficiency and works with the Complainant to make sure it is correctly completed.
- The Title IX Coordinator or Human Resources Director reaches out to the Complainant to offer supportive measures.
- The Title IX Coordinator or Human Resources Director works with the Complainant to ensure they are aware of the right to have a Case Advisor.
- The Title IX Coordinator or Human Resources Director works with the Complainant to determine whether the Complainant prefers a supportive and remedial response, an Informal Resolution option, or a formal investigation and grievance process.
 - If a supportive and remedial response is preferred, the Title IX Coordinator or Human Resources Director works with the Complainant to identify their needs, determine appropriate supports, and implement accordingly. No Formal Grievance Process is initiated, though the Complainant can elect to initiate one later, if desired.
 - If an Informal Resolution option is preferred, the Title IX Coordinator or Human Resources Director assesses whether the complaint is suitable for Informal Resolution⁴, 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 a Formal Grievance Process is preferred by the Complainant, the Title IX Coordinator or Human Resources Director determines if the alleged misconduct falls within the scope of Title IX regulations in effect at the time the alleged misconduct occurred:
 - If it does, the Title IX Coordinator or Human Resources Director will initiate the formal investigation and grievance process, directing the investigation to address based on the nature of the complaint:
 - an incident, and/or
 - a pattern of alleged misconduct, and/or
 - a culture/climate issue, based on the nature of the complaint.
 - If alleged misconduct does not fall within the scope of the Title IX regulations, the Title IX Coordinator or Human Resources Director determines that the regulations do not apply (and will “dismiss” that aspect of the complaint, if any), assesses which policies may apply

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, unable to fulfill their duties, or have a conflict of interest.

⁴ Per the 2020 Title IX Federal regulations, the College is prohibited from Informal Resolution of a complaint by a student against an employee.

and refers the matter for resolution under Policy DIAB (Local) or FFDB (Local). Please note that dismissing a complaint under the 2020 Title IX is solely a procedural requirement under Title IX and does not limit South Plains College's authority to address a complaint with an appropriate process and remedies.

A. Preservation of Evidence

The preservation of evidence in incidents of sexual assault and stalking is critical to potential criminal prosecution and to obtaining restraining/protective orders and particularly time sensitive. College will inform the Complainant of the importance of preserving evidence.

During the initial meeting between the Complainant and the Title IX Coordinator, the importance of taking these actions will be discussed, if timely.

Sexual Assault: Preservation of evidence for sexual assault includes:

- Seek forensic medical assistance at the at the University Medical Center in Lubbock, Texas, ideally within 120 hours of the incident (sooner is better).
- Avoid urinating, showering, bathing, washing hands or face, or douching, if possible, but evidence may still be collected even if you do.
- If oral sexual contact took place, refrain from smoking, eating, drinking, or brushing teeth.
- If clothes are changed, place soiled clothes in a paper bag (plastic destroys evidence).
- Seeking medical treatment can be essential even if it is not for the purpose of collecting forensic evidence.

Stalking: Preservation of evidence for stalking includes:

- Evidence in the form of text and voice messages will be lost in most cases if the Complainant changes their phone number.
 - Make a secondary recording of any voice messages and/or save the audio files to a cloud server.
 - Take screenshots and/or a video recording of any text messages or other electronic messages (e.g., Instagram, Snapchat, Facebook).
- Save copies of e-mail and social media correspondence, including notifications related to account access alerts.
- Take time-stamped photographs of any physical evidence including notes, gifts, etc. in place when possible.
- Save copies of any messages, to include those showing any request for no further contact.
- Obtain copies of call logs showing the specific phone number being used rather than a saved contact name if possible.

B. Violence Risk Assessment [\(see Appendix D\)](#)

In some 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:

- 1) Emergency removal of a Respondent based on immediate threat to physical health/safety;
- 2) Whether the Title IX Coordinator or Human Resources Director should pursue/sign a Formal Complaint absent a willing/able Complainant;
- 3) Whether to put the investigation on the footing of incident and/or pattern and/or climate;
- 4) To help identify potential predatory conduct;
- 5) To help assess/identify grooming behaviors;
- 6) Whether it is reasonable to try to resolve a complaint through Informal Resolution, and what modality may be most successful;
- 7) Whether to permit a voluntary withdrawal by the Respondent;
- 8) Whether to impose transcript notation or communicate with a transfer SPC about a Respondent;

- 9) Assessment of appropriate sanctions/remedies (to be applied post-hearing); and/or
- 10) Whether a Clery Act Timely Warning/Trespass order/Persona-non-grata is needed.

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

VRAs require specific training and are typically conducted by psychologists, clinical counselors, social workers, case managers, law enforcement officers, student conduct officers, or other CARE team members. A VRA authorized by the Title IX Coordinator or Human Resources Director should occur in collaboration with the CARE team. When a VRA is required by the Title IX Coordinator or Human Resources Director, a Respondent refusing to cooperate may result in a charge of failure to comply within the appropriate student or employee conduct process.

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.

C. Dismissal (Mandatory and Discretionary)⁵

South Plains College must dismiss a Formal Complaint or any allegations therein if, at any time during the investigation or hearing, it is determined that:

- 1) The conduct alleged in the Formal Complaint would not constitute Title IX Sexual Harassment as defined above, even if proved; and/or
- 2) The conduct did not occur in an educational program or activity controlled by South Plains College (including buildings or property controlled by recognized student organizations), and/or South Plains College does not have control of the Respondent;
- 3) The conduct did not occur against a person in the United States;
- 4) At the time of filing a Formal Complaint, a Complainant is not participating in or attempting to participate in the education program or activity of South Plains College, and based on the available information, the Title IX Coordinator or Human Resources Director has determined that they do not need to sign a Formal Complaint on behalf of the College⁶.

South Plains College may dismiss a Formal Complaint or any allegations therein if, at any time during the investigation or hearing:

- 1) A Complainant notifies the Title IX Coordinator or Human Resources Director in writing that the Complainant would like to withdraw the Formal Complaint or any allegations therein;
- 2) The Respondent is no longer enrolled in or employed by South Plains College;

⁵ These dismissal requirements are mandated by the 2020 Title IX Regulations, 34 CFR §106.45.

⁶ Such a Complainant is still entitled to supportive measures, but the formal grievance process is not applicable unless the Title IX Coordinator signs the complaint in the event the Complainant cannot/will not do so.

- 3) Specific circumstances prevent South Plains College from gathering evidence sufficient to reach a determination as to the Formal Complaint or allegations therein.

A Complainant who decides to withdraw a complaint may later request to reinstate it or refile it.

Upon any dismissal, South Plains College will promptly send written notice of the dismissal and the rationale for doing so simultaneously to the parties.

This dismissal decision is appealable by any party under the procedures for appeal below. The decision not to dismiss is also appealable by any party claiming that a dismissal is required or appropriate.

4. Emergency Removal/Interim Actions/Leaves

South Plains College can act to remove a student Respondent entirely or partially from its education program or activities on an emergency basis when an individualized safety and risk analysis has determined that an immediate threat to the physical health or safety of any student or other individual justifies removal. This risk analysis is performed by the Title IX Coordinator in conjunction with the behavioral intervention team (CARE Team) using its standard objective violence risk assessment procedures. Employees are subject to existing procedures for interim actions and leaves.

When an emergency removal is imposed, the student will be given notice of the action and the option to request to meet with the Title IX Coordinator prior to such action/removal being imposed, or as soon thereafter as reasonably possible thereafter, to show cause why the action/removal should not be implemented or should be modified.

This meeting is not a hearing on the merits of the allegation(s), but rather is an administrative process intended to determine solely whether the emergency removal is appropriate. When this meeting is not requested, objections to the emergency removal will be deemed waived. A Complainant and their Case Advisor may be permitted to participate in this meeting if the Title IX Coordinator determines it is equitable to do so. This section also applies to any restrictions that a coach or athletic administrator may place on a student-athlete arising from allegations related to Title IX. There is no appeal process for emergency removal decisions.

A Respondent may be accompanied by a Case Advisor of their choice when meeting with the Title IX Coordinator for the show cause meeting. The Respondent will be given access to a written summary of the basis for the emergency removal prior to the meeting to allow for adequate preparation.

The Title IX Coordinator has sole discretion under this policy to implement or modify an emergency removal and to determine the conditions and duration. Violation of an emergency removal under this policy will be grounds for discipline within the student or employee processes, which may include expulsion or termination.

South Plains College will implement the least restrictive emergency actions possible considering the circumstances and safety concerns. As determined by the Title IX Coordinator, with the assistance of the Human Resources Director in employee matters, these actions could include, but are not limited to: removing a student from a residence hall, temporarily re-assigning an employee, restricting a student's or employee's access to or use of facilities or equipment, allowing a student to withdraw or take incomplete grades without financial penalty, authorizing an administrative leave, and suspending a student's participation in extracurricular activities, student employment, student organizational leadership, or intercollegiate/intramural/club athletics.

At the discretion of the Title IX Coordinator, alternative coursework options may be pursued to ensure as minimal an academic impact as possible on the parties as possible.

Where the Respondent is an employee, or a student employee, accused of misconduct in the course of their employment, existing provisions for interim action are applicable instead of the above emergency removal process.

5. Counterclaims

South Plains College is obligated to ensure that the grievance process is not abused for retaliatory purposes, thus counterclaims made with retaliatory intent will not be permitted. South Plains College permits the filing of counterclaims but uses an initial assessment, described above, to assess whether the allegations in the counterclaim are made in good faith. Counterclaims by a Respondent may be made in good faith, but are, on occasion, made for purposes of retaliation, instead. Counterclaims made with retaliatory intent will not be permitted.

Counterclaims determined to have been reported in good faith will be processed using the Resolution Process below. Investigation of such claims may take place after resolution of the underlying initial Complaint, in which case a delay may occur.

Counterclaims may also be resolved through the same investigation as the underlying complaint, 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. Right to a Case Advisor

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.⁷

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 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

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.

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.

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 end, 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. Expectations of a Case Advisor

South Plains College generally expects a Case Advisor to adjust their schedule to allow them to attend SPC meetings/interviews/hearings when planned, but SPC may change scheduled meetings/interviews/hearings 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/interview/hearing by telephone, video conferencing, or other similar technologies as may be convenient and available.

I. Expectations of the Parties with Respect to Case Advisors

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

The parties are expected to provide timely notice to the Title IX Coordinator or Human Resources Director if they change Case Advisors at any time. It is assumed that if a party changes Case Advisors, consent to share information with the previous Case Advisor is terminated, and a release for the new Case Advisor must be secured. Parties are expected to inform the Title IX Coordinator or Human Resources Director of the identity of their hearing Case Advisor at least two (2) business days before the hearing.

J. Assistance in Securing a Case Advisor

South Plains College maintains a list 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 Processes

Resolution proceedings are private. All persons present at any time during the Resolution Process are expected to maintain the privacy of the proceedings in accordance with South Plains College Policy.

Although there is an expectation of privacy around what Investigators share with parties during interviews, the parties have discretion to share their own knowledge and evidence with others if they choose, except for information the parties agree not to disclose related to Informal Resolution, discussed below. SPC encourages parties to discuss any sharing of information with their Case Advisors before doing so.

The Formal Grievance Process is SPC's primary resolution approach unless Informal Resolution is elected by all parties and the College

A. Informal Resolution

Three options for Informal Resolution are detailed in this section.

1. **Supportive Resolution.** When the Title IX Coordinator (for Complaints involving students) or Human Resources Director (for Complaints involving only employees) can resolve the matter informally by providing supportive measures (only) to remedy the situation.
2. **Alternative Resolution.** When the parties agree to resolve the matter through an alternate resolution mechanism as described below, including mediation, restorative practices, etc., usually before a formal investigation takes place ([see discussion in B](#) below).
3. **Accepted Responsibility.** When the Respondent accepts responsibility for violating policy, and desires to accept the recommended sanction(s) and end the Resolution Process ([see discussion in C](#) below).

To initiate Informal Resolution, a Complainant must submit a Formal Complaint, as defined above. A Respondent who wishes to initiate Informal Resolution should contact the Title IX Coordinator Or Human Resources Director. The parties may agree, as a condition of engaging in Informal Resolution, that statements made, or evidence shared, during the Informal Resolution process will not be considered in the Formal Grievance Process unless all parties consent.

It is not necessary to pursue Informal Resolution first to pursue a Formal Grievance Process, and any party participating in Informal Resolution can stop the process at any time and begin or resume the Formal Grievance Process. The Title IX Coordinator or Human Resources Director 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.

Prior to implementing Informal Resolution, South Plains College will provide the parties with written notice of the reported misconduct and any sanctions (only in the case of Accepted Responsibility) or measures that may result from participating in such a process, including information regarding any records that will be maintained or shared by South Plains the College.

South Plains College will obtain voluntary, written confirmation that all parties wish to resolve the matter through Informal Resolution before proceeding and will not pressure the parties to participate in Informal Resolution.

B. Alternate Resolution Approaches

Alternate Resolution is an informal approach, including mediation or restorative practices, etc., by which the parties reach a mutually agreed upon resolution of a complaint. All parties must consent to the use of an Alternate Resolution mechanism.

The Title IX Coordinator or Human Resources Director may look at the following factors to assess whether Alternate Resolution is appropriate, or which form of Alternate Resolution may be most successful for the parties:

- The parties' amenability to Alternate Resolution;
- Likelihood of potential resolution, considering any power dynamics between the parties;
- The nature and severity of alleged misconduct
- The parties' motivation to participate;
- Civility of the parties;
- Results of a violence risk assessment/ongoing risk analysis;
- Disciplinary history of the Respondent;
- Whether an emergency removal is needed;
- Skill of the Alternate Resolution facilitator with this type of complaint;
- Complaint complexity;
- Emotional investment/capability of the parties;
- Rationality of the parties;
- Goals of the parties;
- Adequate resources to invest in Alternate Resolution (time, staff, etc.)

The ultimate determination of whether Alternate Resolution is available or successful is made by the Title IX Coordinator or Human Resources Director. The Title IX Coordinator or Human Resources Director is authorized to facilitate a resolution that is acceptable to all parties, and/or to accept a resolution that is proposed by the parties, usually through their Advisors, including terms of confidentiality, release, and non-disparagement.

The Title IX Coordinator or Human Resources Director maintains records of any resolution that is reached, and failure to abide by the resolution agreement may result in appropriate responsive/disciplinary actions (e.g., referral for formal resolution, referral to the conduct process for failure to comply). Results of complaints resolved by Alternate Resolution are not appealable.

C. 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 indicates an intent to accept responsibility for all the alleged misconduct, the formal process will be paused, and the Title IX Coordinator (for student Complaints) or Human Resources Director (for Complaints involving only employees) will determine whether Informal Resolution can be used according to the criteria above.

If Informal Resolution is applicable, the Title IX Coordinator or Human Resources Director will determine whether all parties and South Plains College are able to agree on responsibility, restrictions and/or remedies. If so, the Title IX Coordinator or Human Resources Director implements the accepted finding that the Respondent is in violation of SPC policy and implements agreed-upon restrictions and remedies and determines the appropriate sanction(s) in coordination with other appropriate administrator(s), as necessary.

This result is not subject to appeal once all parties indicate their written assent to all agreed upon resolution terms. When the parties cannot agree on all terms of resolution, the Formal Grievance

Process will resume at the same point where it was paused⁸.

When a resolution is accomplished, the appropriate sanction(s) or responsive actions are promptly implemented to effectively stop the harassment or discrimination, prevent its recurrence, and remedy the effects of the discriminatory conduct, both on the Complainant and the community.

8. Formal Grievance Process Pool

The Formal Grievance Process relies on a pool of administrators (the 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 Pool members and a description of the Pool can be found at <http://www.southplainscollege.edu/about/campussafety/sah.php>.

A. Pool Member Roles

Members of the Pool are trained annually, and can serve in in the following roles, at the discretion of the Title IX Coordinator and in collaboration (for Complaints involving employees) with the Human Resources Director:

- To provide appropriate intake of and initial guidance pertaining to complaints
- To act as a Case Advisor to the parties
- To serve in a facilitation role in Informal Resolution or Alternative Resolution if appropriately trained in appropriate resolution modalities (e.g., mediation, restorative practices, facilitated dialogue)
- To perform or assist with initial assessment
- To investigate complaints
- To serve as a hearing facilitator (process administrator, no decision-making role)
- To serve as a Decision-maker regarding the complaint
- To serve as an Appeal Decision-maker

B. Pool Member Appointment

The Title IX Coordinator, in consultation with the Human Resource Director and the College President, appoints the Pool⁹, which acts with independence and impartiality. Although members of the Pool are typically trained in a variety of skill sets and can rotate amongst the different roles listed above in different complaints, South Plains College can also designate permanent roles for individuals in the Pool, using others as substitutes or to provide greater depth of experience when necessary. This process of role assignment may be the result of particular skills, aptitudes, or talents identified in members of the Pool that make them best suited to particular roles.

C. Pool Member Training

⁸ The parties may not want discussions that take place within Informal Resolution to be admissible in a later Formal Grievance Process, but essential facts must and do transfer from the informal process to the formal. Disclosing something in an informal setting to shield it from formal admissibility is a cynical strategy, so administrators should take care in determining the terms of any assurances of the confidentiality of the Informal Resolution.

⁹ This does not preclude South Plains College from having all members of the Pool go through an application and/or interview/selection process.

The Pool members receive annual training based on their respective roles. This training includes, but is not limited to:

- The scope of South Plains College's Equal Opportunity, Harassment, and Nondiscrimination Policy and Procedures
- How to conduct investigations and hearings that protect the safety of Complainants and Respondents, and promote accountability
- Implicit bias
- Disparate treatment and impact
- 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
- 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 policy
- How to conduct an investigation and grievance process including hearings, appeals, and Informal 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 based on sex, race, religion, and other protected characteristics
- Any technology to be used at a live hearing
- 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, discrimination, and/or retaliation allegations
- Recordkeeping

The materials used to train all members of the Pool are publicly posted at <http://www.southplainscollege.edu/about/campussafety/sah.php>

D. Pool Membership

The Pool will include a representative set of employees of the college. Appointments to the pool is made with attention to representation of groups protected by the harassment and non-discrimination policy. Individuals who are interested in serving in the pool are encouraged to contact the Title IX Coordinator or the Human Resources Director.

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 Career & Technical Center, and Director of the Reese 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.

9. Formal Grievance Process: Notice of Investigation and Allegations

The Title IX Coordinator (for Complaints involving students) or the Human Resource Director (for Complaints involving only employees) will provide written Notice of the Investigation and Allegations (the “NOIA”) to the Respondent upon commencement of the Formal Grievance Process. This facilitates the Respondent’s ability to prepare for the interview and to identify and choose a Case Advisor to accompany them. The NOIA is also copied to the Complainant, who will be given advance notice of when the NOIA will be delivered to the Respondent.

The NOIA will include:

- A meaningful summary of all allegations
- The identity of the parties involved (if known)
- The precise misconduct being alleged
- The date and location of the alleged incident(s) (if known)
- The specific policies implicated
- A description of the applicable procedures
- A statement of the potential sanctions/responsive actions that could result
- A statement that South Plains College presumes the Respondent is not responsible for the reported misconduct unless and until the evidence supports a different determination
- A statement that determinations of responsibility are made at the conclusion of the process and that the parties will be given an opportunity during the review and comment period to inspect and review all directly related and/or relevant evidence
- A statement about South Plains College’s policy on retaliation
- Information about the confidentiality of the process
- Information on the need for each party to have a Case Advisor of their choosing and suggestions for ways to identify a Case Advisor
- A statement informing the parties that South Plains College’s Policy prohibits knowingly making false statements, including knowingly submitting false information during the Resolution Process
- Detail on how the party may request disability accommodations during the Resolution Process
- A link to South Plains College’s VAWA Brochure [What to do About Sexual Violence](#)
- The name(s) of the Investigator(s), along with a process to identify, in advance of the interview process, to the Title IX Coordinator any conflict of interest that the Investigator(s) may have
- An instruction to preserve any evidence that is directly related to the allegations

Amendments and updates to the NOIA may be made as the investigation progresses and more information becomes available regarding the addition or dismissal of various charges.

Notice will be made in writing and may be delivered by one or more of the following methods: in person or emailed to the parties’ SPC-issued email or designated accounts. Once emailed and/or received in-person, notice will be presumptively delivered. A text message will be sent asking the person to look at email regarding an important message. Mail notice will only be used if an email is returned as invalid or the person cannot be reached or is non-responsive.

10. Resolution Timeline

South Plains College will make a good faith effort to complete the Resolution Process within a sixty to ninety (60-90) business day time period, including appeal, which can be extended as necessary for appropriate cause by the Title IX Coordinator (for Complaints involving students) or the Human Resource Director (for Complaints involving only employees), who will provide notice and rationale for any extensions or delays to the parties as appropriate, as well as an estimate of how much additional time will be needed to complete the process.

11. Appointment of Investigators

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

12. Ensuring Impartiality

Any individual materially involved in the administration of the Resolution Process [including the Title IX Coordinator, Human Resource Director, Investigator(s), and Decision-maker(s)] may neither have nor demonstrate a conflict of interest or bias for a party generally, or for a specific Complainant or Respondent.

The Title IX Coordinator (for Complaints involving students) or the Human Resource Director (for Complaints involving only employees) will vet the assigned Investigator(s) to ensure impartiality by ensuring there are no actual or apparent conflicts of interest or disqualifying biases. At any time during the Resolution Process, the parties may raise a concern regarding bias or conflict of interest, and the Title IX Coordinator or Human Resource Director will determine whether the concern is reasonable and supportable. If so, another Pool member will be assigned and the impact of bias or conflict, if any, will be remedied. If the source of the conflict of interest or bias is the Title IX Coordinator or the Human Resource Director, concerns should be raised with the South Plains College President.

The Formal Grievance Process involves an objective evaluation of all relevant evidence obtained, including evidence that supports that the Respondent engaged in a policy violation and evidence that supports that the Respondent did not engage in a policy violation. Credibility determinations may not be based solely on an individual's status or participation as a Complainant, Respondent, or witness.

South Plains College operates with the presumption that the Respondent is not responsible for the reported misconduct unless and until the Respondent is determined to be responsible for a policy violation by the applicable standard of proof.

13. Investigation Timeline

Investigations are completed expeditiously, normally within sixty (60) business days, though some investigations may take many weeks or even months, depending on the nature, extent, and complexity of the allegations, availability of witnesses, law enforcement involvement, etc.

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

14. Investigation Process Delays and Interactions with Law Enforcement

South Plains College may undertake a short delay in its investigation (several days to a few weeks) if circumstances require. Such circumstances include but are not limited to a request from law enforcement to temporarily delay the investigation, the need for language assistance, the absence of parties and/or witnesses, and/or health conditions.

South Plains College will communicate the anticipated duration of the delay and reason to the parties and provide the parties in writing with status updates if necessary. South Plains College will promptly resume its investigation and Resolution Process as soon as feasible. During such a delay, SPC will implement supportive measures as deemed appropriate.

SPC action(s) or processes 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.

15. Investigation Process Steps

All investigations are thorough, reliable, impartial, prompt, and fair. Investigations involve interviews with all available 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 expert witnesses, and to fully review and respond to all evidence on the record. Recordings of interviews are not provided to the parties, but the parties will have the ability to review the summary of the interview as part of the investigation report once the report is compiled.

At the discretion of the Title IX Coordinator or Human Resources Director, investigations can be combined when complaints implicate a pattern, collusion, and/or other shared or similar actions.

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

- Determine the identity and contact information of the Complainant
- Identify all policies implicated by the alleged misconduct and notify the Complainant and Respondent of all the specific policies implicated
- Assist the Title IX Coordinator or Human Resource Director with conducting a prompt initial assessment to determine if the complaint indicates a potential policy violation
- Commence a thorough, reliable, and impartial investigation by identifying issues and developing a strategic investigation plan, including a witness list, evidence list, intended investigation timeframe, and order of interviews for the parties and the witnesses
- Meet with the Complainant to finalize their interview/statement, if necessary
- Prepare the initial Notice of Investigation and Allegations (NOIA). The NOIA may be amended with any additional or dismissed allegations
 - Notice should inform the parties of their right to have the assistance of a Case Advisor, who could be a member of the Pool or a Case Advisor of their choosing present for all meetings attended by the party

- Provide each interviewed party and witness an opportunity to review and verify the Investigator's summary notes (or transcript) of the relevant evidence/testimony from their respective interviews and meetings
- Make good faith efforts to notify each party of any meeting or interview involving another party, in advance when possible
- When participation of a party is expected, provide that party with written notice of the date, time, and location of the meeting, as well as the expected participants and purpose
- Interview all available, relevant witnesses and conduct follow-up interviews as necessary
- Allow each party the opportunity to suggest witnesses and questions they wish the Investigator(s) to ask of another party and/or witnesses, and document in the report which questions were asked, with a rationale for any changes or omissions
- 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, provide the parties and their respective Case Advisors (if so desired by the parties) with a list of witnesses whose information will be used to render a finding
- Write a comprehensive investigation report fully summarizing the investigation, all witness interviews, and addressing all relevant evidence. Appendices including relevant physical or documentary evidence will be included
- Gather, assess, and synthesize evidence, but make no conclusions, engage in no policy analysis, and render no recommendations as part of their report
- Prior to the conclusion of the investigation, provide the parties and their respective Case Advisors (if so desired by the parties) a secured electronic or hard copy of the draft investigation report as well as an opportunity to inspect and review all of the evidence obtained as part of the investigation that is directly related to the reported misconduct, including evidence upon which South Plains College does not intend to rely in reaching a determination, for a ten (10) business day review and comment period so that each party may meaningfully respond to the evidence. The parties may elect to waive the full ten (10) days. Each copy of the materials shared will be watermarked on each page with the role of the person receiving it (e.g., Complainant, Respondent, Complainant's Case Advisor, Respondent's Case Advisor).
- Elect to respond in writing in the investigation report to the parties' submitted responses and/or to share the responses between the parties for additional responses
- Incorporate relevant elements of the parties' written responses into the final investigation report, include any additional relevant evidence, make any necessary revisions, and finalize the report. The Investigator(s) should document all rationales for any changes made after the review and comment period
- Share the report with the Title IX Coordinator or the Human Resource Director and/or legal counsel for their review and feedback
- Incorporate any relevant feedback and share the final report with all parties and their Case Advisors through secure electronic transmission or hard copy at least ten (10) business days prior to a hearing. The parties and Case Advisors are also provided with a file of any directly related evidence that was not included in the report

16. Witness Role and Participation in the Investigation

Witnesses (as distinguished from the parties) who are employees of South Plains College are expected to cooperate with and participate in the College's investigation and Resolution Process. Student witnesses and witnesses from outside the SPC community are encouraged to cooperate with investigations and share what they know about a complaint.

Although in-person interviews for parties and all potential witnesses are ideal, circumstances (e.g., study abroad, summer break) may require individuals to be interviewed remotely. Skype, Zoom, FaceTime, MS Teams, Blackboard Collaborate or similar technologies may be used for interviews if the Investigator(s) determines that timeliness or efficiency dictates a need for remote interviewing. South Plains College will take appropriate steps to reasonably ensure the security/privacy of remote interviews.

Witnesses may also provide written statements in lieu of interviews or choose to respond to written questions, if deemed appropriate by the Investigator(s), though not preferred.

17. Interview Recording

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

18. Evidentiary Considerations

Neither the investigation nor the hearing will consider:

- (1) incidents not relevant or not directly related to the possible violation(s), unless they evidence a pattern; or
- (2) questions and evidence about the Complainant’s sexual predisposition; or
- (3) questions and evidence about the Complainant’s prior sexual behavior, unless such questions and evidence about the Complainant’s prior sexual behavior are offered to prove that someone other than the Respondent committed the conduct alleged by the Complainant, or if the questions and evidence concern specific incidents of the Complainant’s prior sexual behavior with respect to the Respondent and are offered to prove consent.

Within the boundaries stated above, the investigation and the hearing can consider character evidence generally, if offered, but that evidence is unlikely to be relevant unless it is fact evidence or relates to a pattern of conduct.

19. Referral for Hearing

Provided that the complaint is not resolved through Informal Resolution, once the final investigation report is shared with the parties, the Title IX Coordinator (for Complaints involving students) or the Human Resource Director (for Complaints involving only students) will refer the matter for a hearing.

The hearing cannot be less than ten (10) business days from the conclusion of the investigation –when the final investigation report is transmitted to the parties and the Decision-maker(s) –unless all parties and the Decision-maker(s) agree to an expedited timeline.

The Title IX Coordinator or Human Resources Director will select an appropriate Decision-maker(s) from the Pool and provide a copy of the investigation report and the file of directly related evidence. Allegations involving student-employees in the context of their employment will be directed to the appropriate Decision-maker depending on the context and nature of the alleged misconduct.

20. Hearing Decision-maker Composition

South Plains College will designate a single Decision-maker or a three-member panel from the Pool, at the discretion of the Title IX Coordinator (for Complaints involving students) or the Human Resources Director (for Complaints involving only employees). The single Decision-maker will also Chair the hearing. With a panel, one of the three members will be appointed as Chair by the Title IX Coordinator or the Human Resources Director.

The Decision-maker(s) will not have had any previous involvement with the complaint. The Title IX Coordinator or Human Resources Director may elect to have an alternate from the Pool sit in throughout the hearing process if a substitute is needed for any reason.

Those who have served as Investigators will be witnesses in the hearing and therefore may not serve as Decision-makers. Those who are serving as Case Advisors for any party may not serve as Decision-makers in that matter.

The Title IX Coordinator or Human Resources Director may not serve as a Decision-maker or Chair in the matter but may serve as an administrative facilitator of the hearing if their previous role(s) in the matter does not create a conflict of interest. Otherwise, a designee may fulfill the facilitator role. The hearing will be convened at a time and venue determined by the Title IX Coordinator or Human Resources Director or designee.

21. Additional Evidentiary Considerations in the Hearing

Previous disciplinary action of any kind involving the Respondent may not be used unless there is an allegation of a pattern of misconduct. Such information may also be considered in determining an appropriate sanction upon a determination of responsibility, assuming the Recipient uses a progressive discipline system. This information is only considered at the sanction stage of the process and is not shared until then.

The parties may each submit a written impact and/or mitigation statement prior to the hearing for the consideration of the Decision-maker(s) at the sanction stage of the process when a determination of responsibility is reached.

After post-hearing deliberation, the Decision-maker(s) renders a determination based on the preponderance of the evidence; whether it is more likely than not that the Respondent violated the Policy as alleged.

22. Hearing Notice

No less than ten (10) business days prior to the hearing, the Title IX Coordinator, Human Resources Director or the Chair will send notice of the hearing to the parties. Once emailed, and/or received in-person, notice will be presumptively delivered.

The notice will contain:

- A 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.
- The time, date, and location of the hearing.

- Description of any technology that will be used to facilitate the hearing.
- Information about the option for the live hearing to occur with the parties located in separate rooms using technology that enables the Decision-maker(s) and parties to see and hear a party or witness answering questions. Such a request must be made with the Title IX Coordinator or Human Resources Director as soon as possible, preferably at least five (5) business days prior to the hearing.
- A list of all those who will attend the hearing, along with an invitation to object to any Decision-maker(s) based on demonstrated bias or conflict of interest. This must be raised with the Title IX Coordinator or the Human Resources Director at least two (2) business days prior to the hearing.
- Information on how the hearing will be recorded and how the parties can access the recording after the hearing.
- A statement that if any party or witness does not appear at the scheduled hearing, the hearing may be held in their absence. For compelling reasons, the Chair may reschedule the hearing.
- Notification that the parties may have the assistance of a Case Advisor of their choosing at the hearing and will be required to have one present for any questions they may desire to ask. The party must notify the Title IX Coordinator or Human Resources Director if they wish to conduct questioning and do not have a Case Advisor, and South Plains College will appoint one. Each party must have a Case Advisor present if they intend to question others. There are no exceptions.
- A copy of all the materials provided to the Decision-maker(s) about the matter, unless they have already been provided.¹⁰
- An invitation to each party to submit to the Chair an impact and or mitigation statement pre-hearing that the Decision-maker will review during any sanction determination.
- An invitation to contact the Title IX Coordinator or Human Resources Director to arrange any disability accommodation, language assistance, and/or interpretation services that may be needed at the hearing, at least seven (7) business days prior to the hearing.
- Whether parties can/cannot bring mobile phones/devices into the hearing.

Hearings for possible violations that occur near or after the end of an academic term (assuming the Respondent is still subject to this Policy) and are unable to be resolved prior to the end of term will typically be held immediately after the end of the term or during the summer, as needed, to meet the resolution timeline followed by South Plains College and remain within the 60-90 business day goal for resolution. Employees who do not have 12-month contracts are still expected to participate in Resolution Proceedings that occur during months between contracts.

In these cases, if the Respondent is a graduating student, a hold may be placed on graduation and/or official transcripts until the matter is fully resolved (including any appeal). A student facing charges under this Policy is not in good standing to graduate.

23. Alternative Hearing Participation Options

If a party or parties prefer not to attend or cannot attend the hearing in person, the party should request alternative arrangements from the Title IX Coordinator, the Human Resources Director or the Chair as soon as possible, preferably at least five (5) business days prior to the hearing.

The Title IX Coordinator, Human Resources Director or the Chair can arrange to use technology to allow remote testimony without compromising the fairness of the hearing. Remote options may also be needed for witnesses who cannot appear in person. Any witness who cannot attend in person should let the Title IX

¹⁰ The final investigation report may be shared using electronic means that preclude downloading, forwarding, or otherwise sharing.

Coordinator, Human Resources Director or the Chair know as soon as possible, at least five (5) business days prior to the hearing so that appropriate arrangements can be made.

24. Pre-Hearing Preparation

The Chair or hearing facilitator after any necessary consultation with the parties, Investigator(s) and/or Title IX Coordinator or Human Resources Director, will provide the names of persons who have been asked to participate in the hearing, all pertinent documentary evidence, and the final investigation report to the parties at least ten (10) business days prior to the hearing.

Any witness scheduled to participate in the hearing must have been first interviewed by the Investigator(s) or have proffered a written statement or answered written questions, unless all parties and the Chair assent to the witness's participation in the hearing. The same holds for any relevant evidence that is first offered at the hearing. If the parties and Chair do not assent to the admission of evidence newly offered at the hearing, the Chair may delay the hearing and/or instruct that the investigation needs to be re-opened to consider that evidence.¹¹

The parties will be given a list of the names of the Decision-maker(s) at least five (5) business days in advance of the hearing. All objections to any Decision-maker must be raised in writing, detailing the rationale for the objection, and must be submitted to the Title IX Coordinator or Human Resources Director as soon as possible and no later than two (2) business days prior to the hearing. Decision-makers will only be removed if the Title IX Coordinator or Human Resources Director concludes that their actual or perceived bias or conflict of interest precludes an impartial hearing of the complaint.

The Title IX Coordinator or Human Resources Director will give the Decision-maker(s) a list of the names of all parties, witnesses, and Case Advisors at least five (5) business days in advance of the hearing. Any Decision-maker who cannot make an objective determination must recuse themselves from the proceedings when notified of the identity of the parties, witnesses, and Case Advisors in advance of the hearing. If a Decision-maker is unsure of whether a bias or conflict of interest exists, they must raise the concern to the Title IX Coordinator or Human Resources Director as soon as possible.

During the ten (10) business day period prior to the hearing, the parties have the opportunity for continued review and comment on the final investigation report and available evidence. That review and comment can be shared with the Chair at the pre-hearing meeting or at the hearing and will be exchanged between each party by the Chair.

25. Pre-Hearing Meetings

The Chair may convene a pre-hearing meeting(s) with the parties and/or their Case Advisors to invite them to submit the questions or topics they (the parties and/or their Case Advisors)¹² wish to ask or discuss at the hearing, so that the Chair can rule on their relevance ahead of time to avoid any improper evidentiary introduction in the hearing or provide recommendations for more appropriate phrasing.

¹¹ 34 C.F.R. § 668.46(k)(3)(B)(3) requires “timely and equal access to the accuser, the accused, and appropriate officials to any information that will be used during informal and formal disciplinary meetings and hearings.”

¹² Pre-hearing meetings with the parties must include the Case Advisor. However, the meeting can be held with just the Case Advisor and the Chair.

However, this advance review opportunity does not preclude the Case Advisors from asking a question for the first time at the hearing or from asking for a reconsideration on a pre-hearing ruling by the chair based on any new information or testimony offered at the hearing. The Chair must document and share with each party their rationale for any exclusion or inclusion at a pre-hearing meeting.

The Chair, **only** with full agreement of the parties, may decide in advance of the hearing that certain witnesses do not need to be present if their testimony can be adequately summarized by the Investigator(s) in the investigation report or during the hearing.

At each pre-hearing meeting with a party and/or their Case Advisor, the Chair will consider arguments that evidence identified in the final investigation report as relevant is, in fact, not relevant. Similarly, evidence identified as directly related but not relevant by the Investigator(s) may be argued to be relevant. The Chair may rule on these arguments pre-hearing and will exchange those rulings between the parties prior to the hearing to assist in preparation for the hearing. The Chair may consult with legal counsel and/or the Title IX Coordinator or ask either or both to attend pre-hearing meetings.

The pre-hearing meeting(s) will not be recorded. The pre-hearing meetings may be conducted as separate meetings with each party/Case Advisor, with all parties/Case Advisors present at the same time, remotely, or as a written-only exchange. The Chair will work with the parties to establish the format.

26. Hearing Procedures

At the hearing, the Decision-maker(s) have the authority to hear and make determinations on all allegations of discrimination, harassment, and/or retaliation and may also hear and make determinations on any additional alleged policy violations that have occurred in concert with the discrimination, harassment, and/or retaliation, even though those collateral allegations may not specifically fall within the Equal Opportunity, Harassment, and Nondiscrimination Policy.

Participants at the hearing will include the Chair, any additional panelists, the hearing facilitator, the Investigator(s) who conducted the investigation, the parties (or three (3) organizational representatives when an organization is the Respondent) Case Advisors to the parties, any called witnesses, and anyone providing authorized accommodations or assistive services.

The Chair will answer all questions about procedure. Anyone appearing at the hearing to provide information will respond to questions on their own behalf.

The Chair will allow witnesses who have relevant information to appear at a portion of the hearing to respond to specific questions from the Decision-maker(s) and the parties and the witnesses will then be excused. The investigator(s) will remain present for the duration of the hearing.

27. Joint Hearings

In hearings involving more than one Respondent and/or in which more than one Complainants who has accused the same individual of substantially similar conduct, the default procedure will be to hear the allegations jointly.

However, the Title IX Coordinator or Human Resources Director may permit the investigation and/or hearings pertinent to each Respondent or complaint to be conducted separately if there is a compelling reason to do so. In joint hearings, separate determinations of responsibility will be made for each Respondent and/or for each complaint with respect to each alleged policy violation.

28. The Order of the Hearing – Introductions and Explanation of Procedure

The Chair explains the procedures and introduces the participants. This may include a final opportunity for challenge or recusal of the Decision-maker(s) based on bias or conflict of interest. The Chair will rule on any such challenge unless the Chair is the individual who is the subject of the challenge, in which case the Title IX Coordinator will review the challenge and decide.

The Chair then conducts the hearing according to the hearing script. At the hearing, recording, witness logistics, party logistics, curation of documents, separation of the parties, and other administrative elements of the hearing process are managed by a non-voting hearing facilitator appointed by the Title IX Coordinator. If not conflicted out by previous involvement, the Title IX Coordinator may serve as the hearing facilitator/case manager

The hearing facilitator may attend to: logistics of rooms for various parties/witnesses as they wait; flow of parties/witnesses in and out of the hearing space; ensuring recording and/or virtual conferencing technology is working as intended; copying and distributing materials to participants, as appropriate, etc.

29. Investigator Presentation of Final Investigation Report

The Investigator(s) will present a summary of the final investigation report, including items that are contested and those that are not, and will be subject to questioning by the Decision-maker(s) and the parties (through their Case Advisors). The Investigator(s) will be present during the entire hearing process, but not during deliberations.

Neither the parties nor the Decision-maker(s) should ask the Investigator(s) their opinions on credibility, recommended findings, or determinations, and the Investigators, Case Advisors, and parties will refrain from discussion of or questions for Investigator(s) about these assessments. If such information is introduced, the Chair will direct that it be disregarded.

30. Testimony and Questioning

Once the Investigator(s) present their report(s) and respond(s) to questions, the parties and witnesses may provide relevant information in turn, beginning with the Complainant, and then in the order determined by the Chair. The parties/witnesses will submit to questioning by the Decision-maker(s) and then by the parties through their Case Advisors.

All questions are subject to relevance determination by the Chair. The Case Advisor, who will remain seated during questioning, will pose the proposed question orally, electronically, or in writing (orally is the default, but other means of submission may be permitted by the Chair upon request if agreed to by all parties and the Chair), the proceeding will pause to allow the Chair to consider the question (and state it if it has not been stated aloud), and the Chair will determine whether the question will be permitted, disallowed, or rephrased.

The Chair may invite explanations or persuasive statements regarding relevance with the Case Advisors, if the Chair chooses. The Chair will then state their decision on the question for the record and advise the party/witness to whom the question was directed, accordingly. The Chair will explain any decision to exclude a question as not relevant, or to reframe it for relevance.

The Chair will limit or disallow questions on the basis that they are irrelevant, unduly repetitious (and thus irrelevant), or abusive. The Chair has final say on all questions and determinations of relevance. The Chair may consult with legal counsel on any questions of admissibility. The Chair may ask Case Advisors to frame why a question is or is not relevant from their perspective but will not entertain argument from the Advisors on relevance once the Chair has ruled on a question.

If the parties raise an issue of bias or conflict of interest of an Investigator or Decision-maker at the hearing, the Chair may elect to address those issues, consult with legal counsel, and/or refer them to the Title IX Coordinator or Human Resource Director, and/or preserve them for appeal. If bias is not in issue at the hearing, the Chair should not permit irrelevant questions that probe for bias.

31. Refusal to Submit to Questioning; Inferences

Any party or witness may choose not to offer evidence and/or answer questions at the hearing, either because they do not attend the hearing, or because they attend but refuse to participate in some or all questioning. The Decision-maker(s) can only rely on whatever relevant evidence is available through the investigation and hearing in making the ultimate determination of responsibility. The Decision-maker(s) may not draw any inference solely from a party's or witness's absence from the hearing or refusal to submit to questioning or answer other questions.

A Case Advisor may not be called as a witness at a hearing to testify to what their advisee has told them during their role as a Case Advisor unless the party being advised consents to that information being shared. It is otherwise considered off-limits, and a Case Advisor who is an institutional employee is temporarily alleviated from mandated reporter responsibilities related to their interaction with their advisee during the Resolution Process.

32. Hearing Recordings

Hearings (but not deliberations) are recorded by South Plains College for purposes of review in the event of an appeal. The parties may not record the proceedings, and no other unauthorized recordings are permitted.

The Decision-maker(s), the parties, their Case Advisors, and appropriate administrators of South Plains College will be permitted to review the recording upon request to the Title IX Coordinator or Human Resources Director. No person will be given or be allowed to make a copy of the recording without permission of the Title IX Coordinator or Human Resources Director.

33. Deliberation, Decision-making, and Standard of Proof

The Decision-maker(s) will deliberate in closed session to determine whether the Respondent is responsible for the policy violation(s) in question. If a panel is used, a simple majority vote is required to determine the finding. The preponderance of the evidence standard of proof is used. The hearing facilitator may be invited to attend the deliberation by the Chair, but is there only to facilitate procedurally, not to address the substance of the allegations.

When there is a finding of responsibility on one or more of the allegations, the Decision-maker(s) may then consider the previously submitted party impact and/or mitigation statement(s) in determining appropriate sanction(s). The Chair will ensure that each of the parties has an opportunity to review any submitted impact and/or mitigation statement(s) once they are submitted. The Decision-maker(s) may – at their discretion – consider the statements, but they are not binding.

The Decision-maker(s) will also review any pertinent conduct history provided by appropriate by the appropriate administrator and will recommend the appropriate sanction(s) in consultation with other appropriate administrators, as required.

The Chair will then prepare a written statement detailing all findings and the final determinations, the rational(s) explaining the decision(s), the evidence used in support of the determination(s), the evidence not relied upon in the determination(s), any credibility assessments, and any sanction(s) or recommendation(s) and rationales explaining the sanction(s) and will deliver the statement to the Title IX Coordinator or Human Resources Director.

This statement is typically three to five (3-5) pages in length and must be submitted to the Title IX Coordinator or Human Resources Director within two (2) business days of the end of deliberations, unless the Title IX Coordinator or Human Resources Director grants an extension. If an extension is granted, the Title IX Coordinator or Human Resources Director will notify the parties.

34. Notice of Outcome

Using the deliberation statement, the Title IX Coordinator or Human Resources Director will work with the Chair to prepare a Notice of Outcome. The Title IX Coordinator or Human Resources Director will then share the letter, which includes the final determination, rationale, and any applicable sanction(s) with the parties and their Case Advisors within five (5) business days of receiving the deliberation statement.

The Notice of Outcome will then be shared with the parties simultaneously. Notification will be made in writing and may be delivered by one or more of the following methods: in person or emailed to the parties' SPC-issued email or otherwise approved account. Once emailed, and/or received in-person, notice will be presumptively delivered.

The Notice of Outcome will articulate the specific alleged policy violations, including the relevant policy section(s), and will contain a description of the procedural steps taken by South Plains College from the receipt of the misconduct report to the determination, including any and all notifications to the parties, interviews with parties and witnesses, site visits, methods used to obtain evidence, and hearings held.

The Notice of Outcome will specify the finding for each alleged policy violation; the findings of fact that support the determination; conclusions regarding the application of the relevant policy to the facts at issue; a statement of, and rationale for, the result of each allegation to the extent South Plains College is permitted to share such information under state or federal law; any sanction(s) issued which the College is permitted to share according to state or federal law; and any remedies provided to the Complainant designed to ensure access to the College's educational or employment program or activity, to the extent the College is permitted to share such information under state or federal law (this detail is not typically shared with the Respondent unless the remedy directly relates to the Respondent).

The Notice of Outcome will also include information on when the results are considered final by South Plains College, any changes to the outcomes and/or sanction(s) that occur prior to finalization, and the relevant procedures and bases for appeal.

35. Rights of the Parties [\(see Appendix C\)](#)

36. Sanctions

Factors considered when determining a sanction/responsive action may include, but are not limited to:

- The nature, severity of, and circumstances surrounding the violation(s)
- The Respondent's previous allegations or allegations involving similar conduct and disciplinary history
- The need for sanctions/responsive actions to bring an end to 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 Decision-maker(s)

The sanctions will be implemented as soon as is feasible, either upon the outcome of any appeal or the expiration of the window to appeal without an appeal being requested.

The sanctions described in this Policy are not exclusive of, and may be in addition to, other actions taken or sanctions imposed by external authorities.

If it is later determined that a party or witness intentionally provided false or misleading information, that action could be grounds for re-opening a grievance process at any time, and/or referring that information to another process for resolution.

A. Student Sanctions

The following are the usual sanctions that may be imposed upon students or organizations 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 student's 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 cases 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 Sanctions

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 Recipient 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 Recipient 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 Recipient-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 the Recipient.
- 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 Recipient privileges for a specified period.
- Other Actions: In addition to or in place of the above sanctions, South Plains 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:

- Verbal or Written Warning
- 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.

37. Withdrawal or Resignation Before Complaint Resolution

A. Students:¹³

If a student has an allegation pending for violation of this policy, South Plains College may place a hold on a student's ability to graduate and/or to receive an official transcript/diploma. A notation may be placed on the transcript indicating "Pending Disciplinary Charges – MM/DD/YYYY."

Should a Respondent decide not participate in the Resolution Process, the process proceeds absent their participation to a reasonable resolution. Should a student Respondent permanently withdraw or graduate from South Plains College, during the pendency of the resolution process South Plains College will continue its process until a Decision-maker reaches a final determination on responsibility. SPC will not issue a transcript to the Respondent until it reaches a final determination on responsibility. The disciplinary process may be expedited as necessary to accommodate both the Respondent and Complainant's interest in a speedy resolution. On request by another postsecondary educational institution, the Recipient shall provide the requesting institution information relating to a determination by the Recipient that a student enrolled at the institution violated the institution's code of conduct by committing sexual harassment, sexual assault, dating violence, or stalking.

Regardless of whether the complaint is dismissed or pursued to completion of the Resolution Process, South Plains College will continue to address and remedy any systemic issues, variables that may have contributed to the alleged violation(s), and any ongoing effects of the alleged harassment, discrimination, and/or retaliation. The student who withdraws or leaves while the process is pending may not return to South Plains College until discussion with the Title IX Coordinator has occurred. Such exclusion applies to all campuses of SPC. A hold will be placed on their ability to be readmitted until released by the Title IX Coordinator or designee. They may also be barred from SPC property and/or events.

If the student Respondent only withdraws or takes a leave for a specified period (e.g., one semester or term), the resolution process may continue remotely, and that student is not permitted to return to SPC unless and until all sanctions have been satisfied.

B. Employees:

Should an employee Respondent resign with unresolved allegations pending, the Resolution Process typically ends with dismissal, as South Plains College has lost primary disciplinary jurisdiction over the resigned employee. Regardless of whether the complaint is dismissed or pursued to completion of the Resolution Process, the College will continue to address and remedy any systemic issues or concerns that contributed to the alleged violation(s), and any ongoing effects of the alleged harassment, discrimination, and/or retaliation.

The employee who resigns with unresolved allegations pending is not eligible for rehire with South Plains College, and the records retained by the Title IX Coordinator and Human Resource Director will reflect that status.

All SPC responses to future inquiries regarding employment references for that individual include only

¹³ Texas Education Code Chapter 51, Subchapter E-3, Section 51.287

the name, title(s), dates of service, and eligibility for rehire.

38. Appeals

Any party may submit a written request for appeal ("Request for Appeal") to the Title IX Coordinator (for Complaints involving students) or Human Resource Director (for Complaints involving only employees) within five (5) business days of the delivery of the Notice of Outcome.

The Title IX Coordinator or the Human Resource Director will act as the sole decision (Appeal Chair) maker for all appeals. The Title IX Coordinator or Human Resource Director must not have been involved in the process of previous hearings or decisions. If this is not possible, a Decision-maker will be determined from the Pool who has not been involved in the Complaint previously.

The Request for Appeal will be forwarded to the Title IX Coordinator or the Human Resources Director for consideration to determine if the request meets the grounds for appeal (a Review for Standing).

This review is not a review of the merits of the appeal, but solely a determination as to whether the request meets the grounds and is timely filed.

A. Grounds for Appeal

Appeals are limited to the following grounds:

- 1) A procedural irregularity affected the outcome of the matter
- 2) New evidence that was not reasonably available at the time the determination regarding responsibility or dismissal was made, that could affect the outcome of the matter
- 3) The Title IX Coordinator, Human Resources Director, Investigator(s), or Decision-maker(s) had a conflict of interest or bias for or against Complainants or Respondents generally or the specific Complainant or Respondent that affected the outcome of the matter

If any of the grounds in the Request for Appeal do not meet the grounds in this Policy, that request will be denied by the Appeal Chair, and the parties and their Case Advisors will be notified in writing of the denial and the rationale.

If any of the grounds in the Request for Appeal meet the grounds in this Policy, then the Appeal Chair will notify all parties and their Case Advisors, the Title IX Coordinator or Human Resources Director, and, when appropriate, the Investigator(s) and/or the original Decision-maker(s).

All other parties and their Case Advisors, the Title IX Coordinator or Director of Human Resources, and, when appropriate, the Investigator(s) and/or the original Decision-maker(s) will be emailed and/or provided a hard copy of the request with the approved grounds and then be given five (5) business days to submit a response to the portion of the appeal that was approved and involves them. All responses will be forwarded by the Appeal Chair to all parties for review and comment.

The non-appealing party (if any) may also choose to appeal at this time. If so, that will be reviewed to determine if it meets the grounds in this Policy by the Appeal Chair and either denied or approved. If approved, it will be forwarded to the party who initially requested an appeal, Title IX Coordinator or Human Resources Director, and the Investigator(s) and/or original Decision-maker(s), as necessary, who will submit their responses in five (5) business days. Any such responses will be circulated for review and comment by all parties. If not approved, the parties will be notified accordingly in writing.

Neither party may submit any new requests for appeal after this period. The Appeal Chair will collect any additional information needed and all documentation regarding the approved grounds and the subsequent responses and the Appeal Chair will render a decision within no more than three (3) business days, barring exigent circumstances. All decisions apply the preponderance of the evidence standard.

A Notice of Appeal Outcome will be sent to all parties simultaneously. The Notice of Appeal Outcome will specify the finding on each ground for appeal, any specific instructions for remand or reconsideration, any sanction(s) that may result which South Plains College is permitted to share according to state or federal law, and the rationale supporting the essential findings to the extent South Plains College is permitted to share under state or federal law.

Notification will be made in writing and may be delivered by one or more of the following methods: in person or emailed to the parties' SPC-issued email or otherwise approved account. Once emailed and/or received in-person, notice will be presumptively delivered.

B. Sanctions Status During the Appeal

Any sanction(s) imposed as a result of the hearing are stayed (i.e., not implemented) during the appeal process. Supportive measures may be reinstated, subject to the same supportive measure procedures above.

If any of the sanctions are to be implemented immediately post-hearing, but pre-appeal, then the emergency removal procedures (detailed above) for a show cause meeting on the justification for doing so must be permitted within 48 hours of implementation.

The College may still place holds on official transcripts, diplomas, graduations, and course registration pending the outcome of an appeal when the original sanctions included separation.

C. Appeal Considerations

- Appeals are not intended to provide for a full re-hearing (de novo) of the allegation(s). In most cases, appeals are confined to a review of the written documentation or record of the original hearing and pertinent documentation regarding the specific grounds for appeal.
- Decisions on appeal 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 a compelling justification to do so.
- An appeal is not an opportunity for Appeal Decision-makers to substitute their judgment for that of the original Decision-maker(s) merely because they disagree with the finding and/or sanction(s).
- The Appeal Chair/Decision-maker(s) may consult with the Title IX Coordinator or Human Resources Director and/or legal counsel on questions of procedure or rationale, for clarification, if needed. Documentation of all such consultation will be maintained.
- Appeals granted should normally be remanded (or partially remanded) to the original Investigator(s) and/or Decision-maker(s) for reconsideration.
- Once an appeal is decided, the outcome is final: further appeals are not permitted, even if a decision or sanction is changed on remand (except in the case of a new hearing). When appeals result in no change to the finding(s) or sanction(s), that decision is final. When an appeal results in a new finding(s) or sanction(s), those finding(s) or sanction(s) can be appealed one final time on the grounds listed above and in accordance with these procedures.
- In rare cases where an error cannot be cured by the original Investigator(s) and/or Decision-maker(s) or the Title IX Coordinator or Human Resources Director (as in cases of bias), the Appeal Chair/Decision-maker(s) may order a new investigation and/or a new hearing with a new Pool members serving in the Investigator and Decision-maker(s) roles.
- The results of a new hearing can be appealed, once, on any of the three available appeal

grounds.

- In cases in that result in 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.

39. Long-Term Remedies/Other Actions

Following the conclusion of the Resolution Process, and in addition to any sanctions implemented, the Title IX Coordinator or Human Resources Director may implement additional long-term remedies or actions with respect to the parties and/or the college community that are intended to stop the harassment, discrimination, and/or retaliation, remedy the effects, and prevent reoccurrence.

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

- Student referral to Health and Wellness services
- Employee referral to the Employee Assistance Program
- Education to the individual and/or the community
- Permanent alteration of student housing assignments
- Permanent alteration of work arrangements for employees
- Provision of campus safety escorts
- Climate surveys
- Policy modification and/or training
- 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, certain long-term support or measures may also be provided to the parties even if no policy violation is found.

When no policy violation is found, the Title IX Coordinator or Human Resources Director will address any remedies by South Plains College to ensure no effective denial of educational or employment access.

South Plains College will maintain the confidentiality of any long-term remedies/actions/measures, provided confidentiality does not impair the College's ability to provide these services.

40. Failure to Comply with Sanctions and/or Interim and Long-term Remedies and/or Responsive Actions

All Respondents are expected to comply with the assigned sanctions, responsive actions, and/or corrective actions within the timeframe specified by the final Decision-maker(s) (including the Appeal Chair/Decision-maker(s)).

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)/action(s), including suspension, expulsion, and/or termination from South Plains College and may be noted on a student's official transcript or in an employee's personnel file. Supervisors are expected to enforce completion of sanctions/responsive actions for their employees.

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

the Human Resources Director.

41. Recordkeeping

South Plains College will maintain for a period of at least seven years following the conclusion of the Resolution Process records of:

- 1) Each sexual harassment investigation including any determination regarding responsibility and any audio or audiovisual recording or transcript required under federal regulation
- 2) Any disciplinary sanctions imposed on the Respondent
- 3) Any remedies provided to the Complainant designed to restore or preserve equal access to South Plains College's education program or activity
- 4) Any appeal and the result therefrom
- 5) Any Informal Resolution and the result therefrom
- 6) All materials used to train Title IX Coordinators, Investigators, Decision-makers, and any person who facilitates an Informal Resolution process. South Plains College will make these training materials publicly available on SPC's website.
- 7) Any actions, including any supportive measures, taken in response to a report or Formal Complaint of sexual harassment, including:
 - a. The basis for all conclusions that the response was not deliberately indifferent
 - b. Any measures designed to restore or preserve equal access to the College's education program or activity
 - c. If no supportive measures were provided to the Complainant, document the reasons why such a response was not clearly unreasonable in light of the known circumstances

SPC will also maintain any and all records in accordance with state and federal laws.

42. 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 College's Resolution Process.

Anyone needing such accommodation or support should contact the Coordinator of Disability Services (students) or the Human Resources Director (employees), who will review the request and, in consultation with the person requesting the accommodation and the Title IX Coordinator, determine which accommodations are appropriate and necessary for full participation in the process.

APPENDIX A: Prohibited Conduct Examples (Title IX)

Examples of Possible Title IX Sexual Harassment

- A professor offers for a student to have sex or go on a date with them in exchange for a good grade. This constitutes sexual harassment regardless of whether the student agrees to the request and irrespective of whether a good grade is promised or a bad grade is threatened.
- A student repeatedly sends graphic, sexually oriented jokes and to hundreds of other students via social media. Many don't find it funny and ask them to stop, but they do not. Because of these jokes, one student avoids the sender on campus and in the residence hall in which they both live, eventually asking to move to a different building and dropping a class they had together.
- A professor engages students in class in discussions about the students' past sexual experiences, yet the conversations are not in any way germane to the subject matter of the class. The professor inquires about explicit details and demands that students answer them, though the students are clearly uncomfortable and hesitant.
- An ex-partner widely spreads false stories about their sex life with their former partner to the clear discomfort and frustration of the former partner, turning the former partner into a social pariah on campus.
- Chris has recently transitioned from male to nonbinary but primarily expresses as a female. Since their transition, Chris has noticed that their African Studies professor, Dr. Mukembo, pays them a lot more attention. Chris is sexually attracted to Professor Mukembo and believes the attraction is mutual. Chris decides to act on the attraction. One day, Chris visits Dr. Mukembo during office hours, and after a long conversation about being nonbinary, Chris kisses Dr. Mukembo. Dr. Mukembo is taken aback, stops the kiss, and tells Chris not to do that. Dr. Mukembo explains to Chris that they are not sexually or romantically interested in Chris. Chris takes it hard, crying to Dr. Mukembo about how hard it is to find someone who is interested in them now based on their gender identity. Dr. Mukembo feels sorry for Chris and softens the blow by telling them that no matter whether they like Chris or not, faculty-student relationships are prohibited by the university. Chris takes this as encouragement. One night, Chris goes to a gay bar some distance from campus and sees Dr. Mukembo at the bar. Chris tries to buy Dr. Mukembo a drink and, again, tries to kiss Dr. Mukembo. Dr. Mukembo leaves the bar abruptly. The next day, Chris makes several online posts that out Dr. Mukembo as gay and raise questions about whether they are sexually involved with students. Dr. Mukembo contacts the Title IX Office and alleges that Chris is sexually harassing him.

Examples of Stalking

- Students A and B were "friends with benefits." Student A wanted a more serious relationship, which caused student B to end the relationship. Student A could not let go, and relentlessly pursued student B. Student B obtained a campus no-contact order. Subsequently, Student B discovered their social media accounts were being accessed, and things were being posted and messaged as if they were from them, but they were not. Whoever accessed their account posted a picture of a penis, making it look as if they had sent out a picture of themselves, though it was not their penis. This caused them considerable embarrassment and social anxiety. They changed their passwords, only to have it happen again. Seeking help from the Title IX Coordinator, Student B met with the IT department, which discovered an app on their phone and a keystroke recorder on their laptop, both of which were being used to transmit their data to a third party.

- A graduate student working as an on-campus tutor received flowers and gifts delivered to their office. After learning the gifts were from a student they recently tutored, the graduate student thanked the student and stated that it was not necessary and would appreciate it if the gift deliveries stopped. The student then started leaving notes of love and gratitude on the tutor's car, both on campus and at home. Asked again to stop, the student stated by email, "You can ask me to stop, but I'm not giving up. We are meant to be together, and I'll do anything to make you have the feelings for me that I have for you." When the tutor did not respond, the student emailed again, "You cannot escape me. I will track you to the ends of the earth. If I can't have you, no one will."

Examples of Sexual Assault:

- Amanda and Bill meet at a party. They spend the evening dancing and getting to know each other. Bill convinces Amanda to come up to his room. From 11:00 p.m. until 3:00 a.m., Bill uses every line he can think of to convince Amanda to have sex with him, but she adamantly refuses. Despite her clear communications that she is not interested in doing anything sexual with him, Bill keeps at her, questions her religious convictions, and accuses her of being "a prude." He brings up several rumors that he has heard about how she performed oral sex on several other guys. Finally, it seems to Bill that her resolve is weakening, and he convinces her to "jerk him off" (hand to genital contact). Amanda would never have done it but for Bill's incessant coercion.
- Jiang is a junior. Beth is a sophomore. Jiang comes to Beth's residence hall room with some mutual friends to watch a movie. Jiang and Beth, who have never met before, are attracted to each other. After the movie, everyone leaves, and Jiang and Beth are alone. They hit it off, soon become more intimate, and start to make out. Jiang verbally expresses his desire to have sex with Beth. Beth, who was abused by a babysitter at the age of five and avoids sexual relations as a result, is shocked at how quickly things are progressing. As Jiang takes her by the wrist over to the bed, lays her down, undresses, and begins to have intercourse with Beth, Beth has a severe flashback to her childhood trauma. She wants to tell Jiang to stop but cannot. Beth is stiff and unresponsive during the intercourse.
- Kevin and John are at a party. Kevin is not sure how much John has been drinking, but he is pretty sure it's a lot. After the party, he walks John to his apartment, and John comes on to Kevin, initiating sexual activity. Kevin asks John if he is really up to this, and John says yes. They remove each other's clothes, and they end up in John's bed. Suddenly, John runs for the bathroom. When he returns, his face is pale, and Kevin thinks he may have thrown up. John gets back into bed, and they begin to have sexual intercourse. Kevin is having a good time, though he can't help but notice that John seems pretty groggy and passive, and he thinks John may have even passed out briefly during sex, but he came to again. When Kevin runs into John the next day, he thanks him for the great night. John remembers nothing and decides to make a report to the Dean.

Examples of Retaliation:

- A student-athlete alleges sexual harassment by a coach; the coach subsequently cuts the student-athlete's playing time without a legitimate justification.
- A faculty member alleges gender inequity in pay within her department; the Department Chair then revokes approval for her to attend a national conference, citing the faculty member's tendency to "ruffle feathers."
- A student from Organization A participates in a sexual harassment investigation as a witness whose testimony is damaging to the Respondent, who is also a member of Organization A; the student is subsequently removed as a member of Organization A because of their participation in the investigation.

APPENDIX B: 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 (here after 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 parties 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 C: Statement of Rights of the Parties

Rights of the Parties Under South Plains College Policy DIAA (Local) and FFDA (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 this 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 student's 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 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 based on 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 D: 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,¹⁴ The Structured Interview for Violence Risk Assessment (SIVRA-35),¹⁵ Violence Risk Assessment of the Written Word (VRAWW)¹⁶, Workplace Assessment of Violence Risk (WAVR-21),¹⁹ Historical Clinical Risk Management (HCR-20),²⁰ and MOSAIC.²¹

¹⁴ www.nabita.org/tools

¹⁵ www.nabita.org/resources/assessment-tools/sivra-35/

¹⁶ www.nabita.org/resources/vraww/

¹⁹ www.wavr21.com

²⁰ hcr-20.com

²¹ 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.