



TITLE IX POLICY AND PROCEDURE

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NON-DISCRIMINATION AND ANTI-HARASSMENT POLICY

I. Policy Statement

Spartan College (“the College”) is committed to providing a learning, working, and living environment that promotes personal integrity, civility, and mutual respect in an environment free of discrimination on the basis of sex. The College considers sex discrimination in all its forms to be a serious offense. Sex discrimination constitutes a violation of this policy, is unacceptable, and will not be tolerated.

Sexual harassment (as defined below), whether verbal, physical, or visual is inconsistent with the expectations of the College and may constitute a form of sex discrimination prohibited by this policy. Sexual harassment also includes Sexual Violence/Assault (as defined below). Examples of specific conduct that constitutes Sexual Harassment and Sexual Violence/Assault are set forth below.

II. Title IX Statement

It is the policy of the College to comply with Title IX of the Education Amendments of 1972 and its implementing regulations, which prohibit discrimination based on sex in the College’s educational programs and activities. Title IX and its implementing regulations also prohibit retaliation for asserting claims of sex discrimination. The College has designated the following Title IX Coordinator for the entire College system to coordinate its compliance with Title IX and to receive inquiries regarding Title IX, including complaints of sex discrimination:

Dr. Kate Osio-Gipson, Chief Compliance Officer or Cassie White, Human Resources Director
14131 Midway Road, Suite 630, Addison, Texas 75001
(918) 831-5238 or Kate.Osio@Spartan.edu (918) 831-5215 or Cassie.White@Spartan.edu

The College has designated the following deputy Title IX Coordinators to coordinate Title IX compliance at specific campuses and to receive inquiries regarding Title IX, including complaints of sex discrimination, for the specified campuses:

Spartan Inland Empire	Spartan Los Angeles	Spartan Tulsa Main/North	Spartan Tulsa Flight	Spartan Denver Campus
Richard Crawford	Melani Schultz	Jodi Elston	Jodi Elston	Keisha Sosias
Director, Campus	Director, Business Office	HR Generalist	HR Generalist	HR Generalist
4130 Mennes Ave., Bldg #36	8911 Aviation Boulevard	8820 E. Pine Street	8820 E. Pine Street	10851 West 120th Avenue
Riverside, CA 92509	Inglewood, CA 90301	Tulsa, OK 74115	Tulsa, OK 74115	Broomfield, CO 80021
(951) 228-9928	(310) 579-9411	(918) 831-5233	(918) 831-5233	(303) 410-2428
rich.crawford@spartan.edu	melani.schultz@spartan.edu	jodi.elston@spartan.edu	jodi.elston@spartan.edu	keisha.sosias@spartan.edu

The College encourages students, faculty, staff and third parties to file complaints of sex discrimination with the Title IX Coordinator.

A person may also file a complaint of sex discrimination with the United States Department of Education's Office for Civil Rights regarding an alleged violation of Title IX by visiting www2.ed.gov/about/offices/list/ocr/complaintintro.html or by calling 1-800-421-3481.

III. **Sexual Harassment**

A. **Definition of Sexual Harassment**

Sexual advances, requests for sexual favors, and other verbal, physical, or visual conduct of a sexual nature constitute sexual harassment when:

- Submission to such conduct is made or threatened to be made, either explicitly or implicitly, a term or condition of an individual's employment or education
- Submission to or rejection of such conduct by an individual is used or threatened to be used as the basis for academic or employment decisions affecting that individual, or
- Such conduct has the purpose or effect of substantially interfering with an individual's academic or professional performance or creating what a reasonable person would perceive as an intimidating, hostile, or offensive employment, education, or living environment

B. **Examples of Sexual Harassment**

Some examples of sexual harassment include:

- Pressure for a dating, romantic, or intimate relationship
- Unwelcome touching, kissing, hugging, or massaging
- Pressure for sexual activity
- Unnecessary references to parts of the body
- Sexual innuendos or sexual humor
- Obscene gestures
- Sexual graffiti, pictures, or posters
- Sexually explicit profanity
- Asking about, or telling about, sexual fantasies
- E-mail and Internet use that violates this policy
- Sexual violence/assault (as defined below)

Further examples of sexual harassment may be found in the Frequently Asked Questions (see page 18 below).

C. Sexual Violence/Assault

i. The Definition of Sexual Violence/Assault

Sexual violence/assault is a form of prohibited sexual harassment. Sexual violence/assault includes physical sexual acts perpetrated against a person's will or where a person is incapable of giving consent because of his or her temporary or permanent mental or physical incapacity or because of his or her youth.

ii. Examples of Sexual Violence/Assault

Some examples of sexual violence/assault include:

- Sexual intercourse (anal, oral, or vaginal) by a man or woman upon a man or woman without consent
- Unwilling sexual penetration (anal, vaginal, or oral) with any object or body part that is committed by force, threat, or intimidation
- Sexual touching with an object or body part, by a man or woman upon a man or woman, without consent
- Sexual touching with an object or body part, by a man or woman upon a man or woman, committed by force, threat, or intimidation
- Prostituting another student
- Non-consensual video or audio-taping of sexual activity
- Knowingly transmitting a sexually transmitted disease to another

Further examples of sexual violence may be found in the Frequently Asked Questions (see page 18 below).

Definition of Consent

Lack of consent is a critical factor in determining whether sexual violence/assault has occurred. Consent is informed, freely given, and mutually understood. Consent requires an affirmative act or statement by each participant. Consent is not passive.

- If coercion, intimidation, threats, and/or physical force are used, there is no consent.
- If a person is mentally or physically incapacitated or impaired by alcohol or drugs such that the person cannot understand the fact, nature, or extent of the sexual situation, there is no consent.
- If a person is asleep or unconscious, there is no consent.
- Consent to one form of sexual activity does not imply consent to other forms of sexual activity.
- Consent can be withdrawn. A person who initially consents to sexual activity is deemed not to have consented to any sexual activity that occurs after he or she withdraws consent.

Domestic Violence, Dating Violence, and Stalking

The crimes of domestic violence, dating violence, and stalking can also constitute sexual harassment when motivated by a person's sex. These crimes, no matter the motivation behind them, are a violation of this policy.

"Domestic violence" includes felony or misdemeanor crimes of violence committed by a current or former spouse or intimate partner of a victim, by a person with whom the victim shares a child in common, by a person who is cohabitating with or has cohabitated with the victim as a spouse or intimate partner, by a person similarly situated to a spouse or the victim under the domestic or family violence laws of the jurisdiction [...], or by any other person against an adult or youth victim who is protected from that person's acts under the domestic or family violence laws of the jurisdiction.

- For state law definitions covering domestic violence see:
 - California Penal Code § 13700
 - Colorado Revised Statutes § 18-6-800.3
 - Oklahoma Code § 644
 - Texas Statutes § 22.01

"Dating violence" means violence committed by a person:

(A) who is or has been in a social relationship of a romantic or intimate nature with the victim; and

(B) where the existence of such a relationship shall be determined based on a consideration of the following factors:

(i) The length of the relationship.

(ii) The type of relationship.

(iii) The frequency of interaction between the persons involved in the relationship.

- For state law definitions covering dating violence see:
 - California Penal Code § 13700
 - Colorado Revised Statutes § 18-6-800.3
 - Oklahoma Code 22 § 60.1
 - Texas Statutes § 71.002

"Stalking" means engaging in a course of conduct directed at a specific person that would cause a reasonable person to:

(A) fear for his or her safety or the safety of others; or

(B) suffer substantial emotional distress.

- For state law definitions of stalking see:
 - California Penal Code § 646.9
 - Colorado Revised Statutes §§ 18-3-601 and 18-3-602
 - Oklahoma Code § 1173
 - Texas Statutes § 42.072

Other state law definitions can be found at www.victimsofcrime.org/our-programs/stalking-resource-center/stalking-laws/criminal-stalking-laws-by-state

IV. Roles and Responsibilities

A. Title IX Coordinator

It is the responsibility of the Title IX Coordinator to coordinate dissemination of information and education and training programs to: (1) assist members of the College community in understanding that sex discrimination and sexual harassment are prohibited by this policy; (2) ensure that investigators are trained to respond to and investigate complaints of sex discrimination and sexual harassment; and (3) ensure that faculty, staff, and students are aware of the procedures for reporting and addressing complaints of sex discrimination and sexual harassment. The appropriate deputy Title IX Coordinator is also responsible for implementing the Complaint Resolution Procedures for the campus to which the complaint pertains (see page 24 below).

B. Directors of Education, Deans, Department Chairs, and Managers

It is the responsibility of deans, department chairs, and managers (i.e., those that formally supervise other employees) to:

- Inform employees under their direction or supervision of this policy
- Notify the Title IX Coordinator or appropriate deputy Title IX Coordinator for their campus promptly if they receive reports, witness, or otherwise learn of complaints of sex discrimination and sexual harassment
- Implement any corrective actions that are imposed as a result of findings of a violation of this policy

C. Employees

It is the responsibility of all employees to review this policy and comply with it.

D. Students

It is the responsibility of all students to review this policy and comply with it.

E. The College

When the College is aware that a member of the College community may have been subjected to or affected by conduct that violates this policy, the College will take prompt action, including a review of the matter and, if necessary, an investigation and appropriate steps to stop and remedy the sex discrimination or sexual harassment. The College will act in accordance with its Complaint Resolution Procedures (see page 24 below).

V. Complaints

A. Making a Complaint

i. Employees and Staff

All College employees and staff have a duty to report sex discrimination and sexual harassment to the Title IX Coordinator or appropriate deputy Title IX Coordinator for their campus.

ii. Students and Other Persons

Students who wish to report sex discrimination or sexual harassment should file a complaint with the Title IX Coordinator or appropriate deputy Title IX Coordinator for their campus. Students and other persons may also file a complaint with the United States Department of Education's Office for Civil Rights, as set forth in Section II above.

iii. Content of the Complaint

So that the College has sufficient information to investigate a complaint, the complaint should include: (1) the date(s) and time(s) of the alleged conduct; (2) the names of all person(s) involved in the alleged conduct, including possible witnesses; (3) all details outlining what happened; and (4) contact information for the complainant so that the College may follow up appropriately.

A complainant will be given a copy of the document titled "Explanation of Rights and Options After Filing a Complaint Under the Title IX: Non-Discrimination and Anti-Harassment Policy."

iv. Conduct that Constitutes a Crime

Any person who wishes to make a complaint of sex discrimination or sexual harassment that also constitutes a crime—including sexual violence/assault, domestic violence, dating violence, or stalking—is encouraged to make a complaint to local law enforcement. If requested, the College will assist the complainant in notifying the appropriate law enforcement authorities. A victim may decline to notify such authorities.

v. Special Guidance Concerning Complaints of Sexual Violence/Assault, Domestic Violence, Dating Violence, and Stalking

If you are the victim of sexual violence/assault, domestic violence, dating violence, or stalking, do not blame yourself. These crimes are never the victim's fault. The College recommends that you immediately go to the emergency room of a local hospital and contact local law enforcement, in addition to making a prompt complaint under this policy.

If you are the victim of sexual violence/assault, domestic violence, or dating violence, do everything possible to preserve evidence by making certain that the crime scene is not disturbed. Preservation of evidence may be necessary for proof of the crime or in obtaining a protection order. Victims of sexual violence/assault, domestic violence, or dating violence should not bathe, urinate, douche, brush teeth, or drink liquids until after they are examined and, if necessary, a rape examination is completed. Clothes should not be changed. When necessary, seek immediate medical attention at an area hospital and take a full change of clothing, including shoes, for use after a medical examination.

It is also important to take steps to preserve evidence in cases of stalking, to the extent such evidence exists. In cases of stalking, evidence is more likely to be in the form of letters, emails, text messages, etc. rather than evidence of physical contact and violence.

Once a complaint of sexual violence/assault, domestic violence, dating violence, or stalking is made, the complainant has several options such as, but not limited to:

- contacting parents or a relative
- seeking legal advice
- seeking personal counseling (always recommended)
- pursuing legal action against the perpetrator
- pursuing disciplinary action
- requesting no further action be taken

vi. Protecting the Complainant

Pending final outcome of an investigation, the College will take steps to protect the complainant from any further harassment or retaliation. This may include assisting and allowing the complainant to change his or her academic, transportation, work, or living situation if options to do so are reasonably available. Such changes may be available regardless of whether the victim chooses to report the crime to campus police or local law enforcement.

If a complainant has obtained a temporary restraining order or other no contact order against the alleged perpetrator from a criminal, civil, or tribal court, the complainant should provide such information to the Title IX Coordinator or appropriate deputy Title IX Coordinator for their campus. The College will take all reasonable and legal action to implement the order.

B. Timing

The College encourages persons to make complaints of sex discrimination and sexual harassment as soon as possible because late reporting may limit the College's ability to investigate and respond to the conduct complained of.

C. Investigation and Confidentiality

All complaints of sex discrimination and sexual harassment will be promptly and thoroughly investigated in accordance with the Complaint Resolution Procedures (see page XX below). The College will make reasonable and appropriate efforts to preserve an individual's privacy and protect the confidentiality of information when investigating and resolving a complaint. However, because of laws relating to reporting and other state and federal laws, the College cannot guarantee confidentiality to those who make complaints.

In the event a complainant requests confidentiality or asks that a complaint not be investigated, the College will take all reasonable steps to investigate and respond to the complaint consistent with the request for confidentiality or request not to pursue an investigation. If a complainant insists that his or her name not be disclosed to the alleged perpetrator, the College's ability to respond may be limited. The College reserves the right to initiate an investigation despite a complainant's request for confidentiality in limited circumstances involving serious or repeated conduct or where the alleged perpetrator may pose a continuing threat to the College community.

D. Resolution

If a complaint of sex discrimination or sexual harassment is found to be substantiated, the College will take appropriate corrective action. Students, faculty, and staff found to be in violation of this policy will be subject to discipline up to and including termination, expulsion, or other appropriate institutional sanctions; affiliates and program participants may be removed from the College programs and/or prevented from returning to campus. Remedial steps may also include counseling for the complainant, academic, transportation, work, or living accommodations for the complainant, separation of the parties, and training for the respondent and other persons.

E. Bad Faith Complaints

While the College encourages all good faith complaints of sex discrimination and sexual harassment, the College has the responsibility to balance the rights of all parties. Therefore, if the College's investigation reveals that a complaint was knowingly false, the complaint will be dismissed and the person who filed the knowingly false complaint may be subject to discipline.

VI. Retaliation

It is a violation of this policy to retaliate against any person for making a good faith complaint of sex discrimination or sexual harassment and/or cooperating in the investigation of (including testifying as a witness to) such complaint.

VII. Vendors, Contractors, and Third Parties

This policy and the Complaint Resolution Procedures (see page 21 below) apply to the conduct of vendors, contractors, and third parties. If a member of the College community believes that he or she has been subjected to sex discrimination or sexual

harassment by a vendor, contractor, or third party, the person should make a complaint in the manner set forth in Section V above. The College will respond to the complaint as appropriate, given the nature of its relationship to the vendor, contractor, or third party.

VIII. Academic Freedom

While the College is committed to the principles of free inquiry and free expression, sex discrimination and sexual harassment are neither legally protected expression nor the proper exercise of academic freedom.

IX. Education

Because the College recognizes that the prevention of sex discrimination, sexual harassment, sexual violence/assault, domestic violence, dating violence, and stalking is important, it offers educational programming to a variety of groups such as: campus personnel; incoming students and new employees participating in orientation; and members of student organizations. Among other elements, such training will cover relevant definitions, procedures, and sanctions; will provide safe and positive options for bystander intervention and will provide risk reduction information, including recognizing warning signs of abusive behavior and how to avoid potential attacks. To learn more about education resources, please contact the Title IX Coordinator or appropriate deputy Title IX Coordinator for your campus.

CATALOG LANGUAGE

NON-DISCRIMINATION AND ANTI-HARASSMENT POLICY

The College is committed to providing a learning, working, and living environment that promotes personal integrity, civility, and mutual respect in an environment free of discrimination on the basis of sex. The college considers sex discrimination in all its forms to be a serious offense. Sex discrimination constitutes a violation of this policy, is unacceptable, and will not be tolerated.

Sexual harassment, whether verbal, physical, or visual, is inconsistent with the expectations of the college and may constitute a form of sex discrimination prohibited by this policy. Sexual harassment also includes sexual violence/assault. Examples of specific conduct that constitutes sexual harassment and sexual violence/assault are set forth below.

It is the policy of The College to comply with Title IX of the Education Amendments of 1972 and its implementing regulations, which prohibit discrimination based on sex in the college’s educational programs and activities. Title IX and its implementing regulations also prohibit retaliation for asserting claims of sex discrimination. The college has designated the following Title IX coordinator for the entire college system to coordinate its compliance with Title IX and to receive inquiries regarding Title IX, including complaints of sex discrimination:

Dr. Kate Osio-Gipson, Chief Compliance Officer or Cassie White, Human Resources Director
14131 Midway Road, Suite 630, Addison, Texas 75001
(918) 831-5238 or Kate.Osio@Spartan.edu (918) 831-5215 or Cassie.White@Spartan.edu

The College has designated the director of campus operations as the deputy Title IX coordinator to coordinate Title IX compliance and to receive inquiries regarding Title IX, including complaints of sex discrimination:

Spartan Inland Empire	Spartan Los Angeles	Spartan Tulsa Main/North	Spartan Tulsa Flight
Richard Crawford	Melani Schultz	Jodi Elston	Jodi Elston
Director, Campus	Director, Business Office	HR Generalist	HR Generalist
4130 Mennes Ave., Bldg #36	8911 Aviation Boulevard	8820 E. Pine Street	8820 E. Pine Street
Riverside, CA 92509	Inglewood, CA 90301	Tulsa, OK 74115	Tulsa, OK 74115
(951) 228-9928	(310) 579-9411	(918) 831-5233	(918) 831-5233
rich.crawford@ spartan.edu	melani.schultz@ spartan.edu	jodi.elston@ spartan.edu	jodi.elston@ spartan.edu

The College encourages students, faculty, staff and third parties to file complaints of sex discrimination with the Title IX Coordinator.

A person may also file a complaint of sex discrimination with the United States Department of Education’s Office for Civil Rights regarding an alleged violation of Title IX by visiting www2.ed.gov/about/offices/list/ocr/complaintintro.html or by calling 1-800-421-3481.

SEXUAL HARASSMENT

Sexual advances, requests for sexual favors, and other verbal, physical, or visual conduct of a sexual nature constitute sexual harassment when:

1. Submission to such conduct is made or threatened to be made, either explicitly or implicitly, a term or condition of an individual's employment or education
 2. Submission to or rejection of such conduct by an individual is used or threatened to be used as the basis for academic or employment decisions affecting that individual, or
 3. Such conduct has the purpose or effect of substantially interfering with an individual's academic or professional performance or creating what a reasonable person would perceive as an intimidating, hostile, or offensive employment, education, or living environment
- Examples of Sexual Harassment

Some examples of sexual harassment include:

1. Pressure for a dating, romantic, or intimate relationship
2. Unwelcome touching, kissing, hugging, or massaging
3. Pressure for sexual activity
4. Unnecessary references to parts of the body
5. Sexual innuendos or sexual humor
6. Obscene gestures
7. Sexual graffiti, pictures, or posters
8. Sexually explicit profanity
9. Asking about, or telling about, sexual fantasies
10. E-mail and Internet use that violates this policy
11. Sexual violence/assault (as defined below)

Further examples of sexual harassment may be found in the Frequently Asked Questions section of the college website at www.Spartan.edu or www2.ed.gov/about/offices/list/ocr/docs/shguide.html

SEXUAL VIOLENCE/ASSAULT

Sexual violence/assault is a form of prohibited sexual harassment. Sexual violence/assault includes physical sexual acts perpetrated against a person's will or where a person is incapable of giving consent because of his/her temporary or permanent mental or physical incapacity or because of his/her youth.

Some examples of sexual violence/assault include:

1. Sexual intercourse (anal, oral, or vaginal) by a man or woman upon a man or woman without consent
2. Unwilling sexual penetration (anal, vaginal, or oral) with any object or body part that is committed by force, threat, or intimidation
3. Sexual touching with an object or body part, by a man or woman upon a man or woman, without consent
4. Sexual touching with an object or body part, by a man or woman upon a man or woman, committed by force, threat, or intimidation
5. Prostituting another student
6. Non-consensual video or audio-taping of sexual activity
7. Knowingly transmitting a sexually transmitted disease to another

Further examples of sexual violence may be found in the Frequently Asked Questions section of the college website at www.Spartan.edu or www2.ed.gov/about/offices/list/ocr/docs/title-ix-rights-201104.html

Definition of Consent

Lack of consent is a critical factor in determining whether sexual violence/assault has occurred. Consent is informed, freely given, and mutually understood. Consent requires an affirmative act or statement by each participant. Consent is not passive.

1. If coercion, intimidation, threats, and/or physical force are used, there is no consent.

2. If a person is mentally or physically incapacitated or impaired by alcohol or drugs such that the person cannot understand the fact, nature, or extent of the sexual situation, there is no consent.
3. If a person is asleep or unconscious, there is no consent.
4. Consent to one form of sexual activity does not imply consent to other forms of sexual activity.
5. Consent can be withdrawn. A person who initially consents to sexual activity is deemed not to have consented to any sexual activity that occurs after he or she withdraws consent.

Domestic Violence, Dating Violence, and Stalking

The crimes of domestic violence, dating violence, and stalking can also constitute sexual harassment when motivated by a person's sex. These crimes, no matter the motivation behind them, are a violation of this policy.

Stalking course of conduct: Two or more acts, including, but not limited to, acts in which the stalker directly, indirectly, or through third parties, by any action, method, device, or means, follows, monitors, observes, surveils, threatens, or communicates to or about a person, or interferes with a person's property.

"Domestic violence" includes felony or misdemeanor crimes of violence committed by a current or former spouse or intimate partner of a victim, by a person with whom the victim shares a child in common, by a person who is cohabitating with or has cohabitated with the victim as a spouse or intimate partner, by a person similarly situated to a spouse or the victim under the domestic or family violence laws of the jurisdiction [...], or by any other person against an adult or youth victim who is protected from that person's acts under the domestic or family violence laws of the jurisdiction.

For state law definitions covering domestic violence see:

1. California Penal Code § 13700
2. Colorado Revised Statutes § 18-6-800.3
3. Oklahoma § 644
4. Texas § 22.01

"Dating violence" means violence committed by a person:

1. Who is or has been in a social relationship of a romantic or intimate nature with the victim; and
2. Where the existence of such a relationship shall be determined based on a consideration of the following factors:
 - A. The length of the relationship
 - B. The type of relationship
 - C. The frequency of interaction between the persons involved in the relationship

For state law definitions covering dating violence see:

1. California Penal Code § 13700
2. Colorado Revised Statutes § 18-6-800.3
3. Oklahoma 22 § 60.1
4. Texas § 71.002

"Stalking" means engaging in a course of conduct directed at a specific person that would cause a reasonable person to:

- A. Fear for his or her safety or the safety of others; or
- B. Suffer substantial emotional distress

For state law definitions of stalking see:

1. California Penal Code § 646.9
2. Colorado Revised Statutes §§ 18-3-601 and 18-3-602
3. Oklahoma § 1173
4. Texas § 42.072

Other state law definitions can be found at www.victimsofcrime.org/our-programs/stalking-resource-center/stalking-laws/criminal-stalking-laws-by-state

ROLES AND RESPONSIBILITIES

It is the responsibility of the Title IX coordinator to coordinate dissemination of information and education and training programs to:

1. Assist members of the college community in understanding that sex discrimination and sexual harassment are prohibited by this policy
2. Ensure that investigators are trained to respond to and investigate complaints of sex discrimination and sexual harassment
3. Ensure that faculty, staff, and students are aware of the procedures for reporting and addressing complaints of sex discrimination and sexual harassment

The appropriate deputy Title IX coordinator is also responsible for implementing the complaint resolution procedures for the campus to which the complaint pertains.

It is the responsibility of deans, department chairs, and managers (i.e., those that formally supervise other employees) to:

1. Inform employees under their direction or supervision of this policy
2. Notify the Title IX coordinator or appropriate deputy
3. Title IX coordinator for their campus promptly if they receive reports, witness, or otherwise learn of complaints of sex discrimination and sexual harassment
4. Implement any corrective actions that are imposed as a result of findings of a violation of this policy

It is the responsibility of all employees and all students to review this policy and comply with it.

When the college is aware that a member of the college community may have been subjected to or affected by conduct that violates this policy, the college will take prompt action, including a review of the matter and, if necessary, an investigation and appropriate steps to stop and remedy the sex discrimination or sexual harassment. The college will act in accordance with its complaint resolution procedures.

COMPLAINTS

Making a Complaint

All employees and staff have a duty to report sex discrimination and sexual harassment to the Title IX coordinator or appropriate deputy Title IX coordinator for their campus. Students who wish to report sex discrimination or sexual harassment should file a complaint with the Title IX coordinator or appropriate deputy Title IX coordinator for their campus. Students and other persons may also file a complaint with the U.S. Department of Education's Office for Civil Rights, as set forth in Section II above.

Content of the Complaint

So that the college has sufficient information to investigate a complaint, the complaint should include the following information:

1. The date(s) and time(s) of the alleged conduct
2. The names of all person(s) involved in the alleged conduct, including possible witnesses
3. All details outlining what happened
4. Contact information for the complainant so that the college may follow up appropriately

A complainant will be given a copy of the document titled Explanation of Rights and Options After Filing a Complaint Under the Title IX: Non-Discrimination and Anti-Harassment Policy.

CONDUCT THAT CONSTITUTES A CRIME

Any person who wishes to make a complaint of sex discrimination or sexual harassment that also constitutes a crime — including sexual violence/assault, domestic violence, dating violence, or stalking — is encouraged to make a complaint to local law enforcement. If requested, the College will assist the complainant in notifying the appropriate law enforcement authorities. A victim may decline to notify such authorities.

If you are the victim of sexual violence/assault, domestic violence, dating violence, or stalking, do not blame yourself. These crimes are never the victim's fault. The College recommends that you immediately go to the emergency room of a local hospital and contact local law enforcement, in addition to making a prompt complaint under this policy.

If you are the victim of sexual violence/assault, domestic violence, or dating violence, do everything possible to preserve evidence by making certain that the crime scene is not disturbed. Preservation of evidence may be necessary for proof of the crime or in obtaining a protection order. Victims of sexual violence/assault, domestic violence, or dating violence should not bathe, urinate, douche, brush teeth, or drink liquids until after they are examined and, if necessary, a rape examination is completed. Clothes should not be changed. When necessary, seek immediate medical attention at an area hospital and take a full change of clothing, including shoes, for use after a medical examination.

It is also important to take steps to preserve evidence in cases of stalking, to the extent such evidence exists. In cases of stalking, evidence is more likely to be in the form of letters, emails, text messages, etc. rather than evidence of physical contact and violence.

Once a complaint of sexual violence/assault, domestic violence, dating violence, or stalking is made, the complainant has several options such as, but not limited to:

1. Contacting parents or a relative
2. Seeking legal advice
3. Seeking personal counseling (always recommended)
4. Pursuing legal action against the perpetrator
5. Pursuing disciplinary action
6. Requesting that no further action be taken

PROTECTING THE COMPLAINANT

Pending final outcome of an investigation, the college will take steps to protect the complainant from any further harassment or retaliation. This may include assisting and allowing the complainant to change his/her academic, transportation, work, or living situation if options to do so are reasonably available. Such changes may be available regardless of whether the victim chooses to report the crime to campus police or local law enforcement.

If a complainant has obtained a temporary restraining order or other no contact order against the alleged perpetrator from a criminal, civil, or tribal court, the complainant should provide such information to the Title IX coordinator or appropriate deputy Title IX coordinator for his/her campus. The college will take all reasonable and legal action to implement the order.

The college encourages persons to make complaints of sex discrimination and sexual harassment as soon as possible because late reporting may limit the college's ability to investigate and respond to the conduct complained of.

All complaints of sex discrimination and sexual harassment will be promptly and thoroughly investigated in accordance with the complaint resolution procedures. The college will make reasonable and appropriate efforts to preserve an individual's privacy and protect the confidentiality of information when investigating and resolving a complaint. However, because of laws relating to reporting and other state and federal laws, the college cannot guarantee confidentiality to those who make complaints.

In the event a complainant requests confidentiality or asks that a complaint not be investigated, the college will take all reasonable steps to investigate and respond to the complaint consistent with the request for confidentiality or request not to pursue an investigation. If a complainant insists that his or her name not be disclosed to the alleged perpetrator, the college's ability to respond may be limited. The college reserves the right to initiate an investigation despite a complainant's request for confidentiality in limited circumstances involving serious or repeated conduct or where the alleged perpetrator may pose a continuing threat to the college community.

If a complaint of sex discrimination or sexual harassment is found to be substantiated, the college will take appropriate corrective action. Students, faculty, and staff found to be in violation of this policy will be subject to discipline up to and including termination, expulsion, or other appropriate institutional sanctions; affiliates and program participants may be removed from the college programs and/or prevented from returning to campus. Remedial steps may also include counseling for the complainant, academic, transportation, work, or living accommodations for the complainant, separation of the parties, and training for the respondent and other persons.

While the college encourages all good faith complaints of sex discrimination and sexual harassment, the college has the responsibility to balance the rights of all parties. Therefore, if the college's investigation reveals that a complaint was knowingly false, the complaint will be dismissed and the person who filed the knowingly false complaint may be subject to discipline. It is a violation of this policy to retaliate against any person for making a good faith complaint of sex discrimination or sexual harassment and/or cooperating in the investigation of (including testifying as a witness to) such complaint.

This policy and the complaint resolution procedures apply to the conduct of vendors, contractors, and third parties. If a member of the college community believes that he/she has been subjected to sex discrimination or sexual harassment by a vendor, contractor, or third party, the person should make a complaint in the manner set forth in Section V above. The college will respond to the complaint as appropriate, given the nature of its relationship to the vendor, contractor, or third party.

While the college is committed to the principles of free inquiry and free expression, sex discrimination and sexual harassment are neither legally protected expression nor the proper exercise of academic freedom.

FREQUENTLY ASKED QUESTIONS

1. What are some additional examples of sexual harassment?
2. What should I do if I have been sexually harassed?
3. What are some additional examples of sexual violence/assault?
4. What constitutes “consent” for purposes of sexual violence/assault?
5. What should I do if I am a victim of sexual violence/assault, domestic violence, dating violence, or stalking?
6. Can I make a complaint of sexual violence/assault against my boyfriend or girlfriend?
7. What should I do if I am sexually harassed by someone who is not a College student or employee?
8. What should I do if I am sexually harassed by a student but we are off campus?
9. What should I do if I observe sex discrimination or sexual harassment, but it is not directed at me?
10. What is the role of the Title IX Coordinator?
11. If I make a complaint of sex discrimination or sexual harassment, will it be treated confidentially?
12. Who is typically involved in investigating a complaint of sex discrimination or sexual harassment?
13. What are the possible outcomes of an investigation into a complaint?
14. May I have a support person with me in the investigation process?
15. What should I do if I am retaliated against for making a complaint of sex discrimination or sexual harassment?
16. How does the College handle false allegations of sex discrimination and sexual harassment?

1. What are some additional examples of sexual harassment?

Sexual harassment is a form of prohibited sex discrimination. The College's policies protect men and women equally from sexual harassment, including harassment by members of the same sex. Staff, faculty, and students are protected from sexual harassment by any other staff, faculty, student, or contractor. Examples of kinds of conduct that constitute sexual harassment include, but are not limited to, the following:

- Engaging in unwelcome sexual advances
- Leering or staring at someone in a sexual way, such as staring at a person's breasts or groin
- Sending sexually explicit emails or text messages
- Telling unwelcome, sexually explicit jokes
- Displaying sexually suggestive or lewd photographs, videos, or graffiti
- Making unwelcome and unwanted physical contact, such as rubbing, touching, pinching, or patting
- Making unwelcome and suggestive sounds, such as "cat calls" or whistling
- Commenting on a person's dress in a sexual manner
- Making sexual gestures
- Repeatedly asking someone for a date after the person has expressed disinterest
- Giving unwelcome personal gifts, such as flowers, chocolates, or lingerie, that suggest the desire for a romantic relationship
- Telling another person of one's sexual fantasies, sexual preferences, or sexual activities
- Commenting on a person's body, gender, sexual relationships, or sexual activities
- Using sexually explicit profanity

2. What should I do if I have been sexually harassed?

The College encourages you to report sexual harassment as soon as possible. Ignoring sexual harassment does not make it go away. And delayed reporting may limit the College's ability to investigate and remedy the sexual harassment.

If you are a student, you may report sexual harassment to the Title IX Coordinator or appropriate deputy Title IX Coordinator for your campus. If you are the victim of sexual harassment that constitutes a crime, the College encourages you to also file a complaint with local law enforcement and to press charges.

You always have the option to directly confront the person who is harassing you. Sometimes, individuals are not aware that their behavior is offensive and quickly apologize and change their behavior once it is brought to their attention. However, you are not required or expected to confront your harasser prior to filing a complaint.

3. What are some additional examples of sexual violence/assault?

Sexual violence/assault is a form of prohibited sexual harassment. Sexual violence/assault includes physical sexual acts perpetrated against a person's will or where a person is incapable of giving consent due to use of drugs and/or alcohol or to an intellectual or other disability. Examples of kinds of conduct that constitute sexual violence/assault include, but are not limited to, the following:

- The use of force or coercion to effect sexual intercourse or some other form of sexual contact with a person who has not given consent
- Having sexual intercourse with a person who is unconscious because of drug or alcohol use
- Hazing that involves penetrating a person's vagina or anus with an object
- Use of a "date rape drug" to effect sexual intercourse or some other form of sexual contact with a person
- One partner in a romantic relationship forcing the other to have sexual intercourse without the partner's consent
- Exceeding the scope of consent by engaging in a different form of sexual activity than a person has consented to
- Groping a person's breasts or groin on a dance floor or at a bar
- Knowingly transmitting a sexually transmitted disease such as HIV to another person through sexual activity
- Coercing someone into having sexual intercourse by threatening to expose their secrets
- Secretly videotaping sexual activity where the other party has not consented

4. What constitutes "consent" for purposes of sexual violence/assault?

Lack of consent is a critical factor in determining whether sexual violence/assault has occurred. Consent is informed, freely given, and mutually understood. Consent requires an affirmative act or statement by each participant. Consent is not passive.

- If coercion, intimidation, threats, and/or physical force are used, there is no consent.
- If a person is mentally or physically incapacitated or impaired by alcohol or drugs such that the person cannot understand the fact, nature, or extent of the sexual situation, there is no consent.
- If a person is asleep or unconscious, there is no consent.
- Consent to one form of sexual activity does not imply consent to other forms of sexual activity.
- Consent can be withdrawn. A person who initially consents to sexual activity is deemed not to have consented to any sexual activity that occurs after he or she withdraws consent.

5. What should I do if I am a victim of sexual violence/assault, domestic violence, dating violence, or stalking?

Don't blame yourself. These crimes are never the victim's fault. Please contact the Title IX Coordinator or appropriate deputy Title IX Coordinator for your campus as soon as possible for information on options and resources available to you. You may also wish to call local law enforcement (911 if emergency), or the National Sexual Assault Hotline at 800-656-HOPE.

If you are the victim of sexual violence/assault, domestic violence, or dating violence, do everything possible to preserve evidence by making certain that the crime scene is not disturbed. Preservation of evidence may be necessary for proof of the crime or in obtaining a protection order. Victims of sexual violence/assault, domestic violence, or dating violence should not bathe, urinate, douche, brush teeth, or drink liquids until after they are examined and, if necessary, a rape examination is completed. Clothes should not be changed. When necessary, seek immediate medical attention at an area hospital and take a full change of clothing, including shoes, for use after a medical examination.

It is also important to take steps to preserve evidence in cases of stalking; to the extent such evidence exists. In cases of stalking, evidence is more likely to be in the form of letters, emails, text messages, etc. rather than evidence of physical contact and violence.

6. Can I make a complaint of sexual violence/assault against my boyfriend or girlfriend?

Anyone can commit sexual violence/assault, even if you and that person are in a romantic relationship. The critical factor is consent. If your boyfriend or girlfriend perpetrates a sexual act against you without your consent, such conduct constitutes sexual violence/assault, and you may make a complaint. This type of conduct and other types of conduct perpetrated by your boyfriend or girlfriend may also be classified as domestic violence or dating violence.

7. What should I do if I am sexually harassed by someone who is not a College student or employee?

The College's policies protect you from sexual harassment by vendors, contractors, and other third parties that you encounter in your College learning, living, and employment environment. If you believe that you have been subject to conduct that violates these policies, you should report the sexual harassment just as if it were committed by a College student or employee.

8. What should I do if I am sexually harassed by a student but we are off campus?

It is possible for off-campus conduct between College employees or students to contribute to a hostile working or academic environment or otherwise violate the College's policies. You may make a complaint of sexual harassment even if the conduct occurs off-campus.

9. What should I do if I observe sex discrimination or sexual harassment, but it is not directed at me?

Anyone who witnesses sex discrimination or sexual harassment, even it is directed at someone else, can still feel uncomfortable and harassed. If you are a student and witness conduct that you believe constitutes sex discrimination or sexual harassment, please make a complaint in the same manner as if the conduct was directed against you. If you are an employee or staff member of the College, it is your duty to report conduct that constitutes sex discrimination or sexual harassment.

10. What is the role of the Title IX Coordinator?

The Title IX Coordinator oversees the College's compliance with Title IX and receives inquiries regarding Title IX, including complaints of sex discrimination and sexual harassment. The Title IX Coordinator has received special training on the College's policies and procedures pertaining to sex discrimination and sexual harassment, and is available to answer questions about those policies and procedures, respond to complaints, and assist you in identifying other resources to aid in your situation. The Title IX Coordinator is assisted by several deputy Title IX Coordinators, who are assigned to particular campuses. The deputy Title IX Coordinators are responsible for implementing the Complaint Resolution Procedures for complaints pertaining to the campuses to which they are assigned.

11. If I make a complaint of sex discrimination or sexual harassment, will it be treated confidentially?

The College will take reasonable and appropriate steps to preserve the confidentiality of the parties to the complaint and to protect the confidentiality of information gathered during the investigation. However, the College has an obligation to provide a safe and non-discriminatory environment for all students and employees. Therefore, no unconditional promises of confidentiality can be provided.

12. Who is typically involved in investigating a complaint of sex discrimination or sexual harassment?

The College's deputy Title IX Coordinator for the campus pertaining to the complaint will be involved in investigating these complaints. Also, the deputy Title IX Coordinator may appoint another member of the faculty or staff to gather, investigate, and resolve the complaint. The process of gathering evidence will necessarily require the involvement of the complainant, the respondent, and any witnesses to the incident that gave rise to the complaint. In sum, it will involve those persons necessary to fairly and completely investigate the complaint and resolve it.

13. What are the possible outcomes of an investigation into a complaint?

The outcome will be determined based on the totality of the evidence using a preponderance of the evidence standard. If the preponderance of the evidence does not support a finding that the incident occurred, then the complaint is resolved in favor of the

accused. If, however, the preponderance of the evidence supports that sex discrimination or sexual harassment occurred, the actions taken by the College will include those necessary to maintain an environment free from discrimination and harassment and to protect the safety and well-being of the complainant and other members of the College community. Such actions will also include reasonable steps to correct the effects of such conduct on the complainant and others and to prevent the recurrence of discrimination, harassment, and retaliation. Examples of such action include: no-contact orders, classroom reassignment, the provision of counseling or other support services, training, and discipline for the perpetrator, up to termination, expulsion, or other appropriate institutional sanctions.

14. May I have a support person with me in the investigation process?

During the investigation of a complaint, both the complainant and the accused may have a friend or colleague present with them during the investigatory interview. The support person cannot be a potential witness in the matter. In cases involving multiple complainants or respondents, the support person cannot be another complainant or respondent. The support person does not serve as an advocate on behalf of the complainant or respondent, may not be actively involved in any proceedings, and he or she must agree to maintain the confidentiality of the process. Witnesses to sex discrimination or sexual harassment and others involved in the investigation are not entitled to have a support person present during investigatory interviews.

15. What should I do if I am retaliated against for making a complaint of sex discrimination or sexual harassment?

The College's Title IX: Non-Discrimination and Anti-Harassment Policy prohibits retaliation against any person for making a good faith complaint of sex discrimination or sexual harassment and/or cooperating in the investigation of (including testifying as a witness to) such complaint. Retaliation is a serious violation that can subject the offender to sanctions independent of the merits of the underlying allegation of sex discrimination or sexual harassment. If you feel you are the victim of retaliation in violation of this policy, you should report the retaliation just as you would a complaint of sex discrimination or sexual harassment.

16. How does the College handle a bad faith allegation of sex discrimination and sexual harassment?

A bad faith allegation of sexual discrimination or sexual harassment occurs when the accuser intentionally reports information or incidents that he or she knows to be untrue. Failure to prove a complaint of sex discrimination or sexual harassment is not equivalent to a bad faith allegation. The College may impose sanctions against an individual who knowingly makes false allegations of sex discrimination or sexual harassment.

TITLE IX COMPLAINT RESOLUTION PROCEDURES

I. General Principles

A. Administration

For purposes of these complaint resolution procedures, “Title IX Coordinator” means the deputy Title IX Coordinator for the campus to which the complaint pertains and/or his or her designee. The Title IX Coordinator shall have responsibility for administering these complaint resolution procedures.

B. Promptness, Fairness and Impartiality

These procedures provide for prompt, fair, and impartial investigations and resolutions. The Title IX Coordinator shall discharge his or her obligations under these complaint resolution procedures fairly and impartially. If the Title IX Coordinator determines that he or she cannot apply these procedures fairly and impartially because of the identity of a complainant, respondent, or witness, or due to any other conflict of interest, the Title IX Coordinator shall designate another individual to administer these procedures.

A. Training

These procedures will be implemented by officials who receive annual training on the issues related to sex discrimination, sexual harassment, sexual violence/assault, domestic violence, dating violence, and stalking and how to conduct an investigation and implement a process that protects the safety of victims and promotes accountability.

II. Investigation and Resolution of the Complaint

A. Commencement of the Investigation

Once a complaint is made, the Title IX Coordinator will commence an investigation of it as soon as practicable, but not later than seven (7) days after the complaint is made. In certain narrow circumstances, the Title IX Coordinator may commence an investigation even if the complainant requests that the matter not be pursued. In such a circumstance, the Title IX Coordinator will take all reasonable steps to investigate and respond to the matter in a manner that is informed by the complainant’s articulated concerns.

B. The Content of the Investigation

During the investigation, the complainant will have the opportunity to describe his or her allegations and present supporting witnesses or other evidence. The respondent will have the opportunity to respond to the allegations and present supporting witnesses or other evidence. The Title IX Coordinator will review the evidence presented and, depending upon the circumstances, may interview others with relevant knowledge, review documentary materials, and take any other appropriate action to gather and

consider information relevant to the complaint. All parties and witnesses involved in the investigation are expected to cooperate and provide complete and truthful information.

C. Support Person

During the investigation process, both the complainant and respondent may ask a support person to accompany him or her. The support person cannot be a potential witness. In cases involving multiple complainants or respondents, the support person cannot be another complainant or respondent. The support person does not serve as an advocate on behalf of the complainant or respondent, may not actively participate in any proceedings, and he or she must agree to maintain the confidentiality of the process.

D. Interim Measures

At any time during the investigation, the Title IX Coordinator may determine that interim remedies or protections for the parties involved or witnesses are appropriate. These interim remedies may include separating the parties, placing limitations on contact between the parties, suspension, or making alternative class-placement or workplace arrangements. Failure to comply with the terms of these interim remedies or protections may constitute a separate violation of the Title IX: Non-Discrimination and Anti-Harassment Policy.

E. Pending Criminal Investigation

Some instances of sexual harassment or sexual violence/assault may also constitute criminal conduct. In such instances, the complainant is also encouraged to file a report with the appropriate law enforcement authorities and, if requested, the College will assist the complainant in doing so. The pendency of a criminal investigation, however, does not relieve the College of its responsibilities under Title IX. Therefore, to the extent doing so does not interfere with any criminal investigation, the College will proceed with its own investigation and resolution of the complaint.

F. Resolution

At the conclusion of the investigation, the Title IX Coordinator will determine whether the preponderance of the evidence indicates the respondent has violated the Title IX: Non-Discrimination and Anti-Harassment Policy. The Title IX Coordinator will prepare a written report setting forth findings, conclusions, and actions to be taken, if any.

If the resolution determines that sex discrimination or sexual harassment occurred, the actions taken will include those necessary to maintain an environment free from discrimination and harassment and to protect the safety and well-being of the complainant and other members of the College community. Such actions will also include reasonable steps to correct the effects of such conduct on the complainant and others and to prevent the recurrence of discrimination, harassment, and retaliation. Examples of such action include: no-contact orders, classroom reassignment, the provision of counseling or other support services, training, and discipline for the perpetrator, including up to termination, expulsion, or other appropriate institutional sanctions.

The complainant and the respondent will be notified in writing of the outcome of the investigation within three (3) days of its completion. The determination of the Title IX Coordinator shall be final subject only to the right of appeal set forth in Section IV below.

G. Informal Resolution

Informal means of resolution, such as mediation, may be used in lieu of the formal investigation and determination procedure. However, informal means may only be used with the complainant's voluntary cooperation and the involvement of the Title IX Coordinator. The complainant, however, will not be required to work out the problem directly with the respondent. Moreover, the complainant may terminate any such informal means at any time. In any event, informal means, even on a voluntary basis, will not be used to resolve complaints alleging any form of sexual violence/assault.

H. Time Frames

The College will endeavor to conclude its investigation and resolution of the complaint within sixty (60) calendar days of receiving it. Both the complainant and the respondent will be given periodic updates regarding the status of the investigation. If either the complainant or respondent needs additional time to prepare or to gather their witnesses or information, they shall notify the Title IX Coordinator in writing explaining how much additional time is needed and why it is needed. The Title IX Coordinator shall respond to any such request within three (3) days.

III. Rights of the Parties

During the investigation and resolution of a complaint, the complainant and respondent shall have equal rights. They include:

- Equal opportunity to present witnesses and other relevant evidence
- Similar and timely access to all information considered by the Title IX Coordinator in resolving the complaint
- Equal opportunity to review any statements or evidence provided by the other party
- Equal access to review and comment upon any information independently developed by the Title IX Coordinator

IV. Appeals

A. Grounds of Appeal

The complainant or respondent may appeal the resolution of a complaint only on the following grounds:

- The decision was contrary to the substantial weight of the evidence
- There is a substantial likelihood that newly discovered information, not available at the time evidence was presented to the Title IX Coordinator, would result in a different decision
- Bias or prejudice on the part of the Title IX Coordinator, or

- The punishment or the corrective action imposed is disproportionate to the offense

B. Method of Appeal

Appeals must be filed with the appropriate appellate official as described in the next section within ten (10) days of receipt of the written notification of the resolution of the complaint. The appeal must be in writing and contain the following:

- Name of the complainant
- Name of the respondent
- A statement of the resolution of the complaint, including corrective action, if any
- A detailed statement of the basis for the appeal, including the specific facts, circumstances, and argument in support of it, and
- Requested action, if any.

The appellant may request a meeting with the appellate official, but the decision to grant a meeting is within the official's discretion. However, if a meeting is granted, then the other party will be granted a similar opportunity.

C. Appellate Official

i. Appeals of Complaints Against Students

Where the complaint concerns the conduct of a student, the appeal shall be filed with the Campus President for the campus to which the complaint pertains.

ii. Appeals of Complaints Against College Faculty or Staff

Where the complaint concerns the conduct of a member of the College faculty or staff, the appeal shall be filed with the Campus President for the campus to which the complaint pertains.

iii. Appeals of Complaints Against Third-Parties

Where the complaint concerns the conduct of a third-party, such as a vendor, contractor, or campus visitor, the appeal shall be filed with the Campus President for the campus to which the complaint pertains.

iv. Appeals of Complaints Against the Campus President

Where the complaint concerns the conduct of the campus president, the appeal shall be filed with the Title IX Coordinator for the College system, Cassie White, Human Resources Director at (918) 831-5215, 14131 Midway Road, Suite 630, Addison, Texas 75001, email: cassie.white@spartan.edu

D. Resolution of the Appeal

The appellate official will resolve the appeal within fifteen (15) days of receiving it and may take any and all actions that he or she determines to be in the interest of a fair and just decision. The decision of the appellate official is final. The appellate official shall issue a short and plain written statement of the resolution of the appeal including any changes made to the previous written determination. The written statement shall be provided to the complainant, respondent, and the Title IX Coordinator within three (3) days of the resolution.

V. Documentation

Throughout all stages of the investigation, resolution, and appeal, the Title IX Coordinator and the appellate official, as the case may be, are responsible for maintaining documentation of the investigation and appeal, including documentation of all proceedings conducted under these complaint resolution procedures, which may include written findings of fact, transcripts, and audio recordings.