

NAVARRO COLLEGE
TITLE IX Grievance Resolution Guide
with
Student Resource Notification of Rights, Options, and Supportive Measures

Navarro College is committed to maintaining and strengthening an environment founded on civility and respect. The College is committed to providing programs, activities, and an educational environment free from discrimination on the basis of sex. To that end, the College prohibits all forms of sexual misconduct including sex discrimination, sexual harassment, gender-based harassment, retaliation, dating violence, domestic violence, sexual assault, and stalking as defined in Navarro College's Title IX Sexual Harassment Policies and as defined below. The College also is committed to fostering a community that promotes prompt reporting of all types of Sexual Misconduct and a timely and fair resolution of Sexual Misconduct allegations. The College has appointed a Title IX Coordinator, established grievance procedures and protocols for the handling of allegations of Sexual Misconduct, and developed Sexual Misconduct-related education and training programs.

TITLE IX STAFF

Any student or staff member also may choose to consult with the following individuals who have been trained to handle inquiries regarding non-discrimination policies:

Title IX Coordinator

Maryann Hailey
Vice President of Student Services
Navarro College
Gooch Building, Room 314
3200 West 7th Avenue
Corsicana, TX 75110
Phone: 903.875.7375
Email: Maryann.Hailey@NavarroCollege.edu

Title IX Deputy Coordinator – Students

Dr. Rebecca Tuerk
Dean of Students
Navarro College
Gooch Building, Room 315
3200 West 7th Avenue
Corsicana, TX 75110
Phone: 903.875.7414
Email: Rebecca.Tuerk@NavarroCollege.edu

Title IX Investigator

Rafael Vargas
Coordinator of Student Guidance
Navarro College
Gooch Building, Room 107
3200 West 7th Avenue
Corsicana, TX 75110
Phone: 903.875.7681
Email: Rafael.Vargas@NavarroCollege.edu

**ADA/Section 504 Coordinator and
Title IX Deputy Coordinator - Staff**

Marcy Ballew
Vice President of Human Resources
Navarro College
Albritton Building, Room 145
3200 West 7th Avenue
Corsicana, TX 75110
Phone: 903.875.7330
Email: Marcy.Ballew@NavarroCollege.edu

Title IX Investigator

Nancy Chaney
District Coordinator of Academic Success
Navarro College
Sanchez Library, Learning Commons
3200 West 7th Avenue
Corsicana, TX 75110
Phone: 903.875.7382
Email: Nancy.Chaney@NavarroCollege.edu

NAVARRO COLLEGE STATEMENT OF NON-DISCRIMINATION

Navarro College is committed to providing a safe and nondiscriminatory employment and educational environment. The College does not discriminate on the basis of race, color, national origin, sex, disability, religion, age, veteran status, or other status protected by the law in its programs, activities or in the content of employment. Inquiries regarding non-discrimination may be directed to the Title IX Coordinator or the Section 504/ADA Title II Coordinator at 3200 W. 7th Avenue, Corsicana, Texas 75110 OR 1-800-NAVARRO.

APPLICABILITY OF NAVARRO COLLEGE TITLE IX GRIEVANCE RESOLUTION PROTOCOL

Navarro College has adopted the grievance resolution protocol outlined in this guide to comply with [Title IX of the Education Amendments of 1972 \(Title IX\)](#), as amended and published on May 19, 2020. The grievance resolution protocol outlined in this guide provide for the prompt and equitable resolution of student and employee grievances alleging dating violence, domestic violence, gender-based harassment, retaliation, sex discrimination, sexual assault, sexual harassment, gender-based harassment, and stalking (hereafter referred to as "prohibited conduct"). Additionally, these grievance resolution protocols include information on how to report or file a grievance of prohibited conduct and how Navarro College will respond once it has actual notice of an allegation of prohibited conduct.

The grievance resolution protocols outlined in this guide apply to all Navarro College students and employees who are participating in or attempting to participate in Navarro College's education programs or activities. Additionally, these grievance resolution protocols only apply to prohibited conduct that impacted a person in the United States.

Other processes are designed to assist with prohibited conduct not applicable under this procedure. For more information, inquiries may be made to the appropriate office as referenced above.

RELATED AND APPLICABLE REGULATIONS INCLUDING FEDERAL LAWS, STATE LAWS, AND COLLEGE POLICIES AND PROCEDURES

Campus Sexual Violence Elimination Act (Campus SaVE Act)

The Campus Sexual Violence Elimination Act (Campus SaVE Act), enacted in March 2013, refers to Section 304 of the reauthorized Violence Against Women Act (VAWA) referenced below. The Campus SaVE Act is a set of amendments to the Clery Act which requires that incidents of dating violence, domestic violence, sexual assault, and stalking be disclosed in annual campus crime statistics reports. Campus SaVE also created additional protections for victims of dating violence, domestic violence, sexual assault, and stalking, and enacted more prescriptive requirements for prevention and awareness programs related to these offenses.

Jeanne Clery Disclosure of Campus Security Policy and Campus Crime Statistics Act (Clery Act)

The Jeanne Clery Disclosure of Campus Security Policy and Campus Crime Statistics Act (Clery Act) requires colleges and universities that participate in federal financial aid programs to report annual statistics on crime on or near their campuses, including sexual assault and rape, and to develop and disseminate prevention policies In an Annual Security Report (ASR).

Title IV of the Civil Rights Act of 1964 (Title IV)

Title IV the Civil Rights Act of 1964 (Title IV) prohibits discrimination on the basis of race, color, national origin, sex, and religion in programs and activities receiving federal funding, including higher education.

Title VII of the Civil Rights Act of 1964 (Title VII)

Title VII of the Civil Rights Act of 1964 (Title VII) prohibits discrimination by employers on the basis of race, color, religion, sex, or national origin. Title VII also prohibits discrimination against a person because of their association with someone of a particular race, color, religion, sex, or national origin.

Title IX of the Education Amendments of 1972 (Title IX)

Title IX of the Education Amendments of 1972 (Title IX) is a federal civil rights law that prohibits discrimination on the basis of sex against any person in education programs and activities receiving federal funding. Students have the right to pursue an education, including athletic programs, scholarships, and other activities, in an environment that is free from sex discrimination, including sexual assault and sexual harassment. Likewise, employees have the right to work in an environment that is free from sex discrimination, including sexual assault and sexual harassment. Title IX requires schools that receive federal financial assistance to take necessary steps to prevent sex discrimination, sexual assault, and sexual harassment on their campuses and to respond promptly and effectively when sex discrimination, sexual assault, or sexual harassment is reported. Title IX was amended on May 19, 2020, to include dating violence, domestic violence, and stalking in its definition of sexual harassment and prescribe specific requirements for investigating and responding to allegations of sex discrimination, dating violence, domestic violence, retaliation, sexual assault, sexual harassment, and stalking.

Navarro College is committed to compliance with Title IX, which prohibits dating violence, domestic violence, retaliation, sex discrimination, sexual assault, sexual harassment, gender-based harassment, and stalking in federally funded education programs and activities.

Texas State Laws

In June 2019, the State of Texas enacted several laws (including [SB 212](#), [HB 1735](#), and [HB 449](#)) regarding the policies and procedures for reporting and investigating incidents of dating violence, sexual assault, sexual harassment, and stalking. Navarro College Board Policies and Administrative Procedures contain several addendums related to these requirements.

Violence Against Women Reauthorization Act of 2013 (VAWA)

The Violence Against Women Reauthorization Act of 2013 (VAWA) established federal legal definitions of dating violence, domestic violence, sexual assault, and stalking. Additionally, VAWA amended the Clery Act to include requirements for reporting and responding to incidents of dating violence, domestic violence, sexual assault, and stalking.

Navarro College Policies and Procedures

In upholding federal, state, and local law and in support of maintaining a campus environment that is safe, civil, and conducive to learning and free of discrimination, Navarro College maintains board policies and administrative procedures to this effect. These policies and procedures can be found online at this link <https://www.navarrocollege.edu/boardpolicies/index.html>. Included among others are the following relevant policies and procedures:

- Section D for Personnel: DFD on Sexual Harassment and Misconduct at <https://www.navarrocollege.edu/boardpolicies/section-d/section-dfd.html>.
- Section F for Students: FFE on Sexual Harassment and Misconduct at <https://www.navarrocollege.edu/boardpolicies/section-f/section-ffe.html>.

DEFINITIONS

The following definitions comply with Title IX and the related and applicable regulations referenced above:

Complainant- A “complainant” is an individual who is alleged to be the victim of conduct that could constitute dating violence, domestic violence, gender-based harassment, retaliation, sex discrimination, sexual assault, sexual harassment, or stalking (i.e., prohibited conduct).

Confidential Employee-A “confidential employee” is a person who holds a professional license requiring confidentiality, such as a counselor or medical provider, who is supervised by such a person, or a person who is a nonprofessional counselor or advocate designated in administrative procedures as a confidential source.

Consent- Consent is clear, voluntary and ongoing agreement to engage in a specific sexual act. Persons need not verbalize their consent to engage in a sexual act for there to be permission. Permission to engage in a sexual act may be indicated through physical actions rather than words. A person who was asleep or mentally or physically incapacitated, either through the effect of drugs or alcohol or for any other reason, or whose agreement was made under duress or by threat, coercion, or force, cannot give consent.

More on Consent for Sexual Activity

Sexual activity requires consent, which is defined as an informed, voluntary, affirmative, and mutual agreement between the participants to engage in a specific sexual act. The following guidelines will be used to determine whether consent was obtained when investigating a grievance of sexual assault against a Navarro College student or employee:

1. Consent to sexual activity can be communicated in a variety of ways, but one should not presume consent has been given in the absence of a clear, positive agreement.
2. Consent can only be accurately gauged through direct communication about the decision to engage in sexual activity. The absence of the word "no" or the like (e.g., "stop") does not imply consent.
3. Although consent can be non-verbal, verbal communication is the most reliable form of asking for and obtaining consent. Discussing desires, needs, and limitations with sexual partners provides a basis for positive sexual experiences shaped by mutual willingness and respect.
4. Presumptions based upon contextual factors (e.g., provocative clothing or dancing, etc.) are unwarranted, and should not be considered grounds for consent.
5. As defined in the State of Texas Penal Code 22.011 for Sexual Assault, the age of sexual consent is 17. Therefore, consent cannot be obtained from someone who is under the age of 17, as that person is legally considered to be a minor.
6. Consent cannot be obtained from someone who is asleep, unconscious, or otherwise mentally or physically incapacitated, whether due to alcohol, drugs, or some other condition (e.g., an intellectual or other disability). A person is mentally or physically incapacitated when that person lacks the ability to make or act on considered decisions to engage in sexual activity. Engaging in sexual activity with a person whom you know - or reasonably should know - to be incapacitated constitutes sexual assault.

7. Consent to some sexual acts does not constitute consent to other sexual acts.
8. Consent must be ongoing throughout a sexual encounter and can be revoked at any time. If you proceed despite your partner's verbal and/or non-verbal communication to stop, you have committed sexual assault.
9. Consent cannot be obtained by threat, coercion, or force. Agreement under such circumstances does not constitute consent.
10. A prior sexual encounter or pre-existing relationship does not indicate consent to current or future sexual activity.

Dating Violence- “Dating violence” means violence committed by a person who is or has been in a social relationship of a romantic or intimate nature with the victim. The existence of such a relationship shall be determined based on the reporting party’s statement and with consideration of the length of the relationship, the type of the relationship, and the frequency of interaction between the persons involved in the relationship.

Discrimination- Discrimination against a student is defined as conduct directed at a student on the basis of sex or gender that adversely affects the student.

Deliberate Indifference-Deliberate indifference occurs when an institution of higher education with actual knowledge of dating violence, domestic violence, gender-based harassment, retaliation, sex discrimination, sexual assault, sexual harassment, or stalking (i.e., prohibited conduct) in the institution’s education program or activity against a person in the United States responds in a manner that is clearly unreasonable in light of the known circumstances. When an institution of higher education responds in a clearly unreasonable manner, that response constitutes intentional discrimination. Failing to promptly respond once an institution of higher education has actual knowledge of prohibited conduct can also be considered deliberate indifference.

Education Program or Activity- Education program or activity includes locations, events, or circumstances over which Navarro College exercised substantial control over both the respondent and the context in which the dating violence, domestic violence, gender-based harassment, retaliation, sex discrimination, sexual assault, sexual harassment, or stalking (i.e., prohibited conduct) occurred; and also includes any building owned or controlled by a student organization that is officially recognized by Navarro College.

Formal Complaint- Formal complaint means a document filed by a complainant or signed by the appropriate Title IX Coordinator or designee alleging dating violence, domestic violence, gender-based harassment, retaliation, sex discrimination, sexual assault, sexual harassment, or stalking against a respondent and requesting that Navarro College investigate the allegation. At the time of filing a formal complaint, the complainant must be participating in or attempting to participate in Navarro College’s education program or activity. A formal complaint may be filed with the appropriate Title IX Coordinator or designee in person, by mail, email, using the contact information listed in this handbook for the appropriate Title IX Coordinator or designee, or completing the online form available at <https://www.navarrocollege.edu/support-services/grievance/grievance-form.html>. The formal complaint must contain the complainant’s physical or digital signature, or otherwise indicate that the complainant is the person filing the formal complaint. If the complainant is not able or willing to sign the complaint, the appropriate Title IX Coordinator or designee may sign the complaint in the complainant’s stead; however, when the appropriate Title IX Coordinator or designee signs a formal complaint, they are not a complainant or otherwise a party and must comply with all Title IX requirements.

Gender-based Harassment-Gender-based harassment includes physical, verbal, or nonverbal conduct based on the student's gender, the student's expression of characteristics perceived as stereotypical for the student's gender, or the student's failure to conform to stereotypical notions of masculinity or femininity. For purposes of this policy, gender-based harassment is considered prohibited harassment if the conduct is so severe, persistent, and pervasive that the conduct limits or denies a student's ability to participate in or benefit from the College District's educational program.

Acts of gender-based harassment may also be considered sex discrimination or sexual harassment.

Examples of Gender-based Harassment- Examples of gender-based harassment directed against a student, regardless of the student's or the harasser's actual or perceived sexual orientation or gender identity, may include offensive jokes, name-calling, slurs, or rumors; physical aggression or assault; threatening or intimidating conduct; or other kinds of aggressive conduct such as theft or damage to property.

Prohibited Conduct-Prohibited conduct includes discrimination, harassment, dating violence, domestic violence, stalking, and retaliation as described by this policy, even if the behavior does not rise to the level of unlawful conduct.

Quid pro quo Sexual Harassment – “this” for “that”; i.e., unwelcome sexual advances, requests for sexual favors or other verbal, nonverbal or physical conduct of a sexual nature, the submission to or rejection of which may result in an adverse educational or employment action. Quid pro quo sexual harassment is explicitly prohibited under this regulation. Aiding another in the commission of quid pro quo sexual harassment is also prohibited under this regulation.

Respondent- Respondent means an individual who has been reported to be the perpetrator of conduct that could constitute dating violence, domestic violence, gender-based harassment, retaliation, sex discrimination, sexual assault, sexual harassment, or stalking (i.e., prohibited conduct).

Retaliation-Navarro College prohibits retaliation by a student or Navarro College employee against an individual alleged to have experienced dating violence, domestic violence, gender-based harassment, retaliation, sex discrimination, sexual assault, sexual harassment, and/or stalking (i.e., prohibited conduct), or an individual who, in good faith, makes a report of prohibited conduct, serves as a witness, or otherwise participates in an investigation.

Neither Navarro College nor any person may intimidate, threaten, coerce, or discriminate against any individual for the purpose of interfering with any right or privilege secured by Title IX, or because the individual has made a report or complaint, testified, assisted, or participated or refused to participate in any manner in an investigation, proceeding, or hearing. Intimidation, threats, coercion, or discrimination, including charges against an individual for Student Code of Conduct or Employee Code of Conduct violations that do not involve sex discrimination or sexual harassment, but arise out of the same facts or circumstances as a report or formal complaint of sex discrimination, or a report or formal complaint of sexual harassment, for the purpose of interfering with any right or privilege secured by Title IX, constitutes retaliation.

Examples of retaliation may include threats, rumor spreading, ostracism, assault, destruction of property, unjustified punishments, or unwarranted grade reductions. Unlawful retaliation does not include petty slights or annoyances.

The exercise of rights protected under the First Amendment does not constitute retaliation. Charging an individual with a violation(s) for making a materially false statement in bad faith in the course of a

complaint resolution proceeding does not constitute prohibited retaliation. However, a determination regarding responsibility, alone, is not sufficient to conclude that any party made a materially false statement in bad faith. Complaints alleging retaliation that arise out of the same facts or circumstances as a report or complaint of sex discrimination, or a report or formal complaint of sexual harassment, may be filed, investigated, and resolved according to the complaint procedures outlined in this guide.

Complaints alleging retaliation that arise out of any circumstances not related to a report or complaint of sex discrimination, or a report or formal complaint of sexual harassment, may be filed, investigated, and resolved in accordance with the student and employee disciplinary process. For more information on the student disciplinary process, see the Student Code of Conduct located in the current Navarro College Student Handbook available on Navarro College's website at <https://www.navarrocollege.edu/handbook/code-of-student-conduct/> or contact the Dean of Students Office at 903-875-7371. For more information on the employee disciplinary process, contact the Human Resources Office (HR) at 903-875-7474.

Sexual Harassment- For the purpose of this policy, Title IX defines sexual harassment broadly to include any of three types of misconduct on the basis of sex, all of which jeopardize the equal access to education that Title IX is designed to protect:

- Any instance of *quid pro quo* harassment by any employee of the College;
- Any unwelcome conduct that a reasonable person would find so severe, pervasive, and objectively offensive that it denies a person equal educational access; and/or
- Any instance of sexual assault (as defined in the Cleary Act), dating violence, domestic violence, or stalking as defined in the Violence Against Women Act (VAWA).

For the purposes of this policy, Title IX prohibits sex-based misconduct in a manner consistent with the First Amendment. *Quid pro quo* harassment and Cleary Act/VAWA offenses are not evaluated for severity, pervasiveness, offensiveness, or denial of equal educational access, because such misconduct is sufficiently serious to deprive a person of equal access.

For the purposes of this policy, Title IX uses the Supreme Court's Davis definition (severe and pervasive and objectively offensive conduct, effectively denying a person equal educational access) as one of the three categories of sexual harassment, so that where unwelcome sex-based conduct consists of speech or expressive conduct, Navarro College must balance Title IX enforcement with respect for free speech and academic freedom.

Additionally, for the purposes of this policy, the Department of Education uses the Supreme Court's Title IX-specific definition rather than the Supreme Court's Title VII workplace standard (severe or pervasive conduct creating a hostile work environment). First Amendment concerns differ in educational environments and workplace environments, and the Title IX definition provides First Amendment protections appropriate for educational institutions where students are learning, and employees are teaching. Students, teachers, faculty, and others should enjoy free speech and academic freedom protections, even when speech or expression is offensive.

Finally, for the purposes of this policy, the Department of Education uses the Supreme Court's Davis definition (severe and pervasive and objectively offensive conduct, effectively denying a person equal educational access) as one of the three categories of sexual harassment, so that where unwelcome sex-based conduct consists of speech or expressive conduct, Navarro College balances Title IX enforcement with respect for free speech and academic freedom.

By an Employee-For the purposes of this policy, sexual harassment of a student by a College District employee includes unwelcome sexual advances; requests for sexual favors; sexually motivated physical, verbal, or nonverbal conduct; or other conduct or communication of a sexual nature when:

1. A College District employee causes the student to believe that the student must submit to the conduct to participate in a college program or activity, or that the employee will make an educational decision based on whether or not the student submits to the conduct, or
2. The conduct is so severe, persistent, and pervasive that it limits or denies the student's ability to participate in or benefit from the College District's educational program or activities.

By Others-For the purposes of this policy, sexual harassment of a student, including harassment committed by another student, includes unwelcome sexual advances; requests for sexual favors; or sexually motivated physical, verbal, or nonverbal conduct when the conduct is so severe, persistent, and pervasive that it limits or denies a student's ability to participate in or benefit from the College District's educational program or activities.

Sexual Violence-Sexual violence is a form of sexual harassment. Sexual violence includes physical sexual acts perpetrated against a person's will or where a person is incapable of giving consent due to the victim's use of drugs or alcohol or due to an intellectual or other disability.

Dating Violence-“Dating violence” means violence committed by a person who is or has been in a social relationship of a romantic or intimate nature with the victim. The existence of such a relationship shall be determined based on the reporting party's statement and with consideration of the length of the relationship, the type of relationship, and the frequency of interaction between the persons involved in the relationship.

Domestic Violence-“Domestic violence” means violence committed by:

- A current or former spouse or intimate partner of the victim,
- A person with whom the victim shares a child in common,
- A person who is cohabitating with, or has cohabitated with, the victim as a spouse or intimate partner,
- Any other member of the victim's family as defined by state law,
- Any other current or former member of the victim's household as defined by state law,
- A person in a dating relationship with the victim as defined by state law, or
- Any other person who acts against the victim in violation of the family violence laws of this state or the jurisdiction where the conduct occurs.

Stalking-“Stalking” means engaging in a course of conduct directed at a specific person that would cause a reasonable person to fear for the person's safety or the safety of others or suffer substantial emotional distress.

For the purposes of this definition:

1. “Course of conduct” means 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.

2. "Reasonable person" means a reasonable person under similar circumstances and with similar identities to the victim.

Examples of Sexual Harassment-Examples of sexual harassment of a student may include sexual advances; touching intimate body parts or coercing physical contact that is sexual in nature; jokes or conversations of a sexual nature; rape; sexual assault as defined by law; sexual battery; sexual coercion; and other sexually motivated conduct, communications, or contact.

Examples may also include forms of dating violence, domestic violence, or stalking, such as physical or sexual assaults; name-calling; putdowns; or threats directed at the student, the student's family members, or members of the student's household; destroying the student's property; threatening to commit suicide or homicide if the student ends the relationship; tracking the student; attempting to isolate the student from friends and family; threatening a student's spouse or partner; or encouraging others to engage in these behaviors.

Supportive Measures-Supportive measures are non-disciplinary, non-punitive individualized services offered as appropriate, as reasonably available, and without fee or charge to the complainant or respondent before or after the filing of a formal complaint or where no formal complaint has been filed. Supportive measures are designed to restore or preserve equal access to Navarro College's education program or activity without unreasonably burdening the other party, including measures designed to protect the safety of all parties or Navarro College's educational environment, or deter prohibited conduct. Supportive measures may include, but are not limited to, counseling, extensions of deadlines or other course-related adjustments, modifications of work or class schedules, campus escort services, mutual restrictions on contact between the parties, changes in work or housing locations, leaves of absence, increased security and monitoring of certain areas of the campus, and other similar measures.

Navarro College must maintain as confidential any supportive measures provided to the complainant or respondent, to the extent that maintaining such confidentiality will not impair Navarro College's ability to provide the supportive measures. The appropriate Title IX Coordinator or designee is responsible for coordinating the effective implementation of supportive measures.

COUNSELING and MEDICAL RESOURCES

Navarro College's Counseling Offices are staffed by a licensed counselor who provides brief counseling, assessment, referral, and crisis intervention services for currently enrolled Navarro College students. Services are free and confidential. Additionally, staff can provide appropriate referrals to on-campus and off-campus resources for Navarro College students and employees.

Note: Reporting to a counselor does not constitute filing a "formal complaint" for the purposes of initiating the Title IX grievance resolution process as defined by Title IX. To initiate the Title IX grievance resolution process, the reporting party (complainant) must submit a formal complaint to the

appropriate Title IX Coordinator or designee as referenced (above) and through either email or through the link provided above. Additionally, while there may be other options under different procedures, to initiate the Title IX grievance resolution process, complainants cannot remain anonymous.

Navarro College Counseling Services

Leanne Leonard, LMFT
Gooch One Stop Center - Room 317
(903) 875-7393 (Office)
(903) 231-3550 (After Hours)
leanne.leonard@navarrocollege.edu

Behavioral Health Treatment Services Locator

<https://findtreatment.samhsa.gov/>

National Sexual Assault Hotline

1(800) 656-HOPE

Off-Campus Medical Services

911 for the nearest Emergency Room

Dallas Area Rape Crisis Center
11300 N. Central Expressway, Ste. 601
Dallas, TX 75243
24-Hour Hotline: (972) 641-7273
www.dallasrapecrisis.org

Methodist Dallas Medical Center
Sexual Assault Nurse Examiner (SANE)
Program
1441 N. Beckley Avenue, Dallas, TX 75203
(214) 947-8181

Parkland Memorial Hospital
Victim Intervention Program (VIP) Rape Crisis
Center
4811 Harry Hines Blvd., Dallas, TX 75235
(214) 590-2926
24-Hour Hotline: (214) 590-0430

Texas Health Presbyterian Hospital - Dallas
Sexual Assault Nurse Examiner (SANE)
Program
8200 Walnut Hill Lane, Dallas, TX 75231
Emergency: (214) 345-6203
General Questions about SANE: (214) 345-6443

Crisis Center of Anderson and Cherokee
Counties
313 West Debard, Palestine, TX 75801
(903) 586-9118
24-Hour Confidential Hotline: 1(800) 232-8519

Providence Health Network & Advocacy Center
for Crime Victims and Children SANE Program
6901 Medical Parkway, Waco, TX 76712
(Emergency Department)
Emergency: (254) 751-4180
Advocacy Center Hotline: (254) 752-7233

REPORTING

While individuals are encouraged to file a report of sexual harassment or misconduct, all employees are required to report such information, with some exceptions when reported to confidential resources such as employed mental health professionals.

Online Reporting Form or Email

Any student or staff member may utilize email or the following Grievance Form link to file a report on sex discrimination, sexual harassment, gender-based harassment, retaliation, dating violence, domestic violence, sexual assault, and stalking:

<https://www.navarrocollege.edu/support-services/grievance/grievance-form.html>.

Note: Reporting to any individual other than the appropriate Title IX Coordinator or designee does not constitute filing a “formal complaint” for the purposes of initiating the Title IX grievance resolution process as defined by Title IX. To initiate the Title IX grievance resolution process, the reporting party (complainant) must submit a formal complaint to the appropriate Title IX Coordinator or designee as referenced below and through either email or through the link provided above. Additionally, while there may be other options under different procedures, to initiate the Title IX grievance resolution process, complainants cannot remain anonymous.

Title IX Coordinator

Maryann Hailey
Vice President of Student Services
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Gooch Building, Room 314
3200 West 7th Avenue
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Email: Maryann.Hailey@NavarroCollege.edu

Title IX Investigator

Nancy Chaney
District Coordinator of Academic Success
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Email: Nancy.Chaney@NavarroCollege.edu

Title IX Investigator

Rafael Vargas
Coordinator of Student Guidance
3200 West 7th Avenue
Corsicana, TX 75110
Phone: 903.875.7681
Email: Rafael.Vargas@NavarroCollege.edu

Reporting to an Appropriate Law Enforcement Official

For immediate notification to local law enforcement, dial 911. To report an incident that occurred on a Navarro College campus or property owned or controlled by Navarro College to the Navarro College Department of Public Safety, call 903-654-3999; staff may call extension 7500 from any campus phone. Contact information for law enforcement agencies that are local to Navarro College Campuses is also provided below.

Note: Reporting to an appropriate law enforcement official may not constitute filing a “formal complaint” for the purposes of initiating the Title IX grievance resolution process as defined by Title IX. To initiate the Title IX grievance resolution process, the reporting party (complainant) must submit a formal complaint to the appropriate Title IX Coordinator or designee as referenced (above) and through either email or through the link provided above. Additionally, while there may be other options under different procedures, to initiate the Title IX grievance resolution process, complainants cannot remain anonymous.

If a complainant requests assistance with reporting to law enforcement, a Navarro College staff may help with that process. Additionally, individuals seeking assistance have the right to choose whether or not to notify law enforcement.

Navarro College Department of Public Safety (DPS; Campus Police)
NCDPS Office
(903) 875-7500 or (903) 654-3999

Corsicana Police Department
200 N. 12th St.
Corsicana, TX 75110
(903) 654-4900

Midlothian Police Department
1150 U.S. 67 Frontage Rd #300
Midlothian, TX 76065
(972) 775-3333

Waxahachie Police Department
620 Farley
Waxahachie, TX 75165
(469) 309-4400

Mexia Police Department
211 N. Sherman St.
Mexia, TX
(254) 562-4150

Privacy and Confidentiality

To the greatest extent possible, Navarro College will respect the privacy of the reporting party (complainant), respondent, and witnesses. Limited disclosures may be necessary in order to conduct a thorough investigation and comply with applicable law. Navarro College will complete publicly available recordkeeping, including Clery Act reporting and disclosures as documented through the Navarro College DPS (Campus Police), without inclusion of personally identifying information about the complainant. Additionally, Navarro College must maintain as confidential any accommodations or supportive measures provided to the reporting party (complainant) or respondent, to the extent that maintaining such confidentiality will not impair Navarro College's ability to provide the accommodations or supportive measures.

False Reports and Claims

A Navarro College student who intentionally submits a false report, makes a false claim, or offers false statements will be subject to appropriate disciplinary action.

A Navarro College employee who intentionally submits false report, makes a false claim, offers false statements, or refuses to cooperate with a Navarro College investigation regarding prohibited conduct will be subject to appropriate disciplinary action.

Charging an individual with a violation(s) for making a materially false statement in bad faith in the course of a grievance resolution proceeding does not constitute prohibited retaliation. However, a determination regarding responsibility, alone, is not sufficient to conclude that any party made a materially false statement in bad faith.

Anonymous Reports

In accordance with the [Texas Higher Education Code Section 51.9365](#), Navarro College students and employees can report prohibited conduct anonymously by submitting the online form available at <https://www.navarrocollege.edu/support-services/grievance/grievance-form.html>. However, the submission of an anonymous electronic report may impair Navarro College's ability to investigate and address the prohibited conduct. Additionally, to initiate the Title IX complaint resolution process, reporting parties (complainants) cannot remain anonymous.

Alternative Reporting Procedures

A student or employee is not required to, and should not, report prohibited conduct to the person alleged to have committed the conduct. Should an individual need to report prohibited conduct against a member of NC Leadership or against any Title IX staff they may contact any other member of the Title IX staff to receive alternative reporting procedures.

Timely Reporting

Reports of prohibited conduct should be made as soon as possible after the alleged act or knowledge of the alleged act. A failure to immediately report may impair Navarro College's ability to investigate and address the prohibited conduct.

Amnesty Protocol for Navarro College Students

In accordance with the [Texas Higher Education Code Section 51.284](#), Navarro College will give amnesty to (i.e., not take disciplinary action against) a student who reports, in good faith, that the student was the victim of or a witness to an incident of prohibited conduct as defined by this process. This amnesty policy applies regardless of the location at which the incident occurred or the outcome of Navarro College's disciplinary process regarding the incident, if any. This amnesty policy does not apply to a student who reports their own commission or assistance in the commission of prohibited conduct as defined by this policy.

Written Notification of Rights, Options, and Supportive Measures

Navarro College will provide written notification to all students and employees about existing counseling, health, mental health, victim advocacy, legal assistance, visa and immigration assistance, student financial aid, and other services available to complainants and respondents both at Navarro College and in the community. Additionally, when a student or employee reports to Navarro College they have been a victim of prohibited conduct, whether the offense occurred on or off campus, Navarro College will provide the student or employee with a written explanation of their rights, options, and supportive measures. This written notification will be provided to the student or employee whether or not they choose to submit a formal complaint of prohibited conduct, and will include, but is not limited to the following information:

1. Procedures victims should follow,
2. Information regarding confidentiality of victims and others,
3. Campus and community victim services,
4. Information regarding accommodations and protective measures, and
5. Procedures for institutional disciplinary action.

In the event a grievance is filed and the appropriate Title IX Coordinator or designee determines an investigation should be initiated, supportive measures will also be offered to the respondent as referenced:

1. The right to a prompt, fair, impartial, unbiased, and equitable process from the initiation of the formal grievance process through final resolution.
2. The right to supportive measures as reasonably available and which may include course schedule adjustment, work schedule reassignments, student housing changes, no contact directives, and/or criminal trespass notices.
3. The right to report to law enforcement.
4. The right to resources such as counseling and medical referrals.

5. The right to inspect and review any evidence obtained as part of the investigation that is directly related to the allegation(s).
6. The right to be assisted by an advisor of your choosing, who may be, but is not required to be, an attorney, during the formal grievance process. Please note that Navarro College is only required to provide an advisor during the live hearing phase of the formal grievance process. Therefore, prior to the live hearing phase, reporting parties and responding parties may provide their own advisor if they desire to do so.
7. The right to be informed in writing of the date, time, location, participants, and purpose of all hearings, investigative interviews, or other meetings, with sufficient time to prepare to participate.
8. The right to be informed that the responding party is presumed not responsible until the conclusion of the formal grievance process when a determination is made.
9. The right to voluntarily participate in an informal resolution process. Both parties must provide their voluntary consent in writing to participate in an informal resolution process. Informal resolution is prohibited in any case where an employee is accused of engaging in prohibited conduct against a student. Navarro College will not require the parties to waive their rights to a formal process and agree to informal resolution as a condition of enrollment or employment.
10. The right to be notified in writing of
 - a. The results of any disciplinary proceeding and/or appeal(s) that arise from your formal grievance of prohibited conduct,
 - b. Navarro College's procedures to appeal the results of the disciplinary proceeding and/or appeal(s),
 - c. Any change to the results (e.g., through the appeal process), and
 - d. When the results become final. The rights and options listed above will be afforded equally to both the reporting party (complainant) and responding party.
11. The right to privacy and confidentiality in as much as possible. Navarro College will respect, to the greatest extent possible, the privacy of the reporting party (complainant), responding party, and witnesses. Limited disclosures may be necessary in order to conduct a thorough investigation and comply with applicable law. Additionally, Navarro College must maintain as confidential any supportive measures provided to the reporting party (complainant) or responding party, to the extent that maintaining such confidentiality will not impair Navarro College's ability to provide the supportive measures.
12. The right to file a complaint with the U.S. Department of Education Office for Civil Rights (OCR).

See Rights and Resources on the Navarro College Title IX website at the following link for more information on Rights, Options, and Supportive Measures:

<https://www.navarrocollege.edu/title-ix/rights-resources.html>.

INFORMAL RESOLUTION PROCESS

Receipt of Complaint

Navarro College's Title IX grievance process is initiated by the alleged victim (hereafter referred to as the "reporting party" or "complainant"), the appropriate Title IX Coordinator or Deputy Coordinator, or an official with authority to institute corrective measures on behalf of Navarro College.

Any student or staff member may utilize email or the following Grievance Form link to file a report on sex discrimination, sexual harassment, gender-based harassment, retaliation, dating violence, domestic violence, sexual assault, and stalking:

<https://www.navarrocollege.edu/support-services/grievance/grievance-form.html>.

The grievance must be signed, either electronically or in writing. If the reporting party (complainant) is not able or willing to sign the grievance, the appropriate Title IX Coordinator or designee may sign the complaint in the complainant's stead.

Supportive Measures

Once Navarro College has actual knowledge of an allegation of dating violence, domestic violence, gender-based harassment, retaliation, sex discrimination, sexual assault, sexual harassment, and/or stalking (hereafter referred to as "prohibited conduct"), the appropriate Title IX Coordinator or designee will promptly contact the complainant and offer supportive measures (i.e., appropriate advocacy resources on and off campus). See Rights and Resources on the Navarro College Title IX website at the following link for more information on Supportive Measures: <https://www.navarrocollege.edu/title-ix/rights-resources.html>.

These supportive measures and resources are available to the responding party (complainant) whether or not they choose to file a formal complaint.

In the event that a complaint is filed and the appropriate Title IX Coordinator or designee determines an investigation should be initiated, supportive measures will also be offered to the respondent.

Initiation of Informal Resolution Process

Title IX permits the voluntary use of an informal resolution process after a formal complaint is filed at any time prior to a final determination being reached in the case. The parties must provide their voluntary consent in writing to participate in an informal resolution process.

Informal resolution is prohibited in any case where an employee is accused of engaging in prohibited conduct against a student.

Navarro College will not require the parties to waive their rights to a formal process and agree to informal resolution as a condition of enrollment or employment.

Prior to initiating the informal resolution process, the appropriate Title IX Coordinator will provide the parties with the required written notice of the allegations and a description of the parameters of the informal resolution process. This written notice will include a statement that either party is permitted to withdraw from the informal resolution process and resume the formal resolution process at any time prior to a final determination being reached in the case.

Anticipated Time Frame for Informal Resolution Process

Navarro College will endeavor to expedite all informal resolutions. Absent extenuating circumstances, such as a request by a law enforcement or regulatory agency for Navarro College to delay its investigation, the informal resolution process should be completed within a reasonably prompt time frame.

Phase 1 of the Informal Resolution Process: Meeting with a designated Informal Resolution Facilitator
The Title IX Coordinator or designee will designate (an) individual(s) as informal resolution facilitator(s) to coordinate the informal resolution process.

The informal resolution facilitator(s) will meet separately with both parties (and their respective advisors if the parties elect to provide their own advisors during the informal resolution process) and explain the Title IX grievance and informal resolution processes. The informal resolution facilitator will inform the parties that an informal resolution is permissible if both parties choose to participate in and willingly consent to this type of resolution in writing. The informal resolution facilitator will notify both parties that either party is permitted to withdraw from the informal resolution process and resume the formal complaint process at any time prior to a final determination being reached in the case.

Both parties will read and sign the Consent to Informal Resolution indicating they are voluntarily and willingly consenting to pursue the informal resolution process at this time. This form serves as written notice to both parties that they are permitted to withdraw from the informal resolution process and resume the formal complaint process at any time prior to a final determination being reached in the case. Additionally, this form stipulates that the matter will be closed once a final determination is reached and informs the parties that the formal process will not be re-initiated once both parties agree to the final determination in writing.

If either party chooses to withdraw from the informal resolution process after signing the Consent to Informal Resolution Form, they will be required to read and sign the Withdrawal from Informal Resolution Notice. This form must be completed prior to a final determination being reached and both parties signing the Informal Resolution Agreement Form.

Phase 2 of the Informal Resolution Process: Informal Resolution Agreement

After meeting with both parties separately (with respective advisors if the parties elect to provide their own advisors during the informal resolution process) to ascertain the parameters for an informal resolution agreement, the informal resolution facilitator will present the Informal Resolution Agreement to both parties and clearly explain the informal resolution terms.

Both parties (and their respective advisors if the parties elect to provide their own advisors during the informal resolution process) will be notified simultaneously in writing of the completed Informal Resolution Agreement Form and allowed 10 days to review and respond to the document.

Any edits made to the Informal Resolution Agreement Form by either party and/or the informal resolution facilitator will be simultaneously sent in writing to both parties and their respective advisors (if the parties elect to provide their own advisors during the informal resolution process).

If, after 10 days, both parties agree to the informal resolution terms, including any edits made by either party and/or the informal resolution facilitator during the review period, they will sign the final Informal Resolution Agreement Form. Both parties (and their respective advisors if the parties elect to provide their own advisors during the informal resolution process) will be provided an electronic and hard copy of the signed Informal Resolution Agreement Form for their respective records by the informal resolution facilitator or appropriate Title IX Coordinator or designee.

Once the final Informal Resolution Agreement Form is signed, the matter will be closed, the resolution will be non-appealable, and the formal complaint process will not be re-initiated.

FORMAL RESOLUTION PROCESS

Receipt of Complaint

Navarro College's Title IX grievance process is initiated by the alleged victim (hereafter referred to as the "reporting party" or "complainant"), appropriate Title IX Coordinator, or an official with authority to institute corrective measures on behalf of Navarro College.

Any student or staff member may utilize email or the following Grievance Form link to file a report on sex discrimination, sexual harassment, gender-based harassment, retaliation, dating violence, domestic violence, sexual assault, and stalking:

<https://www.navarrocollege.edu/support-services/grievance/grievance-form.html>.

The grievance must be signed, either electronically or in writing. If the reporting party (complainant) is not able or willing to sign the grievance, the appropriate Title IX Coordinator or designee may sign the grievance form in the complainant's stead.

Supportive Measures

Once Navarro College has actual knowledge of an allegation of dating violence, domestic violence, gender-based harassment, retaliation, sex discrimination, sexual assault, sexual harassment, and/or stalking (hereafter referred to as "prohibited conduct"), the appropriate Title IX Coordinator or designee will promptly contact the complainant and offer supportive measures (i.e., appropriate advocacy resources on and off campus). See Rights and Resources on the Navarro College Title IX website at the following link for more information on Supportive Measures: <https://www.navarrocollege.edu/title-ix/rights-resources.html>.

These supportive measures and resources are available to the complainant whether or not they choose to file a formal complaint.

In the event a complaint is filed and the appropriate Title IX Coordinator or designee determines an investigation should be initiated, supportive measures will also be offered to the respondent.

Anticipated Time Frame for Formal Resolution Process

Navarro College will endeavor to expedite all formal complaint investigations and resolutions. Absent extenuating circumstances, such as a request by a law enforcement or regulatory agency for Navarro College to delay its investigation, the formal complaint process should be completed within a reasonably prompt time frame. However, Navarro College may temporarily delay or grant a limited extension of the time frame for good cause as long as both parties are notified in writing of the delay or extension and the reason(s) for the action.

The anticipated time frame from receipt of the formal complaint through the investigation and live hearing phases, culminating with the hearing's Written Determination of Responsibility, is 60 days.

The appeal process will be completed in a timely manner culminating with the appeal decision-maker's Appeal Determination.

Phase 1 of the Formal Resolution Process: Determination to Proceed with an Investigation

The appropriate Title IX Coordinator or designee will determine whether the allegation(s):

1. Occurred while participating in or attempting to participate in Navarro College's education program or activity,
2. Impacted a person in the United States, and/or
3. If proven, would meet the definition of prohibited conduct.

For the purposes of this policy, the alleged conduct must be so severe, pervasive, and objectively offensive that it limits or denies a student's ability to participate in or benefit from an educational program or activity. Note: Neither *quid pro quo* harassment by an employee nor a Clery Act (VAWA) offense are evaluated on the basis of either severity, pervasiveness, and offensiveness or for denial of equal educational access because such misconduct is sufficiently serious to deprive a student of equal access.

If the allegations in the complaint meet the criteria defined above, the appropriate Title IX Coordinator or designee will assign an appropriate individual(s) to investigate the complaint.

If the allegation(s) should be addressed through another Navarro College process, the Title IX Coordinator or designee will forward the complaint to the appropriate party

Dismissal of Complaint

If the allegations in the formal complaint do not meet one (1) or more of the criteria listed above, the complaint will be dismissed. Additionally, Navarro College may dismiss a complaint at any time if:

1. The complainant would like to withdraw the complaint,
2. The respondent is no longer enrolled at or employed by Navarro College, or
3. Specific circumstances prevent Navarro College from gathering evidence sufficient to reach a determination (e.g., lack of evidence, same allegations already investigated and adjudicated).

If a complaint is dismissed for any of the aforementioned reasons, the appropriate Title IX Coordinator or designee will notify the parties in writing of the reason(s) for the dismissal.

Even if a formal complaint is dismissed for any of the aforementioned reasons, the appropriate Title IX Coordinator or designee may refer the alleged incident to the student disciplinary process or employee general grievance process for appropriate investigation and resolution. For more information on the student disciplinary process, contact the Dean of Students Office at 903-875-7414 or Rebecca.Tuerk@navarrocollege.edu. For more information on the employee general grievance process, contact the Human Resources Office (HR) at 903-875-7330 or Marcy.Ballew@navarrocollege.edu.

Appealing the Complaint Dismissal

Either the complainant or respondent may appeal any dismissal of the complaint on the following grounds by submitting a written request to the appropriate Title IX Coordinator or designee:

1. Procedural irregularity that affected the outcome,
2. New evidence not reasonably available that could affect the outcome, and/or
3. Conflict of interest or bias by Navarro College's participants that affected the outcome.

The non-appealing party will be notified that the other party has appealed and will be allowed to submit a written statement in response.

Dismissal of Complaint Appeal Procedures

The appropriate Title IX Coordinator or designee will assign a hearing panel to conduct the dismissal of complaint appeal. For more information on hearing panel members, see the Hearing Chairperson and Members section under Phase 3 of the Formal Complaint Process: Live Hearing below.

The hearing panel member will be free from conflicts of interest or bias for or against the parties.

The hearing panel member will conduct a prompt, fair, impartial, unbiased, and equitable process from receipt of the dismissal of complaint appeal to the submission of the Decision Regarding Dismissal of Complaint Appeal.

The appropriate Title IX Coordinator or designee will forward all information regarding the formal complaint, reason(s) for dismissal, appeal of the dismissal, and the non-appealing party's written statement to the hearing chairperson.

The hearing panel member will review the documentation and may, at their discretion, meet separately with the complainant and/or respondent.

The hearing panel member will consider whether the dismissal of the complaint is appropriate, and will write a rationale explaining their decision. The hearing panel member will then notify the parties and appropriate Title IX Coordinator or designee in writing whether the dismissal of the complaint is upheld or overturned.

If the dismissal of the complaint is overturned, the appropriate Title IX Coordinator or designee will re-initiate the Title IX grievance resolution process at the appropriate level. The Title IX grievance resolution process will resume at the same point it ended when the complaint was dismissed.

If the dismissal of the complaint is upheld, the hearing panel's determination is final and non-appealable. However, the appropriate Title IX Coordinator or designee may still refer the alleged incident to the student disciplinary process or employee general grievance process for appropriate investigation and resolution. For more information on the student disciplinary process, contact the Dean of Students Office at 903-875-7414 or Rebecca.Tuerk@navarrocollege.edu. For more information on the employee general grievance process, contact the Human Resources Office (HR) at 903-875-7330 or Marcy.Ballew@navarrocollege.edu.

Phase 2 of the Formal Resolution Process: The Investigation

Investigator

Navarro College will maintain investigators consisting of members of the Dean of Students Office and any other appropriately trained investigators designated by Navarro College. The appropriate Title IX Coordinator or designee will assign one or more investigators to investigate the complaint.

All investigators will receive appropriate training on at least an annual basis to function in this role.

The investigator will be free from conflicts of interest or bias for or against the reporting party (complainant) or respondent (hereafter referred to as "the parties").

The investigator will conduct a prompt, fair, Impartial, unbiased, and equitable process from the initial investigation to the submission of the Investigative Report.

Throughout the investigation, the burden of gathering evidence and burden of proof will fall on Navarro College, not the parties.

Initiating the Investigation

The investigator will send an initial written notice containing details of the complaint and allegation(s) to both parties at the onset of the investigation.

The respondent will be presumed to be not responsible for the alleged prohibited conduct until a written determination is made at the conclusion of the Title IX grievance process. This presumption will be stated in the initial written notice provided to both parties at the onset of the investigation.

Advisors' Roles During the Investigation Phase

In accordance with Title IX, both parties will have equal right to be accompanied by an advisor of their choice to interviews, meetings, and hearings with the investigator. Navarro College will not provide an advisor for either party during this phase of the Title IX complaint process. Navarro College retains the right to limit the role of both parties' advisors in interviews, meetings, and hearings with the investigator.

Interim Action(s) and Temporary Removal(s)

If, after engaging in an individualized safety and risk analysis, the investigator determines that an immediate threat to the physical health or safety of any student or other individual arising from the allegation of prohibited conduct justifies the temporary removal of the respondent, the investigator may recommend interim action(s) to the appropriate Title IX Coordinator or designee. If the appropriate Title IX Coordinator or designee approves the interim action(s), the investigator will provide the respondent with written notice of the interim action(s).

The investigator will meet with the respondent to discuss and explain the interim action(s). If the interim action(s) include a temporary removal (e.g., temporary immediate suspension, temporary removal from Navarro College Student Housing, temporary employee administrative leave):

1. The investigator will explain to the respondent their right to challenge the interim action(s) immediately after the temporary removal.
2. The investigator will provide to the respondent the Notice to Challenge a Temporary Removal form.

If the respondent chooses to challenge the temporary removal and composes an appeal to challenge the temporary removal, the investigator will submit this appeal to the designee along with a brief rationale explaining the individualized safety and risk analysis utilized to arrive at the interim action(s). The designee will review the documentation, consider whether the removal is appropriate, and write a rationale explaining their decision. The designee will then notify the parties and investigator in writing whether the removal is upheld or overturned.

Investigative Interviews, Meetings, or Hearings

The investigator will meet separately with the parties, their respective advisors (if the parties elect to provide their own advisors during this phase), and witnesses.

The investigator will send written notice of any investigative interviews, meetings, or hearings to both parties and afford them sufficient time to prepare for these events.

During the initial interview, meeting, or hearing, with the parties (and their respective advisors if the parties elect to provide their own advisors during this phase), the investigator will do the following:

1. Notify the parties (and their respective advisors if the parties elect to provide their own advisors during this phase) of their rights and options, including their right to file a complaint with the U.S. Department of Education Office for Civil Rights (OCR),
2. Explain the preponderance of the evidence standard (i.e., more likely than not to have occurred),
3. Provide a list of potential disciplinary sanctions and remedies. The investigator will review and explain this document and answer any questions regarding the potential disciplinary sanctions and remedies, and
4. Explain the informal resolution provisions outlined in the Informal Resolution section of this handbook.

The parties will have equal opportunity to present witnesses (including both fact and expert witnesses), inculpatory evidence (i.e., evidence that can establish an individual's involvement in an act or guilt), and exculpatory evidence (i.e., evidence that can exonerate an individual).

The investigator will not restrict the ability of either party (or their respective advisors if the parties elect to provide their own advisors during this phase) to discuss the allegations and gather or present relevant evidence. However, Navarro College retains the right to limit the role of both parties' advisors in interviews, meetings, and hearings with the investigator.

Authorization to Obtain Treatment Records

The investigator will not access, consider, disclose, or otherwise use a party's records that are made or maintained by a physician, psychiatrist, psychologist, or other recognized professional or paraprofessional acting in the professional or paraprofessional's capacity, or assisting in that capacity, and which are made and maintained in connection with the provision of treatment to the party, unless the investigator first obtains the party's voluntary, written consent to do so.

Investigative Report

At the conclusion of the investigation, the investigator will write an Investigative Report that fairly summarizes the investigation and includes all relevant evidence. The investigator will send the parties (and their respective advisors if the parties elect to provide their own advisors during this phase) evidence directly related to the allegations, in electronic format or hard copy, with at least 10 days for the parties to inspect, review, and respond to the evidence. The investigator will send the parties, and their advisors, an investigative report that fairly summarizes relevant evidence, in electronic format or hard copy, with at least 10 days for the parties to respond.

Phase 3 of the Formal Resolution Process: Live Hearing

The investigation will be followed by a live hearing.

The parties and their respective advisors will be notified simultaneously in writing of the date, time, and place of the live hearing.

If a party is unable to obtain an advisor for the live hearing, Navarro College will provide one (1) free of charge for the purpose of conducting cross-examination for the party. In this case, the appropriate Title IX Coordinator or designee will assign an appropriate advisor to the party for the live hearing.

Hearing Panel Chairperson and Members

The hearing panel chairperson and hearing panel members will serve as the decision-makers in the formal Title IX grievance process.

Navarro College will maintain a pool of appointed hearing panel members. The hearing panel members will not be the Title IX Coordinators, investigators, or hearing member who made a determination in the complaint dismissal appeal, if applicable.

The appropriate Title IX Coordinator or designee will assign (an) individual(s) from the pool of panel members to conduct the live hearing.

All hearing panel members will receive appropriate training on at least an annual basis to function in this role.

The hearing panel chairperson will be free from conflicts of interest or bias for or against the parties.

The hearing panel chairperson will conduct a prompt, fair, impartial, unbiased, and equitable process from the live hearing to the submission of the Written Determination of Responsibility.

Live Hearing Procedures

Specific procedures for the live hearing, including time limits for statements, rebuttal, and cross-examination, will be provided to the complainant, respondent, and their respective advisors prior to the live hearing.

The live hearing will be conducted by the hearing panel chairperson on the specified date and time to hear from the reporting party (complainant), respondent, their respective advisors, and witnesses. Live hearings may be conducted in designated rooms or conducted virtually with the requirement that only specified parties be present. At either party's request, the hearing chairperson will provide the parties with separate rooms and the use of appropriate technology so the hearing chairperson, the parties, and their respective advisors can simultaneously see and hear all questions.

The hearing panel chairperson must make an audio recording, video recording, or transcript of the live hearing. The hearing chairperson will make the audio recording, video recording, or transcript available to the parties for inspection and review after the conclusion of the live hearing.

The hearing panel chairperson will permit each party's advisor to ask the other party and all witnesses any relevant questions and follow-up questions, including those bearing on credibility. Cross-examination will be conducted directly, orally, and in real time by the parties' respective advisors and never by the parties personally.

Only relevant cross-examination and other questions may be asked of a party or witness. Before a complainant, respondent, or witness answers a cross-examination or other question, the decision-maker must first determine whether the question is relevant and explain to the party's advisor asking cross-examination questions any decision to exclude a question as not relevant. Questions and evidence concerning a complainant's sexual predisposition or prior sexual behavior are irrelevant and not permitted, unless these questions are offered to prove that someone other than the respondent committed the alleged misconduct or to prove consent.

If a party or witness refuses to submit to cross-examination, the hearing chairperson is required to ignore that individual's statement and reach a decision based on the remaining body of relevant evidence. However, the hearing chairperson is not permitted to draw an adverse inference based on the mere fact that an individual refused to submit to cross-examination.

Written Determination of Responsibility

After the live hearing, the hearing panel chairperson will deliberate on the evidence provided and determine responsibility using the preponderance of evidence standard (i.e., more likely than not to have occurred). Once finding(s), sanction(s), condition(s), and/or restriction(s) have been determined, the Panel will complete the Title IX Hearing Panel Findings & Sanctioning Form. The Title IX Hearing Panel Findings & Sanctioning Form will include the rationale for the findings, any sanctions imposed, signatures of the panel members, tallied votes, and any recommended remedies and then, the hearing is adjourned

The hearing panel chairperson or appropriate Title IX Coordinator or designee will send the Written Determination of Responsibility simultaneously to the parties and their respective advisors in electronic format or hard copy along with information about how to file an appeal.

The Written Determination of Responsibility will become final when:

1. The stated time period to file an appeal has passed for both parties and neither party appeals, or
2. The parties are notified that the hearing chairperson's determination was upheld after the appeal process has been exhausted for both parties.

Potential Penalties Imposed on a Respondent

The hearing panel may impose the following penalties on a student respondent or other penalties, as appropriate:

The following penalties may be imposed singularly or in combination upon individuals, groups or organizations and may be applied temporarily as interim safety measures:

1. Administer a verbal or written warning to the student.
2. Require the student attend counseling sessions.
3. Cancel residence hall contract and/or meal ticket.
4. Impose disciplinary probation for a definite period of time with the condition that future violations may result in disciplinary suspension.
5. Prohibit a student from representing the college, on or off campus, in any recognized college-sponsored event.
6. Withhold an official transcript or degree.
7. Prohibit readmission or re-enrollment.
8. Require restitution, whether monetary or through specific duties, such as reimbursement for

damage(s) to or misappropriation of college, student or employee property.

9. Designate a student ineligible for student grant, loan or scholarship.
10. Expel or suspend a student from Navarro College.
11. Withdraw a student from all currently enrolled coursework without refund of tuition and fees. Educational sanctions may include work assignments, essays, community service, behavioral contract, administrative referral, letters of apology and other related educational assignments. No student who has been suspended from the college shall be permitted on the college campus during the period of suspension without prior written approval from the appropriate vice president who may convene the appeals committee for consideration/consultation of the matter.
12. Educational sanctions may include work assignments, essay writing, community service, behavioral contract, administrative referral, letter of apology or restitution, or other educational assignment.
13. Impose other sanctions as outlined in the departmental handbook for specific programs including but not limited to fire/EMS, nursing and police academy departments.
14. Limit access to and/or prohibit students from certain areas of the campus.
15. Administer other sanctions as per the discretion of the Vice President of Student Services or Dean of Students.

The hearing chairperson may impose the following penalties on an employee respondent or other penalties as appropriate:

1. Coaching and Counseling,
2. Written Disciplinary Action,
3. Unpaid Administrative Leave, and
4. Recommendation for Termination.

Potential Remedies Provided to Complainant

If a respondent is found to be responsible for committing prohibited conduct, Navarro College must effectively implement remedies for the reporting party (complainant) that are designed to restore or preserve the complainant's right to equal access to education.

Remedies the hearing chairperson can offer to a student complainant include, but are not limited to:

1. Campus Change,
2. Class Schedule Change,
3. Drop a Course Without an Academic Penalty,
4. Increased Security and Staff Monitoring of Certain Areas of the Campus,

5. Information Regarding and Referrals to the Appropriate Agency for a No-Contact Order, Order of Protection, Restraining Order, or Similar Lawful Order through a Civil, Criminal, or Tribal Court,
6. Late Withdrawal from a Course,
7. No Contact Directive Issued by Navarro College,
8. Referral to Appropriate Medical Facility
9. Referral to Appropriate Off-Campus Resources,
10. Referral to Navarro College Police Department and/or Local Law Enforcement Agency,
11. Referral to Counseling Services,
12. Specific Educational Programming for an Individual or Group,
13. Student Employment Assignment Change, and
14. Student Housing Change (If Residing in Navarro College Residence Life halls).

Remedies the hearing chairperson can offer to an employee complainant include, but are not limited to:

1. Increased Security and Staff Monitoring of Certain Areas of the Campus,
2. Information Regarding and Referrals to the Appropriate Agency for a No-Contact Order, Order of Protection, Restraining Order, or Similar Lawful Order through a Civil, Criminal, or Tribal Court,
3. No Contact Directive Issued by Navarro College,
4. Referral to Appropriate Medical Facility,
5. Referral to Appropriate Off-Campus Resources,
6. Referral to Navarro College Police Department and/or Local Law Enforcement Agency,
7. Referral to Employee Assistance Program (EAP),
8. Specific Educational Programming for an Individual or Group, and
9. Work Schedule Reassignment.

Phase 4 of the Formal Resolution Process: Appeal

Either the (reporting party) complainant or the respondent may appeal the hearing chairperson's determination on the following grounds by submitting a written request to the appropriate Title IX Coordinator within two (2) College District business days of the hearing chairperson's decision:

1. Procedural irregularity that affected the outcome,

2. New evidence not reasonably available that could affect the outcome, and/ or
3. Conflict of interest or bias by Navarro College's participants that affected the outcome.

The non-appealing party will be notified that the other party has appealed and will be allowed to submit a written statement in response.

Appeal Decision-Maker

The appeal decision-maker will be an appropriate vice president or designee. The appeal decision-maker will not be the same individual who served as the hearing chairperson during the live hearing. Additionally, the appeal decision-maker(s) will not be the Title IX Coordinators, deputy Title IX Coordinators, or investigators.

All appeal decision-makers will receive appropriate training on at least an annual basis to function in this role.

The appeal decision-maker will be free from conflicts of interest or bias for or against the parties.

The appeal decision-maker will conduct a prompt, fair, impartial, unbiased, and equitable process from the appeal to the submission of the Appeal Determination.

Appeal Procedures

The appropriate Title IX Coordinator or designee will forward all information regarding the investigation, Investigative Report, copy of the audio, video, or transcript of the hearing, and hearing panel chairperson's Written Determination of Responsibility to the appeal decision-maker.

The appeal decision-maker will review the records and evidence and may, at their discretion, meet separately with the complainant and their advisor, the respondent and their advisor, and/or witnesses.

Appeal Determination

After the appeal, the appeal decision-maker will deliberate on the evidence provided and make a determination using the preponderance of the evidence standard (i.e., more likely than not to have occurred). The appeal decision-maker will compose an Appeal Determination, which will describe the:

1. Appeal and rationale for the determination, and
2. Procedures and permissible grounds for appeal.

The appeal decision-maker or appropriate Title IX Coordinator or designee will send the Appeal Determination simultaneously to the parties and their respective advisors in electronic format or hard copy along with information about how to file an appeal, if applicable.

The appeal decision-maker's determination is final.

Disclosure of Results of Disciplinary Proceeding

Upon written request, Navarro College will disclose to the alleged victim of a crime of violence, as defined in Section 18 U.S. Code § 16, United States Code, or non-forcible sex offense (i.e., incest or statutory rape) the report on the results of any disciplinary proceeding conducted by Navarro College against a student or employee who is the alleged perpetrator of such crime or offense. If the alleged

victim is deceased as a result of such crime or offense, Navarro College will treat the victim's next of kin as the alleged victim.

EMPLOYEE DUTY TO REPORT

Note: Neither submitting a Grievance Form by anyone other than the reporting party (complainant) nor reporting to any individual other than the appropriate Title IX Coordinator or designee does not constitute filing a "formal complaint" for the purposes of initiating the Title IX complaint resolution process as defined by Title IX. To initiate the Title IX grievance resolution process, the reporting party (complainant) must submit a formal complaint to the appropriate Title IX Coordinator or designee as referenced below and through either email or through the link provided above. Additionally, while there may be other options under different procedures, to initiate the Title IX grievance resolution process, complainants cannot remain anonymous.

In accordance with the [Texas Higher Education Code Section 51.252](#), a Navarro College employee who, in the course and scope of employment, witnesses or receives information regarding the occurrence of an incident that the employee reasonably believes constitutes dating violence, sexual assault, sexual harassment, gender-based harassment, or stalking and is alleged to have been committed by or against a person who was a student enrolled at or an employee of Navarro College at the time of the incident will promptly report the incident to Navarro College's Title IX Coordinator or deputy Title IX Coordinator. The report must include all information concerning the incident known to the reporting person that is relevant to the investigation and, if applicable, redress of the incident, including whether an alleged victim has expressed a desire for confidentiality in reporting the incident.

Also in accordance with the Texas Higher Education Code Section 51.252, an employee of Navarro College who is designated by Navarro College as a person with whom students may speak confidentially (as in a licensed counselor) concerning dating violence, sexual assault, sexual harassment, gender-based harassment, or stalking, or who receives information regarding such an incident under circumstances that render the employee's communications confidential or privileged under other law will, in making a report under this section, state only the type of incident reported and may not include any information that would violate a student's expectation of privacy. This subsection does not affect the employee's duty to report an incident under any other law.

Exceptions

A Navarro College employee is not required to make a report under this section concerning:

1. An incident in which the student or employee was a victim of the dating violence, sexual assault, sexual harassment, gender-based harassment, or stalking; or
2. An incident in which the employee received information due to a disclosure made at a dating violence, sexual assault, sexual harassment, gender-based harassment, or stalking public awareness event sponsored by the Navarro College or by a student organization affiliated with Navarro College.

RECORDS RETENTION

Retention of records will be in accordance with Navarro College's records retention procedures. For more information, see Board policy located at <https://www.navarroclege.edu/boardpolicies/section-c/section-ch-1.html>. Navarro College will retain all materials used to train institutional participants in the various phases of the Title IX complaint resolution process, including the Title IX staff for a period of

seven (7) calendar years (i.e., January 1 through December 31). Materials utilized for training are made available on Navarro College's website, in accordance with Title IX regulations. Additionally, records of formal resolutions and informal resolutions will be retained for the same length of time. In instances where Navarro College receives a report of prohibited conduct, but a formal complaint is not filed, Navarro College will maintain a record of all actions taken, including providing supportive measures, for the same length of time. In these instances, Navarro College will include a written rationale explaining why a formal complaint was not filed.