



JACKSONVILLE COLLEGE

Jacksonville College Sexual Misconduct Policy (Including Sexual Harassment, Assault, Violence, and Other Sexual Misconduct)

Effective August 2017

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A. Overview

The mission of Jacksonville College (JC) is to provide a quality education from a biblical worldview that challenge minds, transform lives and equips students for servant leadership and lifelong learning. With the mission of JC as guidance for all institutional goals, it is of utmost importance that JC instills in its students a biblical worldview of education, life and human sexuality. Using the premise that human sexuality is a gift from God and applying biblical principles from the Bible as the foundation for an understanding of human sexuality, JC strives to educate students regarding the purpose of this gift. JC believes that God gifted human sexuality for the purpose of procreation, and creating a strong, unified marital bond between one man and one woman.

Faculty, staff, and students at JC are expected to conduct themselves at all times in accordance with the highest standards of Christian morality. Toward this end, the College may subject to disciplinary action any faculty, staff, or student who engages in the following:

- 1. Sexual activity with a person other than his/her spouse;**
- 2. Sexual activity with a person of the same sex;**
- 3. Touching, caressing, and other physical conduct of a sexual nature that is inappropriate to the time and place in which it occurs;**
- 4. Participation in advocacy groups and/or activities that are contrary to JC Scriptural beliefs about human sexuality;**
- 5. The possession or viewing of pornographic material;**

The actions listed above violate the College's commitment to sexual purity in line with its Scriptural beliefs about human sexuality. These types of violations are covered more fully in the Student Code of Conduct and Employee Handbook, which discuss the disciplinary procedures for such violations.

In addition to those violations, there are certain types of violations that are so serious that they require more extensive investigation and hearing procedures. This would include the following prohibited conduct:

- 1. Sexual assault**
- 2. Sexual violence**
- 3. Sexual harassment**
- 4. Sexual discrimination**
- 5. Domestic or dating violence**
- 6. Stalking**
- 7. Sexual exploitation, or**
- 8. Other sexual misconduct outlined in the Definitions section of this policy.**

Because of the gravity of these allegations, the prohibited conduct outlined in the preceding sentence will be governed by the more robust procedures outlined in this Sexual Misconduct Policy.

JC has a high moral commitment to the worth and dignity of all individuals. Members of the College community, guests, and visitors have the right to be free from all forms of sexual misconduct. All members of the campus community are expected to conduct themselves in a manner that does not infringe upon the rights of others. This Sexual Misconduct Policy is meant to promote a safe living and learning environment for all members of the campus community in accordance with JC's Scriptural beliefs about human sexuality and in compliance with state and federal laws including, but not limited to, Title IX of the Education Amendments of 1972, the Violence Against Women Reauthorization Act of 2013, Title VII of the Civil Rights Act of 1964, the Jeanne Clery Disclosure of Campus Security Policy and Campus Crime Statistics Act, and the Campus Sexual Violence Elimination (SaVE) Act.

B. Scope

This policy governs the conduct of JC students, regardless of enrollment status; faculty; staff; and third parties (i.e., non-members of the JC community such as vendors, alumni, visitors, or local residents). Third parties are both protected by and subject to this policy. A third party may report or file a complaint concerning a violation of this policy committed by a member of the JC community. A third party may also be permanently barred from JC or subject to other restrictions for failing to comply with this policy. This policy applies to conduct that occurs on College property, and in certain circumstances, off College property (i.e., off campus). This policy applies to conduct that occurs off campus when the conduct is associated with a College-sponsored program or activity, such as travel, research, or internship programs; when it utilizes College owned or provided technology resources; or when such conduct may have a nexus to campus, such as a continuing adverse effect or creation of a hostile environment on campus. Maintaining a safe living and learning environment is the responsibility of the entire campus community. Therefore, all faculty, adjunct faculty, and full-time/part-time staff members who are not Confidential Resources (as defined in section E of this policy) must promptly report suspected sexual misconduct to the Title IX Coordinator. Likewise, student workers who learn of violations of this policy in the scope of their employment must promptly report alleged violations of this policy to the Title IX Coordinator. JC strongly urges all other members of the JC community, including students and visitors, to promptly report any allegation of sexual misconduct to the Title IX Coordinator.

This policy prohibits any attempt to seek retribution against an individual or group of individuals involved in filing a complaint or report under this policy, filing an external complaint, participating in a disciplinary process, or opposing in a reasonable manner an action believed to constitute a violation of this policy.

C. Definitions

For purposes of this policy, the following sexual misconduct is considered to be prohibited conduct:

- 1. Complainant;**
- 2. Respondent;**
- 3. Definition of Status;**
- 4. Discrimination;**
- 5. Harassment;**
- 6. Discriminatory Harassment;**
- 7. Sexual Harassment;**
- 8. Hostile Environment;**
- 9. Sexual Misconduct;**
- 10. Quid Pro Quo Sexual Harassment;**
- 11. Retaliatory Harassment;**
- 12. Sexual Harassment of a Student by Another Student;**
- 13. Sexual Harassment of a Faculty/Staff Member by a Student of Another Employee;**
- 14. Sexual Harassment of a Student by a Faculty/Staff Member/Campus Visitor;**
- 15. Non-Consensual Sexual Contact;**
- 16. Non-Consensual Sexual Intercourse;**
- 17. Sexual Exploitation;**
- 18. Consent;**
- 19. Force;**
- 20. Retaliation;**
- 21. Domestic or Dating Violence;**
- 22. Stalking;**
- 23. Preserving Evidence.**

These terms and other related terms applicable to this policy are more fully defined in Appendix A. If a person would like to press criminal charges for an alleged violation of any of the above criminal laws, or would like to seek an order of protection, the definitions contained in the Texas Penal Code and Family Code (found in Appendix B) would apply, not the internal definitions used in this policy.

D. Title IX Coordinator and Related Parties

The Title IX Coordinator directs compliance with JC's Sexual Misconduct Policy and Title IX. The Title IX Coordinator will be informed of all complaints or reports of violations of this policy and shall oversee JC's centralized response to ensure compliance with JC's values, Title IX, and other applicable laws. The Title IX Coordinator's activities include, but are not limited to, the following:

1. Communicating with all members of the JC community regarding this Sexual Misconduct Policy and Title IX and providing information about how individuals may access their rights;
2. Overseeing JC's administration of its own applicable policies, including record keeping, timeframes, and other procedural requirements relating to this Sexual Misconduct Policy and Title IX;
3. Conducting training regarding Sexual Misconduct issues, Title IX, the Violence Against Women Reauthorization Act of 2013 (VAWA), and prohibited conduct defined in this policy; and
4. Responding in accordance with the procedures set forth in this policy to any complaint or report regarding conduct that may violate this policy. On all matters relating to this Sexual Misconduct Policy, the Title IX Coordinator is supervised directly by the Vice President of the College.

The Title IX Coordinator's contact information is:

Sandra White -Title IX Coordinator
Jacksonville College
105 B.J. Albritton Drive
Jacksonville, Texas 75766
swhite@jacksonville-college.edu 903-586-2518 ext. 7232

Mike Morse
Title IX Investigator
Jacksonville College
105 B.J. Albritton Drive
Jacksonville, Texas 75766
mmorse@jacksonville-college.edu
903-589-7114

Blanton Feaster
Title IX Special Adjudicator
Jacksonville College
105 B.J. Albritton Drive
Jacksonville, College 75766
bfeaster@jacksonville-college.edu
903-589-7144

Reports of alleged sexual misconduct can be made by email, phone call, letter, or meeting with the Title IX Coordinator or Title IX team.

Title IX Special Investigator:

In situations involving formal complaints, the Investigator will carry out all initial investigations and report findings to the Title IX compliance office and Special Adjudicator.

Special Adjudicator

For situations involving formal complaints, a Title IX Special Adjudicator has been appointed by the President to handle all appeals of rulings by the Title IX Compliance Office.

Because of the serious nature of sexual misconduct allegations, JC is committed to providing both complainants and respondents with resources to know their rights and responsibilities under this policy.

E. Confidentiality

When reporting and or Filing a Claim, All College employees (faculty, staff, administrators) are expected to immediately report actual or suspected sexual misconduct to appropriate officials, though there are some limited exceptions outlined below. In order to make informed choices, it is important to be aware of confidentiality and mandatory reporting requirements when consulting campus resources. On campus, some resources may maintain confidentiality—meaning they are not required to report actual or suspected sexual misconduct to appropriate college officials—thereby offering options and advice without any obligation to inform an outside agency or individual unless a victim has requested information to be shared. Other resources exist for a victim to report crimes and policy violations and these resources will take action when an incident is reported to them.

The following describes the two reporting options at the College:

F. Confidential Reporting

If a reporting party would like the details of an incident to be kept confidential, the reporting party may speak with:

- 1. The campus counselor**
- 2. On-campus:**
 - a. Title IX Coordinator**
- 3. Off-campus:**
 - a. Licensed professional counselors**
 - b. Local rape crisis counselors**
 - c. Local or state assistance agencies**
 - d. Clergy/Chaplains**

All of the above JC employees will maintain confidentiality except in extreme cases of immediate threat or danger, or abuse of a minor. Campus counselors are available to help, free of charge, as a service to all parties. These employees will annually submit anonymous, aggregate statistical information for Clery Act purposes.

G. Formal Reporting Options

Formal reports of sexual misconduct may be made to the Title IX Coordinator or Title IX Investigator, or Title IX adjudicator via email, phone, or in person at the contact information below:

Sandra White -Title IX Coordinator
Jacksonville College
105 B.J. Albritton Drive
Jacksonville, Texas 75766
swhite@jacksonville-college.edu 903-586-2518 ext. 7232

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Complainants and other reporting individuals are encouraged to report any violation of this policy as soon as possible in order to maximize JC's ability to respond promptly and effectively. Complaints and reports may be made at any time without regard to how much time has elapsed since the incident(s) in question.

If a victim does not wish for their name to be shared, does not wish for an investigation to take place, or does not want a formal resolution to be pursued, the victim may make such a request to the Title IX Coordinator, who, in accordance with the procedure in section K of this policy, will evaluate that request in light of the duty to ensure the safety of the campus and comply with federal and state laws.

A complainant has the right, and can expect, to have reports taken seriously by the College when formally reported, and to have those incidents investigated and properly resolved through these procedures. Formal reporting still affords privacy to the complainant, and only a small group of officials who need to know will be told, including but not limited to: the Title IX

Coordinator, Dean of Students (if the allegation involves students), the Vice President for Academic Affairs/Academic Dean (if the allegation involves faculty), the Vice President for Executive Affairs, the Office of Legal Affairs for the College, the Chief of Security, and the President of the College.

Information will be shared as necessary with investigators, witnesses, and the respondent. The circle of people with this knowledge will be kept as tight as possible to preserve a complainant's rights and privacy. At the complainant's request, JC will assist the complainant in contacting local law enforcement.

All College employees have a duty to report, unless they fall under "Confidential Reporting" in section F. Complainants may want to consider carefully whether they share personally identifiable details with non-confidential employees, as those details must be shared by the employee with the Title IX Coordinator. Employees must share all details of the reports they receive.

Failure of a non-confidential employee, as described in this section, to report an incident or incidents of sexual misconduct of which they become aware is a violation of College policy and will be subject to disciplinary action for failure to comply with College policies.

H. Amnesty

In order to encourage reports of conduct prohibited under this policy, JC may offer amnesty to the complainant or reporting witness with respect to any alcohol, sexual conduct, and minor drug use violations of JC's Student Code of Conduct. JC may also offer amnesty or leniency to the complainant or reporting witness with respect to other violations of College policy which may be disclosed as a result of such reports, depending on the circumstances involved. JC may recommend alcohol or drug counseling/education services to students violating JC's Student Code of Conduct.

I. Good Faith Allegations

Allegations must be made in good faith and not made out of malice. It is a violation of JC policy to knowingly make a false, malicious, or frivolous accusation of discrimination, harassment, sexual misconduct or retaliation. However, mere failure to prove a complaint is not equivalent to a false, malicious, or frivolous accusation.

J. Procedures for Formal Complaints of Sexual Assault, Sexual Violence, and Other Severe Allegations of Sexual Misconduct

In general as outlined more fully in sections F and G, any allegation of sexual misconduct may be made directly to the Title IX Coordinator or Related Parties via email, phone, or in person at the contact information below:

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The College is committed to providing a robust and sound procedure for investigating and ruling on serious allegations of violations of this policy. Thus, the weighty procedures outlined in this section are specifically meant for cases involving serious issues of sexual assault, sexual violence, and other severe allegations of sexual misconduct. The procedures outlined in this section will be used in: a) all cases where an allegation of sexual assault or sexual violence has been made and b) in other cases where the Title IX Coordinator, the Vice President for Executive Affairs (if the allegation is against a faculty or staff member), deems the allegation to be severe and more than a minor incident.

Proceedings under this policy are separate and distinct from Texas' criminal process. These proceedings may be carried out prior to, simultaneously with, or following civil or criminal proceedings off campus. Neither a decision by law enforcement regarding prosecution nor the

outcome of any criminal proceeding will be considered determinative of whether a violation of this policy has occurred.

Complaint/Grievance Procedure

These procedures are intended to apply to student grievances against employees, employee civil rights grievances against students, and student-on-student civil rights grievances. All other grievances by students against students or employees will be addressed through other student conduct procedures. The college benefits from formal and informal procedures that encourage prompt resolution of complaints and concerns raised by members of the college community. All individuals are encouraged to report discrimination, harassment, sexual misconduct and retaliation so that prompt effective action can be taken.

Informal Complaint Resolution

Before pursuing the formal complaint process, every reasonable effort should be made to constructively resolve issues with students, faculty, staff, or administrators. Whenever possible and safe, the problem or complaint should first be discussed with the individual involved in the complaint. If satisfactory resolution is not reached after discussion with the individual, the complainant should contact the individual's direct supervisor to resolve the complaint. If these efforts are unsuccessful, the formal complaint process may be initiated. The college does not require a complainant to contact the person involved or that person's supervisor if doing so is impracticable, or if the complainant believes that the conduct cannot be effectively addressed through informal means.

Formal Complaint/Grievance Procedures

Responsibility to Report

Any student, faculty member, staff member, administrator, or visitor to the campus who has experienced or witnessed sexual harassment is strongly encouraged to report it. In order to maintain a safe environment, the college must know about incidents of sexual harassment in order to stop them, protect victims, and prevent future incidents.

It is the responsibility of college faculty, administrators, and supervisors to report complaints of sexual harassment that they receive and of possible sexual harassment of which they become aware. When there is a relationship that involves legally recognized professional confidentiality between the complainant and the person to whom the harassment is reported, the report may be withheld at the request of the complainant.

Notification

Students, faculty members, administrators, staff members, or visitors to the college are strongly encouraged to report allegations of discrimination or harassment to the Title IX Coordinator. A report of sex discrimination or harassment should be made as soon as possible after the incident in order to facilitate an effective response. The longer a report is delayed, the more difficult it will be for the college to investigate. A person who raises a complaint may discuss with the Title IX Coordinator any situation believed to constitute sexual discrimination or harassment. Reports may be made by the person experiencing the discrimination or harassment

or by a third party, such as a witness or someone who is told of the discrimination or harassment.

Upon receipt of the complaint/grievance, the Coordinator will open a formal case file. If the Title IX Investigator receives the complaint/grievance, the Investigator will notify the Coordinator of the case to determine if the case is a Title IX case.

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Investigation

1. The Title IX Coordinator, or Investigator if appointed, will conduct the investigation and will apprise the Vice President for the appropriate division of the grievance, or if the grievance is against the student, the Dean of Students.
2. The Title IX Coordinator, or Investigator if appointed, will:
 - a. Identify the correct policies allegedly violated;
 - b. Conduct an immediate initial investigation to determine if there is reasonable cause to charge the respondent(s);
3. If there is insufficient evidence to support reasonable cause, the grievance should be closed with no further action;
 - a. Meet with the complainant to finalize the grievance;
4. Prepare the notice of charges on the basis of initial investigation;
 - a. Develop a strategic investigation plan which may include a witness list, an evidence list, an intended timeframe, and an order of interviews for all witnesses, including the respondent;
 - b. Conduct a thorough, reliable and impartial investigation. Witnesses may or may not be given notice prior to the interview.

- c. Complete the investigation promptly, and without unreasonable deviation from the intended timeline.
 - d. Make a finding on the case, based on a preponderance of the evidence which indicates that a policy violation has or has not occurred;
 - e. Present the findings to the individual(s) alleged to have committed discrimination or harassment, who may accept the findings, accept the findings in part and reject the findings in part, or may reject all findings;
 - f. Share the findings and update the complainant on the status of the investigation and the outcome.
5. If the findings indicate that the alleged discrimination or harassment has not occurred, the investigation should be closed. The complainant who filed a complaint may request from the The Title IX Coordinator, and/or Investigator, an extraordinary decision to refer the complaint to a hearing. A hearing will only be granted in exceptional circumstances.
6. Where the findings indicate that the alleged discrimination or harassment has occurred, and the respondent(s) accepts the findings that she/he violated college policy, an appropriate sanction will be imposed. If the complaint is against a student the sanction will be determined by the Dean of Students. If the complaint is against a JC employee, the Vice President for the appropriate division in consultation with Human Relations will determine the sanction. JC will act to end the discrimination, prevent its recurrence, and remedy its effects on the person who filed the complaint and on the JC community.
7. Following the investigation, the Chair of the Investigation and Hearing Board will distribute a written Letter of Determination to the affected parties.

Hearing

1. In the event that the individual(s) alleged to have committed discrimination or harassment rejects the investigation findings in part or entirely, the Coordinator, or Investigator if appointed, will convene a hearing under its respective procedures to discuss the contested aspects of the formal complaint. At the hearing, the findings of the investigation will be admitted. However, the Coordinator, and/or Investigator, is not bound by the finding(s). The hearing will determine whether it is more likely than not that a violation of policies has occurred. The goal of the hearing is to provide an equitable resolution via an equitable process, respecting the civil and legal rights of all participants.
2. When the Coordinator, and/or Investigator, determines a violation has occurred, it will recommend appropriate sanctions for the violation. The appropriate division of the complaint, or if the complaint is against a student, the Title IX Coordinator, or Investigator if appointed, will impose appropriate sanctions for the violation, after consultation with the Hearing Board. The college will act to end the discrimination or harassment, prevent its recurrence, and remedy its effects on the person who filed the complaint and on the college community.
3. Following the hearing, the Coordinator, or Investigator if appointed, will send a written Letter of Determination to the affected parties.

Complaint and Grievance Process Provisions

Time Periods

All effort will be made to make a determination in no more than 60 calendar days of filing a formal complaint/grievance.

For purposes of calculating all time periods set forth in this Complaint and Grievance Policy, a business day is defined to mean normal operating hours, Monday through Friday, excluding recognized national and state holidays and JC closings.

Timelines may be modified in cases where information is not clear, judged to be incomplete, relevant parties are not available for interview, and/or other related circumstances as may arise. In the event that this step is necessary, the Coordinator, or Investigator if appointed, will notify the complainant who filed the grievance in writing within the set timeline.

No Retaliation

Retaliation against any person who files a complaint of discrimination, participates in an investigation, or opposes a discriminatory employment or educational practice or policy is prohibited by JC policy and federal and state law. A person who believes retaliation has occurred should notify the Title IX Coordinator as soon as possible.

False Reports

JC will not tolerate intentional false reporting of incidents. It is a violation of the student handbook governing JC to make an intentionally false report of any policy violation, and it may also violate state criminal statutes and civil defamation laws.

Office of Civil Rights Complaint

Although complainants are encouraged to attempt to resolve complaints pertaining to discrimination by utilizing this Grievance Procedure, they have the right to file a complaint directly with the U.S. Department of Education, Office for Civil Rights (OCR) (Dallas regional office). Information regarding applicable timelines and procedures is available from OCR.

Effective Date

This Complaint and Grievance Policy will be effective upon formal adoption. JC reserves the right to make changes and amendments to this policy and procedure as needed, with appropriate notice to the community.

Statement of the Rights of the Complainant/Alleged Victim

- The right to be treated with respect by college officials;
- The right to investigation and appropriate resolution of all credible complaints of sexual misconduct made in good faith to college administrators;
- The right to have an advisor or advocate to accompany and assist in the campus hearing process. This advisor can be anyone, including an attorney (provided at the complainant's own cost), but the advisor may not take part directly in the hearing itself, though they may communicate with the complainant as necessary. The college should be notified five (5) business days in advance of the hearing if an advisor or advocate will accompany the complainant party.

- The right not to be discouraged by college officials from reporting an assault to both on-campus and off-campus authorities;
- The right to be informed in a timely manner of the outcome and sanction of any disciplinary hearing involving sexual assault, usually within five (5) business days of the end of the conduct hearing;
- The right to be informed by college officials of options to notify proper law enforcement authorities, including on-campus and local police, and the option to be assisted by campus authorities in notifying such authorities, if the student so chooses. This also includes the right not to report, if this is the victim's desire;
- The right to be notified of available counseling, mental health or student services for victims of sexual assault, both on campus and in the community;
- The right to notification of options and assistance for changing academic or employment situations after an alleged sexual assault incident. These changes will be made if they are reasonably available and desired by the victim. No formal complaint, or investigation, campus or criminal, need occur before this option is available. Accommodations may include:
 - Exam (paper, assignment) rescheduling;
 - Taking an incomplete in a class;
 - Transferring class sections;
 - Temporary withdrawal;
 - Alternative course completion options;
 - Alternative work assignments and/or supervisory changes.
- The right not to have irrelevant prior sexual history admitted as evidence in a campus hearing;
- The right not to have any complaint of sexual assault mediated (as opposed to adjudicated);
- The right to make a victim-impact statement at the campus conduct proceeding and to have that statement considered by the board in determining its sanction;
- The right to a campus no contact order against another person who has engaged in or threatens to engage in stalking, threatening, harassing or other improper behavior that presents a danger to the welfare of the complaining person or others;
- The right to have complaints of sexual misconduct responded to quickly and with sensitivity by campus disciplinary officials;
- The right to appeal the finding and sanction of the conduct body, in accordance with the standards for appeal established by the institution;
- The right to review all documentary evidence available regarding the complaint, subject to the privacy limitations imposed by state and federal law;
- The right to be informed of the names of all witnesses who will be called to give testimony, within 48 hours of the hearing, except in cases where a witness' identity will not be revealed to the accused respondent for compelling safety reasons (this does not include the name of the alleged victim/complainant, which will always be revealed);
- The right to preservation of privacy, to the extent possible and allowed by law;
- The right to a hearing closed to the public;
- The right to petition that any member of the conduct body be removed on the basis of demonstrated bias;

- The right to give testimony in a campus hearing by means other than being in the same room with the respondent;
- The right to ask the investigators to identify and question relevant witnesses, including expert witnesses;
- The right to be fully informed of campus conduct rules and procedures as well as the nature and extent of all alleged violations contained within the complaint;
- The right to be present for all testimony given and evidence presented before the conduct body;
- The right to have complaints heard by conduct and appeals officers who have received annual sexual misconduct training;
- The right to conduct officials comprised of representatives of both genders;
- The right to have college policies and procedures followed without material deviation;
- The right to be informed in advance of any public release of information regarding the complaint;
- The right not to have released to the public any personally identifiable information about the complainant, without his or her consent.

Statement of the Rights of the Respondent/Accused Party

- The right to investigation and appropriate resolution of all credible complaints of sexual misconduct made in good faith to college administrators against the respondent;
- The right to be treated with respect by college officials;
- The right to be informed of and have access to campus resources for counseling and advisory services;
- The right to be fully informed of the nature, rules and procedures of the campus conduct process and to timely written notice of all alleged violations within the complaint, including the nature of the violation and possible sanctions;
- The right to a hearing on the complaint, including timely notice of the hearing date, and adequate time for preparation;
- The right not to have irrelevant prior sexual history admitted as evidence in a campus hearing;
- The right to make an impact statement at the campus conduct proceeding and to have that statement considered by the board in determining its sanction;
- The right to appeal the finding and sanction of the conduct body, in accordance with the standards for appeal established by the institution;
- The right to review the complainant's testimony and all documentary evidence available regarding the complaint, subject to the privacy limitations imposed by state and federal law;
- The right to be informed of the names of all witnesses who will be called to give testimony, within 48 hours of the hearing, except in cases where a witness' identity will not be revealed to the respondent for compelling safety reasons (this does not include the name of the alleged victim/complainant, which will always be revealed);
- The right to a hearing closed to the public;
- The right to petition that any member of the conduct body be removed on the basis of bias;

- The right to have complaints heard by conduct and appeals officers who have received annual sexual misconduct adjudication training;
- The right to have college policies and procedures followed without material deviation;
- The right to have an advisor or advocate to accompany and assist in the campus hearing process. This advisor can be anyone, including an attorney (provided at the respondent's own cost), but the advisor may not take part directly in the hearing itself, though they may communicate with the respondent as necessary. The college should be notified five (5) business days in advance of the hearing if an advisor or advocate will accompany the respondent.
- The right to a fundamentally fair hearing, as defined in these procedures;
- The right to a campus conduct outcome based solely on evidence presented during the conduct process. Such evidence shall be credible, relevant, based in fact, and without prejudice;
- The right to written notice of the outcome and sanction of the hearing;
- The right to conduct officials comprised of representatives of both genders;
- The right to be informed in advance, when possible, of any public release of information regarding the complaint.

K. Procedures in Sexual Assault or Sexual Violence Cases Where the Complainant Does Not File a Formal Complaint or Wishes to Remain Anonymous

If the complainant alleges sexual assault or sexual violence but does not wish to pursue a formal hearing and/or requests that his or her complaint remain anonymous, Title IX nevertheless requires the College to investigate and take reasonable action in response to the complainant's request. The Title IX Coordinator will inform the complainant that the College's ability to respond may be limited if the complainant is not a participant in the investigation. In such cases, Title IX requires the College to evaluate the complainant's request that the complaint not be subject to a formal hearing or remain anonymous in the context of the College's commitment to provide a reasonably safe and non-discriminatory environment for all students. In order to protect the safety of the campus community, the Title IX Coordinator may investigate allegations of violations of this policy even absent the filing of a formal complaint or report, or if a complaint or report has been withdrawn. After reviewing the alleged incident(s), the Title IX Coordinator will set a meeting to determine if the allegation involves such a significant risk to the safety of the overall community and determine if it is necessary to initiate formal complaint procedures on its own motion to protect the community at large. This risk to the campus community will be especially present in cases indicating pattern, predation, threat, weapons, and/or violence.

If the decision that the allegation involves such a significant risk to the safety of the overall community, a formal complaint procedure will be implemented on its own motion as outlined in section J of this policy. If the allegation does not involve a significant risk to the safety of the

overall community, he case may be closed. If the case is closed, the President of the College, in consultation with the Special Adjudicator, will still review this allegation. If the President, in consultation with the Special Adjudicator, believes a formal complaint procedure is necessary to protect the community at large, he may, on his own motion, institute the formal complaint procedures outlined in section J of this policy.

L. Procedures for Allegations of Sexual Harassment, Sex Discrimination, and Other Prohibited Sexual Misconduct that Does Not Fall Under the Category of Sexual Assault or Sexual Violence

As outlined more fully in section E, any allegation of sexual misconduct may be made directly to the Title IX Coordinator or Campus security or related parties via email, phone, or in person at the contact information below:

Sandra White -Title IX Coordinator
Jacksonville College
105 B.J. Albritton Drive
Jacksonville, Texas 75766
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All allegations of sexual misconduct will be taken seriously by the College. While not all cases involve potential criminal acts such as sexual assault, sexual violence, or other severe sexual misconduct, every allegation of any form of sexual misconduct will be treated with the utmost respect. This section highlights how allegations of prohibited conduct other than sexual assault, sexual violence, or other severe sexual misconduct will be handled. In cases where the allegation does not involve sexual assault or sexual violence, but instead involves an allegation

of sexual harassment, sex discrimination, or other prohibited conduct under this policy, the Title IX Coordinator will consult either the Dean of students (if the allegation is against a student) or the Vice President for Executive Affairs (if the allegation is against a faculty or staff member). They will assess the potential threat involved, whether the allegation is of a recurring or isolated nature, the harm involved, and other important factors to determine whether the allegation is so severe that it would best be handled using the high-level procedures outlined in section J, or whether the allegation would best be handled under the procedures outlined in this section M.

If the Title IX Coordinator, in consultation with the Vice President for Executive Affairs, as appropriate, believes the allegation would best be handled under the procedures in this section, then the case would go to the investigator then to adjudication. The Vice President for Executive Affairs will first determine if interim measures are necessary to protect the parties. Such interim measures may include, but will not be limited to, a no-contact order, revision of academic schedule or accommodations regarding exams/assignments, change in housing arrangements, a change in work schedule/job assignment, removal from campus, or other interim measures. Likewise, campus personnel that need to know about these interim measures (e.g., the parties' supervisors and Vice President, or others who would need to enact the interim measures) will be notified so that they can help enact these protective measures.

After assessing the need for interim measures, The investigator or the Vice President for Executive Affairs will then perform a thorough investigation into the matter. During this investigation process, the investigators will attempt to interview both the complainant and respondent and any witnesses who may have information about the incident(s) in question. Likewise, the investigators will review evidence submitted by either party, the Title IX Coordinator, or other persons involved in gathering evidence relating to the allegation.

The Vice President for Executive Affairs will then, using a preponderance of the evidence standard, make a ruling that will include appropriate sanctions, if applicable. Sanctions will be determined based on the seriousness of the misconduct and the responsible respondent's prior disciplinary history. Possible sanctions for students may include, but will not be limited to, a formal admonition, restrictions from extracurricular activities, dismissal from residence halls/apartments, move to online classes, removal or reduction of institutional scholarships, disciplinary probation, suspension, expulsion, or withholding of degree. Possible sanctions for faculty/staff may include, but will not be limited to, a verbal/written warning, demotion, reassignment, probation, suspension, or termination. Community service, mandatory counseling/training, or other measures may be added to these sanctions for students, faculty, or staff, as appropriate. Vice President for Executive Affairs will then prepare a written ruling that will be given to the complainant, respondent, Title IX Coordinator, and the President of the College. Any of those parties may appeal this ruling in writing to the Title IX Coordinator within ten (10) days, and such appeal will be handled using the procedures outlined in section J.

M. Prevention and Awareness Program

One of the central roles of the Title IX Coordinator is educating the campus community on how to prevent sexual misconduct. The following are some of the many activities that happen on campus in this continuing effort to educate faculty, staff, and students on this important issue:

- 1. Presentation at Faculty Council and/or Faculty/Staff Workshops about Title IX, sexual assault, and the role of faculty in this process**
 - a. Occurrence: Annually**

- 2. Training at new faculty orientation and new staff orientation on Title IX and sexual assault reporting and prevention**
 - a. Occurrence: Annually**

Appendix A

Definitions

For purposes of this policy, the below definitions apply. However, some of these terms are also defined under federal and/or Texas State law. For more information regarding state law definitions, please refer to Appendix B of this policy.

- **Hostile Environment:** Any situation in which there is harassing conduct that is sufficiently severe, pervasive and objectively offensive that it alters the conditions of employment or limits, interferes with or denies educational benefits or opportunities, from both a subjective (the alleged victim's) and an objective (reasonable person's) viewpoint. It exists when harassment against an individual on the basis of that individual's age, race, color, religion, sex, sexual orientation, gender, gender identity, gender expression, national origin, ethnic origin, disability, genetic information, covered veteran status, or any other basis protected by law.
 - Examples of harassment that violate this policy include but are not limited to the following:
 - Making unwelcome verbal statements, slurs, epithets, jokes, derogatory or degrading comments, based on race, color, religion, national origin, ethnic origin, disability, age, gender, sexual orientation, gender, gender identity, gender expression, genetic information, covered veteran status, or any characteristic protected by law; Asking for dates, or making sexual advances, with or without physical conduct, where the overture is unwelcome;
 - Physical assaults of a sexual nature, such as rape, including acquaintance or date rape, or attempts to commit such an assault, and unwelcome physical conduct or conduct of a sexual nature, such as unwanted touching, impeding or blocking another person's movements, brushing against, leering at, or making sexual gestures to another person;
 - Threatening or engaging in reprisals or retaliation after such an overture is rejected;
 - Implying or threatening that submission to sexual advances or conduct prohibited by this policy is a condition of employment, work status, salary increase or decrease, promotion, academic admission, grades, advancement, recommendations, or participation in a program or activity;
 - Making unwelcome sexual verbal statements, such as suggestive or off-color jokes, innuendo, comments about sexual activity, an individual's body or appearance, sexual prowess or previous sexual experience;
 - Displaying unwelcome sexually suggestive writings, pictures, magazines, cartoons, internet material or objections;

- Issuing unwelcome writings such as suggestive jokes, cartoons, off-color or obscene letters, notes or invitations transmitted by e-mail, text messages, via cell phone or otherwise;
 - Display or circulation of material that denigrates or shows hostility or aversion toward an individual or group based on a legally protected characteristic;
- **Sexual Misconduct** is a form of sex discrimination prohibited by Title IX. This includes sexual assault (which includes sexual intercourse with a person without that person's consent, and all other sexual contact with a person without that person's consent), sexual harassment, and sexual exploitation (including electronically recording, photographing, transmitting or distributing intimate or sexual sounds, images or information about another person without that person's consent), domestic violence, dating violence, and stalking. Although sexual misconduct often includes unwanted or nonconsensual sexual contact, sexual contact is not necessary for an act to be considered sexual misconduct. It is a violation to aid another in an act of sexual misconduct.
- **Quid pro Quo Sexual Harassment:** Exists when there are unwelcome sexual advances, requests for sexual favors or other verbal or physical conduct of a sexual nature and submission to or rejection of such conduct results in adverse educational or employment action.
- **Retaliatory Harassment:** Any adverse employment or educational action taken against a person because of the person's participation in a complaint or investigation of discrimination or sexual misconduct. Intentional action taken by an accused individual or allied third party, absent legitimate non-discriminatory purposes, that harms an individual as reprisal for filing or participating in a complaint/grievance procedure.
- **Sexual Harassment of a Student by Another Student:** Any unwelcome sexual advances, requests for sexual favors, and other verbal or physical conduct of a sexual nature by a student toward another student that is so severe, persistent or pervasive that it unreasonably interferes with or limits a student's ability to participate in or benefit from the college's educational programs or activities. For example, a student repeatedly asks another student out on dates, even though he or she has turned down the invitation numerous times. It is harassment to repeatedly subject a person to egregious, unwelcome sexual attention.
- **Sexual Harassment of a Faculty/Staff Member by a Student or Another Employee:** Any unwelcome sexual advances, requests for sexual favors, and other verbal or physical conduct of a sexual nature directed toward a faculty/staff member that is so severe, persistent or pervasive that it unreasonably interferes with employment or living conditions or deprives the individual of employment access or benefits. For example, a student appears at a faculty member's house uninvited. It is harassment to repeatedly subject a person to egregious, unwelcome sexual attention.
- **Sexual Harassment of a Student by a Faculty/Staff Member/Campus Visitor:** Unwelcome sexual advances, requests for sexual favors, and other verbal or physical conduct of a sexual nature by a faculty, staff member or campus visitor toward a student are held to constitute sexual harassment when:

- Submission to such sexual conduct is made either explicitly or implicitly a term or condition of rating an individual's educational development or performance; or
- Such conduct is so severe, persistent or pervasive that it unreasonably interferes with or limits a student's ability to participate in or benefit from the college's educational programs or activities.

While a particular interaction must be offensive to both a reasonable person and to the victim to be defined as harassment, faculty or staff members and other persons of authority should be sensitive to questions about mutuality of consent that may be raised and to the conflict of interests that are inherent in personal relationships that result from professional and educational interactions.

Harassment is particularly damaging when it exploits the educational dependence and trust between students and faculty/staff. When the authority and power inherent in faculty/staff relationships with students, whether overtly, implicitly, or through misinterpretation, is abused in any way, there is potentially great damage to the individual student, to the accused individual, and to the climate of the institution. For example, a professor attempts to coerce an unwilling student into having sex with him/her in exchange for a good grade or some other benefit. This is harassment regardless of whether the student accedes to the request and regardless of the student's final grade.

- **Non-Consensual Sexual Contact:** Non-consensual sexual contact is any intentional sexual touching, however slight, with any object by a man or a woman upon a man or a woman that is without consent and/or by force.
 - Sexual Contact includes:
 - Intentional contact with the breasts, buttock, groin, or genitals, or touching another with any of these body parts, or making another touch you or themselves with or on any of these body parts; any intentional bodily contact in a sexual manner, though not involving contact with/of/by breasts, buttocks, groin, genitals, mouth or other orifice.
- **Non-Consensual Sexual Intercourse:** Non-consensual sexual intercourse is any sexual intercourse however slight, with any object by a man or woman upon a man or a woman that is without consent and/or by force.
 - Intercourse includes:
 - vaginal penetration by a penis, object, tongue or finger
 - anal penetration by a penis, object, tongue, or finger
 - oral copulation (mouth to genital contact or genital to mouth contact), no matter how slight the penetration or contact
- **Sexual Exploitation:** Occurs when a person takes non-consensual or abusive sexual advantage of another for his/her own advantage or benefit, or to benefit or advantage anyone other than the one being exploited, and that behavior does not otherwise constitute one of other sexual misconduct offenses.
 - Examples of sexual exploitation include, but are not limited to:
 - invasion of sexual privacy;
 - prostituting another person;
 - non-consensual video or audio-taping of sexual activity;

- going beyond the boundaries of consent (such as letting your friends hide in the closet to watch you having consensual sex);
 - engaging in voyeurism;
 - knowingly transmitting an STI or HIV to another person; or
 - exposing one's genitals in non-consensual circumstances or inducing another to expose his or her genitals.
 - Sexually-based stalking and/or bullying may also be forms of sexual exploitation.
- **Consent:** Consent is clear, knowing and voluntary. Consent is active, not passive. Silence, in and of itself, cannot be interpreted as consent. Consent can be given by words or actions, as long as those words or actions create mutually understandable clear permission regarding willingness to engage in (and the conditions of) sexual activity.
 - In order to give effective consent, one must be at least 16 years old.
 - Sexual activity with someone known to be mentally or physically incapacitated, or based on the circumstances, someone who could reasonably be known to be mentally or physically incapacitated, constitutes a violation of this policy.
 - Incapacitation is a state where someone cannot make rational, reasonable decisions because he or she lacks the capacity to give knowing consent (e.g., to understand the “who, what, when, where, why or how” of the sexual interaction). Alcohol or other drug use, unconsciousness or blackout is an example of incapacitation.
 - This policy also covers a person whose incapacity results from mental disability, sleep, involuntary physical restraint, or from the taking of rape drugs. Possession, use and/or distribution of any of these substances, including Rohypnol, Ketamine, GHB, Burundanga, etc. is prohibited, and administering one of these drugs to another person is a violation of this policy. More information on these drugs can be found at <http://www.911rape.org/>
 - Use of alcohol or other drugs will never function as a defense to a violation of this policy.
 - Consent to any one form of sexual activity cannot automatically imply consent to any other forms of sexual activity.
 - Previous relationships or prior consent cannot imply consent to future sexual acts.
- **Force:** Force is the use of physical violence and/or imposing on someone physically to gain sexual access. Force also includes overt threats, implied threats, intimidation and coercion that overcome resistance or produce consent For example: “Have sex with me or I’ll hit you. Okay, don’t hit me; I’ll do what you want.”
 - Coercion is unreasonable pressure for sexual activity. Coercive behavior differs from seductive behavior based on the type of pressure someone uses to get consent from another. When someone makes clear to you that they do not want sex, that they want to stop, or that they do not want to go past a certain point of sexual interaction, continued pressure beyond that point can be coercive. NOTE: There is no requirement that a party resist the sexual advance or request, but resistance is a clear demonstration of non-consent.
- **Retaliation** is action taken against any person who in good faith makes a complaint of, or opposes, discrimination, harassment, or sexual misconduct of the type prohibited by this

policy or who has testified, assisted or participated in an investigation of discrimination, harassment, or sexual misconduct, when such action would dissuade a reasonable person from making or supporting a charge of discrimination, harassment or sexual misconduct. Retaliation includes all acts of intimidation, threats, and other acts of discrimination. There are steps that may be taken to ensure that retaliation of any kind does not occur at JC. These steps may include monitoring future evaluations of a complainant, respondent, or witness, and may include reassignment.

- **Domestic or Dating Violence** includes acts of violence, threat, or intimidation that harm or injure a partner in a current or former social, dating, or marital relationship. These acts include, but are not limited to, sexual or physical abuse or the threat of such abuse. Dating or marital relationship violence can be a single act or pattern of behavior.
- **Stalking** is a course of conduct (i.e., more than one act) directed at a specific person which would cause a reasonable person to feel fear, to experience substantial emotional distress, or to fear for their safety or the safety of a third person. Acts that together constitute stalking may be direct actions or may be communicated by a third party, and can include, but are not limited to, threats of harm to self, others, or property; pursuing or following; non-consensual (unwanted) communication by any means; unwanted gifts; trespassing; and surveillance or other related types of observation.
- **Preserving Evidence** is strongly encouraged for an individual who experiences any form of sexual assault and is obtained by seeking immediate medical care. Individuals can undergo a medical exam to properly collect and preserve physical evidence of the sexual assault with or without the police's involvement. It is important to preserve forensic and other physical evidence that may assist in proving the alleged criminal offense occurred and such evidence may be helpful in obtaining a protection order against the respondent. Therefore, a medical exam should be performed immediately after the event, if possible. With the individual's consent, the physical evidence collected during this medical exam can be used as part of a criminal investigation.

Appendix B

Related Information & Statutes

Title IX of the Education Amendments of 1972, 20 U.S.C. §§ 1681-1688 and its implementing regulations, 34 C.F.R. Part 106

Title VII of the Civil Rights Act of 1964, 42 U.S.C. §§2000e-2000e-17 and its implementing regulations 29 C.F.R. §1604 11.

Clery Act, 20 U.S.C. 1092(f) and its implementing regulations 34 C.F.R. Part 668

If a person would like to press criminal charges for an alleged violation of any of the below criminal laws, or would like to seek an order of protection, the definitions contained in the Texas Penal Code and Family Code would apply, not the internal definitions used in this policy.

Dating Violence: “an act, other than a defensive measure to protect oneself, by an individual that is committed against a victim with whom the actor has or has had a dating relationship; or because of the victim’s marriage to or dating relationship with an individual with whom the actor is or has been in a dating relationship or marriage; and is intended to result in physical harm, bodily injury, assault, or sexual assault or that is a threat that reasonably places the victim in fear of imminent physical harm, bodily injury, assault, or sexual assault. ‘Dating relationship’ means a relationship between individuals who have or have had a continuing relationship of a romantic or intimate nature. The existence of such a relationship shall be determined based on consideration of the length of the relationship; the nature of the relationship; and the frequency and type of interaction between the persons involved in the relationship. A casual acquaintanceship or ordinary fraternization in a business or social context does not constitute a ‘dating relationship.’” Texas Family Code Section 71.0021.

Domestic (Family) Violence: “an act by a member of a family or household against another member of the family or household that is intended to result in physical harm, bodily injury, assault, or sexual assault or that is a threat that reasonably places the member in fear of imminent physical harm, bodily injury, assault, or sexual assault, but does not include defensive measures to protect oneself, or abuse by a member of a family or household toward a child of the family or household, or dating violence.” Texas Family Code Section 71.004.

Sexual Assault: “a person commits an offense if the person (1) intentionally or knowingly causes the penetration of the anus or sexual organ of another person by any means, without that person's consent; causes the penetration of the mouth of another person by the sexual organ of the actor, without that person's consent; or causes the sexual organ of another person, without that person's consent, to contact or penetrate the mouth, anus, or sexual organ of another person, including the actor; or (2) intentionally or knowingly causes the penetration of the anus

or sexual organ of a child by any means; causes the penetration of the mouth of a child by the sexual organ of the actor; causes the sexual organ of a child to contact or penetrate the mouth, anus, or sexual organ of another person, including the actor; causes the anus of a child to contact the mouth, anus, or sexual organ of another person, including the actor; or causes the mouth of a child to contact the anus or sexual organ of another person, including the actor.

A sexual assault is without the consent of the other person if: the actor compels the other person to submit or participate by the use of physical force or violence; the actor compels the other person to submit or participate by threatening to use force or violence against the other person, and the other person believes that the actor has the present ability to execute the threat; the other person has not consented and the actor knows the other person is unconscious or physically unable to resist; the actor knows that as a result of mental disease or defect the other person is at the time of the sexual assault incapable either of appraising the nature of the act or of resisting it; the other person has not consented and the actor knows the other person is unaware that the sexual assault is occurring; the actor has intentionally impaired the other person's power to appraise or control the other person's conduct by administering any substance without the other person's knowledge; the actor compels the other person to submit or participate by threatening to use force or violence against any person, and the other person believes that the actor has the ability to execute the threat; the actor is a public servant who coerces the other person to submit or participate; or the actor is a mental health services provider or a health care services provider who causes the other person, who is a patient or former patient of the actor, to submit or participate by exploiting the other person's emotional dependency on the actor. 'Child' means a person younger than 17 years of age. 'Spouse' means a person who is legally married to another." Texas Penal Code Section 22.011.

Stalking: "a person who, on more than one occasion and pursuant to the same scheme or course of conduct that is directed specifically at another person, knowingly engages in conduct that: (1) the person knows or reasonably believes the other person will regard as threatening including bodily injury or death for the other person, bodily injury or death for a member of the other person's family or household or for an individual with whom the other person has a dating relationship, or fear that an offense will be committed against the other person's property, and (2) causes the other person, a member of the other person's family or household, or an individual with whom the other person has a dating relationship to be placed in fear of bodily injury or death or fear that an offense will be committed against the other person's property, and (3) would cause a reasonable person to fear bodily injury or death for himself or herself, or bodily injury or death for a member of the person's family or household or for an individual with whom the person has a dating relationship, or fear that an offense will be committed against the person's property. A fact finder may find that different types of conduct described above, if engaged in on more than one occasion, constitute conduct that is engaged in pursuant to the same scheme or course of conduct." Texas Penal Code Section 42.072.