



CATALOG & STUDENT HANDBOOK

ADDENDUM

2024 - 2025



2024 – 25 TCC CATALOG AND STUDENT HANDBOOK ADDENDUM

THIS ADDENDUM REPRESENTS OFFICIAL CHANGES TO TCC'S
CATALOG AND STUDENT HANDBOOK.

TEXAS CHIROPRACTIC COLLEGE



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Admission

Updated (01/07/2025) Effective: Spring 2025

General Admission Requirements

All applicants to the Doctor of Chiropractic Degree Program must provide complete, official academic transcripts from any higher education institution they have attended, regardless of acceptability toward the degree program. Failure to comply may result in dismissal.

A student entering Texas Chiropractic College must meet one of the paths listed below. All candidates must hold a degree or completed credits from an institution accredited by an agency recognized by the U.S. Department of Education or a comparable foreign agency.

Path 1: Must have completed a bachelor's degree with a cumulative grade point average of 3.0 or higher

Path 2: Completed 90 semester credit hours with a cumulative GPA of 3.0 on a 4.0 scale for those 90 hours

Path 3: Completed 90 semester credit hours with a cumulative GPA of 2.75 – 2.99 on a 4.0 scale for those 90 hours with a minimum of 24 semester credits in life and physical science.

*Preference will be given to applicants who have successfully completed the recommended prerequisite courses.

Students should contact the licensing board(s) in the state(s) where they plan to practice in order to check for any pre-chiropractic college licensure requirements, such as a Bachelor's degree, that exceed the above requirements (www.FCLB.org).

Recommended Prerequisite Courses for All Paths

General Biology, Anatomy, Physiology, General or Inorganic Chemistry, Organic Chemistry, Biochemistry, Physics, Biomechanics, and Exercise Physiology are recommended. *Corresponding labs for these courses are also recommended.*

Coursework in Kinesiology and Exercises Science will be considered upon evaluation of a course description. A candidate's pre-professional education can be acquired through institutional proficiency examinations such as:

- College Level Examination Program (CLEP)
- Institutional departmental examinations

Credits earned in this manner may NOT be applied to any of the science prerequisites in biology, chemistry or physics. A maximum of 20 credit hours is allowed.

Additional Admission Requirements for the Doctor of Chiropractic Program

Candidates must also complete the following:

- Complete application for admission and submit the non-refundable fee of \$50.
- Submit official transcripts from all post-secondary institutions.
- A 2-3 page personal essay on why you've chosen a chiropractic career and TCC specifically.
- Complete a background check.
- Meet technical standards with or without reasonable accommodations.
- Students under the age of 22 must submit Meningitis immunization records or a [Waiver of Conscience](#) (Per Texas State Law).

Financial Information

Schedule of Tuition and Fees for DC/BS

Updated (09/27/2024) Effective: Fall 2024

B.S. degree processing fee (nonrefundable)	\$500***
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***There will be a \$100 refund if a diploma is not awarded.

Academic Affairs

Academic Dismissal

Updated (09/27/2024) Effective: Fall 2024

A student is subject to academic dismissal when:

1. A student fails a course for the third time;
2. On the third occasion that a student withdraws from a course; or,
3. When, in the judgment of the Academic Affairs Committee, a student's academic performance strongly suggests an inability to successfully complete the program within 150% of the program length.

Academic dismissal is final with no option to return to the program.

Note: Students facing difficulties with course instruction or course content should consult with the faculty member and the Office of Student Services. The faculty member may refer students to Student Services for consultation regarding learning styles and strategies. Faculty members, department chairs, faculty advisors, or the Chief Academic Officer may also refer students to Student Services for assistance in personal matters. If it is determined that students do not possess the aptitude and are unable to make satisfactory progress or are unwilling to cooperate with professional assistance, they will be subject to dismissal from the College.

Incomplete Final Course Grade

Updated (09/27/2024) Effective: Fall 2024

An incomplete grade is given only if the final examination is missed due to good and sufficient reasons. The incomplete grade must be corrected before the first day of the next trimester. If not corrected, this grade becomes a failure. Financial Aid may be withheld from a student until all incompletes are resolved.

Academic Affairs

Prerequisite and Corequisite Requirements

Updated (01/08/2025) Effective: Spring 2025

Electives		
Activator	Successful completion of Chiropractic Manipulative Therapy I	

Elective Courses

Updated (01/08/2025) Effective: Spring 2025

CH E111 Activator

This in-person provides instruction of assessment and utilization of the Activator tool and principles of instrument-assisted manipulative technique. The course is held in a scheduled weekend during the trimester and enrollers provided a certificate upon successful completion of the course requirements.

PREREQUISITE: Successful completion of Chiropractic Manipulative Therapy I

Student Life

Prohibition of Sexual Discrimination and Sex-Based Harassment (Title IX)

Updated (10/08/2024) Effective: Fall 2024

1.0 PURPOSE

It is the policy of Texas Chiropractic College (TCC) to provide an academic, working, and business environment free from sexual discrimination, which in this policy encompasses: (1) discrimination on the basis of gender, sex, sex stereotypes, sexual orientation, or gender identity and (2) sex-based harassment, including hostile environment harassment, sexual assault, dating violence, domestic violence, and stalking. This policy provides the process by which TCC manages and responds to non-criminal reports and complaints of sexual discrimination, including the process by which TCC will promptly, fairly, and impartially investigate and adjudicate allegations and complaints, including allegations and complaints arising under Title IX of the Education Amendments of 1972 and Title VII of the Civil Rights Act of 1972.

2.0 STATEMENT OF NON-DISCRIMINATION

TCC does not discriminate on the basis of sex in its education programs or activities. It prohibits discrimination, including harassment, against any student, prospective student, employee, applicant, or others who are participating in, or attempting to participate in, TCC’s education programs or activities. As defined in this policy, sex discrimination encompasses discrimination on the basis of sex or gender, sex stereotypes, sex characteristics, gender identity, gender expression, and pregnancy, childbirth, or related conditions. In addition, TCC prohibits policies and practices concerning an individual’s parental status, family status, or marital status that treats the individual differently on the basis of sex. This policy also prohibits retaliation against any individual who participates in a TCC grievance process, and it prohibits acts that have the purpose of interfering with rights or or privileges under this policy.

TCC also prohibits discrimination and harassment based on race, color, national origin, religion, age, disability, veteran/military status, or other categories protected by law. The complaint process for addressing discrimination and harassment complaints involving these other protected classes are addressed under Policy 2.0.03 Discrimination Policy Grievance Procedures.

Employees designated to coordinate TCC’s compliance with Title IX: Reports of discrimination based on sex, including sex-based harassment, should be directed to TCC’s Title IX Coordinator or Deputy Title IX Coordinator who are responsible for coordinating implementation of this policy. The names of TCC’s Title IX Coordinator and Deputy Title IX Coordinator and their current contact information are available on TCC’s website at <https://www.txchiro.edu/title-ix/>.

External reports: Any concerns about TCC’s compliance with Title IX or other civil rights laws may be addressed to the Office for Civil Rights, U.S. Department of Education, 1999 Bryan Street, Suite 1620, Dallas, Texas 75201-6810; 214-661-9600; 214-661-9587 (fax). Questions and concerns about TCC’s employment practices also may be addressed to the U.S. Equal Employment Opportunity Commission, 1919 Smith Street, 6th Floor, Houston, TX 77002; 1-800-669-4000.

3.0 SCOPE and JURISDICTION

This policy applies to alleged discrimination or harassment that occurs after August 1, 2024. For alleged incidents of sexual harassment that occurred prior to August 1, 2024, the policy in effect at the time of the alleged incident will govern the handling of the incident.

TCC prohibits any student, employee, trustee, or third party from engaging in sexual discrimination against any TCC student, employee, or third party in TCC’s education programs and activities. The definition of third party encompasses visitors to campus, former students and prospective students, and vendors who contractually are involved in providing services to TCC in support of TCC’s education programs and activities.

This policy applies to all TCC education programs and activities in which TCC exercises substantial control over the respondent and the context in which the incident occurred. It applies to all locations and circumstances in which TCC has exercised or could have exercised disciplinary authority over the participants.

The policy applies to all work and education sites (whether or not owned by the TCC), including all TCC facilities (whether leased or owned), work-related travel, and work vehicles. The policy applies to conduct that occurs in an off-campus or non-work context (including electronically transmitted communications such as email, text messages, and social media posts) and (i) limits or denies an individual’s access to a TCC education program or activity or (ii) unreasonably causes a hostile or intimidating environment on campus in an education program or activity or in an employee’s work environment.

Students who violate this policy are subject to discipline, up to and including expulsion. Employees who violate this policy are subject to disciplinary action up to and including termination. Former students, prospective students, visitors, contractors, and guests who engage in such conduct are subject to removal from campus and/or exclusion from TCC programs or activities.

Information regarding this policy, resources, and contact information for TCC’s Title IX Coordinator is available on the TCC Title IX web page at <https://www.txchiro.edu/title-ix/>.

4.0 DEFINITIONS

The following definitions apply to this Policy.

Complaint: A “Complaint” is an oral or written report that provides notice to TCC of an allegation of sex discrimination, sex-based harassment, or retaliation *and* that indicates the complainant would like to initiate an investigation or utilize other resolution procedures. A report that provides notice of an allegation or concern about discrimination, harassment, or retaliation is not a “complaint.”

Complainant: An individual who is a student or employee who allegedly was been subjected to conduct that could constitute sexual discrimination, sex-based harassment, or retaliation under this policy. The term includes a student applicant or employee applicant during the application process. The term also includes an individual who is alleged to have experienced sex discrimination, sex-based harassment, or retaliation while participating in, or attempting to participate, in TCC’s education programs or activities. In some instances, a complainant also may be referred to as the alleged victim.

Consent: A clear, knowing, and voluntary permission by words or action to engage in mutually agreed upon sexual activity. Consent is communicated through mutually understandable words or actions that indicate willingness by the

parties involved to engage in the same sexual activity, at the same time, and in the same way. A current or previous dating or sexual relationship by itself is not sufficient to establish consent on a specific occasion. Ideally, consent is given verbally; however, consent (or lack of consent) also may be expressed through gestures and body language. Consent can be withdrawn at any time.

Consent is not effective if it results from the use of physical force or restraint, a threat of physical force, acts of intimidation, acts of coercion, or incapacitation (including through the voluntary or involuntary ingestion of alcohol, medication, controlled substances, or other substances that impair alertness or decision-making). Consent is not effective if the evidence shows that the individual's ability to exercise their own free will was substantially diminished on the occasion in question.

Specific examples of those who cannot give consent include:

- The individual is under the age of 17 and is not the spouse of the alleged offender;
- The individual has not consented to the sexual act with the alleged offender and the alleged offender knows the other person is unaware that the sexual act is occurring;
- The individual is unconscious, asleep, or incapacitated. Incapacitation is the inability, temporarily or permanently, to give consent because the individual, either voluntarily or involuntarily, is mentally and/or physically helpless, disoriented, or otherwise incapable of understanding or controlling what is happening. Incapacitation could be caused by physical restraint or by the ingestion of substances. When alcohol is involved, incapacitation is a state beyond drunkenness or intoxication. When medication or drugs are involved, incapacitation is a state beyond being under the influence or impaired by use of the drug. Determining whether an individual is incapacitated will require an individualized determination of the individual's state, conduct, speech, and other indicators relevant under the circumstances. TCC will consider whether a sober, reasonable person in the same or similar circumstances knew or should have known that the other party was incapacitated.
- The individual is mentally impaired or has a mental disability; or
- The alleged offender has misrepresented or concealed the alleged offender's true identity to the individual.

Proof of consent, or lack of consent, is not a burden placed on either party to a complaint. Rather, the institution bears the burden to determine whether a violation of this Policy occurred on the occasion in question. TCC will evaluate the evidence from the perspective of a reasonable person in the same or similar circumstances.

Dating Violence: Violence committed by a person against another person with whom the alleged offender is or has been in a social 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 type of relationship, and the frequency of interaction between persons involved in the relationship. Dating violence includes but is not limited to sexual or physical abuse or the threat of such abuse. Dating violence does not include acts covered under the definition of "domestic violence."

Domestic Violence: Conduct that constitutes a felony or misdemeanor crime committed by a person who is (i) a current or former spouse under the family or domestic violence laws of the State of Texas or a person similarly situated to a spouse of the victim; (ii) is cohabitating with, or has cohabitated with, the victim as a spouse or intimate partner; (iii) is a person with whom the victim shares a child, or (iv) commits an act against a youth or adult victim who is protected from those acts under the domestic or family violence laws of the State of Texas. In Texas, a person commits domestic violence if he or she engages in violence against a family member, household member, or a current or past partner with whom the alleged perpetrator had a continuing relationship of a romantic or intimate nature.

Education Program or Activity: Places, programs, events, and circumstances over which TCC exercises substantial control over the alleged perpetrator and the context in which the sexual discrimination occurred. This includes any building owned or controlled by a student organization that is officially recognized by TCC, whether the building is on-campus or off-campus and whether it is leased or owned by TCC. This phrase also includes extracurricular activities sponsored or controlled by TCC, as well as activities, including off-campus clinical programs, that occur as part of TCC's instructional programs.

Employee: An individual employed by TCC part-time, full-time, or in temporary capacity as faculty, staff, or an administrator. If an individual works for TCC but also is taking one or more classes, TCC will consider the context in which the incident occurred in determining whether to treat the complainant as an employee or student for purposes of the complaint. If the alleged discrimination occurred while the employee was participating as a student in an education program or activity of TCC, the employee will be treated as a student under this Policy.

Independent Hearing Officer: An external and neutral consultant, typically an attorney with Title IX training, who has been appointed to serve as the decision-maker in the adjudication of certain Complaints.

Other Sexually Inappropriate Conduct: Sexual conduct that does not satisfy a legal definition of sexual harassment under state or federal law but that is nonetheless inappropriate and unprofessional in an educational or work environment. To the extent not covered by other definitions in this Policy, the definition or “other sexually inappropriate conduct” includes, but is not limited to, the following prohibited conduct:

- Unwelcome, sex-based verbal or physical conduct that: (1) in the employment context, unreasonably interferes with a person’s work performance or creates an intimidating, hostile, or offensive work environment; or (2) in the education context, is sufficiently severe, persistent, or pervasive and interferes with a student’s ability to participate in or benefit from TCC’s educational programs or activities.

Unwelcome sexual gestures; public exposure of one’s sexual organs on campus or at an event under the control of TCC; displaying obscene materials in a public place on campus; using the TCC’s network to transmit pornographic material to another employee or student regardless of whether the recipient welcomes the material; using a personal electronic device to transmit pornography or sexually harassing communications to another employee or student during work hours or in an activity or program under the substantial control of TCC; using a personal electronic device to transmit pornography or sexually harassing communications to another employee or student outside of work hours and the communications cause a hostile work environment on campus; recording or photographing, without consent, a person’s toileting, showering, or dressing/undressing activities; recording or photographing, without consent, a person’s sexual activities or a person’s genital area, buttocks, or breast area from a vantage point that a reasonable person would view as an invasion of personal privacy; or allowing a third party to view consensual sex without the knowledge of the other participant.

- Destroying another employee’s or student’s property because of their sex or sabotaging another employee’s or student’s work area or work product because of their sex.
- Unwelcome comments of a sexual nature that a reasonable person would view as so intimidating, offensive, and/or degrading as to adversely impair harmonious working or academic relationships;
- Sexually intimate conduct while on TCC property or at a TCC education program or activity that is consensual between two or more parties but is nonetheless inappropriate in an educational environment, such as engaging in consensual sexual acts in a campus building or displaying sexually oriented objects or materials in the presence of third parties while on campus.
- Sexual or romantic relationships between employees and students are prohibited. (See also TCC Policy on Employee and Student Fraternization, Policy 3.2.4.)

Parties: The “Complainant” and the “Respondent” are the “parties” in a grievance process under this Policy.

Relevant: Relevant means related to the allegations of sex discrimination, sex-based harassment, or retaliation under investigation as part of the grievance process. Questions are relevant when they seek evidence that may aid in showing whether the alleged sex discrimination, sex-based harassment, or retaliation occurred, and evidence is relevant when it may aid a decisionmaker in determining whether the alleged sex discrimination, sex-based harassment, or retaliation occurred.

Retaliation: Retaliation is conduct (including disciplinary action, intimidation, threats, coercion, harassment, or discrimination) taken against someone for the purpose of interfering with any right or privilege secured by this Policy or related policy or law or because the individual has made a report or complaint, testified, assisted, or participated or refused to participate in an investigation, proceeding, or hearing under this Policy. Retaliation is conduct that would not have

occurred but for the individual's exercise of their rights under this Policy or the law. Nothing in this definition prohibits TCC from requiring an employee to provide information, participate in, or otherwise assist with, an investigation or proceeding under this Policy or the law.

For purposes of this Policy, "retaliation" includes pursuing a conduct charge against an individual that does not involve sexual discrimination or harassment but that arises out of the same facts or circumstances as a report or complaint of sexual discrimination or harassment when the purpose of the conduct charge is to interfere with a right or privilege secured by this Policy or the law. Retaliation also includes distributing or publicizing information obtained during an investigation or grievance process under this Policy, except as required by law or permitted by this Policy. This provision does not limit a party's right to obtain and present evidence, interview witnesses, utilize confidential resources, consult with their own family members, advisors, or attorneys, and prepare for and participate in the grievance process.

The following acts do not constitute retaliation under this Policy:

- Disciplining an individual who perpetrated or assisted in the perpetration of conduct prohibited by this Policy.
- Investigating or imposing consequences against a party or witness for knowingly making false statements or knowingly submitting false information about a report, complaint, investigation, proceeding, or hearing under this Policy.
- Charging an individual with one or more code of conduct violations that do not involve sexual discrimination or harassment but that arise out of the same facts or circumstances as a report or complaint of sexual discrimination or harassment and that are brought for a purpose that is not related to interfering with any right or privilege secured by this Policy.
- Petty slights and annoyances.

Respondent: An individual identified as the alleged perpetrator of sexual discrimination or retaliation. Before a Complaint is filed, this person may be referred to as the "alleged perpetrator" in this policy.

Sexual Assault: Forcible and nonforcible sex offenses as defined under the uniform crime reporting system of the Federal Bureau of Investigation. Forcible sex offenses are any sexual act directed against another person, without the consent of the victim, including instances where the victim is incapable of giving consent. Forcible sex offenses include rape, sodomy, sexual assault with an object, and fondling. Nonforcible sex offenses include incest and statutory rape.

- "Rape" is the penetration, no matter how slight, of the vagina or anus with any body part or object, or oral penetration by a sex organ of another person, without the victim's consent.
- "Fondling" is the touching of the private body parts of another person for sexual gratification, without the victim's consent, including instances where the victim is incapable of giving consent because of his/her age or because of his/her temporary or permanent mental incapacity.
- "Incest" is sexual intercourse between persons related to each other within the degrees wherein marriage is prohibited by law.
- "Statutory Rape" is sexual intercourse with a person under the statutory age of consent.

Sex-Based Harassment: This is a form of sex discrimination and includes sexual harassment and harassment based on sex, sex stereotypes, sex characteristics, sexual orientation, gender identity, or pregnancy and related conditions. Sex-based harassment can take many forms, including "quid pro quo" harassment, hostile environment harassment, sexual assault, dating violence, domestic violence, and stalking.

- **Sexual Assault, Dating Violence, Domestic Violence, and Stalking:** These terms are defined in Section 3.0 of this Policy.
- **"Quid Pro Quo" Harassment:** This is harassment by an employee, agent, or other person authorized by TCC to provide an aid, benefit, or service under a TCC education program or activity in which the employee,

agent, or other authorized person explicitly or impliedly conditions the provision of an aid, benefit, or service on an individual's participation in unwelcome sexual conduct.

- **Hostile Environment Harassment Based on Sex:**

- Unwelcome, sex-based conduct that, based on the totality of the circumstances, is subjectively and objectively offensive and is so severe or pervasive that it limits or denies the individual's ability to participate in or benefit from TCC's educational program or activities.
- Unwelcome sexual advances, unwelcome requests for sexual favors, and other unwelcome physical, verbal, or nonverbal conduct or communication of a sexual nature when:
 - a. Submission to the advance, request, or conduct is either explicitly or implicitly a condition of an employee's employment;
 - b. Submission to or rejection of such advance, request, or conduct is used as a basis for employment decisions affecting the individual who has been subjected to the conduct; or
 - c. The unwelcome advance, request, or conduct is so severe, persistent, or pervasive that it has the purpose or effect of (i) unreasonably interfering with the employee's work performance or (ii) creates creating an intimidating, threatening, or hostile, or offensive work environment (that is, the harassment effectively changes the terms or conditions of employment by creating a hostile work environment). The harassment must be objectively and subjectively hostile.

Whether a hostile environment has been created is a fact-specific inquiry that includes consideration of:

- The degree to which the conduct affected the complainant's employment or their ability to access TCC's education program or activities;
- The type, frequency, and duration of the conduct;
- The parties' ages, roles within TCC's education program or activity, previous interactions, and other factors about each party that may be relevant to evaluating the effects of the conduct;
- The location of the conduct and the context in which the conduct occurred; and
- Other sex-based harassment in TCC's education program or activity.

Sexual Discrimination: In this policy, "sex discrimination" is differential treatment that occurs because of, or on the basis of, an individual's sex, which includes sex stereotypes, sex characteristics, sexual orientation, gender identity, or pregnancy, childbirth, or related conditions. The term encompasses acts of discrimination as well as acts of harassment, including sex-based harassment.

When used in this policy to describe differential treatment that does not involve sex-based harassment, "sex discrimination" refers to:

1. An adverse act or decision on the basis of sex that materially impacts an employee's term, condition, or privilege of employment with TCC;
2. An adverse act or decision on the basis of sex that excludes a student from participating in, denies or limits the benefits to a student of, or treats the student differently from similarly situated students on the basis of sex under any education program or activity with TCC;
3. "Disparate treatment," which refers to intentional acts which refers to intentional acts that subject a person to different treatment based on their sex as compared to similarly situated individuals;
4. "Disparate impact" discrimination occurs when a facially neutral policy, rule, or practice has a disproportionate impact on individuals of a particular sex; or
5. Failure to accommodate on the basis of a past, current, or potential pregnancy, childbirth, or related condition, including recovery from miscarriage, stillbirth, or termination of pregnancy.

Stalking: 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 this definition:

- A "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.

- “Reasonable person” means a reasonable person under similar circumstances and with similar identities to the alleged victim.
- “Substantial emotional distress” means significant mental suffering or anguish that may, but does not necessarily, require medical or other professional treatment or counseling.

Student: An individual who has accepted an offer of admission and is registered or enrolled in and paid for credit or non-credit bearing coursework. An applicant for admission who has not been admitted or enrolled is not a “student” but may use these procedures if the applicant is subjected to sexual discrimination or harassment in connection with the admissions process or while participating in or attempting to participate in an education program or activity of TCC.

Supportive Measures: These are actions or services, imposed for non-disciplinary and non-punitive reasons, that are offered without fee or charge as appropriately or reasonably available to a complainant who has reported sexual discrimination or harassment or a respondent who has been accused of engaging in sexual discrimination or harassment. Supportive Measures may be provided even if no complaint has been filed.

Supportive Measures could include counseling, extensions of deadlines or other course-related adjustments, restrictions on contact between the parties, changes in work schedules, a leave of absence, increased monitoring of certain areas of the campus, and other similar measures. In addition, under state law, alleged student victims and alleged student offenders may drop a course in which both parties are enrolled without academic penalty.

Supportive Measures are designed to restore or preserve the individual’s access to TCC’s education program or activity without unreasonably burdening the other party; protect the safety of all parties and the educational environment; and deter sexual harassment and other conduct prohibited by this policy. The Title IX Coordinator or designee will evaluate a party’s request for a particular supportive measure and determine feasibility and availability.

The Title IX Coordinator or designee will make supportive measures available following receipt of notice of a report of sexual discrimination or sex-based harassment. If no complaint has been filed, the Title IX Coordinator or designee will inform the complainant in writing that the complainant may choose to file a complaint under this policy but is not required to do so

Emergency Removals and Administrative Leaves, as discussed in this policy, are not considered disciplinary, nor are they considered Supportive Measures.

5.0 RETALIATION IS PROHIBITED

TCC prohibits retaliation (as defined in Section 4.0) against TCC students, employees, and third parties who in good faith report or file a complaint of sexual discrimination or who have testified, assisted, or participated or refused to participate in an investigation, proceeding, or hearing under this Policy.

An individual who believes that they have been subjected to retaliation may file a complaint under Section 11.0 of this policy.

6.0 MANDATORY EMPLOYEE REPORTING

All TCC employees have a duty to report certain incidents to the Title IX Coordinator or designee without delay. Reportable incidents are allegations that reasonably suggest the occurrence or sex discrimination, sexual harassment, sexual assault, dating violence, or stalking. The duty to report arises when (i) the employee, in the course and scope of their employment, witnesses or receives information regarding the occurrence of an incident that the employee reasonably believes constitutes sex discrimination, sexual harassment, sexual assault, dating violence, or stalking **and** (ii) the alleged conduct was committed by or against a person who was enrolled as a student or employed by TCC at the time of the incident.

The specific information to be reported will depend upon the job responsibilities of the employee. Methods of reporting are addressed in Section 6.3 below. Because the consequences of a failure to report can be severe,

all employees are required to become familiar with the reporting requirements in this Policy.

When in doubt about whether an incident should be reported, employees are encouraged to consult with the Title IX Coordinator.

Self-Reporting: Employees are not required to report incidents in which they were the alleged victim.

6.1 Employee reporting categories and responsibilities

1. *Category 1 – Employees who serve in an administrative leadership, teaching, or advising capacity or who have authority to take corrective action in response to an alleged violation*

Non-confidential employees in this category must promptly notify the Title IX Coordinator (or designee) about the report and provide all known information regarding the alleged incident. If the alleged victim has requested confidentiality, the employee shall notify the Title IX Coordinator of the request for confidentiality, but such a request does not relieve the employee of the duty to report.

This category includes all TCC faculty, adjunct faculty, clinical instructors, the president, vice presidents, deans, associate deans, and program directors.

2. *Category 2 – Employees who do not serve in an administrative leadership, teaching, or advising capacity and who do not have authority to take corrective action in response to alleged violations*

Non-confidential employees in this category must: (i) promptly notify the Title IX Coordinator (or designee) about the report **or** (ii) provide the contact information of the Title IX Coordinator to the person who informed the employee about the conduct along with information on how to make a complaint to the Title IX Coordinator.

This category includes all TCC clerical and staff employees who do not serve in an administrative leadership, teaching, or advising capacity and who do not have authority to take corrective action in response to alleged violations.

3. *Category 3 – Confidential employee whose communications are confidential or privileged by law or who perform a service designated as confidential*

A confidential employee is a person whose communications are privileged under Federal or State law or a person who is officially designated by TCC in writing as a confidential source for individuals seeking services relating to sex discrimination or sex-based harassment. A licensed professional counselor providing therapeutic services is an example of a confidential employee.

When a person informs a confidential employee of conduct that reasonably may constitute sex discrimination, sexual harassment, sex-based harassment, sexual assault, dating violence, domestic violence, or stalking, the confidential employee must inform the individual of the employee's confidential status and how this restricts the employee's ability to report.

The confidential employee shall (i) inform the individual how to contact the Title IX Coordinator or designee and (ii) explain that the Title IX Coordinator may be able to offer and coordinate supportive measures or an investigation process under TCC's grievance procedure.

The confidential employee must notify the Title IX Coordinator of the general type of incident that was reported, without identifying details.

If multiple confidential employees receive information about the same alleged incident, then only one report disclosing the type of incident must be submitted to the Title IX Coordinator.

If a confidential employee receives information in a non-confidential context, such as observing a reportable incident in a public area of campus, the employee must make a report consistent with their obligations under Category 1 or Category 2.

4. *Mandatory notifications to students who are pregnant or have related conditions*

When any employee is informed by a student (or the student's legal representative) that the student is pregnant or has a related condition, the employee must promptly provide to the student (or their representative) the contact information for the Title IX Coordinator and explain that the Title IX Coordinator (or designee) can coordinate specific actions to prevent sex discrimination and to ensure the student's equal access to TCC's education program or activity.

The above notification requirement does not apply if the employee reasonably believes that the Title IX Coordinator has been notified.

This duty to provide contact information to the student is not a duty to report that the student is pregnant. An employee who learns that a student is pregnant is not required to notify the Title IX Coordinator that the student is pregnant.

However, if the employee receives information from the student or any other person that the student may have been subjected to conduct that reasonably may constitute harassment or discrimination in violation of this Policy, then the employee must make a report to the Title IX Coordinator as required under Category 1 or 2 above.

5. *Disclosure of an already reported incident*

An employee is not required to notify the Title IX Coordinator of a reportable incident if the employee learns of the incident during or after a TCC investigation or grievance regarding the incident or if the employee has confirmed with the Title IX Coordinator that the incident previously was reported.

6. *Information received at public awareness event*

An employee who receives reportable information solely from a disclosure at a public awareness event regarding sexual harassment, sex-based harassment, sexual assault, dating violence, or stalking sponsored by TCC or an employee organization affiliated with TCC is not required to report the information unless the employee is a Category 1 employee (has authority to institute corrective measures on behalf of TCC or has responsibility for administrative leadership, teaching, or advising).

6.2 Mandatory Termination for Failure to Report

When an employee fails to make a mandatory report under Texas law and the failure has been verified in accordance with TCC procedures, TCC will terminate the employee's employment in accordance with the applicable termination policy. In addition, under the Texas Penal Code, failure to make a mandatory report is a Class B or Class A misdemeanor.

6.3 Reporting Process for Employees

Employees may fulfill their mandatory reporting obligation by speaking with or emailing TCC's Title IX Coordinator at titleix@txchiro.edu or by submitting a report on-line at <https://txchiro.wufoo.com/forms/title-ix-complaint-form>.

Unless the employee is a confidential employee (Section 6.1), the employee shall report all known information regarding the incident including, if available, the names of all known alleged victims and alleged perpetrators, a detailed description of the alleged conduct, and the date, time, location, and nature of the alleged incident.

6.4 Other Reporting Obligations Not Affected

An employee who makes a report under this Policy may have additional reporting obligations under other laws such as the Clery Act. Employees who are Campus Security Authorities (CSA) must report Clery-reportable offenses to TCC's Clery Act coordinator (Arthur Goudeau, Director of Financial Aid, available at agoudeau@txchiro.edu and 281-998-6022). In some instances, an employee will need to report the same incident to the Title IX Coordinator and the Clery Act coordinator.

7.0 REPORTING SEXUAL DISCRIMINATION TO TCC

7.1 Reports by Students, Employees, and Third Parties

TCC encourages individuals to report sexual discrimination and sex-based harassment directly to TCC's Title IX Coordinator (or designee) in person or by mail, telephone, TCC's Title IX web page (<https://www.txchiro.edu/title-ix/>), or electronic email using the contact information on TCC's website (<https://www.txchiro.edu/title-ix/>), via email to titleIX@txchiro.edu, or by any other means that results in the Title IX Coordinator receiving the person's verbal or written report. A report may be made at any time, including during non-business hours, using the telephone number or electronic mail address, or by mailing to the office address listed for the Title IX Coordinator.

Employees alleging discrimination or harassment by another employee also may submit a report to the Director of Human Resources, Jill Stegall, jstegall@txchiro.edu. The Director of Human Resources will notify the Title IX Coordinator of all reports received. Likewise, the Title IX Coordinator will notify the Director of Human Resources of reports that involve employees.

For allegations of sexual discrimination or harassment against a Title IX Coordinator, the individual may make a report to TCC's President, Dr. Sandra Hughes, shughes@txchiro.edu, (281-998-6041).

For allegations of sexual discrimination or harassment against the College President or any member of the Board of Regents, the individual may make a report to the chairperson of TCC's Board of Regents. For allegations of sexual discrimination against the Board Chairperson, the individual may make a report to the Vice Chairperson of the Board of Regents. The current membership of the Board of Regents is available from the Title IX Coordinator (titleIX@txchiro.edu) or the president's administrative assistant (281-998-6041).

In the event of a complaint against the Title IX Coordinator, President, or Regent, this policy will apply to the extent practicable, with adjustments as needed to ensure that the investigation and adjudication process are free of conflict and bias.

No specific deadline for making a report: There is no specific deadline for filing a report or a complaint. However, a delay in reporting or filing a complaint may impair TCC's ability to investigate or implement remedies.

Complaints by third parties: A third party may report policy violations committed by a member of the TCC community, and TCC will take appropriate steps to respond to the conduct consistent with TCC's authority over the third party, if any. Third parties may be subject to investigation and/or other actions for alleged violations of this Policy. A third party may be permanently barred from areas and/or locations controlled by TCC or be subject to other restrictions for failing to comply with this policy. TCC may take such action against third parties without providing the full rights and processes that are afforded by this policy to TCC students and employees.

A third party who reports a violation of this Policy cannot file a complaint in any circumstance where they are not the alleged victim of the conduct being reported.

A report is not a complaint: Reporting an allegation does not necessarily result in an investigation. Investigations will occur, in most cases, only if the alleged victim requests an investigation or if the Title IX Coordinator or designee determines that an investigation is needed.

7.2 Confidential Consultations Instead of Reporting

A student who is the alleged victim, alleged perpetrator, or a witness in an incident of alleged sexual discrimination or harassment may be interested in confidential counseling or psychological care, regardless of whether the individual makes a report or files a complaint. A student may obtain such support from a private provider at their own expense, but may also obtain support from TCC's Health Services. Information regarding free counseling or psychological care can be found on TCC's website at: <https://www.txchiro.edu/life-at-tcc/student-life-services/health-services/>.

An individual's counseling records, Employee Assistance Program records, and medical records are confidential and will not be used by TCC in a sexual discrimination or harassment grievance process without the individual's written consent.

7.3 Anonymous Reports

Any person may make an anonymous report to a Title IX Coordinator at titleIX@txchiro.edu, via the online portal, through a link obtained on TCC's website at <https://www.txchiro.edu/title-ix/>, or by sending a written letter via email, U.S. mail, or hand delivery. However, depending on the facts and circumstances of the anonymous report and the allegation being reported, TCC may be limited in its ability to stop the alleged conduct, collect evidence, or remedy the situation. A report may be characterized as anonymous if the name of the reporting party is unknown or if the names of the alleged victim and/or respondent are unknown.

7.4 Reports to Law Enforcement and Outside Entities

The right to report sexual discrimination and harassment to the Title IX Coordinator and TCC Administration is separate from the right to make a report to the police or other external entities. Individuals may report sexual discrimination or harassment to such outside entities regardless of whether they have made a report to TCC. Additional reporting options include the following:

- Any person may report a crime to law enforcement by calling 9-1-1.
- Any person may report a crime to the Office of Student Services (281-998-5705), the Pasadena Police Department (281-477-1221), or another police agency with jurisdiction. A police department's geographic jurisdiction will depend on the location of the incident.

When a suspected crime is reported to the Office of Student Services, TCC's after-hours security personnel, or a police agency, those offices may share the report with the College's Title IX Coordinators if the report involves allegations of sexual discrimination or sex-based harassment.

Proceedings under this policy 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.

7.5 Medical Care and Evidence Preservation

Alleged victims of sex-based harassment, including sexual assault, domestic violence, or dating violence, are encouraged to seek medical care as promptly as possible after the incident. Seeking medical assistance is essential to obtain treatment, if needed, and to preserve evidence related to the incident, including DNA evidence and evidence of bruising or other injuries. Alleged victims should avoid washing, showering, or changing clothes, if possible, before a medical exam or treatment. Clothing, if removed, should be placed in a paper bag. Email

threads, text message conversations, and other communications and electronic documents should be saved and not altered.

Victims of sexual assault should consider seeking a Sexual Assault Forensic Exam (SAFE) performed by a Sexual Assault Nurse Examiner (SANE) if the incident occurred within the previous four calendar days. For more information, please see <https://www.texasattorneygeneral.gov/crime-victims/services-crime-victims>. The cost of the forensic portion of the exam may be covered by law enforcement or, in cases where a report will not be made to the police, the Texas Department of Public Safety. This does not include fees related to medical treatment that are not a part of the SAFE.

7.6 Other External Reports

Individuals may make a confidential report to a community rape crisis center, clergy person, or a health care provider of the individual's choice. These off-campus providers are not required to make a report to TCC's Title IX Coordinator but could do so with the alleged victim's consent. Off-campus resources in Pasadena and Houston are listed at <https://www.txchiro.edu/title-ix/>.

Any person may contact the Office for Civil Rights to report a violation of or to receive information regarding Title IX as stated in Section 2.0 above.

7.7 Immunity from Discipline

To encourage reporting of sex-based harassment, TCC will grant immunity (also known as amnesty) from disciplinary action to students and employees who in good faith report sex-based harassment, file a complaint, or participate as a witness in a grievance process.

While no disciplinary action will be taken against reporting parties, alleged victims, or witnesses in these situations, TCC may address health and safety concerns for the individual or community, including student organizations, based on information learned from a report or complaint under this policy.

Immunity from discipline does not apply to the alleged perpetrator or Respondent who is accused of engaging in sex-based harassment.

8.0 RULES APPLICABLE TO ALL TCC GRIEVANCE PROCESSES UNDER THIS POLICY

8.1 Initial Review of Complaint and Initial Response to Complainant

A report is information (either oral or written) that provides notice to TCC of conduct that reasonably may constitute sex discrimination, sex-based harassment, or retaliation. A person may make a report without filing a complaint.

After receiving a report, a Title IX Coordinator or designee will promptly determine whether the allegations, if true, would constitute a violation of this Policy. If the allegations are covered by this Policy, the Title IX Coordinator will determine which procedure will be used to process the report. If the allegations would not constitute a violation of this policy but are subject to other policies, the Title IX Coordinator will refer the matter to the appropriate administrator for review.

Supportive Measures: The Title IX Coordinator or designee will promptly offer (and coordinate) supportive measures to the complainant and inform the complainant about the specific procedure for initiating a grievance. If the identity of the complainant is unknown, then the Title IX Coordinator or designee will inform the individual who reported the alleged violation.

If the grievance process has already been initiated, the Title IX Coordinator or designee also shall promptly offer (and coordinate) Supportive Measures to the respondent, if known.

TCC must maintain as confidential any Supportive Measures provided under this Policy to the extent that maintaining confidentiality would not impair TCC's ability to provide the Supportive Measure. The Title IX Coordinator is responsible for coordinating the effective implementation of Supportive Measures.

A party may seek modification or reversal of a decision that grants a supportive measure. A request to modify or reverse should be presented to the Title IX Coordinator or designee in writing and should identify the grounds supporting modification or reversal. The party's request will be reviewed by an impartial administrator who (i) was not involved in the initial decision to grant a supportive measure and (ii) has authority to modify or reverse the decision. The administrator will review the request as promptly as possible, typically within seven working days, barring unforeseeable circumstances.

Once a supportive measure is in place, a party may seek modification or reversal if there has been a material change in the circumstances. The review process described in the preceding paragraph will apply.

TCC may provide Supportive Measures to third parties as appropriate and reasonably available, taking into account the role of the third party and the nature of any contractual relationship with TCC. If the alleged perpetrator is not a student or employee of TCC, the Title IX Coordinator or designee may be able to assist the complainant in contacting appropriate officials at the other institution to explore options that may be available under the other institution's policies. If the alleged offender is affiliated with an entity that has a business relationship with TCC, the Title IX Coordinator or designee will evaluate options for contacting the other entity and addressing the allegations that may be available under the other entity's policies or under a contract or memorandum of understanding between TCC and the other entity.

8.2 Insufficient Information from the Complainant

In response to a report of conduct that is prohibited by this Policy and which involves a known complainant, if the report or complaint lacks pertinent information necessary to evaluate the allegations or TCC's jurisdiction, such as the location or date of the incident, the Title IX Coordinator or designee shall provide the complainant a reasonable amount of time to provide supplemental information before deciding that this Policy does not apply. The need to clarify the allegations should not delay the offer of Supportive Measures to the complainant under Section 8.1.

8.3 Complainant's Request Not to Investigate

In some instances, a complainant may request that their name or other personally-identifiable information not be shared with a respondent and/or that no investigation be pursued. TCC will strive to be respectful of the alleged victim's wishes while weighing the rights, interests, and safety of all parties and the larger TCC community in evaluating whether to proceed with an investigation against the wishes of the alleged victim. There may be occasions when the Title IX Coordinator concludes that an investigation is necessary.

Before proceeding with a complaint and investigation over the objection of the alleged victim, the Title IX Coordinator or designee will discuss the complainant's concerns and evaluate whether there is a lack of clarity in understanding the options available under this Policy. As part of the evaluation whether to investigate, TCC will consider the following factors:

- The seriousness of the alleged conduct;
- The complainant's reasons for not wanting an investigation;
- Whether TCC received other reports of sexual discrimination involving the same alleged perpetrator(s);
- Whether the alleged perpetrator is a TCC employee or agent;
- Whether there is a risk of harm to others;
- Whether other remedial action is available that would not require an investigation; and
- Any other evidence that TCC determines to be relevant to the analysis.

If the Title IX Coordinator determines that it is appropriate to proceed with an investigation, the Title IX Coordinator or designee will inform the alleged victim in writing of TCC's decision. The Title IX Coordinator is not considered a party to the grievance process. The alleged victim remains the "Complainant" and has all rights outlined in this Policy for complainants. However, the alleged victim or Complainant is not required to participate in the grievance process, and no adverse inference will be drawn based on the Complainant's non-participation.

If the Title IX Coordinator decides not to initiate a complaint and investigation, TCC will take steps determined to be possible and necessary to mitigate risks to the health and safety of the TCC community concerning the alleged incident.

8.4 Confidentiality and Privacy Generally

TCC will not disclose personally identifiable information about the parties or witnesses who are involved in a grievance process or adjudication except when required or authorized by law or when the disclosure is necessary to carry out purposes authorized by law (including but not limited to Title IX, Title VII, Clery Act, and the Family Educational Rights & Privacy Act, and their implementing regulations). These lawful purposes include performing an equitable investigation and adjudication of complaints of sexual discrimination or harassment.

When a complaint is initiated and the allegations are investigated, certain disclosures will be necessary to conduct a fair and thorough investigation and adjudication. Therefore, some information, including the parties' names, may be disclosed to investigators, witnesses in the case, other alleged victims in the same case, the alleged perpetrator, parties' advisors, decision-makers, appellate officers, TCC administrators, TCC attorneys, and TCC regents responsible for overseeing compliance with this Policy and applicable law.

8.5 Unauthorized Disclosures of Information

During a grievance process, the parties and their advisors are prohibited from unauthorized disclosure of information that they obtained from TCC during an investigation or adjudication of a complaint and that consists of a report, summary, or compilation of the evidence gathered or prepared by TCC.

In addition, this policy prohibits the parties and their advisors from publicly disclosing another party's personally identifiable information without the other's party consent. Depending on the purpose and circumstances of the disclosure, a violation could be found to be retaliatory and subject the individual to discipline or sanctions. However, nothing in this section limits the ability of a party to interview witnesses, obtain or present evidence, consult with family members, advisors, or confidential resources, or prepare for a grievance hearing.

8.6 Equitable Treatment

TCC shall treat all individuals involved in a grievance process under this Policy (complainants, respondents, witnesses, and any other involved person) equitably and shall not discriminate against the individuals on the basis of sex or any other unlawful basis. All individuals involved in TCC's grievance process will be treated fairly, with dignity, respect, and sensitivity, and without bias, prejudice, conflict of interest, or reliance on stereotypes.

8.7 No Bias or Conflict of Interest

Any individual designated by TCC as a Title IX Coordinator, investigator, decision-maker, appeal officer, or informal resolution facilitator must serve impartially and must not have a conflict of interest or bias for or against complainants or respondents generally, or for or against an individual complainant or respondent.

A party's objection based on a conflict or bias must be based on specific facts. A bias is a tendency, inclination, or prejudice toward or against someone. A bias can be positive (*e.g.*, favoring a party) or negative (*e.g.*, disfavoring a party). A conflict of interest exists when personal or private interests are likely to compromise one's judgment. Conflicts and bias do not exist merely because the individual (i) is an employee of TCC or is paid by TCC to serve as an investigator, decision-maker, or appeal officer, (ii) was an investigator, decisionmaker, or hearing officer in a prior matter and ruled a particular way, or (iii) is a particular gender, race, religion, national origin, or other protected status.

8.8 Standard of Proof

TCC will determine responsibility based on the "preponderance of the evidence" regardless of whether the respondent is a student, employee, or third party. To establish something by a "preponderance of the evidence" means to show the greater weight of the credible evidence. This standard is satisfied if the fact or conduct is deemed more likely than not to have occurred.

8.9 Respondent Presumed Not Responsible

A respondent is presumed not responsible for the alleged conduct until a determination regarding responsibility is made, using a preponderance of the evidence standard, at the conclusion of the grievance process.

8.10 Objective Evaluation of the Evidence

Investigators and decision-makers must objectively evaluate all relevant evidence presented during the grievance process unless the evidence is legally impermissible. Evidence is relevant if it relates to the conduct under investigation. Questions are relevant when they seek evidence that may aid in showing whether the alleged discrimination, harassment, or retaliation occurred, and evidence is relevant when it may aid a decisionmaker in determining whether the alleged discrimination or harassment occurred. Evidence is deemed relevant if (a) it has any tendency to make a fact more or less probable than it would be without the evidence, and (b) the fact is of consequence in determining the matter.

Investigators and decision-makers must objectively evaluate and consider both inculpatory evidence (evidence that tends to show an individual is responsible for the alleged conduct) and exculpatory evidence (evidence that exonerates or tends to clear an individual from responsibility).

Credibility determinations may not be based on an individual's status as a complainant, respondent, or witness. Investigators, decision-makers, and appeal officers will not prejudge the facts at issue or rely on sex stereotypes in the evaluation of the evidence.

8.11 Privileged Information

TCC will not seek or use information protected by any legally-recognized privilege during the grievance process unless the privileged is waived in writing by the person holding the privilege. Legally-recognized privileges include, but are not limited to, the attorney-client privilege, the physician-patient privilege, and the psychotherapist-patient privilege.

TCC 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 or assisting in the capacity in connection with the provision of treatment to the party, unless TCC obtains the party's voluntary, written consent to do so for purposes of the grievance process.

If a party seeks or uses information protected by any legally-recognized privilege, the party must provide written documentation indicating that the individual holding the privilege has waived the privilege and consents to the use of the information in the grievance process.

8.12 Evidence of the Complainant's Sexual Interests or Prior Sexual Conduct

The following evidence is impermissible and will not be accessed or considered: Evidence that relates to the complainant's prior sexual interests or prior sexual conduct, unless evidence about the complainant's prior sexual conduct is offered to prove that someone other than the respondent committed the alleged misconduct or is offered to prove consent regarding the incident(s) alleged against the respondent.

8.13 Notice to the Parties Required by this Policy

When this Policy requires notice to the parties, notice shall be provided by regular first-class mail and/or email to the TCC email address or other email address designated by the parties. A first-class letter will be deemed to have been received on the third day after the date of mailing, excluding any intervening Sunday or federal holiday. An email will be deemed to have been received on the day after the message is sent. Notice also can be accomplished through hand delivery. A party's failure to update their postal and email addresses with TCC, refusal to accept delivery of a letter, or refusal or failure to open email will not constitute good cause for failure to comply with a notice.

8.14 Timeframe for Grievance Process

Barring unusual circumstances (e.g., multiple reporting parties or a complaint filed immediately before a lengthy holiday or break), TCC's grievance process will be completed within 150 calendar days from the filing of a complaint. This

timeline assumes that, in most case, the initiation and evaluation phase will take 10 working days, the investigation phase will take approximately 80 calendar days, and the hearing and appeal phase may take approximately 60 calendar days.

The Title IX Coordinator may extend deadlines as may be necessary to ensure a fair and equitable process. The Title IX Coordinator must provide written notice to both parties of any extensions.

The parties may seek reasonable extensions and temporary delays for good cause. Good cause may include, but is not limited to, the illness of a party, a party's advisor, or a witness; concurrent law enforcement activity; a public health emergency; or the need to arrange for language assistance or accommodation of disabilities.

8.15 Calculating Deadlines

When a deadline is stated in terms of "calendar" days and the deadline falls on a weekend or state or federal holiday, the deadline shall be moved to the next day that does not fall on a weekend or a holiday. When a deadline is stated in terms of "working" days, the deadline shall be calculated based on the days TCC is open for business (whether in person or virtually). The term "working days" excludes winter break.

8.16 Accessibility Services Requests

A student or employee who is a qualified person with a disability under federal law and needs assistance complying with this Policy or any procedure set forth in this Policy may contact the Title IX Coordinator or designee for assistance.

8.17 Advisors

The parties have an equal right to have an advisor of their own choosing present during any part of a meeting, interview, or hearing under this Policy. An advisor of choice may be, but is not required to be, an attorney. Parties should select advisors who have reasonable availability in their schedules; an advisor's schedule may not unduly delay proceedings under this Policy.

Unless allowed by a specific provision in this Policy, advisors may not actively participate in meetings, interviews, or hearings. A party and the party's advisors may confer privately so long as it does not delay, interfere with, or disrupt meetings, interviews, or proceedings.

If a party has an advisor, the party must provide the name and contact information of the advisor to the Title IX Coordinator at least 24 hours before the first meeting or proceeding that the advisor will attend. A party's advisor must sign an acknowledgment agreeing to comply with all privacy and confidentiality provisions in this Policy.

8.18 Concurrent Law Enforcement Activity

TCC has an independent duty to respond to complaints. TCC will not routinely wait for the outcome of a criminal or civil justice proceeding before investigating a complaint. In consultation with the relevant police agency or District Attorney's Office, TCC may temporarily pause an investigation or grievance so as not to interfere with criminal justice activities. TCC will consider and balance the interests of the complainant, the respondent, and TCC. TCC will provide the parties with written notice of any delay and the reason for the delay.

9.0 DISMISSAL OF A COMPLAINT PRIOR TO A DETERMINATION OF RESPONSIBILITY

9.1 Grounds for Dismissal. TCC may dismiss a complaint for any of the following reasons:

- The Allegations, Even if True, Do Not Constitute Sex Discrimination or Retaliation. TCC may dismiss a complaint if the allegations, even if proven true, do not constitute sex discrimination, sex-based harassment, or retaliation within the scope of this Policy (see Sections 3.0 and 4.0). Before dismissing the complainant, the Title IX Coordinator or designee will make a reasonable effort to clarify the allegations with the complainant under Section 8.2.
- Request from Complainant. TCC may dismiss a complaint if the complainant voluntarily requests dismissal in writing. In assessing such a request, the Title IX Coordinator or designee will evaluate whether, in the absence of the withdrawn allegations, there are other allegations of sex

discrimination or harassment that should be investigated. In addition, before approving dismissal, the Title IX Coordinator or designee will evaluate the factors identified in Section 8.3, “Complainant’s Request Not to Investigate.”

- Inability to Identify the Respondent. TCC may dismiss if the complaint is unable to identify the respondent after a reasonable inquiry.
- Party No Longer Employed. TCC may dismiss a complaint if a party is no longer employed with TCC.
- A Party’s Enrollment Ends. TCC may dismiss a complaint if a student-respondent withdraws or graduates from TCC; however, if a complaint and disciplinary charge are pending when the student’s enrollment ends and the charge relates to sexual harassment, sexual assault, dating violence, domestic violence, or stalking, a written determination must be reached. TCC shall expedite the disciplinary process as necessary to accommodate both parties’ interests in a complete and speedy resolution.

If a student-respondent withdraws before the final determination of responsibility, TCC will determine if the respondent will be ineligible to reenroll for a non-academic or non-financial reason. If the respondent is ineligible to reenroll for a non-academic or non-financial reason, TCC shall include on the respondent’s transcript the notation that the student is ineligible to reenroll in TCC for a non-academic or non-financial reason, as required under 19 Texas Administrative Code § 3.30(b). TCC may, but is not required, to state the specific reason for ineligibility to reenroll.

- Other Circumstances. TCC may dismiss a complaint if other circumstances prevent TCC from gathering evidence sufficient to decide the allegations in the complaint.

9.2 Notice of Dismissal

Upon dismissal, the Title IX Coordinator or designee must notify the complainant of the reasons for the dismissal and inform the complainant of the right to appeal the dismissal. If the dismissal occurs after the respondent has been notified of the complaint, then the Title IX Coordinator or designee must notify the respondent of the dismissal and the reasons for it and the appeal process.

9.3 Appeal of a Dismissal

A party that wishes to appeal a dismissal must do so in writing within three working days of receipt of the notice of dismissal. The party must submit the appeal to the Title IX Coordinator and must explain the party’s reason(s) and factual basis for challenging the decision. TCC will appoint an impartial decisionmaker to serve as the appeal officer. The decisionmaker must be neutral and cannot have participated in the investigation of the complaint or the decision to dismiss it.

Permissible grounds for appealing a dismissal are as follows:

- A procedural irregularity affected the outcome of the matter;
- New evidence that was not reasonably available at the time of the determination regarding responsibility or dismissal was made that could affect the outcome of the matter; or
- A conflict of interest or bias for or against a party by the Title IX Coordinator or one or more investigators or Hearing Officer that affected the outcome of the case.

If the dismissal occurs after the respondent has received notice of the complaint, the Title IX Coordinator will provide a copy of the appeal to the respondent who will have three working days to submit a written response. The appeal officer shall have access to the record relating to the complainant’s complaint and its dismissal. The appeal officer may submit

written questions to the parties if necessary to decide the appeal but must provide the questions to each party simultaneously and provide each party the same time to respond. The appeal officer will prepare a written decision within 30 calendar days from receipt of the appeal and simultaneously provide a copy of the ruling to the parties and the Title IX Coordinator.

9.4 Supportive Measures and Remedial Action

In the event of a dismissal of a complaint, the Title IX Coordinator or designee may offer supportive measures as may be appropriate and may take other action to ensure that sex discrimination does not continue or recur in the activity or program that was the subject of the complaint.

10.0 EMERGENCY REMOVAL, SUSPENSION, AND ADMINISTRATIVE LEAVE

10.1 Emergency Removal

In some circumstances, TCC may determine that removing a student or other individual who allegedly violated this Policy from campus would be appropriate before determining responsibility. Emergency removal or interim suspension can result in removal from a specific activity or in temporary suspension from all campuses and activities.

To remove a person through an emergency removal, TCC must conduct an individualized safety and risk analysis to determine if the individual poses an imminent and serious threat to the health or safety of a complainant or other member of the campus community arising from the allegations of sexual discrimination or sex-based harassment.

If a student is subjected to emergency removal, the Title IX Coordinator shall send written notice of the removal to the student via hand delivery or via electronic mail and first-class U.S. mail. The written notice will notify the individual of the reason(s) for the removal and of their right to challenge the emergency removal decision.

A student subjected to an emergency removal may challenge the removal by submitting a written request to the Title IX Coordinator within three working days of the emergency removal. The student's request should explain the reasons why the student believes that the removal is unjustified. The Title IX Coordinator will schedule the meeting regarding the emergency removal decision within three working days of receiving the student's request, barring unforeseeable circumstances. For students, the meeting shall be conducted by the Chief Academic Officer or, if that administrator is involved in any way in the underlying charge of misconduct, by the Chief of Clinics. The meeting may occur virtually. The designated administrator will determine whether to maintain, modify, or lift the emergency removal. If the student does not timely submit the request for review of the removal decision, the student will waive the right to challenge the removal.

For third parties subjected to emergency removal, TCC will provide the removed individual with notice and an opportunity to be heard regarding the decision in a meeting with a Title IX Coordinator or designee who will determine whether to maintain, modify, or lift the emergency removal. The meeting may occur virtually. The individual must submit the written request for review to the Title IX Coordinator within three working days of the emergency removal. The individual's request should explain the reasons why the individual believes that the removal is unjustified. If the individual does not timely submit the request for review of the removal decision, the individual will waive the right to challenge the removal.

A proceeding to challenge an emergency removal does not decide the merits of the underlying charge. An emergency removal will take effect immediately even if the individual removed seeks an opportunity to challenge the removal.

If there is a material change in circumstances or if new evidence becomes available that is relevant to the assessment of the emergency removal, the individual who was removed may seek modification or a lifting of the removal order by submitting a written request to the Title IX Coordinator. The individual should identify evidence that demonstrates that they are no longer an imminent and serious threat. A neutral administrator will determine whether to maintain, modify, or lift the emergency removal and will communicate their decision in writing within three working days.

The provisions relating to emergency removal do not modify any rights that an individual may have under the Americans with Disabilities Act or Section 504 of the Rehabilitation Act of 1973.

10.2 Employee Administrative Leave

In some circumstances, TCC may determine that removing an employee who is alleged to have engaged in sexual discrimination or harassment would be appropriate before deciding responsibility. Administrative leave can include a

temporary reassignment, restrictions on access to a part of campus, or suspension from campus. Administrative leave of an employee must be approved by the Director of Human Resources and will comply with the terms and conditions of the employee's contract and relevant TCC policies and procedures.

The provisions relating to administrative leave do not modify any rights that an employee may have under the Americans with Disabilities Act or Section 504 of the Rehabilitation Act of 1973.

11.0 GRIEVANCE PROCESS – DISCRIMINATION AND RETALIATION COMPLAINTS THAT DO NOT INVOLVE SEX-BASED HARASSMENT

11.1 Initial Evaluation of Report

The procedure in Section 11.0 applies to all complaints except those involving sex-based harassment, including sexual assault, dating violence, domestic violence, or stalking. If a complaint involves sex-based harassment and a student is a complainant or respondent, then Section 12.0 will apply. If a complaint involves a complaint by one employee against another employee and the allegations involve sex-based harassment, then Section 13.0 will apply.

Upon receipt of a report covered by this policy, the Title IX Coordinator or designee will promptly take the following actions:

- a) Evaluate whether the alleged conduct reasonably constitutes sex discrimination, harassment, or retaliation within the scope of this Policy.
 - If the Title IX Coordinator or designee determines that the allegations do not reasonably constitute a violation of this Policy, then the Title IX Coordinator or designee may dismiss the complaint as stated in Section 9.
 - If the Title IX Coordinator or designee lacks sufficient information to assess the allegations, the Title IX Coordinator or designee will seek additional information from the complainant as stated in Section 8.2.
- b) Evaluate whether the report includes misconduct allegations that implicate other TCC policies or conduct rules (*e.g.*, allegations of race discrimination or academic dishonesty) and determine whether it would be reasonable, efficient, and non-prejudicial to either party to address those allegations under this Policy or to sever that portion for referral for processing under a different TCC policy.
- c) Offer and coordinate Supportive Measures for the complainant as may be appropriate (see Section 8.1).
- d) Notify the complainant of the applicable grievance procedure and inquire whether the complainant desires to submit a complaint or to use the informal resolution process.

If the complainant declines to file a complaint, the Title IX Coordinator or designee will evaluate whether to initiate a complaint (see Section 8.3).

As part of or in addition to the initial contact with the complainant, the Title IX Coordinator or designee also may gather information about the reported conduct and any immediate health or safety concerns raised by the report, the reporter, or the complainant.

11.2 Written Notice of Allegations

Upon initiation of a complaint under Section 11.0, the Title IX Coordinator or designee will provide written notice to the complainant and respondent, if known. The notice must include:

- The applicable grievance procedure.
- The identity of the parties, if known.
- A summary of the allegations sufficient to enable the parties to respond to the allegations, including a description of the conduct allegedly violating this Policy and the date(s) and location(s) of the alleged incident(s), if known.
- A statement that retaliation is prohibited.

- A statement that the respondent is presumed not responsible for the alleged conduct and that a determination regarding responsibility will be made at the conclusion of the grievance process.
- A statement that TCC will use the preponderance of the evidence standard to determine responsibility.
- A statement that the parties are entitled to an equal opportunity to receive an accurate description of the relevant and not otherwise impermissible evidence or, upon request, an equal opportunity to access the evidence contained in the description.

If TCC decides to investigate additional allegations that are not included in the initial Notice of Allegations, TCC will provide supplemental written notice of the additional allegations to the affected parties.

11.3 Consolidation of Complaints; Counter Complaints

The Title IX Coordinator or designee may consolidate complaints by one or more complainants against the same respondent or multiple respondents if the allegations arise from the same facts or circumstances. The Title IX Coordinator or designee will provide notice in writing to all parties if consolidation occurs.

A respondent may file a counter complaint against the complainant. The Title IX Coordinator or designee will evaluate the allegations in the counter complaint as stated in Section 11.1. The Title IX Coordinator or designee will determine whether the counter complaint and original complaint will be consolidated for investigation and/or adjudication or whether they will be investigated and adjudicated separately.

A party who asserts a counter complaint in bad faith or with intent to retaliate is subject to discipline.

11.4 Investigations

When TCC determines that an investigation is required under this Policy, the Title IX Coordinator will appoint a neutral, trained investigator/decisionmaker who may be a human resources employee or other employee or external investigator. No party may have supervisory authority over the individual who conducts the investigation or exercise control over the investigation. The Title IX Coordinator will notify the complainant(s) and respondent(s) of the name and contact information of the investigator(s).

Parties whose participation is invited or expected will receive written notice of the date, time, location, participants, and purpose of any hearings, interviews, or other meetings, with sufficient time for the party to prepare to participate.

The burden of gathering evidence is upon TCC and the investigator to obtain sufficient evidence in order to determine if prohibited conduct occurred. However, both the complainant and the respondent are encouraged to promptly submit any information they believe may be relevant. Each party will have an equal opportunity to present fact witnesses and other inculpatory or exculpatory evidence, including documents, communications, social media posts, photographs, recordings, or other evidence. Witnesses and evidence must be relevant and not otherwise impermissible (see Section 8).

The investigator will exercise professional judgment and discretion in determining which witnesses to interview and which evidence to gather. Not every witness suggested by a party will be interviewed in every case; the investigator will determine whether the individual's knowledge is relevant, pertains to facts that are not contested, or is duplicative or cumulative of other evidence. If a witness is solely a character witness and lacks personal knowledge of facts relevant to the incident, the context in which the incident occurred, or other facts that would aid in understanding the incident, the investigator will exercise professional judgment in deciding whether to conduct the interview.

The investigator also may decline to interview a witness who cannot reasonably be reached or is uncooperative. No adverse inference will be drawn based solely on the non-participation of a party or witness.

The investigator may consult medical, forensic, technological, or other experts when expertise on a topic is needed to understand the allegations or occurrences.

The investigator will use a process that enables the investigator to question the witnesses and parties and to assess their credibility, to the extent credibility is relevant and disputed. The investigator may interview individuals in person or virtually. When a third-party witness is not available in person or virtually, the investigator may conduct the interview over

the telephone. The investigator will conduct follow-up interviews as may be appropriate. No party may record an interview that takes place under this policy.

The investigator will prepare a summary of each interview that reasonably and accurately captures the relevant and not otherwise impermissible statements made by the party or witness.

The investigator will prepare a preliminary investigative report which accurately describes the relevant (and not otherwise impermissible) evidence. The investigator shall give each party and their advisors an equal opportunity to concurrently review the preliminary report in an electronic format via an online file sharing platform. Parties and advisors are not permitted to download, print, or copy the report, and are not permitted to re-disclose its contents without TCC's permission. Violations of these prohibitions may subject parties to discipline under applicable conduct codes.

Within five business days of the issuance of the preliminary investigation report, the parties may submit a written response to the investigator. The parties' written responses will be considered by the investigator prior to completion of the investigative report. If the investigator identifies additional investigative steps that are needed, the investigator will complete those steps and incorporate the new information into the report before finalizing it.

If either party requests access to the evidence that is described in the report, then both parties will be given an equal opportunity to access the relevant (and not otherwise impermissible) evidence via an online file sharing platform that does not permit the parties to download or copy the information.

11.5 Determination

11.5.1 Investigator's Determination of Responsibility

The investigator will evaluate relevant and not otherwise impermissible evidence for its persuasiveness. If the investigator is not persuaded by a preponderance of the evidence that sex discrimination or retaliation occurred, the investigator cannot find the respondent responsible for engaging in sex discrimination or retaliation.

The investigator's report/determination will include findings of fact, a determination regarding responsibility, and the rationale for the findings and the determination. The report will not address sanctions, discipline, or remedies.

The investigator will provide the report/determination to the Title IX Coordinator and the Designated Administrator who will determine consequences, if any. The Title IX Coordinator or designee will make the report/determination available via the confidential file sharing platform.

If the respondent is a student, the Designated Administrator typically will be the Chief Academic Officer or designee. If the respondent is an employee or third party, the Designated administrator typically will be the Director of Human Resources or designee.

11.5.2 Final Determination by Designated Administrator

Within five working days of receipt of the report/determination, each party may submit a response to the Designated Administrator. The Title IX Coordinator or designee will make the parties' responses available via the confidential file sharing platform. The Designated Administrator will review the report/determination, investigation record, and the parties' responses, if any.

If the investigation report includes a finding of responsibility, then the Designated Administrator will determine a sanction, discipline, or corrective action in accordance with applicable TCC policies and procedures. Disciplinary action will be determined based on the seriousness of the misconduct and on the individual's prior disciplinary history, if any.

If the report/determination does not include a finding of responsibility, then the Designated Administrator will evaluate, in conjunction with Title IX Coordinator, whether other remedial action is appropriate.

The Designated Administrator's final determination will explain the rationale for the ruling and identify the procedure and grounds for filing an appeal. The final determination will be completed within 15 working days after the parties submit their responses unless additional time reasonably is needed due to the complexity, volume, or other factors warranting additional time.

Further investigation before final determination: If the Designated Administrator is unable to make a decision because additional investigation or fact-finding is needed, the Designated Administrator will prepare a written communication to the investigator requesting additional investigation or fact-finding and identifying the issues to be investigated. The administrative decisionmaker will provide a copy of this communication to the parties. The investigator will prepare a supplement to the final investigation report and provide to the parties in the same confidential manner that the preliminary report was shared. Within five working days of receipt of the supplement, each party may submit a written response to the Designated Administrator. The Designated Administrator will then follow the steps discussed above for preparing a final determination.

Consequences: If the respondent is an employee, disciplinary action may include counseling or training, written warning, unpaid leave of absence, suspension, demotion, reassignment of duties, or termination.

If the respondent is a student, disciplinary action may include counseling or training, written warning, restitution, loss of privileges, suspension, expulsion, and/or revocation or denial of diploma.

If the respondent is a third party, actions may include a written warning, loss of privileges, loss of the opportunity to work with or for TCC, and/or a trespass order. If the respondent works for an organization with whom TCC conducts business, the Title IX Coordinator will determine if a contract or memorandum of understanding provides procedures for notifying the organization and addressing the complaint against the respondent. TCC will comply with applicable contract procedures, including procedures pertaining to available remedies and required notifications.

11.5.3 Appeals

Appeals may be filed on the following grounds: (1) This policy was not followed and such deviation could have a substantial influence on the outcome or might have led to a different determination; (2) There is new and relevant information, not available at the time of the investigation or hearing, that would significantly impact the outcome of the case; or (3) The Title IX Coordinator, Director of Human Resources, investigator(s), or decision-maker(s) had a conflict of interest or bias for or against complainants or respondents generally or the individual complainant or respondent that would change the outcome.

Appeals in a case in which a student is a respondent may be filed using the appeal process in the code of student conduct.

Appeals in which an employee is a respondent, or in which there is no respondent, will be heard by the President. A party that wishes to appeal must submit their written appeal to the Title IX Coordinator within five working days of receipt of the notice of the decision being appealed. The Title IX Coordinator or designee will provide a copy to the other party who will have five working days to submit a written response to the appeal. The President or designee will consider the parties' appeal statements, the Final Report, and the investigation record. The President or designee will issue a written ruling on the appeal as promptly as possible. Each party and the Title IX Coordinator will receive a copy of the ruling of the President or designee via the confidential file sharing platform.

12.0 GRIEVANCE PROCESS – SEX-BASED HARASSMENT COMPLAINTS IN WHICH A STUDENT IS A COMPLAINANT OR RESPONDENT

Section 12.0 applies when a student is a complainant or respondent and the complaint involves allegations of sexual harassment (quid pro quo or hostile environment), sexual assault, dating violence, domestic violence, or stalking. The

determination of responsibility and discipline, if any, will be determined at a live hearing by an impartial hearing officer. The procedures discussed above in Sections 8.0 –11.0 will apply except as modified below.

12.1 Notice of Allegations

The notice of allegations to the respondent will contain the information stated in Section 11.2. In addition, the notice must state that (i) prior to the determination, the parties will have an opportunity to present relevant and not otherwise impermissible evidence to a trained, impartial decisionmaker; (ii) the parties may have an advisor of their choice and that the advisor may be, but is not required to be, an attorney; (iii) the parties are entitled to an equal opportunity to access the relevant and not otherwise impermissible evidence or an investigative report that accurately summarizes this evidence or, if the institution provides access to an investigative report, the parties are entitled to an equal opportunity to access to the relevant and not otherwise impermissible evidence; and (iv) a statement that TCC's code of conduct prohibits knowingly making false statements or knowingly submitting false information during the grievance proces.

If, in the course of an investigation, TCC decides to investigate additional allegations of sex-based harassment by the respondent toward the complainant that are not included in the initial written notice, TCC will provide written notice any additional allegations to the parties whose identities are known.

If TCC has reasonable concerns for the safety of any person as a result of providing the notice of allegations, TCC may reasonably delay providing written notice of the allegations in order to address the safety concern appropriately. Reasonable concerns must be based on individualized safety and risk analysis and not on mere speculation or stereotypes.

12.2 Investigations

When TCC determines that an investigation is required under this Policy, the Title IX Coordinator will appoint a neutral, trained investigator who may be a human resources employee or other employee or external investigator. A party shall not have supervisory authority over the individual who conducts the investigation or exercise control over the investigation. The Title IX Coordinator will notify the complainant(s) and respondent(s) of the name and contact information of the investigator(s).

Parties whose participation is invited or expected will receive written notice of the date, time, location, participants, and purpose of any hearings, interviews, or other meetings, with sufficient time for the party to prepare to participate.

The burden of gathering evidence is upon TCC and the investigator to obtain sufficient evidence in order to determine if prohibited conduct occurred. However, both the complainant and the respondent are encouraged to promptly submit any information they believe may be relevant. Each party will have an equal opportunity to present fact witnesses and other inculpatory or exculpatory evidence, including documents, communications, social media posts, photographs, recordings, or other evidence. Witnesses and evidence must be relevant and not otherwise impermissible (see Section 8).

The investigator will exercise professional judgment and discretion in determining which witnesses to interview and which evidence to gather. Not every witness suggested by a party will be interviewed in every case; the investigator will determine whether the individual's knowledge is relevant, pertains to facts that are not contested, or is duplicative or cumulative of other evidence. If a witness is solely a character witness and lacks personal knowledge of facts relevant to

the incident, the context in which the incident occurred, or other facts that would aid in understanding the occurrence that has been alleged, the investigator will exercise professional judgment in deciding whether to conduct the interview.

The investigator also may decline to interview a witness who cannot reasonably be reached or is uncooperative. No adverse inference will be drawn based solely on the non-participation of a party or witness.

The investigator may consult medical, forensic, technological, or other experts when expertise on a topic is needed to understand the allegations or occurrences.

The investigator may interview individuals in person or virtually. When a third-party witness is not available in person or virtually, the investigator may conduct the interview over the telephone. The investigator will conduct follow-up interviews as may be appropriate.

The investigator will prepare a summary of each interview that reasonably and accurately describes the relevant and not otherwise impermissible statements made by the party or witness. No party may record an interview that takes place under this policy.

The investigator shall give each party and their advisors an equal opportunity to concurrently review the preliminary report in an electronic format via an online file sharing platform. Parties and advisors are not permitted to download, print, or copy the report, and are not permitted to re-disclose its contents without TCC's permission. Violations of these prohibitions may subject parties to discipline under applicable conduct codes.

Within five working days of the issuance of the preliminary investigation report, the parties may submit a written response to the investigator. The parties' written responses will be considered by the investigator prior to completion of the investigative report. If the investigator identifies additional investigative steps that are needed, the investigator will complete those steps and incorporate the new information into the report before finalizing it.

The final investigation report will outline the allegations that were investigated, identify the pertinent policies, summarize the steps taken to investigate, and accurately summarize the relevant (and not otherwise impermissible) evidence. The investigator will provide the investigative report to the parties in the same confidential manner that the preliminary report was shared. The parties may provide a written response to the final investigative report within five business days of the issuance of the final investigative report. Extensions of time may be granted for good cause, in which case both parties will be entitled to the same extension. A party must submit a request for an extension of time to the investigator before expiration of the deadline the party seeks to extend.

If either party requests access to the evidence that is described in the report, then both parties will be given an equal opportunity to access the relevant (and not otherwise impermissible) evidence via an online file sharing platform that does not permit the parties to download or copy the information.

Support persons. The parties have an equal opportunity to invite a support person to any meeting or hearing required by this policy. The support person is a person in addition to the party's advisor. A support person cannot be a witness in the case. The support person may not participate in meetings or hearings or delay or disrupt any meeting or proceeding.

12.3 Live Hearing and Determination of Responsibility

The investigative report, evidence, and the parties' written responses, if any, will be provided to the hearing officer in advance of the hearing.

12.3.1 Hearing Officers

Hearings will be presided over by a hearing officer (Decisionmaker), who will make the decision by a preponderance of the evidence as to whether or not the respondent violated the policy provisions at issue. A preponderance of the evidence means that, based on all relevant evidence and reasonable inferences from the evidence, the greater weight of information indicates that it is more likely than not the alleged policy violation occurred. Evidence is relevant if it may aid the hearing officer in determining whether the alleged misconduct occurred. The hearing officer will review all evidence gathered through the investigation and will objectively evaluate all evidence that is admissible – including both inculpatory and exculpatory evidence.

The Hearing Officer has broad authority to determine the process, timing, and conduct of a hearing. For example, the Hearing Officer will determine the order of presentation, timing and overall duration of the hearing, what information and evidence will be heard, what information and questions are relevant to the determination of the matter, and which questions submitted by parties will or will not be permitted, and in what form.

Hearing officers will be appointed by the Title IX Coordinator. In selecting a hearing officer for a particular matter, the Title IX Coordinator will take care to select an individual who does not have a conflict of interest or bias against complainants or respondents generally or an individual complainant or respondent.

12.3.2 Notice of Hearing Officer

The Title IX Coordinator or designee will provide the parties the name and contact information of the Hearing Officer (decisionmaker). The notice shall contain a statement of the alleged conduct, identify the purpose of the hearing (to determine responsibility for the alleged conduct), state that the respondent is presumed not responsible, state that a determination regarding responsibility will be made at the end of the hearing based on a preponderance of the evidence, and identify the range of sanctions available should the respondent be found responsible.

The notice shall state that each party may have an advisor of their choice at the hearing. An advisor's participation during the hearing is limited to asking questions of the other party or witnesses unless otherwise permitted by the Hearing Officer. The parties must notify the Title IX Coordinator or their designee of the names and contact information for any advisor who will attend the hearing at least five calendar days before the hearing.

12.3.3 Advisors

As discussed in Section 8.17 above, each party may have an advisor of their choice. Advisors may be, but are not required to be, attorneys. Advisors may not participate actively in the hearing and may not speak or otherwise communicate on behalf of the party that the advisor is advising. During the hearing, advisors may confer privately and in a nondisruptive manner with their advisee, but they are not allowed to make opening statements or otherwise address the Hearing Officer unless permitted by the Hearing Officer, in which case both parties' advisors will be given the same opportunity to speak or participate.

Scheduling accommodations generally will not be made for advisors if they unduly delay the process. TCC reserves the right to take appropriate action regarding any advisor who disrupts the process, or who does not abide by the restrictions on their participation as determined in the sole discretion of the Hearing Officer, which may include exclusion of the advisor from the hearing and the appointment of an alternate TCC-provided advisor.

12.3.4 Pre-Hearing Conference

Prior to any hearing, the Hearing Officer will schedule a telephonic or virtual pre-hearing meeting with the parties (and their advisors, if applicable) to set a date for the hearing and to discuss hearing logistics, opening statements, potential evidentiary issues, and any other preliminary issues that could be addressed prior to the hearing, including the anticipated timing and overall duration of the hearing. The Hearing Officer will establish pre-hearing deadlines, including a deadline for the parties to submit proposed questions to be asked at the live hearing.

12.3.5 Conducting the Hearing

The relevant (and not otherwise impermissible) evidence gathered during the investigation will be made available at the hearing, along with a copy of the final report/determination and the parties' responses to those documents. Each party will have an equal opportunity to refer to the report and appendices during the hearing.

The hearing will be conducted via Microsoft Teams, Zoom, or other videoconferencing platform that allows the parties to simultaneously see and hear the participants answering questions. The parties must participate from a fixed location that is private and free of unnecessary distraction.

The hearing is an administrative hearing. Courtroom rules of evidence and civil procedure will not apply. Evidence, however, must be relevant and of the type that would be accepted by reasonable persons in the conduct of their important affairs. The Hearing Officer may give evidence less weight based on its reliability. The Hearing Officer will rule on procedural matters and objections regarding testimony and exhibits. The Hearing Officer will determine the timing of breaks or recesses.

Hearings are closed to members of the public. The hearing will be recorded in audio or audiovisual format or by court reporter and may be transcribed at the discretion of TCC. The recording or transcript, if applicable, will be available for the parties to inspect and review, upon request.

Each party (not their advisor) may make an opening statement and closing argument. Opening statements ordinarily shall be limited to ten minutes per side. The Hearing Officer shall determine the number of minutes that the parties will be given for the closing arguments, taking into consideration the complexity of the case. Each party will receive the same amount of time for opening statements and closing arguments. Neither party may present new evidence during closing arguments. The Hearing Officer may choose to request written closing arguments to be submitted by the parties after the live hearing.

Questioning the witnesses: The purpose of the live hearing is to enable the Hearing Officer to question parties and witnesses to adequately assess a party's or witness's credibility to the extent credibility is both in dispute and relevant to evaluating one or more allegations of sex-based harassment.

Depending on the complexity of the issues, number of witnesses, and other reasonable factors, the Hearing Officer may choose to conduct the questioning or to permit the advisors to question the witnesses. The Hearing Officer will notify the parties at the pre-hearing conference whether advisors may question the witnesses.

If the Hearing Officer permits advisor-conducted questioning and a party does not have an advisor to ask questions on their behalf, TCC will provide the party with an advisor, without charge to the party, for the purpose of advisor-conducted questioning. In those instances, the advisor cannot be a confidential employee of TCC. TCC is permitted to appoint, but is not required to appoint, an attorney to serve as an advisor.

Questioning by the Hearing Officer (No Questioning by Advisors): In advance of the hearing, the parties may submit questions they would like the Hearing Officer to consider asking of the other party and witnesses. The Hearing Officer will establish a deadline for the parties to submit these questions. If the Hearing Officer determines that the questions are permitted, the Hearing Officer will ask the questions during the hearing. Questions are relevant when they seek evidence that may aid the Hearing Officer in determining whether the alleged misconduct occurred. Prior to the hearing, the Hearing Officer will explain in writing any decision to exclude a question as not relevant or otherwise impermissible. Additionally, if the Hearing Officer identifies any question as unclear or harassing, the Hearing Officer will notify the party in advance of the hearing, and the party will have an opportunity to submit a revised question as a follow-up question. If the party sufficiently clarifies or revises a question, the question will be permitted.

On the day of the hearing, the Hearing Officer will summarize the charges at issue and allow the parties to make opening statements. The Hearing Office will ask the Hearing Officer's own questions, followed by any pre-submitted questions from the parties that have been identified as permissible. Parties will be given an opportunity to submit follow-up questions for the Hearing Officer to consider asking before a witness is excused from the hearing.

Prior to the conclusion of the hearing, following a reasonable break, the parties will receive an opportunity to submit follow-up questions for the Hearing Officer to consider asking the other party. The same procedures

outlined above for determining the relevance and permissibility of questions will apply (that is, the Hearing Officer will determine whether a proposed question is admissible prior to the question being posed, and will explain any decision to exclude a question as not relevant or otherwise impermissible).

Questioning by Advisors: Each party's advisor will have an opportunity to ask relevant questions of the other party and any witnesses that participate in the hearing, including questions that challenge credibility. Questioning of a witness by advisors typically will occur after initial questioning by the Hearing Officer. The parties themselves may not ask questions of the other party or any witnesses. In advance of the hearing, the parties may submit questions they would like their respective advisors to consider asking of the other party and witnesses. Prior to the hearing, the Hearing Officer will explain in writing any decision to exclude a question as not relevant or otherwise impermissible. Additionally, if the Hearing Officer identifies any question as unclear or harassing, the Hearing Officer will notify the party in advance of the hearing, and the party will have an opportunity to submit a revised question as a follow-up question. If the party sufficiently clarifies or revises a question, the question will be permitted.

During the hearing, the parties will be given an opportunity to submit follow-up questions for the Hearing Officer to consider before a witness is excused from the hearing. Similarly, prior to the conclusion of the hearing, following a reasonable break, the parties will receive an opportunity to submit follow-up questions to be asked of the other party. The same procedures outlined above for determining the relevance and permissibility of questions will apply (that is, the Hearing Officer will determine whether a proposed question is permissible prior to the question being posed, and will explain any decision to exclude a question as not relevant or otherwise impermissible).

A party or witness may decline to submit to cross-examination or answer specific questions at the hearing. When deciding responsibility, the Hearing Officer may consider statements made by the parties and witnesses at the hearing as well as statements made during the investigation (such as a signed witness statement), or during conversations between the parties, such as text messages, regardless of whether the party or witness submits to cross-examination or answers specific questions about those statements at the hearing. The Hearing Officer may choose to place less or no weight upon statements by a party or witness who refuses to respond to questions deemed relevant and not impermissible. The Hearing Officer must not draw an inference about whether sex-based harassment occurred based solely on a party's or witness's refusal to respond to such questions.

Relevant Evidence: As stated in Section 8.0, including Sections 8.11 and 8.12, TCC will not consider irrelevant or impermissible evidence as defined in this Policy.

Legal Counsel: The Hearing Officer and/or Title IX Coordinator or designee may seek legal advice from an attorney as appropriate during the hearing on any of these or other evidentiary questions, even if such would require a recess in the hearing.

12.3.6 Rules of Decorum

The following Rules of Decorum apply to all parties, support persons, advisors, and witnesses ("participants"):

1. To avoid disruption and delay, participants may not leave the room or the virtual meeting during the hearing. When a virtual hearing is held, parties and their advisors must remain on camera at all times. The Hearing Officer will establish reasonable breaks, including a break for lunch in the event of a day-long hearing.
2. No visible apparel or signs are permitted that indicate bias or support for one party over another.
3. Participants shall not disrupt the proceedings through, for example, side conversations and loud whispering, talking on the phone, texting or typing on a personal device, eating or chewing gum, or reading newspapers or magazines. A participant with dietary needs that require the participant to eat at a particular time of day should confer with the

Title IX Coordinator in advance of the hearing date so that a reasonable accommodation can be considered, which could include a brief recess or scheduling the witness for a particular time of day.

4. Cellular telephones should be completely turned “off” so that no sound or vibration will be emitted.
5. Recordings of any type by the parties are prohibited.
6. No participant will engage in applause, heckling, outbursts, banging on a desk, or other disruptive behavior.
7. Parties and advisors will refer to other parties, witnesses, advisors, and institutional staff using the name and gender used by that person.
8. Participants shall avoid gestures and facial expressions that are demeaning, mocking, or harassing.
9. Decorum and Advisors
 - a) Advisors shall not yell or be abusive or badgering. Advisors shall not use profanity (unless the profanity relates to substantive evidence, such as statements in a text message). Advisors shall not engage in *ad hominem* attacks upon other participants or the Hearing Officer.
 - b) Questions must be conveyed in a neutral tone. The purpose of a question to obtain factual information, test witness knowledge, compare or contrast testimony, or understand a fact or prior testimony or evidence.
 - c) The advisor may not ask repetitive questions that have already been answered. When the Hearing Officer determines a question has been “asked and answered” or is otherwise not relevant, the advisor must move on to a new question.
 - d) When an advisor asks a relevant question in a manner that violates the Rules, such as yelling or harassing the witness in a sarcastic and disparaging way, the Hearing Officer may find that the question is not relevant. The Hearing Officer will notify the advisor of the violation of the Rules and will allow the question, if otherwise relevant, to be asked in a manner that complies with these rules.
10. Warning and Removal Process
 - a) The Hearing Officer shall have sole authority and discretion to determine if the Rules of Decorum have been violated. The Hearing Officer will notify the offending person of any violation of the Rules.
 - b) The Hearing Officer may remove the offending person from a portion of the hearing or the remainder of the hearing. If the Hearing Officer removes a party’s advisor, the party may select a different advisor of their choice or accept another advisor provided by TCC. A party cannot serve as their own advisor in this circumstance. As appropriate, the hearing may be recessed and continued on another day; any rescheduling shall occur as promptly as possible. The Hearing Officer shall document any decision to remove an advisor in the written determination regarding responsibility.
 - c) Advisors who engage in flagrant, multiple, or continual violations of these Rules in one or more proceedings may be prohibited from participating in future proceedings at the institution in the advisor role on a temporary or permanent basis.

12.3.7 Written Determination

The Hearing Officer will review and evaluate all relevant (and not otherwise impermissible) evidence, including both inculpatory and exculpatory evidence. The Hearing Office will evaluate the parties’ and witnesses’ credibility. Determinations on credibility will not be based on a person’s status as a complainant, respondent, or witness.

Within 15 business days after the hearing (or after submission of written closing arguments), the Hearing Officer will prepare and issue a written determination regarding responsibility and any discipline or sanctions. The determination letter will be provided to the parties simultaneously via a confidential electronic file-sharing platform. In determining responsibility, the Hearing Officer will apply the preponderance of the evidence standard. If the hearing officer is not persuaded by a preponderance of the evidence that alleged misconduct

occurred, whatever the quantity of the evidence is, the Hearing Officer cannot find the respondent responsible for engaging in sex discrimination or harassment.

The written determination will include: (1) A brief statement of the charges and a description of the alleged misconduct; (2) Information about the policies and procedural steps that TCC used to evaluate the allegations; (3) the Hearing Officer's evaluation of the relevant, not otherwise impermissible evidence and determination whether misconduct occurred; (4) If applicable, the Hearing Officer's determination of appropriate sanctions for the respondent and/or remedies TCC will provide to the complainant and/or other students (as stated in 12.3.8); (5) Identification of the TCC's procedures and permissible bases for the complainant and respondent to appeal (as stated in 12.3.9). The determination regarding responsibility becomes final either on the date that TCC provides the parties with the written determination of an appeal, or if an appeal is not filed, the date on which an appeal would no longer be considered timely.

12.3.8 Remedies, Disciplinary Action, and Sanctions

If the Hearing Officer finds that the respondent engaged in conduct that violated this Policy or other TCC Policy, the Hearing Officer will determine an appropriate sanction or sanctions and other actions as appropriate. The Hearing Officer's determination will provide a rationale for any sanction(s). The Hearing Officer also may identify remedies designed to restore or preserve equal access to the educational program or activity for the complainant or other impacted individuals.

The imposition of sanctions is designed to eliminate sex discrimination and harassment, prevent its recurrence, remedy its effects, and restore or preserve the complainant's equal access to TCC's education programs or activities, while supporting TCC's educational mission. Sanctions may include educational, restorative, rehabilitative, and punitive components. Some conduct, however, may be so egregious in nature, harmful to the individuals involved, and/or so deleterious to the educational process that it requires severe sanctions, including suspension or expulsion.

When determining an appropriate sanction, the Hearing Officer may consider factors including but not limited to the following:

- the nature of, and any violence associated with, the conduct at issue;
- the impact of the conduct on the complainant;
- the impact or implications of the conduct on the community or TCC;
- prior misconduct by the respondent, including the respondent's relevant prior discipline or criminal history (if available);
- maintenance of a safe and respectful environment conducive to learning;
- protection of the TCC community; and
- any other mitigating, aggravating, or compelling circumstances, in order to reach a just and appropriate resolution in each case.

Sanctions may be imposed individually or in combination. If the respondent is a student, remedies may include counseling or training; a warning; restitution; disciplinary probation; imposition of continuing restrictions on access to a location or program; suspension of rights or privileges; suspension or expulsion; withholding or denial of diploma, and other disciplinary action, sanctions, or remedies appropriate to the circumstances and as informed by the evidence. Community service also may be assigned.

The following sanctions may be applied in cases where the respondent is a TCC employee: referral to Human Resources or to the President's Office. Disciplinary action will be determined based on the seriousness of the misconduct and the individual's prior disciplinary history, if any. The Title IX Coordinator will coordinate with the appropriate office on the imposition of any discipline. The disciplinary action may include counseling or training; reprimand; restitution; job demotion or reassignment; suspension; nonrenewal; termination; and other sanctions or remedies appropriate to the circumstances and as informed by the evidence.

If the respondent is a third party, actions may include a written warning, loss of privileges, loss of the opportunity to work with or for TCC, and/or a trespass order. If the respondent works for an organization with whom TCC conducts business, the Title IX Coordinator will determine if a contract or memorandum of understanding provides procedures for notifying the organization and addressing the complaint against the respondent. TCC will comply with applicable contract procedures, including procedures pertaining to available remedies and required notifications.

If the final determination does not include a finding of responsibility, then the Title IX Coordinator, in conjunction with the Director of Human Resources and/or other administrators as may be appropriate, will determine whether other remedial action is appropriate.

12.3.9 Appeals

Either party may appeal a determination issued under Section 12.0. An appeal is limited to the following bases:

(1) Procedural irregularity that would change the outcome; (2) New evidence that would change the outcome and that was not reasonably available when the determination of whether Prohibited Conduct occurred or dismissal was made; or (3) The Title IX Coordinator, investigator(s), or decision-maker(s) had a conflict of interest or bias for or against complainants or respondents generally or the individual complainant or respondent that would change the outcome. The party must submit the appeal to the Title IX Coordinator and must explain the party's reason(s) and factual basis for challenging the decision.

If no appeal is filed and the Hearing Officer has proposed termination, nonrenewal, or suspension of an employee, the Title IX Coordinator shall transmit the determination to the College President for handling in accordance with the employee's contract and the TCC's employment policies.

A party that wishes to appeal a decision must do so in writing within three working days of receipt of the notice of the determination. The Title IX Coordinator will provide a copy of the appeal to the other party who will have three working days to submit a written response.

Appeals shall be heard by a TCC Cabinet member. In the event that a conflict of interest precludes a Cabinet member from serving, the appeal shall be heard by the president or president's designee, including an external attorney. The decisionmaker must be neutral and cannot have participated in the investigation of the complaint or the decision to dismiss it.

The appeal officer shall have access to the investigation record, the record of the hearing, and the documents received by the Hearing Officer in conjunction with the live hearing. The appeal officer may submit written questions to the parties if necessary to decide the appeal but must provide the questions to each party simultaneously and provide each party the same time to respond. The appeal officer will prepare a written decision within 30 calendar days from receipt of the appeal, addressing the grounds stated in the appeal and providing a rationale for the ruling.

The appeal officer will simultaneously provide a copy of the ruling to the parties and the Title IX Coordinator. The ruling will be provided to the parties simultaneously via a confidential electronic file-sharing platform.

The decision made by the appeal officer to grant or deny the appeal is final. If an appeal is granted, the subsequent determination and/or sanction is/are final.

If the report does not include a finding of responsibility, then the Designated Administrator will evaluate, in conjunction with the Director of Human Resources and/or the Title IX Coordinator, whether other remedial action is appropriate.

13.0 GRIEVANCE PROCESS – SEX-BASED HARASSMENT COMPLAINTS BETWEEN EMPLOYEES

13.1 Evaluation of report

As stated in Section 7.0, employees alleging sex-based harassment by another employee may submit a report to the Title IX Coordinator or Director of Human Resources. In most instances, the Director of Human Resources will facilitate the grievance process relating to employee/employee complaints. The Director of Human Resources and Title IX Coordinator will coordinate with each other as may be appropriate to fulfill the objectives of this policy. If the Director of Human Resources is unavailable, then the Title IX Coordinator or designee will facilitate the grievance process.

Upon receipt of a report covered by this Policy, the Director of Human Resources or designee will promptly take the following actions:

1. Evaluate whether the alleged conduct reasonably constitutes sex-based harassment, including sexual assault, dating violence, domestic violence, or stalking. If there is insufficient information to assess the allegations, the Director of Human Resources or designee will seek additional information from the complainant and will provide a reasonable amount of time for the complainant to respond.
2. If the Director of Human Resources or designee determines that the allegations do not reasonably constitute a violation of this Policy, then the Director of Human Resources or designee may dismiss the complaint or refer the complaint for processing under a different TCC policy.
3. Notify the complainant of the applicable grievance procedure and inquire whether the complainant desires to submit a complaint or to use the informal resolution process. If the complainant declines to file a complaint, the Director of Human Resources or designee will evaluate whether to initiate a complaint (see Section 8.3).
4. Offer and coordinate Supportive Measures for the complainant as may be appropriate (see Section 8.1).

As part of or in addition to the initial contact with the complainant, the Director of Human Resources or designee also may gather information about the reported conduct and any immediate health or safety concerns raised by the report, the reporter, or the complainant.

13.2 Notice of Allegations

If the allegations are covered by this policy, the Director of Human Resources or designee will prepare a written notice of allegations to send to the respondent and the complainant. If TCC has reasonable concerns for the safety of any person as a result of providing the notice of allegations, TCC may reasonably delay providing written notice of the allegations in order to address the safety concern appropriately. Reasonable concerns must be based on individualized safety and risk analysis and not on mere speculation or stereotypes. The notice must state or provide:

- a) The identity of the parties if known.
- b) A summary of the allegations sufficient to enable the parties to respond to the allegations, including a description of the conduct allegedly violating this Policy and the date(s) and location(s) of the alleged incident(s), if known.
- c) A statement that retaliation is prohibited.
- d) A statement that the respondent is presumed not responsible for the alleged conduct and that a determination regarding responsibility will be made at the conclusion of the grievance process.
- e) A statement that TCC will use the preponderance of the evidence standard to determine responsibility.
- f) A statement that, prior to the determination, the parties will have an opportunity to present relevant and not otherwise impermissible evidence to a trained, impartial decisionmaker;

- g) A statement that the parties may have an advisor of their choice and that the advisor may be, but is not required to be, an attorney;
- e) A statement that the parties are entitled to an equal opportunity to receive an accurate description of the relevant and not otherwise impermissible evidence or, upon request, an equal opportunity to access the evidence contained in the description.
- f) A copy of this procedure.

If, in the course of an investigation, TCC decides to investigate additional allegations of sex-based harassment by the respondent toward the complainant that are not included in the initial written notice, TCC will provide written notice any additional allegations to the parties whose identities are known.

13.3 Consolidation of Complaints; Counter Complaints

The Director of Human Resources or designee may consolidate complaints by one or more complainants against the same respondent or multiple respondents if the allegations arise from the same facts or circumstances. The Director of Human Resources or designee will provide notice in writing to all parties if consolidation occurs.

A respondent may file a counter complaint against the complainant. The Director of Human Resources or designee will evaluate the allegations in the counter complaint. The Director of Human Resources or designee will determine whether the counter complaint and original complaint will be consolidated for investigation and/or adjudication or whether they will be investigated and adjudicated separately. A party who asserts a counter complaint in bad faith or with intent to retaliate is subject to discipline.

13.4 Investigation and Written Determination

13.4.1 Evidence Collection

When TCC determines that an investigation is required under this policy, the Director of Human Resources (or Title IX Coordinator, as the case may be) will appoint a neutral, trained external investigator who is an attorney. The Director of Human Resources will notify the complainant(s) and respondent(s) of the name and contact information of the investigator(s).

Parties whose participation is invited or expected will receive written notice of the date, time, location, participants, and purpose of any hearings, interviews, or other meetings, with sufficient time for the party to prepare to participate.

Both the complainant and the respondent are encouraged to promptly submit any information they believe may be relevant. Each party will have an equal opportunity to present fact witnesses and other inculpatory or exculpatory evidence, including documents, communications, social media posts, photographs, recordings, or other evidence. Witnesses and evidence must be relevant and not otherwise impermissible (see Section 8 regarding impermissible evidence).

The investigator will exercise professional judgment and discretion in determining which witnesses to interview and which evidence to gather. Not every witness suggested by a party will be interviewed in every case; the investigator will determine whether the individual's knowledge is relevant, pertains to facts that are not contested, or is duplicative or cumulative of other evidence. If a witness is solely a character witness and lacks personal knowledge of facts relevant to the incident, the context in which the incident occurred, or other facts that would aid in understanding the occurrence that has been alleged, the investigator will exercise professional judgment in deciding whether to conduct the interview.

The investigator also may decline to interview a witness who cannot reasonably be reached or is uncooperative. No adverse inference will be drawn based solely on the non-participation of a party or witness.

The investigator may consult medical, forensic, technological, or other experts when expertise on a topic is needed to understand the allegations or occurrences.

The investigator will use a process that enables the investigator to question the witnesses and parties and to assess their credibility, to the extent credibility is relevant and disputed. The investigator may interview individuals in person or

virtually. When a third-party witness is not available in person or virtually, the investigator may conduct the interview over the telephone. The investigator will conduct follow-up interviews as may be appropriate.

The investigator will prepare a summary of each interview that reasonably and accurately captures the relevant and not otherwise impermissible statements made by the party or witness. No party may record an interview that takes place under this policy.

The investigator will prepare a preliminary investigative report which accurately describes the relevant (and not otherwise impermissible) evidence. The investigator shall give each party and their advisors an equal opportunity to concurrently review the preliminary report in an electronic format via an online file sharing platform. Parties and advisors are not permitted to download, print, or copy the report, and are not permitted to re-disclose its contents without TCC's permission. Violations of these prohibitions may subject parties to discipline.

Within five working days of the issuance of the preliminary investigation report, the parties may submit a written response to the investigator. The parties' written responses will be considered by the investigator prior to completion of the investigative report. If the investigator identifies additional investigative steps that are needed at this time, the investigator will complete those steps and incorporate the new information into the report before finalizing it.

If either party requests access to the evidence that is described in the report, then both parties will be given an equal opportunity to access the relevant (and not otherwise impermissible) evidence via an online file sharing platform that does not permit the parties to download or copy the information.

13.4.2 Determination of Responsibility

The investigator will evaluate relevant and not otherwise impermissible evidence for its persuasiveness. If the investigator is not persuaded by a preponderance of the evidence that sex-based harassment occurred, the investigator cannot find the respondent responsible for engaging in sex-based harassment.

In addition to summarizing the evidence as discussed in Section 13.4.1, the investigator's report will include findings of fact, a determination regarding responsibility, and the rationale for the findings and the determination. The report will not address sanctions, discipline, or remedies.

The investigator will provide the report to a Designated Administrator who will determine consequences, if any, and prepare a written addendum that will be attached to the investigator's report. The Designated Administrator will review the report and investigation record, including any submissions by the parties to the investigator. The addendum and report constitute the Final Report. The Designated Administrator's addendum will explain the rationale for the ruling and identify the procedure and grounds for filing an appeal. The Final Report will be completed within 15 working days of receipt of the investigator's report unless additional time reasonably is needed due to the complexity, volume, or other factors warranting additional time.

The Director of Human Resources or designee will make the Final Report available to the parties via the confidential file sharing platform.

If the report includes a finding of responsibility, then the Designated Administrator will determine a sanction, discipline, or corrective action in accordance with applicable TCC policies and procedures. Disciplinary action will be determined based on the seriousness of the misconduct and on the individual's prior disciplinary history, if any. Disciplinary action may include counseling or training, written warning, loss of privileges, unpaid leave of absence, restitution, suspension, demotion, reassignment of duties, or termination.

If the report does not include a finding of responsibility, then the Designated Administrator will evaluate, in conjunction with the Director of Human Resources and/or the Title IX Coordinator, whether other remedial action is appropriate.

Further investigation before final determination: If the Designated Administrator is unable to make a decision because additional investigation or fact-finding is needed, the Designated Administrator will prepare a written communication to the investigator requesting additional investigation or fact-finding and identifying the

issues to be investigated. The Designated Administrator will provide a copy of this communication to the parties. The investigator will prepare a supplement to the final investigation report and provide a copy to the parties and the Designated Administrator.

13.4.3 Appeals

In a case involving an employee/employee complaint, either party may file an appeal of the determination of responsibility and/or the determination of consequence, if any. A party that wishes to appeal must do so in writing within three working days of receipt of the determination. The Director of Human Resources or designee will provide a copy to the other party who will have three working days to submit a written response to the appeal.

Permissible grounds for appeal are as follows:

(1) Procedural irregularity that would change the outcome; (2) New evidence that would change the outcome and that was not reasonably available when the determination of whether Prohibited Conduct occurred or dismissal was made; or (3) The Title IX Coordinator, Director of Human Resources, investigator(s), or decision-maker(s) had a conflict of interest or bias for or against complainants or respondents generally or the individual complainant or respondent that would change the outcome.

The President or designee will appoint an Appeal Committee consisting of three employees who are impartial and who do not have a conflict of interest. The Appeal Committee will convene a hearing where each party (or their representative) may present oral argument based on the Final Report and investigation record. The parties will receive at least 10 working days' notice of the date of the hearing. Each side will be given 60 minutes to present argument in support of their position; however, the Appeal Committee in its discretion may determine that additional time is needed. The parties must receive an equal amount of time to make their presentations, although a party is not required to use all of the time allotted.

Members of the Appeal Committee may ask questions of either party; however, the parties may not question the Appeal Committee members. The Appeal Committee will prepare a written ruling within 10 working days. Each party and the Title IX Coordinator will receive a copy of the ruling.

A party that wishes to appeal the ruling of the Appeal Committee must submit their written appeal to the Title IX Coordinator within three working days of receipt of the notice of the decision being appealed. The Title IX Coordinator or designee will provide a copy to the other party who will have three working days to submit a written response to the appeal. The President or designee will issue a written ruling on the appeal as promptly as possible. Each party and the Title IX Coordinator will receive a copy of the ruling of the President or designee.

14.0 Optional Informal Resolution

In lieu of resolving a complaint through TCC's grievance procedures, the Title IX Coordinator may offer the parties an opportunity to elect to participate in an informal resolution process so long as the election is made prior to a determination whether sex discrimination occurred.

Informal Resolution is a voluntary and remedies-based resolution option, and no adjudication or fact-finding occurs. Informal Resolution may involve facilitated communication, "shuttle" communication in which the mediator serves as an intermediary, restorative justice, and other methods. Any person who facilitates an Informal Resolution will be experienced and trained in dispute resolution and trained on Title IX.

Both parties must consent in writing. TCC may not require the parties to participate in an Informal Resolution process or require as a condition of enrollment or continuing enrollment, or employment or continuing employment, or enjoyment of any other right. Election to participate in an Informal Resolution does not constitute a waiver of the right to proceed with the investigation and adjudication of a Complaint. At any time prior to conclusion of the Informal Resolution process, any party has the right to withdraw from the Informal Resolution process and resume the Complaint process.

If a party withdraws from Informal Resolution, this information will not be shared with the investigator or the Hearing Officer.

TCC has discretion to determine whether it is appropriate to offer an informal resolution process in response to a report of conduct that reasonably may constitute sex discrimination under Title IX. If the Title IX Coordinator determines it would not be appropriate, it may decline to offer informal resolution despite one or more of the parties' wishes.

When informal resolution is provided, the Title IX Coordinator must take other appropriate prompt and effective steps to ensure that sex discrimination does not continue or recur within TCC's education program or activity.

When the parties agree to resolution using the Informal Resolution process, the Informal Resolution is final and is not subject to appeal.

Additional information on Informal Resolution is available from the Title IX Coordinator.

15.0 Additional Rules

15.1 False Statements or Bad Faith

Any person who in bad faith or knowingly files a false complaint under this Policy or provides materially false information is subject to disciplinary action up to and including dismissal or separation from TCC. A determination that a respondent is not responsible for allegations of sexual discrimination or harassment does not establish the falsity of a complainant's report, complaint, or evidence. Similarly, determining that a respondent is responsible for a policy violation does not imply that a respondent's statements disclaiming responsibility were false.

TCC may evaluate whether a report was made in good faith. In most cases, this determination cannot be made until after an investigation into the alleged misconduct in the report has been completed. TCC will consider factors such as a determination regarding responsibility and the existence of statements or other evidence that indicates deceit or malice as a motivation for the report in determining whether a report was made in good faith. If it is found that a report was not made in good faith, the matter may be addressed through the appropriate TCC procedure.

15.2 Interference with the Grievance Process

Any person who interferes with a TCC grievance process as provided in this Policy is subject to disciplinary action up to and including dismissal or separation from TCC. Actions that constitute interference with a grievance process include, but are not limited to:

- Attempting to coerce, compel, or prevent an individual from providing testimony or evidence;
- Removing, destroying, or altering documentation relevant to the Grievance Process; or
- Knowingly providing false or misleading information to a Title IX Coordinator, Director of Human Resources, investigator, hearing officer, or appeal officer, or encouraging others to do so.

15.3 No Effect on Pending Personnel or Academic Actions Unrelated to the Allegations in the Complaint

The filing of a complaint will not prevent or delay any action unrelated to the allegations of sexual discrimination, harassment, or retaliation in the complaint, including: (1) any evaluation or disciplinary action relating to a student or employee with an unsatisfactory performance or who has violated other TCC rules or policies; (2) any evaluation or grading of students participating in a class, or the ability of a student to add/drop a class, change academic programs, or receive financial reimbursement for a class; or (3) any job-related functions of a TCC employee.

15.4 Grievance Process Document Retention

TCC shall retain for seven years all documentation related to a grievance process, including documents relating to the investigation, hearing, and any appeal.

15.5 Additional Administrative Measures

Regardless of whether a policy violation is found to have occurred in a particular case, TCC may implement non-punitive, non-disciplinary administrative measures such as, for example, no contact directives and/or reasonable restrictions from certain TCC premises, at any time after a matter is reported, if TCC determines that doing so is in the best interests of a party, both parties and/or TCC.