



Laredo College
2020-2021
Title IX
Resource Guide

Laredo College takes campus safety very seriously for all our students, faculty, and staff. This guide is designed to inform anyone of their rights and responsibility regarding Title IX.

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To comply with legislative requirements for institutions receiving federal funds, Laredo College has established specific policies and procedures to address compliance with Title IX of the Higher Education Amendments of 1972 (20 U.S.C., Section 1681 Et. Seq. (Title IX)) which prohibits discrimination on the basis of sex in educational programs or activities. Title IX prohibits sex discrimination, sexual harassment, sexual assault, dating violence, stalking, and retaliation targeting students.

Laredo College complies with the legislative requirements with the Jeanne Clery Disclosure of Campus Security Policy and Campus Crime Statistics Act (Clery Act), The Violence Against Women Act 2013 (VAWA) and the Campus Sexual Violence Elimination Act of 2013 (Campus SaVe). Any individual who has a complaint regarding Title IX prohibited behaviors needs to contact the Title IX Officer to address this complaint.

These policies and procedures apply to all students and employees at Laredo College.

Definitions

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

The following General Information addresses Title IX definitions regarding Sexual Assault and other conditions prohibited by the Title IX Law.

Sexual Harassment

Sexual harassment of a student by a College District employee includes unwelcome sexual advances; requests for sexual favors; sexually motivated physical, verbal, or nonverbal conduct; or other conduct or communication of a sexual nature when:

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

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

Sexual Violence

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

Sexual Assault

Sexual assault as defined in §106.30

- **Sex Offenses, Forcible:** Any sexual act directed against another person, without the consent of the Complainant including instances where the Complainant is incapable of giving consent.
- **Forcible Rape:** 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 consent of the Complainant.

Definitions

- **Forcible Sodomy:** Oral or anal sexual intercourse with another person, forcibly and/or against that person's will or not forcibly or against the person's will (non-consensually) in instances where the Complainant is incapable of giving consent because of age or because of temporary or permanent mental or physical incapacity.
- **Sexual Assault With An Object:** To use an object or instrument to penetrate, however slightly, the genital or anal opening of the body of another person, forcibly and/or against that person's will or not forcibly or against the person's will (non-consensually) in instances where the Complainant is incapable of giving consent because of age or because of temporary or permanent mental or physical incapacity.
- **Forcible Fondling:** The touching of the private body parts of another person (buttocks, groin, breasts) for the purpose of sexual gratification, forcibly and/or against that person's will (non-consensually) or not forcibly or against the person's will in instances where the Complainant is incapable of giving consent because of age or because of temporary or permanent mental or physical incapacity.
- **Sex Offenses, Nonforcible**—Nonforcible sexual intercourse.
 - Incest: Nonforcible sexual intercourse between persons who are related to each other within the degrees wherein marriage is prohibited by Texas law.
 - Statutory Rape: Nonforcible sexual intercourse with a person who is under the statutory age of consent of 17 years.

Dating Violence

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

For the purposes of this definition—

- (1) Dating violence includes, but is not limited to, sexual or physical abuse or the threat of such abuse.
- (2) Dating violence does not include acts covered under the definition of domestic violence.

(Citation: 34 CFR 668.46)

Definitions

Domestic Violence

“Domestic violence” means violence committed by:

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

Stalking

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

For the purposes of this definition:

1. “Course of conduct” means two or more acts, including, but not limited to, acts in which the stalker directly, indirectly, or through third parties, by any action, method, device, or means, follows, monitors, observes, surveils, threatens, or communicates to or about a person, or interferes with a person's property.
2. “Reasonable person” means a reasonable person under similar circumstances and with similar identities to the victim.
3. “Substantial emotional distress” means significant mental suffering or anguish that may, but does not necessarily, require medical or other professional treatment or counseling.

(Citation: 34 CFR 668.46)

Definitions

Accused Party

A person who has been accused of committing an act of sexual harassment, sexual assault, dating violence, and/or stalking by a victim/alleged victim. **Cross reference with similar words: respondent, perpetrator.**

Complainant

A person who experienced, self-reported, or made a complaint of sexual harassment, sexual assault, dating violence, and/or stalking. **Cross reference with similar words: victim, alleged victim, survivor** - an individual who is a victim of sexual harassment, sexual assault, dating violence, stalking, and/or other sex offense, regardless of whether a report or conviction is made in the incident

Reporter

A person who reports incidents of sexual harassment, sexual assault, dating violence, and stalking to a postsecondary institution of higher education.

Responsible Employee

Pursuant to Title IX, a Responsible Employee is an employee of a postsecondary institution of higher education who has the authority to take action against an alleged violation of the sexual misconduct policy, who has been given the duty of reporting said allegations to the Title IX Coordinator, or whom an individual could reasonably believe has this authority or duty.

Responsible Employees may include:

- All supervisors, university officials, and administrators
 - All coaches and other athletic staff that interact directly with students
 - All employees who work in offices that interact directly with students
 - Professors, adjuncts, lecturers, and all other faculty members who instruct students
 - Academic advisors
 - Graduate research assistants
 - Residential staff, including resident assistants
-

Definitions

Student

Any enrolled student as defined by the postsecondary institution of higher education's student handbook or equivalent.

Gender –Based Harassment

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

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

Incapacitation

An individual lacks the ability to make informed, rational judgments and cannot consent to sexual activity. Incapacitation is defined as the inability, temporarily or permanently, to give consent because the individual is mentally and/or physically impaired, asleep, unconscious, and/or unaware that sexual activity is occurring. Incapacitation may also result from the use of alcohol and/or drugs. Incapacitation is a state beyond drunkenness or intoxication. The impact of alcohol and other drugs varies from person to person; however, warning signs that a person may be approaching incapacitation may include confusion, slurred speech, vomiting, unsteady gait, odor of alcohol, combativeness, or emotional volatility.

Consent

Consent is defined as a clear "yes" either verbally or through action by both parties. Consent cannot be given by someone who is incapacitated through sleep, drugs, alcohol or certain physical or mental impairments. Consent cannot arise from the use of coercion, force, intimidation or threat.

Policies

For information related to Title IX institutional Policies please access Laredo Colleges Website (www.laredo.edu) – select tab – “[About LC](#)” – select [Manual of Policy](#) – Select [Policy Online](#).

The following LC Institutional Policies address Title IX information:

Students	Employees
FFDA (LEGAL)	DAA (LEGAL)
FFDA (LOCAL)	DGBA (LEGAL)
FFDB (LEGAL)	DIAA (LEGAL)
FFDB (LOCAL)	DIAA (LOCAL)
FA (LEGAL)	
FLD (LOCAL)	
FLB (LOCAL)	

Reporting Procedures

If you believe that you have experienced prohibited conduct, you have:

Options

- Speak with a confidential resource about your options, See page 18 for a list of Laredo College confidential resources.
- Seek medical attention to treat any injuries, test for sexually transmitted infections, obtain emergency contraception (if needed), and/or perform a rape evidence collection procedure. A medical forensic exam can be performed up to seven days after an incident but is most effective if performed sooner. See page 20 for contact information.
- Contact the police to file a report. See page 20 for contact information.
- Contact the Title IX Coordinator or a Deputy Title IX Coordinator to report the incident to Laredo College. See page 19 for contact information.
- Preserve any physical evidence you have in case you decide to report the incident at a later date.

Preserving evidence

Laredo College encourages individuals who have experienced sexual misconduct to preserve evidence to the greatest extent possible as this will preserve more options for them in the future. Some suggestions include the following:

- It is important that a victim of prohibited conduct go to a hospital for treatment and preservation of evidence, if applicable, as soon as practicable after the incident.
- If possible, do not shower, brush teeth, use the bathroom, or eat before going to the hospital or seeking medical attention. Do not wash clothes or bedding.
- Preserve evidence of electronic communications, such as text messages, pictures, and/or social networking pages, by saving them and/or taking screen shots.
- If there is suspicion that a drink may have been drugged, inform a medical assistance provider and/or police as soon as possible so they can collect evidence (e.g., from the drink, through urine or blood sample).

Reporting Procedures

Supportive measures

If appropriate and regardless of whether a criminal or regulatory investigation regarding the alleged conduct is pending, the Title IX coordinator shall promptly provide supportive measures intended to address prohibited conduct, protect the safety of the parties and others, and protect the parties from retaliation prior to the completion of the investigation.

Laredo College can help you with supportive measures and/or support services

- Connect with on-campus and off-campus resources—including medical, counseling, student financial aid, and legal resources.
- File a police report or a complaint with the College or both.
- Request measures such as no-contact directives from the College, protective orders from a court, or academic accommodations.

Supportive Measures may include:

- Academic Assistance
- Dining Arrangements
- Student Financial Aid Arrangements
- No-contact Directives
- On campus workspace relocation
- Time off from Class or On-Campus Work
- Safety Planning

Contact the Title IX Coordinator or Deputy Title IX Coordinator for Students to request supportive measures (see page 19). Such measures will be kept confidential to the extent possible.

About Reporting

A victim of prohibited conduct has the right to report the incident to the College District and to receive a prompt and equitable resolution of the report.

Any student who believes that he or she has experienced prohibited conduct or believes that another student has experienced prohibited conduct should immediately report the alleged acts to the Title IX coordinator, the College President, or another employee. A student shall not be required to report prohibited conduct to the person alleged to have committed the conduct.

Alternatively, a student may submit the report electronically ([STOP!T](#)) through the College District's website.

The submission of an anonymous electronic report may impair the College District's ability to investigate and address the prohibited conduct.

Reporting Procedures

A victim of a crime has the right to choose whether to report the crime to law enforcement, to be assisted by the College District in reporting the crime to law enforcement, or to decline to report the crime to law enforcement.

An employee who fails to make a required report or a student or employee who intentionally makes a false claim, offers a false statement, or refuses to cooperate with a College District investigation regarding prohibited conduct shall be subject to appropriate disciplinary action.

Confidentiality

To the greatest extent possible, consistent with law, the College District shall respect the privacy of the complainant or the respondent or a person who makes a report or serves as a witness. Limited disclosures may be necessary to carry out the purposes of the investigation and associated policies/regulations and to comply with applicable law.

Complaints filed with OCR

A party has the right to file a complaint with the [U.S. Department of Education Office for Civil Rights \(OCR\)](#).

Request Not to Investigate

The complainant may request that the College District not investigate the allegations. If the complainant requests that the allegations not be investigated, in deciding whether to initiate the investigation, the College District must consider the factors described by law and any other factors the College District considers relevant.

The College District shall promptly notify the complainant of the decision regarding whether it will conduct the investigation. If the College District decides not to investigate the allegations, the College District shall take reasonable steps to protect the health and safety of the College District community.

Investigation

A victim of prohibited conduct has the right to report the incident to the College District and to receive a prompt and equitable resolution of the report. The College District may request, but shall not require, a written report. If a report is made orally, the Title IX coordinator or designee shall reduce the report to written form.

Initial Assessment

Upon receipt or notice of a report, the Title IX coordinator shall determine whether the allegations, if proven, would constitute prohibited conduct as defined by this policy ([FFDA \(LOCAL\) Freedom from Discrimination, Harassment, and Retaliation Sex and Sexual Violence](#)). If so, the Title IX coordinator shall promptly offer supportive measures to the complainant (see page 10). The Title IX coordinator shall explain the process for filing a formal complaint and assess any request not to investigate. If the College District moves forward with the investigation, the Title IX coordinator shall immediately provide notice to the known parties to the complaint.

If the Title IX coordinator determines that the allegations, if proven, would not constitute prohibited conduct as defined by policy, ([FFDA \(LOCAL\) Freedom from Discrimination, Harassment, and Retaliation Sex and Sexual Violence](#)), but may constitute a violation of other College District rules or regulations, the Title IX coordinator shall refer the complaint for consideration under the appropriate policy.

Formal Complaint

To be considered a formal complaint under Title IX, the complainant or the Title IX coordinator must sign the written report.

Notice to Parties

The notice to the parties must describe the allegations and the formal and informal options for resolution of the complaint. The notice must state that the respondent is presumed not responsible until a determination regarding responsibility is made. The notice must also include information regarding the option to select an advisor, the opportunity to inspect and review evidence, and the prohibition on knowingly making false statements or submitting false information during the investigation and any ensuing proceedings.

Informal Resolution

The College District may offer to the parties a process for the informal resolution of a formal complaint as defined by law. If the parties voluntarily agree in writing to participate in informal resolution of the complaint, the Title IX coordinator shall determine within three days if informal resolution is appropriate for the complaint. If the Title IX coordinator determines that informal

Investigation

resolution is appropriate, then the Title IX coordinator or designee may facilitate that resolution within ten days. If the Title IX coordinator does not determine informal resolution to be appropriate, then the complaint will be subject to the formal resolution process. This process is not available in situations where an employee is alleged to have sexually harassed a student

Formal Resolution

If the complaint is not subject to the informal resolution process, the Title IX coordinator shall authorize or undertake an investigation, except as provided below at Criminal or Regulatory Investigation.

Complaint Procedures

When a complaint is filed alleging sex discrimination, sexual harassment, sexual assault, dating violence, domestic violence, stalking, and/or retaliation targeting students misconduct in violation of Title IX, or such alleged conduct is brought to the attention of the Title IX Coordinator, the immediate process involves an initial inquiry by the Title IX Coordinator to determine if there is reasonable cause to believe the conduct or discrimination has occurred. If the Title IX Coordinator determines there is reasonable cause to believe the conduct or discrimination as alleged has occurred, the Title IX Coordinator will initiate a prompt, thorough and impartial investigation. This investigation is designed to provide a fair and reliable determination about whether the conduct or discrimination has occurred. If so, the College District will implement a prompt and effective remedy designed to end the conduct or discrimination, prevent its recurrence and address its effects.

Investigation of the Report

A person designated by the Title IX Coordinator will conduct the investigation. All college officials involved from the initial investigation to the completion of the process (i.e., investigators, hearing officer, decision-maker, appeals officer, etc.) are trained in handling prohibited misconduct matters. The investigator(s) will conduct a prompt and thorough investigation, which includes: interviews of parties involved, identifying and interviewing witnesses, gathering and securing all documentation, and identifying other information. The Investigator(s) acts as a neutral party in the investigation and provides a detailed, unbiased report regarding the findings of the investigation.

Standard of Evidence

The standard of evidence used in the investigation of sex discrimination, sexual harassment, sexual assault, dating violence, domestic violence, stalking, and retaliation targeting students, will be the “preponderance of the evidence” standard, wherein the investigator(s) are to

Investigation

determine whether it is more likely than not that the behavior in question occurred and constituted a violation of college policy.

Advisor

Each party to the complaint may be assisted by an advisor of the party's choice (except that the Advisor may not be another party or a witness in the matter under investigation) who may participate in the proceedings.

Timeline

The investigation shall be completed within a reasonable time, not to exceed 30 days from the date of the report.

The investigator shall prepare a written report of the investigation. The investigation report shall be filed with the Title IX coordinator within five days following the completion of the investigation.

Extensions of Timelines

Timelines established by policy and associated procedures may be subject to a limited extension if good cause, as defined in policy and College District regulations, exists. The College District shall promptly provide written notice to the parties of an extension and the reason for the extension.

Dismissal of Complaint

An allegation presented as a formal complaint under Title IX is subject to the mandatory dismissal procedures under law.

Any complaint may be dismissed at any time on request of a complainant. The Title IX coordinator must first assess the request in accordance with this policy at Request Not to Investigate.

A complaint may also be dismissed if specific circumstances prevent the College District from gathering evidence sufficient to reach a determination as to the complaint or allegations.

Upon dismissal of a complaint, the Title IX coordinator or the vice president of student success and enrollment or designee shall provide the parties written notice of the dismissal.

Investigation

Retaliation

The College District prohibits retaliation against any person for the purpose of interfering with a right or privilege under this policy; the complainant; or a person who, in good faith, makes a report or complaint, serves as a witness, or otherwise participates or refuses to participate in an investigation, proceeding, or hearing under this policy. This prohibition does not apply to discipline of a person who perpetrated or assists in the perpetration of the prohibited conduct.

Concluding the Investigation

The Title IX coordinator shall provide the investigation report, within the extent permitted by the Family Educational Rights and Privacy Act (FERPA) or other law, to the complainant and the respondent promptly following receipt. The parties shall be given ten days to respond to the report.

College District Action

The Title IX coordinator shall submit the investigation report and any response from the parties to the vice president of student success and enrollment promptly after receipt of the parties' response but no later than the expiration of the parties' deadline to respond.

The vice president of student success and enrollment or designee shall summon the parties for a hearing to be held within a reasonable time, not to exceed ten days, following the receipt of the investigation report. The hearing shall be conducted in accordance with law and College District procedures.

After the hearing, the vice president of student success and enrollment or designee shall determine whether each individual allegation of prohibited conduct occurred using a preponderance of the evidence standard and determine the appropriate disciplinary action ([See FM \(LOCAL\) Discipline and Penalties](#)) or corrective action ([See FFDA \(LOCAL\) Freedom from Discrimination, Harassment, and Retaliation Sex and Sexual Violence](#)). In making the determination, the vice president of student success and enrollment or designee shall evaluate all relevant evidence objectively and shall not make credibility assessments based on a person's status as the complainant, the respondent, or a witness. The vice president of student success and enrollment or designee shall create a written determination regarding responsibility in accordance with law and College District procedures within five days following the hearing and submit the determination to the parties simultaneously.

Investigation

Improper Conduct

If the vice president of student success and enrollment or designee determines that improper conduct occurred that did not rise to the level of prohibited conduct, the College District may take disciplinary action in accordance with College District policy and procedures ([See FM \(LOCAL\) Discipline and Penalties](#)) or other corrective action ([See FFDA \(LOCAL\) Freedom from Discrimination, Harassment, and Retaliation Sex and Sexual Violence](#)) reasonably calculated to address the conduct.

Appeals

All appeals related to this policy may be submitted through the applicable grievance policy beginning at the appropriate level. [See DGBA(LOCAL) for employees, FLD(LOCAL) for students, and GB(LOCAL) for community members]

After the appeal, the decision is considered final, and the case will be closed.

Resources and Help

Confidential Resources

To the greatest extent possible, consistent with law, the College District shall respect the privacy of the complainant or the respondent or a person who makes a report or serves as a witness. Limited disclosures may be necessary to carry out the purposes of the investigation and associated policies/regulations and to comply with applicable law.

Counselor(s)

Ms. Sylvia Treviño, LMSW
Student Success Center
Lerma Peña Room #250
956-721-5135
sylviat@laredo.edu

Ms. Adriana Craddock
Special Services
Kazen Student Center Room #132
956-721-5137
adriana.craddock@laredo.edu

Ms. Lisa Gonzalez-Romo
Student Success Center
Billy Hall Room 131
956-794-4135
lisagonzalez-romo@laredo.edu

Resources and Help

**Title IX Coordinator and Deputy Title IX Coordinators
(to report concerns to Laredo College)**

Raquel A. Peña, Title IX Coordinator
956-794-4988
rapena@laredo.edu

**Priscilla Medina, Deputy Title IX Coordinator for Students
(for complaints involving students)**
956-721-5743
pmedina@laredo.edu

**Araceli Lozano, Deputy Title IX Coordinator
(for complaints involving faculty and staff)**
956-764-5432
araceli.lozano@laredo.edu

**Maria I. Royster, Deputy Title IX Coordinator
(for complaints involving vendors)**
956-721-5126
maria.royster@laredo.edu

**Beatriz Gutierrez, Deputy Title IX Coordinator
(for complaints involving south campus)**
956-794-4005
bgutierrez@laredo.edu

**Cindy Elizalde, Deputy Title IX Coordinator
(for complaints involving community education)**
956-794-4431
cindy.elizalde@laredo.edu

Resources and Help

Emergency Resources

Laredo College

Campus Police

956-721-5303 (Main Campus)

956-794-4303 (South Campus)

lcpolice@laredo.edu

Laredo Police Department

911 or 956-795-2800

www.laredopd.com

Medical Resources

Laredo College

Campus Police

956-721-5303 (Main Campus)

956-794-4303 (South Campus)

lcpolice@laredo.edu

Laredo Medical Center

911 or 956-796-5000

www.laredomedical.com

Doctor's Hospital

911 or 956-523-2000

www.doctorshosplaredo.com

Border Region MHMR

956-794-3000

www.borderregion.org

Serving Children and Adults in Need (SCAN)

(956) 724-3177

<http://www.scan-inc.org/>

Resources and Help

Gateway Community Health Center

Behavioral Health Services

(956) 795-8100

<http://gatewaychc.com/behavioral-health/>

City of Laredo Health Department

(956) 795-4900

<https://www.cityoflaredo.com/health/health.htm>

PILLAR

(956) 723-7457

<https://pillarstrong.org/>

Methodist Ministries of Laredo

Community Counselor

(956) 206-0587

Texas A & M International University (TAMIU)

Community Stress Center

(956) 326-3120

<https://www.tamtu.edu/coas/psy/mastercounpsy/CommunityStressCenter.shtml>

Mercy Ministries of Laredo

(956) 718-6810

<https://www.mercy.net/practice/mercy-ministries-of-laredo/>

Resources and Help

24-hour services

**Border Region MHMR
Crisis Hotline
1-800-643-1102**

**National Suicide Prevention Hotline
1-800-273-TALK (8255)**

**Bullying
1-800-420-1479**

**Domestic Violence
1-800-799-SAFE (7233)**

**Eating Disorders
1-630-577-1330**

**Sexual Assault
1-800-656-4673**

**Self-harm/Self-injury
1-800-366-8288**

**Substance Use
1-877-726-4727**

**Grief Support
1-650-321-5272**

**Crisis Text Line
Text HOME to 741741**