

## **Title IX at the Texas Health School**

### **POLICY**

It is the policy of the Texas Health School to prohibit discrimination on the basis of age, color, disability, gender, national origin, race, religion, sex, or veteran's status in regard to the administration of all campus programs, services and activities including intercollegiate athletics, and the admission of students, employment actions, or other sponsored activities.

Title IX of the Education Amendments of 1972 and certain other federal and state laws prohibit discrimination on these bases in education programs and activities operated by Texas Health School, which complies with Title IX of the Education Amendments of 1972, 20 U.S.C.

Sec. 1681, et seq., and its enabling regulations (see, e.g., 34 C.F.R. §§ 106, 668.46). This policy applies to all members of the Texas Health School community, including students, faculty, and administrators as well as third-parties (e.g., vendors and invitees). Discrimination or harassment on those bases listed above is not tolerated at our institution. Additional information this policy is available to students, faculty, and staff from Texas Health School's designated Title IX Coordinator (see below for contact information).

### **PURPOSE**

Texas Health School seeks to foster a shared atmosphere where students are nurtured and educated through close faculty-student relationships, student fellowship, and individualized attention.

Discrimination or harassment of any kind is prohibited. Texas Health School will undertake efforts to resolve complaints of identified discrimination in a timely, effective, and fair manner which respects the rights of all parties involved to the maximum extent possible.

### **REPORTING HARRASSMENT OR DISCRIMINATION**

If you believe you have been harassed or discriminated against (or have been a bystander or witness to an instance of perceived harassment or discrimination), Texas Health School encourages you to promptly contact its designated Title IX Coordinator, Sonnier Williams, by Telephone: (713) 932-9333 or email: [sfa@ths.edu](mailto:sfa@ths.edu).

When Texas Health School receives notice of or a complaint regarding harassment, it will take prompt and effective corrective action reasonably calculated to stop the harassment, prevent its recurrence, and as appropriate, remedy its effects. This may or will include conducting an appropriate investigation.

### **DEFINITIONS**

#### **Discrimination and Harassment**

Title IX, and its implementing regulations, prohibit discrimination based on sex, including sexual harassment. Sexual harassment is behavior characterized by the making of unwelcome and inappropriate sexual remarks or physical advances in a workplace or other professional or social situation. Environmental harassment (environment harassment occurs when an employee faces

discrimination or harassment that it limits an individual's ability to participate in or receive benefits, services, or opportunities at Texas Health School. This can include persistent comments or jokes about an individual's, sex; verbal behavior, including insults, remarks, epithets, or derogatory statements; nonverbal behavior, including a writing (including comments or photos transmitted via electronic means, such as on social media, email, or text message), inappropriate physical advances.

Texas Health School further prohibits dating violence, domestic violence, sexual assault, and stalking. Dating violence is violence committed by a person who is or has been in a social relationship of a romantic or intimate nature with the victim. Domestic violence is a felony or misdemeanor crime of violence committed by (i) a current or former spouse/intimate partner of the victim, (ii) a person with whom the victim shares a child, (iii) a person who is (or was) cohabitating with the victim as a spouse or intimate partner, (iv) a person similarly situated to a spouse of the victim under the domestic or family violence laws of the jurisdiction where the crime of violence occurred, or (v) any other person against an adult or youth victim protected from that person's acts under the domestic or family violence laws of the jurisdiction. Sexual assault is an offense that meets the definition of rape, fondling, incest, or statutory rape as used in the FBI's UCR program. Stalking is engaging in a course of conduct directed at a specific person that would cause a reasonable person to (i) fear for her or her safety (or that of others) or (ii) to suffer substantial emotional distress.

### **Retaliation**

Retaliation is any kind of reprisal, adverse action, or negative action taken against an individual because he or she has (i) complained about alleged discrimination or harassment as defined above, (ii) participated as a party or witness in an investigation relating to such allegations, or (iii) participated as a party or witness in a proceeding regarding such allegations. Retaliation can occur contemporaneously during the complaint process or subsequent to it, once the retaliator is aware of the recipient's participation in the process. An individual is protected from retaliation even when the complaint at issue is ultimately found to lack merit, so long as the complaint was made in good faith.

Texas Health School does not allow, nor tolerate any conduct by any Texas Health School community member that may be regarded as retaliatory. Retaliation against any individual, whether said person submitted a complaint through the method described below, or for any other reason will not be tolerated.

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#### **Title IX Coordinator**

Texas Health School's Title IX Coordinator or his/her designee is trained and knowledgeable about enforcement, compliance, communication, and implementation of Texas Health School's anti-harassment and anti-discrimination policy.

The Title IX Coordinator's contact information is as follows:

Sonnier Williams, Title IX Coordinator, Texas Health School Phone: (713 ) 932-9333 Email: [sfa@ths.edu](mailto:sfa@ths.edu)

## **CONFIDENTIALITY**

Texas Health School has independent obligations to report or investigate potential misconduct, even if a complainant does not wish to initiate an official process. Therefore, absolute confidentiality cannot be promised with respect to a complaint of discrimination, harassment, sexual harassment, violence (i.e., dating violence, domestic violence, sexual assault, or stalking), or retaliation received through Texas Health School's Title IX Coordinator. Texas Health School wishes, however, to create an environment in which legitimate complaints are encouraged, while also protecting the privacy of all involved in an investigation. Complaints about violations of these policies will therefore be handled in strict confidence, with facts made available only to those who need to know in order for Texas Health School to promptly and thoroughly investigate and resolve the matter.

## **PROCEDURES & IMPLEMENTATION**

### **Duty to Report Violations**

Any member of the Texas Health School community including students, faculty, employees, and third-parties have a duty to report violations of this policy where individuals know, or should know, of accusations or actions which violate Texas Health School Policy and will notify the Texas Health School's Title IX Coordinator of such violations promptly. Formal Investigation and Resolution of Discrimination, Harassment, or Retaliation Complaints

### **Duty to Cooperate and Facilitate**

All members of the Texas Health School community are required to cooperate fully with any investigations of discrimination or harassment. A faculty member, staff member, or student who has relevant information and refuses to cooperate with an ongoing investigation may be subject to disciplinary action for, among other things, violations of the Texas Health School Code of Conduct.

Likewise, all Texas Health School employees are required to ensure that complaints about discrimination, harassment, or retaliation are directed to the appropriate administrative office for evaluation and investigation. Texas Health School is committed to conducting an inquiry that is thorough, prompt and impartial.

### **Complaint Process**

Complaints concerning sexual harassment and/or sexual discrimination should be in writing and provided to the Title IX Coordinator (or verbally communicated to him/her). Complaints may be submitted via email (sfa@ths.edu), telephone (713) 932-9333, or in person.

Complaints should be filed as soon as possible after the date of the alleged misconduct, and a written complaint is preferable. A complaint, which must be submitted within the later of the following two dates: (a) thirty (30) days after the alleged misconduct; or, (b) the end of the semester in which the alleged incident occurred. A complaint should include the following information:

- a) Complainant's full name, home address, email, and telephone number.
- b) Name of the person against whom the complaint was made, including job title or student status.
- c) The protected status that is the basis for the alleged discrimination, harassment, or retaliation based on the complainant's gender.
- d) A clear statement of the facts that constitute the alleged discrimination, harassment, act of violence, or retaliation, including dates on which the acts were committed and any information to identify witnesses.
- e) Complainant should include the term and year of his/her most recent active employment, academic, or student status within the college.
- f) A student who is seeking admission to Texas Health School should include the term and year in which he/she sought admission to the college.
- g) The full name, address, and telephone number of complainant's advisor or supervisor.
- h) The specific harm that resulted from the alleged act and the remedy sought.
- i) The complainant's signature and the date on which the complaint was submitted.

While prompt reporting is expected, complaints older than 30 days will be processed. However, if more than 365 days have elapsed since the day of the complaint, the complaint may not be processed. Every effort is made to conduct a thorough and timely

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#### **Investigation.**

Several factors may impact Texas Health School's ability to conduct a prompt investigation, including, but not limited to: the Complainant's accessibility or unresponsiveness, witness availability or unresponsiveness, the number of witnesses, the timing of the investigation (i.e., if an investigation is being conducted at a time when students are taking final exams or on recess), etc.

#### **Intake Interview**

After receipt of a complaint, the Title IX Coordinator or his/her designee will meet with the Complainant as soon as possible, usually within one week, but not later than thirty (30) days after receipt. The Complainant must make him/her available to meet. The meeting will be an intake interview where the Title IX Coordinator or his/her designee will inform the Complainant about the investigation procedure and timeline. The Complainant may sign a formal complaint form at that time (under the above guidelines) if he/she has not already done so. A complaint will proceed even in the absence of a signed written complaint.

#### **Complaints about Students, Faculty, Other Employees or Third Parties**

Upon receipt of a complaint, the Title IX Coordinator or his/her designee, shall investigate the circumstances of the complaint. This investigation will include documented interviews of the Complainant, the person against whom the complaint is made, and witnesses (if any) with relevant knowledge (including, those who may be identified by the Complainant, the alleged perpetrator, or

other witnesses). Further, the investigation will include a review of relevant documents and any other evidence. Texas Health School encourages any Complainant, alleged perpetrator, or witness to preserve and maintain any evidence related to the complaint.

The Title IX Coordinator shall have thirty (30) days from the intake interview to complete the investigation of the event in question. Such thirty (30) days may be extended in the event that one of the following occurs:

- Availability or unavailability of a witness or relevant/material documents;
- Recalcitrance of a witness and/or any necessary party;
- Delay or other uncooperative actions of any necessary party;
- Large number of witnesses;
- Holidays and vacation periods; or
- Any other unforeseeable event/circumstance which impacts the investigation.

Generally speaking an investigation should take less than 60 calendar days following receipt of the complaint. This may not be practicable in every investigation and may vary depending on the complexity of the investigation and the severity and extent of the alleged misconduct or offense. The Title IX Coordinator shall report the findings of the investigation to a designated, impartial Fact Finder. The Fact Finder shall endeavor to issue a determination within fifteen day after receipt of the investigation file to determine and detail: (a) whether there is probable cause to believe an offense or misconduct (including, though not necessarily limited to a violation of Texas Health School policy) occurred with respect to each allegation in the complaint, (b) a description of actions taken, if any, to prevent similar problems from occurring in the future, and (c) the proposed resolution of the complaint.

### **Preponderance of the Evidence**

In making his/her determination, the Fact Finder shall observe a preponderance of the evidence standard. This means reaching a conclusion based upon all available facts and information as to whether one party's evidence outweighs the evidence of the other.

### **Notice of Determination and Further Action**

Both the Complainant (i.e., the individual who filed the complaint or the alleged target of the offense or misconduct) and the Respondent (i.e., the alleged perpetrator of the misconduct or offense), shall be informed of the Fact Finder's decision within ten days of the conclusion of the deliberations. Please refer to policies regarding the confidentiality of this determination. At the time of the receipt of this notice both parties will be informed of any actions or precautions, including, for example, any reasonable accommodations, that will be taken in response to the Fact Finder's decision. Questions concerning these further actions should be addressed to the Title IX Coordinator.

## **Grade Appeals**

TEXAS HEALTH SCHOOL has a grade appeal process which is not circumvented by this policy. This procedure is not a substitute for a grade appeal. A grade appeal may be suspended until a determination has been made by the fact finder.

## **Discipline**

Employees, faculty and students who violate Texas Health School's policies may be subject to disciplinary action. Individuals who retaliate against someone who files a complaint, or against a witness, representative, or advocate for a complainant, will be subject to further disciplinary action. Consistent with this Policy Texas Health School will take prompt effective action to resolve any identified discrimination, and take steps to avoid a reoccurrence.

## **EXTERNAL REPORTING**

Members of the Texas Health School community are always subject to local, state, and federal laws, and nothing in these procedures is intended to limit or postpone the right of an individual to file a complaint or charge with appropriate federal, state, or local departments or agencies. Among other options, students may contact the Office for Civil Rights of the U.S. Department of Education for inquiries concerning the application of Title IX as well as the implementation of its regulations. The Office for Civil Rights can be contacted using the following information:

U.S. Department of Education  
Office for Civil Rights  
32 Old Slip, 26th Floor  
New York, New York 10005  
Phone (646) 428-3800  
Fax (646) 428-3843  
email: [OCR.NewYork@ed.gov](mailto:OCR.NewYork@ed.gov)