# **TEXAS SOUTHMOST COLLEGE**

## **TITLE IX**

## **NOTICE OF RIGHTS TO COMPLAINANTS**

This information is for individuals making the complaint

This notice of rights is for informational purposes only and does not replace TSC policy or procedure.

# **NOTICE OF RIGHTS AND OPTIONS FOR COMPLAINANTS**

If you have experienced sexual misconduct (also referred to as Title IX Harassment), you have rights and options. The College broadly categorizes sexual harassment in two categories: (1) sexual harassment excluding sexual violence and (2) sexual violence. Sexual violence includes sexual assault, domestic violence, intimate partner violence, dating violence, and/or gender-bases stalking.

# **IF YOU EXPERIENCE SEXUAL VIOLENCE**

\*You may file a report with Texas Southmost College Police Department 956-295-3700, 956-295-3755 and/or

\*You may report the incident to one of the College’s Responsible Employees (Campus Sexual Misconduct Policy IX.03.4); and or

\*You may call 911 and or the Brownsville Police Department 956-548-7000

\*See also: Preserving Evidence below

# **IF YOU EXPERIENCE SEXUAL HARASSMENT EXCLUDING SEXUAL VIOLENCE**

You may report the incident to one of the College’s Responsible Employees (see below).

**COLLEGE PERSONNEL RECEIVING REPORTS**

Texas Southmost College Police Department. The College’s Police Department may be contacted by dialing 956-295-3700; 956-295-3755, or call 911. The Emergency Communications (dispatch) office is always operational-24 hours a day, seven days a week, every day of the year. They receive calls for service, both emergency and non-emergency. **TITLE IX COORDINATOR (SEE BELOW) CAN ALSO ASSIST YOU IN NOTYFYING THE POLICE IF YOU CHOOSE.**

**THE COLLEGE’S RESPONSIBLE EMPLOYESS ARE:**

* College Police Department 956-295-3700 and 956-295-3755
* Felix Recio, Title IX Coordinator 956-295-3770
* Armando Ponce, Executive Director of Student Life and Civility 956-295-3570
* Vanessa Vasquez, Executive Director of Enrollment & Academic Support Services 956-295-3605
* Charles Flores, Human Resources Generalist 956-295-3777
* Dr. Roberto Rodriquez, President 956-295-295-3395
* Joanna Kile, Vice President of Instruction 956-295-3398

Nothing in the Policy Manual, Procedures or this Notice restricts a complainant’s option to go directly to a law enforcement agency.

# **HOW TO FILE A REPORT**

Any person may report sex discrimination, including sexual harassment, whether or not the person reporting is the person alleged to be the victim of conduct that constitute sex discrimination or sexual harassment, in person, by mail, by telephone, or by electronic mail, using the contact information listed for the Title IX Coordinator, 956-295-3770, or by any other means that results in the Title IX Coordinator receiving the person’s verbal or written report. Such a report may be made at any time, including during non-business hours by calling the Title IX Coordinator or sending an electronic message to [felix.recio@tsc.edu](mailto:felix.recio@tsc.edu), or by mail to the office address, 80 Fort Brown, Tandy 105, Brownsville, Texas 78520. 34 C.F.R. 106.8(a)

A formal complaint may be filed with the Title IX Coordinator in person, by mail, or by electronic mail, by using the contact information required to be listed for the Title IX Coordinator under 34 C.F.R. 106.8(a), see above previous paragraph, and by any additional method designated by the College. At the time of filing a formal complaint, a complainant must be participating in or attempting to participate in the education program or activity of the College with which the formal complaint is filed.

# **ONCE THE REPORT IS FILED WITH THE APPROPRIATE PERSONNEL**

The college will open an investigation and speak with you about the report, supportive measures which the college can provide, and what College policy and procedure will be used in the investigation.

# **INTERIM MEASURES**

There are a number of Interim Measures the College may take following a Title IX report in order to protect the College and community including but not limited to a No Contact Order. **No Contact Order:**

* If the Respondent you named is an employee, a student or otherwise has a connection with Texas Southmost College, You have the option to request an administrative no contact order through the College. An appropriate College Official will determine if a No Contact Order is warranted. This order is an official notice to the accused party (Respondent) that he or she is not to contact you. When a No Contact order is issued, the Complainant is also instructed not to contact the Respondent. An administrative No Contact Order is not a legal order, but it is enforceable on College property. A violation of a No Contact Order may be classified as retaliatory and could result in conduct or disciplinary action.

**INTERIM MEASURES ARE AT THE COLLEGE’S DISCRETION**

# **PRESERVING EVIDENCE.**

* It is important to preserve evidence in case you decide (now or later) to pursue an administrative investigation with the College and/or criminal investigation with the police. Examples of evidence include photos, electronic documentation like texts, e-mails, voicemails, and social media posts; written notes, clothing worn during a sexual assault. If you have been sexually assaulted, you have the right to go to the hospital in the first 96 hours after the assault for a forensic examination. If you choose to go to the hospital for this examination, do not bathe, brush your teeth, or drink, as you may destroy evidence. Save clothing from the assault in a paper bag because plastic degrades evidence.

# **INVESTIGATION**

* If the Respondent is an employee, a student, or otherwise has a connection to Texas Southmost College, you may pursue a prompt, fair, and impartial administrative investigation and resolution, which will be conducted by College Officials responsible for preparing the College’s response.
* If you request anonymity, the College will determine whether it can honor your request while still providing a safe and nondiscriminatory environment for the College’s community members, including the complainant. Your personally identifying details will be shared with the necessary College officials who can assist with the review and remedy of the reported

incident. Identifying information in any subsequent reports will be kept confidential to the extent possible by law. Please see more about confidentiality information by going to Texas Southmost College Policy for Sexual Harassment, Assault, Violence and Discrimination FFDB (Local) and Texas Southmost College’s Investigation Policy and Procedure found in this website.

* If the Respondent is an employee, student, or otherwise has a connection with the Texas Southmost College, both you and the Respondent are entitled to the same opportunities to have an advisor present during the College administrative proceeding to address this matter, including the opportunity to be accompanied to any related meeting or proceeding by an advisor of your choice. (See Title IX Sexual Misconduct Policy IX.03.12.02)
* College policy, federal law and state law prohibit retaliation in any form against any student, employee, faculty member, vendor, customer, or other person participating in a College program or activity who complains or makes an allegation or who participates in any investigation of discrimination or harassment. Any retaliation should be promptly reported to the Title IX Coordinator.

# **HEARING RESULT**

* If the Respondent is an employee, student, or otherwise has a connection to Texas Southmost College, both you and the Respondent will be simultaneously informed in writing of the outcome of any College administrative proceeding that arises from an allegation of sexual misconduct. Reasonable efforts will be made to deliver the outcome to these individuals contemporaneously.

**ADDITIONAL RESOURCES AVAILABLE**

* You have the option to access counseling, health, mental health, victim advocacy, legal assistance, and other services as they are available on campus and/or in the community.
* (Campus Sexual Misconduct Policy IX.04.05),If you need additional support in the form of counseling, accommodations, or other assistance, please contact the Title IX Coordinator.
* You may request assistance with changing your academic and/or working situation at Texas Southmost College from the Title IX Coordinator. Examples of assistance may include accommodations such as transferring to another class, moving office location, and academic support services. The Title IX Coordinator will determine if the accommodations you request are reasonably available. Accommodations will be available even if you choose to not report the incident to the police or pursue an investigation with the college.
* You have the option to inquire about a civil protection order or other legal orders of protection through the appropriate court or tribunal with jurisdiction. If you obtain a protection order, it is your responsibility to notify Texas Southmost College and the Title IX Coordinator. Please note that without this notification, the College will have no knowledge of the protection order.