

Victoria College Title IX Procedures

[As guided by policies FFDA local and legal.](#)

Victoria College uses the above linked policies and the below procedures for Title IX complaints.

Live Hearing Procedures:

1. Victoria College will 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.
2. A live hearing may be conducted with all parties physically present in the same geographic location or, at the College's discretion, any or all parties, witnesses, and other participants may appear at the live hearing virtually, with technology enabling participants simultaneously to see and hear each other.
 - a. At the request of either party, the College must provide for the live hearing to occur with the parties located in separate rooms with technology enabling the decision-maker(s) and parties to simultaneously see and hear the party or the witness answering questions.
3. At the live hearing, each party's advisor will be allowed to ask the other party and any witnesses all relevant questions and follow-up questions, including those challenging credibility. Such cross-examination at the live hearing must be conducted directly, orally, and in real time by the party's advisor of choice and never by a party personally.
 - a. If a party does not have an advisor present at the live hearing, the College will provide without fee or charge to that party, an advisor of the recipient's choice, who may be, but is not required to be, an attorney, to conduct cross-examination on behalf of that party.
4. Only relevant cross-examination and other questions may be asked of a party or witness. Before a complainant, respondent, or witness answers a cross-examination or other question, you must first determine whether the question is relevant and explain any decision to exclude a question as not relevant.
 - a. Questions and evidence about the complainant's sexual predisposition or prior sexual behavior are not relevant, unless such questions and evidence about the complainant's prior sexual behavior are offered to prove that someone other than the respondent committed the conduct alleged by the complainant, or if the questions and evidence concern specific incidents of the complainant's prior sexual behavior with respect to the respondent and are offered to prove consent.
5. If a party or witness does not submit to cross-examination at the live hearing, we will not rely on any statement of that party or witness in reaching a determination regarding responsibility; provided, however, that you cannot draw an inference about the determination regarding responsibility based solely on a party's or witness's absence from the live hearing or refusal to answer cross-examination or other questions.
6. The College must create an audio or audiovisual recording, or transcript, of any live hearing and make it available to the parties for inspection and review.

After the hearing: within five days following the hearing – we will submit our written determination to the parties simultaneously.

1. Review the investigator's findings and use a preponderance of evidence standard to make a determination based on the investigation's evidence.
2. Communicate decision/determination to the parties simultaneously, in writing.

- a. Report will include findings of fact and conclusions based on those findings.
 - i. Identify specifically the allegations potentially constituting sexual harassment.
 - ii. Describe the procedural steps taken from the receipt of the formal complaint through the determination, including any notifications to the parties, interviews with parties and witnesses, site visits, methods used to gather other evidence, etc.
 - iii. State the findings of fact supporting the determination.
 - iv. Provide conclusions regarding the application of the College's code of conduct to the facts.
 - v. Give a statement of, and rationale for, the result as to each allegation, including a determination regarding responsibility and the disciplinary sanctions the College imposes on him.
 - vi. Explain his procedures and permissible bases for an appeal.
 - b. Provide a statement of rationale for the ultimate determination and if applicable, for any disciplinary actions the College will impose.
 - c. Specifically, state/recommend a "responsible" or "not responsible" determination.
 - i. If the recommendation is "Dismissal" provide information about any ability to re-enroll at a later date/time.
3. The report/decision will also provide language about how the parties can appeal regarding the ultimate decision of responsibility. Parties can appeal if there was 1) a procedural irregularity that may have affected the outcome of the matter, 2) newly discovered evidence that could affect the outcome of the matter or, 3) if there was a conflict of interest or bias by any Title IX personnel that affected the outcome of the matter.
 4. As to a potential appeal --- the student may appeal the determination within ten days in accordance with Policy FMA, beginning at Appeal to College District Administration:
 - a. Notify the other party in writing when an appeal is filed and implement appeal procedures equally for both parties.
 - b. Give both parties a reasonable, equal opportunity to submit a written statement in support of, or challenging, the outcome.

The determination regarding responsibility becomes final either on the date that the recipient provides the parties with the written determination of the result of the appeal, if an appeal is filed, or if an appeal is not filed, the date on which an appeal would no longer be considered timely.

Improper Conduct:

If the VP of student services 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 FM or other corrective action reasonably calculated to address the conduct.

Training:

Title IX personnel (e.g., Title IX Coordinators, investigators, decision-makers, and any person who facilitates an informal resolution process) receive training on:

- Title IX's definition of "sexual harassment;"
- The scope of the school's education program or activity;
- How to conduct an investigation and grievance process;
- How to serve impartially, including by avoiding prejudgment of the facts at issue; and
- How to avoid conflicts of interest and bias.

It also mandates that decision-makers must receive training on:

- Technology to be used at a live hearing;
- Issues of relevance of questions and evidence, including when questions and evidence about a complainant's sexual predisposition or prior sexual behavior are not relevant; and
- Issues of relevance to create an investigative report that fairly summarizes relevant evidence.

Time Frames and Extensions:

As outlined in FFDA (local), the recipient's grievance process includes reasonably prompt time frames for conclusion of the grievance process, including reasonably prompt time frames for filing and resolving appeals and informal resolution processes if the recipient offers informal resolution processes, and a process that allows for the temporary delay of the grievance process or the limited extension of time frames for good cause with written notice to the complainant and the respondent of the delay or extension and the reasons for the action. Good cause may include considerations such as the absence of a party, a party's advisor, or a witness; concurrent law enforcement activity; or the need for language assistance or accommodation of disabilities.

Report to:

Reports of discrimination based on sex, including sexual harassment and gender-based harassment, may be directed to the Title IX coordinator. The College District designates the following person to coordinate its efforts to comply with Title IX of the Education Amendments of 1972, as amended, and related state and federal laws: Title IX Coordinator: Terri Kurtz, Director of Human Resources Address: 2200 East Red River, Victoria, TX 77901 Telephone: (361) 572-6463 Email: terri.kurtz@victoriacollege.edu