

# **A Resource Guide for Students on Sexual Misconduct: Alamo Colleges Policies, Procedures and Victim Services**



**Alamo Colleges 2015**

The Alamo Colleges do not discriminate on the basis of race, color, religion, gender, national origin, age, veteran status, genetic information, sexual orientation or disability with respect to access, employment, programs, or services.

# IF YOU HAVE EXPERIENCED SEXUAL MISCONDUCT

Go to a safe location as soon as you are able. Seek immediate medical attention if you are injured, or believe you may have been exposed to an STI/STD or potential pregnancy. Contact any of the resources listed in the Directory at the end of this brochure.

Note that College officials may contact on-call staff from other departments when their offices are closed or they are otherwise unavailable to assist immediately. If you are off-campus and experiencing an emergency situation, you can call local police by dialing 911 (V/TTY). If you are on campus and experiencing an emergency situation you can call Alamo Colleges Police by dialing 911 or 485-0099. You may also call the local police department's non-emergency line at 210.207.7273 (V/TTY).

Choose how to proceed. You have options, and are encouraged to contact the [Campus Victim Advocate] to discuss your options:

- 1) Do nothing until you are ready;
- 2) Pursue resolution by the Alamo Colleges; and/or
- 3) Initiate criminal proceedings; and/or
- 4) Initiate a civil process against the perpetrator.

You may pursue whatever combination of options is best for you. If you wish to have an incident investigated and resolved by the Alamo Colleges, students should contact the Title IX Deputy Coordinator on campus. Employees should contact the Title IX/VII Coordinator or Deputy Coordinator in HR. Alamo Colleges procedures will be explained. Those who wish incidents to be handled criminally should contact Alamo Colleges Police Department or local police where the assault occurred. A college official is available to accompany students in making such reports, if desired. Contact a Title IX Coordinator or Deputy Coordinator for more information.

It is important to preserve physical evidence that may include tissue and fluid samples, evidence of violence, sheets, towels, clothing, etc. You may choose to avoid washing, bathing, urinating, etc., until after being examined at the hospital, if possible. Because evidence of a sexual assault can deteriorate quickly, you may choose to seek a medical exam as soon as possible.

Evidence collection should be completed within 120 hours of an assault, but fluids, hair samples, and DNA can be collected for a long time thereafter. Even if you have washed, evidence can often still be obtained. After 120 hours, it may still be helpful to have medical attention, even if you are not trying to obtain evidence of an assault.

Sexual assault nurse examiners (SANE) are trained in the collection of forensic evidence, and can check for injuries and exposure to sexually transmitted diseases. If you are still wearing any clothes worn during the assault, wear them to the hospital, but bring a change of clothes, as the hospital will keep the clothes you are wearing as evidence. If you have changed clothes, bring the ones you were wearing during the assault to the hospital in a clean paper (not plastic) bag or a wrapped in a clean sheet.

Leave sheets/towels at the scene of the assault. Police will collect them. Typically, police will be called to the hospital to take custody of the rape kit, but it is up to you whether you wish to speak with them or file a criminal complaint. See the last page of this brochure to contact **Medical Resources** with SANE support.

# ABOUT CONFIDENTIALITY

*To make informed choices, all parties should be aware of confidentiality and privacy issues, as well as institutional mandatory reporting requirements.*

## CONFIDENTIAL REPORTING

If reporting students wish that details of an incident be kept confidential, they should speak with a **Personal Counselor** on campus and/or a medical provider in the community. Alamo Colleges **Personal Counselors** are available to help on an emergency basis. Their service is free of charge. Members of the clergy, chaplains, and off-campus rape crisis center staff can maintain confidentiality. Local resources such as crisis centers are also confidential and have no duty to report your information to the Alamo Colleges.

## MANDATED REPORTING

All Alamo Colleges employees who are not employed as a **Personal Counselor** are **Mandated Reporters** for all the details of which they are aware about an incident. They share this information with the Title IX Coordinator. Giving a **Mandated Reporter** notice of an incident constitutes official notice to the institution. Incidents of sexual misconduct will be taken seriously when official notice is given to the institution. Such incidents of sexual misconduct will be investigated and resolved in a prompt and equitable manner under the **Alamo Colleges Civil Rights/Title IX Policies and Procedures**, which are discussed in a later section of this brochure.

You may request confidentiality and/or that the Title IX Coordinator advise you of remedies and resources without initiating a formal resolution process. The Coordinator will weigh requests for confidentiality against the institutional need to address and remedy discrimination under Title IX. Generally, the Alamo Colleges will be able to respect your wishes, unless it believes there is a threat to the community based on the use of weapons, violence, pattern, predation, or threatening conduct by the person being accused.

In cases where your request for confidentiality is granted, the Alamo Colleges will offer you available resources, supports, and remedies. You are not obligated to pursue formal resolution in order to access the resources that are available. If the Alamo Colleges decides that it is obligated to pursue a formal resolution based on the notice you have given, you are not obligated to participate in the resolution process. However, the ability of the Alamo Colleges to enforce its policies or provide some remedies may be limited as a result of your decision not to participate.

## INCIDENTS INVOLVING MINORS

Please be aware that institutional duties with respect to minors (those under the age of 18) may require reporting sexual misconduct incidents to state agencies and/or local law enforcement. As a result, confidentiality cannot be guaranteed in sexual misconduct incidents involving minors.

# POLICY

Sexual misconduct, including sexual harassment, sexual violence, sexual exploitation, intimate partner violence, and stalking are violations of Alamo Colleges ***Student Code of Conduct*** and its ***Civil Rights/Title IX Policies and Procedures***. A number of federal laws and regulations, including *Title IX*, the *Violence Against Women Act*, and the Clery Act mandate how institutions respond to such allegations. Many types of sexual misconduct also constitute violations of Texas law.

Members of the campus community, guests, and visitors have a right to be free from sexual misconduct. All members of the community must conduct themselves in a way that does not infringe upon the rights of others. The Alamo Colleges Civil Rights/Title IX Policies and Procedures are intended to define expectations for appropriate conduct and outline resolution processes to address conduct that does not meet these expectations. When individuals accused of sexual misconduct are found to be in violation of the policy, the Alamo Colleges will impose serious sanctions, as noted on the next page.

All members of the campus community, guests, and visitors are protected by this policy regardless of their sexual orientation or gender identity. The Alamo Colleges has jurisdiction over all acts of sexual misconduct involving members of the Alamo Colleges community, no matter where they occur, whether on-campus or off-campus. For more details on the policies and procedures, please visit [Alamo Colleges Civil Rights / Title IX Policies and Procedures](#).

Additional information about campus crime, state laws, and disclosures related to sexual misconduct can be found online in the campus Annual Security Report. Access it here: [Alamo Colleges Annual Security Report](#).

# SEXUAL MISCONDUCT VIOLATIONS

*The following are the definitions of conduct prohibited by the Alamo Colleges Civil Rights/Title IX Policies. Sanctions range from warning through expulsion/termination.*

## SEXUAL HARASSMENT

Sexual harassment is:

- unwelcome, sexual, sex-based, and/or gender-based verbal, written, online, and/or physical harassing conduct.

## HOSTILE ENVIRONMENT

A hostile environment is created when sexual harassment is:

- sufficiently severe, or
- persistent or pervasive, and
- objectively offensive,

that it:

- unreasonably interferes with, denies, or limits someone's ability to participate in or benefit from the institution's educational, employment and/or social programs.

## NON-CONSENSUAL SEXUAL CONTACT

Non-consensual sexual contact is:

- any intentional sexual touching,
- however slight,
- with any object,
- by a person upon another person, that is without consent and/or by force.

## NON-CONSENSUAL SEXUAL INTERCOURSE

Non-consensual sexual intercourse is:

- any sexual intercourse
- however slight,
- with any object,
- by a person upon another person, that is without consent and/or by force.

## SEXUAL EXPLOITATION

Sexual Exploitation occurs when:

- one person takes non-consensual or abusive sexual advantage of another for his/her own advantage or benefit, or to benefit or advantage anyone other than the one being exploited, and
- that behavior does not otherwise constitute one of other sexual misconduct offenses.

## INTIMATE PARTNER VIOLENCE

Intimate partner violence is: violence or emotional and/or psychological abuse between those in an intimate relationship toward each other.

## STALKING

**Stalking 1:**

- a course of conduct,
- directed at a specific person,
- on the basis of actual or perceived membership in a protected class,
- that is unwelcome, and,
- would cause a reasonable person to feel fear.

**Stalking 2:**

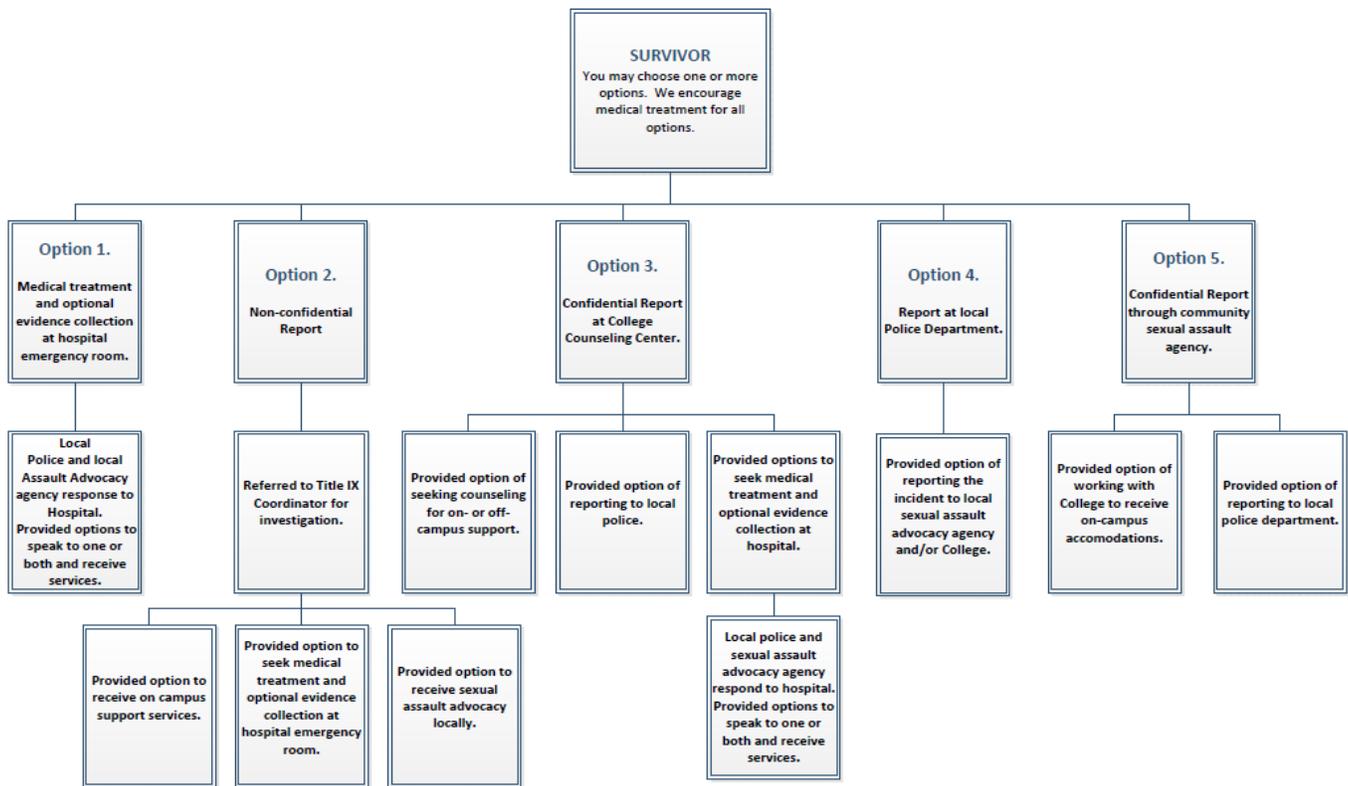
- repetitive and menacing
- pursuit, following, harassing, and/or interfering with the peace and/or safety of another.

## RETALIATION

Retaliation is:

- any adverse action, taken against a person participating in a protected activity,
- because of that person's participation in that protected activity
- subject to limitations imposed by the First Amendment and/or academic freedom.

# SURVIVOR OPTIONS



## CONSENT

***Consent is knowing, voluntary, and clear permission, through word or action, to engage in mutually agreed upon sexual activity or contact.***

Since different people may experience the same interactions differently, each party is responsible for making sure that partners have provided ongoing, clear consent to engaging in any sexual activity or contact.

A person may withdraw consent at any time during sexual activity or contact through words or actions. If that happens, the other party must immediately cease the activity or contact. Pressuring another person into sexual activity can constitute coercion, which is also considered to be sexual misconduct.

Silence or the absence of resistance alone does not constitute consent. A victim is not required to resist or say “no” for an offense to be proven.

Consent to some forms of sexual activity (e.g., kissing, fondling, etc.) should not be construed as consent for other kinds of sexual activities (e.g., intercourse).

Being or having been in a dating relationship with the other party does not mean that consent for

sexual activity exists. Previous consent to sexual activity does not imply consent to sexual activity in the future. To legally give consent in Texas, individuals must be at least 18 years old.

## **FORCE**

Force is defined as direct or indirect use of physical violence and/or imposing physically on someone to gain sexual access. Force, as a general rule, is a clear demonstration of a lack of consent.

## **INCAPACITATION**

Incapacitation is defined as a state in which individuals are unable to make rational, reasonable decisions because they lack the capacity to understand the “who, what, when, where, why, or how” of a situation or interaction. Individuals cannot give sexual consent if they can’t understand what is happening, or if they are disoriented, helpless, asleep, or unconscious for any reason. That applies even if it is because they voluntarily consumed alcohol or drugs. Unless consent is “knowing,” it is not valid. Those engaging in sexual activity who know or should have known that the other party is incapacitated are engaging in sexual misconduct. The possession, use, distribution, and/ or administration of any incapacitating substances is prohibited.

The fact that a responding party was intoxicated, and thus did not realize the reporting party was incapacitated, does not excuse sexual misconduct.

## **YOUR RIGHTS**

*Alamo Colleges strives to provide members of the Alamo Colleges community with fair and equitable resolution processes that include both formal and informal options.*

## **REPORTING**

- Reporting parties have the right to notify law enforcement of incidents and to receive assistance from campus personnel in doing so.
- Reporting parties may decline to report to law enforcement if they so wish.
- Reporting parties have the right to have their allegations investigated and resolved internally by the Alamo Colleges.

## **FAIRNESS**

- All members of the Alamo Colleges community have the right to have reported incidents addressed according to the published Alamo Colleges Policies and Procedures.
- All parties have equal opportunities to have a support person of their choosing or offered by the institution present throughout all resolution proceedings (including intake, interviews, hearings, etc.). This person can be an advisor, advocate, attorney, family member, friend, faculty member, etc.
- All parties have the right to written notice of the outcome of sexual misconduct resolution proceedings.
- Reporting parties and witnesses will receive amnesty for minor infractions (e.g., alcohol and drug violations) that are secondary to incidents of sexual misconduct.
- Reporting parties, their supporters, witnesses and Title IX Coordinators and Deputies have a right to be free from retaliation.

## SUPPORT

- Students have a right to be notified of their ability to access College Counseling Services.
- Students and employees have a right to be notified of on-campus and off-campus supportive resources.
- All parties involved in sexual misconduct allegations will receive the information and assistance needed to effectively participate in all proceedings.
- Reporting parties have the right to seek orders of protection, no-contact orders, restraining orders, or similar lawful orders issued by the Alamo Colleges Police Department, criminal, civil, or tribal courts, and may seek the help of the Alamo Colleges Police Department in requesting and/or enforcing.

## REMEDIES

The Alamo Colleges may take whatever steps are deemed necessary to appropriately respond to allegations of sexual misconduct, protect students' rights, and keep members of the campus community safe from further harm. Measures include, but are not limited to:

- Issuing interim suspensions and administrative leave pending investigation and/or a hearing.
- Reporting incidents to local police and/or prosecutors.
- Referring to counseling and health services.
- Referring to the Employee Assistance Program.
- Providing education to the community.
- Altering work arrangements for employees.
- Providing campus escorts.
- Providing transportation assistance.
- Implementing contact limitations between the parties.
- Offering adjustments to academic deadlines, course schedules, etc.

These measures are available regardless of whether a reporting party seeks formal resolution or makes a crime report.

## PROCEDURES

*The Alamo Colleges procedures are detailed fully at:*  
[Alamo Colleges Civil Rights / Title IX Policies and Procedures](#)

### INTAKE

An Alamo Colleges official will assist the reporting party with making choices and accessing resources. Assuming the reporting party chooses to move forward with a campus resolution, the next step is a preliminary inquiry.

All resolutions will be conducted by campus officials who receive annual training on issues related to domestic violence, dating violence, sexual assault, and stalking, and on how to conduct an investigation and hearing process that protects the safety of victims and promotes accountability.

The resolution process is confidential. The institution will protect the confidentiality of victims, consistent with

federal law. Title IX-related resolutions are not subject to publicly available recordkeeping provisions. Any release of information about a resolution will be accomplished without the inclusion of identifying information about the victim, to the extent permissible by law.

## **PRELIMINARY INQUIRY**

An initial determination is made about the allegations and whether to move them forward to a formal investigation. This decision is made by the Title IX Coordinator or Deputy Coordinator, taking into account the nature of the allegations and the reporting party's wishes. If the decision is made to move forward, the coordinator refers the allegations to investigators. The Title IX Coordinator or Deputy may determine that the report requires initial investigation by the Alamo Colleges Police Department before referral to Title IX investigators.

## **INVESTIGATIONS**

An investigative model is used to resolve allegations. Trained investigators will provide an investigation that is prompt, thorough, reliable, equitable, fair, and impartial. They will interview reporting and responding parties and witnesses, and prepare reports with their findings and sanctioning recommendations. Information about all the steps in the investigative process is available at [Alamo Colleges Civil Rights / Title IX Policies and Procedures](#).

## **FINDINGS**

The investigators will prepare a draft report of findings which will be provided to the complainant and the accused. Both parties will be provided an opportunity to provide any additional information, evidence and/or observations to the investigators to consider before a final report is provided to the Title IX/VII Coordinator/Deputy Coordinator.

## **STANDARD OF EVIDENCE**

The Alamo Colleges uses a preponderance of evidence standard. Decision-makers consider whether, given the available credible evidence, it is more likely than not that a violation occurred.

## **PAST HISTORY**

The past sexual history or character of an individual is not considered unless it is determined to be highly relevant. All such information sought to be entered for consideration by a party or the Alamo Colleges will be presumed irrelevant until evidence of its relevance is offered. The existence of a pattern of behavior by a responding party may be relevant to the finding and sanction imposed. Both parties will be notified in advance if such information has been deemed relevant and will be considered during the process.

## **DETERMINATION**

The parties will be informed in writing of the determination of the Title IX/VII Coordinator/Deputy Coordinator, without significant delay between the notifications to each party. This notice will include the procedures for appealing the decision. The determination will become final unless one of the parties appeals the determination.

## **APPEAL OF DETERMINATION**

All parties involved in sexual misconduct proceedings may appeal decisions within 5 days of the issuance of the Determination or Sanction/Progressive Discipline (the later of) on the basis of the grounds permitted by Alamo Colleges policy, either:

- A procedural error or omission occurred that significantly impacted the outcome of the

original civil rights complaint resolution process (e.g. substantiated bias, material deviation from established procedures, etc.); and/or

- To consider new evidence, unknown or unavailable during the original civil rights complaint resolution process that could substantially impact the original finding or sanction. A summary of this new evidence and its potential impact must be included in the written notice of appeal.

All parties are included in any appeal reconsideration and have equal rights of participation. There is only one level of appeal. That decision is final. See the Civil Rights/Title IX Policies and Procedures for further details.

## **SANCTIONS, DISCIPLINE**

If it is determined that a student has violated a Civil Rights/Title IX Policy or Procedure, a sanction will be issued in accordance with the Student Code of Conduct. If it is determined that an employee has violated a Civil Rights/Title IX Policy or Procedure, progressive discipline will be issued in accordance with the Alamo Colleges Progressive Discipline Policy and Procedure. The Student Code of Conduct allows for appeal of a sanction that is issued. The Employee Concern procedure provides grievance opportunities for regular status employees who have been issued progressive discipline.

## **RISK REDUCTION**

### ***RISK REDUCTION FOR INTIMATE PARTNER VIOLENCE, STALKING, SEXUAL HARASSMENT, AND SEXUAL VIOLENCE***

While victim-blaming is never appropriate and Alamo Colleges fully recognizes that only those who commit sexual misconduct are responsible for their actions, A provides the suggestions that follow to help individuals reduce their risk of being victimized and their risk of committing acts of sexual misconduct.

### **REDUCING THE RISK OF VICTIMIZATION**

- Make any limits/boundaries you may have known as early as possible.
- Clearly and firmly articulate consent or lack of consent.
- Remove yourself, if possible, from an aggressor's physical presence.
- Reach out for help, either from someone who is physically nearby or by calling someone.
- People around you may be waiting for a signal that you need help.
- Take affirmative responsibility for your alcohol and/or drug consumption. Alcohol and drugs can increase your vulnerability to sexual victimization.
- Look out for your friends, and ask them to look out for you. Respect them, and ask them to respect you, but be willing to challenge each other about high-risk choices.

### **REDUCING THE RISK OF BEING ACCUSED OF SEXUAL MISCONDUCT**

- Show your potential partner respect if you are in a position of initiating sexual behavior.
- If a potential partner says "no," accept it and don't push. If you want a "yes," ask for it, and don't proceed without clear permission.
- Clearly communicate your intentions to your potential sexual partners, and give them a chance to share their intentions and/or boundaries with you.
- Respect personal boundaries. If you are unsure what's OK in any interaction, ask.
- Avoid ambiguity. Don't make assumptions about consent, about whether someone is attracted to you, how far you can go with that person, or if the individual is physically and

mentally able to consent. If you have questions or are unclear, you don't have consent.

- Don't take advantage of the fact that someone may be under the influence of drugs or alcohol, even if that person chose to become that way. Others' loss of control does not put you in control.
- Be on the lookout for mixed messages. That should be a clear indication to stop and talk about what your potential partner wants or doesn't want to happen. That person may be undecided about how far to go with you, or you may have misread a previous signal.
- Respect the timeline for sexual behaviors with which others are comfortable, and understand that they are entitled to change their minds.
- Recognize that even if you don't think you are intimidating in any way, your potential partner may be intimidated by or fearful of you, perhaps because of your sex, physical size, or a position of power or authority you may hold.
- Do not assume that someone's silence or passivity is an indication of consent. Pay attention to verbal and non-verbal signals to avoid misreading intentions.
- Understand that consent to one type of sexual behavior does not automatically grant consent to other types of sexual behaviors. If you are unsure, stop and ask. Understand that exerting power and control over another through sex is unacceptable conduct.

## PROGRAMS

### AlamoCARES

The Alamo Colleges is committed to providing a supportive learning environment and to fostering, safe, healthy relationships within our community. In this effort, Alamo Colleges has initiated AlamoCARES, a prevention, education and support program regarding dating violence, domestic violence, sexual assault, and stalking. Events and training are offered monthly bringing awareness to difficult issues and creating opportunities to engage in discussions and activities. An [AlamoCARES](#) website provides information on rights granted by Title IX and resources to help educate and assist students and employees in making well-informed decisions about life issues. The site also lists contact information for medical and crisis services, counseling, law enforcement, emergency housing and other support assistance available within the Alamo Colleges service area.

### Title IX/VAWA/CLERY TRAINING

Incoming students are provided with education and training on awareness and risk reduction of sexual violence, dating violence, domestic violence, stalking, and consent in compliance with the Violence Against Women Act, the Clery Act and Title IX.

### BYSTANDER INTERVENTION

The Alamo Colleges offers bystander intervention training to all new students in an effort to ensure that each member of the campus community is invested in creating a safe campus environment for themselves and others. Program participants are instructed on safe options for preventing harm and intervening when a risk of sexual misconduct exists.

### ONGOING CAMPAIGNS

Ongoing awareness and prevention campaigns are provided throughout the school year to students, faculty, and staff

# RESOURCE DIRECTORY *\*Denotes that this resource is confidential.*

## EMERGENCY RESOURCES

- **Dial 911 if you are experiencing an emergency.**
- **The Alamo Colleges Police Department can be reached at 485-0099 or by dialing 911 from a campus phone.**

## KEY CONTACTS

These resources can assist you with reporting and information. They will protect your privacy by limiting the people with whom they share what you tell them; however, they cannot guarantee you confidentiality.

- Title IX/VII/ADA/504 Coordinator for Students and Employees (210) 210-485-0230
- Title IX/ADA/504 Deputy Coordinator for Students (210) 485-0150
- Title IX/VII/504/ADA Deputy Coordinator for Employees (210) 210-485-0216
- Title IX/ADA/504 Deputy Coordinator for Students at Northeast Lakeview College (210) 486-5421
- Title IX/ADA/504 Deputy Coordinator for Students at Northwest Vista College (210) 486-4736
- Title IX/ADA/504 Deputy Coordinator for Students at Palo Alto College (210) 486-3930
- Title IX/ADA/504 Deputy Coordinator for Students at San Antonio College (210) 486-0930
- Title IX/ADA/504 Deputy Coordinator for Students at St. Philip's College (210) 486-2252
- Reach the Title IX Coordinator or Deputy Coordinator at

## CONFIDENTIAL COUNSELING RESOURCES

These resources will keep your identity and information private and anonymous. The Alamo Colleges Counseling Centers are open from 8:30 am to 5:00 pm. Monday through Friday:

- \*Northeast Lakeview Student Counseling Center: (210) 486-5000, STCM 222H Student Commons
- \*Northwest Vista Student Counseling Center: (210) 486-4436, Cypress Campus Center 204
- \*Palo Alto Student Counseling Center: (210) 486-3750, CSSC Rm. 129, (Moving to the Student Center, Room 101 in Feb. 2016)
- \*San Antonio College Student Counseling Center: (210)486-0334, Moody Learning Center 100
- \*St. Philip's College Student Counseling Center: (210) 486-2333, Welcome Enrollment Center 106L

The following counseling resources can be reached 24/7:

- \*FOR EMPLOYEES: Deer Oaks Employee Assistance Program (210)614-2273 or (210)615-8880
- \*Rape Crisis Center: (210)349-7273
- \*El Rape Crisis Center En Espanol: Linea telefónica para crisis (210)349-7273
- \*Family Violence Prevention Services: (210)733-8810
- \*Battered Women's Hotline: (210)733-8810
- \*National Domestic Violence Hotline: (800)799-7233
- \*Sexual Assault Crisis & Resource Center Hotline: (210)349-7273
- \*Sexual Assault National Hotline: (800)656-4673

## MEDICAL RESOURCES

San Antonio Hospital Emergency Rooms with Sexual Assault Nurse Examiner (SANE) Programs For Adults & Adolescents who have gone through puberty:

- \*Methodist Specialty and Transplant Hospital: (210) 575-8168 (ER), 8026 Floyd Curl, San Antonio, Texas, 78229

For children and adolescents under the age of 17

- The Children's Hospital of San Antonio: (210)704-2190 (ER), 333 N. Santa Rosa, San Antonio, Texas, 78207

\*Under Texas law, medical clinicians are required to report to the police instances in which they observe physical injury caused by assaultive conduct.

## MORE INFORMATION AND RESOURCES

- **Visit [Alamo.edu/TitleIXCoordinator](http://Alamo.edu/TitleIXCoordinator)** to file a complaint online, access policies and information, or contact a Title IX Coordinator.
- **Visit [Alamo.edu/AlamoCARES](http://Alamo.edu/AlamoCARES)** for a more comprehensive list of counseling, legal, mental health, and medical resources.
- **Visit [YouAreNotAlone.gov](http://YouAreNotAlone.gov)** for more information about your rights and resources provided by law.