

H.1.2.1 (Procedure) Civil Rights Complaint and Resolution Procedure

Responsible Department: Title IX/VII/ADA/504 Coordinator

Based on Board Policy: [H.1.2](#) - Civil Rights Discrimination, Harassment and Retaliation

Approved: 10-28-14

Last Amended: 1-17-17

Alamo Colleges seeks to maintain a healthy academic and working environment that is free from Civil Rights Discrimination, Harassment and Retaliation. This procedure is established to ensure an environment that affords equal educational and employment opportunity to all students, faculty, staff, administrators and other members of the Alamo Colleges community.

The College District takes all reports and complaints of Civil Rights Discrimination, Harassment and Retaliation seriously. Every report will be fully and fairly investigated. Prompt remedial action will be taken whenever Discrimination, Harassment or Retaliation is found. This procedure is established to ensure complaints are promptly and effectively resolved with respect for all parties.

Complaint and Resolution Process

The complaint and resolution process is designed to receive, investigate, evaluate and resolve a complaint or report of civil rights discrimination, harassment or retaliation within sixty (60) days and will be conducted with that end in mind. A Procedure Diagram outlining the process steps and roles is attached to this procedure (see Attachment A). The primary steps in the process are:

1. Victim or witness notifies the Title IX/VII/ADA/504 Coordinator, Deputy Coordinator, Administrator or ACPD (Alamo Colleges Police Department) of a violation or potential violation.
2. Title IX/VII/ADA/504 Coordinator helps reporter prepare a formal complaint or report.
3. Title IX/VII/ADA/504 Coordinator notifies ACPD if the matter is also a potential police matter.
4. Title IX/VII/ADA/504 Coordinator establishes any interim remedies required to protect campus and/or workplace safety (such as suspension of employee or student).
5. Title IX/VII/ADA/504 Coordinator designates a trained Deputy Coordinator and trained Investigative Panel to conduct complaint resolution.
6. Deputy Coordinator provides concurrent official notice of the complaint to the complaining and accused parties and the senior College or DSO administrator(s) for the parties.
7. Investigative Panel launches an investigation to include interviewing witnesses and collecting evidence.

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8. Investigative Panel concludes the investigation.
9. Investigative Panel provides concurrent preliminary findings to all parties with a five (5) day opportunity for complainant and accused to provide any additional information for consideration by the Panel.
10. Investigative Panel considers and may investigate any additional information provided.
11. Investigative Panel Chair prepares and issues a Final Report of Investigative Findings to the Deputy Coordinator.
12. Deputy Coordinator renders an appropriate Resolution of the complaint based on the Investigation Panel's Final Report of Investigative Findings and the preponderance of all evidence collected by the Panel.
13. Deputy Coordinator provides a written Resolution concurrently to the complainant, accused and senior College or DSO administrator(s).
14. Deputy Coordinator refers any recommendations for employee discipline and/or student sanctions to the responsible administrator for evaluation and action.
15. The responsible Administrator implements appropriate Discipline or Sanctions, separate and apart from the Complaint Resolution Procedure but within, or as close to, the sixty (60) day Resolution Period as possible.
16. Complainant and Accused each have the opportunity to accept the Resolution or submit an Appeal to the Title IX/VII/ADA/504 Coordinator.
17. Appeals are processed in accordance with Civil Rights Appeal Procedure ([H.1.2.2](#)).

Providing Notification / Filing a Complaint

Any employee, student, or other member of the Alamo Colleges community, guest or visitor who believes the policy on Equal Education and Employment Opportunities or the policy on Civil Rights Discrimination, Harassment or Retaliation has been violated should notify the Alamo Colleges Title IX/VII/ADA/504 Coordinator, a designated Deputy Coordinator, the Alamo Colleges Police Department or an Alamo Colleges Administrator. The Title IX/VII/ADA/504 Coordinator is:

Title IX/VII/ADA/504 Coordinator

Linda Boyer-Owens

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Several alternate resources are available to facilitate notification:

- Attachment A. of this Procedure contains the names and contact information of the Title IX/VII/ADA/504 Coordinator and all Deputy Coordinators. Notification can be made to any individual named in Attachment A.
- A police report may be filed with the ACPD. In the event of a sexual assault or violence, the reporter should not hesitate to contact the ACPD immediately. ACPD will immediately notify the Title IX/VI/ADA/504 Coordinator.
- Notice can be provided to an Administrator (such as the Dean of Student Success) who will, in turn, immediately notify the Title IX Coordinator.
- Notice can be provided by filing an online report to the Title IX/VII/ADA/504 Coordinator at www.alamo.edu/TitleIXCoordinator/.

As with all discrimination, harassment, and retaliation complaints and reports, the complainant or reporter is encouraged to provide contact information to enable the College District to proceed with an investigation of the charges and take any remedial action.

Notification Processing

Any individual receiving a notification, complaint or report of alleged discrimination, harassment, retaliation, or sexual violence shall notify the Title IX/VII/ADA/504 Coordinator within 24 hours. The reporter or Title IX/VII/ADA/504 Coordinator will immediately notify the Alamo Colleges Police Department of any immediate or potential threat to individual, campus or workplace safety.

The Title IX/VII/ADA/504 Coordinator or a designated Deputy Coordinator or a representative of the Human Resources department will assist the complainant in preparing a formal written complaint, which shall include the date, time, place, and a specific description of the alleged conduct that constitutes the alleged discrimination, harassment, retaliation or sexual violence.

Complainants have the right, and can expect, to have complaints taken seriously by the College when formally reported, and to have those incidents investigated and properly resolved through these procedures.

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Confidentiality

All initial contacts will be treated with the maximum possible confidentiality, but specific information on any complaints received by any party must be reported to the Title IX VII/ADA/504 Coordinator.

Victims of sexual misconduct or other crimes should be aware that the ACPD must issue timely warnings when reported incidents pose a substantial threat of bodily harm or danger to members of the campus community. The College District will make every effort to ensure that a victim's name and other identifying information is not disclosed, while still providing enough information for community members to make safety decisions in light of the potential danger. Alamo Colleges is prepared to take appropriate steps to protect individuals who fear that they may be subjected to physical or other retaliation.

To the extent possible, complaints will be treated as confidential. Limited disclosure may be necessary as required by law, or to complete a thorough investigation. Confidentiality cannot be guaranteed if the complaint becomes the subject of an administrative, arbitral, or court proceeding or subpoena.

In all cases, the College District will give consideration to the complainant with respect to how the complaint is pursued, but reserves the right to investigate and pursue a resolution even when an alleged victim chooses not to initiate or participate in a formal complaint.

Victims of sexual assault shall not be identified by name in the College District Clery Report.

Duty to Investigate and Correct Violations

Alamo Colleges will act on any formal or informal complaint or notice of violation of the policy on Civil Rights Discrimination Harassment and Retaliation that is received by the Title IX/VII/ADA/504 Coordinator, Deputy Coordinator, Alamo Colleges ACPD or Alamo Colleges Administrator.

Because the law makes the College District responsible to investigate and, if appropriate, take corrective action as soon as management and supervisors become aware of an allegation of sexual or other civil rights based harassment, discrimination, or retaliation, any student, employee, and "Responsible Employee" including a supervisor, who becomes aware that a student or employee is being sexually harassed, harassed or discriminated against on the basis of any protected criteria, or retaliated against by a College District employee or student or third party shall promptly report the alleged

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violation as required in this procedure.

“Responsible Employee” is defined by the U.S. Department of Education, Office of Civil Rights as any employee with the authority to take action, an employee with reporting obligations, or any employee that a student would reasonably believe has the authority to report or take action. Victims have the option to, or not to, notify and seek assistance from ACPD or other law enforcement or authorities of the Alamo Colleges.

Freedom from Retaliation

Retaliation is defined as any materially adverse action taken against a person for who has filed or reported a complaint of discrimination, harassment, or retaliation with Alamo Colleges or an administrative agency; who has participated or testified in an investigation or proceeding; or who has reported a discriminatory practice in violation of a federal or statute prohibiting such conduct. Retaliation against an individual for alleging discrimination or harassment, supporting a complainant, assisting in providing information relevant to a claim of harassment, or engaging in conduct protected by law is a serious violation of College District policy and may be treated as another possible instance of harassment or discrimination. Acts of alleged retaliation should be reported immediately to the Title IX/VII/ADA/504 Coordinator and will be promptly investigated.

In the event retaliation is determined, appropriate disciplinary action or sanctions shall be initiated. The College District reserves the right to decline to indemnify or defend any employee who engages in retaliation in violation of this procedure.

Interim Remedial Action

If, in the judgment of the Title IX/VII/ADA/504 Coordinator, the safety or well-being of any member(s) of the campus community may be jeopardized by the presence on campus of the accused individual or the ongoing activity of a student organization whose behavior is in question, the Title IX/VII/ADA/504 Coordinator (or designee) may provide interim remedies intended to address the short-term effects of harassment, discrimination and/or retaliation, i.e., to redress harm to the alleged victim and the community and to prevent further violations. These remedies may include referral to counseling and health services or to the Employee Assistance Program, education to the community, altering work arrangements for employees, providing campus escorts, implementing contact limitations between the parties, offering adjustments to academic deadlines, course schedules, etc.

Alamo Colleges may interim suspend a student, employee, or organization pending the completion of investigation and procedures. In all cases in which an interim suspension

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is imposed, the student, employee or student organization will be given the opportunity to meet with the Title IX/VII/ADA/504 Coordinator or designated Deputy Coordinator prior to such suspension being imposed or as soon thereafter as reasonably possible to show cause why the suspension should not be implemented. Depending on whether the offending party is an employee or student, the Title IX VII/ADA/504 Coordinator or an appropriate administrator at the college where the student is enrolled has sole discretion to implement or stay an interim suspension under this policy, and to determine its conditions and duration. Violation of an interim suspension under this policy will be grounds for expulsion or termination.

During an interim suspension, an employee or student will be denied access to Alamo Colleges facilities and events. As to a student, this restriction may include classes and/or all other College/College District activities or privileges for which the student might otherwise be eligible. In addition, alternative coursework options may be pursued to ensure as minimal an impact as possible on the accused student.

Victims and the College District have the right to seek restraining, judicial no-contact and/or protective orders, and internal no-contact and criminal trespass warnings to maintain individual and campus safety.

Coordinator's Obligations

The Title IX/VII/ADA/504 Coordinator shall coordinate a prompt investigation of all complaints and allegations of discrimination, harassment, and retaliation based on protected class, including the reporting of sexual assaults and sexual misconduct. Upon receipt of a civil rights-based complaint, the Title IX/VII/ADA/504 Coordinator shall:

1. Immediately designate a Deputy Coordinator to conduct the complaint resolution process and issue the final resolution of the case. If the complaint is against an employee the Deputy Coordinator for Title VII/ADA/504 will be designated. If the complaint is against a student, a Deputy Coordinator for Title IX/ADA/504 will be designated.
2. Immediately appoint two members to the investigative panel from the available trained panel members. If either party to the complaint is a faculty member, the investigative panel shall include at least one faculty member. If either party to the complaint is a staff member, the investigative panel shall include at least one staff member;
3. Within five (5) College District business days, notify the accused (respondent) and complainant of the complaint and

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investigation by hand delivering the notice to the respondent (accused) with a copy of the notice to the complainant. The Title IX/VII/ADA/504 Coordinator or designee may extend the time allotted for delivering the notice to the accused in writing before the expiration of the original deadline under extraordinary circumstances. A break between semesters may constitute an extraordinary circumstance.

4. During this time period (between filing of the complaint and notification of the respondent (accused), the deputy coordinator and investigative panel shall be appointed, briefed and begin the investigation.

Investigation

An Investigative Panel shall have the authority to interview witnesses and gather documentation. Interviews will be the primary method of collecting information as part of the fact-finding investigation. Attorneys, representatives, and advocates are not allowed at internal interviews. Witnesses and the respondent are expected to be cooperative and truthful.

At all times, the investigative panel shall take steps to ensure privacy and confidentiality for witnesses, complainant and the respondent (accused) during the investigation, including without limitation, requiring all parties to agree, in writing, that information disclosed during the investigation shall not be disclosed to others unless required by law, court order, subpoena, or to defend the College District in legal or administrative proceedings, including appeals of the decision on the complaint. A violation of privacy or confidentiality shall be grounds for disciplinary action up to and including termination. The rights of a complainant and respondent, as stated in the College District's Policy on Civil Rights Discrimination, Harassment, and Retaliation shall be observed.

In most cases, the investigative process will take approximately 60 business days, but the investigation of more complex cases may take longer. The investigation shall be conducted as expeditiously as possible and, where necessary, the administration shall provide panel members with substitutes for pre-assigned responsibilities. A break between semesters may constitute an extraordinary circumstance that justifies an extension of the 60 day period for investigation and resolution, however the summer term will not be considered an appropriate period to forgo the investigation and resolution.

In the event of a criminal investigation of sexual misconduct charges, including sexual harassment and sexual assault, or an investigation in which a College District police officer is accused of sexual misconduct, sexual harassment, sexual violence, or other form of civil rights harassment or discrimination, the time lines in this procedure may be

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extended by three (3) to ten (10) days to enable the law enforcement to gather evidence and conduct preliminary investigation. The internal Civil Rights Complaint Resolution process cannot be delayed beyond ten (10) days.

Because the investigative panel has a serious responsibility to ascertain the facts, the whole College District has an interest in the accuracy and reliability of the information the investigative panel receives. For that reason, if any witness or alleged violator of this policy is later found to have knowingly provided false information to the investigative panel, the College District reserves the right not to indemnify or defend any employee who knowingly provides false information to the investigative panel in violation of this procedure and the right to take appropriate disciplinary action.

Investigative Panel Findings

Once all the facts and evidence are gathered from all parties and witnesses; and, the investigative panel concludes that the fact finding is complete; the investigative panel will issue a Final Report of Investigative Findings.

Before issuing a Final Report of Investigative Findings to the Title IX/VII/ADA/504 Coordinator or designee, the investigative panel will provide their conclusions concurrently to the complainant and accused parties and the administrator(s) in a Preliminary Report of Findings. The complainant and accused will be given an opportunity to comment and respond to the information presented and provide any additional information that may not have been reviewed by the investigative panel but should be considered prior to a decision and final report being issued regarding the complaint. Any additional information must be provided to the investigative panel within (5) business days.

Within the next five (5) business days, the investigative panel will consider any additional information provided and render a Final Report of Investigatory Findings to the Title IX/VII/ADA/504 Coordinator. The Final Report of Investigatory Findings will include the factual findings and the panel's conclusion whether the preponderance of the evidence obtained in the investigation establishes a violation of College District policy. The final report shall be dated and signed by all members of the investigative panel.

Resolution of Complaint

The Title IX/Title VII/ ADA/504 Coordinator or designated Deputy Coordinator assigned to conduct the complaint resolution process will determine the appropriate resolution of the complaint based on the factual evidence provided in the Final Report of Investigative Findings and the preponderance of evidence presented in the report.

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The Title IX/Title VII/ ADA/504 Coordinator or designated Deputy Coordinator assigned to conduct the complaint resolution process will provide a formal written Notice of Complaint Resolution to the complainant and respondent and administrator(s) concurrently in writing, within five (5) business days from receiving the report from the investigative panel. The notice of resolution will identify any findings of policy violation by any party and indicate which Alamo Colleges Administrator is responsible for determining the appropriate disciplinary action or sanctions to be taken.

The Complaint Resolution Notice will include information about the timeline for initiating sanctions and/or disciplinary actions as well as the Civil Rights Appeal Process that is available to the complainant and accused.

Disciplinary Actions or Sanctions

When the Complaint Resolution refers employee discipline and/or student sanction considerations to an Administrator(s). The Administrator or designee will have ten (10) business days to render a determination of action to be taken. Student Sanctions may be referred by the Administrator to the Student Conduct Officer, Dean or other Student Success leader for action. Employee Discipline may be referred to the employee's supervisor and Human Resources for determination and action.

Complaints against an employee may result in disciplinary action up to and including discharge in accordance with Alamo Colleges Policy (9.1, Progressive Discipline and 10.2, Separation from Employment) and associated Procedures.

Complaints against students may result in sanctions up to and including Expulsion in accordance with Alamo Colleges Student Code of Conduct (Policy [F.4.2](#) and associated Procedure [F.4.2.1](#)).

In the event of policy violations, a number of factors will be considered in determining appropriate discipline or remedial action, including the nature of the violation, the severity and pervasiveness of the conduct.

Nothing in this procedure limits or delays the College District's right to take appropriate disciplinary actions, up to and including termination, when an employees' behavior warrants the action, and nothing in this procedure shall prevent the College District from taking appropriate action against a person who knowingly makes a false accusation.

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Once the appropriate disciplinary action or sanctions have been determined, the complainant and accused respondent will be notified concurrently- in writing of the decision by the Title IX/VII/ADA/504 Coordinator or designated deputy.

Appeals

Both the complainant (complaining party) and the respondent (the accused party) may opt to accept the decision and determination of the action or sanctions imposed or submit an appeal to proceed before an Appeal Hearing Panel within ten (10) business days of the date of the letter communicating the decision of the investigative panel and the determination of disciplinary action or sanctions. The appeal procedure is stated in procedure [H.1.2.2](#) Civil Rights Appeal Procedure.

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Attachment A

Title IX/VII/ADA/504 Coordinator Contact List

A complaint of certain or potential discrimination, harassment or retaliation may be made to any of the following Coordinators or Deputies, or with Alamo Colleges Police Department (ACPD) or filed online at www.alamo.edu/TitleIXCoordinator/

Role	Name	Telephone	Email
Title IX/VII/ADA/504 Coordinator for Alamo Colleges	Linda Boyer-Owens	(210)485-0230	lboyer-owens@alamo.edu
Title IX/ADA/504 Deputy Coordinator for Students	Adelina Silva	(210)485-0150	asilva@alamo.edu
Title VII/ADA/504 Deputy Coordinator for Employees	Edward Contreras	(210)485-0216	econtreras@alamo.edu
Title IX/ADA/504 Deputy Coordinator for NLC Students	Debbie Hamilton	(210)486-5421	dhamilton@alamo.edu
Title IX/ADA/504 Deputy Coordinator for NVC Students	Deborah Gaitan	(210)486-4454	dgaitan@alamo.edu
Title IX/ADA/504 Deputy Coordinator for PAC Students	Gilbert Becerra	(210)486-3936	gbecerra8@alamo.edu
Title IX/ADA/504 Deputy Coordinator for SAC Students	Lisa Alcorta	(210)486-0950	lalcorta3@alamo.edu
Title IX/ADA/504 Deputy Coordinator for SPC Students	Mordecai I Brownlee	(210)486-2710	mbrownlee3@alamo.edu