



Frequently Asked Questions

What is Title IX and what does it cover?

Title IX is a federal civil rights law that prohibits discrimination on the basis of sex in federally funded education programs and activities. All public and private elementary and secondary schools, school districts, colleges, and universities receiving any federal financial must comply with Title IX.

What is Sexual Misconduct?

Sexual misconduct encompasses unwelcome conduct of a sexual nature that is prohibited by Title IX and Alamo Colleges. It includes, but is not limited to, sexual harassment, sex/gender discrimination, sexual assault, rape, stalking, and relationship violence (including domestic and dating violence). It is a violation of this policy and the law, including Title IX, to commit these acts or to attempt to commit them. Sexual misconduct can occur in any sex or gender configuration (i.e., between the opposite sex or same sex) regardless of sex and gender identity. Sexual misconduct on the part of employees and students is strictly prohibited by Alamo Colleges.

What is Sexual Violence?

Sexual violence refers to physical acts perpetrated against a person's will or where a person is incapable of giving consent (e.g., due to the student's age or use of drugs or alcohol, or because of an intellectual or other disability prevents the student from having the capacity to give consent).

Sexual Violence is defined as:

- Any intentional sexual touching, however slight
- With any object or part of the body
- By a person upon another person
- That is without consent and/or by force
- Or other intentional bodily contact of a sexual nature

Sexual touching includes any bodily contact with the breasts, groin, genitals, mouth or other bodily orifice of another individual, or any other bodily contact in a sexual manner. Sexual violence is a form of sexual harassment which is prohibited by Title IX, Title VII, and state law.

What is Sexual Harassment?

Federal and Texas law regards sexual harassment as a form of sex/gender discrimination and, therefore, as an unlawful discriminatory practice. Sexual harassment consists of:

Is there a Texas law that defines what is sexual assault?

For purposes of the Texas Penal Code § 22.011(b), a sexual assault is without consent for a number of reasons, including the following:



- (a) the actor compels the other person to submit or participate by the use of physical force;
- (b) the actor compels the other person to submit or participate by threatening to use force or violence against the other person and the other person, and the other person believes the actor has the present ability to execute the threat;
- (c) the other person has not consented and the actor knows the other person is unconscious or physically unable to resist;
- (d) the actor knows that as a result of mental disease or defect the other person is at the time of the sexual assault incapable either of appraising the nature of the act or of resisting it;
- (e) the other person has not consented and the actor knows the other person is unaware that the sexual assault is occurring;
- (f) the actor has intentionally impaired the other person's power to appraise or control the other person's conduct by administering any substance without the other person's knowledge;
- (g) the actor compels the other person to submit or participate by threatening to use force or violence against any person, and the other person believes the actor has the ability to execute the threat; and
- (h) the actor is a public servant who coerces the other person to submit or participate. In Texas, a minor (meaning a person under the age of 18 years) cannot consent to H.1.2 (Policy) Civil Rights Discrimination, Harassment, and Retaliation Responsible Department: Title IX/VII/ADA/504 Coordinator Board Adoption: 10-28-14 Last Board Action: 10 of 17

How does a school violate a student's rights under Title IX?

A school violates a student's rights under Title IX regarding student-on-student sexual violence when the following conditions are met:

- The alleged conduct is sufficiently serious to limit or deny a student's ability to participate in or benefit from the school's educational program, i.e. creates a hostile environment;

What is a hostile environment?

A hostile environment is created when there is a repeated series of pervasive events that makes the student unable to participate and/or learn from the educational program. The more severe the conduct, the less need there is to show a repetitive series of incidents to prove a hostile environment, particularly if the conduct is physical. A single or isolated incident of sexual violence may create a hostile environment

Does Title IX cover Sexual Violence from employees towards students?

Title IX also protects students from other forms of sexual harassment (including sexual violence and sexual abuse), such as sexual harassment carried out by school employees. Sexual harassment by school employees can include unwelcome sexual advances; requests for sexual favors; and other verbal, nonverbal, or physical conduct of a sexual nature, including but not limited to sexual activity. Title IX's prohibition against sexual harassment generally does not extend to legitimate nonsexual touching or other nonsexual conduct. But in some circumstances, nonsexual conduct may take on sexual connotations and rise to the level of sexual harassment. For example, a teacher repeatedly hugging and putting his or her arms



around students under inappropriate circumstances could create a hostile environment. Early signs of inappropriate behavior with a student can be the key to identifying and preventing sexual abuse by college personnel

Where can I find Alamo Colleges policies that comply with Title IX?

Title IX reference policies can be found below.

[H.1.1 \(Policy\) Equal Education and Employment Opportunities.pdf](#)

[H.1.2 \(Policy\) Civil Rights Discrimination, Harassment, and Retaliation.pdf](#)

[F.4.2 \(Policy\) Student Code of Conduct - Non-Academic Misconduct, Academic Integrity.pdf](#)

How do I report a Title IX violation?

A Title IX complaint can be reported to any staff, faculty or administrator as well as directly to the below individuals:

Title IX Coordinator:

Linda Boyer-Owens
201 W. Sheridan St., Bldg. A
San Antonio, Texas 78204
210-485-0200

Title IX Deputy Coordinators:

Vice President for Student Success
Northeast Lakeview College
Dr. Debbie C. Hamilton
486-5421
STCM 222M Student Commons

Vice President for Student Success
Northwest Vista College
Debi Gaitan
486-4454
Cypress Campus Center 208

Vice President for Student Success
Palo Alto College
Dr. Robert L. Garza
486-3930
Palomino Center 119A

Vice President for Student Success
St. Philip's College
Dr. Sherrie Lang
486-2252
Sutton Learning Center 306N



Vice President for Student Success
San Antonio College
Dr. Lisa Alcorta
486-0906

When a Title IX Complaint is received, what happens?

When a Title IX complaint is received, Alamo Colleges will take immediate and appropriate steps to investigate or otherwise determine what occurred. If an investigation reveals that sexual violence created a hostile environment, Alamo Colleges will take prompt and effective steps reasonably calculated to end the sexual violence, eliminate the hostile environment, prevent its recurrence, and, as appropriate, remedy its effects.

Alamo Colleges will protect the complainant and ensure his or her safety as necessary, including taking interim steps before the final outcome of any investigation.

The complainant will receive periodic updates on the status of the investigation and, if it is confirmed that sexual violence has occurred, Alamo Colleges will protect the complainant and ensure his or her safety, as necessary.

Are there are resources that are available to me?

There is an extensive list of resources for the eight counties served by the Alamo Colleges in [AlamoCARES Student Resources](#)

I want to report a Title IX violation; will my information be kept confidential?

If you would like a Title IX investigation completed, you can request that your information is kept confidential and Alamo Colleges will do everything to keep it as such. But if the allegation is of such a serious nature your information may be used at the discretion of the Title IX Coordinator or designee. Your personal information would only be used in the completion of the investigation and only shared with those directly involved in the Title IX investigation

I was the victim of sexual violence. Can I report this confidentially?

Yes, it's your choice. If you would like to speak to a confidential counselor, they are provided free of charge by Alamo Colleges and the incident will not be reported, if that is what you choose to do.

College Counselor's Offices

Northeast Lakeview College 486-5000
STCM 222H Student Commons

Northwest Vista College 486-4834 or 486-4419
Cypress Campus Center 204



Palo Alto College 486-3333
CSSC Rm. 200

St. Philip's College 486-2333
Welcome Enrollment Center 106L

San Antonio College 486-0334

Can I report the incident to law enforcement?

Yes, it's your option to additionally report any sexual violence to law enforcement. Any serious incident will be directed to law enforcement to ensure the safety of the student and others.

Alamo Colleges Police Department

Emergency 210-485-0911
24 Hour Dispatch 210-485-0099
dst-dpsdispatch@alamo.edu
Personal Safety

What do I do if I am the respondent in a Title IX case?

All parties involved are given equal consideration and due process. While Alamo Colleges will, in the interim, ensure a safe environment for the complainant, Alamo Colleges will also ensure the respondent has as little disruption to their own educational experience as possible. The Title IX investigation will typically take up to 60 days to complete, with an appeal process lasting up to another 30 days. Both parties will be informed on the progress of the investigation and given the opportunity to provide witnesses or evidence. Individuals found to be in violation of Title IX will be subject to the Student Code of Conduct and disciplinary actions associated with it.

What are my rights as a complainant?

Statement of Complainant's Rights, Whether Employee or Student

A complainant is the person who makes a complaint of civil rights discrimination, harassment or retaliation under this policy.

- (a) A complainant has the right to file a criminal complaint.
- (b) A complainant has the option to, or not to, notify and seek assistance from law enforcement and/or Alamo Colleges' authorities.
- (c) A complainant and the College District have the right to seek restraining, judicial no-contact and protective orders, internal no contact orders, and criminal trespass warnings to ensure personal safety and maintain as safe campus and work environment.
- (d) A complainant has the right to have a prompt, fair, and impartial Civil Rights Complaint and Resolution Procedure that ensures a fair, prompt, and equitable process for both parties.
- (e) A complainant has the right to present his or her case, including the right to an adequate, reliable, and impartial investigation of complaints, the right to an equal opportunity to present witnesses and other evidence, and the right to the same appeal procedure for complainant and respondent.
- (f) A complainant has the right to be treated with respect by College officials.



- (g) A complainant has the right to take advantage of Alamo Colleges support resources (such as College Counseling, College Health Services for students, or EAP services for employees).
- (h) A complainant has the right for the complaint to be decided using a preponderance of the evidence standard (i.e., more likely than not the harassment or other conduct occurred).
- (i) A complainant has the right to have an adviser, attorney, or other advocate of the complainant's choice and at the complainant's cost present during the Civil Rights Appeal Procedure.
- (j) A complainant has the right to refuse to have an allegation resolved through conflict resolution procedures.
- (k) A complainant has the right to be considered for amnesty for minor student misconduct (such as alcohol or drug violations) that is ancillary to the incident.
- (l) A complainant has the right to be free from retaliation for engaging in protected activity.
- (m) A complainant has the right to have complaints heard in substantial accordance with the Civil Rights Complaint and Resolution Procedure and procedures and to participate in the process whether the injured party or the College District is the complainant.
- (n) A complainant has the right to be informed in writing of the outcome/resolution of the complaint, sanctions where permissible, and the rationale for the outcome where permissible. A complainant has the right to challenge any finding, decision, determination, sanction, or action taken and the right for Student Code of Conduct procedures to be followed where applicable.

What are my rights as a respondent?

Statement of Respondent's Rights, Whether an Employee or Student:

A Respondent is the person against whom a complaint is lodged or made under this policy.

- (a) A respondent has the right to have a prompt, fair, and impartial Civil Rights Complaint and Resolution Procedure that ensures an equitable process to both parties.
- (b) A respondent has the right to be advised of the complaint against him or her and to the same due process rights as the complainant.
- (c) A respondent has the right to an adequate, reliable, and impartial investigation of complaints, the right to an equal opportunity to present witnesses and other evidence, and the right to the same appeal procedure as the complainant.
- (d) A respondent has the same right as a complainant to present his or her case, to present witnesses and other evidence, and to challenge the complaint made against respondent.
- (e) A respondent has the right for the complaint to be decided using a preponderance of the evidence standard (i.e., more likely than not the harassment or other conduct occurred).
- (f) A respondent has the right to have an adviser, attorney, or other advocate of the respondent's choice and at the respondent's cost present during the Civil Rights Appeal Procedure.
- (g) A respondent has the right to be considered for amnesty for minor student misconduct (such as alcohol or drug violations) that is ancillary to the incident.
- (h) A respondent has the right to have complaints heard in substantial accordance with the Civil Rights Complaint and Resolution Procedure and to participate in the process whether the injured party or the College District is the complainant. A respondent has the right to be treated with respect by College officials.



(i) A respondent has the right to take advantage of campus support resources (such as Counseling, College Health Services for students, or EAP services for employees).

(j) A respondent has the right to refuse to have an allegation resolved through conflict resolution procedures.

(k) A respondent has the right to have complaints heard in substantial accordance with the Civil Rights Complaint Resolution Procedure and to participate in the process whether the injured party or the College District is the complainant.

(l) A respondent has the right to be informed in writing of the outcome/resolution of the complaint, any sanctions imposed against the respondent, and the rationale for the outcome.

What is retaliation and what happens if someone retaliates against me for participating in a Title IX investigation?

Retaliation is defined as any adverse action taken against a person participating in a protected activity because of their participation in that protected activity. Retaliation against an individual for alleging harassment, supporting a complainant or for assisting in providing information relevant to a claim of harassment is a serious violation of College District policy and will 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 or designated Deputy and will be promptly investigated. Alamo Colleges is prepared to take appropriate steps to protect individuals who fear that they may be subjected to retaliation

Does the sexual violence have to occur on school property?

No, as a student of Alamo Colleges you are covered by Title IX no matter where the incident occurs and have the right to report and seek help through Alamo Colleges.

What is sexual consent?

Consent is knowing, voluntary and clear permission by word or action, to engage in mutually agreed upon sexual activity. Since individuals may experience the same interaction in different ways, it is the responsibility of each party to make certain that the other has consented before engaging in the activity. For consent to be valid, there must be a clear expression in words or actions that the other individual consented to that specific sexual conduct.

What does incapacitated mean?

Incapacitation is defined as a state where someone cannot make rational, reasonable decisions because they lack the capacity to give knowing consent (e.g., to understand the “who, what, when, where, why or how” of their sexual interaction). This policy also covers a person whose incapacity results from mental disability, involuntary physical restraint, and/or from the taking of incapacitating drug

I was drinking alcohol or under the influence of drugs during the sexual activity but did not participate, is it still my fault?

No, it's never your fault; any reasonable person can determine if a person is impaired and not able to consent to sexual activity. There is no excuse that either party was under the influence and did not know what they were doing



Will I get in trouble if I'm under age and drinking alcohol or using illicit drugs when I was sexually assaulted?

No, Alamo Colleges will ensure that your rights under Title IX are respected and will not pursue secondary offenses when a student was allegedly the victim of sexual violence.

I initially consented to sexual activity but then wanted to stop, is it too late after I already consented to change my mind?

No, it's your body and your choice. At any point that you decide that you no longer want to participate, all sexual activity ceases. No, will always mean no and no one has the right to force you to do anything you do not want to do

Another student follows me everywhere I go but has not said or done anything to me but I feel uncomfortable, is there anything I can do?

Yes, if the behavior is pervasive and interfering with your ability to benefit from the school's educational program then a hostile environment has been created. If reported this incident would be investigated under Title IX and interim remedies would be offered to ensure that you would be able to continue your educational experience

When I try to speak, my partner will not let me answer and insist on being everywhere with me, is this wrong?

Yes, you have the right to confidentially and can speak to any Alamo Colleges employee privately. If the person insist to be with you notify the employee ahead of time and arrangements can be made

What is stalking?

Stalking involves an intentional course of repeated conduct or behavior over a period of time, directed at a specific person, or member of the specific person's family or household or an individual with whom the specific person has a dating relationship which causes the person to be placed in fear of bodily injury or death or in fear that an offense will be committed against the other person's property to feel harassed, annoyed, alarmed, abused, tormented, embarrassed or offended. Stalking and cyberstalking are behaviors prohibited by Texas law and the College District.

What are some methods of stalking?

There are many different ways a person may stalk another. These are not an all-encompassing list, but are some common methods that are currently being used. Stalking can take place on popular social media sites such as Facebook and Myspace. When the information is not secured an individual can track a person's current and future locations. Cell phone tracing is another method of stalking. An individual can hide a cell phone either inside or outside a vehicle and then monitor movements by GPS and if placed in the vehicle listen to conversations. Another method is by what is called "Spoofing", in this method a person masks their phone number when calling someone else and can send any phone number to the other person's cell phone, masking their identity and pretend to be someone else



How do I recognize abusive behavior?

Abusive behavior can manifest in many forms and often escalates from threats and verbal abuse to violence. While physical injury is the most obvious danger, the emotional and psychological consequences of abuse are also severe. The abuse can include belittling or controlling behaviors that lead to feelings of self-loathing, helplessness, and desperation. The most telling sign of an unhealthy and abusive relationship is fear of the person committing the acts. To recognize the telltale signs and symptoms of emotional abuse and violent behaviors, the situation should be assessed for the following: • Seem afraid or anxious to please their partner; • Go along with everything their partner says and does; • Check in often with their partner to report where they are and what they're doing; • Receive frequent, harassing phone calls from their partner; • Talk about their partner's temper, jealousy, or possessiveness.

What are warning signs of physical violence?

Persons who are being physically abused may: • Have frequent injuries, with the excuse of "accidents;" • Frequently miss work, school, or social occasions, without explanation; • Dress in clothing designed to hide bruises or scars (e.g. wearing long sleeves in the summer or sunglasses indoors).

What are warning signs of isolation?

Persons who are being isolated by their abuser may: • Be restricted from seeing family and friends; • Rarely go out in public without their partner; • Have limited access to money, credit cards, or the car.

What are psychological warning signs of abuse?

Persons who are being abused may: • Have very low self-esteem, even if they used to be confident; • Show major personality changes (e.g. an outgoing person becomes withdrawn); • Be depressed, anxious, or suicidal.

Who is a bystander?

A bystander is someone who sees a situation but may or may not know what to do, may think others will act or may be afraid to do something. Intervening in abusive or potentially violent behavior first requires an ability to identify the warning signs and then consider whether the situation demands action. Before getting involved, the priority is to evaluate safe and positive ways to act to prevent or intervene. If the situation is already violent or is escalating quickly, do not directly intervene. Call the police

What is domestic violence?

Domestic Violence is referred to as "Family Violence" in Texas. The Texas Family Code at § 71.004 defines "Family violence" as:(1) an act by a member of a family or household against another member of the family or household that is intended to result in physical harm, bodily injury, assault, or sexual assault or that is a threat that reasonably places the member in fear of imminent physical harm, bodily injury, assault, or sexual assault, but does not include defensive measures to protect oneself; (2) abuse, as that term is defined by sections 261(1), (C), (E), and



(G), by a member of a family or household toward a child or the family or household; or (3) dating violence, as that term is defined by Section 71.0021 of the Texas Family Code.

What is dating violence?

Dating Violence, as defined by § 71.0021 in the Texas Family Code, means an act, other than a defensive measure to protect oneself, by an actor that: (i) is committed against a victim: (a) with whom the actor has or has had a dating relationship; or (b) because of the victim's marriage to or dating relationship with an individual with whom the actor is or has been in a dating relations or marriage; and (ii) is intended to result in physical harm, bodily injury, assault, or sexual assault or that is a threat that reasonably places the victim in fear of imminent physical harm, bodily injury, assault, or sexual assault. (iii) "Dating relationship" under the Texas Family Code means a relationship between individuals who have or have had a continuing relationship of a romantic or intimate nature. The existence of such a relationship shall be determined based on consideration of (1) the length of the relationship; (2) the nature of the relationship; and (3) the frequency and type of interaction between the persons involved in the relationship