

Galen College of Nursing – Dallas, TX Campus

2025 ANNUAL SECURITY REPORT

Introduction

This report is provided in compliance with the Jeanne Clery Campus Safety Act. It provides students and employees of Galen College of Nursing ("College") with information on: the College's security arrangements, policies and procedures; programs that provide education on such things as drug and alcohol abuse, awareness of various kinds of sex offenses, and the prevention of crime generally; and procedures the College will take to notify the campus community in the event of an emergency. Its purpose is to provide students and employees with information that will help them make informed decisions relating to their own safety and the safety of others.

Policy for Preparing the Annual Report

This report is prepared by the Office of Accreditation, Compliance, & Regulatory Affairs in cooperation with local law enforcement authorities and includes information provided by them as well as by the College's campus security authorities and various other elements of the College. Each year an e-mail notification is made to all enrolled students and employees that provides the website link to access this report. Prospective students and employees are also notified of the report's availability. Hard copies of the report may also be obtained at no cost by contacting compliance@galencollege.edu. The College is committed to taking the actions necessary to provide a safe and secure working/learning environment for all students and staff. As a member of the campus community, you can feel safe and comfortable knowing that security procedures are in place that represent best practices in the field, and are constantly tested and re-evaluated for their effectiveness.

General Safety and Security Policies

Campus Security Personnel & Relationship with Local Law Enforcement

The College does not have a campus security or police department. While the College does not have any written agreements with local law enforcement agencies, it does maintain a relationship with local police and engages with them when appropriate.

Campus Security Authorities

The College has designated certain officials to serve as campus security authorities. Reports of criminal activity can be made to these officials. They in turn will ensure that the crimes are reported for collection as part of the College's annual report of crime statistics. The campus security authorities to whom the College would prefer that crimes be reported are listed below.

- The *Office of Accreditation, Compliance, & Regulatory Affairs* at compliance@galencollege.edu
- *Danielle Edwards, MSSW, Title IX Coordinator* at dedwards@galencollege.edu; (726) 245-2026 (office)
- *Page Marshall M.Ed., Title IX Coordinator* at emarshall@galencollege.edu; (828) 820-2164 (office)
- *Elizabeth Mulhollon, MAT, Disabilities Services Manager* at emulhollon@galencollege.edu; (502) 709-8011 (office)
- *Michael Stansbury, Director of Campus Safety* at mstansbury@galencollege.edu; (502) 410 – 6217 (office)
- *Wendy Penha, Director of Campus Operations (Dallas Campus)* at wpenha@galencollege.edu; (469) 676-0781 (office)
- *Angela Worrell, MS, Director of Campus Operations* at aworrell@galencollege.edu; (512) 900-2618 (office)
- *Marshall Moore, MBA, Vice President of Operations* at mmoore@galencollege.edu; (502) 410-6230 (office)

Reporting a Crime or Emergency

The College encourages accurate and prompt reporting of all criminal actions, emergencies, or other incidents occurring on campus, on other property owned by the College, or on nearby public property to the appropriate administrator and appropriate police agencies. Such a report is encouraged when the victim of a crime elects to, or is unable to, make such a report.

- If a crime is in progress or there is some other situation posing imminent danger, local law enforcement can be reached by dialing 911.
- All criminal actions detected during school operating hours are to be reported to the front desk at (972) 244-7400, who will notify the school administrator on site. Galen supports the enforcement of all local, state, and national laws and will cooperate with appropriate law enforcement agencies in this activity.
- Students, staff, and visitors may also report situations to one of the campus security authorities identified above. Once reported, the individual may also be encouraged to report the situation to the appropriate police agency. If requested, a College staff member will assist in making the report to police.
- Victims or witnesses are encouraged to report crimes to campus administration and may contact Wendy Penha, Director of Campus Operations at wpenha@galencollege.edu, (469) 676-0781, the Office of Accreditation, Compliance, & Regulatory Affairs located at the main campus in Louisville, Kentucky at compliance@galencollege.edu, or the Director of Campus Safety at campussafety@galencollege.edu to report crimes and instances where the individual wants to remain anonymous or report confidentially, within the parameters of the law.

Confidential Reporting

The College will protect the confidentiality of victims. Only those with a need to know the identity for purposes of investigating the crime, assisting the victim or disciplining the perpetrator will know the victim's identity.

There are certain employees at the College who are required to report to the Title IX Coordinator when they become aware of alleged sexual misconduct (including, but not limited to, dating violence, domestic violence, sexual assault, and stalking), including providing the status of the parties if known. Other personnel are encouraged to forward reports of sexual misconduct to the Title IX Coordinator, and confidential resources, including the School Counselor, acting in their professional capacity, may not report this type of information without the permission of the victims, thus allowing the victim to keep the report confidential. A victim of other types of crimes (e.g., aggravated assault, burglary, etc.) who does not want to pursue action within the College disciplinary system or the criminal justice system is nevertheless encouraged to make a confidential report to a campus security authority or the School Counselor. Upon the victim's request, a report of the details of the incident can be filed with the College without revealing the victim's identity. Such a confidential report complies with the victim's wishes but still helps the College take appropriate steps to ensure the future safety of the victim and others. With such information, the College can keep an accurate record of the number of incidents involving members of the campus community, determine where a pattern of crime may be developing, and alert the community as to any potential danger. These confidential reports are counted and disclosed in the annual crime statistics for the College.

The College encourages its professional counselors, if and when they deem it appropriate, to inform the person they are counseling to report crimes on a voluntary, confidential basis for inclusion in the annual report of crime statistics. The College does not have pastoral counselors.

Security of and Access to Campus Facilities

Galen is committed to the safety of all students, faculty, and staff. Students, faculty, and staff are required to wear a photo identification badge when on campus or at a clinical site. These badges are provided when students begin their program of study and to employees on the first day of employment. Entry doors to all campus facilities are locked and require either a security access code or swipe card to enter the premises. The codes are changed on a regular basis and swipe cards are deactivated for inactive students and employees to ensure proper security access privileges. In addition, Galen may employ security to verify ID badges and disseminate visitor badges.

Students and employees are asked to be alert and to not circumvent practices and procedures that are meant to preserve their safety and that of others.

- Do not prop doors open or allow strangers into campus buildings that have been secured.
- Do not lend ID badges to non-students and do not leave them unattended.

Security Considerations in the Maintenance of Facilities

Each campus facility is leased, and the College relies on the building landlord and management to make the appropriate repairs to keep the facility safe and in good working order. The Galen Facilities Department works to identify maintenance issues on campus that may be safety hazards. Safety checks are completed to identify street or safety lights that are not functioning properly or to determine if shrubs or other landscaping might need trimming.

Appropriate building management is notified for action. Maintenance personnel regularly check to ensure there is adequate lighting on pathways and that egress lighting is working in hallways and stairwells.

Educational Programs Related to Security Awareness and Prevention of Criminal Activity

The College seeks to enhance the security of its campus and the members of the campus community by periodically presenting educational programs to inform students and employees about campus security procedures and practices, to encourage students and employees to be responsible for their own security and the security of others and to inform them about the prevention of crimes. These programs are discussed below.

The College provides students and employees with information regarding the College's security procedures and practices at the beginning of each academic term. This information can be found in the Student Catalog, Employee Handbook, and on digital display around campus. It advises students and employees on the importance of reporting criminal activity and to whom crimes should be reported. It also reminds students and employees of the importance of being responsible for their own safety and the safety of others and provides practices regarding timely warnings and emergency notifications.

Crime prevention programs are also presented annually by the Office of Accreditation, Compliance, & Regulatory Affairs and the campus's Title IX Coordinator during National Prevention Week.

Monitoring Off Campus Locations of Recognized Student Organizations

The College does not have any officially recognized student organizations with off campus locations and therefore does not monitor or record criminal conduct occurring at such locations.

Disclosure of the Outcome of a Crime of Violence or Non-Forcible Sex Offense

Upon written request, the College will disclose to the alleged victim of a crime of violence (as that term is defined in section 16 of title 18, United States Code), or a non-forcible sex offense, the report on the results of any disciplinary proceeding conducted by the College against a student who is the alleged perpetrator of such crime or offense. If the alleged victim is deceased as a result of such crime or offense, the next of kin of such victim shall be treated as the alleged victim for purposes of the paragraph.

The previous paragraph does not apply to victims of dating violence, domestic violence, sexual assault, or stalking because under the Violence Against Women Act both the accused and accuser in these cases are given the results without the need to make a written request.

Drug and Alcohol Policy

The College is committed to creating and maintaining an environment that is free of alcohol abuse. The College prohibits the possession, use, and sale of alcoholic beverages on campus

or as any part of the College's activities unless it is done so in accordance with applicable College policies, and it also enforces the state's underage drinking laws.

The College enforces Federal and State drug laws. The possession, sale, manufacture, or distribution of illegal drugs is prohibited on campus or as any part of the College's activities. Violators of the College's policies or Federal and State laws regarding illegal drugs will be subject to disciplinary action and possibly criminal prosecution.

Federal Drug Laws (updated 07.18.2025)

Denial of Federal Benefits (21 U.S.C. § 862) A federal drug conviction may result in the loss of federal benefits, including loans, grants, scholarships, contracts, and licenses, although the Department of Education has said it will no longer disqualify students from Title IV aid for a federal or state conviction for possession or sale of a controlled substance.

Forfeiture of Personal Property and Real Estate (21 U.S.C. § 853) Any person convicted of a federal drug offense punishable by more than one year in prison shall forfeit to the United States any personal or real property related to the violation. A warrant of seizure may be issued and property seized at the time an individual is arrested on charges that may result in forfeiture.

Federal Drug Trafficking Penalties (21 U.S.C. § 841) Penalties for federal drug trafficking convictions vary according to the type and quantity of the controlled substance involved in the transaction. Penalties for subsequent convictions are more severe. Federally-defined schedules of controlled substances are published at 21 U.S.C. § 812.

In the case of a controlled substance in schedule I or schedule II, GHB (or, "liquid ecstasy"), or flunitrazepam (or, "rohypnol"), a person shall be sentenced to a term of imprisonment of not more than 20 years. If death or serious bodily injury results from the use of a controlled substance which has been illegally distributed, the person convicted on federal charges of distributing the substance faces the possibility of a life sentence and fines ranging up to \$10 million.

In the case of a controlled substance in schedule III, a person shall be sentenced to a term of imprisonment of not more than 10 years, and if death or serious bodily injury results, shall be sentenced to a term of imprisonment of not more than 15 years or a fine not to exceed \$500,000, or both, for a first offense.

For less than 50 kilograms of marijuana, the term of imprisonment shall not be more than five years, and the fine shall not be more than \$250,000, or both, for a first offense.

In the case of a schedule IV substance, the term of imprisonment shall not be more than five years, and the fine shall not be more than \$250,000, or both, for a first offense.

Persons convicted on federal charges of drug trafficking within 1,000 feet of an elementary school, secondary school, college, or university **(21 U.S.C. § 860)** face penalties of prison terms and fines which are twice as high as the regular penalties for the offense, with a mandatory prison sentence of at least one year, unless the offense involves five grams or less of marijuana.

Federal Drug Possession Penalties (21 U.S.C. § 844) Persons convicted on federal charges of possessing any controlled substance face penalties of up to one year in prison, a mandatory fine of no less than \$1,000, or both. Second convictions are punishable by not less than 15 days but not more than two years in prison and a minimum fine of \$2,500. Subsequent convictions are punishable by not less than 90 days but not more than three years in prison and a minimum fine of \$5,000.

For the most recent and complete Federal Trafficking Penalties information, visit the website of the U.S. Drug Enforcement Administration at <https://www.campusdrugprevention.gov/content/drug-scheduling-and-penalties>.

Drug and Alcohol State Laws

Category	Summary (Texas Code Annotated)
Possession of Marijuana	<p>Knowingly or intentionally possessing marijuana is illegal in Texas. Tex. Health & Safety Code Ann. § 481.121(a). A Class B misdemeanor occurs if the amount of marijuana possessed is 2 ounces or less. Tex. Health & Safety Code Ann. § 481.121(b). A Class A misdemeanor occurs if the amount of marijuana possessed is between 2 ounces and 4 ounces. <i>Id.</i> An individual guilty of a Class B misdemeanor will be punished by a fine not to exceed \$2,000, confinement in jail for a term not to exceed 180 days, or both. Tex. Penal Code Ann. § 12.22. An individual adjudged guilty of a Class A misdemeanor will be punished by a fine not to exceed \$4,000, confinement in jail for a term not to exceed 1 year, or both. Tex. Penal Code Ann. § 12.21. As the amount of marijuana increases, the crime classification becomes more severe and related penalties increase. Tex. Penal Code Ann. § 481.121(b).</p> <p>Qualified medical professionals are authorized to prescribe low-THC cannabis (no more than .05%) to qualifying Texas residents with certain medical conditions. Tex. Occupations Code Ann. §§ 169.002-169.003.</p>
Controlled Substances	<p>Texas Health & Safety Code Ann. §§ 481.101 – 481.141 cover a wide range of offenses related to controlled substances. Penalties for the possession and delivery of illegal drugs include prison sentences and monetary fines and vary widely by the type of drug, amount confiscated, and whether the individual possessed or manufactured/delivered the controlled substance. <i>See</i> Texas Health & Safety Code Ann. §§ 481.101 – 481.141.</p> <p>As an example, a person who possesses less than 28 grams of a controlled substance listed in Penalty Group 3 (i.e., anabolic steroids) is guilty of a Class A misdemeanor punishable by a fine not to exceed \$4,000, confinement in jail for up to 1 year, or both. Tex. Health & Safety Code Ann. §§ 481.104, 481.117; Tex. Penal Code Ann. § 12.21. A person who knowingly or intentionally possesses less than 1 gram of a controlled substance listed in Penalty Group 1 (i.e. opiates) or 1-B (i.e. fentanyl) is guilty of a state jail felony. Tex. Health and Safety Code Ann. §§ 481.102, 481.1022, 481.115(b). A person found guilty will be subject to confinement in a state jail for any term of 180 days up to two years, and</p>

Category	Summary (Texas Code Annotated)
	<p>may be fined up to \$10,000. Tex. Health & Safety Code Ann. § 481.115 and Tex. Penal Code Ann. § 12.35.</p> <p>It is a defense to prosecution under certain, defined circumstances if the actor was the first person to request emergency medical assistance in response to the possible overdose of another person or was the victim of a possible overdose for which emergency medical assistance was requested during an ongoing medical emergency. <i>E.g.</i>, Tex. Health & Safety Code Ann. § 481.117(f).</p>
Alcohol and Minors	<p>A minor who consumes alcohol outside the visible presence of the minor's adult parent/guardian or spouse is punishable by a fine of \$250 to \$2,000 and imprisonment for up to 180 days. Tex. Alcoholic Beverage Code §§ 106.04, 106.071. The court may also impose penalties like community service, driver's license suspension, and education or treatment. <i>See</i> Tex. Alcoholic Beverage Code Ann. § 106.04. A minor may possess an alcoholic beverage while in the course and scope of the minor's employment. Tex. Alcoholic Beverage Code § 106.05.</p> <p>An adult 21 years of age or older who is not a minor's parent/guardian or spouse is liable for damages proximately caused by the intoxication of a minor under the age of 18 if the adult served the minor or allowed the minor to be served alcoholic beverages that contributed to the minor's intoxication on the premises owned or leased by the adult. Tex. Alcoholic Beverage Code Ann. § 2.02.</p> <p>A person may purchase an alcoholic beverage for or give an alcoholic beverage to a minor if the person is the minor's adult parent/guardian or spouse and is visibly present when the minor possesses or consumes the alcoholic beverage. Tex. Alcoholic Beverage Code Ann. § 106.06(b)(1).</p> <p>A minor commits an offense if the minor falsely states that he/she is 21 years of age or older or presents any document that indicates he/she is 21 years of age or older to a person engaged in selling or serving alcoholic beverages. Tex. Alcoholic Beverage Code Ann. § 106.07.</p>
Driving While Intoxicated (DWI)	<p>One is guilty of driving while intoxicated if he or she has a blood alcohol concentration of 0.08 percent or more. Tex. Penal Code Ann. §§ 49.01(2), 49.04(a). This is a Class B misdemeanor, with a minimum term of confinement of 72 hours. Tex. Penal Code Ann. § 49.04(b). An offender can also be subject to fines, revocation/suspension of license, a vehicle interlock system, and educational programs. <i>See</i> Tex. Penal Code Ann. § 49 <i>et seq.</i> and Tex. Transp. Code Ann. § 524.022.</p>

Drug and Alcohol Abuse Prevention Program

In compliance with the Drug Free Schools and Communities Act (DFSCA), the College has a drug and alcohol abuse prevention program, which includes an annual notification to students and employees regarding certain drug and alcohol-related information (such as legal sanctions for violations of applicable laws, health risks, etc.) and a biennial review of this

program to evaluate its effectiveness and assess whether sanctions are being consistently enforced. For more information, see below.

- Galen's drug/alcohol policies applicable to students can be found on the Consumer Disclosures page of its website under the "Drug Law Violations" and "Federal and State Drug Trafficking Penalties" headings:
<https://galencollege.edu/accreditation/policies-disclosures/consumer>
- The *Drug Free Policy* is published in the "Health & Safety" section of the Student Catalog: <https://galencollege.edu/campuses/dallas/catalog-resources>
- The College also has a *Drug-free Workplace Policy*, which is stated in the *Employee Handbook*. The *Employee Handbook* is available to all employees 24/7 on the College's internal Employee Resource Center.
- For more information about the biennial review of the College's drug and alcohol abuse prevention program, or obtain a copy of it, please contact the Office of Accreditation, Compliance, & Regulatory Affairs at compliance@galencollege.edu.

Policies, Procedures, and Programs Related to Dating Violence, Domestic Violence, Sexual Assault, and Stalking

Consistent with applicable laws, the College prohibits dating violence, domestic violence, sexual assault, and stalking. The College's policy used to address complaints of this nature, as well as the procedures for filing, investigating and resolving complaints, may be found at:

- Student Catalog: <https://galencollege.edu/campuses/dallas/catalog-resources>
- Resolution of Grievances Policy and Procedure: Disabilities, Discrimination, Harassment, and Retaliation: <https://galencollege.edu/accreditation/policies-disclosures/title-ix>
- Employee Handbook: <https://hcahealthcare.sharepoint.com/sites/HTPS-GalenERC/Handbooks/Forms/AllItems.aspx?as=json>
- Sexual Harassment Policy & Investigative Procedures: <https://galencollege.edu/accreditation/policies-disclosures/title-ix>
- Equal Opportunity, Discrimination, and Harassment Policy: <https://galencollege.edu/accreditation/policies-disclosures/title-ix>

The following sections of this report discuss the College's educational programs to promote the awareness of dating violence, domestic violence, sexual assault and stalking; provides information concerning procedures students and employees should follow and the services available in the event they do become a victim of one of these offenses, and advises students and employees of the disciplinary procedures that will be followed after an allegation that one of these offenses has occurred.

Primary Prevention and Awareness Program:

The College conducts a Primary Prevention and Awareness Program (PPAP) for all incoming students and new employees. The PPAP advises campus community members that the College prohibits the offenses of dating violence, domestic violence, sexual assault and stalking. They are also informed of the topics discussed below, including relevant definitions, risk reduction, and bystander intervention.

Crime Definitions

Crime Type (Texas Code Annotated)	Definitions
Dating Violence (Tex. Fam. Code Ann. § 71.0021)	<p>The institution has determined, based on good-faith research, that the criminal statutes of Texas do not define the term dating violence.</p> <p>However, Section 71.0021 of the Texas Family Code provides the following:</p> <ul style="list-style-type: none"> a. “Dating violence“ means an act, other than a defensive measure to protect oneself, by an actor that: (1) is committed against a victim or applicant for a protective order: (A) with whom the actor has or has had a dating relationship; or (B) because of the victim's or applicant's marriage to or dating relationship with an individual with whom the actor is or has been in a dating relationship or marriage; and (2) is intended to result in physical harm, bodily injury, assault, or sexual assault or that is a threat that reasonably places the victim or applicant in fear of imminent physical harm, bodily injury, assault, or sexual assault. b. For purposes of this title, “dating relationship” 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. c. A casual acquaintanceship or ordinary fraternization in a business or social context does not constitute a “dating relationship” under Subsection (b). <p>In addition, Sections 51.251 and 51.281 of the Texas Education Code provide that “dating violence” shall have the meaning assigned by the Jeanne Clery Disclosure of Campus Security Policy and Campus Crime Statistics Act (20.U.S.C. Section 1092(f)(6)(A)). This law defines dating violence to mean violence committed by a person (A) who is or has been in a social relationship of a romantic or intimate nature with the victim; and where the existence of such a relationship shall be determined based on a consideration of the following factors: (i) the length of the relationship; (ii) the type of relationship; and (iii) the frequency of interaction between the persons involved in the relationship.</p>
Domestic Violence	<p>The institution has determined, based on good-faith research, that Texas law does not define the term domestic violence.</p> <p>However, Texas law does define the term “Family Violence” (Tex. Fam. Code Ann. § 71.004) as follows: (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</p>

Crime Type (Texas Code Annotated)	Definitions
	physical harm, bodily injury, assault, or sexual assault, but does not include defensive measures to protect oneself; (2) abuse [as defined under state law] by a member of a family or household toward a child of the family or household; or (3) dating violence, as that term is defined by Section 71.0021.
Stalking (Tex. Penal Code Ann. § 42.072)	<p>Stalking (Tex. Penal Code Ann. § 42.072):</p> <ul style="list-style-type: none"> a. A person commits an offense if the person, on more than one occasion and pursuant to the same scheme or course of conduct that is directed at a specific other person, knowingly engages in conduct that: <ul style="list-style-type: none"> 1. constitutes an offense under Section 42.07, or that the actor knows or reasonably should know the other person will regard as threatening: (A) bodily injury or death for the other person; or (B) that an offense will be committed against: (i) a member of the other person's family or household; or (ii) an individual with whom the other person has a dating relationship; or (iii) the other person's property; 2. causes the other person, a member of the other person's family or household, or an individual with whom the other person has a dating relationship: (A) to be placed in fear of bodily injury or death or in fear that an offense will be committed against the other person, a member of the other person's family or household, or an individual with whom the other person has a dating relationship, or the other person's property; or (B) to feel harassed, terrified, intimidated, annoyed, alarmed, abused, tormented, embarrassed, or offended; and 3. would cause a reasonable person under circumstances similar to the circumstances of the other person to: (A) fear bodily injury or death for the person; (B) fear that an offense will be committed against a member of the person's family or household or an individual with whom the person has a dating relationship; (C) fear that an offense will be committed against the person's property; or (D) feel harassed, terrified, intimidated, annoyed, alarmed, abused, tormented, embarrassed, or offended. b. An offense under this section is a felony of the third degree, except that the offense is a felony of the second degree if the actor has previously been convicted of an offense under this section or of an offense under any of the following laws that contains elements that are substantially similar to the elements of an offense under this section: <ul style="list-style-type: none"> 1. the laws of another state; 2. the laws of a federally recognized Indian tribe; 3. the laws of a territory of the United States; or

Crime Type (Texas Code Annotated)	Definitions
	<p>4. federal law.</p> <p>c. For purposes of this section, a trier of fact may find that different types of conduct described by Subsection (a), if engaged in on more than one occasion, constitute conduct that is engaged in pursuant to the same scheme or course of conduct.</p> <p>d. In this section:</p> <ol style="list-style-type: none"> 1. "Dating relationship," "family," "household," and "member of a household" have the meanings assigned by Chapter 71, Family Code; 2. "Property" includes a pet, companion animal, or assistance animal, as defined by Section 121.002, Human Resources Code. <p>In addition, Sections 51.251 and 51.281 of the Texas Education Code provide that "stalking" shall have the meaning assigned by the Jeanne Clery Disclosure of Campus Security Policy and Campus Crime Statistics Act (20.U.S.C. Section 1092(f)(6)(A)). This law defines stalking as engaging in a course of conduct directed at a specific person that would cause a reasonable person to (A) fear for his or her safety or the safety of others; or (B) suffer substantial emotional distress.</p>
Sexual Assault	<p>The Texas Penal Code provides the following definitions for sexual assault and aggravated sexual assault:</p> <ul style="list-style-type: none"> • Sexual Assault (Tex. Penal Code Ann. § 22.011): A person commits an offense if: <ul style="list-style-type: none"> ○ (1) the person intentionally or knowingly: (A) causes the penetration of the anus or sexual organ of another person by any means, without that person's consent; (B) causes the penetration of the mouth of another person by the sexual organ of the actor, without that person's consent; or (C) causes the sexual organ of another person, without that person's consent, to contact or penetrate the mouth, anus, or sexual organ of another person, including the actor; or ○ (2) regardless of whether the person knows the age of the child at the time of the offense, the person intentionally or knowingly: (A) causes the penetration of the anus or sexual organ of a child by any means; (B) causes the penetration of the mouth of a child by the sexual organ of the actor; (C) causes the sexual organ of a child to contact or penetrate the mouth, anus, or sexual organ of another person, including the actor; (D) causes the anus of a child to contact the mouth, anus, or sexual organ of another person, including the actor; or (E) causes the mouth of a child to contact the anus or sexual organ of another person, including the actor. • Aggravated sexual assault (Tex. Penal Code Ann. § 22.021): A person commits an offense:

Crime Type (Texas Code Annotated)	Definitions
	<ul style="list-style-type: none"> ○ If the person: (A) intentionally or knowingly: (i) causes the penetration of the anus or sexual organ of another person by any means, without that person's consent; (ii) causes the penetration of the mouth of another person by the sexual organ of the actor, without that person's consent; or (iii) causes the sexual organ of another person, without that person's consent, to contact or penetrate the mouth, anus, or sexual organ of another person, including the actor; or (B) regardless of whether the person knows the age of the child at the time of the offense, intentionally or knowingly: (i) causes the penetration of the anus or sexual organ of a child by any means; (ii) causes the penetration of the mouth of a child by the sexual organ of the actor; (iii) causes the sexual organ of a child to contact or penetrate the mouth, anus, or sexual organ of another person, including the actor; (iv) causes the anus of a child to contact the mouth, anus, or sexual organ of another person, including the actor; or (v) causes the mouth of a child to contact the anus or sexual organ of another person, including the actor; and ○ If: (A) the person: (i) causes serious bodily injury or attempts to cause the death of the victim or another person in the course of the same criminal episode; (ii) by acts or words places the victim in fear that any person will become the victim of an offense under Section 20A.02(a)(3), (4), (7), or (8) or that death, serious bodily injury, or kidnapping will be imminently inflicted on any person; (iii) by acts or words occurring in the presence of the victim threatens to cause any person to become the victim of an offense under Section 20A.02(a)(3), (4), (7), or (8) or to cause the death, serious bodily injury, or kidnapping of any person; (iv) uses or exhibits a deadly weapon in the course of the same criminal episode; (v) acts in concert with another who engages in conduct described by Subdivision (1) directed toward the same victim and occurring during the course of the same criminal episode; or (vi) with the intent of facilitating the commission of the offense; administers or provides to the victim of the offense any substance capable of impairing victim's ability to appraise the nature of the act or to resist the act; (B) the victim is younger than 14 years of age, regardless of whether the person knows the age of the victim at the time of the offense; or (C) the victim is an elderly individual or a disabled individual. <p>In addition, Sections 51.251 and 51.281 of the Texas Education Code provide that "sexual assault" shall have the meaning assigned by the Jeanne Clery Disclosure of Campus Security Policy and Campus Crime Statistics Act (20.U.S.C. Section 1092(f)(6)(A)). This law defines sexual</p>

Crime Type (Texas Code Annotated)	Definitions
	assault as any nonconsensual sexual act proscribed by Federal, tribal, or State law, including when the victim lacks capacity to consent.
Rape, Fondling, Incest, Statutory Rape	For purposes of the Clery Act, the term “sexual assault” includes the offenses of rape, fondling, incest, and statutory rape. The institution has determined, based on good-faith research, that Texas law does not define these terms.
Other “sexual assault” crimes	<p>Other crimes under Texas law that may be classified as a “sexual assault” include the following:</p> <ul style="list-style-type: none"> • Prohibited Sexual Conduct (Tex. Penal Code Ann. § 25.02): A person commits an offense if the person engages in sexual intercourse or deviate sexual intercourse with another person the actor knows to be, without regard to legitimacy: (1) the actor's ancestor or descendant by blood or adoption; (2) the actor's current or former stepchild or stepparent; (3) the actor's parent's brother or sister of the whole or half blood; (4) the actor's brother or sister of the whole or half blood or by adoption; (5) the children of the actor's brother or sister of the whole or half blood or by adoption; or (6) the son or daughter of the actor's aunt or uncle of the whole or half blood or by adoption. • Indecency With a Child (Tex. Penal Code Ann. § 21.11): A person commits an offense if, with a child younger than 17 years of age, whether the child is of the same or opposite sex and regardless of whether the person knows the age of the child at the time of the offense, the person (1) engages in sexual contact with the child or causes the child to engage in sexual contact; or (2) with the intent to arouse or gratify the sexual desire of any person: (A) exposes the person's anus or any part of the person's genitals, knowing the child is present; or (B) causes the child to expose the child's anus or any part of the child's genitals. • Improper Relationship Between Educator and Student (Tex. Penal Code Ann. § 21.12): (a) An employee of a public or private primary or secondary school commits an offense if the employee: <ol style="list-style-type: none"> 1. engages in sexual contact, sexual intercourse, or deviate sexual intercourse with a person who is enrolled in a public or private primary or secondary school at which the employee works; 2. holds a position described by Section 21.003(a) or (b), Education Code, regardless of whether the employee holds the appropriate certificate, permit, license, or credential for the position, and engages in sexual contact, sexual intercourse, or deviate sexual intercourse with a person the employee knows is: <ol style="list-style-type: none"> A. enrolled in a public or private primary or secondary school, other than a school described by Subdivision (1); or

Crime Type (Texas Code Annotated)	Definitions
	<p>B. a student participant in an educational activity that is sponsored by a school district or a public or private primary or secondary school, if students enrolled in a public or private primary or secondary school are the primary participants in the activity; or</p> <p>3. engages in conduct described by Section 33.021, with a person described by Subdivision (1), or a person the employee knows is a person described by Subdivision (2)(A) or (B), regardless of the age of that person.</p>
Consent (as it relates to sexual activity) (Tex. Penal Code Ann. § 22.011(b))	<p>A sexual assault is without the consent of the other person if: (1) the actor compels the other person to submit or participate by the use of physical force, violence, or coercion; (2) the actor compels the other person to submit or participate by threatening to use force or violence against the other person or to cause harm to the other person, and the other person believes that the actor has the present ability to execute the threat; (3) the other person has not consented and the actor knows the other person is unconscious or physically unable to resist; (4) 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; (5) the other person has not consented and the actor knows the other person is unaware that the sexual assault is occurring; (6) 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; (7) 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 that the actor has the ability to execute the threat; (8) the actor is a public servant who coerces the other person to submit or participate; (9) the actor is a mental health services provider or a health care services provider who causes the other person, who is a patient or former patient of the actor, to submit or participate by exploiting the other person's emotional dependency on the actor; (10) the actor is a clergyman who causes the other person to submit or participate by exploiting the other person's emotional dependency on the clergyman in the clergyman's professional character as spiritual adviser; (11) the actor is an employee of a facility where the other person is a resident, unless the employee and resident are formally or informally married to each other under Chapter 2, Family Code; (12) the actor is a health care services provider who, in the course of performing an assisted reproduction procedure on the other person, uses human reproductive material from a donor knowing that the other person has not expressly consented to the use of material from that donor; (13) the actor is a coach or tutor who causes the other person to submit or participate by using the actor's power or influence to exploit the other person's dependency on the actor; or (14) the actor is a caregiver hired to assist the other person with activities of daily life and causes the other person to submit or participate by exploiting the other person's dependency on the actor.</p>

College Definition of Consent

The College uses the following definition of consent in its Sexual Harassment Policy for the purpose of determining whether sexual violence (including sexual assault) has occurred:

“Consent” refers to words or actions that a reasonable person in the perspective of the Respondent would understand as an agreement to engage in the sexual conduct at issue. A person who is Incapacitated is not capable of giving Consent.

Lack of consent is a critical factor in determining whether Sexual Harassment has occurred. As defined above, consent is a mutual, voluntary, and informed agreement to participate in specific sexual acts with another person that is not achieved through unreasonable manipulation or coercion—or any kind of physical force or weapon—and requires having the cognitive ability to agree to participate. Consent requires an outward demonstration, through mutually understandable words, conduct or action, indicating that an individual has freely chosen to engage in the specific sexual acts. A verbal “no” constitutes lack of consent, even if it sounds insincere or indecisive.

Impairment or incapacitation due to alcohol and/or drug use, permanent/ temporary psychological or physical disability, and being below the age of consent in the applicable jurisdiction are factors that detract from or make consent impossible.

Silence or an absence of resistance does not imply consent, and consent to engage in sexual activity with one person does not imply consent to engage in sexual activity with another. Even in the context of an ongoing relationship, consent must be sought and freely given for each specific sexual act. Consent may be withdrawn at any time. When consent is withdrawn, sexual activity must immediately stop.

Risk Reduction

If you find yourself in an uncomfortable sexual situation, the following suggestions may help you reduce your risk:

- Make your limits known before going too far.
- You can withdraw consent to sexual activity at any time. Do not be afraid to tell a sexual aggressor “NO” clearly and loudly.
- Try to remove yourself from the physical presence of a sexual aggressor. Be as direct as possible about wanting to leave the environment.
- Grab someone nearby and ask them for help.
- Be responsible about your alcohol and/or drug use. Alcohol and drugs can lower your sexual inhibitions and may make you vulnerable to someone who views an intoxicated/high person as a sexual opportunity.
- When attending large gatherings, go with friends you trust. Watch out for your friends and ask your friends to watch out for you.
- Be aware of someone trying to slip you an incapacitating “rape drug” like Rohypnol or GHB.

If you find yourself in the position of being the initiator of sexual behavior, the following suggestions may help you to reduce your risk of being accused of sexual assault or another sexual crime:

- Remember that you owe sexual respect to the other person.
- Don't make assumptions about the other person's consent or about how far they are willing to go.
- Remember that consent to one form of sexual activity does not necessarily imply consent to another form of sexual behavior.
- If your partner expresses a withdrawal of consent, stop immediately.
- Clearly communicate your sexual intentions so that the other person has a chance to clearly tell you their intentions.
- Consider "mixed messages" a clear sign that the other person is uncomfortable with the situation and may not be ready to progress sexually.
- Don't take advantage of someone who is drunk or on drugs, even if they knowingly and intentionally put themselves in that state. Further, don't be afraid to step in if you see someone else trying to take advantage of a nearly incapacitated person.
- Be aware of the signs of incapacitation, such as slurred speech, bloodshot eyes, vomiting, unusual behavior, passing out, staggering, etc.

It is also important to be aware of the warning signs of an abusive person. Some examples include past abuse; threats of violence or abuse; breaking objects; using force during an argument; jealousy; controlling behavior; quick involvement; unrealistic expectations; isolation; blaming others for problems; hypersensitivity; cruelty to animals or children; "playful" use of force during sex; Jekyll-and-Hyde personality.

Bystander Intervention

In addition to reporting incidents to appropriate authorities, below are some ways in which individuals can take safe and positive steps to prevent harm to themselves and others and to intervene when there is a risk of dating violence, domestic violence, sexual assault, or stalking against another person.

- Look out for those around you.
- Realize that it is important to intervene to help others.
- Treat everyone with respect. Do not be hostile or an antagonist.
- Be confident when intervening.
- Recruit help from others to assist in intervening if necessary.
- Be honest and direct.
- Keep yourself safe.
- If things get out of hand, don't hesitate to contact the police.

Other Information Covered by the PPAP

The PPAP also provides information on possible sanctions and protective measures that may be imposed following a determination that an offense of dating violence, domestic violence, sexual assault, or stalking has occurred, an explanation of the disciplinary procedures that will be followed when one of these offenses is alleged, the rights of the parties in such a proceeding, available resources, and other pertinent information. Much of this information is set forth in the upcoming sections of this security report.

Ongoing Prevention and Awareness Campaign:

The College also conducts an Ongoing Prevention and Awareness Campaign (OPAC) aimed at all students and employees. This campaign covers the same material as provided in the PPAP, but is intended to increase the understanding of students and employees on these topics and to improve their skills for addressing the offenses of dating violence, domestic violence, sexual assault and stalking.

PPAP and OPAC Programming Methods:

Using a range of strategies, and, as appropriate, targeting specific audiences throughout the College, the College continuously works to educate and inform students and employees about policies and practices to promote and ensure safety.

The Primary Prevention and Awareness Program ("PPAP") provides students and employees of the College information on possible sanctions and protective measures that may be imposed following a determination that an offense of dating violence, domestic violence, sexual assault, or stalking has occurred, an explanation of the disciplinary procedures that will be followed when one of these offenses is alleged, the rights of the parties in such a proceeding, available resources, and other pertinent information. Much of this information is set forth in the upcoming sections of this security report.

The College also conducts an Ongoing Prevention and Awareness Campaign ("OPAC") aimed at all students and employees. Methods include but are not limited to presentations, online training modules, distribution of written materials, periodic email blasts, and guest speakers. The College's OPAC covers the same material as provided in the PPAP, but is intended to increase the understanding of students and employees on these topics and to improve their skills for addressing the offenses of dating violence, domestic violence, sexual assault, and stalking.

A summary of the College's PPAP and OPAC programming is provided below.

- New students receive education on the Clery Act and the associated requirements for reporting criminal offenses, hate crimes, dating violence, domestic violence, sexual assault, and stalking through the New Student Orientation course on Canvas™. Canvas™ is an online course management system that supports online learning and teaching. Verification of this training is completed in the student's GPS 1200 (ADN and BSN Programs) and NU 110 (PN/VN Programs) courses. Post-licensure students receive the same training in the NSG 3055 Transition to Baccalaureate Nursing (RN to BSN Program), NSG 5000 (MSN Program), and NSG 7000 (DNP Program) courses.
- All new employees receive the Employee Handbook upon hire and are required to acknowledge that they have read and understand the College's policies and procedures on these topics. Annual training programs also exist for employees.
- As part of its ongoing campaign to promote and ensure the safety of the College community, the College uses a variety of strategies, such as in-person presentations by sexual assault awareness organizations, email blasts with pertinent information, portal announcements, etc. While programming occurs annually, the College also offers educational literature in coordination with nationally recognized observances such as Sexual Assault Awareness Month and Domestic Violence Awareness Month.

Procedures to Follow if You are a Victim of Dating Violence, Domestic Violence, Sexual Assault, or Stalking:

If you are a victim of dating violence, domestic violence, sexual assault, or stalking, go to a safe place and call 911.

You may also contact the campus's Title IX Coordinators and/or Disability Services Manager:

- *Danielle Edwards, MSSW* - dedwards@galencollege.edu; (726) 245-2026 (office)
- *Page Marshall, M.Ed.* - emarshall@galencollege.edu; (828) 820-2164 (office)
- *Elizabeth Mulhollon, MAT, Disability Services Manager*
- emulhollon@galencollege.edu; (502) 709-8011 (office)

Victims will be notified in writing of the procedures to follow, including:

1. To whom and how the alleged offense should be reported (contact the Title IX Coordinator or refer to the other resources listed in this report).
2. The importance of preserving evidence that may be necessary to prove the offense in a criminal proceeding or disciplinary action or to obtain a protective order.
3. The victim's options regarding notification to law enforcement, which are: (a) the option to notify either on-campus or local police; (b) the option to be assisted by campus security authorities in notifying law enforcement if the victim so chooses (the institution is obligated to comply with such a request if it is made); and (c) the option to decline to notify such authorities.
4. Where applicable, the rights of victims and the institution's responsibilities regarding orders of protection, no-contact orders, restraining orders, or similar lawful orders issued by a criminal, civil, or tribal court.

Preservation of Evidence & Forensic Examinations

Victims of physical assault are advised to not remove clothing items worn during or following an assault, as they frequently contain valuable fiber, hair, and fluid evidence. Don't bathe or wash, or otherwise clean the environment in which the assault occurred. You can obtain a forensic examination at HCA Medical Center - Plano Physicians, 3901 W 15th St, Plano, Texas, 75075, (972) 519-1291.

Completing a forensic examination does not require you to file a police report, but having a forensic examination will help preserve evidence in case you decide at a later date to file a police report.

Victims are also advised to retain evidence in electronic formats (e.g., text messages, emails, photos, social media posts, screenshots, etc.). Such evidence is valuable in all situations, and it may be the only type of evidence available in instances of stalking.

Security/Law Enforcement & How to Make a Police Report

- The institution does not have a Campus Security Department.
- Plano Police Department, 909 14th St, Plano, Texas, 75074, (972) 424-5678

- To make a police report, a victim should contact the local police agency listed above either by phone or in-person. The victim should provide as much information as possible, including name, address, and when and what occurred, to the best of the victim's ability.

Information about Legal Protection Orders

In Texas, victims may obtain a protective order, which provides relief for victims of family violence, stalking, or sexual assault. A protective order may be obtained by filing a petition with the court. Upon filing a petition, a temporary protective order may be put in place until the hearing (typically scheduled within 20 days of a petition being filed) where the victim and abuser have the opportunity to present evidence and testimony. Following the hearing, a court may dismiss the case or issue a final/permanent protective order. More information about protective orders in Texas, including necessary forms, can be found via the following websites: <https://www.womenslaw.org/laws/tx/restraining-orders> and <https://texaslawhelp.org/protection-from-violence-or-abuse/protective-orders>.

- To obtain a restraining order in Plano, victims must file a petition with the court. They must provide evidence of the abuse, such as police reports, medical records, or witness statements. If the court determines that the victim is in danger, they will issue a temporary restraining order. A hearing will be scheduled within a few weeks to determine whether a permanent restraining order is necessary.

For more information on protective orders in Texas, please consult an attorney in your area.

When a protective order is granted, it is enforceable statewide. If you have obtained a protective order and need it to be enforced in your area, you should contact the local police department.

The College will also enforce any restraining order or other no-contact order against the alleged perpetrator from a criminal, civil, or tribal court. Any student or employee who has a protective order or no-contact order should notify the Title IX Coordinator and provide the Coordinator with a copy of the restraining order so that it may be kept on file with the College and can be enforced on campus, if necessary. Upon learning of any orders, the College will take all reasonable and legal action to implement the order.

The institution does not issue legal orders of protection. However, as a matter of institutional policy, the College may impose a no-contact order between individuals in appropriate circumstances. The institution may also issue a "no trespass warning" if the information available leads to a reasonable conclusion that an individual is likely to cause harm to any member of the campus community. A person found to be in violation of a No Trespass Warning may be arrested and criminally charged.

Available Victim Services:

Victims will be provided written notification about existing counseling, health, mental health, victim advocacy, legal assistance, visa and immigration assistance, student financial aid, and other services available to them, both within the College and in the surrounding community. Those services include:

College Resources

- Student Resource Coordinator; Section 504/Title IX Coordinators:
 - *Danielle Edwards, MSSW* - dedwards@galencollege.edu; (726) 245-2026 (office)
 - *Page Marshall, M.Ed.* - emarshall@galencollege.edu; (828) 820-2164 (office)
- Disability Services Manager:
 - *Elizabeth Mulhollon, MAT* – emulhollon@galencollege.edu; (502) 709-8011 (office)
- School Counselor:
 - *Allison Staley, LPC* - astaley@galencollege.edu; (210) 812-5205 (office)
 - Students may schedule a meeting with the School Counselor by contacting a Title IX Coordinator.
- Student Financial Aid:
 - Sometimes a victim of a crime may feel the need to take a leave of absence from school. If a student is considering a leave of absence based on the circumstances of a complaint, he/she should understand there may be financial aid implications in taking such leave. This should be discussed with financial aid personnel prior to such decisions being made. The Title IX Coordinator can assist in facilitating this conversation if desired. The College's financial aid website can be found at: <https://galencollege.edu/tuition-financial-aid>.

State/Local Resources

- North Texas Behavioral Health Authority (mental health services): <https://ntbha.org/>
- Crime Victims' Compensation Program: <https://www.texasattorneygeneral.gov/crimevictims/crime-victims-compensation-program>
- Lone Star Legal Aid: <https://www.lonestarlegal.org/>
- The SAFE Alliance (legal, housing, abuse, counseling): <https://www.safeaustin.org/>
- Texas Council on Family Violence: <https://tcfv.org/>
- Texas Association Against Sexual Assault: <http://taasa.org/>
- Texas Health and Human Services: <https://www.hhs.texas.gov/>
- Texas Legal Services Center: <https://www.tlsc.org/>

National Resources

- National Domestic Violence Hotline: 1-800-799-7233
- National Sexual Assault Hotline: 1-800-656-4673
- Suicide & Crisis Lifeline: <https://988lifeline.org/>
- Suicide & Crisis Lifeline: Dial 988
- Rape, Abuse and Incest National Network (RAINN): <https://www.rainn.org/>
- US Dept. of Justice Office on Violence Against Women: <https://www.justice.gov/ovw>
- National Coalition Against Domestic Violence: <http://www.ncadv.org/>
- National Sexual Violence Resource Center: <http://www.nsvrc.org/>
- U.S. Citizenship and Immigration Services: <https://www.uscis.gov/>
- Immigration Advocates Network: <https://www.immigrationadvocates.org/>

Accommodations and Protective Measures:

The College will provide written notification to victims about options for, and available assistance in, changing academic, living, transportation, and working situations or protective measures. If victims request these accommodations or protective measures and they are reasonably available the College is obligated to provide them, regardless of whether the victim chooses to report the crime to campus security or local law enforcement.

Title IX Coordinators and/or Disability Services Manager are responsible for deciding what, if any, accommodations or protective measures will be implemented. Requests for accommodations or protective measures should be made to the campus's Title IX Coordinators and/or Disability Services Manager.

- *Danielle Edwards, MSSW* - dedwards@galencollege.edu; (726) 245-2026 (office)
- *Page Marshall, M.Ed.* - emarshall@galencollege.edu; (828) 820-2164 (office)
- *Elizabeth Mulhollon, MAT (Disability Services Manager)* – emulhollon@galencollege.edu; (502) 709-8011 (office)

Procedures for Disciplinary Action:

I. Policy Statement

Consistent with the U.S. Department of Education's implementing regulations for Title IX of the Education Amendments of 1972 ("Title IX") (see 34 C.F.R. § 106 et seq.), Galen College of Nursing (the "College") prohibits Sexual Harassment that occurs within its Education Programs or Activities.

For purposes of this policy, Sexual Harassment includes Quid Pro Quo Sexual Harassment, Hostile Environment Sexual Harassment, Sexual Assault, Domestic Violence, Dating Violence, and Stalking.

Administrators, faculty, staff, students, contractors, guests, and other members of the College community who commit Sexual Harassment are subject to the full range of College discipline, including verbal reprimand; written reprimand; mandatory training or counseling; mandatory monitoring; partial or full probation; partial or full suspension; fines; permanent separation from the institution (that is, termination or dismissal); physical restriction from College property; cancellation of contracts; and any combination of the same.

The College will provide persons who have experienced Sexual Harassment ongoing remedies as reasonably necessary to restore or preserve access to the College's Education Programs or Activities.

II. Scope

This policy applies to Sexual Harassment that occurs within the College's Education Programs or Activities and that is committed by an administrator, faculty, staff, student, contractor, guest, or other member of the College community.

This policy does not apply to Sexual Harassment that occurs off-campus, in a private setting, and outside the scope of the College's Education Programs or Activities; such sexual misconduct may be prohibited by the Student Catalog if committed by a student or the Employee Handbook or other College policies if committed by an employee.

Consistent with the U.S. Department of Education's implementing regulations for Title IX, this policy does not apply to Sexual Harassment that occurs outside the geographic boundaries of the United States, even if the Sexual Harassment occurs in the College's Education Programs or Activities. Sexual Harassment that occurs outside the geographic boundaries of the United States is governed by the Student Catalog if committed by a student or the Employee Handbook or other College policies if committed by an employee.

III. Definitions

- A. "Sexual Harassment" is conduct on the basis of sex that constitutes Quid Pro Quo Sexual Harassment, Hostile Environment Sexual Harassment, Sexual Assault, Domestic Violence, Dating Violence, or Stalking.
- B. "Quid Pro Quo Sexual Harassment" is an employee of the College conditioning the provision of an aid, benefit, or service of the College on an individual's participation in unwelcome sexual contact.
- C. "Hostile Environment Sexual Harassment" is unwelcome conduct determined by a reasonable person to be so severe, pervasive, and objectively offensive that it effectively denies a person access to the College's Education Programs or Activities.
- D. "Sexual Assault" includes the sex offenses of Rape, Sodomy, Sexual Assault with an Object, Fondling, Incest, and Statutory Rape¹.
 - 1. "Rape" is the carnal knowledge of a person, without the consent of the victim, including instances where the victim is incapable of giving consent because of his/her age or because of his/her temporary or permanent mental or physical incapacity. There is "carnal knowledge" if there is the slightest penetration of the vagina or penis by the sexual organ of the other person. Attempted Rape is included.
 - 2. "Sodomy" is oral or anal sexual intercourse with another person, without the consent of the victim, including instances where the victim is incapable of giving consent because of his/her age or because of his/her temporary or permanent mental or physical incapacity.

¹ The College's definition of "Sexual Assault" is mandated by federal regulations implementing Title IX of the Education Amendments of 1972. Those regulations require the College to adopt a definition of "Sexual Assault" that incorporates various forcible and non-forcible sex crimes as defined by the FBI's Uniform Crime Reporting System. See 34 C.F.R. § 106.30(a).

3. “Sexual Assault with an Object” is using an object or instrument to unlawfully penetrate, however slightly, the genital or anal opening of the body of another person, without the consent of the victim, including instances where the victim is incapable of giving consent because of his/her age or because of his/her temporary or permanent mental or physical incapacity. An “object” or “instrument” is anything used by the offender other than the offender’s genitalia.
 4. “Fondling” is the touching of the private body parts of another person for the purpose of sexual gratification, without the consent of the victim, including instances where the victim is incapable of giving consent because of his/her age or because of his/her temporary or permanent mental or physical incapacity.
 5. “Incest” is sexual intercourse between persons who are related to each other within the degrees wherein marriage is prohibited by Kentucky law.
 6. “Statutory Rape” is sexual intercourse with a person who is under the statutory age of consent as defined by Kentucky law.
- E. “Domestic Violence” is felony or misdemeanor crimes of violence committed by a current or former spouse or intimate partner of the victim, by a person with whom the victim shares a child in common, by a person who is cohabitating with or has cohabitated with the victim as a spouse or intimate partner, by a person similarly situated to a spouse of the victim under the domestic or family violence laws of Kentucky, or by any other person against an adult or youth victim who is protected from that person’s acts under the domestic or family violence laws of Kentucky.
- F. “Dating Violence” is violence committed by a person –
1. Who is or has been in a social relationship of a romantic or intimate nature with the victim; and
 2. Where the existence of such a relationship will be determined based on a consideration of the following factors:
 - The length of the relationship;
 - The type of relationship; and
 - The frequency of interaction between the persons involved in the relationship.
- G. “Stalking” is engaging in a course of conduct directed at a specific person that would cause a reasonable person to:
- Fear for their safety or the safety of others; or
 - Suffer substantial emotional distress.

- H. “Consent” refers to words or actions that a reasonable person in the perspective of the Respondent would understand as agreement to engage in the sexual conduct at issue. A person who is Incapacitated is not capable of giving Consent.

Lack of consent is a critical factor in determining whether Sexual Harassment has occurred. As defined above, consent is a mutual, voluntary, and informed agreement to participate in specific sexual acts with another person that is not achieved through unreasonable manipulation or coercion—or any kind of physical force or weapon—and requires having cognitive ability to agree to participate. Consent requires an outward demonstration, through mutually understandable words, conduct or action, indicating that an individual has freely chosen to engage in specific sexual acts. A verbal “no” constitutes lack of consent, even if it sounds insincere or indecisive.

Impairment or incapacitation due to alcohol and/or drug use, permanent/ temporary psychological or physical disability, and being below the age of consent in the applicable jurisdiction are factors which detract from or make consent impossible.

Silence or an absence of resistance does not imply consent, and consent to engage in sexual activity with one person does not imply consent to engage in sexual activity with another. Even in the context of an ongoing relationship, consent must be sought and freely given for each specific sexual act. Consent may be withdrawn at any time. When consent is withdrawn, sexual activity must immediately stop.

- I. “Incapacitated” refers to the state where a person does not appreciate the nature or fact of sexual activity due to the effect of drugs or alcohol consumption, medical condition or disability, or due to a state of unconsciousness or sleep.

Incapacitation is a state where an individual cannot make an informed and rational decision to consent to engage in sexual contact because the individual lacks conscious knowledge of the nature of the act (e.g., to understand the “who, what, where, when, why or how” of the sexual interaction) and/or is physically or mentally helpless. An individual is also considered incapacitated, and therefore unable to give consent, when asleep, unconscious, or otherwise unaware that sexual contact is occurring. Incapacitation can only be found when the Respondent knew or should have known that the Complainant was incapacitated when viewed from the position of a sober, reasonable person. One’s own intoxication is not an excuse for failure to recognize another person’s incapacitation.

Incapacitation may result from the use of alcohol and/or other drugs; however, consumption of alcohol or other drugs, inebriation, or intoxication alone are insufficient to establish incapacitation. Incapacitation is beyond mere drunkenness or intoxication. The impact of alcohol or drugs varies from person to person, and evaluating incapacitation requires an assessment of how consumption of alcohol and/or drugs impacts an individual’s:

- Decision-making ability
- Awareness of consequences
- Ability to make informed judgments
- Capacity to appreciate the nature of circumstances of the act

No single factor is determinative of incapacitation. Some common signs that someone may be incapacitated include slurred speech, confusion, shaky balance, stumbling or falling down, vomiting, and unconsciousness.

- J. “Retaliation” is intimidation, threats, coercion, or discrimination against any individual for the purpose of interfering with any right or privilege secured by Title IX and its implementing regulations or because an individual has made a report or Formal Complaint, testified, assisted, or participated or refused to participate in any manner in an investigation, proceeding, or hearing under this policy.
- K. “Complainant” means an individual who is alleged to be the victim of conduct that could constitute Sexual Harassment.
- L. “Respondent” means an individual who has been reported to be the perpetrator of conduct that could constitute Sexual Harassment.
- M. “Formal Complaint” means a document filed by a Complainant or signed by the Title IX Coordinator alleging Sexual Harassment against a Respondent and requesting that the College investigate the allegation of Sexual Harassment in accordance with this policy. At the time of filing a Formal Complaint, a Complainant must be participating in or attempting to participate in the College’s Education Programs or Activities. A “document filed by a Complainant” means a document or electronic submission (such as an email) that contains the Complainant’s physical or electronic signature or otherwise indicates that the Complainant is the person filing the Complaint.
- N. “Supportive Measures” are non-disciplinary, non-punitive individualized services offered, as appropriate, and reasonably available, and without fee or charge, that are designed to restore or preserve equal access to the College’s Education Programs or Activities without unreasonably burdening another party, including measures designed to protect the safety of all parties implicated by a report or the College’s education environment, or to deter Sexual Harassment. Supportive measures may include: counseling, extensions of academic or other deadlines, course-related adjustments, modifications to work or class schedules, campus escort services, changes in work locations, leaves of absence, increased security and monitoring of certain areas of campus, and other similar measures. Supportive Measures may also include mutual restrictions on contact between the parties implicated by a report.
- O. “Education Programs or Activities” refers to all the operations of the College, including, but not limited to, in-person and online educational instruction,

employment, research activities, extracurricular activities, and community engagement and outreach programs. The term applies to all activity that occurs on campus or on other property owned or occupied by the College. It also includes off-campus locations, events, or circumstances over which the College exercises substantial control over the Respondent and the context in which the Sexual Harassment occurs.

IV. Understanding Hostile Environment Sexual Harassment

In determining whether a hostile environment exists, the College will consider the totality of circumstances, including factors such as the actual impact the conduct has had on the Complainant; the nature and severity of the conduct at issue; the frequency and duration of the conduct; the relationship between the parties (including accounting for whether one individual has power or authority over the other); the context in which the conduct occurred; and the number of persons affected. The College will evaluate the totality of circumstances from the perspective of a reasonable person in the Complainant's position. A person's adverse subjective reaction to conduct is not sufficient, in and of itself, to establish the existence of a hostile environment.

The College encourages members of the College Community to report any and all instances of Sexual Harassment, even if they are unsure whether the conduct rises to the level of a policy violation.

Some specific examples of conduct that may constitute Sexual Harassment if unwelcome include, but are not limited to:

- Unreasonable pressure for a dating, romantic, or intimate relationship or sexual contact
- Unwelcome kissing, hugging, or massaging
- Sexual innuendos, jokes, or humor
- Displaying sexual graffiti, pictures, videos, or posters
- Using sexually explicit profanity
- Asking about, or telling about, sexual fantasies, sexual preferences, or sexual activities
- E-mail, internet, or other electronic use that violates this policy
- Leering or staring at someone in a sexual way, such as staring at a person's breasts or groin
- Sending sexually explicit emails, text messages, or social media posts
- Commenting on a person's dress in a sexual manner
- Giving unwelcome personal gifts such as lingerie that suggest the desire for a romantic relationship
- Insulting, demeaning, or degrading another person based on gender or gender stereotypes

V. Reporting Sexual Harassment

Any person may report Sexual Harassment to the Title IX Coordinator. Reports may be made in person, by regular mail, telephone, electronic mail, or by any other means that results in the Title IX Coordinator receiving the person's verbal or written report. In-person reports must be made during normal business hours, but reports can be made by regular mail, telephone, or electronic mail at any time, including outside normal business hours.

The name and contact information for the Title IX Coordinators are as follows:

- *Elizabeth Mulhollon, MAT, Disabilities Services Manager:* (502) 709-8011; emulhollon@galencollege.edu; 3050 Terra Crossing Blvd, Louisville, KY 40245
- *Danielle Edwards, MSSW, Title IX Coordinator:* (210) 485-2240; dedwards@galencollege.edu; 3050 Terra Crossing Blvd, Louisville, KY 40245
- *Page Marshall, M.Ed., Title IX Coordinator:* (828) 820-2164; emarshall@galencollege.edu; 3050 Terra Crossing Blvd, Louisville, KY 40245

College employees who are not Reporting Officials are encouraged but are not required to, forward reports of Sexual Harassment to the Title IX Coordinator. In addition to reporting to the Title IX Coordinator, any person may report Sexual Harassment to any College employee with the authority to institute corrective measures on behalf of the College or with managerial authority over other employees, including deans, department heads, unit supervisors, and other managers (collectively "Reporting Officials") who must promptly forward such report of Sexual Harassment to the Title IX Coordinator.

A person may also file a complaint with the United States Department of Education's Office for Civil Rights regarding an alleged violation of Title IX by visiting www2.ed.gov/about/offices/list/ocr/complaintintro.html or by calling 1-800-421-3481.

If a person desires to talk confidentially about Sexual Harassment, there are resources available. Personal counseling resources are available to assist and will not further disclose the information provided, unless otherwise required to do so by law (e.g., if the Complainant is a minor). Please see the Student Catalog for information on how to contact the counselor on campus.

VI. Special Guidance for Individuals Reporting Sexual Assault, Domestic Violence, Dating Violence, Or Stalking

If you believe you are the victim of Sexual Assault, Domestic Violence, or Dating Violence, get to safety and do everything possible to preserve evidence by making certain that the crime scene is not disturbed. Preservation of evidence may be necessary for proof of the crime or in obtaining a protection order. As necessary to preserve evidence, people who believe they are victims of Sexual Assault, Domestic Violence, or Dating Violence should not bathe, urinate, douche, brush teeth, or drink liquids until after they are examined and, if necessary, a rape examination is completed. Clothes should not be changed. When necessary, seek immediate

medical attention at an area hospital and take a full change of clothing, including shoes, for use after a medical examination.

It is also important to take steps to preserve evidence in cases of Stalking to the extent such evidence exists. Such evidence is more likely to be in the form of letters, emails, text messages, electronic images, etc., rather than evidence of physical contact and violence. This type of non-physical evidence will also be useful in all types of Sexual Harassment investigations.

Once a report of Sexual Assault, Domestic Violence, Dating Violence, or Stalking is made, the victim has several options such as, but not limited to:

- Contacting parents or a relative
- Seeking legal advice
- Seeking personal counseling (always recommended)
- Pursuing legal action against the perpetrator
- Pursuing disciplinary action through the College
- Requesting that no further action be taken
- Requesting further information about the College's policy and procedures
- Requesting further information about available resources

VII. Conduct That Constitutes a Crime

Any person who wishes to make a complaint of Sexual Harassment that also constitutes a crime—including Sexual Assault, Domestic Violence, Dating Violence, or Stalking—is encouraged to make a complaint to local law enforcement. If requested, the College will assist the Complainant in notifying the appropriate law enforcement authorities. In the event of an emergency, please contact 911. A person may decline to notify such authorities.

VIII. Preliminary Assessment

After receiving a report under “Reporting Sexual Harassment,” the Title IX Coordinator will conduct a preliminary assessment to determine:

- Whether the conduct, as reported, falls or could fall within the scope of this policy (see “Scope”); and
- Whether the conduct, as reported, constitutes or could constitute Sexual Harassment.

If the Title IX Coordinator determines that the conduct reported could not fall within the scope of the policy and/or could not constitute Sexual Harassment, even if investigated, the Title Coordinator will close the matter and may notify the reporting party if doing so is consistent with the Family Educational Rights and Privacy Act (“FERPA”). The Title IX Coordinator may refer the report to other College offices as appropriate. If the Title IX Coordinator determines that the conduct reported could fall within the scope of the policy and/or could constitute Sexual Harassment, if investigated, the Title IX Coordinator will proceed to contact the Complainant (see “Contacting the Complainant”)

As part of the preliminary assessment, the Title IX Coordinator may take investigative steps to determine the identity of the Complainant if it is not apparent from the report.

IX. Contacting the Complainant

If a report is not closed as a result of the preliminary assessment (see “Preliminary Assessment”) and the Complainant’s identity is known, the Title IX Coordinator will promptly contact the Complainant to discuss the availability of Supportive Measures (see “Supportive Measures”); to discuss and consider the Complainant’s wishes with respect to Supportive Measures; to inform the Complainant about the availability of Supportive Measures with or without filing a Formal Complaint; and to explain the process for filing and pursuing a Formal Complaint. The Complainant will also be provided with options for filing complaints with the local police and information about resources that are available on campus and in the community.

X. Supportive Measures

If a report is not closed as a result of the preliminary assessment (see “Preliminary Assessment”), the College will offer and make available Supportive Measures to the Complainant regardless of whether the Complainant elects to file a Formal Complaint.

Contemporaneously with the Respondent being notified of a Formal Complaint, the Title IX Coordinator will notify the Respondent of the availability of Supportive Measures for the Respondent, and the College will offer and make available Supportive Measures to the Respondent in the same manner in which it offers and makes them available to the Complainant. The College will also offer and make available Supportive Measures to the Respondent prior to the Respondent being notified of a Formal Complaint, if the Respondent requests such measures.

The College will maintain the confidentiality of Supportive Measures provided to either a Complainant or Respondent, to the extent that maintaining such confidentiality does not impair the College’s ability to provide the Supportive Measures in question.

XI. Interim Removal

At any time after receiving a report of Sexual Harassment, the Title IX Coordinator may remove a student Respondent from one or more of the College’s Education Programs or Activities on an temporary basis if an individualized safety and risk analysis determines that an immediate threat to the physical health or safety of any student or other individual arising from the allegations of Sexual Harassment justifies removal. In the event the Title IX Coordinator imposes an interim removal, the Title IX Coordinator must offer to meet with the Respondent within twenty-four hours and provide the Respondent an opportunity to challenge the interim removal.

In the case of a Respondent who is a non-student employee (administrator, faculty, or staff), and in its discretion, the College may place the Respondent on administrative leave at any

time after receiving a report of Sexual Harassment, including during the pendency of the investigation and adjudication process (see “Investigation” and “Adjudication”).

For all other Respondents, including independent contractors and guests, the College retains broad discretion to prohibit such persons from entering onto its campus and other properties at any time, and for any reason, whether after receiving a report of Sexual Harassment or otherwise.

XII. Formal Complaint

A Complainant may file a Formal Complaint with the Title IX Coordinator requesting that the College investigate and adjudicate a report of Sexual Harassment in accordance with the provisions “Investigation” and “Adjudication.” Provided, however, that at the time the Complainant submits a Formal Complaint, the Complainant must be participating in, or attempting to participate in, one or more of the College’s Education Programs or Activities.

A Complainant may file a Formal Complaint with the Title IX Coordinator in person, by regular mail, or by email using the contact information specified in “Reporting Sexual Harassment.” No person may submit a Formal Complaint on the Complainant’s behalf.

In any case, including a case where a Complainant elects not to file a Formal Complaint, the Title IX Coordinator may file a Formal Complaint on behalf of the College if doing so is not clearly unreasonable. Such action will normally be taken in limited circumstances involving serious or repeated conduct or where the alleged perpetrator may pose a continuing threat to the College Community. Factors the Title IX Coordinator may consider include (but are not limited to): (a) was a weapon involved in the incident; (b) were multiple assailants involved in the incident; (c) is the accused a repeat offender; and (d) does the incident create a risk of occurring again.

If the Complainant or the Title IX Coordinator files a Formal Complaint, then the College will commence an investigation as specified in “Reporting Sexual Harassment” and proceed to adjudicate the matter as specified in “Adjudication,” below. In all cases where a Formal Complaint is filed, the Complainant will be treated as a party, irrespective of the party’s level of participation.

In a case where the Title IX Coordinator files a Formal Complaint, the Title IX Coordinator will not act as a Complainant or otherwise as a party for purposes of the investigation and adjudication processes.

XIII. Consolidation of Formal Complaints

The College may consolidate Formal Complaints as to allegations of Sexual Harassment against more than one Respondent, or by more than one Complainant against one or more Respondents, or by one party against the other party, where the allegations of Sexual Harassment arise out of the same facts or circumstances. Where the investigation and adjudication process involve more than one Complainant or more than one Respondent, references in this policy to the singular “party,” “Complainant,” or “Respondent” include the

plural, as applicable. A Formal Complaint of Retaliation may be consolidated with a Formal Complaint of Sexual Harassment.

XIV. Dismissal Prior To Commencement of Investigation

In a case where the Complainant files a Formal Complaint, the Title IX Coordinator will evaluate the Formal Complaint and must dismiss it if the Title IX Coordinator determines:

- The conduct alleged in the Formal Complaint would not constitute Sexual Harassment, even if proved; or
- The conduct alleged in the Formal Complaint falls outside the scope of the policy specified in “Scope” (that is, because the alleged conduct did not occur in the College’s Education Programs or Activities and/or the alleged conduct occurred outside the geographic boundaries of the United States).

In the event the Title IX Coordinator determines the Formal Complaint should be dismissed pursuant to this Section, the Title IX Coordinator will provide written notice of dismissal to the parties and advise them of their right to appeal as specified in “Appeal.” The Title IX Coordinator may refer the subject matter of the Formal Complaint to other College offices, as appropriate.

XV. Notice of Formal Complaint

Within five (5) days of the Title IX Coordinator receiving a Formal Complaint, the Title IX Coordinator will transmit a written notice to the Complainant and Respondent that includes:

- A physical copy of this policy or a hyperlink to this policy;
- Sufficient details known at the time so that the parties may prepare for an initial interview with the investigator, to include the identities of the parties involved in the incident (if known), the conduct allegedly constituting Sexual Harassment, and the date and location of the alleged incident (if known);
- A statement that the Respondent is presumed not responsible for the alleged Sexual Harassment and that a determination of responsibility will not be made until the conclusion of the adjudication and any appeal;
- Notifying the Complainant and Respondent of their right to be accompanied by an advisor of their choice, as specified in “Advisor of Choice.”
- Notifying the Complainant and Respondent of their right to inspect and review evidence as specified in “Access to Evidence.”
- Notifying the Complainant and Respondent of the College’s prohibitions on retaliation and false statements specified in Sections “Bad Faith Complaints and False Information” and “Retaliation.”
- Information about resources that are available on campus and in the community.

Should the College elect, at any point, to investigate allegations that are materially beyond the scope of the initial written notice, the College will provide a supplemental written notice

describing the additional allegations to be investigated.

XVI. Investigation

A. Commencement and Timing

After the written notice of Formal Complaint is transmitted to the parties, an investigator selected by the Title IX Coordinator will undertake an investigation to gather evidence relevant to the alleged misconduct, including inculpatory and exculpatory evidence. The burden of gathering evidence sufficient to reach a determination in the adjudication lies with the College and not with the parties. The investigation will culminate in a written investigation report, specified in “Investigation Report,” that will be submitted to the adjudicator during the selected adjudication process. Although the length of each investigation may vary depending on the totality of the circumstances, the College strives to complete each investigation within thirty (30) to forty-five (45) days of the transmittal of the written notice of Formal Complaint.

B. Equal Opportunity

Parties will be given advanced written notice of any meetings or interviews to allow time for a party to prepare for the meeting. Written notice will include the date, time, location, participants, and purpose of the meeting. During the investigation, the investigator will provide an equal opportunity for the parties to be interviewed, to present witnesses (including fact and expert witnesses), and to present other inculpatory and exculpatory evidence. Notwithstanding the foregoing, the investigator retains discretion to limit the number of witness interviews the investigator conducts if the investigator finds that testimony would be unreasonably cumulative, if the witnesses are offered solely as character references and do not have information relevant to the allegations at issue, or if the witnesses are offered to render testimony that is categorically inadmissible, such as testimony concerning sexual history of the Complainant, as specified in “Sexual History.” The investigator will not restrict the ability of the parties to gather and present relevant evidence on their own.

The investigation is a party’s opportunity to present testimonial and other evidence that the party believes is relevant to the resolution of the allegations in the Formal Complaint. A party that is aware of and has a reasonable opportunity to present particular evidence and/or identify particular witnesses during the investigation, and elects not to, will be prohibited from introducing any such evidence during the adjudication phase absent a showing of mistake, inadvertence, surprise, or excusable neglect. Party evidence will be shared with the other party and both parties will be provided a reasonable opportunity to review and respond to any new evidence.

C. Documentation of Investigation

The investigator will take reasonable steps to ensure the investigation is documented. Interviews of the parties and witnesses may be documented by the investigator’s notes, audio recorded, video recorded, or transcribed. The particular method utilized to record the interviews of parties and witnesses will be determined by the investigator in the

investigator's sole discretion, although whatever method is chosen shall be used consistently throughout a particular investigation.

D. Access to the Evidence

At the conclusion of the evidence-gathering phase of the investigation, but prior to the completion of the investigation report, the Investigating Officer will transmit to each party and their advisor, in either electronic or hard copy form, all evidence obtained as part of the investigation that is directly related to the allegations raised in the Formal Complaint, including evidence the College may choose not to rely on at any hearing and inculpatory or exculpatory evidence whether obtained from a party or some other source. Thereafter, the parties will have ten (10) days in which to submit to the investigator a written response, which the investigator will consider prior to completing the investigation report.

The parties and their advisors are permitted to review the evidence solely for the purposes of this grievance process and may not duplicate or disseminate the evidence to the public.

E. Investigation Report

After the period for the parties to provide any written response as specified in "Access to Evidence" has expired, the investigator will complete a written investigation report that fairly summarizes the various steps taken during the investigation, summarizes the relevant evidence collected, lists material facts on which the parties agree, and lists material facts on which the parties do not agree. When the investigation report is complete, the investigator will transmit a copy to the Title IX Coordinator. The investigator will also transmit the investigation report to each party and their advisor, in either electronic or hard copy form.

XVII. Adjudication Process Selection

After the investigator has sent the investigation report to the parties, the Title IX Coordinator will transmit to each party a notice advising the party of the two different adjudication processes specified in "Adjudication." The notice will explain that the hearing process specified in "Hearing Process" is the default process for adjudicating all Formal Complaints and will be utilized unless both parties voluntarily consent to administrative adjudication as specified in "Administrative Adjudication (Optional)" as a form of informal resolution. The notice will be accompanied by a written consent to administrative adjudication and will advise each party that, if both parties execute the written consent to administrative adjudication, then the administrative adjudication process will be used in lieu of the hearing process. Parties are urged to carefully review this policy (including the entirety of "Adjudication"), consult with their advisor, and consult with other persons as they deem appropriate (including an attorney) prior to consenting to administrative adjudication.

Each party will have three (3) days from transmittal of the notice specified in this Section to return the signed written consent form to the Title IX Coordinator. If either party does not timely return the signed written consent, that party will be deemed not to have consented to administrative adjudication and the Formal Complaint will be adjudicated pursuant to the hearing process.

XVIII. Adjudication

A. Hearing Process

The default process for adjudicating Formal Complaints is the hearing process specified in this Section. The hearing process will be used to adjudicate all Formal Complaints unless both parties timely consent to administrative adjudication as specified in “Adjudication Process Selection.”

1. Hearing Officer

After the selection of the hearing process as the form of administrative adjudication, the Title IX Coordinator will promptly appoint a hearing officer who will oversee the hearing process and render a determination of responsibility for the allegations in the Formal Complaint at the conclusion of the hearing process. The Title IX Coordinator will see that the hearing officer is provided a copy of the investigation report and a copy of all evidence transmitted to the parties by the investigator as specified in “Access to Evidence.”

2. Hearing Notice and Response to the Investigation Report

After the hearing officer is appointed by the Title IX Coordinator, the hearing officer will promptly transmit written notice to the parties notifying the parties of the hearing officer’s appointment; setting a deadline for the parties to submit any written response to the investigation report; setting a date for the pre-hearing conference; setting a date and time for the hearing; and providing a copy of the College’s Hearing Procedures. Neither the pre-hearing conference, nor the hearing itself, may be held any earlier than ten (10) days from the date of transmittal of the written notice specified in this Section.

A party’s written response to the investigation report must include:

- To the extent the party disagrees with the investigation report, any argument or commentary regarding such disagreement;
- Any argument that evidence should be categorically excluded from consideration at the hearing based on privilege, relevance, the prohibition on the use of sexual history specified in “Sexual History,” or for any other reason;
- A list of any witnesses that the party contends should be requested to attend the hearing pursuant to an attendance notice issued by the hearing officer;
- A list of any witnesses that the party intends to bring to the hearing without an attendance notice issued by the hearing officer;
- Any objection that the party has to the College’s Hearing Procedures;
- Any request that the parties be separated physically during the pre-hearing conference and/or hearing;
- Any other accommodations that the party seeks with respect to the pre-hearing conference and/or hearing;

- The name and contact information of the advisor who will accompany the party at the pre-hearing conference and hearing;
- If the party does not provide this contact information or does not have an advisor who will accompany the party at the hearing, the College shall provide an advisor for purposes of conducting questioning as specified in “Hearing.”

A party’s written response to the investigation report may also include:

- Argument regarding whether any of the allegations in the Formal Complaint are supported by a preponderance of the evidence; and
- Argument regarding whether any of the allegations in the Formal Complaint constitute Sexual Harassment.

A party’s written response to the report will be shared with the other party.

3. Pre-Hearing Conference

Prior to the hearing, the hearing officer will conduct a pre-hearing conference with the parties and their advisors. The pre-hearing conference will be conducted live, with simultaneous and contemporaneous participation by the parties and their advisors. By default, the pre-hearing conference will be conducted with the hearing officer, the parties, the advisors, and other necessary College personnel together in the same physical location. However, upon request of either party, the parties will be separated into different rooms with technology enabling the parties to participate simultaneously and contemporaneously by video and audio.

In the hearing officer’s discretion, the pre-hearing conference may be conducted virtually, by use of video and audio technology, where all participants participate simultaneously and contemporaneously by use of such technology.

During the pre-hearing conference, the hearing officer will discuss the hearing procedures with the parties; address matters raised in the parties’ written responses to the investigation report, as the hearing officer deems appropriate; discuss whether any stipulations may be made to expedite the hearing; discuss the witnesses the parties have requested be served with notices of attendance and/or witnesses the parties plan to bring to the hearing without a notice of attendance; and resolve any other matters that the hearing officer determines, in the hearing officer’s discretion, should be resolved before the hearing.

4. Issuance of Notices of Attendance

After the pre-hearing conference, the hearing officer will transmit notices of attendance to any College employee (including administrator, faculty, or staff) or student whose attendance is requested at the hearing as a witness. The notice will advise the subject of the specified date and time of the hearing and advise the subject to contact the hearing officer immediately if there is a material and unavoidable conflict.

The subject of an attendance notice should notify any manager, faculty, or other supervisor, as necessary, if attendance at the hearing will conflict with job duties, classes, or other obligations. All such managers, faculty members, and other supervisors are required to excuse the subject of the obligation, or provide some other accommodation, so that the subject may attend the hearing as specified in the notice. There is no requirement that parties or witnesses participate in the hearing.

The College will not issue a notice of attendance to any witness who is not an employee or a student.

5. Hearing

After the pre-hearing conference, the hearing officer will convene and conduct a hearing pursuant to the College's Hearing Procedures. The hearing will be recorded. The recording will be made available to the parties for inspection and review on reasonable notice, including for use in preparing any subsequent appeal.

The hearing will be conducted live, with simultaneous and contemporaneous participation by the parties and their advisors. By default, the hearing will be conducted with the hearing officer, the parties, the advisors, witnesses, and other necessary College personnel together in the same physical location. However, upon request of either party, the parties will be separated into different rooms with technology enabling the parties to participate simultaneously and contemporaneously by video and audio.

In the hearing officer's discretion, the hearing may be conducted virtually, by use of video and audio technology, where all participants participate simultaneously and contemporaneously by use of such technology.

While the Hearing Procedures and rulings from the hearing officer will govern the particulars of the hearing, each hearing will include, at a minimum:

- Opportunity for each party to address the hearing officer directly and to respond to questions posed by the hearing officer;
- Opportunity for each party's advisor to ask directly, orally, and in real time, relevant questions, and follow up questions, of the other party and any witnesses, including questions that support or challenge credibility;
- Opportunity for each party to raise contemporaneous objections to testimonial or non-testimonial evidence and to have such objections ruled on by the hearing officer and a reason for the ruling provided;
- Opportunity for each party to submit evidence that the party did not present during the investigation due to mistake, inadvertence, surprise, or excusable neglect;
- Opportunity for each party to make a brief closing argument.

The hearing officer will independently and contemporaneously screen each question for relevance before the Complainant or Respondent answers.

Except as otherwise permitted by the hearing officer, the hearing will be closed to all persons except the parties, their advisors, the investigator, the hearing officer, the Title IX Coordinator, and other necessary College personnel. With the exception of the investigator and the parties, witnesses will be sequestered until such time as their testimony is complete.

During the hearing, the parties and their advisors will have access to the investigation report and evidence that was transmitted to them pursuant to “Access to Evidence.”

While a party has the right to attend and participate in the hearing with an advisor, a party and/or advisor who materially and repeatedly violates the rules of the hearing in such a way as to be materially disruptive, may be barred from further participation and/or have their participation limited, as the case may be, in the discretion of the hearing officer.

Subject to the minimum requirements specified in this Section, the hearing officer will have sole discretion to determine the manner and particulars of any given hearing, including with respect to the length of the hearing, the order of the hearing, and questions of admissibility. The hearing officer will independently and contemporaneously screen questions for relevance in addition to resolving any contemporaneous objections raised by the parties and will explain the rationale for any evidentiary rulings.

The hearing is not a formal judicial proceeding and strict rules of evidence do not apply. The hearing officer will have discretion to modify the Hearing Procedures, when good cause exists to do so, and provided the minimal requirements specified in this Section are met.

6. Deliberation and Determination

After the hearing is complete, the hearing officer will objectively evaluate all relevant evidence collected during the investigation, including both inculpatory and exculpatory evidence, together with testimony and non-testimony evidence received at the hearing, and ensure that any credibility determinations made are not based on a person’s status as a Complainant, Respondent, or witness. The hearing officer will take care to exclude from consideration any evidence that was ruled inadmissible at the pre-hearing conference or during the hearing. The hearing officer will resolve disputed facts using a preponderance of the evidence (that is, “more likely than not”) standard and reach a determination regarding whether the facts that are supported by a preponderance of the evidence constitute one or more violations of the policy as alleged in the Formal Complaint.

7. Discipline and Remedies

In the event the hearing officer determines that the Respondent is responsible for violating this policy, the hearing officer will, prior to issuing a written decision, consult with an appropriate College official with disciplinary authority over the Respondent and such official will determine any discipline to be imposed. The

hearing officer will also, prior to issuing a written decision, consult with the Title IX Coordinator who will determine whether and to what extent ongoing support measures or other remedies will be provided to the Complainant.

8. Written Decision

After reaching a determination and consulting with the appropriate College official and Title IX Coordinator as required by “Discipline and Remedies,” the hearing officer will prepare a written decision that will include:

- Identification of the allegations potentially constituting Sexual Harassment made in the Formal Complaint;
- A description of the procedural steps taken by the College upon receipt of the Formal Complaint, through issuance of the written decision, including notification to the parties, interviews with the parties and witnesses, site visits, methods used to gather non-testimonial evidence, and the date, location, and people who were present at or presented testimony at the hearing;
- Articulate findings of fact, made under a preponderance of the evidence standard, that support the determination;
- A statement of, and rationale for, each allegation that constitutes a separate potential incident of Sexual Harassment, including a determination regarding responsibility for each separate potential incident;
- The discipline determined by the appropriate College official as referenced in “Discipline and Remedies”;
- Whether the Complainant will receive any ongoing support measures or other remedies as determined by the Title IX Coordinator; and
- A description of the College’s process and grounds for appeal, as specified in “Appeal.”

The hearing officer’s written determination will be transmitted to the parties simultaneously. Transmittal of the written determination to the parties concludes the hearing process, subject to any right of appeal as specified in “Appeal.”

Although the length of each adjudication by hearing will vary depending on the totality of the circumstances, the College strives to issue the hearing officer’s written determination within fourteen (14) days of the conclusion of the hearing.

B. Administrative Adjudication (Optional)

In lieu of the hearing process, the parties may consent to have a Formal Complaint resolved by administrative adjudication as a form of informal resolution. Administrative adjudication is voluntary and must be consented to in writing by both parties and approved by the Title IX Coordinator as specified in “Adjudication Process Selection.” At any time prior to the issuance of the administrative officer’s determination, a party has the right to withdraw from administrative adjudication and request a live hearing as specified in “Hearing Process.”

If administrative adjudication is selected, the Title IX Coordinator will appoint an administrative officer. The Title IX Coordinator will see that the administrative adjudicator is provided a copy of the investigation report and a copy of all the evidence transmitted to the parties by the investigator as specified in “Access to Evidence.”

The administrative officer will promptly send written notice to the parties notifying the parties of the administrative officer’s appointment; setting a deadline for the parties to submit any written response to the investigation report; and setting a date and time for each party to meet with the administrative officer separately. The administrative officer’s meetings with the parties will not be held any earlier than ten (10) days from the date of transmittal of the written notice specified in this paragraph.

A party’s written response to the investigation report must include:

- To the extent the party disagrees with the investigation report, any argument or commentary regarding such disagreement;
- Any argument that a particular piece or class of evidence should be categorically excluded from consideration at the hearing based on privilege, relevance, the prohibition on the use of sexual history specified in “Sexual History,” or for any other reason;
- Argument regarding whether any of the allegations in the Formal Complaint are supported by a preponderance of the evidence;
- Argument regarding whether any of the allegations in the Formal Complaint constitute Sexual Harassment.

After reviewing the parties’ written responses, the administrative officer will meet separately with each party to provide the party with an opportunity make any oral argument or commentary the party wishes to make and for the administrative officer to ask questions concerning the party’s written response, the investigative report, and/or the evidence collected during the investigation.

After meeting with each party, the administrative officer will objectively evaluate all relevant evidence, including both inculpatory and exculpatory evidence and ensure that any credibility determinations made are not based on a person’s status as a Complainant, Respondent, or witness. The administrative officer will take care to exclude from consideration any evidence that the administrative officer determines should be ruled inadmissible based on the objections and arguments raised by the parties in their respective written responses to the investigation report. The administrative officer will resolve disputed facts using a preponderance of the evidence (that is, “more likely than not”) standard and reach a determination regarding whether the facts that are supported by a preponderance of the evidence constitute one or more violations of the policy as alleged in the Formal Complaint.

Thereafter, the administrative officer will consult with any College official and the Title IX Coordinator, in the manner specified in “Deliberation and Determination”

and will prepare and transmit a written decision in the manner as specified in “Written Decision” which shall serve as a resolution for purposes of informal resolution.

Transmittal of the administrative officer’s written determination concludes the administrative adjudication, subject to any right of appeal as specified in “Appeal.”

Although the length of each administrative adjudication will vary depending on the totality of the circumstances, the College strives to issue the administrative officer’s written determination within twenty-one (21) days of the transmittal of the initiating written notice specified in this Section

Other language in this Section notwithstanding, informal resolution will not be permitted if the Respondent is a non-student employee accused of committing Sexual Harassment against a student.

XIX. Dismissal During Investigation or Adjudication

The College shall dismiss a Formal Complaint at any point during the investigation or adjudication process if the Title IX Coordinator determines that one or more of the following is true:

- The conduct alleged in the Formal Complaint would not constitute Sexual Harassment, even if proved; or
- The conduct alleged in the Formal Complaint falls outside the scope of the policy specified in “Scope” (that is, because the alleged conduct did not occur in the College’s Education Programs or Activities and/or the alleged conduct occurred outside the geographic boundaries of the United States).

The College may dismiss a Formal Complaint at any point during the investigation or adjudication process if the Title IX Coordinator determines that any one or more of the following is true:

- The Complainant provides the Title IX Coordinator written notice that the Complainant wishes to withdraw the Formal Complaint or any discrete allegations therein (in which case those discrete allegations may be dismissed);
- The Respondent is no longer enrolled or employed by the College, as the case may be; or
- Specific circumstances prevent the College from gathering evidence sufficient to reach a determination as to the Formal Complaint, or any discrete allegations therein (in which case those discrete allegations may be dismissed).

In the event the Title IX Coordinator dismisses a Formal Complaint pursuant to this Section, the Title IX Coordinator will provide written notice of dismissal to the parties and advise them of their right to appeal as specified in “Appeal.” The Title IX Coordinator may refer the subject matter of the Formal Complaint to other College offices, as appropriate.

XX. Appeal

Either party may appeal the determination of an adjudication, or a dismissal of a Formal Complaint, on one or more of the following grounds:

- A procedural irregularity affected the outcome;
- There is new evidence that was not reasonably available at the time the determination or dismissal was made, that could have affected the outcome;
- The Title IX Coordinator, investigator, hearing officer, or administrative officer, as the case may be, had a conflict of interest or bias for or against complainants or respondents generally, or against the individual Complainant or Respondent, that affected the outcome.

No other grounds for appeal are permitted.

A party must file an appeal within seven (7) days of the date they receive notice of dismissal or determination appealed from or, if the other party appeals, within three (3) days of the other party appealing, whichever is later. The appeal must be submitted in writing to the Academic President, who serves as the appeal officer.

The appeal must specifically identify the determination and/or dismissal appealed from, articulate which one or more of the three grounds for appeal are being asserted, explain in detail why the appealing party believes the appeal should be granted, and articulate what specific relief the appealing party seeks.

Promptly upon receipt of an appeal, the appeal officer will conduct an initial evaluation to confirm that the appeal is timely filed and that it invokes at least one of the permitted grounds for appeal. If the appeal officer determines that the appeal is not timely, or that it fails to invoke a permitted ground for appeal, the appeal officer will dismiss the appeal and provide written notice of the same to the parties.

If the appeal officer confirms that the appeal is timely and invokes at least one permitted ground for appeal, the appeal officer will provide written notice to the other party that an appeal has been filed and that the other party may submit a written opposition to the appeal within seven (7) days. The appeal officer shall also promptly obtain from the Title IX Coordinator any records from the investigation and adjudication necessary to resolve the grounds raised in the appeal.

Upon receipt of any opposition, or after the time period for submission of an opposition has passed without one being filed, the appeal officer will promptly decide the appeal and transmit a written decision to the parties simultaneously that explains the outcome of the appeal and the rationale.

The determination of a Formal Complaint, including any discipline, becomes final when the time for appeal has passed with no party filing an appeal or, if any appeal is filed, at the point when the appeal officer has resolved all appeals, either by dismissal or by transmittal of a written decision.

No further review beyond the appeal is permitted.

Although the length of each appeal will vary depending on the totality of the circumstances, the College strives to issue the appeal officer's written decision within (21) days of an appeal being filed.

XXI. Advisor of Choice

From the point a Formal Complaint is made, and until an investigation, adjudication, and appeal are complete, the Complainant and Respondent will have the right to be accompanied by an advisor of their choice to all meetings, interviews, and hearings that are part of the investigation, adjudication, and appeal process. The advisor may be, but is not required to be, an attorney.

Except for the questioning of witnesses during the hearing specified in "Hearing," the advisor will play a passive role and is not permitted to communicate on behalf of a party, insist that communication flow through the advisor, or communicate with the College about the matter without the party being included in the communication. In the event a party's advisor of choice engages in material violation of the parameters specified in this Section and "Hearing," the College may preclude the advisor from further participation, in which case the party may select a new advisor of their choice.

In the event a party is not able to secure an advisor to attend the hearing specified in "Hearing," the College will provide the party an advisor, without fee or charge, who will conduct questioning on behalf of the party at the hearing. The College will have sole discretion to select the advisor it provides. The advisor the College provides may be, but is not required to be, an attorney.

The College is not required to provide a party with an advisor in any circumstance except where the party does not have an advisor present at the hearing specified in "Hearing," and requests that the College provide an advisor.

XXII. Treatment Records and Other Privileged Information

During the investigation and adjudication processes, the investigator and adjudicator, as the case may be, are not permitted to access, consider, disclose, permit questioning concerning, or otherwise use:

- A party's records that are made or maintained by a physician, psychiatrist, psychologist, or other recognized professional or paraprofessional acting in the professional or paraprofessional's capacity, or assisting in that capacity, and which are made and maintained in connection with the provision of treatment to the party; or
- Information or records protected from disclosure by any other legally-recognized privilege, such as the attorney client privilege;
- unless the College has obtained the party's voluntary, written consent to do so for the purposes of the investigation and adjudication process.

Notwithstanding the foregoing, the investigator and/or adjudicator, as the case may be, may consider any such records or information otherwise covered by this Section if the party holding the privilege affirmatively discloses the records or information to support their allegation or defense, as the case may be.

XXIII. Sexual History

During the investigation and adjudication processes, questioning regarding a 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, 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.

XXIV. Informal Resolution

At any time after the parties are provided written notice of the Formal Complaint as specified in "Notice of Formal Complaint," and before the completion of any appeal specified in "Appeal," the parties may voluntarily consent, with the Title IX Coordinator's approval, to engage in mediation, facilitated resolution, or other form of dispute resolution the goal of which is to enter into a final resolution resolving the allegations raised in the Formal Complaint by agreement of the parties. Administrative Adjudication as specified in "Administrative Adjudication" is a form of informal resolution.

The specific manner of any informal resolution process will be determined by the parties and the Title IX Coordinator, in consultation together. Prior to commencing the informal resolution process agreed upon, the Title IX Coordinator will transmit a written notice to the parties that:

- Describes the parameters and requirements of the informal resolution process to be utilized;
- Identifies the individual responsible for facilitating the informal resolution (who may be the Title IX Coordinator, another College official, or a suitable third-party);
- Explains the effect of participating in informal resolution and/or reaching a final resolution will have on a party's ability to resume the investigation and adjudication of the allegations at issue in the Formal Complaint; and
- Explains any other consequence resulting from participation in the informal resolution process, including a description of records that will be generated, maintained, and/or shared.

After receiving the written notice specified in this paragraph, each party must voluntarily provide written consent to the Title IX Coordinator, before the informal resolution may commence.

During the pendency of the informal resolution process, the investigation and adjudication processes that would otherwise occur are stayed and all related deadlines are suspended.

If the parties reach a resolution through the informal resolution process, and the Title IX Coordinator agrees that the resolution is not clearly unreasonable, the Title IX Coordinator will reduce the terms of the agreed resolution to writing and present the resolution to the parties for their written signature. Once both parties and the Title IX Coordinator sign the resolution, the resolution is final, and the allegations addressed by the resolution are considered resolved and will not be subject to further investigation, adjudication, remediation, or discipline by the College, except as otherwise provided in the resolution itself, absent a showing that a party induced the resolution by fraud, misrepresentation, or other misconduct or where required to avoid a manifest injustice to either party or to the College. Notwithstanding the foregoing if the form of informal resolution is Administrative Adjudication as specified in “Administrative Adjudication,” there shall not be an agreed resolution requiring the parties’ signatures; instead, the determination issued by the administrative officer shall serve as the resolution and conclude the informal resolution process, subject only to any right of appeal. With the exception of a resolution resulting from the Administrative Adjudication process specified in “Administrative Adjudication,” all other forms of informal resolution pursuant to this Section are not subject to appeal.

A party may withdraw their consent to participate in informal resolution at any time before a resolution has been finalized.

Absent extension by the Title IX Coordinator, any informal resolution process must be completed within twenty-one (21) days. If an informal resolution process does not result in a resolution within twenty-one (21) days, and absent an extension, abeyance, or other contrary ruling by the Title IX Coordinator, the informal resolution process will be deemed terminated, and the Formal Complaint will be resolved pursuant to the investigation and adjudication procedures. The Title IX Coordinator may adjust any time periods or deadlines in the investigation and/or adjudication process that were suspended due to the informal resolution.

Other language in this Section notwithstanding, the informal resolution will not be permitted if the Respondent is a non-student employee accused of committing Sexual Harassment against a student.

XXV. Presumption of Non-Responsibility

From the time a report or Formal Complaint is made, a Respondent is presumed not responsible for the alleged misconduct until a determination regarding responsibility is made final.

XXVI. Resources

Any individual affected by or accused of Sexual Harassment will have equal access to support and counseling services offered through the College. The College encourages any individual who has questions or concerns to seek support of the College’s identified resources. The Title IX Coordinator is available to provide information about the College’s policy and procedure and to provide assistance. A list of the College’s identified resources is located at the following link: <https://galencollege.edu/consumer-disclosures> and then clicking on the Annual Security Report for your campus.

XXVII. Conflicts of Interest, Bias, and Procedural Complaints

The Title IX Coordinator, investigator, hearing officer, administrative officer, appeals officer, and informal resolution facilitator will be free of any material conflicts of interest or material bias. Any party who believes one or more of these College officials has a material conflict of interest or material bias must raise the concern promptly so that the College may evaluate the concern and find a substitute, if appropriate. The failure of a party to timely raise a concern of a conflict of interest or bias may result in a waiver of the issue for purposes of any appeal specified in “Appeal,” or otherwise. Conflicts of interest may be submitted to grievance@galencollege.edu.

XXVIII. Objections Generally

Parties are expected to raise any objections, concerns, or complaints about the investigation, adjudication, and appeals process in a prompt and timely manner so that the College may evaluate the matter and address it, if appropriate.

XXIX. Academic Freedom

The College will construe and apply this policy consistent with the principles of academic freedom. In no case will a Respondent be found to have committed Sexual Harassment based on expressive conduct that is protected by the principles of academic freedom specified.

XXX. Relationship with Criminal Process

This policy sets forth the College’s processes for responding to reports and Formal Complaints of Sexual Harassment. The College’s processes are separate, distinct, and independent of any criminal processes. While the College may temporarily delay its processes under this policy to avoid interfering with law enforcement efforts if requested by law enforcement, the College will otherwise apply this policy and its processes without regard to the status or outcome of any criminal process.

XXXI. Recordings

Wherever this policy specifies that an audio or video recording will be made, the recording will be made only by the College and is considered property of the College, subject to any right of access that a party may have under this policy, FERPA, and other applicable federal, state, or local laws. Only the College is permitted to make audio or video recordings under this policy. The surreptitious recording of any meeting, interview, hearing, or other interaction contemplated under this policy is strictly prohibited. Any party who wishes to transcribe a hearing by use of a transcriptionist must seek pre-approval from the hearing officer.

XXXII. Vendors, Contractors and Third Parties

The College does business with various vendors, contractors, and other third-parties who are not students or employees of the College. Notwithstanding any rights that a given vendor, contractor, or third-party Respondent may have under this policy, the College retains its right

to limit any vendor, contractor, or third-party's access to campus for any reason. And the College retains all rights it enjoys by contract or law to terminate its relationship with any vendor, contractor, or third-party irrespective of any process or outcome under this policy.

XXXIII. Bad Faith Complaints and False Information

It is a violation of this policy for any person to submit a report or Formal Complaint that the person knows, at the time the report or Formal Complaint is submitted, to be false or frivolous. It is also a violation of this policy for any person to knowingly make a materially false statement during the course of an investigation, adjudication, or appeal under this policy. Violations of this Section are not subject to the investigation and adjudication processes in this policy; instead, they will be addressed under the Student Catalog in the case of students and other College policies and standards, as applicable, for other persons.

XXXIV. Retaliation

It is a violation of this policy to engage in Retaliation. Reports and Formal Complaints of retaliation may be made in the manner specified in "Reporting Sexual Harassment," and "Formal Complaint." Any report or Formal Complaint of Retaliation will be processed under this policy in the same manner as a report or Formal Complaint of Sexual Harassment, as the case may be. The College retains discretion to consolidate a Formal Complaint of Retaliation with a Formal Complaint of Sexual Harassment for investigation and/or adjudication purposes if the two Formal Complaints share a common nexus.

XXXV. Confidentiality

The College will keep confidential the identity of any individual who has made a report or Formal Complaint of Sexual Harassment or Retaliation including any Complainant, the identity of any individual who has been reported to be a perpetrator of Sexual Harassment or Retaliation including any Respondent, and the identity of any witness. The College will also maintain the confidentiality of its various records generated in response to reports and Formal Complaints, including, but not limited to, information concerning Supportive Measures, notices, investigation materials, adjudication records, and appeal records. Notwithstanding the foregoing, the College may reveal the identity of any person or the contents of any record if permitted by FERPA, if necessary to carry out the College's obligations under Title IX and its implementing regulations including the conduct of any investigation, adjudication, or appeal under this policy or any subsequent judicial proceeding, or as otherwise required by law. Further, notwithstanding the College's general obligation to maintain confidentiality as specified herein, the parties to a report or Formal Complaint will be given access to investigation and adjudication materials in the circumstances specified in this policy.

While the College will maintain confidentiality specified in this Section, the College will not limit the ability of the parties to discuss the allegations at issue in a particular case. Parties are advised, however, that the manner in which they communicate about, or discuss a particular case, may constitute Sexual Harassment or Retaliation in certain circumstances and be subject to discipline pursuant to the processes specified in this policy.

Note that certain types of Sexual Harassment are considered crimes for which the College must disclose crime statistics in its Annual Security Report that is provided to the campus community and available to the public. These disclosures will be made without including personally identifying information.

XXXVI. Other Violations of This Policy

Alleged violations of this policy, other than violations of the prohibitions on Sexual Harassment and Retaliation, will be subject to review under the Student Catalog for students or the Employee Handbook or other College policies for employees.

XXXVII. Signatures and Forms of Consent

For purposes of this policy, either a physical signature or digital signature will be sufficient to satisfy any obligation that a document be signed. Where this policy provides that written consent must be provided, consent in either physical or electronic form, containing a physical or digital signature, as the case may be, will suffice.

XXXVIII. Deadlines, Time, Notices, and Method of Transmittal

Where this policy specifies a period of days by which some act must be performed, the following method of calculation applies:

- Exclude the day of the event that triggers the period;
- Count every day, including intermediate Saturdays, Sundays, and legal holidays recognized by the federal government;
- Include the last day of the period until 5:00 p.m. eastern time, but if the last day is a Saturday, Sunday, or legal holiday recognized by the federal government, the period continues to run until 5:00 p.m. eastern time on the next day that is not a Saturday, Sunday, or legal holiday recognized by the federal government.

All deadlines and other time periods specified in this policy are subject to modification by the College where, in the College's sole discretion, good cause exists. Good cause may include, but is not limited to, the unavailability of parties or witnesses; the complexities of a given case; extended holidays or closures; sickness of the investigator, adjudicator, or the parties; the need to consult with the College's legal counsel; unforeseen weather events; and the like.

Any party who wishes to seek an extension of any deadline or other time period may do so by filing a request with the investigator, hearing officer, administrative officer, appeal officer, or Title IX Coordinator, as the case may be, depending on the phase of the process. Such request must state the extension sought and explain what good cause exists for the requested extension. The College officer resolving the request for extension may, but is not required to, give the other party an opportunity to object. Whether to grant such a requested extension will be in the sole discretion of the College.

The parties will be provided written notice of the modification of any deadline or time period specified in this policy, along with the reasons for the modification.

Where this policy refers to notice being given to parties “simultaneously,” notice will be deemed simultaneous if it is provided in relative proximity on the same day. It is not necessary that notice be provided at exactly the same hour and minute.

Unless otherwise specified in this policy, the default method of transmission for all notices, reports, responses, and other forms of communication specified in this policy will be email using College email addresses.

A party is deemed to have received notice upon transmittal of an email to their College email address. In the event notice is provided by mail, a party will be deemed to have received notice three (3) days after the notice in question is postmarked.

Any notice inviting or requiring a party or witness to attend a meeting, interview, or hearing will be provided with sufficient time for the party to prepare for the meeting, interview, or hearing as the case may be, and will include relevant details such as the date, time, location, purpose, and participants. Unless a specific number of days is specified elsewhere in this policy, the sufficient time to be provided will be determined in the sole discretion of the College, considering all the facts and circumstances, including, but not limited to, the nature of the meeting, interview, or hearing; the nature and complexity of the allegations at issue; the schedules of relevant College officials; approaching holidays or closures; and the number and length of extensions already granted.

XXXIX. Other Forms of Discrimination

This policy applies only to Sexual Harassment. Complaints of other forms of sex discrimination are governed by the College’s Equal Opportunity, Discrimination, and Harassment Policy.

XL. Education

Because the College recognizes that the prevention of Sexual Harassment, as well as Sexual Assault, Domestic Violence, Dating Violence, and Stalking, is important, it offers educational programming to a variety of groups such as: campus personnel; incoming students and new employees participating in orientation; and members of student organizations. To learn more about education resources, please contact the Title IX Coordinator and review the Annual Campus Security Report for more details.

XLI. Outside Appointments, Dual Appointments, and Delegations

The College retains discretion to retain and appoint suitably qualified persons who are not College employees to fulfill any function of the College under this policy, including, but not limited to, the investigator, hearing officer, administrative officer, informal resolution officer, and/or appeals officer.

The College also retains discretion to appoint two or more persons to jointly fulfill the role of investigator, hearing officer, administrative officer, informal resolution officer, and/or appeals officer.

The functions assigned to a given College official under this policy, including but not limited to the functions assigned to the Title IX Coordinator, investigator, hearing officer, administrative officer, informal resolution officer, and appeals officer, may, in the College's discretion, be delegated by such College official to any suitably qualified individual and such delegation may be recalled by the College at any time.

XLII. Training

The College will ensure that College officials acting under this policy, including but not limited to the Title IX Coordinator, investigators, hearing officers, administrative officers, informal resolution facilitators, College provided advisors, and appeals officers receive training in compliance with 34 C.F.R. § 106.45(b)(1)(iii) and any other applicable federal or state law.

XLIII. Recordkeeping

The College will retain those records specified in 34 C.F.R. § 106.45(b)(10) for a period of seven (7) years after which point in time they may be destroyed, or continue to be retained, in the College's sole discretion. The records specified in 34 C.F.R. § 106.45(b)(10) will be made available for inspection, and/or published, to the extent required by 34 C.F.R. § 106.45(b)(10) and consistent with any other applicable federal or state law, including FERPA.

XLIV. Definitions Herein

Words used in this policy will have those meanings defined herein and if not defined herein will be construed according to their plain and ordinary meaning.

XLV. Discretion In Application

The College retains the discretion to interpret and apply this policy in a manner that is not clearly unreasonable, even if the College's interpretation or application differs from the interpretation of the parties.

Despite the College's reasonable efforts to anticipate all eventualities in drafting this policy, it is possible unanticipated or extraordinary circumstances may not be specifically or reasonably addressed by the express policy language, in which case the College retains discretion to respond to the unanticipated or extraordinary circumstance in a way that is not clearly unreasonable.

The provisions of this policy and the Hearing Procedures referenced in "Hearing" are not contractual in nature, whether in their own right, or as part of any other express or implied contract. Accordingly, the College retains discretion to revise this policy and the Hearing Procedures at any time, and for any reason. The College may apply policy revisions to an active case provided that doing so is not clearly unreasonable.

Rights of the Parties in an Institutional Proceeding:

During the course of the process described in the previous section, both the accuser and the individual accused of the offense are entitled to:

1. A prompt, fair and impartial process from the initial investigation to the final result.
 - A prompt, fair and impartial process is one that is:
 - Completed within reasonably prompt timeframes designated by the institution's policy, including a process that allows for the extension of timeframes for good cause, with written notice to the accuser and the accused of the delay and the reason for the delay.
 - Conducted in a manner that:
 - Is consistent with the institution's policies and transparent to the accuser and the accused.
 - Includes timely notice of meetings at which the accuser or accused, or both, may be present; and
 - Provides timely access to the accuser, the accused and appropriate officials to any information that will be used during the informal and formal disciplinary meetings and hearings.
 - Conducted by officials who do not have a conflict of interest or bias for or against the accuser or the accused.
2. Proceedings conducted by officials who, at a minimum, receive annual training on the issues related to dating violence, domestic violence, sexual assault, and stalking and on how to conduct an investigation and hearing process that protects the safety of victims and promotes accountability.
 - Proceedings conducted by officials who, at a minimum, receive annual training on the issues related to dating violence, domestic violence, sexual assault, and stalking and on how to conduct an investigation and hearing process that protects the safety of victims and promotes accountability.
3. The same opportunities to have others present during any institutional disciplinary proceeding, including the opportunity to be accompanied to any related meeting or proceeding by the advisor of their choice. The institution may not limit the choice of advisor, but may establish limits regarding the extent to which that advisor may participate in the proceeding, as long as those limits apply equally to both parties.
4. Have the outcome determined using the preponderance of the evidence standard.
5. Simultaneous, written notification of the results of the proceeding, any procedures for either party to appeal the result, any change to the result, and when the result becomes final. For this purpose, "result" means "any initial, interim and final decision by an official or entity authorized to resolve disciplinary matters" and must include the rationale for reaching the result and any sanctions imposed.

Possible Sanctions or Protective Measures that the College May Impose for Dating Violence, Domestic Violence, Sexual Assault or Stalking Offenses:

Following a final determination in the institution's disciplinary proceeding that dating violence, domestic violence, sexual assault, or stalking has been committed, the College may

impose a sanction depending on the mitigating and aggravating circumstances involved. The possible sanctions for both students and employees include: warning; reprimand; probation; loss of privileges; suspension or expulsion/termination; restriction on eligibility to represent the College at any official function. If a suspension is imposed on a student, it may be for part of a term, a full term, or an entire academic year. An employee may be suspended for any length of time determined appropriate by Human Resources. Following a suspension, the individual will be required to meet with the Provost (student) or Associate Director of Human Resources (employee) to discuss re-entry and expectations moving forward.

In addition, the College can make a range of protective measures available to the victim. They include but are not limited to: forbidding the accused from communicating with the victim, other institutional no-contact orders, security escorts, modifications to academic requirements or class schedules, and changes in working situations.

Publicly Available Recordkeeping:

The College will complete any publicly available recordkeeping, including Clery Act reporting and disclosures, without the inclusion of personally identifiable information about victims of dating violence, domestic violence, sexual assault, and stalking who make reports of such to the College to the extent permitted by law.

Victims to Receive Written Notification of Rights:

When a student or employee reports to the College that he or she has been a victim of dating violence, domestic violence, sexual assault, or stalking, whether the offense occurred on or off campus, the College will provide the student or employee a written explanation of his or her rights and options as described in the paragraphs above.

Sex Offender Registration Program:

The Campus Sex Crimes Prevention Act of 2000 requires institutions of higher education to advise members of the campus community where they can obtain information provided by the state concerning registered sex offenders. It also requires sex offenders to notify the state of each institution of higher education in the state at which they are employed or enrolled or carrying on a vocation. The state is then required to notify the College of any such information it receives. Anyone interested in determining whether such persons are on this campus may do so by contacting the Office of Accreditation, Compliance, & Regulatory Affairs at compliance@galencollege.edu. State registry of sex offender information may be accessed at the following link: <https://publicsite.dps.texas.gov/SexOffenderRegistry/Search>

Timely Warnings & Emergency Response

Timely Warnings

In the event of criminal activity occurring either on campus or off campus that in the judgment of the Associate Chief Operating Officer, Vice President of Campus Operations, Regional Director of Campus Operations, Director of Campus Operations, Director of Campus Safety, and the Office of Regulatory Affairs and Compliance constitutes a serious or continuing threat to members of the campus community, a campus-wide “timely warning”

will be issued. Examples of such situations may include a sexual assault or a series of motor vehicle thefts in the area that merit a warning because they present a continuing threat to the campus community. Warnings will be communicated to students and employees via one or more of the methods discussed later in this section. Updates to the warnings will be provided as appropriate.

Anyone with information warranting a timely warning should immediately report the circumstances to:

- *Michael Stansbury, Director of Campus Safety*, mstansbury@galencollege.edu; (502) 410 – 6217 (office)
- *Wendy Penha, Director of Campus Operations*, wpenha@galencollege.edu; (954) 820-6675
- *Angela Worrell, MS, Director of Campus Operations*, aworrell@galencollege.edu; (512) 900-2618 (office)
- *Marshall Moore, MBA, Vice President of Operations*, mmoore@galencollege.edu; (502) 410-6230 (office)
- *Office of Accreditation, Compliance, & Regulatory Affairs*, compliance@galencollege.edu

The College has communicated with local law enforcement asking them to notify the College if it receives reports or information warranting a timely warning.

Emergency Response

The College has an emergency management plan designed to ensure timely and effective responses in the event of a significant emergency or dangerous situation on campus that involves an immediate threat to the health or safety of members of the campus community. Such situations include, but are not limited to: tornadoes, bomb threats, chemical spills, disease outbreaks, fires, active shooters, etc. The College has communicated with local police requesting their cooperation in informing the College about situations reported to them that may warrant an emergency response.

Students, staff and visitors are encouraged to notify the Wendy Penha, Director of Campus Operations at (469) 676-0781 of any emergency or potentially dangerous situations.

The Vice President of Campus Operations and the Office of Accreditation, Compliance, & Regulatory Affairs, in collaboration with other appropriate personnel, will determine who should be notified, and will, without delay, and taking into account the safety of the community, determine the content of the notification and initiate the notification system, unless issuing a notification will, in the professional judgment of responsible authorities, compromise efforts to assist a victim or to contain, respond to or otherwise mitigate the emergency.

Galen has partnered with Rave Alert, an emergency notification alert network, to provide emergency communications to Galen students and employees. The Rave Alert Network is capable of sending simultaneous emergency notifications from Galen via text message, email, and/or voice message. The system has been specifically designed to rapidly communicate time-sensitive information to multiple people simultaneously and is a primary communication source during campus emergencies. A Rave Alert notification will contain a brief summary

of the situation and actions the message recipient should take. These notifications will notify all students, all employees, or all students and employees. In addition to these notifications, facilities management can also lock down main entrance/exit doors to the campus, upon request from the campus Dean and/or the Director of Campus Operations.

Depending on the segments of the campus the notification will target, the content of the notification may differ. When appropriate, the content of the notification will be determined in consultation with local authorities. Also as appropriate, the notification will give guidance as to whether its recipients should shelter in place or evacuate their location.

The Vice President of Campus Operations and the Office of Accreditation, Compliance, & Regulatory Affairs, in collaboration with other appropriate personnel will direct the issuance of emergency notifications, which will be accomplished using one or more of methods discussed later in this section, depending on the nature of the threat and the segment of the campus community being threatened.

At the direction of the Vice President of Campus Operations, campus administrators disseminate information to the larger community by contacting local radio and television stations, as well as having the information posted on Galen's website.

Methods for Issuing Timely Warnings and Emergency Notifications

The method(s) listed below may be utilized when the College issues a timely warning or emergency notification to the campus community.

Method	Sign Up Instructions
Rave Alert (text message, email, and/or voice message)	Register for approved Galen College of Nursing emergency communications and other important information via text message and email at https://www.getrave.com/login/galencollege .

Testing & Documentation

The College tests its emergency response and evacuation procedures at least once a year. The tests may be announced or unannounced. Also, at various times, the Emergency Management Team meets to train, test, and evaluate the College's emergency response plan.

The Office of Accreditation, Compliance, & Regulatory Affairs maintains a record of these tests and training exercises, including a description of them, the dates and times they were held and an indication of whether they were announced or unannounced. In connection with at least one such test, the College will distribute to its students and employees information to remind them of the College's emergency response and evacuation procedures.

Stop Campus Hazing Policy and Programming

Hazing, which is defined as any intentional, knowing, or reckless act committed by a person (whether individually or in concert with other persons) against another person or persons regardless of the willingness of such other person or persons to participate, that is committed in the course of an initiation into, an affiliation with, or the maintenance of membership in, a

student organization and causes or creates a risk of physical or psychological injury, above the reasonable risk encountered in the course of participation in the college or the organization is prohibited by Galen College of Nursing.

Students may report suspected or known acts of hazing to their Dean, Campus Operations Leader, [Title IX Coordinator](#), listed below, or by submitting an [Incident Report Form](#). Galen prohibits retaliation against anyone who reports a suspected or known act of hazing.

- *Danielle Edwards, MSSW, Section 504/Title IX Coordinator - dedwards@galencollege.edu; (726) 245-2026*
- *Page Marshall, M.Ed., Section 504/Title IX Coordinator - emarshall@galencollege.edu; (828) 820-2164 (office)*
- *Elizabeth Mulhollon, MAT, Disabilities Services Manager - emulhollon@galencollege.edu; (502) 709-8011*
- *Wendy Penha, Director of Campus Operations - wpenha@galencollege.edu; (469) 676-0781*

Upon receipt of the report, the College will conduct a review to determine if the allegation meets the definition of hazing. If a formal investigation is initiated, written notice will be provided to the individuals or organizations involved, outlining the nature of the allegations and the investigation process. Information relevant to the allegation will be collected, which may include interviews, documentation, and any other pertinent evidence. The complainant and respondents will have their opportunity to provide information and respond to allegations. Upon completion of the investigation, a written report of findings may be prepared.

If a violation is substantiated, appropriate disciplinary action will be taken in accordance with the Student Code of Conduct, for more information please see the Student Catalog.

Hazing Prevention and Awareness Program

The College provides prevention and awareness programming related to hazing on an annual basis delivered via an online course module. The community is reminded that hazing is prohibited and is provided information regarding how to file a report how reports of hazing are investigated and information regarding local, state and tribal laws on hazing.

In addition, the College provides research-informed programming for students and employees that covers a wide range of information designed to stop hazing before it occurs. It includes information regarding the impacts of hazing, recognizing warning signs, bystander intervention, information regarding ethical leadership, and prevention and reporting resources.

Hazing State Laws

Summary (Code of Texas)
“Hazing” means any intentional, knowing, or reckless act, occurring on or off the campus of an educational institution, by one person alone or acting with others, directed against a

Summary (Code of Texas)

student for the purpose of pledging, being initiated into, affiliating with, holding office in, or maintaining membership in an organization if the act:

(A) is any type of physical brutality, such as whipping, beating, striking, branding, electronic shocking, placing of a harmful substance on the body, or similar activity;

(B) involves sleep deprivation, exposure to the elements, confinement in a small space, calisthenics, or other similar activity that subjects the student to an unreasonable risk of harm or that adversely affects the mental or physical health or safety of the student;

(C) involves consumption of a food, liquid, alcoholic beverage, liquor, drug, or other substance, other than as described by Paragraph (E), that subjects the student to an unreasonable risk of harm or that adversely affects the mental or physical health or safety of the student;

(D) is any activity that induces, causes, or requires the student to perform a duty or task that involves a violation of the Penal Code; or

(E) involves coercing, as defined by Section 1.07, Penal Code, the student to consume:

(i) a drug; or

(ii) an alcoholic beverage or liquor in an amount that would lead a reasonable person to believe that the student is intoxicated, as defined by Section 49.01, Penal Code. Tex. Educ. Code Ann. § 37.151(6).

The same statute defines several other terms and entities subject to this law – In this subchapter:

(1) “Educational institution” includes a public or private high school.

(2) “Pledge” means any person who has been accepted by, is considering an offer of membership from, or is in the process of qualifying for membership in an organization.

(3) “Pledging” means any action or activity related to becoming a member of an organization.

(4) “Student” means any person who:

(A) is registered in or in attendance at an educational institution;

(B) has been accepted for admission at the educational institution where the hazing incident occurs; or

(C) intends to attend an educational institution during any of its regular sessions after a period of scheduled vacation.

(5) “Organization” means a fraternity, sorority, association, corporation, order, society, corps, club, or student government, a band or musical group or an academic, athletic, cheerleading, or dance team, including any group or team that participates in National Collegiate Athletic Association competition, or a service, social, or similar group, whose members are primarily students. Tex. Educ. Code Ann. § 37.151.

Summary (Code of Texas)

Also,

(a) A person commits an offense if the person:

- (1) engages in hazing;
- (2) solicits, encourages, directs, aids, or attempts to aid another in engaging in hazing;
- (3) recklessly permits hazing to occur; or
- (4) has firsthand knowledge of the planning of a specific hazing incident involving a student in an educational institution, or has firsthand knowledge that a specific hazing incident has occurred, and knowingly fails to report that knowledge to the dean of students or other appropriate official of the institution, a peace officer, or a law enforcement agency.

(b) The offense of failing to report is a Class B misdemeanor.

(c) Any other offense under this section that does not cause serious bodily injury to another is a Class B misdemeanor.

(d) Any other offense under this section that causes serious bodily injury to another is a Class A misdemeanor.

(e) Any other offense under this section that causes the death of another is a state jail felony.

(f) Except if an offense causes the death of a student, in sentencing a person convicted of an offense under this section, the court may require the person to perform community service, subject to the same conditions imposed on a person placed on community supervision under Chapter 42A, Code of Criminal Procedure, for an appropriate period of time in lieu of confinement in county jail or in lieu of a part of the time the person is sentenced to confinement in county jail. Tex. Educ. Code Ann. § 37.152.

A student may be expelled if the student, while placed in a disciplinary alternative education program, engages in documented serious misbehavior while on the program campus despite documented behavioral interventions. Serious misbehavior includes personal hazing under Section 37.152. Tex. Educ. Code Ann. § 37.007.

Furthermore,

(a) An organization commits an offense if the organization condones or encourages hazing or if an officer or any combination of members, pledges, or alumni of the organization commits or assists in the commission of hazing.

(b) An offense under this section is a misdemeanor punishable by:

- (1) a fine of not less than \$5,000 nor more than \$10,000; or
- (2) if the court finds that the offense caused personal injury, property damage, or other loss, a fine of not less than \$5,000 nor more than double the amount lost or expenses incurred because of the injury, damage, or loss. Tex. Educ. Code Ann. § 37.153.

Summary (Code of Texas)

It is not a defense to prosecution of an offense under this subchapter that the person against whom the hazing was directed consented to or acquiesced in the hazing activity. Tex. Educ. Code Ann. § 37.154

Related to reporting incidents of hazing, Texas allows for immunity from prosecution or civil liabilities, as follows:

(a) In the prosecution of an offense under this subchapter, the court may grant immunity from prosecution for the offense to each person who is subpoenaed to testify for the prosecution and who does testify for the prosecution.

(b) Any person, including an entity organized to support an organization, who voluntarily reports a specific hazing incident involving a student in an educational institution to the dean of students or other appropriate official of the institution, a peace officer, or a law enforcement agency is immune from civil or criminal liability that might otherwise be incurred or imposed as a result of the reported hazing incident if the person:

(1) reports the incident before being contacted by the institution or a law enforcement agency concerning the incident or otherwise being included in the institution's or a law enforcement agency's investigation of the incident; and

(2) cooperates in good faith throughout:

(A) any institutional process regarding the incident, as determined by the dean of students or other appropriate official of the institution designated by the institution; or

(B) any law enforcement agency's investigation regarding the incident, as determined by the chief or other appropriate official of the law enforcement agency designated by the law enforcement agency.

(c) Immunity under Subsection (b) extends to participation in any judicial proceeding resulting from the report.

(d) A person is not immune under Subsection (b) if the person:

(1) reports the person's own act of hazing; or

(2) reports an incident of hazing in bad faith or with malice. Tex. Educ. Code Ann. § 37.155.

Texas “postsecondary educational institutions” must provide disclosures to enrolled students as described in State Law as follows:

(b) For purposes of this section, “postsecondary educational institution” means:

(1) an institution of higher education as defined by Section 61.003;

(2) a private or independent institution of higher education as defined by Section

Summary (Code of Texas)

61.003; or

(3) a private postsecondary educational institution as defined by Section 61.302.

(c) Not later than the 14th day before the first class day of each fall or spring semester, each postsecondary educational institution shall distribute to each student enrolled at the institution:

(1) a summary of the provisions of Subchapter F, Chapter 37; and

(2) a copy of, or an electronic link to a copy of, the report required under Subsection (c-1).

(c-1) Each postsecondary educational institution shall develop and post in a prominent location on the institution's Internet website a report on hazing committed on or off campus by an organization registered with or recognized by the institution. The report:

(1) must include information regarding each disciplinary action taken by the institution against an organization for hazing, and each conviction of hazing under Section 37.153 by an organization, during the three years preceding the date on which the report is issued or updated, including:

(A) the name of the organization disciplined or convicted;

(B) the date on which the incident occurred or the citation was issued, if applicable;

(C) the date on which the institution's investigation into the incident, if any, was initiated;

(D) a general description of:

(i) the incident;

(ii) the violations of the institution's code of conduct or the criminal charges, as applicable;

(iii) the findings of the institution or court; and

(iv) any sanctions imposed by the institution, or any fines imposed by the court, on the organization; and

(E) the date on which the institution's disciplinary process was resolved or on which the conviction became final;

(2) must be updated to include information regarding each disciplinary process or conviction not later than the 30th day after the date on which the disciplinary process is resolved or the conviction becomes final, as applicable; and

(3) may not include personally identifiable student information and must comply with the Family Educational Rights and Privacy Act of 1974 (20 U.S.C. Section 1232g).

(c-2) Each postsecondary educational institution shall provide to each student who attends the institution's student orientation a notice regarding the nature and availability of the report required under Subsection (c-1), including the report's Internet website address.

Summary (Code of Texas)

(d) If the institution publishes a general catalogue, student handbook, or similar publication, it shall publish a summary of the provisions of Subchapter F, Chapter 37, in each edition of the publication.

(e) Section 1.001(a) does not limit the application of this section to postsecondary educational institutions supported in whole or in part by state tax funds. Tex. Educ. Code Ann. § 51.936.

Texas also provides the following for members and advisors of student organizations:

(a) In this section:

(1) “Advisor” means a person who:

- (A) serves in an advisory capacity to a student organization to provide guidance to the organization and its members;
- (B) is older than 21 years of age; and
- (C) is not a student of the postsecondary educational institution at which the student organization is registered.

(2) “Postsecondary educational institution” means:

- (A) an institution of higher education as defined by Section 61.003, except that the term does not include a medical and dental unit or other agency of higher education as those terms are defined by that section; and
- (B) a private or independent institution of higher education as defined by Section 61.003, except that the term does not include:
 - (i) a health-related institution; or
 - (ii) an institution that offers only upper-division, graduate-level, or professional courses.

(b) This section applies only to a student organization that is registered at a postsecondary educational institution and that is composed mostly of students enrolled at the institution. Notwithstanding Section 1.001(a), this section applies to each postsecondary educational institution at which is registered one or more student organizations.

(c) At least once during each academic year, a postsecondary educational institution shall provide a risk management program for members of student organizations registered at the institution. Any member of a student organization who is not otherwise required to attend may attend the program.

(d) Unless a postsecondary educational institution requires each student organization registered at the institution to have representatives of the organization attend a program under this section, the institution shall adopt a policy that specifies one or more of those student organizations or types of student organizations that are required to have representatives attend. The selection of student organizations or types of student organizations under the policy must be based on the institution's determination that those organizations or types of organizations could particularly benefit from risk management guidance. Each advisor who has not previously attended a program under this section and each person serving in a designated officer position of a student organization that is required to have representatives attend a program under this section shall attend the program. An institution may allow an

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advisor, other than a faculty or staff member of the institution, to satisfy the attendance requirements prescribed by this subsection through completion of an appropriate computer-based risk assessment program.

(e) For purposes of Subsection (d), the institution may designate not more than four officer positions of a student organization, such as the president, membership chair, risk management chair, social chair, or pledge class or new member chair. If a student organization does not have an officer position described by this subsection or if an officer position described by Subsection (d) is vacant, the institution shall, to the extent practicable, identify and designate an equivalent officer position, and the person serving in that officer position shall attend the program.

(f) Each advisor or officer required by Subsection (d) to attend a program shall report on the program's contents at a meeting of the full membership of the student organization the advisor or officer represented at the program.

(g) A program under this section may address any issue determined appropriate by the postsecondary educational institution and must address:

- (1) possession and use of alcoholic beverages and illegal drugs, including penalties that may be imposed for possession or use;
- (2) hazing;
- (3) sexual abuse and harassment;
- (4) fire and other safety issues, including the possession and use of a firearm or other weapon or of an explosive device;
- (5) travel to a destination outside the area in which the institution is located;
- (6) behavior at parties and other events held by a student organization;
- (7) adoption by a student organization of a risk management policy; and
- (8) issues regarding persons with disabilities, including a review of applicable requirements of federal and state law, and any related policies of the institution, for providing reasonable accommodations and modifications to address the needs of students with disabilities, including access to the activities of the student organization.

(h) A postsecondary educational institution shall provide notice of a program under this section to student organizations in the manner determined by the institution.

(i) A postsecondary educational institution shall take attendance at a program provided under this section in the manner determined appropriate by the institution and may, as provided by a policy adopted by the institution, impose reasonable sanctions on a person who is required to attend the program and fails to attend. The institution shall, until at least the third anniversary of the date of the program, maintain in an appropriate location at the institution a record of that attendance and of notice provided under Subsection (h). Tex. Educ. Code Ann. § 51.9361.

Crime Statistics

The statistical summary of crimes for this College over the past three calendar years follows:

[illegible]

Crime	On Campus			Non Campus			Public Property		
	2024	2023	2022	2024	2023	2022	2024	2023	2022
Manslaughter by Negligence	0	0	0	0	0	0	0	0	0
Rape	0	0	0	0	0	0	0	0	0
Fondling	0	0	0	0	0	0	0	0	0
Statutory Rape	0	0	0	0	0	0	0	0	0
Incest	0	0	0	0	0	0	0	0	0
Aggravated Assault	0	0	0	0	0	0	0	0	0
Burglary	0	0	0	0	0	0	0	0	0
Robbery	0	0	0	0	0	0	0	0	0
Motor Vehicle Theft	0	0	0	0	0	0	0	0	0
Arson	0	0	0	0	0	0	0	0	0
Hazing	0	0	0	0	0	0	0	0	0
Arrest - Liquor Law Violation	0	0	0	0	0	0	0	0	0
Arrest - Drug Abuse Violation	0	0	0	0	0	0	0	0	0
Arrest - Weapon Violation	0	0	0	0	0	0	0	0	0
Disciplinary Referral - Liquor Law Violation	0	0	0	0	0	0	0	0	0
Disciplinary Referral - Drug Abuse Violation	0	0	0	0	0	0	0	0	0
Disciplinary Referral - Weapon Violation	0	0	0	0	0	0	0	0	0
Domestic Violence	0	0	0	0	0	0	0	0	0
Dating Violence	0	0	0	0	0	0	0	0	0
Stalking	0	0	0	0	0	0	0	0	0

* The College does not have on-campus student housing facilities.

**The Dallas Campus enrolled its first cohort in January of 2023. Therefore, there is no crime data reported for the 2022 reporting period.

Hate crimes:

2024: No hate crimes reported.

2023: No hate crimes reported.

2022: No hate crimes reported.

Crimes unfounded by the College:

2024: 0 unfounded crimes.

2023: 0 unfounded crimes.

2022: 0 unfounded crimes.

Statistics for unfounded crimes provided by law enforcement agencies:

2024: 0 unfounded crimes.

2023: 0 unfounded crimes.

2022: 0 unfounded crimes.