

# You are not alone: Understanding VAWA

(Violence Against Women Act)



El Paso Community College (“the College” or “EPCC”) encourages the reporting of any incident of sex-based harassment, including sexual assault, domestic violence, dating violence, and stalking. This guide explains the College’s resources and options available to individuals impacted by sex-based harassment.

In compliance with federal law (Title IX), the College has appointed a Title IX Coordinator whose role is to ensure that members of the community receive Title IX protections as guaranteed by law and institutional policy (DIAA and FFDA). Contact information for the College Title IX Coordinator and other key resources is listed in the next section.

## IF SOMEONE HAS EXPERIENCED SEX-BASED MISCONDUCT

We understand this can be an overwhelming time for someone who has experienced sex-based misconduct, and we regret that they may have had such an experience. We want them to know that we are here for them and want to support them in making the choices that are best for their needs, without pressure and with respect for their autonomy and privacy.

**Choose how to proceed.** There are options. An individual can: (1) do nothing until they are ready, (2) pursue a College resolution, (3) initiate criminal proceedings, 4) initiate a civil process against the perpetrator, and/or 5) pursue healing options that do not require reporting to any official. They may pursue whichever combination of options is best for them. If they pursue a College resolution, their options can include an investigation and hearing, informal resolution, and/or supportive measures. Those options are summarized below and explained in detail in the College’s Policy on Sexual Misconduct, found here: <https://www.epcc.edu/About/Policies/TitleIX/policies-and-procedures>

## NEXT STEPS

**If the impacted individual is off campus and experiencing an emergency, they can call local police by dialing 911. They may also call the local police department’s non-emergency line at 915-212-4000 (El Paso Police Department)**

1. Go to a safe location as soon as possible.
2. Contact any of the following for immediate assistance on campus or in the community:
  - a. EPCC’s Title IX Coordinator(s) listed on the Title IX website at <https://www.epcc.edu/About/Policies/TitleIX>
  - b. [Campus Safety](#) at 915-831-2898 or 915-831-2897. 24 hours/7 days
  - c. [Emergence Health Network](#) at 915-887-3410. Regular business hours, M-F

- d. [TimelyCare Telehealth](#) at 24 hours/7days a week (download the app to access care)
  - e. [El Paso Community College Cares](#) via 915-831-3222 or email at: [ccastil6@epcc.edu](mailto:ccastil6@epcc.edu)
  - f. [Victim Services El Paso County](#) at 915-273-3553. Monday-Friday 8 AM-5 PM
  - g. [Center Against Sexual and Family Violence](#) at 915-593-7300. 24 hours/7 days over the phone. Monday-Thursday 8 AM-6 PM. Friday 8 AM-12 PM in person.
- 3. Medical Attention:** Seek immediate medical attention if injured or believe the impacted individual may have been exposed to the risk of an STI/STD or pregnancy at a local hospital/urgent care facility or at a location near EPCC's campuses.
- a. [Del Sol Medical Center](#) at 915-595-900
  - b. [University Medical Center of El Paso](#) at 915-544-1200
  - c. [The Hospitals of Providence - Sierra Campus](#) at 915-747-4000
  - d. [The Hospitals of Providence - Memorial](#) at 915-577-6011
- 4. Evidence Preservation:** Preserving evidence is critical to potential criminal prosecution and to obtaining restraining/protective orders, and it is particularly time sensitive. The following steps will help preserve evidence:
- For instances of Sexual Assault:
- Seek forensic medical assistance at the nearest hospital, ideally within 120 hours of the incident (sooner is better).
  - Avoid urinating, showering, bathing, washing hands or face, or douching, if possible, but evidence may still be collected even if an individual does so.
  - If oral sexual contact took place, refrain from smoking, eating, drinking, or brushing teeth.
  - If clothes are changed, place soiled clothes in a paper bag (plastic destroys evidence) or a secure evidence container (if provided one by law enforcement).
    - If the impacted individual is still wearing any clothes worn during the incident, wear them to the hospital, but bring a change of clothes, as the hospital will keep the clothes the impacted individual is wearing as evidence.
  - Seeking medical treatment, in general, can be essential, even if it is not for the purpose of collecting forensic evidence.
  - Typically, police will be called to the hospital to take custody of the forensic kit, but it is up to the impacted individual whether they wish to speak with police or file a criminal complaint.

For instances of Stalking/Dating Violence/Domestic Violence/Sex-Based Harassment:

- Evidence in the form of text and voice messages will be lost, in most cases, if the impacted individual changes their phone number.
  - Make a secondary recording of any voice messages and/or save the audio files to a cloud server.
  - Take screenshots and/or a video recording of any text messages or other electronic messages (e.g., Instagram, Snapchat, Facebook).
- Save copies of email and social media correspondence, including notifications related to account access alerts.
- Take time-stamped photographs of any physical evidence, including notes, gifts, injuries, property damage, etc., when possible.
- Save copies of any messages, including those showing any request for no further contact.
- Obtain copies of call logs showing the specific phone number being used rather than a saved contact name if possible.

- 5. Contacting Law Enforcement:** The College will provide assistance contacting law enforcement, if the impacted individual wishes to do so. Contacting law enforcement is not required to receive support or to engage other options for resolution through the College. Local law enforcement can assist with evidence collection, evidence preservation, taking statements, pressing criminal charges, and obtaining protective or restraining orders. Local law enforcement agencies include:

**El Paso Community College Police Department (EPCCPD)**

Emergency: 915-831-2200

Non-Emergency: 915-831-2898 or 915-831-2897

**Local Law Enforcement**

El Paso Police Department: 915-212-4000

The College will also help facilitate contact with any other law enforcement agencies not listed above if those agencies would have jurisdiction over the alleged misconduct or could otherwise provide support for or information to the impacted individual.

If any impacted individual would prefer to have a support person accompany them to any meeting or interview with law enforcement, the College will help find an appropriate resource at the institution or in the local community.

If any impacted individual is interested in support with contacting law enforcement, they should contact EPCC's Title IX Coordinator(s) listed at <https://www.epcc.edu/About/Policies/TitleIX>

- 6. Resolution Options:** Impacted individuals have a variety of procedural options for resolution of a complaint of sex-based misconduct at the College:

- **Initiate a Complaint and Investigation with a Hearing:** An impacted individual may initiate a complaint with the Title IX Coordinator and request that the Title IX Coordinator open an investigation into the allegations. The assigned investigator will interview the individuals directly involved (the Parties), and relevant witnesses, collect evidence, and write an investigation report for the Parties' review. After the investigation is complete, a live hearing with a Decision-maker will take place, and the Decision-maker will determine whether a violation of College policy occurred. This is a College administrative process, not a criminal or civil process.
- **Informal Resolution:** An impacted individual may seek to resolve the allegations through an Informal Resolution, according to the parameters set out in the Policy on Sexual Misconduct (DIAA and FFDA). All involved Parties and the Title IX Coordinator must agree to Informal Resolution. Informal Resolution is a college administrative process, not a criminal or civil process. The College offers four approaches to Informal Resolution:
  - Supportive Resolution: The College can provide individualized support measures designed to maintain or restore the impacted individual's access to the College's education program and activities. See below for a list of possible supportive measures.
  - Educational Conversation: The Title IX Coordinator can resolve the allegations informally by having a conversation with the person alleged to have committed the policy violation to discuss the allegations and institutional expectations. If the impacted individual wishes to have this conversation, the Title IX Coordinator may accompany them, if desired.
  - Accepted Responsibility: The person alleged to have committed the policy violation is willing to accept responsibility for violating policy and accept sanctions, and the impacted individual and College accept the resolution terms.
  - Alternative Resolution: Could include, but is not limited to, mediation, shuttle negotiation, restorative practices, and facilitated dialogue as a means to reaching an agreed-upon resolution.

If the impacted individual chooses to initiate an investigation, Informal Resolution is available at any time during an investigation (see above) prior to a final determination. No investigation is required, though, to have access to Informal Resolution options. This process is not available in situations where an employee is alleged to have sexually harassed a student.

- **No Action Taken:** Unless an imminent and serious threat to the health or safety of the impacted individual, or the wider College community exists, if the impacted individual declines to pursue College action to resolve the allegations of sex-based harassment, the College will provide support but not pursue resolution. The impacted individual may pursue any of the above resolutions at any time.

Impacted individuals may also seek criminal charges or civil remedies, outside the administrative resolution options the College offers, as outlined above. For more information on criminal charges or civil remedies, please reach out to EPCCPD or EPCC's Title IX Coordinator(s) listed at <https://www.epcc.edu/About/Policies/TitleIX..>

7. **Protection Orders.** The Title IX Coordinator, Campus Safety, or local law enforcement can provide information for obtaining a protection order, if desired. A protection order, imposed by a court, would prohibit proximity and/or contact between individuals.

## REPORTING

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

**Mandated Reporting:** All College employees are mandated reporters. This means they are required to report disclosures about sex-based misconduct to the Title IX Coordinator. The Title IX Coordinator will reach out to offer support and the opportunity to initiate a complaint to the impacted party, but the impacted party can choose whether to respond or participate in any meeting or process.

**Confidential Resources:** A confidential resource is not required to share information about disclosures of sex-based harassment with the College. If an impacted individual would like the details of an incident to be kept confidential, they may speak with one of the confidential resources listed [here](#).

In addition, impacted individuals may speak with professionals unaffiliated with EPCC without concern that Policy will require them to disclose information to the College without permission:

- Licensed professional counselors and other medical providers
- Local rape crisis counselors
- Domestic violence resources
- Local or state assistance agencies
- Clergy/Chaplains
- Attorneys
- Employee Assistance Program/Student Assistance Program

## SUPPORTIVE MEASURES AND RIGHTS IN THE RESOLUTION PROCESS

### SUPPORTIVE MEASURES

- The College will assist any impacted party with accessing essential resources both on-campus and in the community.
- The Title IX Coordinator will discuss the availability of supportive measures after receiving notice of an alleged incident of sex-based harassment. No complaint or investigation needs to occur with

either the College or criminal system, before this option is available. Such measures may include, but are not limited to:

- Academic support, such as extensions on assignments, excused absences, modified attendance policies, or assistance with course scheduling.
- Workplace accommodations, including temporary schedule adjustments, modified duties, or changes in work location.
- Counseling and support referrals, including on-campus and community-based resources.
- Safety and protective measures, such as assistance with campus safety planning or mutual no-contact directives, when appropriate.
- Access to reporting options, including information about how to make a report to law enforcement, if desired.
- Coordination of services, helping individuals navigate campus processes and connect with available resources.

## **RIGHTS OF PARTIES IN THE COLLEGE TITLE IX RESOLUTION PROCESS**

Under the College's policies and procedures that address sex-based misconduct, the Parties have the right to:

- An equitable investigation and resolution of all credible allegations of sex-based harassment, when reported in good faith to a College employee.
- Timely written notice of all alleged violations, including the identity of the parties involved (if known), the specific misconduct being alleged, the date and location of the alleged misconduct (if known), the implicated policies and procedures, and possible sanctions.
- The ability to select an Advisor of their choice to accompany and assist the party in all meetings and/or interviews associated with the Resolution Process.
- Have College policy and procedures followed without material deviation.
- Be treated with respect by College officials.
- Have College law enforcement, security, and/or other College officials respond promptly to alleged policy violations.
- Have the College maintain supportive measures for as long as necessary, ensuring they remain confidential, provided confidentiality does not impair the institution's ability to provide the supportive measures or comply with the law.
- Preservation of confidentiality/privacy, to the extent possible and permitted by law.

These rights are some of the most important, but not the only rights provided by College policy. For a full list of rights, please refer to the applicable College policy located [here](#).

## **FREQUENTLY ASKED QUESTIONS (FAQ)**

### **Can an attorney be my Advisor?**

Yes. Parties have the right to an Advisor provided by the College at no cost. An attorney could also serve as an Advisor but it would be at their own cost.

### **Will a person's parents/guardians find out about this incident?**

It depends. If the Parties are minors, College officials may have certain mandatory reporting obligations, which may include notifying their parents/guardians of the incident.

If the Parties are not minors, any incident disclosed to a Mandatory Reporter is a part of a student's education record, which is protected under the Family Educational Rights and Privacy Act (FERPA). This means that a student's education record cannot be shared with anyone with whom the student has not given the College permission to share, except in emergency situations.

### **Do I have to resolve this through a Resolution Process with the College?**

No. Impacted individuals have options, as outlined above. The Title IX Coordinator can explain those options and answer any questions.

### **Is there a time limit for reporting?**

There are no time limits on initiating a complaint; however, the passage of time may impact the options available.

### **Will an impacted individual face consequences for underage drinking that occurred during an incident?**

The College's priority is to encourage reporting and participation in the Resolution Process. The College will review all policy violations, such as underage alcohol consumption, on a case-by-case basis.

### **What happens if the person alleged fails to comply with the sanctions after a Resolution Process?**

Failure to abide by the sanction(s)/action(s) imposed by the date specified, whether by refusal, neglect, or for any other reason, may result in additional sanction(s)/action(s), including suspension, expulsion, and/or termination.

### **What happens if the alleged individual transfers, leaves, or resigns prior to the conclusion of the Resolution Process?**

It depends on the circumstances. The Title IX Coordinator can provide more information.

### **What if law enforcement is involved?**

The College's action(s) or processes do not change, generally, because there are civil or criminal charges involving the underlying incident(s). The College may undertake a short delay in its investigation if circumstances require.