



Lamar State College  
— Orange —

## 2024 Annual Security Report

This annual report contains information for 2023-2024 academic year and statistical information for 2021, 2022, and 2023.



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***A message from the Director of Safety and Security***

Lamar State College Orange places the safety and health of employees and students as our number one priority. We are pleased to distribute this 2024 Annual Security Report (ASR) for our beautiful campus on the Sabine River. The ASR is prepared annually in compliance with the Jeanne Clery Disclosure of Campus Security Policy and Campus Crime Statistics Act (Clery Act) and subsequent amendments specified in the Higher Education Opportunity Act (HEOA) and the Violence Against Women Act (VAWA).



The ASR is an overall guide for many safety and security policies and can serve as a guide regarding education and prevention programs that are available on our campus. The ASR also provides crime statistics for the 2021-2023 calendar years for your review.

The Director of Safety and Security is responsible for the preparation and dissemination of the ASR. The Safety and Security Department works closely with division members to develop the ASR. The Safety and Security Department’s primary focus is on the safety and well-being of our students, faculty, staff, and visitors. We strive to collaborate with the Gator Community to ensure that the responsibility of safety and security is shared by everyone on our campus.

If you have questions about Lamar State College Orange’s Annual Security Report, please contact me at 409-882-3910 or [joseph.hargrave@lSCO.edu](mailto:joseph.hargrave@lSCO.edu).

Sincerely,

*Joseph Hargrave*  
 Director of Safety and Security  
 Clery Compliance Officer



Lamar State College

Orange

## 2024 Annual Security Report

### Introduction

Published each year, the Lamar State College Orange Annual Security Report provides you with information on security-related services offered by the college in compliance with the Jeanne Clery Disclosure of Campus Security Policy and Campus Crime Statistics Act. This document has been prepared with information provided to the LSCO Safety and Security Department. It summarizes college programs, policies, and procedures designed to enhance your personal safety while you are at LSCO. The LSCO Annual Security Report is available online on the Campus Safety and Security webpage at <http://www.lSCO.edu/security/security.asp>.

### Preparation of Annual Security Report and Disclosure of Crime Statistics

The information contained in this document was prepared under the guidelines established by 20 United States Code, section 1092(f), known as the “Jeanne Clery, Disclosure of Campus Security Policy and Campus Crime Statistics Act,” (The Clery Act) and the Code of Federal Regulations. The information represents a description of Lamar State College Orange’s safety and security policies and programs, and the crime statistics for the most recent calendar year and the two preceding calendar years.

The data is obtained from reports made to LSCO Safety and Security Department, the Orange Police Department, and Campus Security Authorities (CSA), Responsible Employees, and members of the Title IX Response Team. Campus crime data is gathered the same day that it is reported. Data is obtained annually from the Orange Police Department and compared with the data gathered at the college. The resulting data is used to prepare the annual crime statistics report.

Each year, the College notifies all enrolled students and employees, via email that they can view the report at <https://www.lSCO.edu/security/LSCO-2022-ASR.pdf>. Prospective employees and students are notified about the availability and location of the report via the online job application portal and the student application process.

The LSCO Safety and Security Department maintains a Daily Crime log which is available to the public for review, at the LSCO Safety and Security Office in the Academic Center, from 8 a.m. to 5 p.m. Monday through Friday, excluding holidays. The City of Orange Police Department provides a list of crimes reported to them that are in and around our campus. These are also included in the crime statistics. Campus Security Authorities, Responsible Employees, and members of the Title IX Response Team are responsible for reporting all information regarding crimes to the Safety and Security Department.



## **Accessibility to Information and Non-Discrimination Statement**

Lamar State College Orange is committed to providing equal access and opportunity for all persons regardless of race, sex, color, religion, national origin or ancestry, age, marital status, disability, sexual orientation, gender identity, or veteran status, in employment, educational programs, and activities and admissions. LSCO complies with Title IX of the Higher Education Amendments of 1972 (Title IX), which prohibits discrimination on the basis of sex in educational programs or activities; Title VII of the Civil Rights Act of 1964 (Title VII), which prohibits sex discrimination in employment; Section 504 of the Rehabilitation Act of 1973, which prohibits discrimination based on disability, the Age Discrimination Act of 1975, which prohibits discrimination based on age, and the Campus Sexual Violence Elimination Act. Sexual misconduct, as defined in the College's Sexual Misconduct Policy, constitutes a form of sex discrimination prohibited by Title IX and Title VII.

For questions concerning our non-discrimination policy, you may contact our Title IX Coordinator Patty Collins at 409-882-3922 or the Office for Civil Rights at 214-661-9600.

## **About the Lamar State College Orange Safety and Security Department**

### **LSCO Safety and Security Office**

LSCO's Safety and Security Department is located in the Academic Center, 410 W. Front Street, Orange, TX 77611. On campus security can be reached at 409.670.0789. The 24/7 emergency number answered by Orange Police Department dispatch is 409.883.1026.

Our Safety and Security Department is a full-service department providing safety, security, and crime prevention services to the Gator community. LSCO Safety and Security Department works to minimize crimes on campus. In an emergency, dial 409.670.0789 from any phone or there are telephones located in the hallways of all the campus buildings, which dial directly to campus security.

Campus safety and security officers have enforcement authority and primary jurisdiction as outlined under Texas Occupation Code 1702, on property owned and controlled by LSCO. The streets contiguous to and running through the college are under the authority of the City of Orange Police Department. Campus security officers enforce rules and regulations issued by the Texas State University System Board of Regents and Lamar State College Orange. Campus Security Officers have no arrest powers but will detain, if necessary, until law enforcement arrives.

Safety and Security officers patrol all LSCO campus facilities. They patrol on foot or in golf carts marked with SECURITY. LSCO officers are available to provide an escort service to anyone who may be concerned with their safety.



The LSCO Safety and Security Department is responsible for maintaining a Daily Crime log. The crime log contains information concerning crimes that were reported to the Safety and Security Department via the victim, campus CSA's, Responsible Employees, members of the Title IX team, or local law enforcement. Data in the report includes date/time crime was reported, nature/classification of crime, date/time crime occurred, general location, and the disposition. The Daily Crime log is accessible in person in the Safety and Security Department in the Academic Center Building, Room 149, during normal business hours.

LSCO's Safety and Security Department (Department) provides new student and employee orientation sessions throughout the year. During these sessions, the Department provides a program designed to make community members aware of campus safety and security procedures, awareness programs, and crime prevention efforts. The Department provides safety tips, updated frequently on the College website, to encourage students and employees to be responsible for their own safety and the safety of others.

LSCO's Safety and Security Team provides campus escort service for the Gator Community. Community members can call 409-670-0789 and request an escort at any time during operating hours.

Emergency phones are strategically placed throughout the campus. When picked up, the caller is automatically connected to the Safety and Security Department.

### **Working Relationship with Local Law Enforcement Agency**

LSCO officers enjoy a good working relationship with federal, state, local, city, and county law enforcement authorities, including Orange Police Department and the Orange County Sheriff's Department, and the Texas Department of Public Safety. The Safety and Security Department's working relationship with other area law enforcement agencies ensures that crimes and violations at nearby campus sites may be reported to LSCO officers and, if further assistance is needed, at on-campus locations.

LSCO has a memorandum of understanding with the City of Orange Police Department. The MOU addresses the investigation of criminal incidents occurring at this location.

LSCO Safety and Security partners with other areas of campus to run drills, trainings, and follow-up education (generally by email) on Active Shooter scenarios, building evacuation preparation, and fire concerns for college employees, students, and campus guests. These events happen throughout the semester.

### **Accurate and Prompt Reporting Options**

Gator Community members and all visitors are encouraged to accurately and promptly report potential criminal activity, suspicious behavior, and any emergency on campus, on public property running through or immediately adjacent to the campus, or on other property that is owned or controlled by Lamar State College Orange, to the LSCO Safety and Security Department

by calling 409-670-0789 and to the Orange Police Department at 409-883-1026. Crimes should be accurately and promptly reported to the LSCO Safety and Security or the appropriate police agency, when the victim of a crime elects to, or is unable to, make such a report. Although a victim of a crime may decline to report the incident, the College supports, encourages, and will assist those who have been the victim of a crime or an observer to report the incident to campus security, local law enforcement, any Campus Security Authority, a Responsible Employee, or anonymously report through our website. Any alleged criminal actions (including sex offenses) or emergencies that occur on or off campus of the College can be reported in the following ways;

LSCO's Safety and Security Team (L-R); Mike Dempsey, Leah Weaver, Brad Slaughter, Director Joey Hargrave

### **For Emergencies**

Dial 911 or use any emergency telephone located throughout the campus that will automatically dial the Safety and Security Department. The 24/7 emergency number answered by Orange Police Department dispatch is 409.883.1026. Emergencies include any crime in progress, medical emergencies, a suspected kidnapping, a suspicious car driving on campus, an intoxicated person, a safety hazard, or any situation you believe to be suspicious or dangerous.

### **For Non-Emergencies**

On campus security can be reached at 409.670.0789 or personally by visiting the Safety and Security Department in the Academic Building, Room 149.

### **Responsible Employees**

All employees of the College, except professional mental health, pastoral, or other licensed professionals legally bound by professional/client privileges when functioning in that capacity, are considered to be "Responsible Employees." Responsible employees are required to report issues of



concern on campus, especially Title IX information.

### **Campus Security Authorities**

Campus Security Authorities (CSAs) are a more defined group of employees who have received special training. Students are informed that CSAs are individuals to speak with when reporting concerns. CSAs must report immediately to campus security all crimes or reports of criminal activity that are brought to their attention for purposes of including them in the annual statistical disclosure and assessing them for issuing a Timely Warning Notice, when deemed necessary.

Campus Security Authorities include but are not limited to the following: Building Liaisons, Title IX Coordinator, Title IX Deputy Coordinators, and the Director of Physical Plant. A list of [Campus Security](#)

[Authorities](#) can be found on our website.

### **Voluntary Confidential Reporting**

If you are the victim of a crime and do not want to pursue action within the College system or criminal justice system, you may still want to consider making a confidential or anonymous report in accordance with the [TSUS Sexual Misconduct Policy](#), specifically, sections 4.2.8 and 4.7 and 4.8.

LSCO partners with outside professional counseling and appropriate health services and encourages them to inform persons seeking their services of the opportunity to report crimes on a voluntary, confidential basis for inclusion in the College's annual disclosure of crime statistics.

### **Voluntary or Anonymous Reporting**

Lamar State College Orange has developed an online anonymous reporting form that will allow students to report incidents they have encountered, or incidents they have witnessed. A link to the form is conveniently located on the LSCO webpage, titled [Anonymous Sexual Misconduct and Title IX Reporting](#).

If you are the victim of a crime and do not want to pursue action within the Lamar State College Orange system or the criminal justice system, you may still want to consider making a confidential report. With your permission, a LSCO Safety and Security Department officer can file a report on the details of the incident without revealing your identity (except to the Title IX Coordinator in the event of a reported sex offense or sexual harassment). A confidential report is to comply with your wish to keep the

matter confidential, while enhancing the future safety of yourself and others. With such information, the LSCO can keep an accurate record of the number of incidents involving students, employees and visitors; determine where there is a pattern of crime regarding a particular location, method, or assailant; and alert the campus community to potential danger. Reports filed in this manner are counted and disclosed in the annual crime statistics for the institution.

### **Pastoral and Professional Counselors**

While LSCO requests that all crimes on the campus be reported promptly, we do support pastoral and professional obligations to not disclose or report certain incidents. LSCO does not have any pastoral or professional counselors on our campus. We do refer students to third party entities to provide such services.

#### *Pastoral Counselor*

An employee of an institution, who is associated with a religious order or denomination, recognized by that religious order or denomination as someone who provides confidential counseling and who is functioning within the scope of that recognition as a pastoral counselor.

#### *Professional Counselor*

An employee of an institution whose official responsibilities include providing psychological counseling to members of the institution's community, and who is functioning within the scope of his or her license or certification.

LSCO does not have pastoral counselors and/or professional

counselors, so there are no procedures to inform those they are counseling of LSCO's procedures for reporting crimes. LSCO maintains a strong working relationship with local agencies that provide support to our students.

Also, LSCO is not required to provide a timely warning about crimes reported to pastoral or professional counselors that go unreported to LSCO officials.

The Gator Community should report crimes and emergencies to the LSCO Safety and Security Department, PRIMARY CSAs (Dean of Student Services, Title IX Coordinator, Director of Safety and Security, Security Officers) or the City of Orange Police Department, to be assessed for issuing timely warning notices and for inclusion in the annual crime statistics.

**Important Campus Resources**

Members of the community are helpful when they immediately report crimes or emergencies to the LSCO Safety and Security and/or the following primary Campus Security Authorities:

**LSCO Safety & Security Department**

Academic Center, Room 149  
409-882-3910  
<https://www.lSCO.edu/security/security.asp>

**Dean of Institutional Effectiveness and Educational Support**

Ron Lewis Building, Room 352  
409-882-3922  
[Patty.collins@lSCO.edu](mailto:Patty.collins@lSCO.edu)

**Dean of Student Services**

Ron Lewis Building, Room 355  
409-882-3342

[Brian.hull@lSCO.edu](mailto:Brian.hull@lSCO.edu)

**Clery Compliance Coordinator**

Academic Building, Room 149  
409-882-3910

[Joseph.hargrave@lSCO.edu](mailto:Joseph.hargrave@lSCO.edu)

**Title IX Coordinator**

Academic Center Room 149  
409-882-3910

[titleixcoordinator@lSCO.edu](mailto:titleixcoordinator@lSCO.edu)



### **Response to a Report**

LSCO's Safety and Security Department is available during normal operating hours and can be reached at 409.670.0789 or Orange Police Dispatchers are available 24 hours a day to answer your calls at 409.883.1026. In response to a call, LSCO will take the required action, either dispatching an LSCO Safety and Security Officer or Orange Police Officer or asking the victim to report to LSCO Safety and Security Department or the Orange Police Department to file an incident report. All reported crimes will be investigated by the College and may become a matter of public record.

All LSCO Safety and Security incident reports are reviewed and referred to the Dean of Student Services for potential action, as appropriate. LSCO Investigators will investigate a report when it is deemed appropriate. Additional information obtained via the investigation will also be forwarded to the Dean of Student Services. If assistance is required from the Orange Police Department or the Orange Fire Department, LSCO Safety and Security will contact the appropriate unit. If a sexual assault or rape should occur, staff on the scene, including LSCO Safety and Security, will offer the victim a wide variety of services.

### **Campus Procedures for Timely Warning Reports – Crime Alerts**

Prompt and accurate reporting of criminal offenses aids in providing a timely response and timely warning notices to the Gator Community when appropriate and assists in compiling accurate crime statistics. LSCO provides timely warning notices to the campus community when a Clery Act crime is reported to have occurred on LSCO's Clery Act Geography (On Campus, Public Property and Non-campus property), that, in the judgement of LSCO's Director of Safety and Security or designee constitutes a serious or continuing threat, a campus wide "timely warning" notice will be issued. These warnings will be distributed if an incident is reported to LSCO Safety and Security directly or indirectly through a local police agency or by a Campus Security Authority (CSA). These warnings will contain the following:

- Information about the crime that triggered the warning
- Information that would promote safety
- Information that would aid in the prevention of similar crimes

Timely warnings will be distributed as soon as pertinent information is available, in a manner that withholds the names of victims as confidential, and with the goal of aiding in the prevention of similar occurrences. Timely Warnings are typically issued for the following Uniform Crime Reporting Program (UCR)/National Incident Based Reporting System (NIBRS) crime classifications:

- Aggravated assault (cases involving assaults among known parties, such as two roommates fighting which results in an aggravated injury, will be evaluated on a case-by-case basis to determine if the individual is believed to be an ongoing threat to the larger LSCO community)
- Major incidents of Arson
- A string of Burglaries or Motor Vehicle Thefts that occur in reasonably close proximity to one another;
- Manslaughter by negligence
- Murder/non-negligent manslaughter
- Robbery involving force or violence (cases including pick pocketing and purse snatching will typically not result in the issuance of a Timely Warning Notice, but will be assessed on a case-by-case basis)



- Sex offenses (considered on a case-by-case basis depending on the facts of the case, when and where the incident occurred, when it was reported, and the amount information known by the LSCO Director of Safety and Security, or designee). In cases involving sexual assault, they are often reported long after the incident occurred, thus there is no ability to distribute a “timely” warning notice to the community. All cases of sexual assault, including stranger and non-stranger/acquaintance cases, will be assessed for potential issuance of a Timely Warning Notice.
- Other Clery crimes as determined necessary by the LSCO Director of Safety and Security, or his or her designee in his or her absence.

LSCO authorities will make a decision concerning issuing of a timely warning on a case-by-case basis using the following criteria:

- Nature of the crime
- Danger and continuing danger to the campus
- Risk of compromising law enforcement efforts

The LSCO Director of Safety and Security or designee reviews all reports to determine if there is an on-going threat to the community and if the distribution of a timely warning is warranted. These crimes are normally reported directly to LSCO’s campus safety and security department. However, sometimes they are reported to local law enforcement agencies or CSAs. LSCO’s campus safety and security department has requested that local law enforcement agencies and CSAs notify LSCO about crimes reported to them that may require timely warnings.

Timely Warning notices are distributed through LSCO’s emergency notification system, BlackboardConnect. Notification methods can include text message, email, and/or telephone call. Timely Warning notices are written and distributed by the Director of Public Relations and Development or the Director of Safety and Security and distributed through BlackboardConnect.

Warnings will contain information about the nature of the threat and allow members of the community to take protective actions. All employees and students are automatically signed up for BlackboardConnect alerts. If you are not receiving alerts, please review the “Disseminating Information on Campus Crime” section of this handout to ensure your contact information is included.

The institution is not required to issue a Timely Warning with respect to crimes reported to a pastoral or professional counselor.



## Investigations of Campus Crime

LSCO Safety and Security Officers, with assistance of LSCO Director of Safety and Security, conduct investigations regarding all incidents reported to LSCO. Officers will review reports of alleged criminal activity and either send an officer immediately or refer the report for subsequent investigation, depending upon the nature and seriousness of the offense involved. Individuals reporting an alleged crime should attempt to preserve evidence that might prove the crime was committed. Incidents involving legal matters will be turned over to the Orange Police Department for full investigation. LSCO's Department of Safety and Security will work with local law enforcement officers to provide access to information and knowledge obtained during the initial reporting.

## Disseminating Information on Campus Crime

**Media Relations:** The Public Relations & Development Office prepares news releases on crimes for distribution to campus media, the KOGT radio station, and other media outlets, as needed.

**Campus Newsletter:** The LSCO Times (a campus newsletter) has access to updated daily crime log information from the Safety and Security department.



**Crime Stoppers:** The Orange Police Department and the LSCO Safety and Security Department develop information regarding criminal activity. When information is needed or one wishes to report a crime, the local Crime Stopper program is sometimes utilized.

**Crime Alert Notification:** The Director of Safety and Security or other designated College employees may alert Faculty, Staff, or Students by other means that may include campus e-mail, postings on designated websites, or through departmental communications.

**Emergency Alert Notifications (BlackboardConnect)** For incidents that are deemed to be an emergency that will affect the Gator Community in the immediate and represent a serious or continuing threat to students and employees, the BlackboardConnect Emergency Alert Messaging System will be implemented by the Director of Public Relations and Development, Director of Safety and Security, or other designated college employee. BlackboardConnect notifies via voicemail, email, or text (as set up by the recipient).

Employees can update their contact information by completing the [LSCO Personal Event Form found on Blackboard](#) and return to the **Human Resource Department**. Students can update their information by contacting the admissions department.

The BlackboardConnect Alert message, audience, and timing of dissemination are determined by the Director of Safety and Security. In non-emergency situations, a coordinated review by the President's cabinet may take place.

**The BlackboardConnect Alert system is tested periodically by the Office of Safety and Security.**



## Security of and Access to Campus Facilities

The President of Lamar State College Orange is authorized by the Board of Regents of the Texas State University System to establish and administer regulations and procedures to provide for the security of campus buildings, equipment, and personnel. This includes the installation and maintenance of a key system and policies governing the use of that system. In accordance with administrative policy 5.20, the President has delegated the administration of the Key Control System to the Director of Physical Plant in consultation with the Director of Safety and Security.

The Director of Physical Plant will designate a key mechanic who will maintain all campus locks and manufacture keys as needed. No other person is authorized to install, alter, or remove locks without the approval of the President or the Director of Safety and Security.

Our Safety and Security Department is a full-service department providing safety, security, and crime prevention services to the Gator community. LSCO Safety and Security Department works to minimize crimes on campus. In an emergency, dial 409.670.0789 from any phone or there are telephones located in the hallways of all the campus buildings, which dial directly to campus security.

LSCO Safety and Security Officers conduct routine patrols of campus buildings to evaluate and monitor



security related matters. They patrol on foot or in golf carts marked with SECURITY.

### **Access to Campus Facilities**

Exterior access to facilities is generally available to faculty, staff, and students from 7 a.m. to 10 p.m., Monday through Thursday, and from 7 a.m. to 5 p.m. on Fridays. Weekend hours vary according to class schedules. Employees may request building access keys for use after hours. Employees receiving building access keys must agree to follow entrance/exit procedures and sign a waiver of liability acknowledging the absence of campus security during after hour periods.

***LSCO does not have campus residence facilities.***

### **Maintenance of Facilities**

Lamar State College Orange maintains campus facilities to minimize hazardous and unsafe conditions. Parking lots and pathways are illuminated with lighting. LSCO Safety and Security Department works closely with Physical Plant Department to address burned out lights promptly and malfunction door locks or other physical conditions that enhance security. The Physical Plant Department is responsible for the renovation, maintenance, repair, and operation of facilities at Lamar State College Orange. These responsibilities encompass routine maintenance, extraordinary repairs/renovations, and service requests from campus personnel/departments. The Physical Plant Department is responsible for all preventative maintenance including monitor all buildings and mechanical systems to ensure their integrity and proper operation; schedule and perform preventive maintenance on buildings and building-related equipment as necessary; maintain the safety of all facilities and equipment; coordinate the licensure and inspection of all building-related equipment/facilities as required by law. Other members of the College community are helpful when they report equipment problems to LSCO Safety and Security Department or to Physical Plant Department.



## **Emergency Response and Evacuation Procedures**

Only portions of the Emergency Management and Business Continuity Plan have been included in this document. A full version of the plan can be located at <http://www.lsc.edu/risk-management/emergency-management-and-business-continuity-plan.asp>.

### **Purpose**

The Emergency Management and Business Continuity Plan (EMBCP) is intended to establish policies, procedures, and organizational structure for mitigation, preparedness, response, and recovery to emergencies that are of sufficient magnitude to cause a significant disruption of the functioning of all or portions of the College. This plan describes the roles and responsibilities of departments, units, and personnel during emergency situations. The basic emergency procedures are designed to protect lives and property through effective use of College and community resources. Since an emergency may be sudden and without warning, these procedures are designed to be flexible to accommodate contingencies of various types and magnitudes.

**Emergencies occurring on campus should be reported to the Safety and Security Department at 409-670-0789.**

This EMBCP addresses each emergency on an individual basis, providing guidelines for the incident's containment. Section 5.1 provides emergency instructions for the College Incident Commander. Section 5.2 of this document provides emergency response information primarily for use by Staff, Faculty and other on-site personnel who may be initial responders to an emergency.



### **Scope**

This plan is a college-level plan that guides the emergency response of college personnel and resources. It is the official emergency response plan of the College and precludes actions not in concert with the intent of this plan or the organization created by it. However, nothing in this plan shall be construed in a way that limits the use of good judgment and common sense in matters not foreseen or covered by the plan's elements.

This plan and organization shall be subordinate to federal, state or local plans during a disaster declaration by those authorities. This Emergency Management and Business Continuity Plan is consistent with established practices relating to coordination of emergency response. Accordingly, this plan incorporates the use of the Incident Command System to facilitate interagency coordination, promote the use of common emergency response terminology and command structure, and facilitate the flow of information between responding agencies.

The College will cooperate with the Office of Emergency Management, State, County, and City Police and other responders in the development of emergency response plans and participate in multi-jurisdictional emergency planning exercises.

### **Emergency Response**

Lamar State College Orange regularly reviews and annually updates plans and procedures for emergency response and evacuation for the Gator Community. Emergency plans and procedures as well as a variety of additional resources are available in the full version of the [Emergency Management and Business Continuity Plan](#) and are available for viewing on the College's website.

The LSCO Safety and Security Department is responsible for conducting tests of emergency response and evacuation procedures through a variety of drills and exercises. In conjunction with other emergency agencies, the College conducts emergency response drills and exercises each year, such as tabletop exercises, field exercises, and tests of the emergency notification systems on campus. These tests, which may be announced or unannounced, are designed to assess and evaluate emergency plans and capabilities of the institution.

Each test is documented and includes a description of the exercise, the date and time of the exercise, and whether it was announced or unannounced.

Emergency notification systems are tested at least once annually, and emergency response and evacuation procedures are posted on our website for access by our Gator Community and the surrounding community.

The Safety and Security Department, in conjunction with the Safety, Security, IT and Risk Management Committee, utilizes outreach programs to train and educate the Gator Community on how to respond to various types of hazards.

The campus publicizes a summary of the emergency response and evacuation procedures at faculty/staff convocation and/or via email to all students and employees at least once each year in conjunction with a test (exercise and drill) that meets all the requirements of the Higher Education Opportunity Act.

The Executive Director of Campus Safety is responsible for the annual review, update, and publishing of the Emergency Management and Business Continuity Plan to the Gator Community. The plan is published on the college's website on the Emergency/Risk Management page.

LSCO's Safety and Security Department is usually the first to respond to emergencies occurring on LSCO's campus. Fire Department/Emergency Medical Services is provided by the City of Orange. LSCO's Safety and Security Team will work with the City of Orange responders as needed to resolve the situation.

### **Emergency (Immediate) Notification**

Lamar State College Orange has developed a process to notify the campus community in cases of emergency. While it is impossible to predict every significant emergency or dangerous situation that may occur on campus, the following identified situations are examples which may warrant an



emergency (immediate) notification after confirmation:

- Bomb/explosives threat suspicious package
- Campus disturbance/demonstration
- Civil disturbance, on or off campus
- Fire
- Hazardous release/spill, on or off campus
- Armed/Hostile intruder
- Natural disaster (severe weather)
- Public health crisis
- Terrorist incident, on or off campus
- Technology disaster
- Utility outage



Individuals can report emergencies occurring at Lamar State College Orange by calling **409-670-0789**.

In the event of an emergency, Lamar State College Orange will initiate and provide, without delay, immediate notifications to the appropriate segment(s) of the College community

upon the confirmation of a significant emergency or dangerous situation involving an immediate threat to the health or safety of students, employee and visitors.

It is essential to all emergency response planning and action that a single College Incident Commander (CIC) be designated. This person must be able to bring the necessary response to whatever incident may occur. The President or his designee is the College Incident Commander.

If the Director of Safety and Security, or designee, in conjunction with other College administrators, local first responders, Public Health Officials and/or the National Weather Service, confirms that there is an emergency or dangerous situation that poses an immediate threat to the health or safety of some or all members of the LSCO community, the Director of Safety and Security, The Director of Public Relations and Development or the President will determine the content of the message and will use some or all of the systems described below to communicate the threat to the LSCO Community or to the appropriate segment of the community, if the threat is limited to a particular building or segment of the population.

In case of any type of emergency or dangerous situation involving an immediate threat to the life, safety, or security of the Gator Community, LSCO will without delay – and considering the safety of the community – determine the content of emergency notification messages and initiate the notification system. The content of the emergency notification will contain information that will aid the Gator Community in responding to a particular situation or provide evacuation procedures when/if necessary. Emergency notification will be issued unless issuing a notification will, in the professional judgment of the responsible authorities, compromise efforts to assist a victim or contain, respond to, or otherwise mitigate the emergency.

The following campus officials have been designated to serve as authorized officials who are empowered to develop and approve the content and issuance of written emergency notifications:

- President
- Director of Safety and Security
- Director of Public Relations and Development

When an authorized official receives a report of an imminent or already occurring situation that poses an immediate threat to life, safety, or security on campus, they will confirm the report.

Depending on the situation, they may achieve confirmation through one or more of the following:

- Investigation by LSCO Safety and Security Department
- Investigation by other LSCO campus departments, including but not limited to Physical Plant, and/or Student Services
- Investigation by the City of Orange Police Department
- Orange County Emergency Management
- Texas Department of State Health Services

The LSCO authorized official will determine, consulting with other campus officials as appropriate, how much information will be disseminated. This determination will be made based on the following:

- Nature of the incident or threat
- Location of the incident or threat

Predictable events, such as a certain meteorological storm, are treated differently from emergency incidents. The Office of the Director of Safety and Security is designated to monitor these events on a 24/7/365 basis. If a predictable weather-related storm becomes a threat to the Gator Community, the Director of Safety and Security will contact the CIC to discuss implementing the Tropical/Hurricane Storm plan and notification of the Gator Community.

The Gator Community will be notified via BlackboardConnect of any emergency or dangerous situation. Notifications may be via phone, email, and/or text utilizing the BlackboardConnect system. Additional notification systems may include email, fire alarms, posted advisory messages on Blackboard and/or our social media channels, and notifications from city, county, or state officials emergency systems. If any of these systems fail or the College deems it appropriate, in-person communication may be used to communicate an emergency.

<b>System to use</b>	<b>Primary Message Creator</b>	<b>Backup Message Creator</b>	<b>Authority for approving &amp; sending messages</b>	<b>Primary Message Sender/ Distributor</b>	<b>Backup Message Sender/ Distributor</b>
<b>PRIMARY</b>					
BlackboardConnect	Director of Safety and Security	Director of Institutional Effectiveness	Director of Safety and Security, President, Director of Public	Director of Safety and Security	Director of Institutional Effectiveness, President, Director of Public

			Relations and Development		Relations and Development
Social Media	Director of Safety and Security	Director of Public Relations and Development	Director of Public Relations and Development, President, Director of Safety and Security	Director of Public Relations and Development	Director of Safety and Security, President
<b>SECONDARY</b>	<b>Primary Message Creator</b>	<b>Backup Message Creator</b>	<b>Authority for approving &amp; sending messages</b>	<b>Primary Message Sender/Distributor</b>	<b>Backup Message Sender/Distributor</b>
Internal Email System	Director of Safety and Security	Director of Institutional Effectiveness	Director of Safety and Security, President, Director of Institutional Effectiveness	Director of Safety and Security	Director of Institutional Effectiveness, President

All students and employees who have a @lsc.edu email address are automatically registered to receive alerts from BlackboardConnect. Students and employees are encouraged to verify their contact information for accuracy and update it as soon as it changes. Students can update their information in the admissions office and employees can contact Human Resources to update their information.

The City of Orange utilizes a mass notification system called the Southeast Texas Alerting Network (STAN) to notify residents of emergency conditions. This service is provided free of charge, but the Gator Community must sign up for this service. If you are interested in signing up to receive emergency notifications from STAN, please visit their website at <http://www.thestan.com/>.

A combination of some or all the above notification methods will be used to issue any necessary follow-up message to the Gator Community (except fire alarm). Information regarding the status of emergency situations will be developed and disseminated to the members of the larger community, including neighbors, parents and other interested parties as soon as possible. This information may come as updates to LSCO’s website, social media outlets, or direct communication with the media.



If there is an immediate threat to the health or safety of students or employees occurring on campus, an institution must follow its emergency notification procedures. An institution that follows its emergency notification procedures is not required to issue a timely warning based on the same circumstances; however, the institution must provide adequate follow-up information to the community as needed.



### **Emergency Evacuation Procedures**

When a building's evacuation is ordered, it will be done in an orderly and safe manner. All faculty, staff, and students are to assemble in areas designated by the Emergency Management and Business Continuity Plan Coordinator. Evacuation orders may be given for multiple purposes. Building Liaisons will be responsible for notifying building occupants where the assembly area is. Emergency evacuation routes for each building, including assembly areas, are identified on [Appendix D of the Emergency Management and Business Continuity Plan](#) (EMBCP) and can be found on our website. The recommended evacuation routes and assembly points should be utilized by the Building Liaison in an emergency situation requiring evacuation.

When a building's evacuation is ordered, it will be done in an orderly and safe manner. All faculty, staff, and students are to assemble in designated areas. Should a person have to remain in the building due to circumstances beyond his/her control, the Building Liaison will notify the arriving emergency response officials of the person's location and the condition of the individual (i.e., handicapped, wheelchair bound, injured, etc.).

Evacuation orders may be given for multiple purposes. During an evacuation, the fire alarm will be the first notification system utilized. However, depending upon the circumstances of the emergency, you may receive a text message through BlackboardConnect, an LSCO Safety and Security Officer, or another College official may instruct you to evacuate. If you are the first to discover a fire in any building on campus, you shall immediately pull the closest fire alarm switch, evacuate to a safe location, and notify LSCO's Safety and Security Team by calling 409-670-0789 or by dialing 911.

In order to safely evacuate a building, faculty, staff, and students should know the following:

- Where all emergency exits, alarm pulls, and fire extinguishers are located.
- Never assume the alarm is only a drill.
- When the alarm sounds, remain calm.
- Make sure employees/students in your area have heard the alarm and know to evacuate

immediately.

- Turn off all equipment.
- Shut the door as you exit.
- Check restrooms and workrooms as you exit the building.
- Use exits away from any visible smoke or fire.
- Do **not** use the elevator.
- Anyone unable to exit on their own should be assisted to an area at the top of the stairs to await evacuation by the fire department. Do **not** block the stairs.



- Proceed to a previously designated area away from the building. Check class roll or have all students and employees sign a list, so everyone is accounted for.
- Do not try to leave the parking area. Streets must remain clear to allow emergency vehicles access to the building.
- Do not return to the building until the Safety & Security Coordinator or Director of Physical Plant gives instructions to do so.

Procedures for evacuation and location of fire extinguishers and alarm pulls are posted in each classroom.

### **Shelter-in-Place**

There are a few emergency situations where an evacuation of a building and/or classroom is not advisable – tornadoes, hostile intruder, hazardous release outside, terrorist attack, etc. Please refer to the Shelter in Place document found on Blackboard under the Employee Resources/Work Life tab in the Safety Section.

### **What it Means to “Shelter-in-Place”**

If an incident occurs and you are told to “shelter in place,” it means finding a safe location indoors and staying there until you are given an “all clear” or told to evacuate by authorities. Thus, to “shelter-in-place” means to make a shelter of the building that you are in, and with a few adjustments this location can be made even safer and more comfortable until it is safe to go outside.

### **Shelter-in- Place Communications**

- A “Shelter-in-Place” will be announced via BlackboardConnect.
- If a situation that may require a Shelter-in-Place is discovered, the individual making the discovery shall immediately contact LSCO’s Safety and Security Department who will advise and provide as much information as possible.
- Fire evacuation alarms are not to be sounded.

### **Shelter-in-Place Procedures**

- Lock the classroom and other doors.
- Close windows & window treatments.
- Turn off lights.
- Everyone is to remain quiet and not enter hallways.
- Should the fire alarm sound, do not evacuate the building unless:
  - You have firsthand knowledge that there is a fire in the building, or
  - You have been advised by LSCO Officials or Local Law Enforcement to evacuate the building.
- Crouch down in areas that are out of sight from doors and windows.
- Students in hallways are to seek shelter in the nearest classroom.
- Students in outdoor areas should immediately take cover.



**Jeanne Clery Disclosure of Campus Security Policy and Campus Crime Statistics Act, as Amended by the Violence Against Women Reauthorization Act of 2013**

Lamar State College Orange prohibits the offenses of domestic violence, dating violence, sexual assault and stalking (as defined by the Clery Act) and reaffirms its commitment to maintaining a campus environment that emphasizes the dignity and worth of all members of the College community. Toward that end, Lamar State College Orange issues this statement of policy to inform the campus community of our programs to address domestic violence, dating violence, sexual assault and stalking as well as the procedures for institutional disciplinary action in cases of alleged dating violence, domestic violence, sexual assault, or stalking, which will be followed regardless of whether the incident occurs on or off campus when it is reported to a College official.

**Federal Clery Act Definitions of Domestic Violence, Dating Violence, Sexual Assault and Stalking**

The Clery Act defines the crimes of domestic violence, dating violence, sexual assault and stalking as follows:

**Domestic Violence:**

- i. A Felony or misdemeanor crime of violence committed—
  - A) By a current or former spouse or intimate partner of the victim;
  - B) By a person with whom the victim shares a child in common;
  - C) By a person who is cohabitating with, or has cohabitated with, the victim as a spouse or intimate partner;
  - D) By a person similarly situated to a spouse of the victim under the domestic or family violence laws of the jurisdiction in which the crime of violence occurred; or
  - E) 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 the jurisdiction in which the crime of violence occurred.
- ii. For the purposes of complying with the requirements of this section and §668.41, any incident meeting this definition is considered a crime for the purposes of Clery Act reporting.

**Dating Violence:** Violence committed by a person who is or has been in a social relationship of a romantic or intimate nature with the victim.

- i. The existence of such a relationship shall be based on the reporting party’s statement and with consideration of the length of the relationship, the type of relationship, and the frequency of interaction between the persons involved in the relationship.
- ii. For the purposes of this definition—
  - A) Dating Violence includes, but is not limited to, sexual or physical abuse or the threat of such abuse.
  - B) Dating violence does not include acts covered under the definition of domestic violence.
- iii. For the purposes of complying with the requirements of this section and §668.41, any incident meeting this definition is considered a crime for the purposes of Clery Act reporting.

**Sexual Assault:** An offense that meets the definition of rape, fondling, incest, or statutory rape as used in the FBI’s Uniform Crime Reporting (UCR) program. Per the National Incident-Based Reporting System User Manual from the FBI UCR Program, a sex offense is “any sexual act directed against another person, without the consent of the victim, including instances where the victim is incapable of giving consent.”

- i. **Rape** is defined as the penetration, no matter how slight, of the vagina or anus with any body part or object, or oral penetration by a sex organ of another person, without the consent of the victim.
- ii. **Fondling** is defined as the touching of the private parts of another person for the purposes 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 incapacity.
- iii. **Incest** is defined as sexual intercourse between persons who are related to each other within the degrees wherein marriage is prohibited by law.
- iv. **Statutory Rape** is defined as sexual intercourse with a person who is under the statutory age of consent.

**Stalking:**

- i. Engaging in a course of conduct directed at a specific person that would cause a reasonable person to—
  - A) Fear for the person’s safety or the safety of others; or
  - B) Suffer substantial emotional distress.
- ii. For the purposes of this definition—
  - A) *Course of conduct* means two or more acts, including, but not limited to, acts which the stalker directly, indirectly, or through third parties, by any action, method, device, or means follows, monitors, observes, surveils, threatens, or communicates to or about, a person, or interferes with a person’s property.
  - B) *Reasonable person* means a reasonable person under similar circumstances and with similar identities to the victim.
  - C) *Substantial emotional distress* means significant mental suffering or anguish that may, but does not necessarily, require medical or other professional treatment or counseling.
- iii. For the purposes of complying with the requirements of this section and section 668.41, any incident meeting this definition is considered a crime for the purposes of Clery Act reporting.

**Jurisdictional Definitions of Domestic Violence, Dating Violence, Sexual Assault and Stalking**

- **Domestic Violence:** The state of Texas defines Family Violence as:
  - any act committed by one **family or household member** against another family/household member that is:
  - intended to **cause**:
    - physical harm;



- bodily injury, which is defined as physical pain, illness, or damage to your physical condition;
  - assault; or
  - sexual assault; or
- a **threat** that reasonably places the family or household member in fear of:
  - physical harm;
  - bodily injury, which is defined as physical pain, illness, or damage to your physical condition;
  - assault; or
  - sexual assault.<sup>1</sup>
- any of the following acts committed by a **family or household member** against a **child** of the family or household member:
  - physical injury that results in substantial harm to the child (or that has a real risk of resulting in substantial harm)
  - sexual conduct harmful to a child’s mental, emotional, or physical welfare (including acts that come under the offense of **continuous sexual abuse of young child**, **indecent with a child**, **sexual assault**, or **aggravated sexual assault**)
  - forcing or encouraging the child to engage in **sexual conduct**, **trafficking** (under sections (a)(7) or (8) of the law), **solicitation of prostitution**, or **compelling prostitution** (under section (a)(2) of the law);
  - causing, permitting, encouraging, engaging in, or allowing pornographic or **obscene** photographing, filming, or depicting of the child;
  - use of a controlled substance (drug) that the use results in physical, mental, or emotional injury to a child;
  - causing, encouraging, or expressly (specifically) permitting a child to use a controlled substance (drug);
  - causing, permitting, encouraging, engaging in, or allowing **sexual performance by a child**;
  - forcing or coercing a child to enter into a marriage;<sup>2</sup> or

**Dating Violence:** The state of Texas defines dating violence in the Texas Family Code 71.0021 as follows: **Dating violence** is when an abuser commits an **act** that is:

- **intended to** result in physical harm, bodily injury (physical pain, illness, or damage to your physical condition)<sup>1</sup>, assault, or sexual assault; or
- **a threat** that reasonably places you in fear of immediate physical harm, bodily injury (physical pain, illness, or damage to your physical condition),<sup>1</sup> assault, or sexual assault.<sup>2</sup>
- The act must be **committed against**:
- someone with whom s/he has or had a “dating relationship;” or
- the new spouse or intimate partner of someone the abuser is/was married to or in a “dating relationship” with.<sup>2</sup>
- A **dating relationship** is defined as a relationship between people who have or had a continuing romantic or intimate relationship. To determine if a dating relationship exists, the judge will consider:
  - the length of the relationship;
  - the nature of the relationship; and
  - the frequency and type of interaction between the persons involved in the relationship.<sup>2</sup>

**Sexual Assault:** The state of Texas defines sexual assault as follows:

- Sec. 22.011. SEXUAL ASSAULT. (a) A person commits an offense if:
  - (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.

Sec. 22.012. INDECENT ASSAULT. (a) A person commits an offense if, without the other person's consent and with the intent to arouse or gratify the sexual desire of any person, the person:

- (1) touches the anus, breast, or any part of the genitals of another person;
  - (2) touches another person with the anus, breast, or any part of the genitals of any person;
  - (3) exposes or attempts to expose another person's genitals, pubic area, anus, buttocks, or female areola; or
  - (4) causes another person to contact the blood, seminal fluid, vaginal fluid, saliva, urine, or feces of any person.
- (b) An offense under this section is a Class A misdemeanor.
- (c) If conduct that constitutes an offense under this section also constitutes an offense under another law, the actor may be prosecuted under this section, the other law, or both.

Sec. 22.021. AGGRAVATED SEXUAL ASSAULT. (a) A person commits an offense:

- (1) 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
- (2) 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 the 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.

**Stalking:** The state of Texas defines stalking in the Texas Penal Code 42.072 as follows:

Sec. 42.072. STALKING. (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 specifically at another person, knowingly engages in conduct that:

- (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;
  - (B) bodily injury or death for a member of the other person's family or household or for an individual with whom the other person has a dating relationship; or
  - (C) that an offense will be committed against 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 to be placed in fear of bodily injury or death or in fear that an offense will be committed against the other person's property, or to feel harassed, annoyed, alarmed, abused, tormented, embarrassed, or offended; and

- (3) would cause a reasonable person to:
  - (A) fear bodily injury or death for himself or herself;
  - (B) fear bodily injury or death for a member of the person's family or household or for 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, annoyed, alarmed, abused, tormented, embarrassed, or offended.

### **Consent**

The State of Texas defines consent in Sec. 1.07 of the Texas Penal Code, in relation to sexual activity, as follows: "consent" means assent in fact, whether express or apparent. Texas Penal Code 22.011(b) states the following:

- (b) A sexual assault under Subsection (a)(1) 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; or
  - (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.

The Texas State University System defines consent in the Sexual Misconduct Policy and Procedures as an informed and freely and affirmatively communicated willingness to participate in a particular sexual activity. Consent can be expressed either by words or by clear and unambiguous actions, as long as those words or actions create mutually understandable permission regarding the conditions of each instance of sexual activity.

It is the responsibility of the person who wants to engage in the sexual activity to ensure that s/he has the consent of the other to engage in each instance of sexual activity. (The definition of consent for the crime of sexual assault in Texas can be found at Texas Penal Code Section 22.011). The College will consider the following factors in determining whether consent was provided:

1. consent is a voluntary agreement or assent to engage in sexual activity;
2. someone who is incapacitated cannot consent;
3. consent can be withdrawn at any time;
4. past consent does not imply future consent;
5. silence or an absence of resistance does not imply consent;
6. consent to engage in sexual activity with one person does not imply consent to engage in sexual activity with another;
7. coercion, force, or threat invalidates consent; and
8. being intoxicated or under the influence of alcohol, drugs, or any other substance is never an excuse for engaging in Sexual Misconduct.



### **How to Be an Active Bystander**

Bystanders play a critical role in the prevention of sexual and relationship violence. They are “individuals who observe violence or witness the conditions that perpetuate violence. They are not directly involved but have the choice to intervene, speak up, or do something about it.”<sup>1</sup> We want to promote a culture of community accountability where bystanders are actively engaged in the prevention of violence without causing further harm. We may not always know what to do even if we want to help. Below is a list<sup>2</sup> of some ways to be an active bystander. Further information regarding bystander intervention may be found. If you or someone else is in immediate danger, dial 911. This could be when a person is yelling at or being physically abusive towards another and it is not safe for you to interrupt.

1. Watch out for your friends and fellow students/employees. If you see someone who looks like they could be in trouble or need help, ask if they are ok.
2. Confront people who seclude, hit on, try to make out with, or have sex with people who are incapacitated.
3. Speak up when someone discusses plans to take sexual advantage of another person.
4. Believe someone who discloses sexual assault, abusive behavior, or experience with stalking.

<sup>1</sup> Burn, S.M. (2009). A situational model of sexual assault prevention through bystander intervention. *Sex Roles, 60*, 779-792.

<sup>2</sup> Bystander intervention strategies adapted from Stanford University’s Office of Sexual Assault & Relationship Abuse

5. Refer people to on or off campus resources listed in this document for support in health, counseling, or with legal assistance.

### **Risk Reduction**

With no intent to victim blame and recognizing that only abusers are responsible for their abuse, the following are some strategies to reduce one's risk of sexual assault or harassment (taken from Rape, Abuse, & Incest National Network, [www.rainn.org](http://www.rainn.org)):

1. **Be aware** of your surroundings. Knowing where you are and who is around you may help you to find a way to get out of a bad situation.
2. Try to **avoid isolated areas**. It is more difficult to get help if no one is around.
3. **Walk with purpose**. Even if you don't know where you are going, act like you do.
4. **Trust your instincts**. If a situation or location feels unsafe or uncomfortable, it probably isn't the best place to be. If you feel unsafe in any situation, go with your gut. If you see something suspicious, contact law enforcement immediately (local authorities can be reached by calling 911 in most areas of the U.S.).
5. **Try not to load yourself down** with packages or bags as this can make you appear more vulnerable.
6. **Make sure your cell phone is with you** and charged and that you have cab money or one or more transportation apps on your cell phone, connected to a bank account or credit card with funds.
7. **Don't allow yourself to be isolated** with someone you don't trust or someone you don't know.
8. **Avoid putting music headphones in both ears** so that you can be more aware of your surroundings, especially if you are walking alone.
9. **When you go to a social gathering, go with a group of friends**. Arrive together, check in with each other throughout the evening, and leave together. Knowing where you are and who is around you may help you to find a way out of a bad situation.
10. **Don't leave your drink unattended** while talking, dancing, using the restroom, or making a phone call. If you've left your drink alone, just get a new one.
11. **Don't accept drinks from people you don't know or trust**. If you choose to accept a drink, go with the person to the bar to order it, watch it being poured, and carry it yourself. At parties, don't drink from punch bowls or other large, common open containers.
12. **Watch out for your friends, and vice versa**. If a friend seems out of it, is way too intoxicated for the amount of alcohol they've had, or is acting out of character, get him or her to a safe place immediately.
13. **If you suspect you or a friend has been drugged, contact law enforcement immediately (local authorities can be reached by calling 911 in most areas of the U.S.)**. Be explicit with doctors so they can give you the correct tests (you will need a urine test and possibly others).
14. If you need to get out of an uncomfortable or scary situation here are some things that you can try:
  - a. **Remember that being in this situation is not your fault**. You did not do anything wrong, it is the person who is making you uncomfortable that is to blame.
  - b. **Be true to yourself**. Don't feel obligated to do anything you don't want to do. "I don't want to" is always a good enough reason. Do what feels right to you and what you are comfortable with.
  - c. **Have a code word with your friends or family** so that if you don't feel comfortable you can call them and communicate your discomfort without the person you are with

knowing. Your friends or family can then come to get you or make up an excuse for you to leave.

- d. **Lie.** If you don't want to hurt the person's feelings it is better to lie and make up a reason to leave than to stay and be uncomfortable, scared, or worse. Some excuses you could use are: needing to take care of a friend or family member, not feeling well, having somewhere else that you need to be, etc.

15. **Try to think of an escape route.** How would you try to get out of the room? Where are the doors? Windows? Are there people around who might be able to help you? Is there an emergency phone nearby?

16. **If you and/or the other person have been drinking,** you can say that you would rather wait until you both have your full judgment before doing anything you may regret later.



**LAMAR INSTITUTE OF TECHNOLOGY / LAMAR STATE COLLEGE PORT ARTHUR / LAMAR STATE COLLEGE ORANGE**

**SECTION: Executive Vice President of Finance and Operations – Shared Services**

**AREA: Office of Campus Safety – Shared Services**

**Subject: Clery Act Compliance**

**POLICY STATEMENT**

*Lamar State College Orange / Lamar State College Port Arthur / Lamar Institute of Technology are committed to maintaining a safe and secure environment for its faculty, staff, students, and visitors by maintaining Clery Act compliance.*

**01. BACKGROUND INFORMATION**

01.01 The purpose of this policy is to describe the requirements and responsibilities of the college in complying with the "[Jeanne Clery Disclosure of Campus Security Policy and Crime Statistics Act of 1998](#)," (commonly referred to as the Clery Act). Establishing requirements and responsibilities will facilitate compliance with the Clery Act and increase overall safety on and near Lamar State College Orange / Lamar State College Port Arthur / Lamar Institute of Technology campuses.

01.02 To maintain a safe and secure environment for its faculty, staff, students, and visitors and as a recipient of federal financial aid, Lamar State College Orange / Lamar State College Port Arthur / Lamar Institute of Technology will comply with the provisions of the Clery Act, as amended. The Clery Act requires Lamar State College Orange / Lamar State College Port Arthur / Lamar Institute of Technology to report specific crime statistics on and near the campus and to provide other safety and crime information to the campus community. Interpretation of the Clery Act is regularly refined by U.S. Department of Education guidance. This policy provides guidance to maximize Lamar State College Orange / Lamar State College Port Arthur / Lamar Institute of Technology's efforts to comply with the Clery Act. When in the judgement of the Clery Act Compliance Coordinator, Lamar State College Orange / Lamar State College Port Arthur / Lamar Institute of Technology are required to deviate from this policy to satisfy new guidance. The Clery Act Compliance Coordinator, with the approval of campus leadership, will be responsible for updating this policy as needed to ensure compliance.

01.03 This policy applies to all main and satellite campuses of Lamar State College Orange / Lamar State College Port Arthur / Lamar Institute of Technology.

## 02. DEFINITIONS

02.01 **Campus Security Authority (CSA)** – individuals at Lamar State College Orange / Lamar State College Port Arthur / Lamar Institute of Technology who due to official job duties, *ad hoc* responsibilities, or volunteer engagements, are required by federal law and under the Clery Act to report a crime when it has been observed by them or reported to them by another individual. These individuals typically fall under one of the following categories:

- a. a member of a campus security department;
- b. individuals responsible for campus security in some capacity but who are not members of a campus security department (e.g., city, county, or state police officers working special events);
- c. individuals or offices that are not members of campus security department, but where policy directs other individuals to report criminal offenses to them or their office; and
- d. officials having significant responsibility for student and campus activities, including but not limited to, student housing, student conduct, and campus judicial proceedings.

02.02 **Official** – any person who has the authority and the duty to take action or respond to particular issues on behalf of the institution. These include, but are not limited to:

- a. security personnel;
- b. athletic directors or coaches (Lamar State College Port Arthur only);

- c. faculty and staff serving as student organization advisors;
- d. Housing (Lamar State College Port Arthur only) Staff (excluding clerical and maintenance staff); and
- g. Title IX Coordinators.

CSAs are determined based on criteria established in the [Clery Act Appendix for FSA handbook](#) and [The Handbook for Campus Safety and Security Reporting](#).

02.03 **Clery Act Crimes (Clery Crimes)** – crimes required by the Clery Act to be reported annually to the Lamar State College Orange / Lamar State College Port Arthur / Lamar Institute of Technology communities include the following:

- a. criminal homicide (murder, non-negligent manslaughter, and manslaughter by negligence);
- b. sex offenses (rape, fondling, statutory rape, and incest);
- c. robbery;
- d. aggravated assault;
- e. burglary;
- f. motor vehicle theft;
- g. arson;
- h. hate crimes (including larceny-theft, simple assault, intimidation, or destruction, damage, or vandalism of property that is motivated by bias);
- i. dating violence;
- j. domestic violence;
- k. stalking; and
- l. arrests or referrals for disciplinary action for any of the following:
  - 1) liquor law violations;
  - 2) drug law violations; and
  - 3) weapon law violations.

02.04 **Clery Act Geography** – property that is owned, leased, or controlled by the institution which includes:



- a. On-Campus Buildings or Property – any building or property owned or controlled by an institution of higher education within the same reasonably contiguous geographic area of the institution and used by the institution in direct support of, or in a manner related to the institution’s educational purposes, including residence halls and property within the same reasonably contiguous geographic area of the institution that is owned by the institution but controlled by another person, is frequently used by students, and supports institutional purposes, such as food or retail vendors.
  - 1) Student Housing Facilities (on-campus subset) – any student housing facility that is owned or controlled by the institution or is located on property that is owned or controlled by the institution and is within the reasonably contiguous geographic area that makes up the campus.
- b. Public Property – all public property, including thoroughfares, streets, sidewalks, and parking facilities that are within the campus, or immediately adjacent to and accessible from the campus; and
- c. Non-Campus Buildings or Property – any building or property owned or controlled by a student organization that is recognized by the institution; and any building or property (other than a branch campus) owned or controlled by an institution of higher education that is used in direct support of, or in relation to, the institution’s educational purposes, is frequently used by students, and is not within the same reasonably contiguous geographic area of the institution (e.g., school-sponsored trips; short-stay, away trips; Education Abroad program locations).

02.05 **Emergency Notification** – an announcement triggered by a significant emergency event or dangerous situation involving an immediate threat to the health or safety of Lamar State College Orange / Lamar State College Port Arthur / Lamar Institute of Technology’s faculty, staff, students, or visitors on Lamar State College Orange / Lamar State College Port Arthur / Lamar Institute of Technology campuses. This expands upon the definition of “timely warning” to include both Clery crimes and other types of emergencies or events that pose an imminent threat to the campus community.

- a. Emergency Event – any event, natural or man-made, with the potential to cause significant injuries or deaths; to shut down Lamar State College Orange / Lamar State College Port Arthur / Lamar Institute of Technology; disrupt operations; cause physical or environmental damage; or threaten Lamar State College Orange / Lamar State College Port Arthur / Lamar Institute of Technology’s reputation. Examples include:
  - 1) fire;
  - 2) hazardous materials incidents;
  - 3) flooding;
  - 4) severe weather
    - (a) winter weather
    - (b) hurricanes
    - (c) tornados
  - 5) earthquakes;

- 6) radiological accident;
- 7) explosion;
- 8) biological or chemical release;
- 9) public health threat (excluding flu outbreak which is covered under state policy);
- 10) acts of violence; and
- 11) acts of terrorism.

02.06 **Emergency Notification System** – a mechanism established for the purpose of and dedicated to enabling Lamar State College Orange / Lamar State College Port Arthur / Lamar Institute of Technology officials to quickly contact or send messages to employees and students in the event of an emergency. Examples include, but are not limited to fire alarms, sirens, alerts via email or text message, local T.V. and radio, etc.

02.07 **Timely Warning** – an alert triggered when Lamar State College Orange / Lamar State College Port Arthur / Lamar Institute of Technology determines that a crime which has already been committed but continues to present a serious or ongoing threat (e.g., a homicide, sex offense, or robbery) must be reported to the campus community.

### 03. REQUIREMENTS OF THE CLERY ACT

03.01 **Annual Security and Fire Safety Report** – By October 1 each year, the Clery Act Compliance Coordinator will publish an Annual Security and Fire Safety Report documenting three calendar years of Clery crime statistics, security policies and procedures, and information on the basic rights guaranteed to victims of sexual assault, such as [\(TSUS\) Sexual Misconduct Policy and Procedures](#) and [Resources for Victims of Sexual Misconduct](#). All crime statistics must be reported to the U.S. Department of Education.

This report must be made available to all current students and employees. In addition, prospective employees and students must be notified of the Annual Security and Fire Safety Report's existence and provided a copy upon request. Paper copies of the report will be available upon request. In addition, the Office of Admissions and Human Resources will publish a link to the report with a brief description on their respective web sites.

Note: Lamar State College Orange / Lamar State College Port Arthur / Lamar Institute of Technology publish separate Annual Security and Fire Safety Reports.

03.02 **Identify, Notify, and Train CSAs** – Lamar State College Orange / Lamar State College Port Arthur / Lamar Institute of Technology will review and identify positions which meet the definition of a CSA once or twice a year, and notify individuals of their obligations under the Clery Act to report any and all Clery crimes witnessed by or reported to them, which may have occurred on the institution's Clery Act geography. Lamar State College Orange / Lamar State College Port Arthur / Lamar Institute of Technology require that all CSAs complete training on their responsibilities and reporting requirements under the Clery Act and will provide such training on an annual basis. Employees designated as CSAs are to take the online CSA Clery Act training module on the

colleges' selected training management systems. Interns, volunteers, and contractors will take the online CSA Clery Act training on an alternate platform.

For questions about CSA Clery Act training, contact the Clery Act Compliance Coordinator.

**03.03 Disclose Crime Statistics** – Crime statistics for incidents that occur on our Clery Act geography must be disclosed on the Annual Security Report section.

The Clery Act Compliance Coordinator is responsible for gathering crime statistics from local law enforcement agencies, Student Services, Title IX, Dean of Students, and CSAs.

The Clery Act requires reporting of crimes\* in the following categories:

- a. criminal offenses:
  - 1) criminal homicide
    - (a) murder and non-negligent manslaughter
    - (b) manslaughter by negligence;
  - 2) sex offenses
    - (a) rape
    - (b) fondling
    - (c) incest
    - (d) statutory rape
  - 3) robbery;
  - 4) aggravated assault;
  - 5) burglary;
  - 6) motor vehicle theft; and
  - 7) arson.
- b. Violence Against Women Act (VAWA) offenses:
  - 1) domestic violence\*\*;
  - 2) dating Violence; and
  - 3) stalking.
- c. arrests and referrals for disciplinary action:
  - 1) liquor law violations;
  - 2) drug law violations; and
  - 3) weapon law violations.
- d. hate crimes:
  - 1) Statistics are required for the offenses listed above in addition to the four additional categories listed below:
    - (a) larceny theft;
    - (b) simple assault;
    - (c) intimidation; and

(d) destruction, damage, or vandalism of property.

Hate Crimes must be reported by category of bias, including:

- 1) race
- 2) gender
- 3) religion
- 4) sexual orientation
- 5) ethnicity;
- 6) national origin;
- 7) gender identity; and
- 8) disability.

To view crime definitions, refer to the [Clery Act Crime Definitions webpage](#).

\*Unfounded crimes must be disclosed if any of the listed crimes are found to be false or baseless by local law enforcement agency. The Clery Act has specific guidelines for classifying a reported offense as unfounded.

\*\*Lamar State College Port Arthur includes acts of violence committed between roommates as domestic violence, as roommates are protected under Texas law.

**03.04 Issue Timely Warnings** – Lamar State College Orange / Lamar State College Port Arthur / Lamar Institute of Technology must provide timely warnings about Clery crimes which pose a serious or ongoing threat to the campus community. This is determined by one (or more) Lamar State College Orange / Lamar State College Port Arthur / Lamar Institute of Technology officials who have been pre-identified in Lamar State College Orange / Lamar State College Port Arthur / Lamar Institute of Technology’s policy and procedures for issuing a timely warning. Because the nature of criminal threats is often not limited to a single location, timely warnings must be issued in a manner likely to reach the entire college community. Timely warnings may be issued for Clery crimes occurring on our Clery Act geography. Timely warnings will never identify the victim of the crime.

Exception: Crimes that would otherwise be reportable but are reported to a licensed mental health counselor or pastoral counselor, in the context of a privileged (confidential) communication, are not subject to the timely warning requirement.

**03.05 Issue Emergency Notifications** – Lamar State College Orange / Lamar State College Port Arthur / Lamar Institute of Technology are required to inform the college community about significant emergency events or dangerous situations involving immediate threats to the health or safety of Lamar State College Orange / Lamar State College Port Arthur / Lamar Institute of Technology employees, students, and visitors occurring on - or near campus. An emergency notification expands the definition of timely warning as it includes both Clery crimes and other types of emergencies (e.g., fire, infectious disease outbreaks, etc.). Emergency events may be localized; therefore, notifications may be tailored exclusively to the segment of the college community at risk.

Lamar State College Orange / Lamar State College Port Arthur / Lamar Institute of Technology must also have emergency response and evacuation procedures in place specific to its on-campus facilities. A summary of these procedures must be disclosed in the annual security report section. Additionally, the emergency response procedures must be tested annually at least once.

Note: Exceptions occur during emergencies where issuing a notification would compromise efforts to assist a victim, contain the emergency, respond to the emergency, or mitigate the emergency. These cases will not be subject to the emergency notification requirement.

- 03.06 **Respond to Reports of Missing Residential Students** – Lamar State College Port Arthur provides every student living in Seahawk Landing housing facility the opportunity and means to identify an individual to be contacted in an emergency, including whenever Lamar State College Port Arthur determines that a student is missing.

Port Arthur Police Department will investigate all reports of missing students and will notify and cooperate with other law enforcement agencies, as necessary, to further the investigation.

- 03.07 **Compile, Report, and Publish Fire Data** – [The Higher Education Opportunity Act of 1998 \(HEOA\)](#) amended the Clery Act to include fire statistics. Campus Safety will produce the information to be included in the Annual Fire Safety Report section. In accordance with HEOA regulations, Campus Safety must collect and disclose fire statistics for each on-campus student housing facility for the three most recent calendar years for which data are available. Each such facility must be identified in the statistics by name and street address, regardless of whether any fires have occurred.

Additionally, Campus Safety will provide a description of the fire safety system in each student housing facility that is included in the Annual Fire Safety Report section. These descriptions should include mechanisms (e.g., fire extinguishers, fire doors, posted evacuation routes, etc.) or systems related to the detection, warning, and control of a fire. Campus Safety will submit the Annual Fire Safety Report section to the Clery Act Compliance Coordinator for inclusion in the statistics reported to the U.S. Department of Education.

Note: This section only applies to Lamar State College Port Arthur, as Lamar State College Orange and Lamar Institute of Technology do not currently have any student housing facilities.

- 03.08 **Maintain a Public Daily Crime Log** – Lamar State College Orange / Lamar State College Port Arthur / Lamar Institute of Technology must maintain a daily crime log documenting the “nature, date, time, and general location of each crime” reported to local law enforcement within the last 60 days, and the disposition, if known, of the reported crimes. Incidents must be entered into the log within two business days of receiving the report. The daily crime log is available on the Campus Safety websites at each institution, or in person at the Campus Safety Offices during normal business hours. Requests for public inspection of daily crime log entries

beyond 60 days must be made in writing and will be made available within two business days of the request.

**03.09 Maintain a Public Daily Fire Log** – Lamar State College Port Arthur must maintain a daily fire log documenting the nature of the fire, date the fire occurred, date and time the fire was reported, and the general location of each fire-related incident in an on-campus student housing facility reported to any Lamar State College Port Arthur official. Incidents must be entered into the log within two business days of receiving the report, and the previous 60 days of fire log entries must be available for public inspection during normal business hours. Requests for public inspection of daily fire log entries beyond 60 days will be made available within two business days of the request. The daily fire log is available with Campus Safety.

#### **04. RESPONSIBILITIES**

- 04.01 The Clery Act Compliance Coordinator** (Executive Director of Campus Safety) is responsible for
- a. monitoring Lamar State College Orange / Lamar State College Port Arthur / Lamar Institute of Technology's Clery Act compliance;
  - b. updating this policy to ensure it reflects federal legislation, as amended;
  - c. reviewing geographic categories annually;
  - d. establishing procedures for collecting student trip information (e.g., short-stay away trips, athletic trips, student sponsored trips, etc.) to request crime statistics from these sites annually (if they meet Clery Act requirements);
  - e. requesting crime statistics from state and local law enforcement agencies with jurisdiction on or within Lamar State College Orange / Lamar State College Port Arthur / Lamar Institute of Technology's Clery Act geography;
  - f. collecting and reconciling crime statistics received by local law enforcement agencies;
  - g. collecting all primary and ongoing prevention program and campaign information from key departments for inclusion in the Annual Security and Fire Safety Report;
  - h. ensuring notices announcing the availability of the Annual Security and Fire Safety Report are properly developed and available to students and employees;
  - i. coordinating identification, notification, and training of Lamar State College Orange / Lamar State College Port Arthur / Lamar Institute of Technology's CSAs;
  - j. requesting crime statistics at least annually from all CSAs;



- k. coordinating, preparing, publishing, and distributing Lamar State College Orange / Lamar State College Port Arthur / Lamar Institute of Technology's Annual Security and Fire Safety Report and the institutions' documenting of these activities;
- l. coordinating the submission of crime and fire statistics to the U.S. Department of Education via the Campus Safety and Security Survey (i.e., the web-based data collection survey);
- m. serving as the chair, recording secretary, and organizer for the Clery Act Compliance Committee and Clery Act Data Integrity Subcommittee;
- n. overseeing the regular collection and reconciliation of campus crime data amongst offices that house significant numbers of campus crime reports, including Title IX, Housing and Residential Life, Student Involvement, and Student Conduct and local law enforcement;
- o. requesting crime statistics from Human Resources and Athletics (Lamar State College Port Arthur only). These offices are not responsible for submitting monthly reports;
- p. retaining and maintaining all required Clery Act records;
- q. coordinating the management of the Clery Act Compliance websites;
- r. providing remote, telephone, or in-person training to key departments and other CSAs when deemed necessary;
- s. coordinating the online CSA Clery training; and
- t. providing paper copies of the Annual Security and Fire Safety Report upon request.

04.02 **Campus Safety** is responsible for:

- a. collecting, classifying, counting, and disclosing crime statistics reported to law enforcement to the Clery Act Compliance Coordinator;
- b. regularly, ideally weekly, maintaining a detailed audit trail to identify which reported offenses should be included in the institution's crime statistics to provide to the Clery Act Compliance Coordinator;
- c. creating and maintaining the daily crime and fire log;
- d. receiving and evaluating CSA Clery Act Incident Report forms and Campus Safety incident reports for statistical counting, a daily crime log entry, and verification of required timely warnings or emergency notifications;

- e. ensuring that all fires not immediately known to be accidental are investigated or considered by the institutional official designated to make arson determinations (Lamar State College Port Arthur only);
- f. investigating bias-related incidents for purposes of determining whether a reportable hate crime has occurred;
- g. assessing crime reports for purposes of determining whether a timely warning should be distributed;
- h. assessing either unilaterally or collaboratively with other subject matter experts whether a situation requires an emergency notification;
- i. providing the Clery Act Compliance Coordinator with information on the departments ongoing prevention and awareness programs and campaigns to prevent dating violence, domestic violence, sexual assault, and stalking. This is done in order to satisfy Clery Act requirements and appropriately record them in the Annual Security and Fire Safety Report;
- j. investigating all reports of missing student residents by notifying and cooperating with other law enforcement agencies, as necessary (this applies to students missing from Seahawk Landing only); and
- k. conducting a Clery Act compliant “test” which includes scheduled drills, exercises, and appropriate follow-through activities, designed for assessment and evaluation of emergency plans and capabilities. The test must address emergency response and evacuation on a campus-wide scale.

04.03 **CSAs** are responsible for:

- a. understanding Clery Act requirements pertaining to reportable crimes;
- b. completing training and education, as determined by the Clery Act Compliance Coordinator; and
- c. immediately reporting Clery crimes to Campus Safety.

04.04 **Dean of Students** is responsible for:

- a. collecting, classifying, counting, and disclosing crime statistics (including, but not limited to, referrals for disciplinary action involving liquor law violations, drug law violations, and weapon law violations) reported to their department to the Clery Act Compliance Coordinator during the regular reconciliation meetings;

- b. regularly, ideally weekly, maintaining a detailed audit trail to identify which reported offenses should be included in the institution's crime statistics to provide to the Clery Act Compliance Coordinator;
- c. promptly forwarding (using the CSA Clery Act Incident Report form) any Clery crimes that are reported to CSAs in the Dean of Students Office or function that are not referred Campus Safety in order to assess crime reports for purposes of timely warnings or emergency notifications; and
- d. ensuring adherence to all Clery Act required processes, procedures, policies, and other system requirements of college disciplinary systems. For example, Lamar State College Orange / Lamar State College Port Arthur / Lamar Institute of Technology must disclose, upon written request, to an alleged victim of a crime of violence, the results of any disciplinary proceeding conducted by the institution against a student who is the alleged perpetrator of such crime or offense.

04.05 **Housing** (Seahawk Landing only) is responsible for:

- a. collecting, classifying, counting, and disclosing crime statistics reported to Housing Staff to the Clery Act Compliance Coordinator;
- b. regularly, ideally weekly, maintaining a detailed audit trail to identify which reported offenses should be included in the institution's crime statistics to provide to the Clery Act Compliance Coordinator;
- c. promptly forwarding (using the CSA Clery Act Incident Report form) any Clery crimes that are reported to CSAs in Housing, that were not referred or reported by Campus Safety (this will allow Campus Safety to assess crime reports for purposes of timely warnings or emergency notifications);
- d. ensuring all students residing the student housing facility are provided with an annual opportunity to designate one or more contacts Lamar State College Port Arthur is allowed to notify in the event the student resident is reported missing. This is separate from any general emergency contacts the student may also designate;
- e. maintaining missing persons contact information confidentially and separately from general emergency contact information;
- f. providing the Clery Act Compliance Coordinator with copies of any contracts or other off-campus, living agreements to evaluate for Clery Act geography purposes; and
- g. ensuring that Lamar State College Port Arthur correctly discloses all Clery Act required processes, procedures, policies, systems, etc., related to college student housing in the Annual Security and Fire Safety Report.

04.06 **The Vice Presidents of Student Affairs**, or designated offices, is responsible for:

- a. ensuring the availability of Clery Act defined awareness and prevention programming for all students. Such programming will be part of Lamar State College Orange / Lamar State College Port Arthur / Lamar Institute of Technology's awareness and prevention campaign. This programming will be identified, provided, or facilitated in collaboration with campus and local subject matter experts, with guidance from evidence-based research, and outcomes assessments satisfying Clery Act requirements.
- b. providing the Clery Act Compliance Coordinator with all academic locations each semester in order to determine the applicability of the Clery Act at those locations.

04.07 **Dean of Students Office** is responsible for:

- a. promptly forwarding (using the CSA Clery Act Incident Report form) any Clery crimes that are reported to CSAs in the Dean of Students Office or function that are not referred from Campus Safety so they may assess crime reports for purposes of timely warnings or emergency notifications.

04.08 **Student Services** is responsible for:

- a. promptly forwarding (using the CSA Clery Act Incident Report form) any Clery crimes that are reported to CSAs in the Student Involvement office or function that are not referred from Campus so they may assess crime reports for purposes of timely warnings or emergency notifications;
- b. collecting, classifying, counting, and disclosing crime statistics reported to their department to the Clery Act Compliance Coordinator;
- c. regularly, ideally weekly, maintaining a detailed audit trail to identify which reported offenses should be included in the institution's crime statistics to provide the Clery Act Compliance Coordinator;
- d. annually providing the Clery Act Compliance Coordinator with a list of advisors of any recognized and registered student organizations and providing prompt notification of any changes to the list in order to identify and train these officials as CSAs;
- e. implementing a system (as part of the application to be recognized and registered, or to maintain recognition and registration) to gather information about any locations a student organization owns or controls so that Lamar State College Orange / Lamar State College Port Arthur / Lamar Institute of Technology can request and disclose statistics for those locations;
- f. promptly providing copies of any registered student organization's travel forms submitted to Student Involvement to the Clery Act Compliance Coordinator; and

- g. reviewing the Annual Security and Fire Safety Report to ensure its content is consistent with Lamar State College Orange / Lamar State College Port Arthur / Lamar Institute of Technology policies and procedures, and it accurately depicts the practices of the college.

04.09 **The Fire Marshal and Environmental Health, Safety, and Risk Management** are responsible for:

- a. producing the Annual Fire Safety Report section in accordance with the current legislation and updating the Annual Security and Fire Safety Report language to reflect legislative updates and interpretations;
- b. providing the Annual Fire Safety Report section statistics to Campus Safety within two business days to ensure proper entry in the daily fire log;
- c. maintaining a list of all drills and exercises conducted by the college;
- d. conducting an annual test of the college's emergency response and evacuation procedures that meet all Clery Act requirements, including documenting compliance activity and providing proofs to the Clery Act Compliance Coordinator;
- e. tracking the number of fire drills included in each Housing facility for reporting in the Annual Fire Safety Report section (Seahawk Landing only);
- f. tracking the number of fires in each Housing facility for reporting in the Annual Fire Safety Report section (Seahawk Landing only);
- g. annually notifying the Clery Act Compliance Coordinator any titles of persons or organizations to which students and employees should report fires, including prompt notification of changes to these persons or organizations;
- h. annually providing the Clery Act Compliance Coordinator with a list of any fire safety education and training programs provided to students and employees;
- i. annually providing the Clery Act Compliance Coordinator with fire safety system information for student Housing facilities (Seahawk Landing only);
- j. reviewing the Annual Security and Fire Safety Report to ensure its content is consistent with Lamar State College Orange / Lamar State College Port Arthur / Lamar Institute of Technology policies and procedures, and it accurately depicts the practices of the college.

04.10 **Office of Admissions** is responsible for:

- a. providing a paper copy of the Annual Security and Fire Safety Report upon request to prospective or current students;

- b. ensuring Lamar State College Orange / Lamar State College Port Arthur / Lamar Institute of Technology provides prospective students with the required four-part notice of availability of the Annual Security and Fire Safety Report before admission (largely via Admissions website).

04.11 **Human Resources** is responsible for:

- a. providing a paper copy of the Annual Security and Fire Safety Report upon request to prospective or current faculty or staff members;
- b. promptly forwarding (using the CSA Clery Act Incident Report form) any Clery crimes that are reported to CSAs in Human Resources or function that are not referred from Campus Security so they may assess crime reports for purposes of timely warnings or emergency notifications;
- c. collecting, classifying, counting, and disclosing crime statistics reported to their department to the Clery Act Compliance Coordinator;
- d. regularly, ideally weekly, maintaining a detailed audit trail to identify which reported offenses should be included in the institution's crime statistics to provide the Clery Act Compliance Coordinator;
- e. assisting in integration of CSA responsibilities into applicable position descriptions (best practice);
- f. notifying the Clery Act Compliance Coordinator of any new hires and departures to ensure incoming personnel (or individuals assuming interim responsibilities in the absence of a permanent hire) can be notified of any CSA responsibilities and training;
- g. ensuring that Lamar State College Orange / Lamar State College Port Arthur / Lamar Institute of Technology provide prospective employee with the required four-part notice of availability of the Annual Security and Fire Safety Report before they are hired;
- h. ensuring all Clery Act required processes, procedures, policies, etc., are satisfied (e.g., the documentation of alcohol and drug policies and abuse support resources); and
- i. reviewing the Annual Security and Fire Safety Report to ensure its content is consistent with Lamar State College Orange / Lamar State College Port Arthur / Lamar Institute of Technology policies and procedures, and it accurately depicts the practices of the college.

04.13 **Athletics** (Lamar State College Port Arthur only) is responsible for:

- a. annually providing all conduct referral data to the Clery Act Compliance Coordinator for inclusion in the Annual Security and Fire Safety Report;



- b. ensuring staff in key CSA roles are familiar with Clery Act requirements;
- c. promptly forwarding (using the CSA Clery Act Incident Report form) any Clery crimes that are reported to CSAs in Athletics or function that are not referred from Campus Security so they may assess crime reports for purposes of timely warnings or emergency notifications.
- d. notifying the Clery Act Compliance Coordinator of any locations that are controlled by athletic teams (such as lodging for repeated use and short-stay, away trips and locations where a written agreement provides Lamar State College Port Arthur with control, such as leased space like softball field, etc.);
- e. annually providing the Clery Act Compliance Coordinator with a list (as well as prompt updates of changes to the list) of all individuals who are coaches, assistant coaches, and athletic directors, trainers, sport, or program coordinators, etc., designated as CSAs in order for them to be identified and trained as CSAs;
- f. reviewing the Annual Security and Fire Safety Report to ensure its content is consistent with Lamar State College Port Arthur policies and procedures, and it accurately depicts the practices of the college.

04.14 **Office of Title IX** is responsible for:

- a. promptly forwarding (using the CSA Clery Act Incident Report form) any Clery crimes that are reported to CSAs in Title IX that are not referred from Campus Security so they may assess crime reports for purposes of timely warnings or emergency notifications;
- b. collecting, classifying, counting, and disclosing crime statistics reported to their department to the Clery Act Compliance Coordinator. This includes maintaining an audit trail to identify all reported offenses;
- c. regularly, ideally weekly, maintaining a detailed audit trail to identify which reported offenses should be included in the institution's crime statistics to provide to the Clery Act Compliance Coordinator;
- d. ensuring that officials involved in the investigation or resolution of dating violence, domestic violence, sexual assault, or stalking receive annual training on these issues, and on how to conduct an investigation and hearing process that protects the safety of the victims and promotes accountability;
- e. providing the Clery Act Compliance Coordinator with information on the institution's ongoing prevention and awareness programs and campaigns to prevent dating violence, domestic violence, sexual assault, and stalking to satisfy Clery Act requirements and appropriately record in the Annual Security and Fire Safety Report;

- f. ensuring that institutional sexual misconduct and response policies conform to the procedural requirements associated with the [Violence Against Women Act Amendments to the Clery Act](#);
- g. reviewing the Annual Security and Fire Safety Report to ensure its content is consistent with Lamar State College Orange / Lamar State College Port Arthur / Lamar Institute of Technology policies and procedures, and it accurately depicts the practices of the college; and
- h. developing a process to provide students and employees who report that they have been a victim of dating violence, domestic violence, sexual assault, or stalking with a written explanation of the student's or employee's rights and options under the Clery Act.

04.15 **Accounts Payable** and the Travel Office are responsible for:

- a. providing any submitted student travel information to the Clery Act Compliance Coordinator; and
- b. ensuring the Clery Act Compliance Coordinator has access to retrieve student travel information from selected recordkeeping system.

04.16 **Executive Vice President of Finance and Operations** is responsible for:

- a. maintaining an updated and indexable or searchable electronic list (e.g., such as a spreadsheet), a current map of all locations owned or controlled by Lamar State College Orange / Lamar State College Port Arthur / Lamar Institute of Technology (the list should include dates of control or ownership as well as, where applicable, any portion of the building or facility that are owned or controlled), and records of collaboration with Campus Security with the purpose of identifying Campus Security policy outlined and Clery Act defined “patrol zone” or “patrol jurisdiction;” and
- b. notifying the Clery Act Compliance Coordinator of Lamar State College Orange / Lamar State College Port Arthur / Lamar Institute of Technology purchases, leases, joins in written agreements for use of, or sells a location, including the dates of leases or other use agreements lifespans.

## 05. REVIEWERS OF THIS UPPS

05.01 Reviewers of this Clery Act Compliance Policy include the following:

<u>Position</u>	<u>Date</u>
Clery Act Compliance Coordinator	August 31 E4Y
Directors, Campus Security Depts.	August 31 E4Y

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## 06. CERTIFICATION STATEMENT

This Clery Act Compliance Policy has been approved by the following individuals in their official capacities and represents Lamar State College Orange / Lamar State College Port Arthur / Lamar Institute of Technology policy and procedure from the date of this document until superseded.

Executive Director of Campus Safety – Share Services

Executive Vice President of Finance and Operations – Shared Services

Lamar State College Orange / Lamar State College Port Arthur / Lamar Institute of Technology  
Presidents

### **LSCO's Response to Sexual Misconduct**

LSCO's entire Sexual Misconduct Policy and Procedures can be found on our website at <https://www.lSCO.edu/titleix/titleix.asp>.

#### **Introduction**

LSCO is committed to creating and maintaining an educational community in which everyone is respected, appreciated, and valued. LSCO's focus on tolerance, openness, and respect is key in providing every member of the Gator Community with basic human dignity free from all forms of Sexual Misconduct, including Sexual Harassment, Sexual Assault, Domestic Violence, Dating Violence, and Stalking. The college's disciplinary process includes a prompt, fair, and impartial initial investigation and final resolution process. In all instances, the process will be conducted consistent with the institution's policy and transparent to the Complainant and the Respondent. Any report of behavior that threatens our institutional values and breaches this Policy shall be promptly investigated and remediated in accordance with principles of law, fairness, and equity to all Parties involved.

#### **Purpose of Policy**

The purpose of this Sexual Misconduct Policy is to ensure that:

- Sexual Misconduct is not tolerated on LSCO property or in any LSCO Education Program or Activity;
- LSCO maintains an environment that promotes prompt reporting of all forms of Sexual Misconduct and the timely and fair resolution of Sexual Misconduct Complaints or Reports;
- LSCO take prompt and appropriate action to eliminate Sexual Misconduct, prevent its recurrence, and remedy its effects;
- LSCO complies with all applicable federal and state laws regarding Sexual Misconduct – including sexual discrimination – in higher education; and,
- LSCO has a uniform Policy that defines and describes prohibited sexual conduct, establishes procedures for processing Complaints or Reports of Sexual Misconduct, permits appropriate sanctions, and identifies available resources.

### **Notice of Sexual Misconduct Violations**

Sexual Misconduct as defined in the Glossary constitutes a violation of this Policy. Students and Employees reported as having engaged in Sexual Misconduct are subject to investigation for violating this Policy. Should an investigation result in a Finding that this Policy was violated, the violator may be subject to sanctions as defined herein.

### **Applicability of this Policy**

This Policy applies to all students, faculty, staff, and Third Parties within LSCO's Education Programs or Activities and prohibits Sexual Misconduct committed by or against students, faculty, staff, or Third Parties. The Policy applies to:

- all incidents of Sexual Misconduct;
- all incidents of Sexual Misconduct occurring on or after the effective date of this Policy;
- all incidents of Title IX Sexual Harassment; and
- with the exception of incidents of Title IX Sexual Harassment, all incidents of Non-Title IX Sexual Misconduct occurring prior to the effective date of this Policy are controlled by the Policy in effect at that time.

### **Equal Access**

LSCO shall ensure, to the greatest extent practicable, equal access for Students enrolled at or Employees of the institution who are persons with disabilities. The College shall make reasonable efforts to consult with a disability services office of the College, advocacy groups for people with disabilities, and other relevant stakeholders to assist the College with complying with LSCO's duties under this Policy.

### **First Amendment Rights**

Freedom of speech and principles of academic freedom are central to the mission of institutions of higher education. Constitutionally protected expression cannot be considered Sexual Misconduct under this Policy.

### **Notice of Non-Discrimination**

The College complies with Title IX of the Higher Education Amendments of 1972 (Title IX), which prohibits discrimination on the basis of sex in Education Programs or Activities; Title VII of the Civil Rights Act of 1964 (Title VII), which prohibits sex discrimination in employment; Campus Sexual Violence Elimination Act (SaVe); Violence Against Women Act (VAWA); and the Clery Act. Sexual Misconduct constitutes a form of sex discrimination prohibited by Title IX and Title VII.

### **Definitions**

A Glossary with definitions of Title IX and Non-Title IX-related offenses and other terms used in this Policy can be found at <https://www.lSCO.edu/titleix/titleix.asp>.

### **Provisions Applicable to the Title IX Sexual Harassment Grievance Process**

#### **Equitable Treatment**

LSCO's response to an allegation of Sexual Misconduct must treat Complainants and Respondents equitably by offering Supportive Measures to Complainants and Respondents, and by following a

grievance process as described herein against a Respondent prior to the imposition of any disciplinary sanctions or other actions that are not Supportive Measures.

### **Standard of Evidence**

***Presumption of Non-Responsibility.*** Any person accused of Sexual Misconduct under this Policy is presumed not responsible for the alleged conduct until a determination regarding responsibility is made at the conclusion of the grievance process.

***Preponderance of the Evidence Standard.*** The Decision Maker will weigh the admissible evidence using the preponderance of the evidence standard.

College officials involved in the investigation or adjudication of domestic violence, dating violence, sexual assault and stalking complaints are trained via the TSUS Office of General Counsel and D. Stafford and Associates annually on the issues related to domestic violence, dating violence, sexual assault, and stalking as well as how to conduct an investigation and hearing process that protects the safety of the victim and promotes accountability. The training includes:

1. Introduction to case study;
2. Overview of TSUS Sexual Misconduct Policies and Procedures: definition of sexual misconduct

Furthermore, each policy provides that:

1. The Complainant and the Respondent will have timely notice for meetings at which the Complainant or Respondent, or both, may be present;
2. The Complainant, the Respondent and appropriate officials will have timely and equal access to any information that will be used during formal and informal disciplinary meeting and hearings;
3. The accuser and the accused will be notified simultaneously, in writing, of any initial, interim and final decision of any disciplinary proceeding; and
4. Where an appeal is permitted under the applicable policy, the accuser and the accused will be notified simultaneously in writing of the procedures for the accused and the victim to appeal the result of the institutional disciplinary proceeding. When an appeal is filed, the accuser and the accused will be notified simultaneously in writing of any change to the result prior to the time that it becomes final as well as of the final result once the appeal is resolved.

### **Conflicts of Interest**

Any individual designated by LSCO as a Title IX Coordinator, Investigator, Decision Maker, Informal Resolution Facilitator, Appellate Authority, or Campus Administrator may not have a conflict of interest or bias for or against Complainants or Respondents generally, or against an individual Complainant or Respondent. The Title IX Coordinator shall not serve as Decision Maker, Informal Resolution Facilitator, or Appellate Authority.

### **Promptness**

The College shall make every reasonable effort to ensure that the resolution of a Sexual Misconduct Complaint or Report occurs in as efficient a manner as possible, with an expectation that the process (exclusive of any appeal procedures) will generally be completed within one hundred and twenty (120) calendar days of the date a Complaint or Report is submitted.

### **Modification of Deadlines**

The Title IX Coordinator may modify any deadlines contained in this Policy as necessary to accomplish the purposes stated and for good cause, including, but not limited to, complexity of the investigation and to accommodate semester breaks.

However, each procedure allows for extensions of time frames for good cause with written notice to the accuser and the accused of the delay and the reason for the delay.

### **Immunity/Amnesty**

Reporting, investigating, and adjudicating incidents of Sexual Misconduct is of paramount importance. The College does not condone underage drinking, illegal use of drugs, or other criminal behavior. However, the College will not take any disciplinary action for prohibited conduct in relation to or concurrently with an incident of Sexual Misconduct, against a person who is enrolled with or employed by the College for any violation of the College's applicable code of conduct, provided:

- the person acts in good faith;
- the violation of the code of conduct arises out of the same facts or circumstances as a Complaint or Report of Sexual Misconduct;
- the violation of the code of conduct is not punishable by suspension or expulsion; and,
- the person is not reporting his or her own commission or assistance in the commission of Sexual Misconduct.

### **Prohibition on Providing False Information**

Any individual who knowingly makes a false Complaint or Report under this Policy, or knowingly provides false information to college officials, or who intentionally misleads College officials who are involved in the investigation or resolution of a Complaint or Report shall be subject to disciplinary action. Charging an individual with a code of conduct violation for making a materially false statement in bad faith in the course of a grievance proceeding under this Policy does not constitute retaliation prohibited by this policy. A determination regarding responsibility alone is not sufficient to conclude that any Party made a materially false statement in bad faith.

### **Supportive Measures**

When an incident of Sexual Misconduct is reported, regardless of whether a Victim elects to pursue a criminal complaint or whether the offense is alleged to have occurred on or off campus, the College will assist Victims of sexual assault, domestic violence, dating violence, and stalking and will provide each Victim with a written explanation of his or her rights and options. The determination of appropriate Supportive Measures in each situation must be based on the facts and circumstances of that situation. At the victim's request, and to the extent of the victim's cooperation and consent, college offices will work cooperatively to assist the victim in obtaining accommodations. If available, a victim may be offered changes to academic, working, protective measures or transportation situations regardless of whether the victim chooses to report the crime to campus security or local law enforcement.





The Title IX Coordinator is responsible for coordinating the effective implementation of Supportive Measures, and the duration of such measures. To request changes to academic, transportation and/or working situations or protective measures, a victim should contact the Title IX Coordinator by email at [titleixcoordinator@lSCO.edu](mailto:titleixcoordinator@lSCO.edu); by phone at 409-882-3922; or in person in the Ron Lewis Building, Room 345.

If the victim wishes to receive assistance in requesting these accommodations, she or he should contact the following; Students may contact the Dean of Student Services, Brian Hull at [brian.hull@lSCO.edu](mailto:brian.hull@lSCO.edu); by phone at 409-882-3342; or in person in the Ron Lewis Building, Room 355. Employees may contact the Director of Human Resources, Lora Rives at [kim.hagler@lSCO.edu](mailto:kim.hagler@lSCO.edu); by phone at 409-882-3343; or in person in the Ron Lewis Building, Room 218.

Supportive Measures may include, but are not limited to:

- counseling provided by a counselor who does not provide counseling to any other person involved in the incident, including a person who reports an incident of Sexual Misconduct;
- extensions of deadlines or other course-related adjustments;
- without any academic penalty, modifications of work or class schedules or assignments, including the option of dropping a course in which both Parties are enrolled;
- campus escort or transportation services;
- mutual restrictions on contact between the Parties;
- changes in work locations if employed on campus;
- leaves of absence;
- restrictions from specific activities or facilities; and,
- increased security and monitoring of certain areas of the campus.

Orders of Protection: The College will honor any order of protection, no contact order, restraining order or similar lawful order issued by any criminal, civil, or tribal court.

Lamar State College Orange complies with Texas law in recognizing orders of protection (temporary ex parte order of protection, final order of protection, and restraining order), by any person who obtains an order of protection from Texas criminal, civil, or tribal court\_or any state in which a registered student has permanent residence. A copy of the order should be provided to LSCO Safety and Security Department and the Office of the Title IX Coordinator. A complainant may then meet with the Safety and Security Department to develop a Safety Action Plan, which is a plan for campus security and the victim to reduce risk of harm while on campus or coming and going from campus. This plan may include, but is not limited to escorts, special parking arrangements, changing classroom location or allowing a student to complete assignments from home, etc. The College cannot apply for a legal order of protection, no contact order or restraining order for a victim from the applicable jurisdiction(s).

SAMPLE CHART DEMONSTRATING TYPES OF ORDERS AVAILABLE IN JURISDICTION

Type of Order:	Who Can File for One:	Court:	Based On:
<b>Domestic Violence Civil Protection Order – up to 5 years, can be renewed**</b>	Family or household members including: <ul style="list-style-type: none"> <li>• Spouses, former spouses</li> <li>• Parent, child, foster parent</li> <li>• People who have kids together</li> <li>• Intimate partners who lived together in the last 5 years</li> <li>• Same sex couples are eligible</li> </ul>	Domestic Relations Court – where victim lives, where abuser lives or has a business, or where incident(s) occurred	Causing or trying to cause injury or placing someone in fear of imminent serious harm (Courts use different requirements for how recent the incident must be)
<b>Stalking Protection Order - up to 5 years, can be renewed**</b>	Any person who is a victim of stalking. No relationship with stalker is required.	Common Pleas Court - where victim lives (if family or household member, can be filed as DV Protection Order, see above)	Pattern of conduct (2 or more events), closely related in time, that cause distress or make a victim believe the stalker will cause harm
<b>Sexually Oriented Offense Protection Order - up to 5 years, can be renewed**</b>	Any person who was a victim of a sexually oriented offense (see ORC 2950.01). No relationship with offender is required. Case does not have to be criminally prosecuted.	Common Pleas Court – where victim lives	Sexual assault or unwanted sexual contact (see ORC 2950.01)
<b>Juvenile Protection Order – until abuser reaches age 19</b>	Victim of abuse by a person who is under age 18, or the victim’s parent or other household member, or other parties the Court approves.	Juvenile Court – where victim lives	Assault, stalking, sexual offenses, threats of harm or aggravated trespass

The victim is required to apply directly for these services from the appropriate legal jurisdiction. The Office of the Title IX Coordinator will assist victims with locating and contacting the correct office. Protection from abuse orders may be available through Orange Police Department, Orange County Sheriff’s Department, or other local law enforcement agencies.

The College may issue an institutional no contact order if deemed appropriate or at the request of the Complainant or Respondent. If the College receives a report that such an institutional no contact order has been violated, the College will initiate disciplinary proceedings appropriate to the status of the Respondent (student, employee, etc.) and will impose sanctions if the accused is found responsible for violating the no contact order.

Confidentiality of Information: Complainants or Respondents who would like to request directory information be protected should contact the Director of Admissions/Registrar’s office at 409-882-3318 or in person in the Ron Lewis Building, Room 343.

Regardless of whether a Complainant or Respondent has opted-out of allowing the College to share “directory information,” personally identifiable information about the either person and other necessary parties will be treated as confidential and only shared with persons who have a specific need-to-know, i.e., those who are investigating/adjudicating the report or those involved in providing support services to the victim, including accommodations and protective measures. By only sharing personally identifiable information with individuals on a need-to-know basis, the College will maintain as confidential, any accommodations or protective measures provided to the Complainant and/or Respondent, to the extent that maintaining such confidentiality would not impair the ability of the institution to provide the accommodation or protective measures.

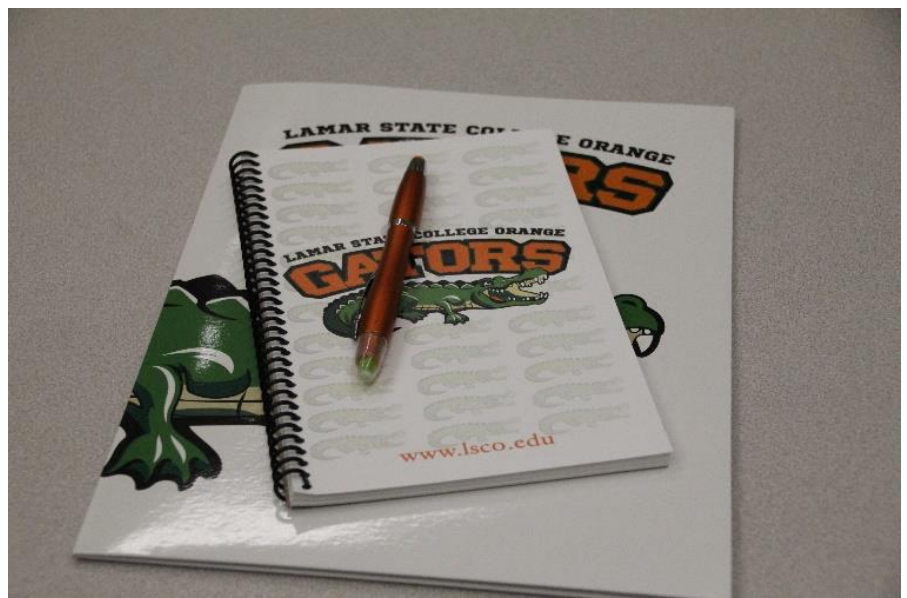
The College does not publish the name of crime victims or other identifiable information regarding victims in the Daily Crime Log or in the annual crime statistics that are disclosed in compliance with the *Jeanne Clery Disclosure of Campus Security Policy and Campus Crime Statistics Act*. Furthermore, if a Timely Warning Notice is issued based on a report of domestic violence, dating violence, sexual assault or stalking, the name of the victim and other personally identifiable information about the victim will be withheld.

**Emergency Removal:** Emergency removal of an Employee or Student prior to a final decision in a Sexual Misconduct matter must comply with System Rules and Regulations Chapters IV § 2.2(14), V § 2.131, and VI § 5. (14). A College may remove a Respondent from the College’s Education Program or Activity on an emergency basis, provided that the College undertakes 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, and provides the Respondent with notice and an opportunity to challenge the decision immediately following the removal. The removal challenge does not require a hearing and the burden is on the Respondent to show why the removal should be rescinded.

**Administrative Leave:** Nothing herein precludes a college from placing a non-student employee Respondent on administrative leave with or without pay during the pendency of the grievance or any judicial process.

**Supportive Measures when Anonymity is Required**

The College’s inability to take disciplinary action against an alleged Respondent because of a Complainant’s insistence on anonymity will not restrict the College’s ability to provide appropriate measures for the reasonable safety of the



College community.

**Unreasonable Burden**

Supportive Measures may not impose an unreasonable burden on the other Party.

**Failure to Adhere to Supportive Measures**

Failure to adhere to the parameters of any Supportive Measures may be considered a separate violation of this Policy and may result in disciplinary sanctions.

**On and Off Campus Services for Victims**

Upon receipt of a report of domestic violence, dating violence, sexual assault or stalking, Lamar State College Orange will provide written notification to students and employees about existing assistance with and/or information about obtaining resources and services including counseling, health, mental health, victim advocacy, legal assistance, visa and immigration assistance, student financial aid and assistance in notifying appropriate local law enforcement. These resources include the following:

ON CAMPUS	Type of Services Available	Service Provider	Contact Information
Counseling	N/A		
Health	N/A		
Mental Health	N/A		
Victim Advocacy	N/A		
Legal Assistance	N/A		
Visa and Immigration Assistance	N/A		
Student Financial Aid	Financial assistance includes federal, state, and local aid - <a href="#">grants</a> , <a href="#">loans</a> , <a href="#">work-study</a> , <a href="#">veteran's assistance</a> , and <a href="#">scholarships</a> .	Department of Financial Aid	<a href="mailto:finaid@lsco.edu">finaid@lsco.edu</a> 409-882-3317
Other	N/A		
OFF CAMPUS	Type of Services Available	Service Provider	Contact Information
Counseling	Counseling Services	<a href="#">Samaritan Counseling Center of Southeast Texas</a>	877-385-3347
Health	Urgent, non-life-threatening medical services	<a href="#">Orange County Urgent Care</a>  <a href="#">Golden Triangle Emergency Center-Orange</a>	409-330-4707  409-920-4470
Mental Health	Mental health, substance	<a href="#">Spindletop Crisis MHMR</a>	409-883-3864

	abuse, and crisis screening – Local Mental Health Authority		
Victim Advocacy	Victim Advocacy & legal assistance	Orange County District & County Attorney or Victim Assistance Coordinator	409-883-6764
Legal Assistance	Victim Advocacy & legal assistance	Orange County District & County Attorney or Victim Assistance Coordinator	409-883-6764
Visa and Immigration Assistance	Visa and immigration services	<a href="#">Catholic Charities of Southeast Texas</a>	409-924-4400
Student Financial Aid	N/A		
Other - Financial Assistance	Assists with food, clothes, utility payments, rent and prescription bills as funding allows	<a href="#">Orange Christian Services</a>	409-886-0938
Other – Financial Assistance	Financial Assistance	Bridge City/Orangefield Ministerial Alliance	409-735-8296
Other – Crisis Hotline	24 HR Hotline providing intervention & referrals for suicide, sexual assault, general crisis situations	<a href="#">Rape &amp; Suicide Crisis of Southeast Texas</a>	800-7-WE-CARE
<b>OFF CAMPUS</b>	<b>Type of Services Available</b>	<b>Service Provider</b>	<b>Contact Information</b>
Other – Crisis Hotline Louisiana	Domestic violence 24 HR crisis line	<a href="#">Calcasieu Women's Shelter</a>	337-436-4552 or 800-223-8066
Other – Forensic Nurse Examiner	On call 24 hours a day; evidence collection for sexual assault, child and elder abuse, domestic violence	<a href="#">Christus St. Elizabeth - Beaumont Forensic Nurse Examiner</a>	409-892-7171

Other resources available to persons who report being the victim of sexual assault, domestic violence, dating violence, or stalking, include:

- <http://www.rainn.org> – Rape, Abuse and Incest National Network
- <http://www.ovw.usdoj.gov/sexassault.htm> - Department of Justice
- <http://www2.ed.gov/about/offices/list/ocr/index.html> Department of Education, Office of Civil Rights



## **Reporting Incidents of Sexual Misconduct**

### **General Information**

Each College will identify and provide complete contact information for their Title IX Coordinator and all Deputy Coordinators in various locations, including but not limited to the College’s website; the Student Handbook; the Dean of Students Office; Human Resources; and Campus Security; or their equivalents. Once a Complaint or Report of Sexual Misconduct is received by the College, the Title IX Coordinator will determine the appropriate grievance process for resolution.

### **Victim Reporting Options**

Although a victim of Sexual Misconduct may decline to report the incident, the College supports, encourages, and will assist those who have been the victim of Sexual Misconduct to report the incident to any of the sources below. The alleged victim may use a pseudonym form when making a report to a law enforcement agency.

**Title IX Coordinator:** If you have been the victim of domestic violence, dating violence, sexual assault, or stalking, you should report the incident promptly to the Title IX Coordinator, (Joseph Hargrave, 409-882-3910, [titleixcoordinator@lsc.edu](mailto:titleixcoordinator@lsc.edu), Academic Center, Room 149) by calling, writing, or coming into the office to report in person. Reports of all domestic violence, dating violence, sexual assault and stalking made to Campus Security or a Campus Security Authority (CSA) will automatically be referred to the Title IX Coordinator for investigation regardless of if the complainant chooses to pursue criminal charges.

- Any incident of Sexual Misconduct may be brought to the attention of the Title IX Coordinator.
- The Title IX Coordinator will discuss with the reporting Party the options for:
  - Filing a Formal Complaint of a Title IX Sexual Harassment incident, if applicable; or,
  - Filing a Report of a Non-Title IX Sexual Misconduct incident, if applicable.

**Official with Authority:** An individual may report alleged Sexual Misconduct to an Official with Authority. A Report to an Official with Authority will impose Actual Knowledge on the College provided the reported incident of Sexual Misconduct meets the definition of Title IX Sexual Harassment. LSCO will identify and provide contact information of the Official with Authority in various locations, including the College’s website and the applicable online handbooks.



Campus Security/Local Law Enforcement: An individual may report an incident of Sexual Misconduct to Law Enforcement (including the Campus security and/or local police). Although the College strongly encourages reporting Sexual Misconduct to the police, it is the victim's choice whether to make such a report. Furthermore, victims have the right to decline to notify law enforcement. However, the College Security Officers or the Title IX Coordinator will assist any victim with notifying law enforcement if the victim so desires. College Security Officers may be reached at 409-670-0789 or in person in the Academic Center, 410 Front St., room 149, Orange, Texas. Orange Police Department may also be reached directly by calling 409-883-1026 or by appearing in person at 201 N. 8<sup>th</sup> Street, Orange, TX. Reporting sexual misconduct involves providing a detailed description, in writing, of the incident, including all information regarding the suspect, location of the incident, and any information regarding witnesses. Additional information about the Orange Police department may be found online at: <http://www.orangepd.com/>.

A victim may request administrative action by the College with or without filing a police report. Filing a police report does not obligate the victim to continue with criminal proceedings or College disciplinary action. LSCO will provide the victim the contact information for the campus safety and security department.

Campus Security Authority: A Report of Sexual Misconduct may be made to a Campus Security Authority (CSA) as defined in each College's Annual Security Report. All CSAs will promptly inform the Title IX Coordinator of the Complaint or Report and comply with all other reporting obligations required by the Clery Act.

Electronic Reporting: Each College shall provide an option for electronic reporting of an incident of Sexual Misconduct. The electronic reporting option must:

- enable an individual to report the alleged offense anonymously; and
- be easily accessible through an identifiable link on the College's website home page.

Anonymous Reports: Individuals who chose to file anonymous reports are advised that:

- it may be difficult, and in some cases, not possible for the College to investigate an anonymous Report; and
- Filing a Report is not necessary to secure Supportive Measures.

Responsible Employee Mandatory Reporting: A Responsible Employee who has knowledge of Sexual Misconduct must report promptly to the Title IX Coordinator all relevant details known to the Employee about the alleged Sexual Misconduct shared by the Complainant or Reporting Party. A Responsible Employee must share all information relevant to the investigation, and if applicable, redress of the incident, including whether the Complainant has expressed a desire for confidentiality in reporting the incident.

- Before a Complainant reveals any information to a Responsible Employee, the Employee should inform the Complainant of the Employee's reporting obligations. If the Complainant requests anonymity and confidentiality, the Employee should refer the Complainant to Confidential Employees. A Responsible Employee may not honor a request for anonymity or confidentiality.
- A Responsible Employee should not share information with law enforcement without the

Complainant's consent unless the Complainant has also reported the incident to law enforcement.

- If the Complainant reports an incident to the Responsible Employee and requests confidentiality or no investigation, the Employee should tell the Complainant that the College will consider the request but cannot guarantee that the College will be able to honor it. In reporting the details of the incident to the Title IX Coordinator, the Responsible Employee will inform the Title IX Coordinator of the Complainant's request for confidentiality or no investigation.
- A Responsible Employee will promptly report to the Title IX Coordinator all incidents of Sexual Misconduct, provided:
  - the employee is in the course and scope of employment at the time the employee witnesses or receives information regarding the occurrence of Sexual Misconduct;
  - the employee reasonably believes the incident constitutes Sexual Misconduct; and,
  - the incident of Sexual Misconduct was committed either by or against an enrolled Student or an Employee of the College at the time of the Sexual Misconduct.
- A College may expand, but shall not narrow, the reporting obligations of Responsible Employees under this subsection.
  - A College that expands the reporting obligations of a Responsible Employee shall inform such Responsible Employees of their mandatory reporting obligations.

Confidential Employees: Each College will identify and provide contact information for Confidential Employees in various locations, including but not limited to the College's website and appropriate online handbooks. These Confidential Employees will assist in a crisis and provide information about resources, some of which may include law enforcement, medical assistance, psychological counseling, victim advocacy assistance, legal assistance, College disciplinary action, immigration services, and criminal prosecution. Training for Confidential Employees may be through their professional organizations, if any, or through the Title IX Coordinator. A Confidential Employee who receives information about an incident of Sexual Misconduct shall report to the Title IX Coordinator only the type of incident reported and provide such information to the College's Clery Act Coordinator for purposes of the College's Annual Security Report.

**LSCO does not employ any confidential employees.**

**Termination for Failure to Report or Making a False Report**

A College shall terminate an Employee if it determines to have either:

- knowingly failed to make a report of Sexual Harassment, Sexual Assault, Dating Violence, or Stalking when the Responsible Employee was required to do so; or
- knowingly made a false Report of Sexual Harassment, Sexual Assault, Dating Violence, or Stalking with intent to harm or deceive.

**No Report Required**

An Employee is not required to report an incident of Sexual Misconduct to the Title IX Coordinator if:

- the Employee was the victim of such conduct; or,
- the Employee received information due to a disclosure made at a public awareness event

sponsored by a college or by a student organization affiliated with the College.

### **Request for Anonymity by Complainant**

- When considering reporting options, Complainants should be aware that Confidential Employees are permitted to honor a request for anonymity and can maintain confidentiality.
- With the exception of Confidential Employees, College personnel have mandatory reporting and response obligations, regardless of the Complainant's request for anonymity or confidentiality.
- The Complaint or Report shall be used as an anonymous Report for data collection purposes under the Clery Act.

### **Procedures Victims Should Follow if a Crime of Domestic Violence, Dating Violence, Sexual Assault and Stalking Occurs**

After an incident of sexual assault, dating violence or domestic violence, the victim should consider seeking medical attention as soon as possible. Preservation of evidence is critical in incidents of Sexual Misconduct. If you experience sexual violence, you are encouraged to seek immediate medical care as soon as possible at Christus St. Elizabeth Hospital, 3650 Laurel Avenue, Beaumont, TX, 409-892-7171. Also, preserving DNA evidence can be key to identifying the perpetrator in a sexual violence case.



Victims can undergo a medical exam to preserve physical evidence with or without police involvement. If possible, this should be done immediately. If an immediate medical exam is not possible, individuals who have experienced a sexual assault may have a Sexual Assault Forensic Exam (SAFE) performed by a Sexual Assault Nurse Examiner (SANE) within 4 days of the incident. With the victim's consent, the physical evidence collected during this medical exam can be used in a criminal investigation; however, a person may undergo a SAFE even without contacting, or intending to contact, the police. To undergo a SAFE, go directly to the emergency department of the nearest hospital that provides SAFE services. In Texas, evidence may be collected even if you choose not to make a report to law enforcement: The Non-Reported Sexual Assault Evidence Program was created in HB 2626 by the 81st Legislature and went into effect June 21, 2009. The program allows survivors of a sexual assault to obtain a medical forensic exam and have evidence collected, without cost to the victims, even if they do not wish to involve law enforcement at the time of evidence collection. This allows the evidence to be secured while giving the survivor time to consider whether they want to report the assault. A patient who has requested and obtained a non-reported sexual assault medical forensic examination has up to two years to decide to report the crime. Information related to the program can be found in Chapter

56.065 Code of Criminal Procedure.

It is important that a victim of sexual assault not bathe, douche, smoke, change clothing or clean the bed/linen/area where they were assaulted if the offense occurred within the past 96 hours (about 4 days) so that evidence may be preserved that may assist in proving that the alleged criminal offense occurred/or is occurring or may be helpful in obtaining a protection order. In circumstances of sexual assault, if victims do not opt for forensic evidence collection, health care providers can still treat injuries and take steps to address concerns of pregnancy and/or sexually transmitted infections. Victims of sexual assault, domestic violence, stalking, and dating violence are encouraged to also preserve evidence by saving text messages, instant messages, social networking pages, other communications, and keeping pictures, logs, or other copies of documents, if they have any, that would be useful to College adjudicators/investigators or police.

### **Preservation of Evidence**

As time passes, evidence may dissipate or become lost or unavailable, thereby making investigation, prosecution, disciplinary proceedings, or obtaining protection from abuse orders related to the incident more difficult. If a victim chooses not to make a complaint regarding an incident, he or she nevertheless should consider speaking with the Safety and Security Department or other law enforcement to preserve evidence in the event that the victim decides to report the incident to law enforcement or the College at a later date to assist in proving that the alleged criminal offense occurred or that may be helpful in obtaining a protection order.

### ***Types of Disciplinary Proceedings Utilized in Cases of Alleged Domestic Violence, Dating Violence, Sexual Assault and Stalking***

**The information may be found in its entirety in the TSUS Sexual Misconduct Policy located within the LSCO website and includes the following:**

#### ***1. How to File a Disciplinary Complaint Under this Policy***

4.2. Victim Reporting Options. Although a victim of Sexual Misconduct may decline to report the incident, the Component supports, encourages, and will assist those who have been the victim of Sexual Misconduct to report the incident to any of the sources below. The alleged victim may use a pseudonym form when making a report to a law enforcement agency.

4.2.1. Title IX Coordinator. Any incident of Sexual Misconduct may be brought to the attention of the Title IX Coordinator. The Title IX Coordinator will discuss with the reporting Party the options for:

4.2.1.1. Filing a Formal Complaint of a Title IX Sexual Harassment incident, if applicable; or,

4.2.1.2. Filing a Report of a Non-Title IX Sexual Misconduct incident, if applicable.

4.2.2. Responsible Employee. An individual may report alleged Sexual Misconduct to a Responsible Employee.

4.2.3. Official with Authority. An individual may report alleged Sexual Misconduct to an Official with Authority. A Report to an Official with Authority will impose Actual Knowledge on the Component provided the reported incident of Sexual Misconduct meets the definition of Title IX Sexual Harassment. Each Component will identify and provide contact information of the Official with Authority in various locations, including but not limited to the Component's website and the applicable online handbooks.

4.2.4. Component Police or Security. An individual may report an incident of Sexual Misconduct to the Component police or security. Although the Component strongly encourages reporting Sexual Misconduct to the police, a victim may request administrative action by the Component with or without filing a police report. Filing

a police report does not obligate the victim to continue with criminal proceedings or Component disciplinary action. Components shall provide to the victim the contact information for the campus police or security personnel.

4.2.5. Campus Security Authority. A Report of Sexual Misconduct may be made to a Campus Security Authority (CSA) as defined in each Component's Annual Security Report. All CSAs will promptly inform the Title IX Coordinator of the Complaint or Report and comply with all other reporting obligations required by the Clery Act.

4.2.6. Local Law Enforcement. An individual may, but is not required to, report an incident of Sexual Misconduct directly with local law enforcement agencies. At the victim's request, the Component will assist the victim with reporting the incident of Sexual Misconduct to law enforcement.

4.2.7. Electronic Reporting. Each Component shall provide an option for electronic reporting of an incident of Sexual Misconduct. The electronic reporting option must:

4.2.7.1. enable an individual to report the TSUS SYSTEM WIDE SEXUAL MISCONDUCT POLICY Page 15 ADOPTED ON AUGUST 12, 2022 alleged offense anonymously; and

4.2.7.2. be easily accessible through a clearly identifiable link on the Component's internet website home page. (For more information on anonymity, see Section 4.2.8 and Section 4.8.)

4.2.8. Anonymous Reports. Individuals who chose to file anonymous reports are advised that:

4.2.8.1. it may be very difficult, and in some cases, not possible for the Component to investigate an anonymous Report; and

4.2.8.2. filing a Report is not necessary in order to secure Supportive Measures through the Component.

## **2. *How the University Determines Whether This Policy will be Used***

4.1. General Information. Each Component will identify and provide complete contact information for their Title IX Coordinator and all Deputy Coordinators in various locations, including but not limited to the Component's website; the Student's Handbook; the Dean of Students Office; Human Resources; and Campus Police or Security; or their equivalents. Once a Complaint or Report of Sexual Misconduct is received by the Component, the Title IX Coordinator will determine the appropriate grievance process for resolution.

5.1. Title IX Coordinator's Role in Classifying Sexual Misconduct. The Title IX Coordinator shall review all allegations of Sexual Misconduct to determine if the allegation will be classified as Title IX Sexual Harassment or Non-Title IX Sexual Misconduct at any point during the grievance process.

## **3. *Steps in the Disciplinary Process***

7.1. Filing a Formal Complaint. Incidents of Sexual Misconduct should be reported as per Section 4 of this Policy. A Formal Complaint may be filed with the Title IX Coordinator in person, by mail, or by electronic mail, by using the contact information for the Title IX Coordinator under this Policy and any additional method designated by the Component.

7.2. Cases Initiated by the Title IX Coordinator. If the Title IX Coordinator signs a Formal Complaint, the Title IX Coordinator is not a Complainant or otherwise a Party.

7.3. Notice of Allegations. In response to a Formal Complaint the Component must give written notice of the allegations to the Parties

7.4. Right to Advisor

7.4.1. Each Party may be accompanied by an Advisor of their TSUS SYSTEM WIDE SEXUAL MISCONDUCT POLICY Page 24 ADOPTED ON AUGUST 12, 2022 choice to any related meeting, interview, or proceeding. The Advisor may be, but need not be, an attorney who may provide support, guidance, or advice to the Party. The Advisor may not otherwise directly participate in any meeting, interview, or proceeding except for the limited purpose of conducting cross-examination (as more fully explained in Section 7.11.3) at a live hearing, if any

7.5. Informal Resolution. Informal Resolution of Formal Complaints shall be in accordance with Section 3.9

herein.

3.9.2.1. Notice. The Title IX Coordinator shall provide written notice to the Parties of the availability of informal resolution

3.9.2.2. Scheduling. When a Sexual Misconduct Complaint or Report meets the requirements for informal resolution, the Title IX Coordinator will make the requisite arrangements. Informal resolution may take place at any point in the grievance process after a Formal Complaint is filed and any time prior to reaching a determination regarding responsibility.

3.9.2.4. Agreements. Informal resolutions will be reduced to writing and signed by both Parties. Agreements will be maintained by the Title IX Coordinator and disclosed only as necessary to implement the provisions of the agreed resolution or as required by law.

#### 7.6. Consolidation of Complaints

7.6.1. A Component may consolidate Formal Complaints as to allegations involving the same circumstances.

#### 7.7. Investigation

7.7.1. Scheduling. An assigned Investigator will provide written notice to a Party whose participation is invited or expected, of the date, time, location, and purpose of all hearings, investigative interviews, or other meetings, with sufficient time for the Party to prepare to participate.

7.7.2. Information Gathering. Investigator will gather and review information from Complainant, Respondent, and Witnesses. Investigators shall conduct a site inspection, if necessary, and obtain other information as appropriate.

7.7.3. Equal Opportunity to Present Evidence and Witnesses. All TSUS SYSTEM WIDE SEXUAL MISCONDUCT POLICY Page 25 ADOPTED ON AUGUST 12, 2022, Parties will have equal opportunity to present fact and expert witnesses and other inculpatory and exculpatory evidence during the course of the investigation. A Component may not restrict the ability of either Party to discuss the allegations under investigation, or to gather and present relevant evidence.

7.7.4. Burden on the Component. The burden of proof and the burden of gathering evidence sufficient to reach a determination regarding responsibility rests on the Component and not on the Parties. However, a Component cannot access, consider, disclose, or otherwise use a Party's Confidential Treatment Records, unless that Party consents to such access.

7.7.5. Privileges. The process must not require, allow, rely upon, or otherwise use questions or evidence that constitute, or seek disclosure of, information protected under a legally recognized privilege, unless the person holding such privilege has waived the privilege.

7.7.6. Right to Inspect and Review Evidence Prior to Completion of the Investigation. Once the assigned Investigator concludes all fact finding and evidence gathering activities, each Party and their respective Advisors must have equal opportunity to inspect and review any evidence obtained as part of the investigation that is directly related to the allegations in the Formal Complaint, including the evidence upon which the Component does not intend to rely in reaching a determination regarding responsibility and inculpatory or exculpatory evidence whether obtained from a Party or other source, so that each Party can meaningfully respond to the evidence prior to the conclusion of the investigation.

7.8. Investigative Report. Investigator will complete a written Investigative Report that includes summaries of interviews conducted; photographs, if any; documents and materials received; descriptions of relevant evidence; summaries of relevant electronic records; and a detailed report of the events related to the incident. When the Investigator is not the Title IX Coordinator, the Investigative Report will be submitted to the Title IX Coordinator to ensure all elements of the investigation have been completed. The Title IX Coordinator will forward the Investigative Report to the Decision Maker.

7.9. Notice of Hearing. Upon completion of the Investigative Report, the Title IX Coordinator will send the Notice of Hearing and the Investigative Report to all Parties and their Advisors. The Notice of Hearing and Investigative Report will be sent no less than ten (10) calendar days prior to the scheduled hearing to allow all Parties an opportunity for response.

7.10. Pre-Hearing Instructions. The following items should be provided to the Decision Maker no later than three

(3) calendar days prior to the date of hearing and apply equally to both Parties:

7.10.1. any written response to the investigative Report;

7.10.2. documents, or other evidence to be used at the hearing;

7.10.3. the name of each witness who is to appear on that Party's behalf (witnesses not previously interviewed or identified may be allowed to testify only at the discretion of the Decision Maker); and,

7.10.4. a list of initial questions and cross-examination questions for the opposing Party and any designated witness. Each Party, through their Advisor, will conduct cross-examination even if written questions are not submitted by the Party.

7.11. Live Hearings. All investigations not dismissed pursuant to Section 5.4 shall have a live hearing. The following are the participants at a live hearing:

7.11.1. Decision Maker. The Decision Maker determines the relevancy of all questions asked during the hearing, may ask questions of any witness or Party during the hearing, and ultimately issues the written decision of responsibility and sanction, if any, after the hearing. The Component's Title IX Coordinator or the Investigator who conducted the investigation or prepared the Investigative Report may not serve as Decision Maker.

7.11.2. Parties. The Parties are the Complainant and Respondent. Each Party may give a statement, answer questions, present evidence, and witnesses, and cross-examine the other Party and witnesses through their Advisor.

7.11.3. Advisor. Each Party is entitled to have an Advisor of their choice at the hearing. Each Party must have an Advisor to conduct cross-examination of the other Party and witnesses. An Advisor may, but is not required to be, an attorney. In addition to cross-examination, the Advisor may provide support, guidance, or advice to Complainant or Respondent, but may not otherwise directly participate in the hearing.

7.11.4. Investigator. The Investigator will be present at the hearing and may answer questions from either Party about the investigation and the summary of evidence in the Investigative Report.

7.11.5. Title IX Coordinator. The Title IX Coordinator may be present at the live hearing.

7.12. Availability of Investigative Evidence. The Component must make all TSUS SYSTEM WIDE SEXUAL MISCONDUCT POLICY Page 28 ADOPTED ON AUGUST 12, 2022, evidence subject to the Parties' inspection and review available at any hearing to give each Party equal opportunity to refer to such evidence during the hearing, including for purposes of cross-examination.

7.13. Documents. Each Party shall have the opportunity to present relevant documents to the Decision Maker for consideration at the hearing. Only documents and other evidence pre-submitted in accordance with Section 7.10 will be considered.

7.14. Witnesses. Each Party shall have the opportunity to present fact and/or expert witnesses to the Decision Maker for consideration at the hearing.

7.20. Decision and Sanctions. Once the live hearing has concluded, the Decision Maker will issue a written determination, which shall be sent simultaneously to the Parties, along with information about how to appeal the determination. The contents of the decision will include:

7.20.1. identification of the allegations potentially constituting Title IX Sexual Harassment;

7.20.2. a description of the procedural steps taken from the receipt of the Formal Complaint through the determination, including any notifications to the Parties, interviews with Parties and witnesses, site visits, methods used to gather other evidence, and hearings held;

7.20.3. findings of fact supporting the determination;

7.20.4. conclusions regarding the application of this Policy to the facts;

7.20.5. a statement of, and rationale for, the result as to each allegation, including a determination regarding responsibility, any disciplinary sanctions the Component imposes on the Respondent, and whether remedies designed to restore or preserve equal access to the Component's Education Program or Activity will be provided by the Component to the Complainant;

7.20.6. the Component's procedures and permissible bases for the Complainant and Respondent to appeal; and

7.20.7. the identity and contact information of the appropriate Appellate Authority.



7.21. Appeals. Both Parties must be offered an appeal from a determination regarding responsibility, and from a dismissal of a Formal Complaint or any allegations therein.

#### **4. Possible Sanctions**

Sanctions for a Finding of a Policy violation will depend upon the nature and gravity of the misconduct and/or any record of prior discipline for Sexual Misconduct.

Sanctions include the following:

##### Students

- no-contact orders;
- probation (including disciplinary and academic probation);
- restricted access to activities or facilities;
- mandated counseling (this may include, but not be limited to education programs and batterer intervention);
- disqualification from student employment positions;
- revocation of admission and/or degree;
- withholding of official transcript or degree;
- bar against readmission;
- monetary restitution;
- withdrawing from a course with a grade of W, F, or WF;
- expulsion, suspension, or dismissal; or
- relevant training.

##### Employees

- withholding a promotion or pay increase;
- reassigning employment, including, but not limited to demotion in rank;
- terminating employment;
- barring future employment;
- temporary suspension without pay;
- compensation adjustments;
- no-contact orders;
- relevant training; or,
- recommendation to revoke tenure.

7.22. Implementation of Sanction. No sanction shall be implemented until the appeal, if any, has been concluded, or until the time for either Party to submit an appeal has elapsed.

8.6. Sanction Decision. The responsible Component Administrator will issue written Sanctions promptly and send such Sanctions with a copy of the Findings to the Complainant, Respondent, Title IX Coordinator, and when appropriate, additional individuals with supervisory authority over either Party that are not in line of appellate review. Component Administrator shall inform Complainant of any Sanction(s) imposed on Respondent that directly relates to Complainant.

8.7. Administrators Responsible for Imposing Sanctions

8.7.1. Student Respondent Sanctions. The Dean of Students will issue Sanctions for Students. When Respondent is both a Student and an Employee, the Title IX Coordinator will determine whether the Respondent's status is

that of Student, staff, or faculty for disciplinary purposes. When Respondent's status is determined to be that of a Student employed by the Component, the Dean of Students will consult with the appropriate Human Resources authority prior to issuing Sanctions.

8.7.2. Staff Respondents. The Respondent's supervisor, or other authority within the Respondent's chain of command, will issue Sanctions in consultation with Human Resources.

8.7.3. Faculty Respondents. The Dean shall consult with the Department Chair as appropriate and issue Sanctions.

## **5. Range of Protective Measures Available to a Victim Alleging Misconduct**

Supportive Measures (Including Immediate and Appropriate Corrective Action.

3.8.1. Generally. When an incident of Sexual Misconduct is reported, the Component will consider Supportive Measures while the incident is investigated and adjudicated. The determination of appropriate Supportive Measures in a given situation must be based on the facts and circumstances of that situation. The Title IX Coordinator is responsible for coordinating the effective implementation of Supportive Measures, and the duration of such measures. Supportive Measures may include, but are not limited to:

3.8.1.1. Counseling provided by a counselor who does not provide counseling to any other person involved in the incident, including a person who reports an incident of Sexual Misconduct, as long as the Component employs a sufficient number of counselors;

3.8.1.2. extensions of deadlines or other course-related adjustments;

3.8.1.3. without any academic penalty, modifications of work or class schedules or assignments, including the option of dropping a course in which both TSUS SYSTEM WIDE SEXUAL MISCONDUCT POLICY Page 6 ADOPTED ON AUGUST 12, 2022, Parties are enrolled;

3.8.1.4. campus escort or transportation services;

3.8.1.5. mutual restrictions on contact between the Parties;

3.8.1.6. changes in work or housing locations;

3.8.1.7. leaves of absence;

3.8.1.8. restrictions from specific activities or facilities; and,

3.8.1.9. increased security and monitoring of certain areas of the campus.

3.8.2. Orders of Protection. The Component will honor any order of protection, no contact order, restraining order or similar lawful order issued by any criminal, civil, or tribal court.

3.8.3. Confidentiality of Supportive Measures. The Component shall maintain as confidential any measures provided to the Complainant and/or Respondent, to the extent allowed by law and to the extent that maintaining such confidentiality will not impair the ability to provide the measures.

3.8.4. Emergency Removal. Emergency removal of an Employee or Student prior to a final decision in a Sexual Misconduct matter must comply with System Rules and Regulations Chapters IV § 2.2(14), V § 2.131, and VI § 5. (14). A Component may remove a Respondent from the Component's Education Program or Activity on an emergency basis, provided that the Component undertakes 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, and provides the Respondent with notice and an opportunity to challenge the decision immediately following the removal. The removal challenge does not require a hearing and the burden is on the Respondent to show why the removal should be rescinded.

3.8.5. Administrative Leave. Nothing herein precludes a Component from placing a non-student employee Respondent on administrative leave with or without pay during the pendency of the grievance or any judicial process.

3.8.6. Supportive Measures when Anonymity is Required. The Component's inability to take disciplinary action against an alleged Respondent because of a Complainant's insistence on anonymity will not restrict the Component's ability to provide appropriate measures for the reasonable safety of the Component community.

3.8.7. Unreasonable Burden. Supportive Measures may not impose an unreasonable burden on the other Party.

3.8.8. Failure to Adhere to Supportive Measures. Failure to adhere to the parameters of any Supportive Measures may be considered a separate violation of this Policy and may result in disciplinary sanctions.

### **Title IX Sexual Harassment Grievance Process**

LSCO's entire Sexual Misconduct Policy and Procedures can be found on our website at <https://www.lSCO.edu/titleix/titleix.asp>. This policy applies to all faculty, staff, and students at Lamar State College Orange.

#### **Informal Resolution**

**Eligibility for Informal Resolution:** Informal Resolution is available after a Formal Complaint has been filed in a Title IX Sexual Harassment incident or a Report has been received in a Non-Title IX Sexual Misconduct incident. Informal Resolution may be pursued if:

- both Parties are willing to engage in Informal Resolution and consent to do so in writing;
- the Complainant and the Respondent are both Students or are both Employees of the College;
- the Title IX Coordinator agrees that Informal Resolution is an appropriate mechanism for resolving the Complaint; and
- the College provides written notice to the Parties in accordance with this policy.

**Informal Resolution Procedures:** The Title IX Coordinator shall provide written notice to the Parties of the availability of informal resolution, including:

- the allegations;
- the requirements of the informal resolution process, including the circumstances under which the Parties are precluded from resuming a Formal Complaint arising from the same allegations;
- any consequences resulting from participating in the informal resolution process, including the records that will be maintained or could be shared; and,
- the Parties' right to withdraw consent to informal resolution at any time prior to reaching an agreement and resume the grievance process.

**Referral for an Investigation:** The Title IX Coordinator will terminate informal resolution and continue the investigation if:

- The parties are not able to reach an agreement prior to the exhaustion of the administrative process,
- One or more of the Parties withdraws consent to informal resolution, or,
- Title IX Coordinator determines that informal resolution is no longer appropriate.

#### **Formal Resolution**

**Filing a Formal Complaint:** Incidents of Sexual Misconduct should be reported as per the reporting section of this Policy. A Formal Complaint may be filed with the Title IX Coordinator, Patty Collins in person in the Ron Lewis Building, Room 345, by mail at 410 W. Front Street, Orange, TX 77630, or by electronic mail to [titleixcoordinator@lSCO.edu](mailto:titleixcoordinator@lSCO.edu) and any additional method designated by the College.

Cases Initiated by the Title IX Coordinator: If the Title IX Coordinator signs a Formal Complaint, the Title IX Coordinator is not a Complainant or otherwise a Party.

Notice of Allegations: In response to a Formal Complaint the College must give written notice of the allegations to the Parties. This notice must include:

- notice of the College’s grievance process, including informal resolution;
- sufficient details of the allegations known at the time;
- identities of the Parties involved;
- the conduct allegedly constituting Title IX Sexual Harassment;
- the date and location of the alleged incident;
- a statement that the Respondent is presumed not responsible for the alleged conduct and that a determination regarding responsibility will be made at the conclusion of the grievance process;
- that the Parties may have an Advisor of their choice, who may be, but is not required to be, an attorney;
- that the Parties may inspect and review evidence gathered during the process;
- that knowingly making false statements or knowingly submitting false information during the grievance process is prohibited; and,
- the availability of Supportive Measures to the Complainant and Respondent.

Right to Advisor:

- Each Party may be accompanied by an Advisor of their choice to any related meeting, interview, or proceeding.
- If a Party does not have an Advisor to conduct cross-examination at the live hearing, the College will provide the Party with an Advisor, who need not be an attorney, for the limited purpose of conducting cross-examination at the live hearing.
- Each Party’s Advisor is requested to meet with the Title IX Coordinator to discuss hearing procedure and protocols prior to the live hearing, if any.
- The College will not limit the choice of advisor or presence for either the Complainant or the Respondent in any meeting or institutional disciplinary proceeding.
- The Advisor may be, but need not be, an attorney who may provide support, guidance, or advice to the Party. The Advisor may not otherwise directly participate in any meeting, interview, or proceeding except for the limited purpose of conducting cross-examination at a live hearing, if any.



Consolidation of Complaints:

- A College may consolidate Formal Complaints as to allegations involving the same circumstances.
- A College may consolidate Formal Complaints involving allegations 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 arise out of the same facts or circumstances.

Investigation:

- Scheduling. An assigned Investigator will provide written notice to a Party whose participation is invited or expected, of the date, time, location, and purpose of all hearings, investigative interviews, or other meetings, with sufficient time for the Party to prepare to participate.
- Information Gathering. Investigator will gather and review information from Complainant, Respondent, and Witnesses. Investigators shall conduct a site inspection, if necessary, and obtain other information as appropriate.
- Equal Opportunity to Present Evidence and Witnesses. All Parties will have equal opportunity to present fact and expert witnesses and other inculpatory and exculpatory evidence during the investigation. A College may not restrict the ability of either Party to discuss the allegations under investigation, or to gather and present relevant evidence.
- Burden on the College. The burden of proof and the burden of gathering evidence sufficient to reach a determination regarding responsibility rests on the College and not on the Parties. However, the College cannot access, consider, disclose, or otherwise use a Party's Confidential Treatment Records, unless that Party consents to such access.
- Privileges. The process must not require, allow, rely upon, or otherwise use questions or evidence that constitute, or seek disclosure of, information protected under a legally recognized privilege, unless the person holding such privilege has waived the privilege.
- Right to Inspect and Review Evidence Prior to Completion of the Investigation. Once the assigned Investigator concludes all fact finding and evidence gathering activities, each Party and their respective Advisors must have equal opportunity to inspect and review any evidence obtained as part of the investigation that is directly related to the allegations in the Formal Complaint, including the evidence upon which the College does not intend to rely in reaching a determination regarding responsibility and inculpatory or exculpatory evidence whether obtained from a Party or other source, so that each Party can meaningfully respond to the evidence prior to the conclusion of the investigation.
  - Each Party and their Advisor will be sent such evidence in electronic format or hard copy. Each Party will have ten (10) calendar days from the date they are notified to inspect, review, and respond to the evidence.
  - The written response of each Party, if any, must be considered by the Investigator before completing the Investigative Report.

Investigative Report: Investigator will complete a written Investigative Report that includes summaries of interviews conducted; photographs, if any; documents and materials received; descriptions of relevant evidence; summaries of relevant electronic records; and a detailed report of the events related to the incident. When the Investigator is not the Title IX Coordinator, the Investigative Report will be submitted to the Title IX Coordinator to ensure all elements of the investigation have been completed. The Title IX Coordinator will forward the Investigative Report to the Decision Maker.

Notice of Hearing: Upon completion of the Investigative Report, the Title IX Coordinator will send the Notice of Hearing and the Investigative Report to all Parties and their Advisors. The Notice of Hearing

and Investigative Report will be sent no less than ten (10) calendar days prior to the scheduled hearing to allow all Parties an opportunity for response.

Pre-Hearing Instructions: The following items should be provided to the Decision Maker no later than three (3) calendar days prior to the date of hearing and apply equally to both Parties:

- any written response to the investigative Report;
- documents, or other evidence to be used at the hearing;
- the name of each witness who is to appear on that Party's behalf (witnesses not previously interviewed or identified may be allowed to testify only at the discretion of the Decision Maker); and,
- a list of initial questions and cross-examination questions for the opposing Party and any designated witness. Each Party, through their Advisor, will be permitted to conduct cross-examination even if written questions are not previously submitted by the Party

Live Hearings: All investigations not dismissed shall have a live hearing. The following are the participants at a live hearing:

- Decision Maker: The Decision Maker determines the relevancy of all questions asked during the hearing, may ask questions of any witness or Party during the hearing, and ultimately issues the written decision of responsibility and sanction, if any, after the hearing. The College's Title IX Coordinator or the Investigator who conducted the investigation or prepared the Investigative Report may not serve as Decision Maker.
- Parties: The Parties are the Complainant and Respondent. Each Party may give a statement, answer questions, present evidence, and witnesses, and cross-examine the other Party and witnesses through their Advisor.
- Advisor: Each Party is entitled to have an Advisor of their choice at the hearing. Each Party must have an Advisor to conduct cross-examination of the other Party and witnesses. An Advisor may, but is not required to be, an attorney. In addition to cross-examination, the Advisor may provide support, guidance, or advice to Complainant or Respondent, but may not otherwise directly participate in the hearing.
  - If a Party does not have an Advisor, the College will appoint an Advisor of the College's choice, without fee or cost to the Party, for the limited purpose of conducting cross-examination, including questions challenging the Party or witness's credibility. A College is not required to appoint an attorney as an Advisor.
- Investigator: The Investigator will be present at the hearing and may answer questions from either Party about the investigation and the summary of evidence in the Investigative Report.
- Title IX Coordinator: The Title IX Coordinator may be present at the live hearing.

Availability of Investigative Evidence: The College must make all evidence subject to the Parties' inspection and review available at any hearing to give each Party equal opportunity to refer to such evidence during the hearing, including for purposes of cross-examination.

Documents: Each Party shall have the opportunity to present relevant documents to the Decision Maker for consideration at the hearing. Only documents and other evidence pre-submitted in accordance with this policy will be considered. Any assertion of fact that is contained within a

document may not be considered by the Decision Maker unless the person making the assertion of fact in the document submits to cross-examination by the other Party's Advisor.

Witnesses: Each Party shall have the opportunity to present fact and/or expert witnesses to the Decision Maker for consideration at the hearing.

Determination of Relevance of Questions: Only relevant questions may be asked of a Party or witness during the hearing. Before a Party or witness answers a cross-examination or other question, the Decision Maker must first determine whether the question is relevant.

- Questions concerning a Party's prior sexual behavior are not relevant unless offered to prove that someone other than the Respondent committed the alleged misconduct 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.
- The Decision Maker will explain to the Party's Advisor why a question excluded is not relevant. The Decision Maker's relevancy decision is final and may only be challenged as a procedural defect on appeal, as provided in this Policy.



Live Cross-Examination (Directly, Orally, in real time): The cross-examination of a Party or witness must be conducted by the other Party's Advisor, orally, and in real time. A Party may not directly question the other Party or witness.

Excluding Statements from a Party or Witness Not Subject to Cross- Examination: If a Party or witness does not submit to cross-examination at the hearing, the Decision Maker must not rely on any statement of that Party or witness in reaching a determination regarding responsibility; and the Decision Maker may not draw an inference about responsibility based solely on a Party's or witness's absence from the hearing or refusal to answer cross-examination or other questions.

Alternative Hearing Locations: The hearing may be conducted with all Parties and witnesses physically present in the same geographic location or, at the College's discretion, any or all Parties, witnesses, or other participants may appear at the hearing virtually. At the request of either Party, the College shall provide for the entire hearing, including cross-examination, to occur with the Parties in separate rooms with technology that enables the Parties to see and hear each other or the witness answering questions, at all times while the hearing is in session.

Recording of Hearing Proceedings: The College shall create an audio or audiovisual recording, or transcript, of any live hearing and make such recording or transcript available to the Parties for inspection and review.



Decision and Sanctions: Once the live hearing has concluded, the Decision Maker will issue a written determination, which shall be sent simultaneously to the Parties, along with information about how to appeal the determination. The contents of the decision will include:

- identification of the allegations potentially constituting Title IX Sexual Harassment;
- a description of the procedural steps taken from the receipt of the Formal Complaint through the determination, including any notifications to the Parties, interviews with Parties and witnesses, site visits, methods used to gather other evidence, and hearings held;
- findings of fact supporting the determination;
- conclusions regarding the application of this Policy to the facts;
- a statement of, and rationale for, the result as to each allegation, including a determination regarding responsibility, any initial, interim, and final decision by any official or entity authorized to resolve disciplinary matters within the institution, any disciplinary sanctions the College imposes on the Respondent, and whether remedies designed to restore or preserve equal access to the College's Education Program or Activity will be provided by the College to the Complainant;
- the College's procedures and permissible bases for the Complainant and Respondent to appeal; and
- the identity and contact information of the appropriate Appellate Authority.

Appeals: Both Parties must be offered an appeal of a determination regarding responsibility, and from a dismissal of a Formal Complaint or any allegations therein.

- Grounds for Appeal: The only grounds for appeal are:
  - procedural irregularity, including a relevancy determination, that affected the outcome of the matter;
  - new evidence that was not reasonably available at the time the determination regarding responsibility or dismissal was made and that could affect the outcome of the matter;
  - the Title IX Coordinator, Investigator, or Decision Maker had a conflict of interest or bias for or against Complainants or Respondents generally or the individual Complainant or Respondent that affected the outcome of the matter; and,
  - the Sanction is substantially disproportionate to the written decision.
- Procedure for Appeal: Either Party may appeal a dismissal or Decision Maker's determination by filing a written request to appeal, with supporting information, with the appropriate Appellate Authority within ten (10) calendar days of issuance of the decision. If a Complainant or Respondent appeals, the College must:
  - notify both Parties simultaneously in writing within five (5) calendar days from when an appeal is filed and implement appeal procedures equally for both Parties;
  - give the non-appealing Party seven (7) calendar days from when the College notifies the non-appealing Party that an appeal has been filed to submit a written statement in support of, or challenging, the outcome, a copy of which will be provided to the appealing Party; and,  
issue a written decision of any change to the result prior to the time that it becomes final, including the rationale therefor, simultaneously to both Parties within twenty-one (21)

calendar days from the date the notice is issued, as well as of the final result once the appeal is resolved.

- The decision of the Appellate Authority is final.

Implementation of Sanction: No sanction shall be implemented until the appeal, if any, has been concluded, or until the time for either Party to submit an appeal has elapsed.

Implementation of Remedies. Upon the issuance of the written determination and the conclusion of any appeal, if the Decision Maker determines remedies will be provided, the Title IX Coordinator will communicate with Complainant separately to discuss what remedies are appropriate to restore or preserve the Complainant's equal access to the College's Education Program or Activity.

### **College-Initiated Protective Measures**

In addition to those protective measures previously described the Title IX Coordinator or their designee will determine whether interim interventions and protective measure should be implemented, and, if so, take steps to implement those protective measures as soon as possible.

Examples of interim protective measures include but are not limited to: A College order of no contact, adjustment of course schedules, extensions of deadlines or other course-related adjustments, a leave of absence, or reassignment to a different supervisor or position. These remedies may be applied to one, both, or multiple parties involved.<sup>3</sup>

Violations of the Title IX Coordinator's directives and/or protective measures will constitute related violations that may lead to additional disciplinary action. Protective measures imposed may be temporary pending the results of an investigation or may become permanent as determined by Lamar State College Orange.



### **Remedies**

Remedies for a Finding of a violation of this Policy must be designed to restore or preserve equal access to the College's Education Program or Activity to the Complainant. Such remedies may include the same individualized services described in the "Supportive Measures" section of this policy; however, remedies need not be non-disciplinary or non-punitive and need not avoid burdening the Respondent.

- The Title IX Coordinator is responsible for the effective implementation of remedies.
- Any remedy that does not directly affect the Respondent must not be disclosed to the Respondent.

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<sup>3</sup> Applicable law requires that, when taking such steps to separate the complainant and the accused, the College must minimize the burden on the complainant and thus should not, as a matter of course, remove the complainant from his or her job, classes or housing while allowing the accused to remain.

## **Retaliation**

No College or person may intimidate, threaten, coerce, or discriminate against any individual for the purpose of interfering with any right or privilege secured by Title IX or this Policy, or because the individual has made a Complaint or Report, testified, assisted, or participated or refused to participate in any manner in an investigation, proceeding, or hearing under this Policy. Any person, who believes that she or he has been subjected to Retaliation, should immediately report this concern to the Title IX Coordinator.

- **By the College**
  - A College may not discipline or discriminate against an employee who in good faith makes a Report of Sexual Misconduct as required by this Policy.
  - This does not apply to an employee who perpetrates or assists in perpetrating an incident of Sexual Misconduct.
- **By Others**
  - The exercise of rights protected under the First Amendment does not constitute retaliation prohibited under this section.

## **Confidentiality**

- The identity of the following individuals is confidential and not subject to disclosure under the Texas Public Information Act, unless such individual(s) waive nondisclosure in writing:
  - an alleged victim of an incident of Sexual Misconduct;
  - a person who reports an incident of Sexual Misconduct;
  - a person who sought guidance from the College concerning such an incident;
  - a person who participated in the College's investigation of such an incident; or,
  - a person who is alleged to have committed or assisted in the commission of Sexual Misconduct, provided that after completion of the investigation, the College determines the Complaint or Report to be unsubstantiated or without merit.
- The identity of the individual(s) may only be disclosed to the following:
  - a college, as necessary to conduct an investigation and resolution of the investigation;
  - the person or persons alleged to have perpetrated the incident of Sexual Misconduct defined in this Policy, to the extent required by other law;
  - a law enforcement officer, as necessary to conduct a criminal investigation;
  - potential witnesses to the incident, as necessary to conduct an investigation; or,
  - a health care provider in an emergency situation, as determined necessary by the College.
- Information reported to a health care provider or other medical provider employed by the College is confidential and may be shared by the provider only with the Complainant's consent. The provider must provide aggregate data or other non-identifying information regarding incidents of Sexual Misconduct to the College's Title IX Coordinator.
- Breaches of confidentiality or privacy committed by Employees receiving a Complaint or Report of alleged Sexual Misconduct or investigating the Report of alleged Sexual Misconduct may result in disciplinary sanctions.
- Release of information to the individuals referenced in this section shall not be construed as a voluntary disclosure for purposes of the Texas Public Information Act.
- If there is a direct conflict between the requirements of FERPA (Family Educational Rights and Privacy Act) and the requirements of Title IX, such that enforcement of FERPA would interfere

with the primary purpose of Title IX to eliminate sex-based discrimination in schools, the requirements of Title IX override any conflicting FERPA provisions.

### **Assistance for Victims: Rights and Options**

Regardless of whether a Victim elects to pursue a criminal complaint or whether the offense is alleged to have occurred on or off campus, The College will assist Victims of sexual assault, domestic violence, dating violence, and stalking and will provide each Victim with a written explanation of his or her rights and options. Such written information will include:

- the procedures victims should follow if a crime of dating violence, domestic violence, sexual assault, or stalking has occurred;
- information about how the institution will protect the confidentiality of victims and other necessary parties;
- a statement that the institution will provide written notification to students and employees about victim services within the institution and in the community;
- a statement regarding the institution's provisions about options for, available assistance in, and how to request accommodations and protective measures; and
- an explanation of the procedures for institutional disciplinary action

### **Disclosure of Disciplinary Proceeding Outcome to Victims (or Next of Kin)**

LSCO will, upon written request, disclose to the alleged victim of a crime of violence, or a non-forcible sex offense, the report on the results of any disciplinary proceeding conducted by such institution 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 this paragraph.

### **Sex Offender Registration – Campus Sex Crimes Prevention Act**

#### **Megan's Law**

The federal Campus Sex Crimes Prevention Act, enacted on October 28, 2000, requires institutions of higher education to issue a statement advising the campus community where law enforcement agency information provided by a State concerning registered sex offenders may be obtained. It also requires sex offenders already required to register in a State to provide notice, as required under State law, of each institution of higher education in that State at which the person is employed, carries on a vocation, volunteers services or is a student. In Texas, convicted sex offenders must register with the Texas Department of Public Safety (TxDPS). This information can be found on the [TxDPS website](#).

### **Student Conduct and Discipline**

#### **Acquaintance with Policies, Rules, and Regulations**

Each student is expected to be fully acquainted with and comply with all published policies, rules, and regulations of the College and of the Texas State University System, which are accessible on-line via the [Student Handbook](#). Students are also expected to comply with all federal and state laws.

### **Monitoring and Recording of Criminal Activity by Students at Non-campus Locations**

If the perpetrator of a crime is identified as a LSCO student by law enforcement or if an event occurs off-campus, local law enforcement usually notifies the campus via the Department of Safety and Security. The campus has secured MOUs with outside agencies to further our efforts to partner with local agencies to prevent crime on our campus. Regardless of action taken in the court system, students can experience the student disciplinary process on campus simultaneously. LSCO does not have any officially recognized student organizations with non-campus locations.



### **Alcohol & Drugs**

Lamar State College Orange prohibits the unlawful possession, use, and sale of alcoholic beverages and illegal drugs on campus. LSCO maintains an awareness of public laws in relation to drugs and alcohol and supports their enforcement through our Security Office. Any violations of state law in relation to drugs or alcohol (possession, use, and sale) are processed legally through local law enforcement and referred to the Dean of Student Services for campus disciplinary procedures, concurrently. More information about our policy can be found in the Student Handbook.

### **Drug Free Schools and Communities Act**

In compliance with the Drug Free Schools and Communities Act, Lamar State College Orange publishes information regarding that the College has adopted a drug-free workplace policy and implemented a drug awareness program to prevent the illicit use of drugs and the abuse of alcohol by students and employees. The LSCO Drug-Free Workplace Policy prohibits the unlawful possession, use or distribution of drugs and alcohol by employees or students on college property or as any part of the college activity. The unlawful use, possession or distribution of drugs or alcohol will result in a disciplinary action depending upon the circumstances. The LSCO drug awareness program is a three-part program to inform employees and students about:

1. Health risk involved in the use of illicit drugs and the abuse of alcohol which often results in poor health and premature death.
2. Help available for drug and alcohol counseling, treatment, and rehabilitation that is offered to all LSCO employees.
3. Local sanctions that include fines and/or imprisonment for violation of local, state or federal drug laws.
4. A complete description of these topics, as provided in the Lamar State College Orange 's annual notification to students and employees, is available online at:  
<https://lscostudents-tx.vectorlmsedu.com/login>

Lamar State College Orange is obligated to uphold laws that prohibit the possession, use or distribution of controlled substances. Any employee or student found to be in violation of these laws will be dismissed and referred to the appropriate legal authority for prosecution.

The LSCO Advising and Counseling Center provides information and confidential assistance for students seeking help for a drug or alcohol-related problem. Students should contact the Advising and Counseling Center, located in Room 354, Ron E. Lewis Building or by phone at 409-882-3340 if they

need additional information about this program.

The LSCO Human Resource Department provides information and confidential assistance for employees seeking help with a drug or alcohol-related problem. Employees should contact the HR Department, located in Room 218, Ron E. Lewis Building or by phone at 409-882-3343 if they need additional information about this program.

### **Use of Illegal Drugs**

A student who, by a preponderance of the evidence, under the *Rules and Regulations*, Texas State University System, is found to have illegally possessed, used, sold or distributed any drug, narcotic, controlled substance, or drug paraphernalia including residue, whether the infraction is found to have occurred on or off campus, shall be subject to discipline, ranging from mandatory, college approved counseling to expulsion.

Students for whom there is a reasonable suspicion of involvement with drugs or controlled substances may be required to submit to an appropriate drug test. Mitigating or aggravating factors in assessing the proper level of discipline shall include, but not necessarily be limited to, the student's motive for engaging in the behavior, disciplinary history, effect of the behavior on safety and security of the college community, and the likelihood that the behavior will recur. The college will exercise their right as a result of being found guilty of a violation of the drug policy and placed on probation to perform random drug tests on students at any time during the probation.

If at any time the student is found to test positive for any illegal drugs, the student will be suspended per the duration above. A student who has been suspended, dismissed, probated, or expelled from the university shall be ineligible to enroll at any other Texas State University System university during the applicable period of discipline.

The registrar is authorized to make an appropriate notation on the student's transcript to accomplish this objective and to remove the notation when the student's disciplinary record has been cleared. A second infraction for a drug-related offense shall result in permanent expulsion from the University and from all other institutions in The Texas State University System. (Texas State University System Policies, VI, 5.9(20) pg.VI-13).

### **Available Counseling and Treatment Program**

LSCO offers drug and alcohol abuse education programs through a third-party vendor, Vector Solutions. AlcoholEdu is an interactive online program that uses the latest evidence-based prevention methods to create a highly engaging user experience, inspiring students to make healthier decisions related to alcohol and other drugs. Drug and alcohol abuse counseling is available through the Counseling office in the Ron Lewis Building, Room 354, 409.882.3340. This office also provides off-campus referrals to treatment programs and facilities in the local and surrounding areas.

## **Campus Security Policies, Crime Prevention, and Safety Awareness Programs**

### **Training**

Lamar State College Orange is committed to ensuring our students, faculty, and staff are prepared for an emergency on campus. Faculty and staff will be trained annually to understand the function and



elements of this plan, including types of potential emergencies, reporting procedures, evacuation plans, and the responsibility of their individual department unit plan. Training will address the following:

- Introduction to EMBCP
- Individual roles and responsibilities
- Threats, hazards, and protective actions
- Notification, warning, and communication procedures
- Locations of all emergency exits
- Locations of fire alarm pull station and the fire extinguisher locations
- Emergency response procedures
- Evacuation, shelter, and accountability procedures

Training will be conducted by the Emergency Management Team, outside professional individuals, department supervisors, or other local emergency service entities.

Lamar State College Orange CSAs are trained initially and thereafter annually using Clery Center materials and other Texas State University System guidance.

### **Campus Drills**

Campus drills should promote preparedness, improve the response capability of individuals, validate plans, policies, procedures, and systems, and verify the effectiveness of command, control, and communication functions. Drills will vary in size and complexity to achieve different operational objectives.

The following types of drills can be used:

- Tabletop Drills simulate an activation of the EMBCP in an informal, stress-free environment. They are designed to promote constructive discussion as participants examine and resolve potential problems based on the plan.
- Functional Drills are interactive drills performed in real time that test the agency's ability to respond to simulated continuity activation.
- Full-Scale Drills simulate continuity activation through field exercises designed to evaluate the executive of the plan in a highly stressful environment.

Drills are conducted to validate elements of the EMBCP, both individually and collectively. LSCO is committed to ensuring that realistic exercises are conducted, during which individuals and business units perform the tasks that are expected of them in a real event. Drills should be conducted annually.

Each drill activity, as well as actual events, will be evaluated and an After-Drill Report and Improvement Plan should be completed. The evaluation will identify strengths and weaknesses and suggest areas for improvement that will





enhance LSCO's preparedness. The information will be collected and prepared by the EMBCP Coordinator and reviewed and approved by the Emergency Response Team. Once approved, the EMBCP Coordinator will incorporate applicable lessons learned into the EMBCP. Recommended evacuation routes and assembly points are located in the EMBCP, Appendix D.

### **Personal Safety and Crime Prevention Programs**

The LSCO Environmental Health Specialist is responsible for building inspections, recommendation of training modules, and addressing concerns brought forth by the Gator Community concerning the safety and security of our campus. It is the intent of Lamar State College Orange to inform students of good crime prevention and security awareness practices.

During the 2022-2023 academic year, LSCO offered approximately three crime prevention and security awareness programs. Topics such as personal safety, drug and alcohol abuse awareness and sexual assault prevention are some examples of programs offered during the prior academic year.

All crime prevention and security awareness programs encourage students and employees to be responsible for their own security and the security of others. Participants in these programs are asked to be alert, security-conscious and involved and advised to call Campus Security to report suspicious behavior. For additional questions regarding crime prevention, contact the department directly at 409-882-3910.

The Department of Safety and Security focuses attention on crime prevention through increased emphasis on community-oriented policing. Throughout the academic year there will be group programs and individual counseling on crime prevention presented by campus security, Orange Police Department, and the local sheriff's department. Programs by the Criminal Justice Department are also available. The Director of Safety and Security speaks to new students during Fall and Spring orientation about general campus safety, crime prevention, reporting procedures and locations, as well as guidance on any current trends on campus. Topics of these presentations include personal safety awareness, Rape Aggression Defense (R.A.D.) and property protection strategies.

### **Programs to Prevent Domestic Violence, Dating Violence, Sexual Assault and Stalking**

The College engages in comprehensive, intentional, and integrated programming, initiatives, strategies, and campaigns intended to end dating violence, domestic violence, sexual assault and stalking that:

- A. Are culturally relevant, inclusive of diverse communities and identities, sustainable, responsive to community needs, and informed by research, or assessed for value, effectiveness, or outcome; and
- B. Consider environmental risk and protective factors as they occur on the individual, relationship, institutional, community and societal levels.

Educational programming consists of primary prevention and awareness programs for all incoming students and new employees and ongoing awareness and prevention campaigns for students and that includes:

- A. A statement that LSCO prohibits the crimes of domestic violence, dating violence, sexual assault, and stalking (as defined by the Clery Act);
- B. The definitions of domestic violence, dating violence, sexual assault and stalking according to any applicable jurisdictional definitions of these terms;
- C. The definition of consent, in reference to sexual activity, in the State of Texas (definition can be found on page 31 of this document);
- D. The institution’s definition of consent and the purposes for which that definition is used (definition and purpose can be found on page 31 of this document);
- E. A description of safe and positive options for bystander intervention. Bystander intervention means safe and positive options that may be carried out by an individual or individuals to prevent harm or intervene when there is a risk of dating violence, domestic violence, sexual assault, or stalking. Bystander intervention includes recognizing situations of potential harm, understanding institutional structures and cultural conditions that facilitate violence, overcoming barriers to intervening, identifying safe and effective intervention options, and taking action to intervene;
- F. Information on risk reduction. Risk reduction means options designed to decrease perpetration and bystander inaction, and to increase empowerment for victims to promote safety and help individuals and communities address conditions that facilitate violence.
- G. Information regarding:
  - a. procedures victims should follow if a crime of domestic violence, dating violence, sexual assault and stalking occurs (as described in “Procedures Victims Should Follow if a Crime of Domestic Violence, Dating Violence, Sexual Assault and Stalking Occurs” elsewhere in this document)
  - b. how the institution will protect the confidentiality of victims and other necessary parties (as described in “Assistance for Victims: Rights and Options” elsewhere in this document);
  - c. existing counseling, health, mental health, victim advocacy, legal assistance, visa and immigration assistance, student financial aid, and other services available for victims, both within the institution and in the community (as described in “Assistance for Victims: Rights and Options” elsewhere in this document); and
  - d. options for, available assistance in, and how to request changes to academic, transportation, and working situations or protective measures (as described in “Assistance for Victims: Rights and Options” elsewhere in this document);
  - e. procedures for institutional disciplinary action in cases of alleged dating violence, domestic violence, sexual assault, or stalking (as described in “Adjudication of Violations” elsewhere in this document);

## Educational Programs

### Primary Prevention and Awareness Programs

These programs include *Sexual Assault Prevention for Undergraduates* and educational materials that are distributed to all incoming new or transfer students and all new employees. Students and employees receive an email inviting them to the training platform that hosts the training programs.

Specifically, the College offered the following **primary prevention and awareness programs** for all **incoming students** in 2023-2024:

Sexual Assault Prevention for Undergraduates: Title IX and Clery Act training that engages undergraduate students in fostering healthy relationship behaviors and preparing them to recognize and respond to sexual misconduct, including sexual harassment, sexual assault, domestic violence, dating violence, and stalking, when it occurs. The training is culturally relevant, inclusive of diverse communities and identities, and developed by informed research to ensure effectiveness. The course content includes:

- Importance of Values
- Aspects of (Un)healthy Relationships
- Gender Socialization
- Definitions of Dating Violence, Domestic Violence, Sexual Assault, and Stalking
- Risk Reduction
- Consent
- Bystander Intervention
- Victim Support
- Responding to Student Disclosure

AlcoholEdu for College: This course encourages students to reflect on their drinking and encourages safe decision-making, making campuses safer for everyone. The course is designed for first year college students. It is an interactive online program using the latest evidence-based prevention methods to create a highly engaging user experience, inspiring students to make healthier decisions related to alcohol and other drugs. The course content includes:

- Overview of key definitions
- Myths and misperceptions
- Alcohol and motivation
- Blood alcohol concentration
- Strategies for drinkers/non-drinkers
- Bystander intervention skills
- Academic brain science
- Media literacy and expectations
- Alcohol and the law
- College, drinking and stress

**Vector’s Sexual Assault Prevention and AlcoholEdu** are a comprehensive education and training solution required of all incoming Freshman and transfer students.



Specifically, the College offered the following **primary prevention and awareness programs** for all **incoming students** in 2023-24:

Name of Program	Date Held	Location Held	Which Prohibited Behavior* Covered?
Denim Day	4/26	LSCO	SA, DaV, DoV, S
Octoberfest	10/27	LSCO	SA, DaV, DoV, S
Gatorama	4/12	LSCO	SA, DaV, DoV, S

\*DoV means Domestic Violence, DaV means Dating Violence, SA means Sexual Assault and S means Stalking

The College offered the following **primary prevention and awareness programs** for all **new employees** in YEAR 2023-24:

Name of Program	Date Held	Location Held	Which Prohibited Behavior* Covered?
Denim Day	4/26	LSCO	SA, DaV, DoV, S
Octoberfest	10/27	LSCO	SA, DaV, DoV, S
Gatorama	4/12	LSCO	SA, DaV, DoV, S

\*DoV means Domestic Violence, DaV means Dating Violence, SA means Sexual Assault and S means Stalking

### Ongoing Prevention and Awareness Campaigns

The College has developed an annual educational campaign of educational materials distributed at student orientation and posted throughout campus. Campus events, such as Octoberfest and Gatorama, offer opportunities for non-profit agencies, student organizations, and campus departments to have booths that present educational materials to students and employees. The Annual Fall and Spring Career Fair features non-profit agencies that provide information on prevention and awareness programs. Student Life offers programs throughout the year and specifically in April during Sexual Assault Awareness month that provide prevention and awareness strategies on the topic of sexual harassment, including sexual assault, dating violence, domestic violence, and stalking. Specific programs on campus (i.e., Nursing, Dental, and Criminal Justice) offer programs to students throughout the year utilizing guest speakers from community organizations to speak to students. These programs are open to all students and employees.

LSCO offered the following **ongoing awareness and prevention online programs for students** in 2023-2024:

Denim Day: LSCO hosted the 3rd Annual Denim Day event in April 2023. This year's event featured guest speaker Lavinia Masters, a survivor and advocate who worked closely with Governor Greg Abbott to pass the Lavinia Masters Act which sets strict timelines on the testing of rape kits. The event also hosted several local organizations including Samaritan Counseling, Garth House, Child Abuse & Forensic Services, and Family Services of Southeast Texas.



#### Building Supportive Communities: Clery Act and Title IX:

Takes a close look at the issue of sexual harassment, including sexual assault, dating violence, domestic violence, and stalking, in higher education.

*All LSCO employees were required to complete this training to ensure knowledge of the new 2020 Title IX regulations was received.*

Bridges/Taking Action: Provides ongoing education addressing how to identify and report different types of sexual misconduct committed against students, ways to prevent sexual violence and maintaining a safe campus community.

Harassment Prevention: This course is designed for supervisors and non-supervisors. Raise awareness about harassment and discrimination by explaining the law and providing insight on how to appropriately respond to and report misconduct. Learn tips to

maintain a respectful work environment, including safe and positive options for bystander intervention, using inclusive language, and avoiding microaggressions.



All LSCO employees must complete this training upon new hire and every two years thereafter.

**Diversity and Inclusion EDU:** Explores power, communication, identity, and privilege through the unique experiences of real people. The course helps you think about the importance of a respectful working environment and the barriers that prevent full participation.

**Managing Bias:** Understanding bias in the workplace is the first step to managing it. This course defines bias, describes how it affects the workplace, and encourages learners to use that knowledge to reduce the negative effects of bias. Employees will understand that biases can affect our actions, which can have real impacts on people, and that if left unchecked, biases can create unhealthy work environments that reinforce unjust practices.



The College offered the following **ongoing awareness and prevention programs** for **students** in YEAR 2023-24:

Name of Program	Date Held	Location Held	Which Prohibited Behavior* Covered?
Sexual Assault Prevention	Ongoing	LSCO Online	SA, DaV, DoV, S

\*DoV means Domestic Violence, DaV means Dating Violence, SA means Sexual Assault and S means Stalking

The College offered the following **ongoing awareness and prevention programs** for **employees** in YEAR:

Name of Program	Date Held	Location Held	Which Prohibited Behavior* Covered?
<u>Building Supportive Communities: Clery Act and Title IX</u>	Ongoing	LSCO Online	Sa, DaV, DoV, S
<u>Bridges/Taking Action</u>	Ongoing	LSCO Online	SA, DaV, DoV, SA

\*DoV means Domestic Violence, DaV means Dating Violence, SA means Sexual Assault and S means Stalking

### Procedures the College Will Follow When a Crime of Domestic Violence, Dating Violence, Sexual Assault and Stalking is Reported

LSCO has procedures in place that serve to be sensitive to victims who report sexual assault, domestic violence, dating violence, and stalking, including informing individuals about their right to file criminal charges as well as the availability of counseling, health, mental health, victim advocacy, legal assistance, visa and immigration assistance, student financial aid and other services on and/or off campus as well as additional remedies to prevent contact between a complainant and a respondent, such as changes to, academic schedules, protective orders, and working situations, if reasonably available. LSCO will make such accommodations or protective measures, if the victim requests them and if they are available, regardless of whether the victim chooses to report the crime to Campus Security or local law enforcement. Students and employees should contact LSCO’s Title IX Coordinator, Joseph Hargrave at 409-882-3910, via email at [titleixcoordinator@lSCO.edu](mailto:titleixcoordinator@lSCO.edu), or in person in the Academic Center room 149, to request accommodations or protective measures.

If a report of domestic violence, dating violence, sexual assault or stalking is reported to the College, below are the procedures that the College will follow:

Incident Being Reported	Procedure Institution Will Follow
<b>Sexual Assault</b>	<ol style="list-style-type: none"> <li>1. Depending on when reported (immediate vs delayed report), institution will provide complainant with access to medical care</li> <li>2. Institution will assess immediate safety needs of complainant</li> <li>3. Institution will assist complainant with contacting local police if complainant requests AND provide the complainant with contact information for local police department</li> <li>4. Institution will provide complainant with referrals to off campus mental health providers</li> <li>5. Institution will assess the need to implement interim or long-term protective measures, if appropriate.</li> <li>6. Institution will provide the complainant with a written explanation of the victim’s rights and options</li> <li>7. Institution will provide a “No trespass” (PNG) directive to accused party if deemed appropriate</li> </ol>



	<ol style="list-style-type: none"> <li>8. Institution will provide written instructions on how to apply for Protective Order</li> <li>9. Institution will provide a copy of the policy applicable to Sexual Assault to the complainant and inform the complainant regarding time frames for inquiry, investigation, and resolution</li> <li>10. Institution will inform the complainant of the outcome of the investigation, whether or not the accused will be administratively charged and what the outcome of the hearing is</li> <li>11. Institution will enforce the anti-retaliation policy and take immediate and separate action against parties that retaliate against a person for complaining of sex-based discrimination or for assisting in the investigation</li> </ol>
<b>Stalking</b>	<ol style="list-style-type: none"> <li>1. Institution will assess immediate safety needs of complainant</li> <li>2. Institution will assist complainant with contacting local police if complainant requests AND provide the complainant with contact information for local police department</li> <li>3. Institution will provide written instructions on how to apply for Protective Order</li> <li>4. Institution will provide written information to complainant on how to preserve evidence</li> <li>5. Institution will assess need to implement interim or long-term protective measures to protect the complainant, if appropriate</li> <li>6. Institution will provide the complainant with a written explanation of the victim's rights and options</li> <li>7. Institution will provide a "No trespass" (PNG) directive to accused party if deemed appropriate</li> </ol>
<b>Dating Violence</b>	<ol style="list-style-type: none"> <li>1. Institution will assess immediate safety needs of complainant</li> <li>2. Institution will assist complainant with contacting local police if complainant requests AND provide the complainant with contact information for local police department</li> <li>3. Institution will provide written instructions on how to apply for Protective Order</li> <li>4. Institution will provide written information to complainant on how to preserve evidence</li> <li>5. Institution will assess need to implement interim or long-term protective measures to protect the complainant, if appropriate</li> <li>6. Institution will provide the complainant with a written explanation of the victim's rights and options</li> <li>7. Institution will provide a "No trespass" (PNG) directive to accused party if deemed appropriate</li> </ol>
<b>Domestic Violence</b>	<ol style="list-style-type: none"> <li>1. Institution will assess immediate safety needs of complainant</li> <li>2. Institution will assist complainant with contacting local police if complainant requests AND complainant provided with contact information for local police department</li> </ol>

3. Institution will provide written instructions on how to apply for Protective Order
4. Institution will provide written information to complainant on how to preserve evidence
5. Institution will assess need to implement interim or long-term protective measures to protect the complainant, if appropriate
6. Institution will provide the complainant with a written explanation of the victim's rights and options
7. Institution will provide a "No trespass" (PNG) directive to accused party if deemed appropriate

### Policy for Preparing the Annual Disclosure of Crime Statistics

The College coordinates the collection and reporting of crime statistics as specified in the *Jeanne Clery Disclosure of Campus Security Policy and Crime Statistics Act (Clery Act)*. Each year, the College notifies all enrolled students and employees, via email, that they can view the report at: [Annual Security Report](#).

Prospective employees and students are notified about the availability and location of the report via the online employee and student application process. This report is prepared in cooperation with the LSCO Safety and Security Department (SSD), Division of College Affairs, local law enforcement agencies, Division of Student Services, and the Office of the President. Each entity provides current information about its safety and security educational efforts and programs and statistical data. Annually, LSCO sends a written request to Campus Security Authorities (CSAs) requesting information about all Clery Act Crimes that occurred on LSCO's geography that were reported to them. LSCO **does allow** individuals to report crimes on a **confidential, voluntary basis** for inclusion in the annual disclosure of crime statistics, except where the Safety and Security Department processes a crime using a pseudonym.



Reports of criminal activity given to CSAs and reports of crimes made to local law enforcement agencies are requested and included in the Annual Security Report as required by the Clery Act. "Campus Security Authority" (CSA) means an individual with responsibility for campus safety and security. This includes campus security; individuals who are responsible for monitoring buildings or campus grounds, or with similar security responsibilities who are not part of campus security; individuals or organizations specifically identified to receive reports

of criminal offenses; and College officials, but not limited to all deans, directors, department chairs, student services, Title IX team members, and advisors to student organizations.

All the statistics are gathered, compiled, and reported to the College community via this report, published by the Office of Safety and Security. The Safety and Security Department submits the annual crime statistics published in this brochure to the Department of Education (ED). The statistical

information gathered by the Department of Education is available to the public through the ED website.

### **Definitions Used in Classification of Crime Statistics** (Listed in order of reporting hierarchy)

#### **Primary Crimes**

- **Murder and Non-negligent Manslaughter:** The willful (non- negligent) killing of one human being by another.
- **Manslaughter by Negligence:** The killing of another person through gross negligence.
- **Rape:** The penetration, no matter how slight, of the vagina or anus, with any body part or object, or oral penetration by a sex organ of another person, without the consent of the victim. This offense includes the rape of both males and females.
- **Fondling:** 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 incapacity.
- **Incest:** Sexual intercourse between persons who are related to each other within the degrees wherein marriage is prohibited by law.
- **Statutory Rape:** Sexual intercourse with a person who is under the statutory age of consent.
- **Robbery:** The taking or attempting to take anything of value from the care, custody, or control of a person or persons by force or threat of force or violence and/or by putting the victim in fear.
- **Aggravated Assault:** An unlawful attack by one person upon another for the purpose of inflicting severe or aggravated bodily injury. This type of assault is usually accompanied by the use of a weapon or by means likely to produce death or great bodily harm.
- **Burglary:** The unlawful entry of a structure to commit a felony or a theft.
- **Motor Vehicle Theft:** Theft or attempted theft of a motor vehicle.
- **Arson:** Any willful or malicious burning or attempt to burn, with or without intent to defraud, a dwelling house, public building, motor vehicle or aircraft, personal property of another, etc.

#### **Violence Against Women Act Crimes**

- **Domestic Violence:** A felony or misdemeanor crime of violence committed by;
  - A current or former spouse or intimate partner of the victim;
  - A person with whom the victim shares a child in common;
  - A person who is cohabitating with, or has cohabitated with, the victim as a spouse or intimate partner;
  - A person similarly situated to a spouse of the victim under the domestic or family violence laws of the jurisdiction in which the crime of violence occurred; 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 the jurisdiction in which the crime of violence occurred.
- **Dating Violence:** Violence committed by a person who is or has been in a social relationship of a romantic or intimate nature with the victim.
- **Stalking:** Engaging in a course of conduct directed at a specific person that would cause a reasonable person to fear for the person's safety or the safety of others; or suffer substantial emotional distress. When reporting crimes of stalking that include activities in more than one

calendar year, LSCO will record a crime statistic for each and every year in which the course of conduct is reported to our Safety and Security Department, local law enforcement, or to a CSA.

#### Arrests and Disciplinary Referrals

- **Weapons: Carrying, possessing, etc.** is defined as the violation of laws or ordinances prohibiting the manufacture, sale, purchase, transportation, possession, concealment, or use of firearms, cutting instruments, explosives, incendiary devices, or other deadly weapons. This classification encompasses weapons offenses that are regulatory in nature.
- **Drug Abuse Violations:** The violation of laws prohibiting the production, distribution and/or use of certain controlled substances and the equipment or devices utilized in their preparation and/or use. The unlawful cultivation, manufacture, distribution, sale, purchase, use, possession, transportation, or importation of any controlled drug or narcotic substance. Arrest for violations of state and local laws, specifically those relating to the unlawful possession, sale, use, growing, manufacturing, and making of narcotic drugs.
- **Liquor Law Violations:** The violation of state or local laws or ordinances prohibiting the manufacture, sale, purchase, transportation, possession, or use of alcoholic beverages, not including driving under the influence and drunkenness.

#### Hate Crime (Any of the Above Offenses and Those Below)

A criminal offense that manifests evidence that the victim was intentionally selected because of the perpetrator's bias against the victim.

- **Larceny-Theft:** The unlawful taking, carrying, leading, or riding away of property from the possession or constructive possession of another.
- **Simple Assault:** An unlawful physical attack by one person upon another where neither the offender displays a weapon, nor the victim suffers obvious severe or aggravated bodily injury involving apparent broken bones, loss of teeth, possible internal injury, severe laceration, or loss of consciousness and is counted only in relation to a reported hate crime.
- **Intimidation:** To unlawfully place another person in reasonable fear of bodily harm through the use of threatening words and/or other conduct, but without displaying a weapon or subjecting the victim to actual physical attack and is counted only in relation to a reported hate crime
- **Destruction/Damage/Vandalism of Property:** To willfully or maliciously destroy, damage, deface, or otherwise injure real or personal property without the consent of the owner or the person having custody or control of it.

Categories of bias are Race, Gender, Gender Identity, Religion, Sexual Orientation, Ethnicity, National Origin, and Disability.

#### Definitions of Geographies (Locations)

##### On-Campus Buildings or Property

- Any building or property owned or controlled by an institution within the same reasonably contiguous geographic area and used by the institution in direct support of or in a manner related to the institution's educational purposes, including residence halls; and

- Any building or property that is within or reasonably contiguous to the area identified in the above paragraph, that is owned by the institution but controlled by another person, is frequently used by students and supports institutional purposes (such as a food or other retail vendor).

Non-Campus Buildings or Property

- Any building or property owned or controlled by a student organization that is officially recognized by the institution; or
- Any building or property owned or controlled by an institution that is used in direct support of or in relation to the institution’s educational purposes, is frequently used by students, and is not within the same reasonably contiguous geographic area of the institution.

Public Property

- All public property, including thoroughfares, streets, sidewalks, and parking facilities, is within the campus or immediately adjacent to and accessible from the campus.

LSCO crime statistics do not include crimes that occur in privately owned homes or businesses. A listing of on-campus and non-campus LSCO buildings or property is collected annually from the Business Office. The list is given to the LSCO Safety and Security Department to collect appropriate crime statistics for Clery Act-defined geography.

A [map of the LSCO campus](#) is available for all current and prospective students and employees.

**Clery Crime Statistics**

<b>Primary Crimes</b>	<b>Year</b>	<b>On Campus</b>	<b>Non-Campus</b>	<b>Public Property</b>	<b>Total</b>
Murder/Non-Negligent Manslaughter	2023	0	0	0	0
	2022	0	0	0	0
	2021	0	0	0	0
Manslaughter by Negligence	2023	0	0	0	0
	2022	0	0	0	0
	2021	0	0	0	0
Rape	2023	0	0	0	0
	2022	0	0	0	0
	2021	0	0	0	0
Fondling	2023	0	0	0	0
	2022	0	0	0	0
	2021	0	0	0	0
Incest	2023	0	0	0	0
	2022	0	0	0	0
	2021	0	0	0	0
Statutory Rape	2023	0	0	0	0
	2022	0	0	0	0
	2021	0	0	0	0
<b>Primary Crimes</b>	<b>Year</b>	<b>On Campus</b>	<b>Non-Campus</b>	<b>Public Property</b>	<b>Total</b>
Robbery	2023	0	0	0	0

	2022	0	0	0	0
	2021	0	0	0	0
Aggravated Assault	2023	0	0	0	0
	2022	0	0	0	0
	2021	0	0	0	0
Burglary	2023	0	0	0	0
	2022	0	0	0	0
	2021	0	0	0	0
Motor Vehicle Theft	2023	0	0	0	0
	2022	0	0	0	0
	2021	0	0	0	0
Arson	2023	0	0	0	0
	2022	0	0	0	0
	2021	0	0	0	0
<b>Arrests and Referrals for Disciplinary Action</b>	<b>Year</b>	<b>On Campus</b>	<b>Non-Campus</b>	<b>Public Property</b>	<b>Total</b>
Liquor Law Violation Arrests	2023	0	0	0	0
	2022	0	0	0	0
	2021	0	0	0	0
Drug Law Violation Arrests	2023	0	0	0	0
	2022	0	0	0	0
	2021	0	0	0	0
Weapons Law Violation Arrests	2023	0	0	0	0
	2022	0	0	0	0
	2021	0	0	0	0
Liquor Law Violation Referrals for Disciplinary Action	2023	0	0	0	0
	2022	0	0	0	0
	2021	0	0	0	0
Drug Law Violation Referrals for Disciplinary Action	2023	0	0	0	0
	2022	0	0	0	0
	2021	0	0	0	0
Weapons Law Violation Referrals for Disciplinary Action	2023	0	0	0	0
	2022	0	0	0	0
	2021	0	0	0	0
<b>VAWA Offenses</b>	<b>Year</b>	<b>On Campus</b>	<b>Non-Campus</b>	<b>Public Property</b>	<b>Total</b>
Domestic Violence	2023	0	0	0	0
	2022	0	0	0	0
	2021	0	0	0	0
Dating Violence	2023	0	0	0	0
	2022	0	0	0	0
	2021	0	0	0	0
Stalking	2023	1	0	0	1
	2022	0	0	0	0
	2021	0	0	0	0

## **UNFOUNDED CRIMES**

The total number of unfounded crimes for the 2023 calendar year at this campus is **zero**.  
The total number of unfounded crimes for the 2022 calendar year at this campus is **zero**.  
The total number of unfounded crimes for the 2021 calendar year at this campus is **zero**.

## **HATE CRIME REPORTING:**

There were no hate crimes reported for this campus in 2021, 2022, or 2023.



**Lamar State College**  
— **Orange** —

*A member of the Texas State University System*