LAMAR UNIVERSITY
2018 – ANNUAL SECURITY REPORT

PREPARED BY: THE LAMAR UNIVERSITY POLICE DEPARTMENT
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The Lamar University Annual Security and Fire Report is published each year to provide you with information on security-related services offered by the university in compliance with the Jeanne Clery Disclosure of Campus Security Policy and Campus Crime Statistics Act. This booklet was prepared with information provided to the Lamar University Police Department (LUPD) by the Beaumont Police Department and the Lamar University Division of Student Engagement. It summarizes university programs, policies, and procedures designed to enhance your personal safety while you are here at Lamar.

The commonly reported crimes, requests for service, and provisions for the safety of the Lamar community on a 24-hour basis are similar to those of a city. We take campus security very seriously and are committed in our efforts to maintain a safe, secure environment for our students, faculty, staff, and visitors. Your personal safety is a priority at Lamar. Maintaining a safe campus requires a dedicated partnership between the faculty, staff, and students of Lamar University, the neighbors in our surrounding community, and the Lamar University Police Department. Security is everyone’s responsibility. We need your cooperation and assistance to keep Lamar a safe place to live, work, and learn.

UNIVERSITY POLICE DEPARTMENT

The Lamar University Police Department comes under the direction of the Division of Student Engagement and is an integral part of providing a safe and secure community in the south end of Beaumont. As one of Southeast Texas’ larger law enforcement agencies, the Police Department provides comprehensive law enforcement and security services to all components of Lamar University as well as much of the surrounding neighborhood. Commissioned and non-commissioned officers staff the department. Commissioned officers are empowered to enforce laws and make arrests through the authority of the State of Texas. Lamar commissioned officers have the same authority as Beaumont police officers, and their officers routinely work and communicate with campus officers on any serious incidents that occur on or near campus. Lamar University operates no off-campus housing or off-campus student organizations; however, many graduate students and some undergraduate students live in neighborhoods surrounding Lamar. While the Beaumont Police Department has primary jurisdiction in areas off campus, Lamar officers can and do respond to incidents that occur in close proximity to campus. Lamar officers have direct radio communications with the city police, fire department, and ambulance services to facilitate rapid response in any emergency situation.

All of Lamar’s commissioned officers have successfully completed law enforcement training at a state-certified police academy. In addition, all officers are required to attend annual in-service as well as on-the-job training. Full time police officers, security officers, and campus safety officers are assigned...
regular shifts across campus and in Cardinal Village. Additionally, security cameras, strategically located across campus, are recorded by the University Police Department 24 hours a day.

**CLERY GEOGRAPHY**

**On Campus 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 the aforementioned area 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).

**On Campus Residence Halls.** Any student housing facility that is owned, controlled or rented 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.

**Non-Campus Building 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 the 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.

**Adjacent Public Property.** All public property, including thoroughfares, streets, sidewalks, and parking facilities, that is within the campus, or immediately adjacent to and accessible from the campus.

**CRIME REPORTING POLICY**

It is the policy of Lamar University that all employees of the University considered to be a "Campus Security Authority" must report immediately to the Lamar University Police Department all crimes or reports of criminal activity that are brought to their attention. Lamar University considers all faculty members, administrators, managers, supervisors, employees of the Police Department, and employees with significant contact with students, including but not limited to, contact through student campus activities, student discipline, student housing, student life administration, and intercollegiate athletics to be a "Campus Security Authority". Professional mental health, pastoral, or other licensed professionals legally bound by professional/client privileges when functioning in that capacity are not subject to this policy. The University permits anonymous reporting of crimes. All reported crimes will be investigated by the University and may become a matter of public record. Lamar University Campus
Security Authorities include:

- Deans and Associate Deans
- Division of Police and Public Safety employees; Contract Security Officers
- Title IX Coordinator
- University Housing Director, Assistant Directors, Residence Directors, Housing Coordinator, Resident Assistants, and Desk Workers
- Athletics Director, Associate Directors, Coaching Staff, and Trainers
- Registered Student Organization (RSO) Faculty and Staff Advisors
- All Student Health Services Employees
- Academic Advisors
- Student Judicial Officers

This list of campus security authorities is subject to modification and is not intended to be all inclusive, due to changes in responsibilities within the university. The statistical information in this report has been compiled using information about crime and criminal activity obtained from campus security authorities, local police, and others. Information is supplied on a daily basis and statistics are compiled annually and disclosed as a report. Students and others are encouraged to report crimes immediately to the Lamar University Police Department or to appropriate University employees. Only through your help in promptly reporting criminal activity can the University take effective action to prevent crime and provide timely warnings of possible danger to the community.

**IMPORTANT REPORTING INFORMATION**

For emergencies from an on-campus telephone, contact LUPD by calling 8311 or 911. For off-campus emergencies, call 880-8311 or 911. For emergencies during a campus power outage (no phones or electricity), call 838-7023 or 838-7024 for police dispatcher. Non-Emergency calls on-campus, Dispatcher 7777 or 8307, Administrative Office 8305 or TDD Phone 7305. The University Police operates 24 hours a day.

To report instances of sexual misconduct to the Title IX administrator, please call Human Resources at 8375 or if off campus, (409) 880-8375. In person reports may be made at the Office of Human Resources, 1060 E. Virginia, on the Lamar campus between the hours of 8 AM – 5 PM. Anonymous reports may be generated from the Title IX web page accessed from the Lamar University’s website.¹

¹ www.lamar.edu
Confidential reports may be made at the Student Health Center located at 857 East Virginia on the Lamar campus. Their contact number is 8466 or off campus at (409) 880-8466, between the hours of 8 AM – 5 PM.

**CAMPUS ACCESS AND SECURITY**

Lamar University is a public and open campus. No effort is made to restrain the general public from entering the campus; however, the University Police Department reserves the right to bar individuals who are considered a threat to the well-being of the University community. LUPD provides 24-hour patrol of campus property and facilities, and designated building coordinators establish and maintain access to their respective buildings. Residence Hall access is by campus issued proximity card. The campus is routinely inspected for environmental safety hazards such as insufficient lighting and overgrown shrubbery; however, members of the University community are encouraged to report locations of concern to University Police.

**RESIDENCE HALLS**

The Lamar University student resident community accommodates 2500 students in double occupancy suites with private bedrooms. Services and programs intended to enhance the quality of life and to ensure the security and safety of the residents are a major priority of the university. The Cardinal Village staff includes a Director of Housing and Residence Life and full time Residence Directors/Assistant Directors as well as Resident Assistants for each residence hall. Security and safety policies and procedures, especially regarding locking individual rooms, building entrances and related precautions are discussed with residents in crime prevention seminars, in building meetings, and in printed materials which are posted and distributed.

**BLACKBOARD CONNECT-ED**

Lamar University has a notification system to reach individual students via e-mail, voice messages and/or text messaging. Incoming students should verify their primary phone number through self-service Banner. New employees should verify their primary phone number also through self-service Banner.

**SHUTTLES AND WALKING ESCORTS**

The Lamar University Police offers free shuttle service from 5:00 p.m. to 1:00 a.m. daily. Students utilizing this service must have a valid student I.D. The shuttle service provides transportation for students on campus and within the immediate vicinity of the campus. Students should call 409-880-7777 for this service.
EMERGENCY PHONES

Fourty emergency phones have been placed at strategic locations on campus. These phones include emergency call stations that are on white posts with blue lights on top. When an emergency phone is activated, the location of the call is automatically identified, and the caller is connected to the police department. Locations of the telephones are marked on all parking maps and safety brochures. Individuals with hearing impairments should remain at the phone until an officer arrives.

TIMELY WARNINGS AND REPORTING CRIMINAL ACTIONS

Reporting criminal actions and timely warnings refers to policies, procedures and facilities for reporting criminal actions or other emergencies occurring on campus and the University’s response to such reports. The current campus policy for making timely reports to members of the campus community and patrol zone residents follows:

A. LAMAR UNIVERSITY POLICE DEPARTMENT HAS A RESPONSIBILITY TO PROVIDE TIMELY WARNINGS ABOUT REPORTED CRIMES TO THE CAMPUS COMMUNITY IN A MANNER THAT WILL AID IN THE PREVENTION OF SIMILAR CRIMES.

THE DECISION TO ISSUE A TIMELY WARNING:

1. A warning must be issued when both of the following conditions are met:
   a. Arson
   b. Aggravated Assault
   c. Criminal Homicide,
   d. Robbery
   e. Sex Offenses
   f. Illegal Weapons Possession
   g. Burglary
   h. Motor Vehicle Theft
   i. Any Crime Determined to be a Hate Crime; and

2. The crime is considered by LUPD to represent a continuing threat to students or employees.

3. The Chief of Police, or his designee, is responsible for making the decision whether a timely warning will be issued.
**Determining Whether a Continuing Threat Exists:**

1. Whether a reported crime constitutes a continuing threat must be decided on a case-by-case basis in light of all the facts surrounding a crime, including factors such as the nature of the crime, the continuing danger to the campus community and the possible risk of compromising law enforcement efforts.

2. Examples of crimes that could constitute a continuing threat include but are not limited to:
   a. A serial crime that targets certain campus populations such as six crimes or race-based crimes in which the perpetrator has not been apprehended; or
   b. A crime in which there is no apparent connection between perpetrator and victim and the perpetrator has not been apprehended.

3. Crimes that would not constitute a continuing threat include but are not limited to:
   a. Crimes in which the perpetrator has been apprehended, thereby neutralizing the threat
   b. Crimes in which an identified perpetrator targets specific individual(s) to the exclusion of others, such as domestic violence.

**Content of the Warning Notice**

1. The warning must contain sufficient information about the nature of the threat to allow members of the campus to take action to protect themselves, such as
   a. A succinct statement of the incident
   b. Possible connection to previous incidents, if applicable
   c. Physical description of the suspect
   d. Composite drawing of the suspect, if available
   e. Date and time the warning was released
   f. Other relevant and important information

2. In some cases, law enforcement may need to keep some facts confidential to avoid compromising an investigation.
TIMING OF THE WARNING

1. In an immediate and serious threat, e.g. an active shooter on campus, a warning may need to be issued immediately with few facts and then be continuously updated until the threat is contained or neutralized.
2. If a threat is considered less immediate, the warning can go out later after facts are more fully developed.

METHOD OF DISTRIBUTION

1. The warning must be distributed in a manner reasonably likely to reach the entire campus community and patrol zone residents.
2. Depending on the circumstances, any of the following methods, or combination thereof, may be used
   a. Posting of notices
   b. Campus-wide emails
   c. Text messages
   d. Activation of the campus siren system
   e. Posting to the Lamar University home page
   f. Press releases
   g. Closed circuit television systems in residence halls and other buildings
   h. Voice messages over various public address systems

B. Individuals may report alleged criminal actions (Including sex offenses) or emergencies that occur on the campus of Lamar University through any of the following means. Call LUPD at 409-880-8307 or 409-880-7777 at LUPD located at 211 Redbird Lane; Beaumont, TX 77710;
   1. Use an emergency telephone, designated by a blue light on a yellow pole
   2. Dial 911
   3. Contact an officer in uniform, a campus safety officer in uniform, or a security guard in uniform
   4. Ask any LUPD supervisor to assist with reporting a crime
   5. Students can contact the Dean of Students, Title IX Director, Director of Health Center
   6. Employees can contact the Title IX Director
REPORTING CRIMINAL ACTIONS

LUPD will review reports of alleged criminal activity it receives and either dispatch 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. All criminal incidents are investigated by LUPD. LUPD responses include, but are not limited to:

1. Immediate response to emergencies through dispatch of one or more officers
2. Investigation of reports in accordance with LUPD procedure
3. Arrest and filing of charges, depending on the circumstances of the incident
4. Referring alleged offenders to appropriate campus agencies, such as the Dean of Students
5. Issuing timely warnings of crimes that represent a threat to the campus community.

C. In the event that a situation arises, either on or off campus, that in the judgment of the Chief of Police or designee constitutes an ongoing or continuing threat, a campus-wide timely warning will be issues. The warning will be issued through the University Connect-Ed email and text alert to students, faculty, and staff. If deemed appropriate by the Chief of Police or designee the timely warning will be placed on the LUPD web site. Depending on circumstances, other measures may be taken, including by not limited to, use of telephones, publication in print media, or broadcasts through campus television.

D. Victims or witnesses wishing to make voluntary reports of criminal activity in confidence may do so by requesting that the agency or person to whom a report is made maintain confidentiality with regard to the identity of the individual making the report. Reports of this nature will be honored to the extent permitted by state law, criminal investigatory requirements, and university judicial processes. These confidential reports are counted and disclosed in the crime statistics for Lamar University, but as with all other crimes included in the annual crime report to personally identifiable information is included.

E. Students may also report incident of crime to any Lamar University Administrator, or employee identified as a Campus Security Authority, who is then responsible for promptly notifying the police of the reported incident. The police will determine whether the crime is Clery reportable.

2 https://www.lamar.edu/police/
CRIME PREVENTION

The University offers a variety of informative programs for students and employees dealing with how to report and prevent crimes. These programs are available several times a year and on request by student groups, employees, or individuals. Please call 409-880-7750 for further information on these programs.

Effective crime prevention is often a matter of common sense and being aware of one’s surroundings:

- Walk with friends in well-lighted areas.
- Always lock your car.
- Park in well-lighted areas.
- Have your keys ready when you approach your car and check the front and back seats before entering.
- Keep your keys secure, lock your room or apartment, and do not leave personal belongings unattended.
- Engrave your name or identification on personal property.
- Be alert for strangers.
- If you are followed, cross the street, change direction and go to a well-lighted public area.
- Report the loss or theft of keys and valuables immediately to the University Police Department, 880-7777.
- Report crimes, suspicious situations and security concerns immediately to the University Police Department, 880-7777.

CRIME PREVENTION PROGRAMS:

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DISCIPLINARY PROCEDURES AND SANCTIONS

All violations of federal, state and local laws and University regulations and rules are reported to the University Police Department. Each violation is considered one offense. Once a criminal report is filed with Lamar University Police Department (LUPD), it is investigated by the reporting officer. When a suspect is identified, the case is referred to the Jefferson County District Attorney’s office for prosecution.

Aside from the criminal charges, under the direction of the Vice President for Student Engagement, the Dean of Students or designee shall be primarily responsible for the administration of the Student Conduct process. The LUPD can also refer the suspect for the University Code of Student Conduct. The Dean of Students or designee will investigate information that involve charges of a sexual nature, hazing, cases involving temporary suspension or other cases in which the law may grant authority. If the dean of students or designee concludes, based on the preponderance of evidence, that the student has violated the Code of Student Conduct, the Dean of students or designee will determine an appropriate disciplinary penalty. If the student does not accept the Dean of Students’ or designee’s decision, the Dean of Students or designee will initiate the hearing procedures. A hearing officer or hearing panel will be appointed to pursue the case. The Dean of Students or designee, the hearing officer, and/or the hearing panel will adhere to the procedures for notification, evidence, counsel/advisors, burdens of proof, records, findings and appeals as outlined in the current edition of the Code of Student Conduct. University actions may include but are not limited to monetary fines, work hours, probation, mandatory participation in specific awareness/rehabilitation programs and/or suspension or expulsion from Lamar University. In all hearings, both the respondent and complainant will have the opportunity to present their versions of the facts, to present other evidence in support of the case including witnesses, and to question witnesses and evidence presented.

In cases of alleged sexual assault, domestic violence, dating violence, or stalking:

- Proceedings will provide a prompt, fair, and impartial investigation and resolution; and be conducted by officials who receive annual training on issues related to domestic violence, dating violence, sexual assault, and stalking, and how to conduct an investigation and hearing process that protects the safety of victims and promotes accountability.

- The respondent and complainant are entitled to the same opportunities to have a support person/advisor of their choice at any proceeding or related meeting.

- Both the respondent and complainant will be informed in writing of the outcome of any student conduct hearing, procedures for appealing the results of the proceeding, any change to the results that occurs prior to the time that such results become final, and notification of final results.
For complete procedures and information involving student conduct hearings, sanctions, penalties and appeals, please refer to the current edition of the Code of Student Conduct available in the Office of Student Engagement and the Student Handbook.

SEX OFFENDER REGISTRATION INFORMATION

In 2002, the Wetterling Act (the federal law dealing with state registration of sex offenders) was amended by the Campus Sex Crimes Prevention Act (CSCPA) to require states to obtain information about enrollment or employment of registered sex offenders at institutions of higher education, and to provide that information to campus police departments or other appropriate law enforcement agencies.

The CSCPA requires universities to provide notice to the campus community of where information identifying registered sex offenders who are enrolled or employed at the institution can be obtained.

A provision was added to FERPA to allow a university to disclose information provided to it under the Wetterling Act concerning registered sex offenders, including personally identifiable, non-directory information from education records disclosed without prior consent.

Information identifying registered sex offenders must be provided to the campus police department or other appropriate law enforcement agency by the state. The university must advise the campus community where sex offender information can be obtained and must make the information available to members of the campus community by some means. The Texas Department of Public Safety must obtain the information and provide it to the university. The university is not required ask registrants or prospective employees about the information.

The Department of Public Safety has adopted the following procedure:

Notification of Enrollment at or Employment by Institutions of Higher Education

Any registered offender who is enrolled as a student of any university, college, community college, or other institution of higher education, or is, with or without compensation, a full-time or part-time employee of that university, college, community college, or other institution of higher education, or is carrying on a vocation at the university, college, community college, or other institution of higher education, shall report their status as an employee, student, or carrying on a vocation to their local law enforcement authority in the area for which they establish residence within this state.

For local registered sex offender information visit the following link; TX. DPS Sex Offender Records.3

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3 https://records.txdps.state.tx.us/SexOffender/PublicSite/Application/Search/Caveats.aspx?SearchType=Name
Lamar University does not discriminate on the basis of sex in its educational programs. Sexual harassment and sexual violence are types of sex discrimination. Other acts can also be forms of sex-based discrimination and are also prohibited whether sexually based or not. These acts include dating violence, domestic violence, and stalking. As a result, Lamar University issues this statement of policy to inform the community of its comprehensive plan addressing sexual misconduct, educational programs, and procedures that address sexual assault, domestic violence, dating violence, and stalking whether the incidents occur on or off campus and when reported to a university official. In this context, Lamar University prohibits the offenses of domestic violence, dating violence, sexual assault, and stalking. Moreover, it reaffirms its commitment to maintain a campus environment emphasizing the dignity and value of all members of the Lamar community.

For a complete copy of Lamar University’s policy governing sexual misconduct, visit the following link; [TSUS Sexual Misconduct Policy](http://www.lamar.edu/_files/documents/faculty_staff/human-resources/titleix/TSUS-Sexual-Misconduct-Policy-and-Procedures-8-17-2017.pdf).

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

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

1) 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

2) 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:

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1) A statement that the institution prohibits the crimes of domestic violence, dating violence, sexual assault and stalking (as defined by the Clery Act);
2) The definitions of domestic violence, dating violence, sexual assault and stalking according to any applicable jurisdictional definitions of these terms;
3) What behavior and actions constitute consent, in reference to sexual activity, in the State of Texas Penal Code Section 1.07(a)11;
4) 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;
5) Information on risk reduction. Risk reduction means options designed to decrease perpetration and bystander inaction and to increase empowerment for victims in order to promote safety and to help individuals and communities address conditions that facilitate violence.
6) 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, living, 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).
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:

A. Domestic Violence:
   1. 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 cohabited 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.

2. 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.

B. Dating Violence:
   1. Violence committed by a person who is or has been in a social relationship of a romantic or intimate nature with the victim.
   2. 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.
   3. 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.

4. 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.
C. Sexual Assault:
   1. 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 if incapable of giving consent.”
      a) **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
      b) **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.
      c) **Incest** is defined as sexual intercourse between persons who are related to each other within the degrees wherein marriage is prohibited by law.
      d) **Statutory Rape** is defined as sexual intercourse with a person who is under the statutory age of consent.

D. Stalking:
   1. 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.
   2. 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.
   3. 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

Texas Statutes defined:

"Family Violence" (domestic violence) Family Code Sec. 71.004.
(1) an act by a member of a family or household against another member of the family or household that is intended to result in physical harm, bodily injury, assault, or sexual assault or that is a threat that reasonably places the member in fear of imminent physical harm, bodily injury, assault, or sexual assault, but does not include defensive measures to protect oneself;
(2) abuse, as that term is defined by Sections 26.1001(1)(C), (E), and (G), by a member of a family or household toward a child of the family or household; or
(3) dating violence, as that term is defined by Section 71.0021.

"Dating Violence" Family Code Sec. 71.0021.
(a) "Dating violence" means an act, other than a defensive measure to protect oneself, by an actor that:
   (1) is committed against a victim:
      (A) with whom the actor has or has had a dating relationship; or
      (B) because of the victim's marriage to or dating relationship with an individual with whom the actor is or has been in a dating relationship or marriage; and
   (2) is intended to result in physical harm, bodily injury, assault, or sexual assault or that is a threat that reasonably places the victim in fear of imminent physical harm, bodily injury, assault, or sexual assault.
(b) For purposes of this title, "dating relationship" means a relationship between individuals who have or have had a continuing relationship of a romantic or intimate nature. The existence of such a relationship shall be determined based on consideration of:
   (1) the length of the relationship;
   (2) the nature of the relationship; and
   (3) the frequency and type of interaction between the persons involved in the relationship.
(c) A casual acquaintance or ordinary fraternization in a business or social context does not constitute a "dating relationship" under Subsection (b).

"Sexual Assault" Penal Code Sec. 22.011.
(a) A person commits an offense if the person:
   (1) 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) 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.

(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 or violence;
(2) the actor compels the other person to submit or participate by threatening to use force or violence against the other person, and the other person 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; or

(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.

(c) In this section:

(1) "Child" means a person younger than 17 years of age.

(2) "Spouse" means a person who is legally married to another.

(3) "Health care services provider" means:
   (A) a physician licensed under Subtitle B, Title 3, Occupations Code;
   (B) a chiropractor licensed under Chapter 201, Occupations Code;
   (C) a physical therapist licensed under Chapter 453, Occupations Code;
   (D) a physician assistant licensed under Chapter 204, Occupations Code; or
   (E) a registered nurse, a vocational nurse, or an advanced practice nurse licensed under Chapter 301, Occupations Code.

(4) "Mental health services provider" means an individual, licensed or unlicensed, who performs or purports to perform mental health services, including a:
   (A) licensed social worker as defined by Section 505.002, Occupations Code;
   (B) chemical dependency counselor as defined by Section 504.001, Occupations Code;
   (C) licensed professional counselor as defined by Section 503.002, Occupations Code;
   (D) licensed marriage and family therapist as defined by Section 502.002, Occupations Code;
   (E) member of the clergy;
   (F) psychologist offering psychological services as defined by Section 501.003, Occupations Code;
   (G) special officer for mental health assignment certified under Section 1701.404, Occupations Code.

(5) "Employee of a facility" means a person who is an employee of a facility defined by Section 250.001, Health and Safety Code, or any other person who provides services for a facility for compensation, including a contract laborer.
(d) It is a defense to prosecution under Subsection (a)(2) that the conduct consisted of medical care for the child and did not include any contact between the anus or sexual organ of the child and the mouth, anus, or sexual organ of the actor or a third party.

(e) It is an affirmative defense to prosecution under Subsection (a)(2):

(1) that the actor was the spouse of the child at the time of the offense; or

(2) that:

(A) the actor was not more than three years older than the victim and at the time of the offense:

(i) was not required under Chapter 62, Code of Criminal Procedure, to register for life as a sex offender; or

(ii) was not a person who under Chapter 62, Code of Criminal Procedure, had a reportable conviction or adjudication for and offense under this section; and

(B) the victim:

(i) was a child of 14 years of age or older; and

(ii) was not a person whom the actor was prohibited from marrying or purporting to marry or with whom the actor was prohibited from living under the appearance of being married under Section 25.01.

(f) An offense under this section is a felony of the second degree, except that an offense under this section is a felony of the first degree if the victim was a person whom the actor was prohibited from marrying or purporting to marry or with whom the actor was prohibited from living under the appearance of being married under Section 25.01.

"Consent" means assent in fact, whether express or apparent. (visit the following link, Texas Penal Code Section 1.07(a)11).  

Texas law defines “Stalking” Penal Code Sec. 42.072.

(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

http://www.statutes.legis.state.tx.us/Docs/PE/htm/PE.1.htm
(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.
(b) An offense under this section is a felony of the third degree, except that the offense is a felony of the second degree if the actor has previously been convicted of an offense under this section or of an offense under any of the following laws that contains elements that are substantially similar to the elements of an offense under this section:
   (1) the laws of another state;
   (2) the laws of a federally recognized Indian tribe;
   (3) the laws of a territory of the United States; or
   (4) federal law.
(c) For purposes of this section, a trier of fact may find that different types of conduct described by Subsection (a), if engaged in on more than one occasion, constitute conduct that is engaged in pursuant to the same scheme or course of conduct.
(d) In this section:
   (1) "Dating relationship," "family," "household," and "member of a household" have the meanings assigned by Chapter 71, Family Code.
   (2) "Property" includes a pet, companion animal, or assistance animal, as defined by Section 121.002, Human Resources Code.

Further, it would cause a reasonable person to fear bodily injury or death for themselves; bodily injury or death for a member of the person's family or for an individual with whom the person has a dating relationship; or that an offense will be committed against the person's property.
SEXUAL ASSAULT

Sexual Assault means any form of non-consensual sexual activity representing a continuum of conduct from forcible rape to non-physical forms of pressure designed to compel individuals to engage in sexual activity against their will. Examples of sexual assault include, but are not limited to, the following non-consensual sexual activity: sexual intercourse (vaginal or anal); oral sex; rape or attempted rape; penetration of an orifice (anal, vaginal, oral) with the penis, finger or other object; unwanted touching of a sexual nature; use of coercion, manipulation or force to make someone else engage in sexual touching, including touching of breasts, chest, buttocks and genitalia; engaging in sexual activity with a person who is unable to provide consent; or knowingly transmitting a sexually-transmitted disease to another.

Lamar University is committed to enforcing all laws and regulations that deal with sexual assault, including acquaintance rape. Whenever a victim reports an alleged sexual assault violation, the University will inform the victim of the following:

- The options to notify law enforcement authorities and the assistance to do so.
- The existing counseling, mental health, or student services for victims of sexual assault both on and off campus including Lamar Student Health and the Rape Crisis Center.
- The opportunities and assistance to change academic, transportation, working, and on-campus living arrangements after an alleged sexual assault if reasonably available. The Office of the Provost and Vice President for Academic Affairs should be contacted for any change in the academic arrangements and the Office of the Vice President for Student Engagement will be responsible for changes in transportation, working, or on-campus living arrangements. These opportunities are available regardless whether the victim choses to report the crime to the campus police. A representative from the Division of Student Engagement or the Office of the Provost will be appointment to work with the victim in making reasonable adjustments in these areas.

Each year, the police department, student health, and other campus organizations provide sexual assault awareness, education and prevention programs to the campus community designed to heighten awareness of these issues and to improve education and prevention on campus. In addition to the ongoing prevention and awareness campaigns for students and faculty, education programs on sexual assault, domestic violence, dating violence, and stalking programming exist for all incoming students and new employees. Information covered includes:

- Lamar University prohibits domestic violence, dating violence, sexual assault, and stalking;
- the definition of domestic violence, dating violence, sexual assault, and stalking according to Texas law
• the definition of consent, in reference to sexual activity
• options for bystander intervention that may be carried out by an individual to prevent harm or intervene when there is a risk of domestic violence, dating violence, sexual assault, or stalking against another;
• information on risk reduction to recognize warning signs of abusive behavior and how to avoid potential attacks.

If you feel you are the victim of a sexual assault, domestic violence, dating violence, or stalking, the police department will guarantee the following:

• We will meet with you privately, at a time and place of your choice to take your report.
• We cannot and will not notify your parents without your consent.
• Our officers will not prejudge you, and you will not be blamed for what occurred.
• We will treat you and your case with courtesy, sensitivity, dignity, understanding and professionalism.
• We will assist you in arranging for any necessary hospital treatment, or other medical needs.
• If you would feel more comfortable talking with a friend or advocate of your choice present, we will do our best to accommodate your request.
• Assist you in the process of obtaining an order of protection or campus no contact order.
• We will consider your case seriously, regardless of your gender or the gender or status of the suspect.

In proving a criminal offense, evidence is crucial in sexual assault cases. Some suggestions in safeguarding potential evidence of intimate partner violence include:

• Do not clean up the area or alter it in any way prior to police arrival, and
• Do not bathe, shower, or douche
• Do not change clothes prior to the medical examination
• Do not delete text messages or other electronic media related to the incident

If a victim chooses not to pursue criminal prosecution, the University can initiate disciplinary action that may result in sanctions ranging from a reprimand to expulsion. In cases of alleged sexual assault, the accuser and the accused are entitled to the same opportunities to have others present during a campus disciplinary proceeding and both the accuser and the accused shall be informed of the outcome of any campus disciplinary proceedings alleging a sexual assault. The final result includes only the name of the student, the violation committed, and any sanction imposed by the institution against the student.
Lamar University does not tolerate any retaliation against anyone who exercises rights under the Clery Act and Title IX of the Civil Rights Act.

DOMESTIC VIOLENCE

Family (Domestic) Violence includes felony or misdemeanor crimes of violence committed by a current or former spouse or intimate partner of the Victim, by a person with whom the Victim shares a child in common, by a person who is cohabitating with or has cohabitated with the Victim as a spouse or intimate partner or roommate, by a person similarly situated to a spouse of the Victim under the domestic or family violence laws of the State of Texas, or by any other person against an adult or youth Victim who is protected from that person’s acts under the domestic or family violence laws of the State of Texas.

Lamar University is committed to enforcing all laws and regulations that deal with domestic violence. Whenever a victim reports an allegation of domestic violence, the University will inform the victim of the following:

- The options to notify law enforcement authorities and the assistance to do so.
- The existing counseling, mental health, or student services for victims of domestic violence both on and off campus including Lamar Student Health and Jefferson County family violence resources.
- The opportunities and assistance to change academic, transportation, working, and on-campus living arrangements after an occurrence of domestic violence if reasonably available. The Office of the Provost and Vice President for Academic Affairs should be contacted for any change in the academic arrangements and the Office of the Vice President for Student Engagement will be responsible for changes in transportation, working, or on-campus living arrangements. These opportunities are available regardless whether the victim chooses to report the crime to the campus police. A representative from the Division of Student Engagement or the Office of the Provost will be appointment to work with the victim in making reasonable adjustments in these areas.

DATING VIOLENCE

Dating Violence is violence committed by a person: who is or has been in a social relationship of a romantic or intimate nature with the Victim; and where the existence of such a relationship shall be determined by the Victim with consideration of the following factors: the length of the relationship; the type of relationship; and the frequency of interaction between the persons involved in the relationship.
Lamar University is committed to enforcing all laws and regulations that deal with dating violence. Whenever a victim reports an allegation of dating violence, the University will inform the victim of the following:

- The options to notify law enforcement authorities and the assistance to do so.
- The existing counseling, mental health, or student services for victims of dating violence both on and off campus including Lamar Student Health and Jefferson County family violence resources.
- The opportunities and assistance to change academic, transportation, working, and on-campus living arrangements after an occurrence of dating violence if reasonably available. The Office of the Provost and Vice President for Academic Affairs should be contacted for any change in the academic arrangements and the Office of the Vice President for Student Engagement will be responsible for changes in transportation, working, or on-campus living arrangements. These opportunities are available regardless whether the victim choses to report the crime to the campus police. A representative from the Division of Student Engagement or the Office of the Provost will be appointment to work with the victim in making reasonable adjustments in these areas.

**STALKING**

Stalking means engaging in a course of conduct directed at a specific person that would cause a reasonable person to: fear for his or her safety or the safety of others; or suffer substantial emotional distress.

Lamar University is committed to enforcing all laws and regulations that deal with stalking. Whenever a victim reports an allegation of stalking, the University will inform the victim of the following:

- The options to notify law enforcement authorities and the assistance to do so.
- The existing counseling, mental health, or student services for victims of stalking both on and off campus including Lamar Student Health and Jefferson County family violence resources.
- The opportunities and assistance to change academic, transportation, working, and on-campus living arrangements after an occurrence of stalking if reasonably available. The Office of the Provost and Vice President for Academic Affairs should be contacted for any change in the academic arrangements and the Office of the Vice President for Student Engagement will be responsible for changes in transportation, working, or on-campus living arrangements. These opportunities are available regardless whether the victim choses to report the crime to the campus police. A representative from the Division of Student Engagement or the Office of the Provost will be appointment to work with the victim in making reasonable adjustments in these areas.
SEXUAL MISCONDUCT

Lamar University has adopted and follows the Sexual Misconduct Policy from the Texas State University System. That policy and its procedures are as follows:

TEXAS STATE UNIVERSITY SYSTEM
SEXUAL MISCONDUCT POLICY– REVISED 08/22/19

1. Introduction
   1.1 Institutional Values. The Texas State University System, its colleges, and universities (collectively referred to as “System” and/or “Components” and used interchangeably herein) are committed to creating and maintaining educational communities in which each individual is respected, appreciated and valued. The System diligently strives to foster an environment that permits and encourages everyone to perform at their highest levels. The System’s focus on tolerance, openness, and respect is key in providing every member of the TSUS community with basic human dignity free from harassment, exploitation, intimidation or other sexual misconduct. 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.

   1.2 Purpose of Policy. The Texas State University System and its Components are firmly committed to maintaining an educational environment free from all forms of sex discrimination. Sexual Misconduct, as defined in this Policy, is a form of sex discrimination and will not be tolerated. The System and Components will maintain an environment that promotes prompt reporting of all types of Sexual Misconduct and timely and fair resolution of Sexual Misconduct complaints. The Components will take prompt and appropriate action to eliminate Sexual Misconduct when such is committed, prevent its recurrence, and remedy its effects. This Policy defines and describes prohibited sexual conduct, establishes procedures for processing complaints of sexual misconduct, permits appropriate sanctions, and identifies available resources.

   1.3 Notice of Nondiscrimination. The System 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; and the Campus Sexual Violence Elimination Act. Sexual misconduct, as defined in this Policy, constitutes a form of sex discrimination prohibited by Title IX and Title VII.
1.4 Applicability of this Policy. This Policy applies to all students, faculty, staff, and third parties within the System’s or its Components’ control. This Policy prohibits sexual misconduct committed by or against a student, faculty, staff, or third parties. This Policy applies to sexual misconduct:
1.41 on Component premises;
1.42 at Component-affiliated educational, athletic, or extracurricular programs or activities;
1.43 that has an adverse impact on the education or employment of a member of the Component community; or
1.44 that otherwise threatens the health and/or safety of a member of the Component community.
1.45 occurring after the effective date of this Policy.
1.46 All incidents occurring prior to the effective date of this Policy are controlled by the Policy in effect at that time.

1.5 Extent of Authority. While the Texas State University System is committed to investigating all complaints of sexual misconduct and there is no geographical limitation to invoking this Policy, sexual misconduct that is alleged to have occurred at a significant distance from the Component and/or outside the Component property may be difficult for the Component to investigate. While this Policy extends to those who are not students or employees of the Component, it may be very difficult for the component to follow up and/or take disciplinary action against Third Parties.

1.6 Effect of Criminal Prosecution. Proceedings under this Policy will not be dismissed or delayed because criminal investigation or prosecution is pending, or charges have been reduced or dismissed. Proceedings may also continue if a party is no longer employed with or currently enrolled as a student of the Component.

1.7 Supersedes Existing Policies. In the case of allegations of sexual misconduct, this Policy supersedes any conflicting procedures and policies set forth in other Component documents.

1.8 Sexual Misconduct Policy also known as Policy on Sexual Harassment, Sexual Assault, Dating Violence and Stalking. This Policy has been adopted for each Component by the System as its Policy on Sexual Harassment, Sexual Assault, Dating Violence and Stalking. It shall be made available to students, faculty and staff by including it in the Component’s student, faculty and personnel handbooks and by creating and maintaining a web page on the Component’s website dedicated solely to the Policy that is easily accessible through a clearly identifiable link on the Component’s internet website home page.
1.81 Each Component shall email students the protocol for reporting incidents of sexual assault, including the Component's Title IX Coordinator's name, office location and contact information at the beginning of each semester or academic term.

1.82 Each Component shall permit employees and enrolled students to electronically report allegations of sexual misconduct.

1.83 Electronic reporting of incidents of sexual misconduct shall be permitted to be made anonymously.

1.84 Electronic reporting of incidents of sexual misconduct shall be accessible through a clearly identifiable link on the Component’s website home page.

1.9 Conflicts of Interest. In any situation where the investigator, administrator, Sanctioning Authority or Appellate Authority has a conflict of interest, a designated employee approved by the Title IX Coordinator shall assume duties imposed under this Policy.

2. Definitions. A Glossary with definitions of sexual misconduct offenses and other terms used in this Policy is attached.

2 A. Sexual Misconduct Violations. Sexual misconduct includes, Dating Violence, Family or Domestic Violence, Rape, Sexual Assault, Fondling, Incest, Statutory Rape, Sexual Exploitation, Sexual Harassment, Sexual Intimidation, or Stalking as defined in the Glossary and 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 of a violation this policy, the violator may be subject to sanctions as defined herein.

3. Reporting

3.1 Employees That Must Report – Responsible Employees. A responsible employee who receives a report of sexual misconduct must report to the Title IX Coordinator all relevant details about the alleged sexual misconduct shared by the Victim. A responsible employee should not share information with law enforcement without the Victim’s consent, unless the Victim has also reported the incident to law enforcement.

3.11 Before a Victim reveals any information to a Responsible Employee, the employee should ensure that the Victim understands the employee’s reporting obligations. If the Victim requests anonymity and confidentiality, direct the Victim to Title IX Confidential Sources.
3.12 If the Victim reports an incident to the Responsible Employee but also requests anonymity and confidentiality or requests that the matter not be investigated, the employee should tell the Victim that the Component will consider the request but cannot guarantee that the Component 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 Victim’s request for confidentiality.

3.13 When weighing a Victim’s request for anonymity and confidentiality or that no investigation or discipline be pursued, the Component will consider a range of factors, including the following:

3.131 The increased risk that the Alleged Perpetrator will commit additional acts of sexual or other violence;

3.132 Whether there have been other sexual misconduct complaints about the same Alleged Perpetrator;

3.133 Whether the Alleged Perpetrator has a history of arrests or records from a prior school indicating a history of violence;

3.134 Whether the Alleged Perpetrator threatened further sexual misconduct or other violence against the Victim or others;

3.135 Whether the alleged sexual misconduct was committed by multiple Perpetrators;

3.136 Whether the alleged sexual misconduct was perpetrated with a weapon;

3.137 Whether the Victim was a minor at the time of the alleged conduct;

3.138 Whether the Component possesses other means to obtain relevant evidence of the alleged sexual misconduct (e.g., security cameras or personnel, physical evidence); or

3.139 Whether the Victim’s report reveals a pattern of conduct (e.g., via illicit use of drugs or alcohol) at a given location or by a particular group.

3.2 Title IX Confidential Sources (as defined in the Glossary). Each Component will identify and provide contact information of Confidential Sources in various locations, including
but not limited to the Component’s website; the student’s handbook; the Dean of Students Office; and Campus Police or Security. These Confidential Sources are required to maintain anonymity and shall not report any information about an incident to the Title IX Coordinator without a Victim’s permission. They will assist in a crisis and provide information about possible resources, some of which may include law enforcement, medical assistance, psychological counseling, victim advocacy assistance, legal assistance, Component disciplinary action, immigration services and criminal prosecution. Training for Confidential Sources to be through their professional organizations, if any, and through the Title IX Coordinator.

3.3 Anonymity Requests. When considering reporting options, Victims should be aware that Title IX Confidential Sources as described in the Glossary, are permitted to honor a request for anonymity and can maintain confidentiality. Most Component personnel have mandatory reporting and response obligations, regardless of the Victim’s request for anonymity or confidentiality. Once a complaint is made to a Responsible Employee, the Component must balance a Victim’s request for anonymity and confidentiality with the responsibility to provide a safe and non-discriminatory environment for the Component community. The Component will protect a Complainant’s request for anonymity and confidentiality by refusing to disclose his or her information to anyone outside the Component to the maximum extent permitted by law.

3.4 Interim Measures when Anonymity is Requested. 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. The Complaint may also be used as an anonymous report for data collection purposes under the Clery Act.

3.5 Victim Identity Protected from Open Records. The Texas Public Information Act permits the identity of Victims of sexual assault to be withheld from those seeking records under the Act (Texas Attorney General Open Records Decision 339 (1982)).

3.6 Breaches of Confidentiality. Breaches of confidentiality or privacy committed by anyone receiving a report of alleged sexual misconduct or investigating the report of alleged sexual misconduct, may be considered a separate violation of this Policy and may result in disciplinary Sanctions.
3.7 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 individual or entity listed herein. A Victim of sexual misconduct is encouraged to report to any of the sources below.

3.71 Local Law Enforcement. An individual may report an incident of sexual misconduct directly with local law enforcement agencies by dialing 911. Individuals who make a criminal complaint may also choose to pursue a complaint through the Title IX Coordinator.

3.72 Component Police or Security. An individual may also report an incident of sexual misconduct to the Component police or security. Reporting to such officials helps protect others from future victimization; apprehend the alleged assailant; and maintain future options regarding criminal prosecution, Component disciplinary action, and/or civil action against the alleged wrongdoer. For Components that employ sworn peace officers, a Victim may request that his or her identity be kept confidential when reporting sexual misconduct to a sworn peace officer. Filing a police report does not obligate the Victim to continue with criminal proceedings or Component disciplinary action. Components shall provide the Victim contact information for their campus police or security personnel.

3.73 Title IX Coordinator. Any incident of sexual misconduct may be brought to the attention of the Title IX Coordinator. 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.

3.74 Dean of Students Office. Any incident of sexual misconduct may be brought to the attention of the Dean of Students Office. 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. The Dean of Students Office will promptly inform the Title IX Coordinator of the complaint.

3.75 Campus Security Authority. A complaint of sexual misconduct may be brought to a Campus Security Authority (CSA) as defined in each Component’s Annual Security Report. The CSA will promptly inform the Title IX Coordinator of the complaint. Each Component will identify and provide complete contact information for their CSA in various locations, including but not limited to the Component’s web page; the student’s handbook; the annual security report; and the Dean of Students Office.
3.76 Human Resources. A complaint of sexual misconduct may be brought to the Human Resources Department, which will promptly inform the Title IX Coordinator of the complaint.

3.77 Responsible Employee. An individual may report alleged sexual misconduct to a Responsible Employee, as that term is defined in the Glossary. A faculty or staff member with any knowledge (including firsthand observation) about a known or suspected incident of sexual misconduct (other than Title IX Confidential Sources) must promptly report the incident to the Component Title IX Coordinator or his or her designee.

3.78 Anonymous Reports. Each Component shall provide the phone number and web address available for anonymous reports. Individuals who choose to file anonymous reports are advised that it may be very difficult for the Component to follow up and/or take action on anonymous reports, where corroborating information is limited. Anonymous reports may be used for Clery Act data collection purposes.

3.8 Preservation of Evidence. Preservation of evidence is critical in instances of sexual misconduct. Prompt reporting may preserve options that delayed reporting does not, including the preservation of evidence (which may be helpful to prove sexual misconduct or to obtain a judicial order of protection), the support of crisis counseling, and immediate police response.

3.9 Termination for Failure to Report or Making a False Report. A Component shall terminate an employee it determines to have either:

3.91 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

3.92 knowingly made a false report of sexual harassment, sexual assault, dating violence or stalking with intent to harm or deceive.

3.10 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:

3.101 an alleged Victim of an incident of sexual harassment, sexual assault, dating violence or stalking,
3.102 a person who reports an incident of sexual harassment, sexual assault, dating violence, or stalking,
3.103 a person who sought guidance from the Component concerning such an incident,
3.104 a person who participated in the Component’s investigation of such an incident; or
3.105 a person who is alleged to have committed or assisted in the commission of sexual harassment, sexual assault, dating violence or stalking, provided that after completion of an investigation, the Component determines the report to be unsubstantiated or without merit.

3.11 The identity of the individual(s) referenced in Section 3.10 herein may only be disclosed to the following:
3.111 a Component as necessary to conduct an investigation,
3.112 to the extent required by other law, the person or persons alleged to have perpetrated the incident of sexual harassment, sexual assault, dating violence or stalking or any other sexual misconduct defined in this Policy,
3.113 a law enforcement officer as necessary to conduct a criminal investigation; or
3.114 a health care provider in an emergency situation, as determined necessary by the Component.
3.1141 Information reported to a health care provider or other medical provider employed by a Component is confidential and may be shared by the provider only with the Victim’s consent.
3.1142 Health care providers must provide aggregate data or other nonidentifying information regarding incidents of sexual harassment, sexual assault, dating violence or stalking to the Component’s Title IX Coordinator.
3.115 potential witnesses to the incident as necessary to conduct an investigation of the report.

3.12 If the individual referenced in Section 3.10 waives nondisclosure in writing, such waiver shall not be construed as a voluntary disclosure for purposes of the Texas Public Information Act.

3.121 The alleged Victim may use a pseudonym form when making a report to a law enforcement agency.

3.13 Victim Request Not to Investigate. When weighing a Victim’s request that no investigation or discipline be pursued, the Component may investigate the alleged incident in a manner that complies with the confidentiality requirements as stated in this Policy.
3.14 In determining whether to investigate an alleged incident, the Component shall consider:

3.141 the seriousness of the alleged incident;
3.142 whether the Component has received other reports of sexual misconduct committed by the alleged perpetrator or perpetrators;
3.143 whether the alleged incident poses a risk of harm to others; and
3.144 any other factors the institution determines relevant.

3.15 If a Component decides not to investigate an alleged incident of sexual harassment, sexual assault, dating violence, or stalking or any other sexual misconduct defined in the Policy, based on the alleged Victim’s request not to investigate, the Component shall take any steps it determines necessary to protect the health and safety of the Component's community in relation to the alleged incident.

3.16 Component shall inform an alleged Victim of sexual misconduct of its decision to either investigate or not investigate the alleged incident.

3.17 Equal Access. Each Component shall, to the greatest extent practicable, ensure equal access for students enrolled at or employees of the institution who are persons with disabilities. The Component shall make reasonable efforts to consult with a disability services office of the Component, advocacy groups for people with disabilities, and other relevant stakeholders to assist the Component with complying with the Component's duties under this policy.

4. Interim Measures also known as Support Services. When an incident of sexual misconduct is reported, the Component will consider interim measures while the incident is investigated and adjudicated.

4.1 Measures Imposed by the Title IX Coordinator and/or Investigator. The Investigator will determine and implement interim measures as appropriate and necessary and to limit potential retaliation. Interim measures may include, but not be limited to:

4.11 Temporary withdrawal or suspension from the Component, in accordance with System Rules and Regulations Chapters IV § 2.2(14), V § 2.141, and VI § 5.(14);
4.12 Escort or transportation assistance;
4.13 Modification of class or work schedules; or
4.16 Restrictions from specific activities or facilities.

4.2 Any interim disciplinary action must comply with System Rules and Regulations Chapters IV § 2.2(14), V § 2.141, and VI § 5.(14).

4.3 Failure to adhere to the parameters of any interim measures may be considered a separate violation of this Policy and may result in disciplinary Sanctions.

4.4 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.

4.5 The Component shall maintain as confidential any measures provided to the Victim, to the extent allowed by law and to the extent that maintaining such confidentiality will not impair the ability to provide the measures.

5. Retaliation

5.1 The Component takes reports of sexual misconduct very seriously and will not tolerate retaliation against those who make such reports or participate in the investigatory or adjudicatory process. Retaliation includes, but is not limited to, any adverse employment or educational action taken for making a report of sexual misconduct, or otherwise participating in any way in the process of investigating or adjudicating an incident of sexual misconduct. Any actual or threatened retaliation, or any act of intimidation to prevent or otherwise obstruct the reporting, investigating, or adjudicating of sexual misconduct may be considered a separate violation of this Policy and may result in disciplinary Sanctions. Any person who believes that she or he has been subjected to retaliation should immediately report this concern to the Title IX Coordinator.

5.2 A Component may not discipline or discriminate against an employee who in good faith:

5.21 makes a report as required of sexual harassment, sexual assault, dating violence or stalking; or

5.22 cooperates with an investigation, disciplinary process, or judicial proceeding regarding a report of sexual harassment, sexual assault, dating violence or stalking.

5.3 This subsection does not apply to an employee who perpetrates an incident of sexual harassment, sexual assault, dating violence or stalking or other sexual misconduct defined in this Policy.
6. Immunity/Amnesty

6.1 Reporting, investigating, and adjudicating incidents of sexual misconduct is of paramount importance. The Component does not condone underage drinking, illegal use of drugs or other criminal behavior. However, the Component 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 Component for any violation of the Component’s code of conduct, provided:

6.11 the person reports or assists in the investigation of a report of an incident of sexual harassment, sexual assault, dating violence or stalking or other sexual misconduct defined in this Policy;
6.12 the person acts in good faith;
6.13 the person testifies or otherwise participates in a disciplinary process or judicial proceeding arising from a report of such conduct;
6.14 the violation of the code of conduct is reasonably related to the incident of sexual harassment, sexual assault, dating violence, or stalking; and
6.15 the violation of the code of conduct is not punishable by suspension or expulsion.

6.2 A Component may investigate to determine whether a report was made in good faith.

6.3 A determination that a student is entitled to immunity is final and may not be revoked.

6.4 Immunity may not be given to a student who reports his or her own commission or assistance in the commission of sexual harassment, sexual assault, dating violence, or stalking.

6.5 This section may not be construed to limit a Component’s ability to provide immunity from application of the Component’s policies in circumstances not described herein.

7. Prohibition on Providing False Information

Any individual who knowingly files a false Complaint under this Policy, or knowingly provides false information to Component officials, or who intentionally misleads Component officials who are involved in the investigation or resolution of a Complaint shall be subject to disciplinary action, including but not limited to disciplinary actions as set forth herein.
8. **Comprehensive Prevention and Outreach Program**

Each Component shall develop and implement a comprehensive prevention and outreach program on sexual misconduct including but not limited, to sexual harassment, sexual assault, dating violence and stalking. The comprehensive prevention and outreach program must address a range of strategies to prevent sexual misconduct, including sexual harassment, sexual assault, dating violence and stalking. The program must also include a Victim empowerment program, a public awareness campaign, primary prevention, bystander intervention and risk reduction strategies. The Component will engage in the risk reduction strategies outlined below to limit the risk of sexual misconduct for the campus community.

8.1 Training.

8.11 **Primary Prevention Training.** Every incoming student, including undergraduate transfer students, and new employees shall attend prevention and education training or orientation regarding sexual misconduct and the campus sexual assault policy during the first semester or term of enrollment or employment. The Component shall establish the format and content of the training or orientation. Primary prevention training programs shall be designed to promote awareness of sexual offenses and to incorporate risk reduction strategies to enable community members to take a role in preventing and interrupting incidents of sexual misconduct. The Component training will be based upon research and will be assessed periodically for effectiveness. Specifically, training will include:

- 8.111, 8.112, 8.113, 8.114, 8.115 awareness and prevention of rape, acquaintance rape, domestic violence, dating violence, sexual assault, and stalking;
- definitions of sexual misconduct offenses which are prohibited by the Component as defined by Texas law; definition of consent as defined by Texas law; risk reduction, such as recognition of warning signs of possible sexual misconduct, situational awareness and safety planning;
- bystander intervention to encourage identification of situations that might lead to sexual misconduct and promote safe intervention as a means to prevent the misconduct - 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; procedures for reporting, investigating, and accessing possible Sanctions for sexual misconduct as described in this Policy; options for reporting sexual misconduct and the confidentiality that may attach to such reporting;

8.118 Campus and community resources available to Complainants or Respondents;

8.119 Interim safety measures available for Complainants; and,
8.11(10) Descriptions of additional and ongoing sexual misconduct training.

8.11(11) Name, office location and contact information of the Component’s Title IX Coordinator with such information being provided at the student’s orientation and by email at the beginning of each semester.

8.2 Ongoing Sexual Misconduct Training. The Component’s commitment to raising awareness of the dangers of sexual misconduct may include, but is not limited to, offering ongoing education in the form of annual training, lectures by faculty, staff, mental health professionals, and/or trained non-Component personnel. Ongoing training may include, but is not limited to, dissemination of informational materials regarding the awareness and prevention of sexual misconduct.

8.3 Training of Title IX Coordinators, Investigators, Hearing and Appellate Authorities. All Coordinators, Deputy Coordinators, Investigators, and those with authority over sexual misconduct hearings and appeals shall receive training each calendar year including, knowledge of offenses, investigatory procedures, due process, and Component policy and procedures related to sexual misconduct.

8.4 Trauma-Informed Investigation Training. Each peace officer employed by a Component shall complete training on trauma-informed investigation into allegations of sexual harassment, sexual assault, dating violence, and stalking.

8.5 Memoranda Of Understanding Required. To facilitate effective communication and coordination regarding allegations of sexual harassment, sexual assault, dating violence, and stalking a Component shall enter into a memorandum of understanding with one or more:

8.51 local law enforcement agencies;

8.52 sexual harassment, sexual assault, dating violence, or stalking advocacy groups; and

8.53 hospitals or other medical resource providers.
9. **Informal Resolution (Mediation)**

9.1 **Eligibility for Mediation.** Informal resolution is available and appropriate for claims of Sexual Harassment, only if:

9.11 Both Parties are willing to engage in mediation and consent to do so in writing;
9.12 The Complainant and the Respondent are both students or are both employees of the Component;
9.13 The Title IX Coordinator agrees that informal resolution is an appropriate mechanism for resolving the Complaint;
9.14 The Complaint involves only Sexual Harassment as described in this Policy and does not involve any other sexual offense, and
9.15 Mediation shall be concluded within ten (10) class days

9.2 **Mediation and Agreements.** When the Title IX Coordinator determines informal resolution is appropriate and the Parties consent in writing, the Title IX Coordinator will arrange or facilitate mediation in attempt to resolve the complaint. Agreements reached in mediation will be reduced to writing and signed by both Parties. Agreements will be maintained by the Coordinator and shared only as necessary to implement the agreed resolution or as required by law.

9.3 **Referral for Investigation.** When mediation is not successful, or, if in the course of facilitating informal resolution the Title IX Coordinator learns of sexual offenses beyond sexual harassment, the informal resolution process will immediately terminate. The matter will then be referred for investigation in accordance with the procedures outlined herein.

10. **Investigation Procedures and Protocols**

10.1 **Authority to Investigate.** Complaints shall only be investigated and/or resolved at the direction of the Title IX Coordinator.

10.2 **Actions Upon Receiving Report.** Upon Component’s receipt of a report of sexual misconduct:

10.21 **Assignment.** The Title IX Coordinator will review the complaint and investigate or assign the investigation to a Deputy Coordinator or Investigator. The Complainant shall be notified of the name and contact information of the individual assigned. Subsequent
references to Investigator in this section refers to the individual investigating the complaint, whether a Title IX Coordinator, Deputy Coordinator, or Investigator.

10.22 Initial Meeting with Complainant. As soon as is practicable, the Investigator shall contact the Complainant and schedule an initial meeting. At the initial meeting the Investigator will:

10.221 provide an electronic and/or hard copy of this Policy which explains the process and rights of all Parties;

10.222 Request additional information regarding the reported incident;

10.223. Explain the investigatory process;

10.224. Explain the options for reporting to law enforcement authorities, whether on campus or local police;

10.225 Discuss Complainant’s request for anonymity and confidentiality, if such has been requested, and explain that confidentiality may impact the Component’s ability to investigate fully;

10.226 Determine whether the Complainant wishes to pursue a resolution;

10.227 Refer the Complainant, as appropriate, to the counseling center or other resources which may include, but are not limited to, law enforcement, medical assistance, psychological counseling, victim advocacy resources, legal resources, Component disciplinary action, immigration services, and criminal prosecution;

10.228 Discuss with the Complainant, possible interim measures as described in this Policy;

10.229 Inform Complainant and Respondent that, to the greatest extent practicable based on the number of counselors employed by the Component, the Component will ensure that each Complainant or Respondent of an incident of sexual assault, or any other person who reports such incident, are offered counseling provided by a counselor who does not provide counseling to any other person involved in the incident; and,

10.22(10) Inform Complainant and Respondent of an incident of sexual assault of the option of dropping a course in which both parties are enrolled without any academic penalty.
10.23 **Interim Measures.** The Title IX Coordinator and/or Investigator will determine and implement interim measures.

10.3 **Prompt, Fair, and Equitable Investigation.**

10.31 **Timing of Investigation and Resolution.** The Component shall make every reasonable effort to ensure that the investigation and resolution of a Complaint occurs in as efficient a manner as possible, with an expectation that the process (exclusive of any appeal procedures) will generally be completed within sixty (60) calendar days of the Complaint, absent extenuating circumstances. The Title IX Coordinator may modify this and any other deadlines contained in this Policy as necessary to accomplish the purposes stated and for good cause, including, but not limited to, the complexity of the investigation and semester breaks.

10.32 **Notice of Investigation and Allegations to Respondent.** At the outset of an investigation, the Investigator will provide the Respondent prompt notice of the investigation to include the allegation(s) in writing together with a copy of this Policy. Written notice of the investigation will be provided to the Complainant concurrently with Respondent.

10.33 **Equitable Treatment.**

10.331 Investigator shall not have a conflict of interest or bias, and will remain neutral throughout the investigation. Complainant and Respondent shall have opportunities to respond in person and/or in writing, submit relevant documents, and identify relevant witnesses.

10.332 Complainant and Respondent will receive a minimum of forty-eight hours’ notice of any Sanction or appellate meeting, and a minimum of five (5) class days’ notice of a due process hearing, if any.

10.333 Complainant and Respondent may have one representative and/or one advisor present at all meetings a Party has with the Investigator, Title IX Coordinator, Deputy Coordinator or other Component administrator related to a complaint. The representative or advisor may provide support, guidance or advice to Complainant or Respondent, but may not otherwise directly participate in the meetings or hearing.

10.334 Complainant, Respondent, and appropriate Component officials will have timely access to any documentation that will be used during a due process hearing or a
meeting to dispute Findings and/or Sanctions. Access to such materials will be consistent with FERPA and will not be allowed until after the investigation is concluded.

10.34 Investigation Activities. Investigator will gather and review information from Complainant, Respondent, and Witnesses. Investigator shall conduct site inspection, if necessary, and obtain other information from sources as appropriate.

10.35 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 Investigator is not the Title IX Coordinator, the Investigative Report will be submitted to the Title IX Coordinator for review and Finding.

11. Standard of Review and Finding

11.1 Review. The Title IX Coordinator will review the Investigative Report under the “preponderance of the evidence” standard as defined in the Glossary.

11.2 Title IX Coordinator Finding and Recommended Sanction.
   11.21 The Title IX Coordinator will make a written Finding as to whether:
      11.211 no reasonable grounds exist that the Sexual Misconduct Policy was violated and the matter is closed, or
      11.212 it is more likely than not that Respondent violated the Sexual Misconduct Policy, and the nature of the violation(s).

11.22 The Finding shall include the Title IX Coordinator’s basis for the decision and recommended Sanctions when there is a Finding of a violation.

11.23 Communication of the Finding and Recommended Sanctions.
   11.231 When there is a Finding of no violation of the Sexual Misconduct Policy, the Title IX Coordinator will communicate the Finding in writing simultaneously to the Complainant AND Respondent.
   11.232 When there is a Finding that it is more likely than not that Respondent violated the Sexual Misconduct Policy, the Title IX Coordinator will communicate the Finding in
writing to the Component Administrator with authority to determine and issue appropriate Sanctions.

11.233 When there is a Finding of a violation by a Respondent employed by the Component, the Title IX Coordinator, in consultation with appropriate administrative officials, will provide the Finding to additional individuals, with supervisory authority over the employee, who are not in the line of appellate review.

12. Sanctions

12.1 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 are limited to the following:

12.11 withholding a promotion or pay increase;
12.12 reassigning employment, including, but not limited to demotion in rank;
12.13 terminating employment; 12.14 barring future employment;
12.15 temporary suspension without pay;
12.16 compensation adjustments;
12.17 expulsion, suspension or dismissal from the Component and/or System;
12.18 no-contact orders,
12.19 probation (including disciplinary and academic probation);
12.1(10) expulsion from campus housing;
12.1(11) restricted access to activities or facilities;
12.1(12) mandated counseling (this may include, but not be limited to educational programs and batterer intervention);
12.1(13) disqualification from student employment positions;
12.1(14) revocation of admission and/or degree;
12.1(15) withholding of official transcript or degree;
12.1(16) bar against readmission;
12.1(17) monetary restitution;
12.1(18) withdrawing from a course with a grade of W, F, or WF; or
12.1(19) relevant training.

12.2 Sanction Decision. Within seven (7) class days of receipt of the Finding, the responsible Component Administrator will issue written Sanctions 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.
12.3 Administrators responsible for imposing Sanctions are:

12.31 Student Respondent Sanctions. 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 AVP of Human Resources or equivalent prior to issuing Sanctions.

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

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

12.4 Student Withdrawal Or Graduation Pending Disciplinary Charges. If a student withdraws or graduates from a Component pending a disciplinary charge alleging that the student violated the Component’s code of conduct by committing sexual harassment, sexual assault, dating violence, or stalking or any other sexual misconduct defined in this Policy, the institution may not end the disciplinary process or issue a transcript to the student until the Component makes a final determination of responsibility.

12.41 The Component shall expedite the institution’s disciplinary process as necessary to accommodate both the student's and the alleged Victim's interest in a speedy resolution.

12.42 On request by another postsecondary educational institution, a Component shall provide to the requesting institution information relating to a determination by the Component that a student enrolled at the Component violated the institution's code of conduct by committing sexual harassment, sexual assault, dating violence, or stalking.

13. Dispute of Findings and/or Sanctions
Complainant or Respondent may elect to dispute the Finding and/or the Sanction. Review of disputed Findings and/or Sanction(s) are based on the preponderance of evidence standard.

13.1 Students. Complainants or Respondents may elect to dispute the Finding and/or Sanction through a due process hearing. Student Complainants or Respondents must submit a written request for a hearing to the Component Chief Student Affairs Officer or
his or her designee within five (5) class days. Procedures for the hearing are outlined in the System Rules and Regulations, Chapter VI §§ 5.7-5.9, with exceptions as follows:

13.11 The Component Representative for student due process hearings related to Sexual Misconduct shall be the Component’s Title IX Coordinator or designee;

13.12 When the matter is heard by more than one individual, the Component will establish a Hearing Adjudicator Chair.

13.13 The Hearing Adjudicator Chair is responsible for arranging the due process hearing by notifying the Parties of the hearing dates, the availability of documents to be used at the hearing, the witnesses expected to provide information at the hearing, as well as deadlines for submission of questions.

13.14 Each Party shall receive a copy of the written request for hearing, notice of the hearing and has a right to be present; however, neither Party shall be compelled to attend any hearing and any Complainant, Respondent, or Witness that does not want be in the same room as one of the Parties shall, upon advance request, be accommodated;

13.15 Complainant and Respondent may submit written questions for the other Party and any witnesses to the Hearing Adjudicator Chair. Such questions shall be submitted by the Parties in accordance with the deadline established. The Hearing Adjudicator Chair will determine, and shall ask the questions relevant to the inquiry. Any individual participating as a Hearing Adjudicator may ask relevant questions of the parties and/or witnesses.

13.16 Hearing Decision. When a Finding of sexual misconduct is upheld, Sanctions listed herein shall be imposed. When the Hearing Adjudicator(s) find substantial doubt about the thoroughness, fairness, and/or impartiality of the investigation or determines there is insufficient evidence to support the recommended Finding, it may remand the matter to the Title IX Coordinator for further investigation and/or other action, or reject the recommended Finding(s) or Sanction(s).

13.17 The Hearing Adjudicator Chair shall issue a written, final Decision and shall provide a copy of the Decision to Complainant, Respondent, Title IX Coordinator, and Dean of Students.

13.18 The Hearing Adjudicator Chair shall issue a written, final Decision and shall provide a copy of the Decision to Complainant, Respondent, Title IX Coordinator, and Dean of Students.
13.19 The Hearing Adjudicator Chair may modify the deadlines contained in this section as necessary to accomplish the purposes stated and for good cause, including, but not limited to, the complexity of the hearing, semester breaks and time-sensitive considerations.

13.2 **Staff.** Complainants or Respondents may elect to dispute the Finding and/or Sanction as follows.

13.21 Any request for review of the Finding or Sanction against a staff member must be made in writing and submitted with all information in support of the request to the Chief Human Resources Officer, or his or her designee, within five (5) class days of receipt of the Finding or Sanction.

13.22 The Chief Human Resources Officer shall provide a copy of the materials submitted to the other Party, the Title IX Coordinator, and the appropriate divisional Vice President within three (3) class days of receipt.

13.23 A Party who has not requested review, including the Component, may, but is not required to, submit a written response to the appropriate divisional Vice President within five (5) class days of receiving the materials.

13.24 The reviewing Vice President may approve, reject, modify, or remand the Decision. The Vice President’s Decision is final.

13.25 The reviewing Vice President will inform Complainant, Respondent, Title IX Coordinator, appropriate supervisor and Chief Human Affairs Officer of the Decision in writing.

13.3 **Non-Tenured Faculty Dispute of Non-Reappointment or Termination After Expiration of Contract Period.** Should the Sanction against a non-tenured faculty member result in the non-reappointment or termination of the faculty member after expiration of his/her contract period, faculty member may dispute the Findings and/or Sanctions as described herein. However, the faculty member is not entitled to a due process hearing.

13.31 No later than thirty (30) business days after the faculty member receives notice of the Finding and/or Sanction, he or she shall request review from the President by submission of the grievance form prescribed by the Component together with any supporting materials.
13.32 The Component President shall designate a Hearing Officer to review.

13.33 The Hearing Officer shall provide a copy of the materials submitted to the other Party, the Title IX Coordinator, within five (5) class days of appointment.

13.34 The Hearing Officer will meet with the faculty member at a mutually convenient time to review the dispute.

13.35 The Hearing Officer may secure any information the officer determines necessary to review the dispute.

13.36 The Hearing Officer shall make a written recommendation to the President to approve, reject, modify, or remand the Finding and/or Sanction and shall provide a copy of the recommendation to the faculty member, the other Party, the Title IX Coordinator and Provost.

13.37 The Component President shall issue a written, final Decision and shall provide a copy of the Decision to the faculty member, the other Party, the Title IX Coordinator and the Provost.

13.4 Faculty Due Process Hearing. Tenured faculty receiving a Sanction that impacts the faculty member’s continued employment, full-time salary (not including administrative positions or summer teaching) or demotion in rank or other faculty member whose employment is terminated prior to the end of his or her contract period may elect to dispute the Finding and/or the Sanction through a due process hearing. Hearing procedures are outlined in the System Rules and Regulations, Chapter V, § 4.54 with the following exceptions:

13.41 The role of the Hearing Tribune is to review the investigation and the appropriateness of the Sanction for significant procedural errors or omissions;

13.42 All notices and correspondence shall be sent to Complainant, Respondent, Title IX Coordinator, and Provost who shall be referred to as Required Parties for purposes of this section.

13.43 Within five (5) class days of receipt of the Finding and/or Sanction, the faculty member must file a written request for a due process hearing by submitting the request together with any materials for review to the Provost.
13.44 The other Party shall receive notice of the hearing and has a right to be present, but shall not be compelled to attend any hearing. Complainant, Respondent, or Witness who does not want be in the same room as one of the Parties shall, upon advance request, be accommodated.

13.45 Cross examination shall proceed as follows: Complainant and Respondent may submit written questions for the other Party and any witnesses to the Hearing Tribunal Chair. Such questions shall be submitted by the Parties in accordance with the deadline established by the Hearing Tribunal Chair. The Chair will determine, and shall ask, the questions relevant to the inquiry. Any individual participating as a Hearing Tribunal member may ask relevant questions of the parties and/or witnesses.

13.46 Complainant, Respondent, or Component may be assisted or represented by counsel.

13.47 The Hearing Tribunal Chair shall issue the recommendation to approve, reject, modify, or remand the Finding and/or Sanction. The recommendation shall be forwarded to the President and Required Parties within five (5) class days of the hearing.

13.48 When a Finding of sexual misconduct is upheld, Sanctions listed herein shall be imposed. When the President finds substantial doubt about the thoroughness, fairness, and/or impartiality of the investigation or determines there is insufficient evidence to support the recommended Finding, he or she may remand the matter to the Title IX Coordinator for further investigation and/or other action, or may reject the recommended Finding(s) or Sanction(s).

13.49 The President shall issue a written, final Decision and shall provide a copy of the Decision to the Required Parties.

13.5 Other Faculty Disputes. All other faculty disputes of the Finding and/or Sanction against faculty shall follow the procedures for Staff stated herein.

13.6 Third Parties. Third Party Complainants or Respondents have no right to dispute or appeal Findings or Sanctions.

13.7 Sanctions During Dispute. Any Sanction(s) imposed will remain in place while any dispute is pending, unless, in the discretion of the Component Administrator imposing the Sanction, good cause exists to stay the Sanction.
14. Appeal of Finding or Sanctions

14.1 Right to Appeal. If a student or faculty member Complainant or Respondent is dissatisfied with the determination of a due process hearing, either Party may appeal. Third Party Complainants or Respondents have no right of appeal of Findings or Sanctions.

14.2 Grounds for Appeal. Grounds for appeal are limited to the following:

- 14.21 previously unavailable relevant evidence;
- 14.22 substantive procedural error in the investigation or hearing; or
- 14.23 Sanction is substantially disproportionate to the Finding;

14.3 Procedure for Student Appeals.

14.31 An appeal is only available after a Decision in a due process hearing.

14.32 Appeals shall be made in writing and include the ground(s) for appeal. All information in support of the appeal must be included and submitted to the Chief Student Affairs Officer, or his or her designee (Appeal Officer), within five (5) class days of the due process hearing Decision.

14.33 The Appeal Officer shall provide a copy of the appeal submission(s) to the other Party and the Title IX Coordinator within three (3) class days of receipt.

14.34 The Party who has not filed an appeal, including the Component, may, but is not required to, submit a written response to the appeal within five (5) class days of receipt. The Appeal Officer shall provide a copy of the response, if any, to the other Party and the Title IX Coordinator within three (3) class days of receipt.

14.35 The Appeal Officer may approve, reject, modify, or remand the decision. The Appeal Officer shall issue a written Decision and shall provide a copy to Complainant, Respondent, Title IX Coordinator, and Dean of Students. The Appeal Officer’s Decision is final.

14.4 Appeal of the Decision of a Faculty Due Process Hearing. Appeals of faculty due process hearings are governed by System Rules and Regulations, Chapter V. § 4.56 with exceptions as follows:

14.41 A faculty member must submit a written appeal stating
grounds with any supporting documentation to the System Administrative Office within thirty (30) calendar days of receipt of the President’s decision.

14.42 The System Office shall provide a copy of the appeal concurrently with receipt to the non-appealing Party, the President, Title IX Coordinator, and additional individuals with supervisory authority over either Party.

14.43 The President may submit a written response to the appeal within thirty (30) calendar days of receipt of the appeal from the System Office.

14.44 The Board shall provide notice in writing of the reasons for its Decision simultaneously to the faculty member, the non-appealing Party, the President and Title IX Coordinator. The Decision of the Board is final.

14.5 Sanctions Pending Appeal. Any Sanction(s) imposed will remain in place while any appeal is pending, unless, in the discretion of the Component Administrator imposing the Sanction, good cause exists to stay the Sanction.

14.6 Modification of Deadlines. The Appeal Officer may modify the deadlines contained in this section as necessary to accomplish the purposes stated and for good cause, including, but not limited to, the complexity of the appeal, semester breaks and time-sensitive considerations.

15. Final Decision
15.1 No Appeal. Decisions and Sanctions imposed under this Policy are final when the period for appeal under the rules and policies referenced herein have expired without initiation of an appeal by either Party.

15.2 Conclusion of Appeal. An appealed Decision is final as outlined in the rules and polices referenced herein.

15.3 Notification of Outcomes.
A notice of outcome provided to a Complainant, to include a Finding, Sanction, Decision of a Due process hearing, or appeal Decision must include:

15.31 Whether the alleged conduct was more likely than not to have occurred;

15.32 Any Sanction imposed on the Respondent that directly relate to the Complainant, and
15.33 Other steps the school has taken to eliminate the hostile environment, if the Component finds one exist(ed), and to prevent recurrence.

16. Administrative Reporting Requirements of the Title IX Coordinator and/or Coordinator’s Designee.

16.1 The Title IX Coordinator of each Component shall, once every three months, submit a written report to the Component’s President containing the following information:

16.12 the number of reports received of sexual harassment, sexual assault, dating violence and stalking during the reporting period;
16.13 the number of investigations conducted during the reporting period;
16.14 the final dispositions occurring during the reporting period;
16.15 the number of reports for which the institution determined not to initiate a disciplinary process during the reporting period.

16.2 The Title IX Coordinator or Coordinator’s designee of each Component shall immediately report to the Component’s President any incident of sexual harassment, sexual assault, dating violence or stalking if the Coordinator has cause to believe that the safety of any person is in imminent danger as a result of such conduct.

17. Administrative Reporting Requirements of the Component’s Presidents

17.1 The President of each Component shall, once each academic year in either the fall or spring semester, submit a report to the Texas State University System Board of Regents containing the following information:

17.12 the number of reports received of sexual harassment, sexual assault, dating violence and stalking during the reporting period;
17.13 the number of investigations conducted during the reporting period;
17.14 the final dispositions occurring during the reporting period;
17.15 the number of reports for which the institution determined not to initiate a disciplinary process during the reporting period, and,
17.16 any disciplinary actions taken against employees who knowingly fail to report an incident of sexual harassment, sexual assault, dating violence or stalking, when required to do so, or who knowingly with intent to harm or deceive make a false report of such conduct.

17.17 The report to the Texas State University System Board of Regents may not identify any person pursuant to Texas Education Code 51.253 (c) (1).

17.2 A President is not required to submit a report to the Board of Regents for any semester the Component has fewer than 1,500 enrolled students unless more than five reports of either sexual harassment, sexual assault, dating violence or stalking were received during that semester.

17.3 The President’s report to the Board of Regents shall be posted on the Component’s internet website.

17.4 The President of each Component shall annually certify in writing to the Texas Higher Education Coordinating Board that the Component is in substantial compliance with this subsection.

18. Biennial Policy Review
Each biennium, this Policy shall be reviewed. Any revisions determined necessary shall be brought before the System’s Board of Regents for approval.

GLOSSARY DEFINITIONS

Complainant refers to the person making a complaint of sexual misconduct, and shall be referred to herein as either Complainant, or Alleged Victim, and these terms may be used interchangeably throughout this Policy.

Component refers to all member institutions of the Texas State University System, including but not limited to, Lamar University, Lamar Institute of Technology, Lamar State College - Orange, Lamar State College - Port Arthur, Sam Houston State University, Sul Ross State University, Sul Ross State University Rio Grande College and Texas State University.
Component Affiliated Program or Activity refers to any program or activity, on or off campus, that is initiated, aided, authorized or supervised by the Component or by an officially-recognized organization of, or within, the Component.

Component Premises. Buildings or grounds owned, leased, operated, controlled or supervised by the Component including property that is within or reasonably contiguous to the premises owned by the Component but controlled by another person, is frequently used by students, and supports institutional purposes (such as a food or other retail vendor).

Confidential Source refers to physical and mental health professionals, including licensed counselors who provide mental health counseling to members of the school community, and those who act under the supervision of a health care employee; and individuals whose scope of employment include confidentiality requirements under Texas law.

Consent is 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 Component 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) coercion, force, or threat invalidates consent; and, being intoxicated or under the influence of alcohol, drugs, or any other substance is never an excuse for engaging in sexual misconduct.
Dating Violence is violence committed by a person:
   1) who is or has been in a social relationship of a romantic or intimate nature with the Victim; and
   2) where the existence of such a relationship shall be determined by the Victim with consideration of the following factors:
      (a) the length of the relationship;
      (b) the type of relationship; and
      (c) the frequency of interaction between the persons involved in the relationship.

Dean of Students Office includes the Student Affairs Office, the Student Services Office and the Dean of Student Life Office.

Family (Domestic) Violence includes felony or misdemeanor crimes of violence committed by a current or former spouse or intimate partner of the Victim, by a person with whom the Victim shares a child in common, by a person who is cohabitating with or has cohabitated with the Victim as a spouse or intimate partner or roommate, by a person similarly situated to a spouse of the Victim under the domestic or family violence laws of the State of Texas, or by any other person against an adult or youth Victim who is protected from that person’s acts under the domestic or family violence laws of the State of Texas (Texas Family Code Section 71.004).

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.

New Employee refers to a faculty or staff member who has not been previously employed by the Component or whose previous employment with the Component was more than one year from his or her latest date of hire with the Component.

Notice may be provided via electronic or hard copy methods. Every effort will be made to notify each Party using the same method.

Parties refers to the Complainant and Respondent.

Preponderance of the Evidence means the greater weight and degree of credible evidence.
Preponderance of the evidence is the standard for determining allegations of sexual misconduct under this Policy. Preponderance of the evidence is satisfied if the action is more likely to have occurred than not.

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.

Respondent refers to the person accused of sexual misconduct and shall be referred to herein as either Respondent, Alleged Perpetrator, Accused, or Perpetrator, and these terms may be used interchangeably throughout this Policy.

Responsible Employee refers to a campus employee who has the authority to redress sexual misconduct; who has the duty to report incidents of sexual misconduct to the Title IX Coordinator or other appropriate designee, or whom a student could reasonably believe has this authority or duty. Responsible employees shall include all administrators, faculty, staff, student workers, except:

1) any employee with confidentiality obligations as described as a Confidential Source herein;
2) cafeteria staff who are not assigned administrative duties;
3) custodial staff who are not assigned administrative duties;
4) groundskeeper staff who are not assigned administrative duties;
5) maintenance staff who are not assigned administrative duties;
6) ranch/agricultural staff who are not assigned administrative duties; or
7) staff of campus physical plant who are not assigned administrative duties.

Retaliation means any adverse action threatened or taken against a person because he or she has filed, supported, or provided information in connection with a Complaint of Sexual Misconduct, including but not limited to direct and indirect intimidation, threats, and harassment.

Sex Offenses – any sexual act directed against another person, without the consent of the Victim, including instances where the Victim is incapable of giving consent.

Sexual assault means an offense classified as rape, fondling, incest, or statutory rape under the uniform crime reporting program of the Federal Bureau of Investigation and/or under the Texas Penal Code §22.011.
Examples of sexual assault include, but are not limited to, the following non-consensual sexual activity:

1) sexual intercourse (vaginal or anal);
2) oral sex;
3) rape or attempted rape;
4) penetration of an orifice (anal, vaginal, oral) with the penis, finger or other object;
5) unwanted touching of a sexual nature;
6) use of coercion, manipulation or force to make someone else engage in sexual touching, including touching of breasts, chest, buttocks and genitalia;
7) engaging in sexual activity with a person who is unable to provide consent; or
8) knowingly transmitting a sexually-transmitted disease to another.

**Sexual Exploitation** occurs when a person takes non-consensual or abusive sexual advantage of another for his or her own advantage or benefit, or to benefit or advantage anyone other than the one being exploited.

Examples of sexual exploitation can include, but are not limited to, the following behaviors:

1) prostituting another;
2) non-consensual electronically recording, photographing, or transmitting intimate or sexual utterances, sounds or images without the knowledge and consent of all Parties involved;
3) voyeurism (spying on others who are in intimate or sexual situations);
4) going beyond the boundaries of consent (such as letting friends hide in a closet to watch another friend having consensual sex); or
5) distributing intimate or sexual information about another person without that person’s consent.

**Sexual harassment** means unwelcome, sex-based verbal or physical conduct that:

1) in the employment context, unreasonably interferes with a person’s work performance or creates an intimidating, hostile, or offensive work environment; or
2) in the education context, is sufficiently severe, persistent, or pervasive that the conduct interferes with a student’s ability to participate in or benefit from educational programs or activities at a postsecondary educational institution.

**Sexual Intimidation** includes but is not limited to:

1) threatening another with a non-consensual sex act;
2) stalking or cyber-stalking; or
3) engaging in indecent exposure as defined in Texas Penal Code 21.08.

**Sexual Misconduct** is a broad term encompassing a range of non-consensual sexual activity or unwelcome behavior of a sexual nature. The term includes but is not limited to sexual assault, sexual exploitation, sexual intimidation, sexual harassment, domestic violence, dating violence, and stalking. Sexual misconduct can be committed by men or women, strangers or acquaintances, and can occur between or among people of the same or opposite sex.

**Sexual Violence** Sexual violence refers to physical sexual acts perpetrated against a person’s will or where a person is incapable of giving consent. All such acts are forms of Sexual Misconduct.

**Stalking** means engaging in a course of conduct directed at a specific person that would cause a reasonable person to:

1) fear for his or her safety or the safety of others; or
2) suffer substantial emotional distress (Texas Penal Code Section 42.072).

**Student** refers to any person who has been accepted for admission, or who is currently or was previously enrolled in the Component on either a full-time or part-time basis.

**Third Party** refers to any person who is not a current student or employee of the Component, including but not limited to vendors and invited and uninvited visitors.

**Third-Party Reporting** refers to the submission of a complaint of sexual misconduct by a person on behalf of another person.

**Title IX Coordinator** is the person who has been designated by each Component to coordinate efforts to comply with and implement this Policy. The Title IX Coordinator is responsible for conducting the administrative investigation of reports of sexual misconduct and is available to discuss options, provide support, explain Component policies and procedures, and provide education on relevant issues. The Title IX Coordinator may designate one or more Deputy Title IX Coordinators. 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.

**Title IX Investigator** refers to the person who conducts the Title IX investigation.
August 2019 Changes to TSUS Title IX Policy

1. The institution MUST terminate any employee whom it determines to have either failed to report an incident or knowingly made a false report of an incident. §3.9

2. A Confidential Source who receives information about an incident shall report to the Title IX Coordinator and Clery Officer the type of incident reported (aggregate information only). §3.31

3. Amnesty for code of conduct violations (i.e., alcohol, drugs) only if the violation is not punishable by suspension or expulsion. §6.1

4. If a student withdraws pending a Title IX investigation, the disciplinary process doesn’t end until a final determination of responsibility is made. §12.4

5. 2 definitions of sexual harassment. One for employment context and one for education context. (Glossary)
Federal laws mandate the creation and maintenance of academic and working environments free from illicit drug use and alcohol abuse. Lamar University fully supports the objectives of these laws and their companion regulations. The Alcohol and Other Drugs policy is designed to comply with the Drug-Free Schools and Communities Act (DFSCA) of 1989 and Drug-Free Workplace Act of 1988, it is located at LU Resources on Alcohol and Other Drugs website, as well as in the LU Code of Student Conduct. University regulations and policies pertaining to alcohol and drugs are also found in LU Policy 2.9 – Drug Free Work Place and the Drug-Free Work, and LU Policy website. All these regulations and policies remain in effect.

Visit the following links for information regarding Drug and Alcohol awareness at Lamar University:

- Lamar University Health Center – Health Education website
- Lamar University Alcohol and Other Drug Awareness and Prevention Policy Notification Letter
- Drug-Free Schools and Communities Act – Information Lamar Community Should Know

**ALCOHOLIC BEVERAGES**

State and federal statutes concerning alcoholic beverages will be strictly enforced on the Lamar University campus and at off-campus LU-sponsored events. Possession or consumption of alcoholic beverages on campus is restricted to certain approved areas.

**ILLEGAL DRUGS**

Possession, distribution, consumption and/or use of illicit drugs or narcotics on University property or property under control of Lamar University or at any event sponsored by the University or any University student organization, whether or not conducted on University property, is prohibited. This rule also applies to all illegal paraphernalia utilized in conjunction with the consumption and/or use of prohibited substances.

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7 http://students.lamar.edu/academic-support/code-of-conduct.html
9 http://facultystaff.lamar.edu/policies.html
HIGH RISK ALCOHOL INTAKE

People who consume large amounts of alcohol over a short period of time can reach very high blood alcohol levels before they pass out. This can lead to decreased breathing and death. Vomiting associated with high levels of alcohol may also cause choking and death.

HIGH RISKS OF ALCOHOL

Health hazards associated with excessive use of alcohol or alcohol dependency include dramatic behavioral changes, retardation of motor skills, and impairment of reasoning and rational thinking. These factors result in a higher incidence of accidents and accidental death for such persons than for non-users of alcohol. Nutrition also suffers, and vitamin and mineral deficiencies are frequent. Prolonged alcohol abuse causes bleeding from the intestinal tract, damage to nerves and the brain, psychotic behavior, loss of memory and coordination. Damage to the liver often results in cirrhosis, impotence, severe inflammation of the pancreas, and damage to the bone marrow, heart, testes, ovaries and muscles. Damage to nerves or an organ is usually irreversible.

HEALTH RISKS OF OTHER DRUGS

Use of illicit drugs may lead to physiological and mental changes similar to those caused by alcohol, although changes are frequently more severe and more sudden. Death or coma resulting from overdose of drugs is also more frequent. Illicit drugs are commonly classified in seven categories: cocaine, amphetamines, heroin and other opiates, hallucinogens, solvent inhalants, steroids, and marijuana. In addition to adverse effects associated with use of a specific drug, intravenous drug users who use unsterilized needles or who share needles with other drug users can develop AIDS, hepatitis, tetanus and infections in the heart. Brain damage may also result.

ALCOHOL PREVENTION PROGRAMS

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<tr>
<th>Name of Program</th>
<th>Date</th>
<th>Topic</th>
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<tbody>
<tr>
<td>Alcohol: The Facts Served Straight Up</td>
<td>8/21/18</td>
<td>Alcohol Intervention</td>
</tr>
<tr>
<td>REDTALK: Alcohol and Consent</td>
<td>10/30/18</td>
<td>Alcohol and Consent</td>
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Alcohol Bingo – Exciting BINGO game for any size group featuring important facts relating to alcohol.

The Facts Served Straight Up – A training program for students and student leaders to gain the skills and confidence to make responsible decisions concerning alcohol and to intervene with those who have misused alcohol.
Drunk Goggles – This activity is a fun and interactive way to show students how alcohol affects visual and motor skills.

A Spring Break program concerning alcohol is hosted on the Lamar campus every spring, however the governing body decided to move away from focusing on the university campus population. The Student Health Center Health Education Department has researched ways to fill this gap. New participation programs like REDTALKS to engage students concerning alcohol will be reflected in next year’s report.

Campus Clarity: Think About It\(^\text{13}\) — continuous classes provided throughout the year.

Health Education Programs: OneLove Escalation Workshop & Bringing in the Bystander\(^\text{14}\)

Campus Clarity (LawRoom): Bridges: Building a Supportive Community\(^\text{15}\) — provided to all newly hired employees and annual requirement for existing employees.

**EVACUATION AND LOCKDOWN NOTIFICATIONS**

If a life-threatening situation has occurred or is known to be in progress or there are strong indications of probable immediate life-threatening situation on or near campus, there may be a call for individuals to evacuate from campus or shelter in place. Therefore, every member of the campus community is encouraged to sign up for the emergency notification system (Connect-Ed). Members of the Lamar and Lamar Institute of Technology community should sign up for access to the emergency notification system.

The Connect-ED system is capable of contacting individuals on cellular, home or office phones, PDAs, voice mail, and by text message, e-mail and TTY/TTD. Through the Connect-ED system, Lamar University can contact thousands in minutes. The Connect-ED system will call home phone numbers, office phone numbers, cellular phone numbers, and send text messages and emails from what is posted in the student and employee information systems. University employees and students are encouraged to add an off-campus phone number, such as a cell number, to their records in the myLAMAR employee information and Web for Students areas. Students may also add an off-campus email address.

Students are encouraged to verify their telephone and email information in myLAMAR. This should be done through web access for students. Connect-ED has been configured to send email to the first two

\(^{13}\) https://www.lamar.edu/students/student-engagement/dean-of-students/services.html

\(^{14}\) https://www.lamar.edu/students/student-engagement/student-health-center/health-education/programs.html

\(^{15}\) https://www.lamar.edu/titleix/training/index.html
email addresses provided (the first being the student’s myLAMAR e-mail). It will also send e-mail to the second address field.

The emergency notification system is tested weekly with a small user group, and a full test of the system occurs during the fall and spring semesters. Test messages to the campus community may or may not be announced. Unannounced test messages will indicate that the activation is a test or be followed immediately by an “all clear” message.

**EMERGENCY WARNING ACTIVATION POLICY**

**Lamar University and Lamar Institute of Technology**

It is the explicit policy of Lamar University that it is FAR BETTER TO ACTIVATE WARNINGS, which later prove to be unfounded, THAN NOT TO WARN. False alarms may reduce the effectiveness of subsequent well-founded warnings, but the failure to warn the University community of imminent danger may have far more tragic consequences. Delay required to contact an exhaustive call list has proven deadly in real-life situations. When in doubt, issue a warning appropriate to achieve the following goals:

1. To preserve life and protect the lives of all involved in hazardous incident(s).
2. To provide prompt warning of circumstances and suggested defensive actions to persons in or around the campuses so as to minimize risk to innocent bystanders.
3. To include the apprehension of criminal actors, neutralization of weaponry, protection of property, enforcement of applicable laws, and resumption of normal University activities.

**EMERGENCY SIREN**

Lamar University maintains an emergency siren system to give warning to the LU/LIT area in case of imminent emergency situations. The system will be activated by the Lamar Police Department.

**RECOMMENDED ACTION UPON SIREN ACTIVATION**

The purpose of the siren is to give persons on or near campus area notice that an immediate life-threatening situation exists or may occur soon in the Lamar vicinity. It means:

“IMMEDIATE danger to life is likely...BE ALERT... SEEK INFORMATION AND A SAFE HAVEN NOW!”

WHEN IN DOUBT, SHELTER IN PLACE.

The recommended course of action will call upon affected public to utilize some judgment. When the siren is heard, persons must:
STOP: All impacted must stop and take stock of where they are and what is happening around them. The siren is sounded to prevent people from walking into a deadly situation without notice.

ASSESS: If it is safe to change locations (seek shelter) do so immediately but with extreme caution. If there appears to be no threat at your location wait until additional information (e.g. Connect-Ed, telephone, etc.) is available to guide your decision.

SEEK INFORMATION: It is likely that many Lamar phones will be overloaded in event of siren activation. Persons should seek access to any available informational source such as friends, local media, and/or campus office contacts (other than Lamar P.D.). Text/call a friend or anyone who might be able to give further information. The Connect-Ed system will likely be activated and furnish information but there is some delay before all calls are completed.

SEEK SAFE HAVEN: Events may require one to shelter in place or leave campus area immediately depending upon nature of threat. Whichever course of action is appropriate, be conscious of potential threats and act calmly so as not to make situation worse. Look carefully before entering buildings, classrooms or other potential shelter areas, drive safely if leaving area. Share your information with others whenever it is safe to do so. If you reach an area of perceived safety, STAY THERE until the official “ALL CLEAR” is received!

MISSING STUDENTS

Missing student notification policies and procedures for Students Who Reside in On-campus Student Housing Facilities

A. It is very important that information about missing or possibly missing students be promptly reported to at least one of the following persons or organizations:

1. Lamar University Police Department
2. Presidents, Lamar University & Lamar Institute of Technology
3. Vice-President for Student Engagement, Lamar University
4. Vice-President for Student Services, Lamar Institute of Technology
5. Vice-President for Academic Affairs, Lamar Institute of Technology

B. Any missing student report must be referred immediately to LUPD.
C. A student shall be considered “missing” following an abnormal unexplained absence of 24 hours. A report will be made regardless of the time period if there is reason to believe the student’s life or well-being is threatened.

D. Each student must be encouraged to identify a contact person or persons whom Lamar University/Lamar Institute of Technology (hereafter “LU/LIT”) shall notify within 24 hours of the determination that the student is missing, in the event that the student has been determined to be missing by LUPD or a law enforcement agency.

E. The student contact information will be treated as confidential and be accessible only to authorized campus officials. Contact information will only be disclosed to law enforcement personnel responsible for a missing person investigation.

F. If a student is under 18 years of age and not emancipated, LU/LIT must notify a custodial parent or guardian within 24 hours of the determination by LUPD or other law enforcement agency that the student is missing. Any additional contact person(s) designated by the missing student will also be notified within 24 hours of the determination that the student is missing.

CRIME STATISTICS

Lamar University’s crime statistics are determined according to the Federal Bureau of Investigation’s uniform crime reporting standards without regard to guilt or innocence. Statistics reflect reports made to campus officials as well as University and local police departments. No crimes addressed in the below chart or other crimes reported involved bodily injury to any person in which the victim was intentionally selected because of actual or perceived race, gender, religion, sexual orientation, ethnicity or disability of the victim.

For more information about LUPD guidelines and procedures, request a copy of the Annual Report from the University Police Department and the Code of Student Life from the Office of Student Engagement.
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<th>Category</th>
<th>Location</th>
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FIRE STATISTICS

Lamar University Annual Fire Safety Report for Residence Life, 2017

This report contains information related to fire safety in campus housing at Lamar University, in accordance with the requirements of the Jeanne Clery Disclosure of Campus Security Policy and Campus Crime Statistics Act. The LU Department of Housing and Residence Life creates this report on an annual basis, relying on information provided by collaborative departments, including but not limited to the LU Campus Police and the Department of Housing and Residence Life.

The LU Department of Housing and Residence Life maintains the campus housing fire log and reports fire statistics annually in conjunction with the “Annual Crime Report” that provides information in compliance with Campus Police and Campus Security Crime Statistics Act.

Fire Stats & Fire Log

All fire incidents are reported to the Director of Housing and Residence Life for inclusion in the fire statistics. The LU Department of Housing and Residence Life maintains the campus housing fire log and all statistics on fires and related injuries, death, and loss in campus housing as defined by the Clery Act.

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<tr>
<th>Residence Hall Fire Incident Log</th>
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<td>Date</td>
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Fire Safety System

All campus housing facilities have a full sprinkler system, smoke detectors, audible alarms, and fire extinguishers in each hallway on each floor. All housing facilities have active fire monitoring. The fire monitoring company provides notification for every fire alarm to the following in this order: LU Police dispatcher, LU Police, Residence Life management, and our 24-hour call maintenance staff.

All common use kitchens include fire extinguisher units for range tops, and a thirty (30) minute timer with automatic cut off on all stoves (both oven and range elements). All common use kitchens contain secured doors with limited hours of operation and are on constant surveillance recorded cameras. All systems are fully checked and maintained at least annually, and all systems are tested regularly, typically on a monthly basis.
ANNUAL TESTING OF THE EMERGENCY RESPONSE AND EVACUATION PROCEDURES

LUPD is responsible for testing all emergency notification systems to ensure proper functionality, high availability, and to report maintenance needs in a timely manner.

Testing is completed once a semester and announced in advance of the testing date. The announcement will contain emergency procedures and links to additional emergency resources available to the campus community as needed.

All tests are documented and evaluated by LUPD and Information Technology Division. The evaluation is used to analyze results, performance, and identify any potential enhancements. The record of testing is maintained by LUPD.

FIRE DRILLS
Mandatory supervised fire drills are conducted at a minimum of once each semester in the fall and spring semesters. Fire drills were conducted on the following dates during the past year:

- April 5, 2018 (Cardinal Village)

Fire Drills are coordinated by the Residence Life Staff, by each Resident Director/Assistant Director for each residence hall. The Director of Housing and Residence Life coordinates the details of the drill in accordance with the Resident Director/Assistant Director, the local fire department, Facilities Management, Environmental Health and Safety and Risk Management, and the LU Police Dept. Resident Assistants (RA’s) assist with orderly and timely evacuation of the building and directing students to the designated evacuation site. Students failing to vacate are subject to student conduct disciplinary action. A post drill review is conducted with all staff present to discuss the success of the drill and additional necessary actions that may be required for future drills. Then a report is generated and given to the Director EHS & Risk Management of Lamar University.

EVACUATION PROCESS OF RESIDENCE LIFE

All employees and students should familiarize themselves with the location of stairs and emergency exits within the buildings in which they work. In addition, they should learn the locations of the fire extinguishers in the building and learn how to operate these extinguishers. Following are the standard procedures for use in case of fire emergency evacuation instructions that are applicable to most campus classroom and administrative buildings that do not have more than two floors. If the building in which you work has special building evacuation procedures, you should study these in advance of any emergency.
FIRE PROCEDURE

• If you discover a fire in a building, activate the nearest fire alarm pull station. If no fire alarm is available, immediately notify occupants of the building to evacuate the building.

• Telephone the Lamar Police by dialing 8311 on any campus telephone. Tell the dispatcher the location and nature of the fire. The dispatcher will call the Beaumont Fire Department on their special direct line and dispatch all available police and maintenance units to assist in evacuation of the building.

• If the fire has not spread from its point of origin, attempt to extinguish the fire using fire extinguishers. However, “Safety of Life” is the prime concern.

• Do not attempt to extinguish a fire in a laboratory or a chemical fire unless you know what chemicals are involved and have been trained in the correct procedures and types of extinguishers to be used for fighting such fires. “Safety of Life” remains the prime concern.

• Do not reenter an evacuated building until you have been advised that it is safe to do so.

Other Instructions:

If you have knowledge of what chemicals are present at the location of a fire, or of other hazards near a fire, tell a Lamar University police officer or fire department personnel on the scene, and remain available to give further assistance if needed.

POLICIES AND PROCEDURES ON APPLIANCES AND SMOKING OF RESIDENCE LIFE

These Rules and Regulations are incorporated by reference into the housing contract. They are promulgated for the purpose of preserving the welfare, safety, and convenience of residents in CARDINAL VILLAGE and for the purposes of making a fair distribution of services and facilities for all residents, and for the purpose of preserving property from abusive treatment The complete list of policies and procedures can be found on the Housing and Residence Life website.

LU CODE OF CONDUCT RELATED FIRE POLICIES

1. Fire warning devices and safety equipment are to be used only in case of emergency. The sounding of a fire alarm should be taken seriously. In the event of an alarm, residents are to vacate the premises immediately. Residents will be instructed by university or Cardinal Village staff when they will be allowed to return to their units. Residents who do not vacate their units during a fire alarm are subject to disciplinary action. The intentional sounding of an alarm outside of an emergency situation is a criminal offense and a material breach of the Housing Contract. Facilities tests the smoke detectors in rooms for proper operation and working batteries. Upon notification by resident Facilities will replace batteries. Tampering or altering smoke detectors will result in a $200.00 fine. Any violation is a default under the
housing contract which would entitle Housing and Residence Life to declare a default and pursue all remedies provided.

2. Fire code prohibits storage or use of barbecue grills in or on any building, walkway, stairway or balcony.

3. The use and/or possession of candles, whether new or used, on the premises are not permitted. This includes candles which have had their wicks removed and is for decorative purposes only. All candles and flammables will be removed from rooms immediately.

4. Some small appliances, such as radios, televisions, irons, and refrigerators not exceeding four cubic feet are permitted. Space heaters, halogen lamps, and other heating devices present a fire hazard and are prohibited. Resident should check with Housing and Residence Life regarding permissibility of other small appliances.

5. Lamar University is a tobacco free campus.

LU RESIDENCE LIFE MANAGEMENT RELATED POLICIES

1. DAMAGE, CONDEMNATION OR DESTRUCTION OF PREMISES. If, in the opinion of Housing and Residence Life, the premises or CARDINAL VILLAGE should become un-tenantable to lease during the term hereof because of damage, condemnation or destruction by fire or other casualty, Housing and Residence Life shall have the right to terminate the housing contract or move student to similar accommodations within CARDINAL VILLAGE and repair and restore the premises. In the event of such damage, condemnation or destruction to the premises or CARDINAL VILLAGE without the fault of student, his agents or guests, student’s obligation to pay housing hereunder shall be abated only if Housing and Residence Life terminates the housing contract or does not furnish student with similar accommodations at CARDINAL VILLAGE;

2. Keeping any explosive, inflammable, or any extra hazardous substances, or any article or thing of a dangerous nature on the premises or CARDINAL VILLAGE;

3. Misuse, in violation of the laws of the State of Texas and rules and regulations of CARDINAL VILLAGE, of alcoholic beverages or the illegal manufacture, sale, possession, or use of narcotics, marijuana, hypnotics, stimulants, hallucinogens, or other similar known controlled substances or harmful or habit-forming drugs and/or chemicals within the premises or CARDINAL VILLAGE by student or student’s guests;

4. Inability or refusal on the part of student to adjust to the concept and requirements of living in a student residence environment;
5. Violation of any of the covenants and agreements of the housing contract by student or of any of the rules and regulations governing the premises or CARDINAL VILLAGE made by Housing and Residence Life, whether such rules and regulations are now in existence or subsequently created in the future.

**FIRE SAFETY EDUCATION AND TRAINING PROGRAMS**

All Residence Life staff members are trained according to the emergency management plans established. All LU Residence Life staff members are trained based upon standard university protocols for fire safety, with an additional training session on specific protocols for Resident Assistants (RA’s), included below:

**RA Procedure for Fire/Sounding Alarm**

1. Every time a fire alarm sounds, exit the building – always assume there is a fire.

2. If a fire is confirmed and alarm is not sounding, activate the closest pull station.

3. Immediately notify LU Police whenever fire alarm is sounding.

4. If confirmed fire, call LU Police.

5. RA’s should assist with crowd control and orderly evacuation of building (staff should exit with residents, banging on doors and loudly stating “PLEASE EVACUATE,” or if confirmed fire, RA’s should NEVER put themselves in harm’s way.

6. Help keep residents at designated evacuation stations away from buildings. Do not re-enter a building until instructed to do so by LU Police, Fire Department, and On Call Maintenance Tech, typically after alarms have been reset.

7. Remain alert at all times, paying attention for any information about vandalism/false alarms. Camera footage is helpful, so help notice any suspicious activity around exits.

**REPORTING OF FIRE SAFETY INFORMATION**

All fire safety concerns should immediately be reported to the LU Police at 409-880-8307.

Information related to fire safety reporting for the residence halls should be submitted to the Director of Housing and Residence Life at 409-880-8550 or housing@lamar.edu.

Plans for Future Improvements in Fire Safety.
EDUCATION AND AWARENESS PROGRAMS

PRIMARY PREVENTION AND AWARENESS PROGRAMS – FACULTY & STAFF

NEW-HIRE ORIENTATION
- Training held on the 1st and 15th of each month or the 1st working day thereafter.
- Training held at the Human Resources Annex.
- Campus Sexual Violence Elimination Act (SaVE) & Violence Against Women Act (VAWA)
- Prohibited behavior covered
  - Sexual Assault
  - Domestic Violence
  - Dating Violence
  - Stalking

ONGOING PREVENTION AND AWARENESS CAMPAIGN – FACULTY & STAFF

Human Resources
- Diversity, Equal Employment, and Discrimination;
  - Online
  - Required every two years
- Title IX;
  - Online
  - Required every two years

PRIMARY PREVENTION AND AWARENESS PROGRAMS – STUDENT

- Alcohol & Alcohol Poisoning Program
  - Freshman Interest Group
- Rape/Date Rape/Title IX Program
  - Freshman Interest Group
- Campus Hazing with Kappa Alpha Psi

Daily Crime Log

The Professional Standards Unit of the Lamar University Police Department publishes a daily crime log. The purpose of the daily crime log is to record all criminal incidents and alleged criminal incidents that are reported to Lamar University Police. The crime log provides crime information on a timelier basis than the annual statistical disclosures. A crime must be entered into the log within two business days of when it was reported to the police department. Furthermore, crimes reported to Campus Security Authorities and local police agencies must be entered in the same manner. The Lamar University Crime Log is available at the LUPD front lobby, or the following hyperlink:

Crime Information - Lamar University Police Department

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