

THE LAMAR UNIVERSITY ANNUAL SECURITY & FIRE SAFETY REPORT

This annual security and fire safety report contains statistical information for calendar years 2021, 2022, and 2023.



PREPARED BY: THE LU TITLE IX & CLERY OFFICE AND LU POLICE DEPARTMENT

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COMPILATION OF REPORT

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 Affairs. It summarizes university programs, policies, and procedures designed to enhance your personal safety while you are here at Lamar. For statistical purposes, crime statistics reported to any of these sources are recorded in the calendar year the crime was reported. A written request for statistical information is made on an annual basis to all Campus Security Authorities (as defined by federal law) and to all University Deans, Directors, and Department Heads.

All the statistics are gathered, compiled, and reported to the University community via this report, which is published by Lamar University Police Department. LUPD submits the annual crime statistics published in this brochure to the Department of Education (ED). The statistical information gathered by the Department of Education is available to the public through the ED website.

The commonly reported crimes, requests for service, and provisions for the safety of the Lamar community on a 24-hour basis are like 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 Operations 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 Lamar University Police Department provides comprehensive law enforcement and security services to all components of Lamar University as well as much of the surrounding neighborhood. The patrol jurisdiction of security officers is limited to any buildings or properties owned or controlled by Lamar University.

Commissioned and non-commissioned officers staff the department. Non-commissioned officers can detain suspects until police arrival but have no power of arrest. Non-commissioned officers have the authority to enforce University policies. The Non-commissioned officers have jurisdiction to operate on LU owned or controlled property.

Lamar University Police Department police officers are commissioned as peace officers under Texas Education Code 51.203 and are certified police officers under the requirements of the Texas Commission on Law Enforcement. Officers are sworn with the full powers of arrest and mandated to enforce all applicable federal and state laws, as well as local ordinances and University Policies.

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.

The Lamar University Police Department maintains a strong working relationship with state and local police agencies, including the Beaumont Police Department, Jefferson County Sheriff's Office, and Texas Department of Public Safety.

While there are no written agreements or memorandums of understanding regarding any topics including the investigation of criminal incidents between LUPD and the Beaumont Police Department, Beaumont police officers routinely work and communicate with campus officers on serious incidents that occur on or near campus. Lamar University operates no off-campus housing or off-campus student organizations officially recognized by the University; 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 University police officers can and do respond to incidents that occur near campus. Lamar University police officers have direct radio communications with the city police, fire department, and ambulance services to facilitate rapid response in any emergency.

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
- 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 daily, 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

All members of the LU community and all visitors are encouraged to accurately and promptly report potential criminal activity, suspicious behavior, and any emergencies on campus, on public property running through or immediately adjacent to the campus, or on other property that is owned or controlled by Lamar University, to the Lamar University Police Department by calling 409-880-7777.

For emergencies from an on-campus telephone, contact LUPD by calling 8311 or 911. For off-campus emergencies, call 409-880-8311 or 911. For emergencies during a campus power outage (no phones or electricity), call 409-838-7023 or 409-838-7024 for police dispatcher. For non-Emergency calls on-campus, call Dispatch at 7777, 8307 or TDD Phone 7305. The University Police operates 24 hours a day.

To report instances of sexual misconduct to the Title IX Coordinator, please call ext 8163 or if off campus, 409-880-8163. In-person reports may be made at the CICE Building, 5091 Rolfe Christopher, 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](http://www.lamar.edu/).¹

Members of the community are helpful when they immediately report crimes or emergencies to the Lamar University Police Department for purposes of including them in the annual statistical disclosure and assessing them for issuing a Timely Warning Notices, when deemed necessary. Designated CSAs can also accept information related to crimes on campus and are expected to report them immediately to the proper authorities.

Lamar University encourages accurate and prompt reporting of all crimes to the Lamar University PD and/or appropriate police agencies, when the victim of a crime elects to, or is unable to, make such a report.

Response to Report

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. Asking the victim to report to LUPD to file an incident report
3. Investigation of reports in accordance with LUPD procedure
4. Arrest and filing of charges, depending on the circumstances of the incident
5. Referring alleged offenders to appropriate campus agencies, such as the Director of Student Conduct for potential action, as appropriate. LUPD Investigators will investigate a report when it is deemed

¹ <http://www.lamar.edu/>

appropriate. Additional information obtained via the investigation will also be forwarded to the Director of Student Conduct.

6. If assistance is required from the Beaumont Police Department or the Beaumont Fire Department, LUPD will contact the appropriate unit. If a sexual assault or rape should occur, staff on the scene, including LUPD, will offer the victim a wide variety of services.
7. All reported crimes will be investigated by the University and may become a matter of public record.
8. Issuing timely warnings of crimes that represent a threat to the campus community.

Confidential reports may be made at the Student Health Center located at 4405 Jimmy Simmons Blvd, inside the Sheila Umphrey Recreational Sports Center on the Lamar campus. Their contact number is 8466 or off campus at (409) 880-8466, between the hours of 8 AM – 5 PM.

Voluntary Confidential Reporting

LUPD does not have a voluntary confidential reporting process because police reports are public records under state law, thus LUPD cannot hold reports of crime in confidence. When reporting an incident of sexual assault, with your permission, a LUPD officer can file a report on the details of the incident without revealing your identity (except to the Title IX Coordinator). 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, no personally identifiable information is included.

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.

Pastoral & Professional Mental Health Counselors

Professional Mental Health Counselors, when acting as such, are not considered to be a campus security authority for Clery Act purposes and are not required to report crimes. Counselors are encouraged, when they deem it appropriate, to inform persons being counseled of the procedures to report crimes on a voluntary basis to LUPD. If the student is willing to report the incident, the counselor will file the report following LU policy and procedure. If the student wishes to remain anonymous, as a matter of policy, the professional counselors will then submit a Maxient report of anonymity with the intent of Clery Act tallying. Information included in the report will include age and sex of the victim, location of the incident, age and sex of the alleged assailant and association to the university.

Pastoral Counselor

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

Professional Counselor

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

Please note that reports of sexual violence and other violations that may be sex- or gender-based will be reported to the Title IX Coordinator and cannot be held in confidence.

The University does encourage professional counselors to notify individuals they are counseling of the option to report crimes on an anonymous or confidential basis for inclusion in the annual statistical disclosure of crime statistics. The university does not employ any pastoral counselors.

Campus Access & 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, including residential facilities, and designated building coordinators establish and maintain access to their respective buildings. Residence Hall access is by campus issued proximity card. The safety and security of residents is a primary concern. Residents must always keep their access cards on them to identify themselves as residents, and they should never be given to anyone else. Please remember that safety starts with each resident.

Security Considerations Used in the Maintenance of Campus Facilities

Lamar University maintains campus facilities and landscaping in a manner that minimizes hazardous and unsafe conditions. LUPD and Facilities Management regularly patrol the campus and promptly address insufficient or malfunctioning lighting, defective door locks, overgrown shrubbery, or other physical conditions in need of attention to enhance safety and security. Members of the Lamar University community are encouraged to report locations of concern to University Police or to Facilities Management.

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 also verify their primary phone number through Self-Service Banner.

Shuttles & 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

Forty 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 & REPORTING CRIMINAL ACTION

In the event a crime is reported within the LU Clery Geography (On Campus, Public Property and Non-campus property), that, in the judgment of the Chief of Police, or designee, constitutes a serious or continuing threat, a campus wide “timely warning” notice will be issued.

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 as follows:

The Clery Act requires institutions to give timely warnings of crimes that represent a threat to the safety of students or employees. Institutions are required to publish their policies regarding timely warnings in their Annual Campus Security Report. The institution is only required to notify the community of crimes which are covered by the Clery statistics.

The Decision to Issue a Timely Warning

Timely Warnings are typically issued for the following Uniform Crime Reporting Program (UCR)/National Incident Based Reporting System (NIBRS) crime classifications:

- Murder/Non-Negligent Manslaughter
- A string of Burglaries or Motor Vehicle Thefts that occur in reasonably close proximity to one another.
- Aggravated Assault (cases involving assaults among known parties, such as two roommates fighting which results in an aggravated injury, will be evaluated on a case-by-case basis to determine if the individual is believed to be an ongoing threat to the larger LU community)
- Robbery involving force or violence (cases including pick pocketing and purse snatching will typically not result in the issuance of a Timely Warning Notice, but will be assessed on a case-by-case basis)
- Sexual Assault (considered on a case-by-case basis depending on the facts of the case, when and where the incident occurred, when it was reported, and the amount of information known by the Chief of Police, or designee). In cases involving sexual assault, they are often reported long after the incident occurred, thus there is no ability to distribute a “timely” warning notice to the community. All cases of sexual assault, including stranger and non-stranger/acquaintance cases, will be assessed for potential issuance of a Timely Warning Notice.
- Major incidents of Arson
- Other Clery crimes determined necessary by the Chief of Police, or his or her designee in his or her absence.

Timely Warning notices are usually written by the Chief of Police in conjunction with Marketing and distributed by the Lamar University Police Department. Warnings will contain information about the nature of the threat and allow members of the community to take protective action.

Timely Warning Notices will be distributed as soon as pertinent information is available, in a manner that withholds the names of victims as confidential, and with the goal of aiding in the prevention of similar occurrences.

Method of Distribution

1. The warning must be distributed in a manner most likely to reach the entire campus community.
2. Depending on the circumstances, any of the following methods, or combination thereof, may be used.
 - a. Posting notices on social media
 - b. Campus-wide email distribution to all LU assigned email accounts
 - c. Text messages
 - d. Posting to the Lamar University home page
 - e. Press releases

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 blue 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

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

CRIME PREVENTION

Lamar 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.

One of the essential ingredients of any successful crime prevention program is an informed public. It is the intent of Lamar University to inform students of good crime prevention and security awareness practices.

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

During the 2023 calendar year, LU offered approximately 6 crime prevention and security awareness programs. Topics such as personal safety, residence hall security, drug and alcohol abuse awareness and sexual assault prevention are some examples of programs offered during the year.

Name of Program	Date	Topic
Resident Assistant Training	8/9/2023	Campus Security Authority
Athletics – Basketball	8/23/2023	Consent
Cardinal Communities	10/4/2023	Campus Safety
Cardinal Communities	10/26/2023	Campus Safety
CRASE	2/21/2023	Active Shooter
CRASE	3/21/2023	Active Shooter

All crime prevention and security awareness programs encourage students and employees to be responsible for their own security and the security of others. Participants in these programs are asked to be alert, security-conscious and involved and advised to call Lamar University Police Department to report suspicious behavior. For additional questions regarding crime prevention, contact the department directly at 409-880-7777.

As part of the department's community-oriented policing philosophy, Lamar University Police Department offers crime prevention presentations each semester to classrooms, campus clubs and student groups when requested.

Topics of these presentations include personal safety awareness, Rape Aggression Defense (R.A.D.) and property protection strategies. Anyone interested in having a LUPD Officer speak to his or her classroom or group should contact LUPD at 409-880-8307.

Monitoring & Recording of Criminal Activity by Students at Non-Campus Locations of Recognized Student Organizations

LU does not have officially recognized student organizations that own or control housing facilities outside of the LU core campus. Therefore, local PD is not used to monitor and record criminal activity since there are no non-campus locations of student organizations.

Disciplinary Procedures & 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 Senior Conduct Officer 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 decision, the Senior Conduct Officer or designee will initiate the hearing procedures.

A hearing officer or hearing panel will be appointed to pursue the case. The Senior Conduct Officer 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 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.

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](#)² available in the Office of Student Engagement and the Student Handbook.

² <https://www.lamar.edu/students/student-affairs-strategic-initiatives/conduct-and-care-services/index.html>

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.

Notification of Enrollment at or Employment by Institutions of Higher Education

The Department of Public Safety has adopted the following procedure:

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](https://publicsite.dps.texas.gov/SexOffenderRegistry/Search/Default/SearchBySchools?Cmp_Id=1044).³

³ https://publicsite.dps.texas.gov/SexOffenderRegistry/Search/Default/SearchBySchools?Cmp_Id=1044

VAWA – VIOLENCE AGAINST WOMEN REAUTHORIZATION ACT OF 2013**Sexual Assault, Stalking, Domestic & Dating Violence**

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.

Programs to Prevent Domestic Violence, Dating Violence, Sexual Assault, & 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:

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. The institution's definition of consent AND the purposes for which that definition is used.
5. 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;

6. Information on risk reduction. Risk reduction means options designed to decrease perpetration and bystander inaction and to increase empowerment for victims to promote safety and to help individuals and communities address conditions that facilitate violence.
7. Information provided in writing regarding:
 - a. Procedures victims should follow if a crime of domestic violence, dating, sexual assault, or 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, & 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 cohabitated with, the victim as a spouse or intimate partner;
 - d. By a person similarly situated to a spouse of the victim under the domestic or family violence laws of the jurisdiction in which the crime of violence occurred; or
 - e. By any other person against an adult or youth victim who is protected from that person’s acts under the domestic or family violence laws of the jurisdiction in which the crime of violence occurred.
 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 is 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, & 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 acquaintanceship 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 an 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.

According to Texas Penal Code, Section 1.07(a)(11), "Consent" means assent in fact, whether express or apparent.

"Effective consent" includes consent by a person legally authorized to act for the owner. Consent is not effective if:

- (A) induced by force, threat, or fraud;
- (B) given by a person the actor knows is not legally authorized to act for the owner;
- (C) given by a person who by reason of youth, mental disease or defect, or intoxication is known by the actor to be unable to make reasonable decisions; or
- (D) given solely to detect the commission of an offense.

Lamar University follows the TSUS Sexual Misconduct policy which defines consent as an informed and freely and affirmatively communicated willingness to participate in a particular sexual activity. Consent can be expressed either by words or by clear and unambiguous actions if 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) being intoxicated or under the influence of alcohol, drugs, or any other substance is never an excuse for engaging in Sexual Misconduct. This definition of Consent is used in all Sexual Misconduct cases reported.

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
- (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.

Assistance for Victims: Rights & Options

Regardless of whether a victim elects to pursue a criminal complaint or whether the offense is alleged to have occurred on or off campus, Lamar University will assist victims of sexual assault, domestic violence, dating violence, and stalking. The university will provide each victim with a written explanation of their rights and options. 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 procedures victims should follow if a crime of dating violence, domestic violence, sexual assault or stalking has occurred;
- Information about how the institution will protect the confidentiality of victims and other necessary parties;
- An explanation of the procedures for institutional disciplinary action
- Lamar University will provide written notification to students and employees about the existing counseling, mental health, victim advocacy, legal assistance, visa and immigration assistance, student financial aid or student services for victims of sexual assault both on and off campus including Lamar Student Health and the Rape Crisis Center.
- When an incident of Sexual Misconduct is reported, the Component will consider Supportive Measures while the incident is investigated and adjudicated. The determination of appropriate Supportive Measures in a given situation must be based on the facts and circumstances of that situation. The Title IX Coordinator is responsible for coordinating the effective implementation of Supportive Measures, and the duration of such measures. Lamar University provides opportunities and assistance to change academic schedules, 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 is contacted for any change in the academic arrangements and the Office of the Vice President for Student Engagement is responsible for changes in transportation, working, or on-campus living arrangements. These opportunities are available regardless of 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 appointed 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.

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

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.
 - the victim should consider seeking medical attention as soon as possible at a nearby hospital of the victim's choice which offers physical evidence recovery kit collection/access to forensic nurse examiners/sexual assault nurse practitioners. In Texas, evidence may be collected even if you chose not to make a report to law enforcement⁴
- 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, and
- Do not change clothes prior to the medical examination, and
- Do not delete text messages or other electronic media related to the incident

⁴ Under the Violence Against Women and Department of Justice Reauthorization Act of 2005, starting in 2009, states must certify that they do not "require a victim of sexual assault to participate in the criminal justice system or cooperate with law enforcement in order to be provided with a forensic medical exam, reimbursement for charges incurred on account of such an exam, or both."

These safeguards are especially important if the offense occurred within the past 96 hours. Physical evidence may be preserved that may assist in proving that the alleged criminal offense occurred/or is occurring or may be helpful in obtaining a protection order. In circumstances of sexual assault, if victims do not opt for forensic evidence collection, health care providers can still treat injuries and take steps to address concerns of pregnancy and/or sexually transmitted infections. Victims of sexual assault, domestic violence, stalking, and dating violence are encouraged to also preserve evidence by saving text messages, instant messages, social networking pages, other communications, and keeping pictures, logs, or other copies of documents, if they have any, that would be useful to university adjudicators/investigators or police.

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

After an incident of sexual assault, dating violence or domestic violence, the victim should consider seeking medical attention as soon as possible at either St. Elizabeth or Baptist Hospital. If you are 18 or older, you may choose to report the sexual assault to law enforcement. You may ask for a medical forensic exam for sexual assault even if you choose to not report the assault to law enforcement. You may choose to have a support person(s) in the exam room with you, which can be:

- A friend,
- A family member, or
- A trained sexual assault advocate.

If an advocate is available, they will come and have a confidential conversation with you. An advocate can answer any questions about the process and inform you of your options every step of the way. You may also choose not to have anyone in the exam room except for you and the medical staff.

Procedures the University Will Follow When a Crime of Domestic Violence, Dating Violence, Sexual Assault, & Stalking is Reported

The University has procedures in place that serve to be sensitive to victims who report sexual assault, domestic violence, dating violence, and stalking, including informing individuals about their right to file criminal charges as well as the availability of counseling, health, mental health, victim advocacy, legal assistance, visa and immigration assistance, student financial aid and other services on and/or off campus as well as additional remedies to prevent contact between a complainant and an accused party, such as changes to housing, academic, protective orders, transportation and working situations, if reasonably available. The University will make such accommodations or protective measures, if the victim requests them and if they are reasonable available, regardless of whether the

victim chooses to report the crime to the LUPD or local law enforcement. Students should contact the Director of Student Conduct office at 409-880-8458. Employees should contact Human Resources 409-880-8375.

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

Incident Being Reported	Procedure Institution Will Follow
Sexual Assault	<ol style="list-style-type: none"> 1. Depending on when reported (immediate vs delayed report), institution will provide complainant with access to medical care 2. Institution will assess immediate safety needs of complainant 3. Institution will assist complainant with contacting local police if complainant requests AND provide the complainant with contact information for local police department 4. Institution will provide complainant with referrals to on and off campus mental health providers 5. Institution will assess need to implement interim or long-term protective measures, if appropriate. 6. Institution will provide the victim with a written explanation of the victim's rights and options 7. Institution will provide a "No trespass" (PNG) directive to accused party if deemed appropriate 8. Institution will provide written instructions on how to apply for Protective Order 9. Institution will provide a copy of the policy applicable to Sexual Assault to the complainant and inform the complainant regarding timeframes for inquiry, investigation and resolution 10. Institution will inform the complainant of the outcome of the investigation, whether or not the accused will be administratively charged and what the outcome of the hearing is 11. Institution will enforce the anti-retaliation policy and take immediate and separate action against parties that retaliate against a person for complaining of sex-based discrimination or for assisting in the investigation

Incident Being Reported	Procedure Institution Will Follow
Stalking, Domestic Violence, Dating Violence	<ol style="list-style-type: none"> 1. Institution will assess immediate safety needs of complainant 2. Institution will assist complainant with contacting local police if complainant requests AND provide the complainant with contact information for local police department 3. Institution will provide written instructions on how to apply for Protective Order 4. Institution will provide written information to complainant on how to preserve evidence 5. Institution will assess need to implement interim or long-term protective measures to protect the complainant, if appropriate 6. Institution will provide the victim with a written explanation of the victim's rights and options 7. Institution will provide a "No trespass" (PNG) directive to accused party if deemed appropriate

Involvement of Law Enforcement & Campus Authorities

Although the university strongly encourages all members of its community to report violations of this policy to law enforcement (including on campus law enforcement and/or local police), It is the victim's choice whether to make such a report and Victims have the right to decline involvement with the police. However, the University Title IX office, Director of Student Conduct, Student Health Center, and designated CSA's will assist any victim with notifying law enforcement if the victim so desires. Lamar University Police Department may be reached directly by calling 409-880-7777, or in person at 211 Redbird Lane, Beaumont Texas. Additional information about the Lamar University Police department may be found [online](#).⁵ Beaumont Police Department may be reached by calling 409-832-1234, or in person at 255 College Street, Beaumont, Texas 77701.

Proceedings Utilized in Cases of Alleged Domestic Violence, Dating Violence, Sexual Assault, & Stalking

If you have been the victim of domestic violence, dating violence, sexual assault, or stalking, you should report the incident promptly to the Title IX Coordinator by calling 409-880-8163, by coming into the office at CICE building, suite 131, located at 5091 Rolfe Christopher, Beaumont TX. 77705 to report in person, by email to lutitleix@lamar.edu. One can also report in person at the Lamar University Police Department, located at 211 Red Bird Lane, Beaumont Texas 77710 (if the victim so desires). Reports of all domestic violence, dating violence, sexual assault and stalking made to the Lamar University Police Department will automatically be referred to the Title IX Coordinator for investigation regardless if the complainant choses to pursue criminal charges.

⁵ www.lamar.edu/police

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, dating violence, domestic violence, and stalking, 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.

Adjudication of Violations

The university's disciplinary process includes a prompt, fair, and impartial investigation, and resolution process. In all instances, the process will be conducted in a manner that is consistent with the institutions policy and that is transparent of the accuser and the accused. Usually, the resolution of domestic violence, dating violence, sexual assault and stalking complaints are completed within the timeframe specified in each policy the institutions maintain. However, each procedure allows for extensions of timeframes for good cause with written notice to the accuser and the accused of the delay and the reason for the delay. University officials involved in the investigation or adjudication of domestic violence, dating violence sexual assault and stalking complaints are trained annually on the issues related to such as well as how to conduct an investigation and hearing process that protects the safety of the victim and promotes accountability. Furthermore, each policy provides that:

- The accuser and thee accused will have timely notice for meetings at which the accuser or accused, or both may be present;
- The accuser, and the accused and appropriate officials will have timely and equal access to any information that will be used during formal and informal disciplinary meeting and hearings;
- The institutional disciplinary procedures will be conducted by officials who do not have a conflict of interest or bias for or against the accuser or the accused.

Right to have an Advisor

In cases of alleged sexual assault, dating violence, domestic violence, and stalking, the accuser and the accused are entitled to the same opportunities to have others (Advisor) present during a campus disciplinary proceeding. The Advisor may be, but need not be, an attorney who may provide support, guidance, or advice to the Party. The Advisor may not otherwise directly participate in any meeting, interview, or proceeding except for the limited purpose of conducting cross-examination at a live hearing, if any. The university will not limit the choice of advisor for either the accuser or the accused in any meeting or institutional disciplinary proceeding.

Both the accuser and the accused shall be informed simultaneously, in writing, the final result of any campus disciplinary proceeding alleging a sexual assault, dating, violence, domestic violence and stalking. Where an appeal is permitted under the applicable policy, the accuser and the accused will be notified simultaneously in writing, of the procedures for the accused and the victim to appeal the result of the disciplinary proceeding. When an appeal is filed, the accuser and the accused will be notified simultaneously in writing of any change to the result prior to the time that it becomes final as well as of the final result once the appeal is resolved.

The final result includes only the name of the student, the violation committed, and any sanction imposed by the institution against the student. Any personal identifiable information about the Victim will be treated as confidential and only shared with persons with a specific need to know who are investigating/adjudicating the complaint or delivering resources or support services to the Victim (for example, publicly available record-keeping for purposes of Clery Act reporting and disclosures will be made without inclusion of identifying information about the victim, as defined in 42 USC 1395 (a) (20). Lamar University does not tolerate any retaliation against anyone who exercises rights under the Clery Act and Title IX of the Civil Rights Act.

Sexual Misconduct

Lamar University adopted and the [Sexual Misconduct Policy from the Texas State University System](#).⁶ That policy and its procedures are found in the [Appendices A](#) of this document.

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 of 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.

⁶ <https://docs.gato.txst.edu/322645/TSUS%20Sexual%20Misconduct%20Policy.pdf>

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 of 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 appointed 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 of 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 appointed to work with the victim in making reasonable adjustments in these areas.

Rights of Victims and the Institution's Responsibilities for Orders of Protection, “No Contact” Orders, Restraining Orders, or Similar Lawful Orders Issued by a Criminal, Civil, or Tribal Court or by the Institution.

Lamar University complies with Texas law in recognizing orders of protection. Any student or employee who obtains an order of protection should provide a copy to LUPD and the Office of the Title IX Coordinator. A complainant may then meet with Campus Police to develop a Safety Action Plan, which is a plan for campus police and the victim to reduce risk of harm while on campus or coming to and going from campus. This plan may include, but is not limited to: Safety Escorts, adjusting class schedules, or changing room assignments in residential housing. The University cannot apply for a legal order of protection, no contact order or restraining order for a victim from the applicable jurisdiction(s). Lamar University PD may issue a temporary emergency protective order if an arrest has been made.

The victim is required to apply directly for these services through the courts or the Victims’ Assistance Center. Protection from abuse orders may be available through legal counsel or the Victims’ Assistance Center.

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

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

Accommodations & Protective Measures Available for Victims

Upon receipt of a report of domestic violence, dating violence, sexual assault or stalking, Lamar University will provide written notification to students and employees about accommodations available to them, including academic, living, transportation, protective orders and working situations. The written notification will include information regarding the accommodation options, available assistance in requesting accommodations, and how to request accommodations and protective measures (i.e., the notification will include the name and contact information for the individual or office that should be contacted to request the accommodations).

At the victim's request, and to the extent of the victim's cooperation and consent, university offices will work cooperatively to assist the victim in obtaining accommodations. If reasonably available, a victim may be offered changes to academic, living, working, protective measures or transportation situations regardless of whether the victim chooses to report the crime to campus police or local law enforcement. Examples of options for a potential change to the academic situation may be to transfer to a different section of a class, withdraw and take a class at another time if there is no option for moving to a different section, etc. Potential changes to living situations may include moving to a different room or residence hall. Possible changes to work situations may include changing working hours. Possible changes in transportation may include having the student or employee park in a different location, assisting the student or employee with a safety escort, etc.

To request changes to academic, living, or inquire about protective measures, a victim should contact the Lamar University Police Department at 409-880-7777 or via email at police@lamar.edu. If the victim wishes to receive assistance in requesting these accommodations, she or he should contact Lamar University Police Department to facilitate the request.

On & Off Campus Services for Victims

Upon receipt of a report of domestic violence, dating violence, sexual assault or stalking, Lamar University will provide written notification to students and employees about existing assistance with and/or information about obtaining resources and services including, health, counseling & mental health, victim advocacy, legal assistance, visa and immigration assistance, student financial aid and other services available for victims on and off campus.

ON CAMPUS	Type of Services Available	Service Provider	Contact Information
	Health	Student Health Center	4465 Jimmy Simmons Blvd Beaumont, Texas 77705 Office: 409-880-8466 Fax: 409-880-7703 Dept_healthcenter@lamar.edu
	Counseling & Mental Health	Student Health Center	4465 Jimmy Simmons Blvd Beaumont, Texas 77705 Office: 409-880-8466 Fax: 409-880-7703 Dept_healthcenter@lamar.edu
	Victim Advocacy	Dean of Students	PO Box 10054 Beaumont, TX 77710 Setzer Student Center, Room 230 409-880-8458 deanofstudents@lamar.edu
		Human Resources	1060 East Virginia Beaumont, Texas 77705 PO Box 11127 Beaumont, TX 77710 409-880-8375 HR@lamar.edu
	Legal Assistance	Lamar University Police Department	211 Redbird Ln., Beaumont, Tx 77705 Non-Emergency: 409-880-8307 Emergency: 409-880-7777 police@lamar.edu
	Visa and Immigration Assistance	International Student Services	PO Box 10263 211 Redbird Lane Beaumont, Texas 77710 Office: 409-880-7635 Fax: 409-880-8414 international@lamar.edu
	Student Financial Aid	Financial Aid and Scholarships	Wimberly Building, Room 200 4400 S. M L King Jr Pkwy Beaumont, TX 77710 409-880-8450 Financialaid@lamar.edu
	Other	Division of Student Engagement	Setzer Student Center, Ste 230 409-880-8458
		Human Resources	PO Box 11127 Beaumont, TX 77710 409-880-8375 HR@lamar.edu

	Type of Services Available	Service Provider	Contact Information
OFF CAMPUS	Health	Student Health Center website	Student Health Center website
	Counseling & Mental Health	Student Health Center website	Student Health Center website
	Victim Advocacy	Texas DPS Victim Services Victim Services Counselor	409-924-5468
	Legal Assistance	Jefferson County Victims' Assistance Center Criminal District Attorney	409-833-3377
		Beaumont Police Department	255 College St. Beaumont, TX 77701 409-832-1234
	Visa and Immigration Assistance	International Student Services	PO Box 10263 211 Redbird Lane Beaumont, Texas 77710 Office: 409-880-7635 Fax: 409-880-8414 international@lamar.edu
	Student Financial Aid	Dept. of Education	https://studentaid.gov/

Other Resources:

Rape, Abuse, and Incest National Network: <http://www.rainn.org>

Department of Justice: <http://www.ovw.usdoj.gov/sexassault.htm>

Department of Education, Office of Civil Rights: <http://www2.ed.gov/about/offices/list/ocr/index.html>

Confidentiality:

Victims may request that directory information on file with the University be withheld by request in writing to the Registrar's office.

Regardless of whether a victim has opted-out of allowing the University to share "directory information," personally identifiable information about the victim and other necessary parties will be treated as confidential and only shared with persons who have a specific need-to-know, i.e., those who are investigating/adjudicating the

report or those involved in providing support services to the victim, including accommodations and protective measures. By sharing personally identifiable information with individuals on a need-to-know basis only, the institution will maintain as confidential, any accommodations or protective measures provided to the victim to the extent that maintaining such confidentiality would not impair the ability of the institution to provide the accommodations or protective measures.

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

How to Be a Bystander:

Bystanders play a critical role in the prevention of sexual and relationship violence. They are “individuals who observe violence or witness the conditions that perpetuate violence. They are not directly involved but have the choice to intervene, speak up, or do something about it.”⁷ We want to promote a culture of community accountability where bystanders are actively engaged in the prevention of violence without causing further harm. We may not always know what to do even if we want to help. Below is a list⁸ of some ways to be an active bystander. If you or someone else is in immediate danger, dial 911. This could be when a person is yelling at or being physically abusive towards another and it is not safe for you to interrupt.

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

Risk Reduction:

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

1. **Be aware** of your surroundings. Knowing where you are and who is around you may help you to find a way to get out of a bad situation.

⁷ Burn, S.M. (2009). A situational model of sexual assault prevention through bystander intervention. *Sex Roles*, 60, 779-792.

⁸ Bystander intervention strategies adapted from Stanford University’s Office of Sexual Assault & Relationship Abuse

2. Try to **avoid isolated areas**. It is more difficult to get help if no one is around.
3. **Walk with purpose**. Even if you don't know where you are going, act like you do.
4. **Trust your instincts**. If a situation or location feels unsafe or uncomfortable, it probably isn't the best place to be.
5. **Try not to load yourself down** with packages or bags as this can make you appear more vulnerable.
6. **Make sure your cell phone is with you** and charged and that you have cab money.
7. **Don't allow yourself to be isolated** with someone you don't know or trust.
8. **Avoid putting music headphones in both ears** so that you can be more aware of your surroundings, especially if you are walking alone.
9. **When you go to a social gathering, go with a group of friends**. Arrive together, check in with each other throughout the evening, and leave together. Knowing where you are and who is around you may help you to find a way out of a bad situation.
10. **Trust your instincts**. If you feel unsafe in any situation, go with your gut. If you see something suspicious, contact law enforcement immediately (local authorities can be reached by calling 911 in most areas of the U.S.).
11. **Don't leave your drink unattended** while talking, dancing, using the restroom, or making a phone call. If you've left your drink alone, just get a new one.
12. **Don't accept drinks from people you don't know or trust**. If you choose to accept a drink, go with the person to the bar to order it, watch it being poured, and carry it yourself. At parties, don't drink from the punch bowls or other large, common open containers.
13. **Watch out for your friends, and vice versa**. If a friend seems out of it, is way too intoxicated for the amount of alcohol they've had, or is acting out of character, get him or her to a safe place immediately.
14. **If you suspect you or a friend has been drugged, contact law enforcement immediately (local authorities can be reached by calling 911 in most areas of the U.S.)**. Be explicit with doctors so they can give you the correct tests (you will need a urine test and possibly others).
15. If you need to get out of an uncomfortable or scary situation here are some things that you can try:
 - a. **Remember that being in this situation is not your fault**. You did not do anything wrong; it is the person who is making you uncomfortable that is to blame.
 - b. **Be true to yourself**. Don't feel obligated to do anything you don't want to do. "I don't want to" is always a good enough reason. Do what feels right to you and what you are comfortable with.
 - c. **Have a code word with your friends or family** so that if you don't feel comfortable you can call them and communicate your discomfort without the person you are with knowing. Your friends or family can then come to get you or make up an excuse for you to leave.
 - d. **Lie**. If you don't want to hurt the person's feelings it is better to lie and make up a reason to leave than to stay and be uncomfortable, scared, or worse. Some excuses you could use are: needing to take care of a friend or family member, not feeling well, having somewhere else that you need to be, etc.
16. **Try to think of an escape route**. How would you try to get out of the room? Where are the doors? Windows? Are there people around who might be able to help you? Is there an emergency phone nearby?
17. **If you and/or the other person have been drinking**, you can say that you would rather wait until you both have your full judgment before doing anything you may regret later.

Proceedings Utilized in Cases of Alleged Domestic Violence, Dating Violence, Sexual Assault, and Stalking*Title IX Sexual Harassment Grievance Process***1. *Victim Reporting Options***

Although a victim of Sexual Misconduct may decline to report the incident, the University supports, encourages, and will assist those who have been the victim of Sexual Misconduct to report the incident to any of the sources:

- Title IX Coordinator
- Responsible Employee
- Campus Police
- Lamar University Website
- Campus Security Authority

2. *Classifying Sexual Misconduct Matters, Possible Dismissals, and Transfers*

The Title IX Coordinator shall review all allegations of Sexual Misconduct to determine if the allegation will be classified as Title IX Sexual Harassment or Non-Title IX Sexual Misconduct at any point during the grievance process. Sexual Misconduct that does not meet all the requirements does not constitute Title IX Sexual Harassment and shall be classified as Non-Title IX Sexual Misconduct. If a Formal Complaint has been submitted by a Complainant and the Sexual Misconduct described in the Formal Complaint does not meet all the requirements, the Title IX Coordinator shall dismiss the Formal Complaint for purposes of the Title IX Sexual Harassment process. If the allegation does not meet the definition of Sexual Misconduct, the University may address the misconduct through the applicable code of conduct process.

3. *Steps in the Disciplinary Process*

- a) Filing a Formal Complaint- A Formal Complaint may be filed with the Title IX Coordinator in person, by mail, or by electronic mail, by using the contact information for the Title IX Coordinator.
- b) Notice of Allegations- In response to a Formal Complaint the University must give written notice of the allegations to the Parties.
- c) Investigation- An assigned Investigator will provide written notice to a Party whose participation is invited or expected, of the date, time, location, and purpose of all hearings, investigative interviews, or other meetings, with sufficient time for the Party to prepare to participate.
- d) Notice of Hearing- Upon completion of the Investigative Report, the Title IX Coordinator will send the Notice of Hearing and the Investigative Report to all Parties and their Advisors.
- e) Live Hearing- All investigations not dismissed pursuant to TSUS Section 5.4 shall have a live hearing.

- f) Decision and Sanctions- Once the live hearing has concluded, the Decision Maker will issue a written determination, which shall be sent simultaneously to the Parties, along with information about how to appeal the determination.
- g) Appeals- Both Parties must be offered an appeal from a determination regarding responsibility, and from a dismissal of a Formal Complaint or any allegations therein.

4. *Anticipated Timelines*

The University shall make every reasonable effort to ensure that the resolution of a Sexual Misconduct Complaint or Report occurs in as efficient a manner as possible, with an expectation that the process (exclusive of any appeal procedures) will generally be completed within one hundred and twenty (120) calendar days of the date a Complaint or Report is submitted. Modification of Deadlines. The Title IX Coordinator may modify any deadlines contained in this Policy as necessary to accomplish the purposes stated and for good cause, including, but not limited to, complexity of the investigation and to accommodate semester breaks.

5. *Decision-Making Process*

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

6. *Standard of Evidence*

Presumption of Non-Responsibility. Any person accused of Sexual Misconduct under this Policy is presumed not responsible for the alleged conduct until a determination regarding responsibility is made at the conclusion of the grievance process. Preponderance of the Evidence Standard. The Decision Maker will weigh the admissible evidence using the preponderance of the evidence standard.

7. *Sanctions for a Finding of a Policy violation - Students*

Depends upon the nature and gravity of the misconduct and/or any record of prior discipline for Sexual Misconduct. Sanctions include, but are not limited to, the following:

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

8. *Supportive Measures*

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

Non-Title IX Grievance Process - Employee

1. *Victim Reporting Options*

Although a victim of Sexual Misconduct may decline to report the incident, the University supports, encourages, and will assist those who have been the victim of Sexual Misconduct to report the incident to any of the sources:

- Title IX Coordinator
- Human Resource
- Campus Police
- Lamar University Website

2. *Classifying Sexual Misconduct Matters, Possible Dismissals, and Transfers*

The Title IX Coordinator shall review all allegations of Sexual Misconduct to determine if the allegation will be classified as Title IX Sexual Harassment or Non-Title IX Sexual Misconduct at any point during the grievance process. Sexual Misconduct that does not meet all the requirements does not constitute Title IX Sexual Harassment and shall be classified as Non-Title IX Sexual Misconduct. If a Formal Complaint has been submitted by a Complainant and the Sexual Misconduct described in the Formal Complaint does not meet all the requirements, the Title IX Coordinator shall dismiss the Formal Complaint for purposes of the Title IX Sexual Harassment process. If the allegation does not meet the definition of Sexual Misconduct, the University may address the misconduct through the applicable code of conduct process.

3. *Steps in the Disciplinary Process*

- a) Filing a report- A report may be filed with the Title IX Coordinator in person, by mail, or by electronic mail, by using the contact information for the Title IX Coordinator.
- b) Notice of Allegations- In response to a report the University must give written notice of the allegations to the Parties.
- c) Investigation- An assigned Investigator will provide written notice to a Party whose participation is invited or expected, of the date, time, location, and purpose of all hearings, investigative interviews, or other meetings, with sufficient time for the Party to prepare to participate.
- d) Investigative Report - The 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.
- e) Title IX Coordinator Finding and Recommended Sanction- The Title IX Coordinator will make a written Finding as to whether: it is more likely than not that Respondent did not violate this Policy, or it is more likely than not that Respondent violated this Policy, and the nature of the violation(s).
- f) Sanction Decision- The responsible Component Administrator will issue written Sanctions promptly and send such Sanctions with a copy of the Findings to the Complainant, Respondent, Title IX Coordinator, and when appropriate, additional individuals with supervisory authority over either Party that are not in line of appellate review.
- g) Administrators Responsible for Imposing Sanctions –
 - o Staff Respondents. The Respondent's supervisor, or other authority within the Respondent's chain of command, will issue Sanctions in consultation with Human Resources.
 - o Faculty Respondents. The Dean shall consult with the Department Chair as appropriate and issue Sanctions.
- h) 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.
 - o 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 hearing.
- i) Appeal of Non-Title IX Grievance Outcome- Appeals of faculty hearings are governed by *System Rules and Regulations, Chapter V. § 4.56* with exceptions.

4. *Anticipated Timelines*

The University shall make every reasonable effort to ensure that the resolution of a Sexual Misconduct Complaint or Report occurs in as efficient a manner as possible, with an expectation that the process (exclusive of any appeal procedures) will generally be completed within one hundred and twenty (120) calendar days of the date a Complaint or Report is submitted. Modification of Deadlines. The Title IX Coordinator may modify any deadlines contained in this Policy as necessary to accomplish the purposes stated and for good cause, including, but not limited to, complexity of the investigation and to accommodate semester breaks.

5. *Decision-Making Process*

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

6. *Standard of Evidence*

Presumption of Non-Responsibility. Any person accused of Sexual Misconduct under this Policy is presumed not responsible for the alleged conduct until a determination regarding responsibility is made at the conclusion of the grievance process. Preponderance of the Evidence Standard. The Decision Maker will weigh the admissible evidence using the preponderance of the evidence standard.

7. *Sanctions for a Finding of a Policy Violation – Employee*

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

8. *Supportive Measures*

Modification of work schedules, counseling through Employee Assistance Program, leave of absence, increased security, monitoring of certain areas of the campus, orders of protection, emergency removal, and administrative leave.

University-Initiated Protective Measures:

In addition to those protective measures previously described the Title IX Coordinator or their designee will determine whether interim interventions and protective measure should be implemented, and, if so, take steps to implement those protective measures as soon as possible. Examples of interim protective measures include but are not limited to:

- University order of no contact
- residence hall relocation
- adjustment of course schedules
- a leave of absence, or
- reassignment to a different supervisor or position.

These remedies may be applied to one, both, or multiple parties involved. Violations of the Title IX Coordinator's directives and/or protective measures may constitute related violations that may lead to additional disciplinary action. Protective measures imposed may be temporary pending the results of an investigation or may become permanent as determined by Lamar University.

DRUGS & ALCOHOL

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](#),⁹ as well as in the [LU Code of Student Conduct](#).¹⁰ 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](#),¹¹ and [LU Policy website](#).¹² All these regulations and policies remain in effect.

In compliance with the Drug Free Schools and Communities Act, Lamar University publishes a biennial review regarding the University's prevention programs related to drug and alcohol abuse prevention which include standards of conduct that prohibit the unlawful possession, use, and distribution of alcohol and illegal drugs on campus and at institution-associated activities; sanctions for violations of federal, state, and local laws and University policy; a description of health risks associated with alcohol and other drug use and abuse; and a description of available counseling, treatment, rehabilitation and/or re-entry programs for LU students and employees.

A hard copy of the Biennial Review is available upon request through the Student Health Center. A digital copy is also available on the [LU Resources on Alcohol and Other Drugs website](#).¹³

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

- [Lamar University Alcohol and Other Drug Awareness and Prevention Policy Notification Letter](#)¹⁴
- [Drug-Free Schools and Communities Act – Information Lamar Community Should Know](#)¹⁵

ALCOHOLIC BEVERAGES

Lamar University prohibits the unlawful possession, use, and sale of 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. The LUPD is responsible for the enforcement of state underage drinking laws.

⁹ <http://students.lamar.edu/student-engagement/student-health-center/committee-on-alcohol-and-other-drugs/index.html>

¹⁰ <https://www.lamar.edu/students/student-affairs-strategic-initiatives/student-health-center/index.html>

¹¹ <http://facultystaff.lamar.edu/human-resources/policy-manual/hr-manual-sec2-9.html>

¹² <https://www.lamar.edu/faculty-staff/human-resources/policies-and-procedures/index.html>

¹³ <http://students.lamar.edu/student-engagement/student-health-center/committee-on-alcohol-and-other-drugs/index.html>

¹⁴ <https://www.lamar.edu/students/student-affairs-strategic-initiatives/student-health-center/health-education/policy-notification.html>

¹⁵ <https://www.lamar.edu/students/student-affairs-strategic-initiatives/student-health-center/health-education/policy-notification.html>

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.

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.

ILLICIT DRUGS

Possession, sale, 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 conducted on university property or not, is prohibited. This rule also applies to all illegal paraphernalia utilized in conjunction with the consumption and/or use of prohibited substances. The LUPD is responsible for the enforcement of Federal and State drug laws.

HEALTH RISKS OF OTHER DRUGS

Use of illicit drugs may lead to physiological and mental changes like 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 un-sterilized 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 AND DRUG ABUSE PREVENTION PROGRAMS

Incoming students receive alcohol and drug awareness information through New Student Orientation. Housing and Residence Life assigns training to residents each semester.

EMERGENCY INFORMATION

Emergency Response & Evacuation Procedures

The emergency evacuation procedures are tested at least twice each year. Students and employees learn the locations of the emergency exits in the buildings and are provided guidance about the direction they should travel when exiting each facility for a short-term building evacuation. The LUPD does not tell building occupants in advance about the designated locations for long-term evacuations because those decisions are affected by time of day, location of the building being evacuated, the availability of the various designated emergency gathering locations on campus, and other factors such as the location and nature of the threat. In both cases, LUPD staff on the scene will communicate information to students regarding the developing situation or any evacuation status changes.

The purpose of evacuation drills is to prepare building occupants for an organized evacuation in case of a fire or other emergency. At Lamar University, evacuation drills are used as a way to educate and train occupants on fire safety issues specific to their building. During the drill, occupants ‘practice’ drill procedures and familiarize themselves with the location of exits and the sound of the fire alarm.

Annual Testing of the Emergency Response & Evacuation Procedures

LU maintains an Emergency Response Plan that outlines responsibilities of university departments during emergencies. This plan outlines incident priorities, campus organization and specific responsibilities of particular units or positions.

University departments are responsible for developing emergency response and continuity of operations plans for their areas and staff. Campus emergency management provides resources and guidance for the development of these plans. Emergencies occurring on campus should be reported to LUPD at 409-880-7777.

In conjunction with other emergency agencies, Lamar University conducts emergency response drills and exercises each year, such as tabletop exercises, field exercises, and tests of the emergency notification systems on campus. These tests, which may be announced or unannounced, are designed to assess and evaluate the emergency plans and capabilities of the institution.

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.

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

Lamar University publicizes a summary of the emergency response and evacuation procedures via email at least once each year in conjunction with a test (exercise and drill) that meets all the requirements of the Higher Education Opportunity Act.

General Evacuation Procedures

At the sound of a fire alarm or if you are instructed to evacuate, immediately proceed to the nearest exit and leave the building. If you are the first to recognize a fire situation, activate the alarm, evacuate to a safe location using the nearest exit, and notify LUPD by calling 409-880-7777 or by dialing 911.

1. Remain Calm
2. Do NOT use Elevators, Use the Stairs.
3. Assist the physically impaired. If he/she unable to exit without using an elevator, secure a safe location near a stairwell, and immediately inform LUPD or the responding Fire Dept. of the individual's location.
4. Proceed to a clear area at least 150 feet from the building. Keep all walkways clear for emergency vehicles.
5. Make sure all personnel are out of the building.
6. Do not re-enter the building.

Shelter-in-Place Procedures –What it Means to “Shelter-in-Place”

If an incident occurs and the buildings or areas around you become unstable, or if the air outdoors becomes dangerous due to toxic or irritating substances, it is usually safer to stay indoors, because leaving the area may expose you to that danger. Thus, to “shelter-in-place” means to make a shelter of the building that you are in, and with a few adjustments this location can be made even safer and more comfortable until it is safe to go outside.

Basic “Shelter-in-Place” Guidance

If an incident occurs and the building you are in is not damaged, stay inside in an interior room until you are told it is safe to come out. If your building is damaged, take your personal belonging (purse, wallet, access card, etc.) and follow the evacuation procedures for your building (close your door, proceed to the nearest exit, and use the stairs instead of the elevators). Once you have evacuated, seek shelter at the nearest University building quickly. If police or fire department personnel are on the scene, follow their directions.

How You Will Know to “Shelter-in-Place”

A shelter-in-place notification may come from several sources, LUPD, Housing Staff members, other University employees, Local PD, or other authorities utilizing the University’s emergency communications tools.

How to “Shelter-in-Place”

No matter where you are, the basic steps of shelter-in-place will generally remain the same. Should the need ever arise, follow these steps, unless instructed otherwise by local emergency personnel:

1. If you are inside, stay where you are. Collect any emergency shelter-in-place supplies and a telephone to be used in case of emergency. If you are outdoors, proceed into the closest building quickly or follow instructions from emergency personnel on the scene.
2. Locate a room to shelter inside. It should be:
 - An interior room;
 - Above ground level; and
 - Without windows or with the least number of windows. If there is a large group of people inside a particular building, several rooms maybe necessary.
3. Shut and lock all windows (tighter seal) and close exterior doors.
4. Turn off air conditioners, heaters, and fans.
5. Close vents to ventilation systems as you are able. (University staff will turn off the ventilation as quickly as possible.)
6. Make a list of the people with you and ask someone (hall staff, faculty, or other staff) to call the list in to LUPD so they know where you are sheltering. If only students are present, one of the students should call in the list.
7. Turn on a radio or TV and listen for further instructions.
8. Make yourself comfortable.

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. Every member of the Lamar and Lamar Institute of Technology communities is automatically signed up for access to the emergency notification system through Connect-ED. A student or employee may elect not to receive notifications from the University. This preference must be submitted electronically or in writing.

The Connect-ED system will contact campus community members using registered email and phone numbers. University employees and students are encouraged to verify their telephone and email information in Self Service Banner and add off-campus contact information for comprehensive notification.

Emergency/Immediate Notification

Lamar University has developed a process to notify the campus community in cases of emergency. While it is impossible to predict every significant emergency or dangerous situation that may occur on campus, the following identified situations are examples which may warrant an emergency (immediate) notification after confirmation: Possible emergencies that may occur include, but are not limited to the following:

- Severe weather
- Public health crisis
- Fire (localized building fire or wildfire)
- Campus violence
- Civil unrest
- Hazardous material spill
- Gas leak
- Explosion
- Bomb threat
- Terrorist incident

Individuals can report emergencies occurring at Lamar University by calling LUPD at 409-880-7777 or by dialing 911.

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

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 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.

In the event of an emergency, Lamar University will initiate and provide, without delay, immediate notifications to the appropriate segment(s) of the University community upon the confirmation of a significant emergency or dangerous situation involving an immediate threat to the health or safety of students, employees, and visitors.

The LU Incident Command Staff is responsible for responding to reported emergencies and confirming the existence of an emergency, sometimes in conjunction with campus administrators, local first responders and/or the national weather center.

If the LUPD Chief of Police, or designee, in conjunction with other University administrators, local first responders, Public Health Officials and/or the National Weather Service, confirms that there is an emergency or dangerous situation that poses an immediate threat to the health or safety of some or all members of the LU community, Lamar University will initiate and provide, without delay, immediate notifications to the appropriate segment(s) of the University community. The President or designee, Chief of Police, and Media Services will determine the content of the message and use some or all of the systems described below to communicate the threat to the LU Community or to the appropriate segment of the community, if the threat is limited to a particular building or segment of the population and initiate the notification system(s).

- Text Messaging and Email – Members of the Lamar University campus community who have registered with Connect-Ed can receive SMS text message and email alerts.
- LU Emergency Website – Emergency messages will be posted on the LU emergency website containing more detailed emergency information that otherwise cannot be distributed by other warning systems
- Television / Radio
- If any these systems fail or the University deems it appropriate, in person communication may be used to communicate an emergency.

The content of an emergency notification provided by LUPD in conjunction with Marketing will contain information that will aid the campus community in responding to a particular situation or provide evacuation procedures when/if necessary. Lamar University will, without delay and taking into account the safety of the community, determine the content of the notification and initiate the notification system, unless issuing a notification will, in the professional judgment of the responsible authorities, compromise efforts to assist a victim or contain, respond to, or otherwise mitigate the emergency.

Follow-up information will be distributed using some or all the identified communication systems (except fire alarm).

The local news media may be utilized to disseminate emergency information to members of the larger community, including neighbors, parents, and other interested parties. The larger community can also access emergency information via the Lamar University homepage and/or social media.

The Incident Type will be determined by the Incident Commander (IC) and the Agency Administrator (AA). In the absence of the Vice President for Finance and Operations, the IC Succession of Authority is as follows:

- Director, EHS and Risk Management
- Chief, LUPD
- AVP Facilities Management

The Lamar University Emergency Operations Plan¹⁶ defines specific types of incidents and outlines the University's response. (Figures 4.1 and 4.2), refer to Appendix B.

The President delegates to the following individuals the duties of Agency Administrator and the authority to work on behalf of the Policy Group in making emergency response decisions:

- Vice President for Finance and Operations
- Provost and Vice President for Academic Affairs
- Vice Provost for Digital Learning

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

- President
- Provost
- Vice President for Finance and Operations
- Chief of Police or designee
- Vice President for Student Affairs
- Senior Police Supervisor on duty
- Emergency Manager
- Vice President for University Advancement

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

¹⁶ https://www.lamar.edu/_files/documents/risk-management/cemp_vol-iii_2021-update.pdf

MISSING STUDENTS

In accordance with the Higher Education Opportunity Act, LU must develop and implement certain procedures to be followed when residential students are determined to be missing for 24 hours.

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

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 if a member of the LU community believes that a student has been missing for 24 hours:

1. Lamar University Police Department (409) 880-7777
2. President, Lamar University (409) 880-8405
3. Vice-President for Student Engagement, Lamar University (409) 880-8458

Any missing student report must be referred immediately to LUPD either in person at 211 Redbird Lane, Beaumont, TX or by calling (409) 880-7777.

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

Students residing in campus housing will be informed annually of their option to identify a contact person or persons whom Lamar University (LU) 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 the law enforcement agency that has jurisdiction in the area in which the student went missing.

When students are informed of their option to provide a confidential contact, students are informed that their contact information will be registered as confidential and accessible only to authorized campus officials. Contact information will be disclosed only to law enforcement personnel responsible for a missing person investigation.

Students are advised that, if a student is under 18 years of age and not emancipated, LU 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. Students are advised that, 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.

Students are advised that, for all missing students, LU will notify the local law enforcement agency within 24 hours of the determination that the student is missing, unless the local law enforcement agency was the entity that made the determination that the student is missing.

A student is determined to be missing when the LUPD have verified that reported information is credible and circumstances warrant declaring the person missing. Should the LUPD investigate and determine that a residential student is missing, contact will then be made to the missing person contact, if contact information has been provided, within twenty-four (24) hours of the determination that the student is missing by the LUPD. If the student is under the age of 18 and is not an emancipated individual, LUPD will notify the student's parent or guardian and any other designated contact person within 24 hours.

Regardless of whether the student has identified a contact person, is above the age of 18, or is an emancipated minor, LU shall inform the local law enforcement agency that has jurisdiction in the area that the student is missing within 24 hours.

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.

Category	Location	Number of Occurrences		
		2021	2022	2023
Murder/Non-Negligent Manslaughter	On Campus	0	0	0
	On Campus Student Housing Facilities	0	0	0
	Non-campus	0	0	0
	Public Property	0	0	0
Manslaughter by Negligence	On Campus	0	0	0
	On Campus Student Housing Facilities	0	0	0
	Non-campus	0	0	0
	Public Property	0	0	0
Rape	On Campus	8	8	5
	On Campus Student Housing Facilities	7	8	4
	Non-campus	0	0	0
	Public Property	0	1	0
Fondling	On Campus	2	4	10
	On Campus Student Housing Facilities	2	3	7
	Non-campus	0	0	0
	Public Property	0	0	0
Incest	On Campus	0	0	0
	On Campus Student Housing Facilities	0	0	0
	Non-campus	0	0	0
	Public Property	0	0	0
Statutory Rape	On Campus	0	0	0
	On Campus Student Housing Facilities	0	0	0
	Non-campus	0	0	0
	Public Property	0	0	0

**Crimes reported to Lamar University Police Department by the Beaumont Independent School District Police Department, due to LU distance learning center at location. Occurrences at Westbrook High School, located at 8750 Phelan Blvd., Beaumont, Texas 77706. Contact the BISD Police Department at (409) 617-7001 for more information.

Category	Locations	2021	2022	2023
Robbery	On Campus	0	0	0
	On Campus Student Housing Facilities	0	0	0
	Non-campus	0	0	0
	Public Property	0	0	0
Aggravated Assault	On Campus	1	0	3
	On Campus Student Housing Facilities	0	0	2
	Non-campus**	0	0	1
	Public Property	0	0	0
Burglary	On Campus	1	1	7
	On Campus Student Housing Facilities	0	1	5
	Non-campus	0	0	0
	Public Property	0	0	0
Arson	On Campus	0	0	0
	On Campus Student Housing Facilities	0	0	0
	Non-campus	0	0	0
	Public Property	0	0	0
Motor Vehicle Theft	On Campus	3	0	2
	On Campus Student Housing Facilities	2	0	0
	Non-campus	0	0	0
	Public Property	0	1	0
Domestic Violence	On Campus	0	0	0
	On Campus Student Housing Facilities	0	0	0
	Non-campus**	0	0	0
	Public Property*	0	0	0
Dating Violence	On Campus*	6	10	15
	On Campus Student Housing Facilities	6	10	12
	Non-campus	0	0	0
	Public Property	0	1	0
Stalking	On Campus *	10	8	10
	On Campus Student Housing Facilities	4	2	4
	Non-campus	0	0	1
	Public Property	0	0	0

*Statistics reported to Lamar University Police Department by the Lamar University Title IX Office; updated 9/20/2023.

**Crimes reported to Lamar University Police Department by the Beaumont Independent School District Police Department, due to LU distance learning center at location. Occurrences at Westbrook High School, located at 8750 Phelan Blvd., Beaumont, Texas 77706. Contact the BISD Police Department at (409) 617-7001 for more information.

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.

Category	Locations	2021	2022	2023
Liquor Law Violations Arrests	On Campus	0	4	36
	On Campus Student Housing Facilities	0	4	35
	Non-campus	0	0	3
	Public Property	0	2	0
Liquor Law Violations Referrals	On Campus	19	13	79
	On Campus Student Housing Facilities	17	13	79
	Non-campus	1	0	0
	Public Property	0	1	0
Drug Law Violations Arrests	On Campus	12	5	27
	On Campus Student Housing Facilities	11	5	24
	Non-campus	0	0	0
	Public Property	0	4	0
Drug Law Violations Referrals	On Campus	21	21	34
	On Campus Student Housing Facilities	20	21	34
	Non-campus	0	0	0
	Public Property	0	0	0
Weapons Law Violations Arrests	On Campus	1	1	2
	On Campus Student Housing Facilities	0	1	0
	Non-campus	0	0	0
	Public Property	0	0	0
Weapons Law Violations Referrals	On Campus	1	0	0
	On Campus Student Housing Facilities	1	0	0
	Non-campus	0	0	0
	Public Property	0	0	0
Unfounded Crimes				
2021: none; 2022: none, 2023: one				
Hate Crime Offenses				
<p>2023: LUPD reported Three Intimidation: Two characterized by Race, one On Campus Student Housing Facilities and two On Campus; One characterized by Sexual Orientation; On Campus.</p> <p>2022: LUPD reported One Destruction/Damage/Vandalism of Property: On Campus Student Housing Facilities and on Campus.</p> <p>2021: LUPD reported Three Intimidation: Two characterized by Race, one On Campus Student Housing Facilities and two On Campus; One characterized by Sexual Orientation; On Campus and On Campus Student Housing Facilities. One Vandalism; On Campus and On Campus Student Housing Facilities.</p>				

Daily Crime Log

In addition to this annual report concerning campus security and crime statistics, the Lamar University Police Department also publishes a Daily Crime Log. Crime Information is available through the Lamar University Police Department website.¹⁷

¹⁷ <https://crimeinformation.lupd.org>

EDUCATION & AWARENESS PROGRAMS

Primary Prevention & Awareness Programs – New Students

These programs are presented to all incoming students who are new to the university and designed to educate them on topics related to sexual assault, alcohol and drug abuse, campus and personal safety and provide resources available for students.

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

Get Inclusive – Alcohol and Other Drugs. This course teaches students about drinking, the affects of alcohol and other drugs, provides resources on and off campus and encourages safe decision-making for all.

Sexual Assault Prevention for Undergraduates – Title IX and Clery Act training that engages undergraduate students in fostering healthy relationships and preparing them to recognize and respond to sexual assault and harassment when it occurs.

Orientation Skits – Orientation Leaders perform skits for all new student orientation sessions. The scenarios include topic such as alcohol consumption and use, sexual assault, and drug abuse. Skits are formatted to mention LU policy, consequences of the infraction and resources available for student to use if faced with such situations.

Name of Program	Date Held	Location Held	Which Prohibited Behavior* Covered?
TIX Training	6/7/2023	Setzer Student Center	DoV, DaV, SA, S
TIX Training	8/7/2023	Setzer Student Center	DoV, DaV, SA, S
International Orientation	4/25/2023	Setzer Student Center	DoV, DaV, SA, S

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

Ongoing Prevention & Awareness Campaigns – Students

The University offered the following ongoing awareness and prevention programs for students in 2023:

Name of Program	Date Held	Location Held	Which Prohibited Behavior* Covered?
SA Awareness	4/4/2023	Setzer Student Center	SA
Sexual Misconduct	6/7/2023	Setzer Student Center	DoV, DaV, SA, S
Sexual Misconduct	8/7/2023	Setzer Student Center	DoV, DaV, SA, S
SA Awareness	8/11/2023	CICE	SA

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

Primary Prevention & Awareness Programs – Faculty & Staff

The University offered the following primary prevention and awareness programs for new employees in 2023:

Name of Program	Date Held	Location Held	Which Prohibited Behavior* Covered?
New Hire Orientation	1 st and 15 th of each month	Wayne Reaud Building	Sexual Assault, Domestic Violence, Dating Violence, Stalking
Faculty Orientation	8/15/2023	Setzer Student Center	DoV, DaV, SA, S

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

Ongoing Prevention & Awareness Campaigns – Faculty & Staff

The University offered the following ongoing awareness and prevention programs for employees in 2023:

Name of Program	Date Held	Location Held	Which Prohibited Behavior* Covered?
Harassment and Title IX	Ongoing	Training Nest	Sexual Misconduct

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

(HEOA) Notification to Victims of Crimes of Violence

The university will upon written request, disclose to the alleged victim of a crime of violence, or a non-forcible sex offense, the report on the results of any disciplinary proceeding conducted by such institution against a student who is the alleged perpetrator of such crime or offense. If the alleged victim is deceased as the result of such crime or offense, the next of kin of such victim shall be treated as the alleged victim for purposes of this paragraph.

FIRE SAFETY REPORT

This report contains information related to fire safety policies and procedures in student residential housing as well as statistics for any fires occurring in those facilities 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. The fire log is available for review at the Housing & Residence Life Office, Gentry Hall, 4601 Cheek St. Beaumont, Texas 77705, from 8 a.m. – 5 p. m. Monday through Friday, excluding holidays.

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 monthly. The University does not have any planned improvements in fire safety currently.

2023 Fire Safety Systems Data:

Residential Facilities	Fire Alarm Monitoring Done on Site	Partial Sprinkler System ¹⁸	Full Sprinkler System ¹⁹	Smoke Detection	Fire Extinguisher Devices	Evacuation Plans/ Placards	Number of Evacuation (fire) drills during the previous calendar year
Gentry Hall 4601 Cheek St. Beaumont, Texas 77705	LUPD	N/A	Yes	Stand alone	Yes	Yes	1
Morris Hall 4701 Cheek St. Beaumont, TX 77705	LUPD	N/A	Yes	Stand alone	Yes	Yes	1
Combs Hall 750 East Virginia St. Beaumont, TX 77705	LUPD	N/A	Yes	Stand alone	Yes	Yes	1
Campbell Hall 850 Iowa St. Beaumont, TX 77705	LUPD	N/A	Yes	Stand alone	Yes	Yes	1
Monroe Hall 855 Iowa St. Beaumont, TX 77705	LUPD	N/A	Yes	Stand alone	Yes	Yes	1

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:

- *September 26, 2023 – Campbell Hall*
- *September 26, 2023 – Morris Hall*
- *September 26, 2023 – Gentry Hall*
- *September 26, 2023 – Combs Hall*
- *September 26, 2023 – Monroe Hall*

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

¹⁸ Partial Sprinkler System is defined as having sprinklers in the common areas only.

¹⁹ Full Sprinkler System is defined as having sprinklers in both the common areas and individual rooms.

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. 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 RULES RELATED FIRE

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 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 from which the wicks have been removed and are used only for decorative purposes. All candles and flammables or other elements of open flames will be immediately removed from rooms.
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. Unauthorized possession, ignition, or detonation, on Lamar University property, of any explosive device, fireworks, liquid, or object that is flammable or capable of causing damage to persons or property by fire or explosion.
6. Knowingly initiating, communicating, or circulating a false or baseless report or alarm of a present, past, or future bombing, fire, offense, or other emergency that would ordinarily cause action by others charged with dealing with emergencies; placing a person in fear of imminent serious bodily injury; or preventing or interrupting the occupation of a building, room, aircraft, automobile, or other mode of conveyance.
7. Lamar University is a tobacco free campus and smoking is prohibited.

LU RESIDENCE LIFE MANAGEMENT – FIRE 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 & Training Programs

Fire safety education programs for all students living in on-campus student housing and all employees that have any association with on-campus student housing are held at the beginning of each semester. These programs are designed to: familiarize LU Residence Life staff and on-campus resident students with the fire safety system in each housing facility, train them on the procedures to be followed in case there is a fire and distribute information on the Lamar University's fire safety policies. LU Residence Life staff and on-campus resident students are also provided with maps of each on-campus student housing facility that illustrate evacuation routes and fire alarm equipment locations. During these programs, trainers emphasize that participating in fire drills is mandatory. Students with disabilities are given the option to have a "buddy" assigned to them. Fire safety education and training programs are taught by local fire authorities.

Student Housing Evacuation Procedures 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.

REPORTING FIRES

Per federal law, Lamar University is required to annually disclose statistical data on all fires that occur in on-campus student housing facilities. Therefore, if you encounter a live fire in one of these facilities, you should immediately get to a safe place, then dial 911. Once the emergency has passed, you should notify LUPD at (409) 880-7777 to investigate and document the incident for disclosure in the University's annual fire statistics.

If a member of the LU community finds evidence of a fire that has been extinguished, and the person is not sure whether LUPD has already responded, the community member should immediately notify LUPD at (409)880-7777 to investigate and document the incident for disclosure in the University's annual fire statistics.

FIRE STATISTICS

Statistics and Related Information Regarding Fires in Residential Facilities for CY 2023:

Residential Facilities (Name and Address)	Total Number of Fires in Each Building	Fire Number	Cause & Category of Fire	Number of Injuries That Required Treatment at a Medical Facility	Number of Deaths Related to a Fire	Value of Property Damage Caused by Fire (in USD)
Gentry Hall 4601 Cheek St. Beaumont, Texas 77705	Zero	N/A	N/A	Zero	Zero	\$0
Morris Hall 4701 Cheek St. Beaumont, TX 77705	Zero	N/A	N/A	Zero	Zero	\$0
Combs Hall 750 East Virginia St. Beaumont, TX 77705	Zero	N/A	N/A	Zero	Zero	\$0
Campbell Hall 850 Iowa St. Beaumont, TX 77705	Zero	N/A	N/A	Zero	Zero	\$0
Monroe Hall 855 Iowa St. Beaumont, TX 77705	Zero	N/A	N/A	Zero	Zero	\$0

Statistics and Related Information Regarding Fires in Residential Facilities for CY 2022:

Residential Facilities (Name and Address)	Total Number of Fires in Each Building	Fire Number	Cause & Category of Fire	Number of Injuries That Required Treatment at a Medical Facility	Number of Deaths Related to a Fire	Value of Property Damage Caused by Fire (in USD)
Gentry Hall 4601 Cheek St. Beaumont, Texas 77705	Zero	N/A	N/A	Zero	Zero	\$0.00
Morris Hall 4701 Cheek St. Beaumont, TX 77705	Zero	N/A	N/A	Zero	Zero	\$0.00
Combs Hall 750 East Virginia St. Beaumont, TX 77705	Zero	N/A	N/A	Zero	Zero	\$0.00
Campbell Hall 850 Iowa St. Beaumont, TX 77705	Zero	N/A	N/A	Zero	Zero	\$0.00
Monroe Hall 855 Iowa St. Beaumont, TX 77705	Zero	N/A	N/A	Zero	Zero	\$0.00

Statistics and Related Information Regarding Fires in Residential Facilities for CY 2021:

Residential Facilities (Name and Address)	Total Number of Fires in Each Building	Fire Number	Cause & Category of Fire	Number of Injuries That Required Treatment at a Medical Facility	Number of Deaths Related to a Fire	Value of Property Damage Caused by Fire (in USD)
Gentry Hall 4601 Cheek St. Beaumont, Texas 77705	Zero	N/A	N/A	Zero	Zero	\$0.00
Morris Hall 4701 Cheek St. Beaumont, TX 77705	Zero	N/A	N/A	Zero	Zero	\$0.00
Combs Hall 750 East Virginia St. Beaumont, TX 77705	Zero	N/A	N/A	Zero	Zero	\$0.00
Campbell Hall 850 Iowa St. Beaumont, TX 77705	Zero	N/A	N/A	Zero	Zero	\$0.00
Monroe Hall 855 Iowa St. Beaumont, TX 77705	Zero	N/A	N/A	Zero	Zero	\$0.00

APPENDICES**A. Texas State University System Sexual Misconduct Policy and Procedures****TEXAS STATE UNIVERSITY SYSTEM SEXUAL
MISCONDUCT POLICY AND PROCEDURES****1. Introduction**

- 1.1. Institutional Values. The Texas State University System (TSUS), 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’s focus on tolerance, openness, and respect is key in providing every member of the TSUS community with basic human dignity free from all forms of Sexual Misconduct, including Sexual Harassment, Sexual Assault, Domestic Violence, Dating Violence, and Stalking. 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 purpose of this Policy is to ensure that:
 - 1.2.1. Sexual Misconduct is not tolerated on any System property or in any System Education Program or Activity;
 - 1.2.2. System offices and Components maintain an environment that promotes prompt reporting of all forms of Sexual Misconduct and the timely and fair resolution of Sexual Misconduct Complaints or Reports;
 - 1.2.3. Components take prompt and appropriate action to eliminate Sexual Misconduct, prevent its recurrence, and remedy its effects;
 - 1.2.4. System offices and Components comply with all applicable federal and state laws regarding Sexual Misconduct – including sexual discrimination – in higher education; and,
 - 1.2.5. The System and Components have a uniform Policy that defines and describes prohibited sexual conduct, establishes procedures for processing Complaints or Reports of Sexual Misconduct, permits appropriate sanctions, and identifies available resources.
- 1.3. Notice of Sexual Misconduct Violations. Sexual Misconduct as

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

- 1.4. Applicability of this Policy. This Policy applies to all students, faculty, staff, and Third Parties within the System or its Components' Education Programs or Activities and prohibits Sexual Misconduct, as defined in the Glossary, committed by or against students, faculty, staff, or Third Parties.
 - 1.4.1. This Policy applies to:
 - All incidents of Sexual Misconduct (including Title IX Sexual Harassment and Non-Title IX Sexual Misconduct) occurring on or after the effective date of this Policy; and
 - All incidents of Title IX Sexual Harassment, regardless of when they occurred or were reported.
 - 1.4.2. All incidents of Non-Title IX Sexual Misconduct occurring prior to the effective date of this Policy, regardless of when such allegations are reported, are controlled by the Policy in effect at the time the incidents occurred.
 - 1.4.2.1. Incidents of Non-Title IX Sexual Misconduct occurring over a period of time are controlled by the Policy in effect at the time the last incident occurred.
- 1.5. Supersedes Existing Policies. In the case of allegations of Sexual Misconduct, this Policy supersedes any conflicting Sexual Misconduct procedures and policies set forth in other Component policies.
- 1.6. Equal Access. Each Component shall ensure, to the greatest extent practicable, 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.
- 1.7. First Amendment Rights. Freedom of speech and principles of academic freedom are central to the mission of institutions of higher

education. Constitutionally protected expression cannot be considered Sexual Misconduct under this Policy.

- 1.8. Biennial Policy Review. This Policy shall be reviewed each biennium and, with approval of the System's governing board, shall be revised as necessary.
- 1.9. Notice of Non-Discrimination. The System complies with Title IX of the Higher Education Amendments of 1972 (Title IX), which prohibits discrimination on the basis of sex in Education Programs or Activities; Title VII of the Civil Rights Act of 1964 (Title VII), which prohibits sex discrimination in employment; Campus Sexual Violence Elimination Act (SaVe); Violence Against Women Act (VAWA); and the Clery Act. Sexual Misconduct constitutes a form of sex discrimination prohibited by Title IX and Title VII.
- 1.10. Extent of Authority. This Policy applies to all incidents of Sexual Misconduct. However, provisions of the Policy that do not apply to Title IX Sexual Harassment are so indicated, as are provisions of the Policy that are exclusive to Title IX Sexual Harassment.
- 1.11. Employment at Will. Nothing herein to the contrary shall be construed in derogation of the Texas State University System Board of Regents' employment-at-will policy.

2. Definitions

A Glossary with definitions of Title IX and Non-Title IX-related offenses and other terms used in this Policy is attached.

3. Provisions Applicable to the Title IX Sexual Harassment & Non-Title IX Sexual Misconduct Grievance Processes

- 3.1. Equitable Treatment. A Component's response to an allegation of Sexual Misconduct must treat Complainants and Respondents equitably by offering Supportive Measures to Complainants and Respondents, and by following a grievance process as described herein against a Respondent prior to the imposition of any disciplinary sanctions or other actions that are not Supportive Measures.
- 3.2. Standard of Evidence.

- 3.2.1. Presumption of Non-Responsibility. Any person accused of Sexual Misconduct under this Policy is presumed not responsible for the alleged conduct until a determination regarding responsibility is made at the conclusion of the grievance process.
- 3.2.2. Preponderance of the Evidence Standard. The Decision Maker will weigh the admissible evidence using the preponderance of the evidence standard.
- 3.3. Conflicts of Interest. Any individual designated by a Component as a Title IX Coordinator, Investigator, Decision Maker, Informal Resolution Facilitator, Appellate Authority, or Campus Administrator may not have a conflict of interest or bias for or against Complainants or Respondents generally, or against an individual Complainant or Respondent. The Title IX Coordinator shall not serve as Decision Maker, Informal Resolution Facilitator, or Appellate Authority.
- 3.4. Promptness. The Component shall make every reasonable effort to ensure that the resolution of a Sexual Misconduct Complaint or Report occurs in as efficient a manner as possible, with an expectation that the process (exclusive of any appeal procedures) will generally be completed within one hundred and twenty (120) calendar days of the date a Complaint or Report is submitted.
- 3.5. Modification of Deadlines. The Title IX Coordinator may modify any deadlines contained in this Policy as necessary to accomplish the purposes stated and for good cause, including, but not limited to, complexity of the investigation and to accommodate semester breaks.
- 3.6. Immunity/Amnesty. 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 applicable code of conduct, provided:
 - 3.6.1. the person acts in good faith;
 - 3.6.2. the violation of the code of conduct arises out of the same facts or circumstances as a Complaint or Report of Sexual Misconduct;

- 3.6.3. the violation of the code of conduct is not punishable by suspension or expulsion; and,
- 3.6.4. the person is not reporting his or her own commission or assistance in the commission of Sexual Misconduct.
- 3.7. Prohibition on Providing False Information. Any individual who knowingly makes a false Complaint or Report 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 or Report shall be subject to disciplinary action. Charging an individual with a code of conduct violation for making a materially false statement in bad faith in the course of a grievance proceeding under this Policy does not constitute retaliation prohibited by Section 3.14 herein. A determination regarding responsibility, alone, is not sufficient to conclude that any Party made a materially false statement in bad faith.
- 3.8. Supportive Measures (Including Immediate and Appropriate Corrective Action).
 - 3.8.1. Generally. When an incident of Sexual Misconduct is reported, the Component will consider Supportive Measures while the incident is investigated and adjudicated. The determination of appropriate Supportive Measures in a given situation must be based on the facts and circumstances of that situation. The Title IX Coordinator is responsible for coordinating the effective implementation of Supportive Measures, and the duration of such measures. Supportive Measures may include, but are not limited to:
 - 3.8.1.1. Counseling provided by a counselor who does not provide counseling to any other person involved in the incident, including a person who reports an incident of Sexual Misconduct, as long as the Component employs a sufficient number of counselors;
 - 3.8.1.2. extensions of deadlines or other course-related adjustments;
 - 3.8.1.3. without any academic penalty, modifications of work or class schedules or assignments, including the option of dropping a course in which both

Parties are enrolled;

- 3.8.1.4. campus escort or transportation services;
- 3.8.1.5. mutual restrictions on contact between the Parties;
- 3.8.1.6. changes in work or housing locations;
- 3.8.1.7. leaves of absence;
- 3.8.1.8. restrictions from specific activities or facilities;
and,
- 3.8.1.9. increased security and monitoring of certain areas
of the campus.
- 3.8.2. Orders of Protection. The Component will honor any order of protection, no contact order, restraining order or similar lawful order issued by any criminal, civil, or tribal court.
- 3.8.3. Confidentiality of Supportive Measures. The Component shall maintain as confidential any measures provided to the Complainant and/or Respondent, to the extent allowed by law and to the extent that maintaining such confidentiality will not impair the ability to provide the measures.
- 3.8.4. Emergency Removal. Emergency removal of an Employee or Student prior to a final decision in a Sexual Misconduct matter must comply with System Rules and Regulations Chapters IV § 2.2(14), V § 2.131, and VI § 5.(14). A Component may remove a Respondent from the Component's Education Program or Activity on an emergency basis, provided that the Component undertakes an individualized safety and risk analysis, determines that an immediate threat to the physical health or safety of any student or other individual arising from the allegations of sexual harassment justifies removal, and provides the Respondent with notice and an opportunity to challenge the decision immediately following the removal. The removal challenge does not require a hearing and the burden is on the Respondent to show why the removal should be rescinded.
- 3.8.5. Administrative Leave. Nothing herein precludes a Component from placing a non-student employee Respondent on administrative leave with or without pay during the pendency of the grievance or any judicial process.

- 3.8.6. Supportive Measures when Anonymity is Required. The Component's inability to take disciplinary action against an alleged Respondent because of a Complainant's insistence on anonymity will not restrict the Component's ability to provide appropriate measures for the reasonable safety of the Component community.
- 3.8.7. Unreasonable Burden. Supportive Measures may not impose an unreasonable burden on the other Party.
- 3.8.8. Failure to Adhere to Supportive Measures. Failure to adhere to the parameters of any Supportive Measures may be considered a separate violation of this Policy and may result in disciplinary sanctions.

3.9. Informal Resolution

- 3.9.1. Eligibility for Informal Resolution. Informal Resolution is available after a Formal Complaint has been filed in a Title IX Sexual Harassment incident or a Report has been received in a Non-Title IX Sexual Misconduct incident. Informal Resolution may be pursued if:
 - 3.9.1.1. both Parties are willing to engage in Informal Resolution and consent to do so in writing;
 - 3.9.1.2. the Complainant and the Respondent are both Students or are both Employees of the Component;
 - 3.9.1.3. the Title IX Coordinator agrees that Informal Resolution is an appropriate mechanism for resolving the Complaint; and
 - 3.9.1.4. the Component provides written notice to the Parties in accordance with Section 3.9.2.1.
- 3.9.2. Informal Resolution Procedures.
 - 3.9.2.1. Notice. The Title IX Coordinator shall provide written notice to the Parties of the availability of informal resolution, including:
 - 3.9.2.1.1. the allegations;
 - 3.9.2.1.2. the requirements of the informal resolution process, including the circumstances under which the Parties

are precluded from resuming a Formal Complaint arising from the same allegations;

3.9.2.1.3. any consequences resulting from participating in the informal resolution process, including the records that will be maintained or could be shared; and,

3.9.2.1.4. the Parties' right to withdraw consent to informal resolution at any time prior to reaching an agreement, and resume the grievance process.

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

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

3.9.2.3.1. The Parties are not able to reach an agreement prior to the exhaustion of the administrative process,

3.9.2.3.2. One or more of the Parties withdraws consent to informal resolution, or,

3.9.2.3.3. Title IX Coordinator determines that informal resolution is no longer appropriate.

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

- 3.9.2.5. No Waiver. A Component may not require as a condition of enrollment or continuing enrollment, or employment or continuing employment, or enjoyment of any other right, waiver of the right to an investigation and adjudication of Formal Complaints of Sexual Misconduct consistent with this Policy.
- 3.9.2.6. No Recording and no use of statements. No recording of the informal resolution will be made and all statements made during the informal resolution process may not be used for or against either Party should the Parties be unable to reach an informal resolution and resume the grievance process. Failure to comply with an informal resolution agreement may result in disciplinary action.
- 3.10. Withholding of Transcript. The Component may not issue a transcript to a student Respondent until the institution makes a final determination of responsibility.
- 3.11. Remedies. Remedies for a Finding of a violation of this Policy must be designed to restore or preserve equal access to the Component's Education Program or Activity to the Complainant. Such remedies may include the same individualized services described in Section 3.8 as "Supportive Measures"; however, remedies need not be non-disciplinary or non-punitive and need not avoid burdening the Respondent.
 - 3.11.1. The Title IX Coordinator is responsible for the effective implementation of remedies.
 - 3.11.2. Any remedy that does not directly affect the Respondent must not be disclosed to the Respondent.
- 3.12. Sanctions. Sanctions for a Finding of a Policy violation will depend upon the nature and gravity of the misconduct and/or any record of prior discipline for Sexual Misconduct. Sanctions include, but are not limited to, the following:
 - 3.12.1. Students
 - 3.12.1.1. no-contact orders;

- 3.12.1.2. probation (including disciplinary and academic probation);
- 3.12.1.3. expulsion from campus housing;
- 3.12.1.4. restricted access to activities or facilities;
- 3.12.1.5. mandated counseling (this may include, but not be limited to education programs and batterer intervention);
- 3.12.1.6. disqualification from student employment positions;
- 3.12.1.7. revocation of admission and/or degree;
- 3.12.1.8. withholding of official transcript or degree;
- 3.12.1.9. bar against readmission;
- 3.12.1.10. monetary restitution;
- 3.12.1.11. withdrawing from a course with a grade of W, F, or WF;
- 3.12.1.12. relevant training;
- 3.12.1.13. suspension;
- 3.12.1.14. deferred suspension
- 3.12.1.15. written warning; or
- 3.12.1.16. expulsion.
- 3.12.2. Employees
 - 3.12.2.1. withholding a promotion or pay increase;
 - 3.12.2.2. reassigning employment, including, but not limited to demotion in rank;
 - 3.12.2.3. terminating employment;
 - 3.12.2.4. barring future employment from System or Component;
 - 3.12.2.5. temporary suspension without pay;
 - 3.12.2.6. compensation adjustments;
 - 3.12.2.7. no-contact orders;
 - 3.12.2.8. relevant training; or,

3.12.2.9. recommendation to revoke tenure.

3.13. Notification of Finding to Postsecondary Institutions. 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 this Policy.

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

3.14.1. By the Component

3.14.1.1. A Component may not discipline or discriminate against an employee who in good faith makes a Report of Sexual Misconduct as required by this Policy.

3.14.1.2. Subsection 3.14.1.1 does not apply to an employee who perpetrates or assists in perpetrating an incident of Sexual Misconduct.

3.14.2. By Others. The exercise of rights protected under the First Amendment does not constitute retaliation prohibited under this section.

3.15. Confidentiality

3.15.1. 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:

3.15.1.1. an alleged victim of an incident of Sexual Misconduct;

3.15.1.2. a person who reports an incident of Sexual Misconduct;

- 3.15.1.3. a person who sought guidance from the Component concerning such an incident;
 - 3.15.1.4. a person who participated in the Component's investigation of such an incident; or,
 - 3.15.1.5. a person who is alleged to have committed or assisted in the commission of Sexual Misconduct, provided that after completion of the investigation, the Component determines the Complaint or Report to be unsubstantiated or without merit.
- 3.15.2. The identity of the individual(s) referenced in Section 3.15.1 may only be disclosed to the following:
- 3.15.2.1. a Component, as necessary to conduct an investigation and resolution of the investigation;
 - 3.15.2.2. the person or persons alleged to have perpetrated the incident of Sexual Misconduct defined in this Policy, to the extent required by other law;
 - 3.15.2.3. a law enforcement officer, as necessary to conduct a criminal investigation;
 - 3.15.2.4. potential witnesses to the incident, as necessary to conduct an investigation; or,
 - 3.15.2.5. a health care provider in an emergency situation, as determined necessary by the Component.
- 3.15.3. 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 Complainant's consent. The provider must provide aggregate data or other non-identifying information regarding incidents of Sexual Misconduct to the Component's Title IX Coordinator.
- 3.15.4. Breaches of confidentiality or privacy committed by Employees receiving a Complaint or Report of alleged Sexual Misconduct or investigating the Report of alleged

Sexual Misconduct may result in disciplinary sanctions.

- 3.15.5. Release of information to the individuals referenced in Section 3.15.2 shall not be construed as a voluntary disclosure for purposes of the Texas Public Information Act.
- 3.15.6. If there is a direct conflict between the requirements of FERPA and the requirements of Title IX, such that enforcement of FERPA would interfere with the primary purpose of Title IX to eliminate sex-based discrimination in schools, the requirements of Title IX override any conflicting FERPA provisions.

4. Reporting Incidents of Sexual Misconduct

- 4.1. General Information. Each Component will identify and provide complete contact information for their Title IX Coordinator and all Deputy Coordinators in various locations, including but not limited to the Component's website; the Student's handbook; the Dean of Students Office; Human Resources; and Campus Police or Security; or their equivalents. Once a Complaint or Report of Sexual Misconduct is received by the Component, the Title IX Coordinator will determine the appropriate grievance process for resolution.
- 4.2. Victim Reporting Options. Although a victim of Sexual Misconduct may decline to report the incident, the Component supports, encourages, and will assist those who have been the victim of Sexual Misconduct to report the incident to any of the sources below. The alleged victim may use a pseudonym form when making a report to a law enforcement agency.
 - 4.2.1. Title IX Coordinator. Any incident of Sexual Misconduct may be brought to the attention of the Title IX Coordinator. The Title IX Coordinator will discuss with the reporting Party the options for:
 - 4.2.1.1. Filing a Formal Complaint of a Title IX Sexual Harassment incident, if applicable; or,
 - 4.2.1.2. Filing a Report of a Non-Title IX Sexual Misconduct incident, if applicable.
 - 4.2.2. Responsible Employee. An individual may report alleged Sexual Misconduct to a Responsible Employee.

- 4.2.3. Official with Authority. An individual may report alleged Sexual Misconduct to an Official with Authority. A Report to an Official with Authority will impose Actual Knowledge on the Component provided the reported incident of Sexual Misconduct meets the definition of Title IX Sexual Harassment. Each Component will identify and provide contact information of the Official with Authority in various locations, including but not limited to the Component's website and the applicable online handbooks.
- 4.2.4. Component Police or Security. An individual may report an incident of Sexual Misconduct to the Component police or security. Although the Component strongly encourages reporting Sexual Misconduct to the police, a victim may request administrative action by the Component with or without filing a police report. Filing a police report does not obligate the victim to continue with criminal proceedings or Component disciplinary action. Components shall provide to the victim the contact information for the campus police or security personnel.
- 4.2.5. Campus Security Authority. A Report of Sexual Misconduct may be made to a Campus Security Authority (CSA) as defined in each Component's Annual Security Report. All CSAs will promptly inform the Title IX Coordinator of the Complaint or Report and comply with all other reporting obligations required by the Clery Act.
- 4.2.6. Local Law Enforcement. An individual may, but is not required to, report an incident of Sexual Misconduct directly with local law enforcement agencies. At the victim's request, the Component will assist the victim with reporting the incident of Sexual Misconduct to law enforcement.
- 4.2.7. Electronic Reporting. Each Component shall provide an option for electronic reporting of an incident of Sexual Misconduct. The electronic reporting option must:
 - 4.2.7.1. enable an individual to report the

- alleged offense anonymously; and
 - 4.2.7.2. be easily accessible through a clearly identifiable link on the Component's internet website home page. (For more information on anonymity, see Section 4.2.8 and Section 4.8.)
- 4.2.8. Anonymous Reports. Individuals who chose to file anonymous reports are advised that:
 - 4.2.8.1. it may be very difficult, and in some cases, not possible for the Component to investigate an anonymous Report; and
 - 4.2.8.2. filing a Report is not necessary in order to secure Supportive Measures through the Component.
- 4.3. Preservation of Evidence. Preservation of evidence is critical in incidents of Sexual Misconduct. If you experience sexual violence, you are encouraged to seek immediate medical care. Also, preserving DNA evidence can be key to identifying the perpetrator in a sexual violence case. Victims can undergo a medical exam to preserve physical evidence with or without police involvement. If possible, this should be done immediately. If an immediate medical exam is not possible, individuals who have experienced a sexual assault may have a Sexual Assault Forensic Exam (SAFE) performed by a Sexual Assault Nurse Examiner (SANE) within 4 days of the incident. With the victim's consent, the physical evidence collected during this medical exam can be used in a criminal investigation; however, a person may undergo a SAFE even without contacting, or intending to contact, the police. To undergo a SAFE, go directly to the emergency department of the nearest hospital that provides SAFE services.
- 4.4. Employee Mandatory Reporting. A Responsible Employee who has knowledge of Sexual Misconduct must report promptly to the Title IX Coordinator all relevant details known to the Employee about the alleged Sexual Misconduct shared by the Complainant or Reporting Party. A Responsible Employee must share all information relevant to the investigation, and if applicable, redress of the incident, including whether the Complainant has expressed a desire for confidentiality in reporting the incident.

- 4.4.1. Before a Complainant reveals any information to a Responsible Employee, the Employee should inform the Complainant of the Employee's reporting obligations. If the Complainant requests anonymity and confidentiality, the Employee should refer the Complainant to Confidential Employees. A Responsible Employee may not honor a request for anonymity or confidentiality.
- 4.4.2. A Responsible Employee should not share information with law enforcement without the Complainant's consent, unless the Complainant has also reported the incident to law enforcement.
- 4.4.3. If the Complainant reports an incident to the Responsible Employee and requests confidentiality or no investigation, the Employee should tell the Complainant 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 Complainant's request for confidentiality or no investigation.
- 4.4.4. A Responsible Employee will promptly report to the Title IX Coordinator all incidents of Sexual Misconduct, provided:
 - 4.4.4.1. the employee is in the course and scope of employment at the time the employee witnesses or receives information regarding the occurrence of Sexual Misconduct;
 - 4.4.4.2. the employee reasonably believes the incident constitutes Sexual Misconduct; and,
 - 4.4.4.3. the incident of Sexual Misconduct was committed either by or against an enrolled Student or an Employee of the Component at the time of the Sexual Misconduct.
- 4.4.5. A Component may expand, but shall not narrow, the reporting obligations of Responsible Employees under this subsection.
 - 4.4.5.1. A Component that expands the reporting

obligations of a Responsible Employee shall inform such Responsible Employees of their mandatory reporting obligations.

- 4.5. Termination for Failure to Report or Making a False Report. A Component shall terminate an Employee it determines to have either:
- 4.5.1. 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
 - 4.5.2. knowingly made a false Report of Sexual Harassment, Sexual Assault, Dating Violence, or Stalking with intent to harm or deceive.
- 4.6. No Report Required. An Employee is not required to report an incident of Sexual Misconduct to the Title IX Coordinator if:
- 4.6.1. the Employee was the victim of such conduct; or,
 - 4.6.2. the Employee received information due to a disclosure made at a public awareness event sponsored by a Component or by a Student organization affiliated with the Component.
- 4.7. Confidential Employees. Each Component will identify and provide contact information for Confidential Employees in various locations, including but not limited to the Component's website and appropriate online handbooks. These Confidential Employees 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 Employees may be through their professional organizations, if any, or through the Title IX Coordinator.
- 4.7.1. A Confidential Employee who receives information about an incident of Sexual Misconduct shall report to the Title IX Coordinator only the type of incident reported.
 - 4.7.2. A Confidential Employee shall also provide such information to the Component's Clery Act Coordinator for purposes of the Component's Annual Security Report.
- 4.8. Request for Anonymity by Complainant.

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

5. Classifying Sexual Misconduct Matters, Possible Dismissals, and Transfers

- 5.1. Title IX Coordinator's Role in Classifying Sexual Misconduct. The Title IX Coordinator shall review all allegations of Sexual Misconduct to determine if the allegation will be classified as Title IX Sexual Harassment or Non-Title IX Sexual Misconduct at any point during the grievance process.
- 5.2. Title IX Sexual Harassment. Allegations of Sexual Misconduct shall be classified as Title IX Sexual Harassment provided:
 - 5.2.1. the Sexual Misconduct meets the definition of Title IX Sexual Harassment;
 - 5.2.2. the Sexual Misconduct occurred against a person participating in or attempting to participate in a Component's Education Program or Activity; and,
 - 5.2.3. the Sexual Misconduct occurred against a person located within the United States.
- 5.3. Non-Title IX Sexual Misconduct. Sexual Misconduct that does not meet all the requirements in Section 5.2 does not constitute Title IX Sexual Harassment and shall be classified as Non-Title IX Sexual Misconduct.
- 5.4. Mandatory Dismissal of Formal Complaint. If a Formal Complaint has been submitted by a Complainant and the Sexual Misconduct described in the Formal Complaint does not meet all the requirements in Section 5.2, the Title IX Coordinator shall dismiss the Formal Complaint for purposes of the Title IX Sexual

Harassment process.

- 5.4.1. If a Formal Complaint is dismissed for failing to meet the requirements in Section 5.2, a Component may address such Non-Title IX Sexual Misconduct through the Non-Title IX Sexual Misconduct provisions of this Policy.
- 5.4.2. If the allegation does not meet the definition of Sexual Misconduct, the Component may address the misconduct through the applicable code of conduct process.

5.5. Permissive Dismissal of Formal Complaint and/or Transfer to Alternative Disciplinary Process.

- 5.5.1. A Component may, but is not required to, dismiss a Formal Complaint or any allegations therein, if at any time during the Title IX Sexual Harassment investigation or live hearing:
 - 5.5.1.1. a Complainant notifies the Title IX Coordinator in writing that the Complainant would like to withdraw the Formal Complaint or any allegations therein;
 - 5.5.1.2. if the Respondent is no longer enrolled or employed by the Component; or,
 - 5.5.1.3. specific circumstances prevent the Component from gathering evidence sufficient to reach a determination as to the Formal Complaint or allegations therein.
- 5.5.2. Any matter permissively dismissed by the Component may require transfer to the Non-Title IX Sexual Misconduct process. Prior to dismissal, the Title IX Coordinator must determine whether the allegations, if proven, mandate transfer to an alternative disciplinary process. Component shall expedite the disciplinary process, as necessary, to accommodate both Parties' interests in a speedy resolution.
 - 5.5.2.1. If a Student withdraws or graduates from a Component pending a disciplinary charge

alleging that the Student violated this Policy, the Component may not end the disciplinary process or issue a transcript to the student until the Component makes a final determination of responsibility.

- 5.5.2.2. 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 this Policy.

5.6. Permissive Dismissal of Non-Title IX Sexual Misconduct Allegations and/or Transfer to Alternative Disciplinary Process.

- 5.6.1. A Component may, but is not required to, dismiss a report or any allegations therein, if at any time during the investigation or hearing:

- 5.6.1.1. a Complainant notifies the Title IX Coordinator in writing that the Complainant would like to withdraw the Report or any allegations therein; or,
- 5.6.1.2. specific circumstances prevent the Component from gathering evidence sufficient to reach a determination as to the Report or allegations therein.

- 5.6.2. Any matter permissively dismissed by the Component may require transfer to an alternative disciplinary process. Prior to dismissal, the Title IX Coordinator must determine whether the allegations, if proved, mandate such a transfer.

- 5.7. Notice of Dismissal. Upon a dismissal required or permitted under this Policy, the Component must promptly send written notice of the dismissal and reason(s) therefor simultaneously to the Parties, including information regarding the procedures for appealing the dismissal.

6. Title IX Coordinator's Role during Pre-investigation of Sexual Misconduct.

- 6.1. Receipt of Allegation. Upon receipt of an allegation of Sexual Misconduct, the Title IX Coordinator shall:
- 6.1.1. promptly contact the Complainant to discuss the availability of Supportive Measures, Complainant's wishes with respect to Supportive Measures, and the availability of Supportive Measures with or without the filing of a Formal Complaint or Report;
 - 6.1.2. explain to the Complainant the process for filing a Formal Complaint or Report;
 - 6.1.3. provide an electronic and/or hard copy of this Policy which explains the process and rights of all Parties;
 - 6.1.4. request additional information regarding the reported incident;
 - 6.1.5. explain the investigatory process;
 - 6.1.6. explain the options for reporting to law enforcement authorities, whether on campus or local police;
 - 6.1.7. 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;
 - 6.1.8. discuss the Parties' consent to release and share documents and/or the need for non-disclosure agreements;
 - 6.1.9. determine whether the Complainant wishes to pursue informal resolution; and,
 - 6.1.10. refer the Complainant, as appropriate, to the counseling center or other resources, including but are not limited to, law enforcement, medical assistance, psychological counseling, victim advocacy resources, legal resources, student financial aid, alternative disciplinary processes, and visa and immigration assistance.

6.2. Complainant's Request Not to Investigate an Incident of Sexual

Misconduct. If the Complainant does not wish to have an incident of Sexual Misconduct investigated, the Title IX Coordinator shall discuss this request with Complainant before the Title IX Coordinator makes a decision on whether to proceed with the investigation.

- 6.2.1. In deciding whether to proceed with such an investigation, the Title IX Coordinator will make an individualized assessment, taking into account the Complainant's wishes not to proceed as well as other relevant factors including, but not limited to:
 - 6.2.1.1. the seriousness of the alleged conduct;
 - 6.2.1.2. whether violence or weapons were involved;
 - 6.2.1.3. the age of the victim;
 - 6.2.1.4. whether other Complaints or Reports have been made against the alleged Respondent; and,
 - 6.2.1.5. whether the alleged incident poses a risk of harm to others.
- 6.2.2. The Component may investigate the alleged incident of Sexual Misconduct in a manner that complies with the applicable confidentiality provisions in this Policy.
- 6.2.3. If a Component decides not to investigate, the Component shall take any steps it determines necessary to protect the health and safety of its community in relation to the alleged incident.
- 6.2.4. A Component shall inform a Complainant of its decision to either investigate or not investigate the allegations.

- 6.3. Non-Title IX Sexual Misconduct. Sexual Misconduct that does not meet the definition of Title IX Sexual Harassment shall be classified as Non-Title IX Sexual Misconduct. Non-Title IX Sexual Misconduct may be handled by the Title IX Coordinator's Office or an office or individual(s) the Component determines appropriate to address such Non-Title IX Sexual Misconduct.

7. Title IX Sexual Harassment Grievance Process

- 7.1. Filing a Formal Complaint. Incidents of Sexual Misconduct should be reported as per Section 4 of this Policy. A Formal Complaint may be filed with the Title IX Coordinator in person, by mail, or by electronic mail, by using the contact information for the Title IX Coordinator under this Policy and any additional method designated by the Component.
- 7.2. Cases Initiated by the Title IX Coordinator. If the Title IX Coordinator signs a Formal Complaint, the Title IX Coordinator is not a Complainant or otherwise a Party.
- 7.3. Notice of Allegations. In response to a Formal Complaint the Component must give written notice of the allegations to the Parties. This notice must include:
 - 7.3.1. notice of the Component's grievance process, including informal resolution;
 - 7.3.2. sufficient details of the allegations known at the time;
 - 7.3.3. identities of the Parties involved;
 - 7.3.4. the conduct allegedly constituting Title IX Sexual Harassment;
 - 7.3.5. the date and location of the alleged incident;
 - 7.3.6. a statement that the Respondent is presumed not responsible for the alleged conduct and that a determination regarding responsibility will be made at the conclusion of the grievance process;
 - 7.3.7. that the Parties may have an Advisor of their choice, who may be, but is not required to be, an attorney;
 - 7.3.8. that the Parties may inspect and review evidence gathered during the process;
 - 7.3.9. that knowingly making false statements or knowingly submitting false information during the grievance process is prohibited; and,
 - 7.3.10. the availability of Supportive Measures to the Complainant and Respondent.
- 7.4. Right to Advisor
 - 7.4.1. Each Party may be accompanied by an Advisor of their

choice to any related meeting, interview, or proceeding. The Advisor may be, but need not be, an attorney who may provide support, guidance, or advice to the Party. The Advisor may not otherwise directly participate in any meeting, interview, or proceeding except for the limited purpose of conducting cross-examination (as more fully explained in Section 7.11.3) at a live hearing, if any.

- 7.4.2. If a Party does not have an Advisor to conduct cross-examination at the live hearing, the Component will provide the Party with an Advisor, who need not be an attorney, for the limited purpose of conducting cross-examination at the live hearing.
- 7.4.3. Each Party's Advisor is requested to meet with the Title IX Coordinator to discuss hearing procedure and protocols prior to the live hearing, if any.
- 7.5. Informal Resolution. Informal Resolution of Formal Complaints shall be in accordance with Section 3.9 herein.
- 7.6. Consolidation of Complaints
 - 7.6.1. A Component may consolidate Formal Complaints as to allegations involving the same circumstances.
 - 7.6.2. A Component may consolidate Formal Complaints involving allegations against more than one Respondent, or by more than one Complainant against one or more Respondents, or by one Party against the other Party, where the allegations arise out of the same facts or circumstances.
- 7.7. Investigation
 - 7.7.1. Scheduling. An assigned Investigator will provide written notice to a Party whose participation is invited or expected, of the date, time, location, and purpose of all hearings, investigative interviews, or other meetings, with sufficient time for the Party to prepare to participate.
 - 7.7.2. Information Gathering. Investigator will gather and review information from Complainant, Respondent, and Witnesses. Investigator shall conduct a site inspection, if necessary, and obtain other information as appropriate.
 - 7.7.3. Equal Opportunity to Present Evidence and Witnesses. All

Parties will have equal opportunity to present fact and expert witnesses and other inculpatory and exculpatory evidence during the course of the investigation. A Component may not restrict the ability of either Party to discuss the allegations under investigation, or to gather and present relevant evidence.

- 7.7.4. Burden on the Component. The burden of proof and the burden of gathering evidence sufficient to reach a determination regarding responsibility rests on the Component and not on the Parties. However, a Component cannot access, consider, disclose, or otherwise use a Party's Confidential Treatment Records, unless that Party consents to such access.
- 7.7.5. Privileges. The process must not require, allow, rely upon, or otherwise use questions or evidence that constitute, or seek disclosure of, information protected under a legally recognized privilege, unless the person holding such privilege has waived the privilege.
- 7.7.6. Right to Inspect and Review Evidence Prior to Completion of the Investigation. Once the assigned Investigator concludes all fact finding and evidence gathering activities, each Party and their respective Advisors must have equal opportunity to inspect and review any evidence obtained as part of the investigation that is directly related to the allegations in the Formal Complaint, including the evidence upon which the Component does not intend to rely in reaching a determination regarding responsibility and inculpatory or exculpatory evidence whether obtained from a Party or other source, so that each Party can meaningfully respond to the evidence prior to the conclusion of the investigation.
 - 7.7.6.1. Each Party and their Advisor will be sent such evidence in electronic format or hard copy. Each Party will have ten (10) calendar days from the date they are notified to inspect, review, and respond to the evidence.
 - 7.7.6.2. The written response of each Party, if any,

must be considered by the Investigator prior to completion of the Investigative Report.

- 7.8. Investigative Report. Investigator will complete a written Investigative Report that includes summaries of interviews conducted; photographs, if any; documents and materials received; descriptions of relevant evidence; summaries of relevant electronic records; and a detailed report of the events related to the incident. When Investigator is not the Title IX Coordinator, the Investigative Report will be submitted to the Title IX Coordinator to ensure all elements of the investigation have been completed. The Title IX Coordinator will forward the Investigative Report to the Decision Maker.
- 7.9. Notice of Hearing. Upon completion of the Investigative Report, the Title IX Coordinator will send the Notice of Hearing and the Investigative Report to all Parties and their Advisors. The Notice of Hearing and Investigative Report will be sent no less than ten (10) calendar days prior to the scheduled hearing to allow all Parties an opportunity for response.¹
- 7.10. Pre-Hearing Instructions. The following items should be provided to the Decision Maker no later than three (3) calendar days prior to the date of hearing and apply equally to both Parties:
 - 7.10.1. any written response to the investigative Report;
 - 7.10.2. documents, or other evidence to be used at the hearing;
 - 7.10.3. the name of each witness who is to appear on that Party's behalf (witnesses not previously interviewed or identified may be allowed to testify only at the discretion of the Decision Maker); and,
 - 7.10.4. a list of initial questions and cross-examination questions for the opposing Party and any designated witness. Each Party, through their Advisor, will be permitted to conduct cross-examination even if written questions are not previously submitted by the Party.
- 7.11. Live Hearings. All investigations not dismissed pursuant to

¹*Component Charter Schools and the Sam Houston State University College of Osteopathic Medicine, Including SHSU Physicians.* Pursuant to 34 C.F.R. § 106.45(b)(6)(ii), a Formal Complaint filed (1) by or against a student of a Component charter (elementary and secondary) school, (2) by or against an employee or student of the Sam Houston State University College of Osteopathic Medicine, or (3) by or against an employee of SHSU Physicians will not utilize the live hearing process provided in this Policy. The Component Title IX Coordinator shall explain to the Parties and Advisors, if any, the process to be followed.

Section 5.4 shall have a live hearing. The following are the participants at a live hearing:

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

7.12. Availability of Investigative Evidence. The Component must make all

evidence subject to the Parties' inspection and review available at any hearing to give each Party equal opportunity to refer to such evidence during the hearing, including for purposes of cross-examination.

- 7.13. Documents. Each Party shall have the opportunity to present relevant documents to the Decision Maker for consideration at the hearing. Only documents and other evidence pre-submitted in accordance with Section 7.10 will be considered.
- 7.14. Witnesses. Each Party shall have the opportunity to present fact and/or expert witnesses to the Decision Maker for consideration at the hearing.
- 7.15. Determination of Relevance of Questions. Only relevant questions may be asked of a Party or witness during the hearing. Before a Party or witness answers a cross-examination or other question, the Decision Maker must first determine whether the question is relevant.
 - 7.15.1. Questions concerning a Party's prior sexual behavior are not relevant unless offered to prove that someone other than the Respondent committed the alleged misconduct or if the questions and evidence concern specific incidents of the Complainant's prior sexual behavior with respect to the Respondent and are offered to prove Consent.
 - 7.15.2. The Decision Maker will explain to the Party's Advisor why a question excluded is not relevant. The Decision Maker's relevancy decision is final and may only be challenged as a procedural defect on appeal, as provided in this Policy.
- 7.16. Live Cross-Examination (Directly, Orally, in real time). The cross-examination of a Party or witness must be conducted by the other Party's Advisor, orally, and in real time. A Party may not directly question the other Party or witness.
- 7.17. (Intentionally left blank.)
- 7.18. Alternative Hearing Locations. The hearing may be conducted with all Parties and witnesses physically present in the same geographic location or, at the Component's discretion, any or all Parties, witnesses, or other participants may appear at the hearing virtually. At the request of either Party, the Component shall provide for the entire hearing, including cross-examination, to occur with the Parties in separate rooms with technology that enables the Parties to see and

hear each other or the witness answering questions, at all times while the hearing is in session.

- 7.19. Recording of Hearing Proceedings. Component shall create an audio or audiovisual recording, or transcript, of any live hearing and make such recording or transcript available to the Parties for inspection and review.
- 7.20. Decision and Sanctions. Once the live hearing has concluded, the Decision Maker will issue a written determination, which shall be sent simultaneously to the Parties, along with information about how to appeal the determination. The contents of the decision will include:
- 7.20.1. identification of the allegations potentially constituting Title IX Sexual Harassment;
 - 7.20.2. a description of the procedural steps taken from the receipt of the Formal Complaint through the determination, including any notifications to the Parties, interviews with Parties and witnesses, site visits, methods used to gather other evidence, and hearings held;
 - 7.20.3. findings of fact supporting the determination;
 - 7.20.4. conclusions regarding the application of this Policy to the facts;
 - 7.20.5. a statement of, and rationale for, the result as to each allegation, including a determination regarding responsibility, any disciplinary sanctions the Component imposes on the Respondent, and whether remedies designed to restore or preserve equal access to the Component's Education Program or Activity will be provided by the Component to the Complainant;
 - 7.20.6. the Component's procedures and permissible bases for the Complainant and Respondent to appeal; and
 - 7.20.7. the identity and contact information of the appropriate Appellate Authority.
- 7.21. Appeals. Both Parties must be offered an appeal from a determination regarding responsibility, and from a dismissal of a Formal Complaint or any allegations therein.
- 7.21.1. Grounds for Appeal. The only grounds for appeal are:

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

- 7.22. Implementation of Sanction. No sanction shall be implemented until the appeal, if any, has been concluded, or until the time for either Party to submit an appeal has elapsed.
- 7.23. Implementation of Remedies. Upon the issuance of the written determination and the conclusion of any appeal, if the Decision Maker determines remedies will be provided, the Title IX Coordinator will communicate with Complainant separately to discuss what remedies are appropriate to restore or preserve the Complainant's equal access to the Component's Education Program or Activity.

8. Non-Title IX Grievance Process

- 8.1. Filing a Report. Incidents of Sexual Misconduct should be reported as per Section 4 of this Policy. Although the Component strongly encourages reporting Sexual Misconduct to the police, the Complainant may request administrative action by the Component with or without filing a police report.
- 8.2. Notice of Allegations. In response to a Report the Component must give written notice of the allegations to the Parties. This notice must include:
 - 8.2.1. notice of the Component's grievance process, including informal resolution;
 - 8.2.2. sufficient details of the allegations known at the time;
 - 8.2.3. identities of the Parties involved;
 - 8.2.4. the conduct allegedly constituting Non-Title IX Sexual Misconduct;
 - 8.2.5. the date and location of the alleged incident;
 - 8.2.6. that the Parties may have an Advisor of their choice, who may be, but is not required to be, an attorney (the Component is not required to appoint an Advisor);
 - 8.2.7. that the Parties may inspect and review evidence gathered during the process;
 - 8.2.8. that knowingly making false statements or knowingly submitting false information during the grievance process is prohibited; and,

- 8.2.9. the availability of Supportive Measures to the Complainant and Respondent.

8.3. Investigation

- 8.3.1. Scheduling. An assigned Investigator will provide written notice to a Party whose participation is invited or expected, of the date, time, location, and purpose of all hearings, investigative interviews, or other meetings, with sufficient time for the Party to prepare to participate.
- 8.3.2. Information Gathering. Investigator will gather and review information from Complainant, Respondent, and Witnesses. Investigator shall conduct a site inspection, if necessary, and obtain other information as appropriate.
- 8.3.3. Equal Opportunity to Present Evidence and Witnesses. All Parties will have equal opportunity to present fact and expert witnesses and other inculpatory and exculpatory evidence during the course of the investigation. A Component may not restrict the ability of either Party to discuss the allegations under investigation or to gather and present relevant evidence.
- 8.3.4. Burden on the Component. The burden of proof and the burden of gathering evidence sufficient to reach a determination regarding responsibility rests on the Component and not on the Parties. However, a Component cannot access, consider, disclose, or otherwise use a Party's Confidential Treatment Records, unless that Party consents to such access.
- 8.3.5. Privileges. The process must not require, allow, rely upon, or otherwise use questions or evidence that constitute, or seek disclosure of, information protected under a legally recognized privilege, unless the person holding such privilege has waived the privilege.
- 8.3.6. Right to Inspect and Review Evidence Prior to Completion of the Investigation. Once the assigned Investigator concludes all fact finding, and evidence gathering activities, each Party must have equal opportunity to inspect and review any evidence obtained as part of the investigation that is directly related to the allegations in the Report, including the evidence upon which the Component does not intend to rely in reaching a determination regarding

responsibility, and inculpatory or exculpatory evidence whether obtained from a Party or other source, so that each Party can meaningfully respond to the evidence prior to the conclusion of the investigation.

8.3.6.1. Each Party will have ten (10) calendar days to inspect, review, and respond to the evidence.

8.3.6.2. The written response of each Party, if any, must be considered by the Investigator prior to completion of the Investigative Report.

8.4. Investigative Report. The 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.

8.5. Title IX Coordinator Finding and Recommended Sanction.

8.5.1. The Title IX Coordinator will make a written Finding as to whether:

8.5.1.1. it is more likely than not that Respondent did not violate this Policy, or

8.5.1.2. it is more likely than not that Respondent violated this Policy, and the nature of the violation(s).

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

8.5.3. Communication of the Finding and Recommended Sanctions.

8.5.3.1. When there is a Finding of no violation of this Policy, the Title IX Coordinator will communicate the Finding in writing simultaneously to the Complainant and Respondent.

8.5.3.2. When there is a Finding that it is more likely

than not that Respondent violated this Policy, the Title IX Coordinator will communicate the Finding in writing to the Component Administrator with authority to determine and issue appropriate Sanctions.

- 8.5.3.3. 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.

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

- 8.7. Administrators Responsible for Imposing Sanctions

- 8.7.1. Student Respondent Sanctions. The Dean of Students will issue Sanctions for Students. When Respondent is both a Student and an Employee, the Title IX Coordinator will determine whether the Respondent's status is that of Student, staff, or faculty for disciplinary purposes. When Respondent's status is determined to be that of a Student employed by the Component, the Dean of Students will consult with the appropriate Human Resources authority prior to issuing Sanctions.
- 8.7.2. Staff Respondents. The Respondent's supervisor, or other authority within the Respondent's chain of command, will issue Sanctions in consultation with Human Resources.
- 8.7.3. Faculty Respondents. The Dean shall consult with the Department Chair as appropriate and issue Sanctions.

- 8.8. 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.

8.8.1. Students. Student Complainants or Respondents must submit a written request for a hearing to the Title IX Coordinator within seven (7) calendar days. Procedures for the hearing are outlined in the System Rules and Regulations, Chapter VI §§ 5.7-5.9, with exceptions as follows:

8.8.1.1. The Component Representative for hearings related to the Non-Title IX Sexual Misconduct shall be the Component's Title IX Coordinator;

8.8.1.2. The Title IX Coordinator is responsible for arranging the 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.

8.8.1.3. Each Party shall receive a copy of the written request for hearing and notice of the hearing, and has a right to be present.

8.8.1.3.1. Neither Party shall be compelled to attend any hearing. The hearing may be conducted with all Parties and witnesses physically present in the same geographic location or, at the Component's discretion, any or all Parties, witnesses, or other participants may appear at the hearing virtually.

8.8.1.3.2. At the request of either Party, the Component shall provide for the entire hearing to occur with the Parties in separate rooms with technology that enables the Parties to see and hear each other.

8.8.1.4. Complainant and Respondent may submit written questions for the other Party and any

witnesses to the Decision Maker. Such questions shall be submitted by the Parties in accordance with the deadline established. The Decision Maker will determine, and shall ask the questions relevant to the inquiry. Any individual participating as a Decision Maker may ask relevant questions of the Parties and/or witnesses. Relevant follow-up questions may be submitted to the Decision Maker during the hearing.

8.8.1.5. Hearing Decision. The Decision Maker may uphold, reject or modify the Finding(s) and Sanctions(s), or remand the matter to the Title IX Coordinator for further investigation and/or other action.

8.8.1.6. The Decision Maker shall issue a written, final Decision and shall provide a copy of the Decision to Complainant, Respondent, the Title IX Coordinator, and Dean of Students.

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

8.8.2.1. 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) calendar days of receipt of the Finding or Sanction.

8.8.2.2. The Chief Human Resources Officer shall provide a copy of the materials submitted to the other Party, the Title IX Coordinator, and the Decision Maker within five (5) calendar days of receipt.

8.8.2.3. A Party who has not requested review, including the Component, may, but is not required to, submit a written response to the Decision Maker within five (5) calendar days of

- receiving the materials.
- 8.8.2.4. The Decision Maker may uphold, reject, modify, or remand the Decision. The Decision is final.
- 8.8.2.5. The Decision Maker will inform Complainant, Respondent, Title IX Coordinator, appropriate supervisor, and appropriate Campus Administrator of the Decision in writing.
- 8.8.3. 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 hearing.
- 8.8.3.1. No later than thirty (30) calendar days after the faculty member receives notice of the Finding and/or Sanction, he or she may request review from the President by submission of the grievance form prescribed by the Component together with any supporting materials.
- 8.8.3.2. The Component President shall designate a Hearing Officer to review.
- 8.8.3.3. The Hearing Officer shall provide a copy of the materials submitted to the other Party and the Title IX Coordinator within five (5) calendar days of appointment.
- 8.8.3.4. The Hearing Officer will meet with the faculty member at a mutually convenient time to review the dispute.
- 8.8.3.5. The Hearing Officer may secure any information the officer determines necessary to review the dispute.
- 8.8.3.6. 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.

- 8.8.3.7. 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.

- 8.8.4. Faculty 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 hearing. Hearing procedures are outlined in the System Rules and Regulations, Chapter V, § 4.54 with the following exceptions:

- 8.8.4.1. The role of the Decision Maker is to review the investigation and the appropriateness of the Sanction for significant procedural errors or omissions;
- 8.8.4.2. 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.
- 8.8.4.3. Within five (5) calendar 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.
- 8.8.4.4. 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.

- 8.8.4.5. Complainant and Respondent may submit written questions for the other Party and any witnesses to the Decision Maker. Such questions shall be submitted by the Parties in accordance with the deadline established by the Decision Maker. The Decision Maker will determine, and shall ask, the questions relevant to the inquiry. Any individual participating as a Decision Maker may ask relevant questions of the Parties and/or witnesses. Relevant follow-up questions may be submitted to the Decision Maker during the hearing.
- 8.8.4.6. Complainant, Respondent, or Component may be assisted or represented by counsel.
- 8.8.4.7. The Decision Maker shall issue a written 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) calendar days of the hearing.
- 8.8.4.8. 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).
- 8.8.4.9. The President shall issue a written, final Decision and shall provide a copy of the Decision to the Required Parties.

- 8.8.5. Other Faculty Disputes. All other disputes of the Finding

and/or Sanction against faculty shall follow the procedures for Staff stated herein.

- 8.8.6. Third Parties. Third Party Complainants or Respondents have no right to dispute or appeal Findings or Sanctions.
- 8.8.7. Implementation of Sanction. No sanction shall be implemented until the appeal, if any, has been concluded, or until the time for either Party to submit an appeal has elapsed, unless, in the discretion of the Campus Administrator imposing the Sanction, good cause exists to implement the Sanction.
- 8.8.8. Implementation of Remedies. Upon the issuance of the written determination, if the Decision Maker determines remedies will be provided, the Title IX Coordinator will communicate with Complainant separately to discuss what remedies are appropriate to restore or preserve the Complainant's equal access to the Component's Education Program or Activity.

9. Appeal of Non-Title IX Grievance Outcome

- 9.1. Right to Appeal. If a student or faculty member Complainant or Respondent is dissatisfied with the determination of a hearing, either Party may appeal.
- 9.2. Grounds for Appeal. Grounds for appeal are limited to the following:
 - 9.2.1. Procedural irregularity that affected the outcome of the matter;
 - 9.2.2. New evidence that was not reasonably available at the time the determination regarding responsibility or dismissal was made and that could affect the outcome of the matter;
 - 9.2.3. The Title IX Coordinator, Investigator, or Decision Maker had a conflict of interest or bias for or against Complainants or Respondents generally or the individual Complainant or Respondent, that affected the outcome of the matter;
 - 9.2.4. The Sanction is substantially disproportionate to the written decision.

9.3. Procedure for Student Appeals.

- 9.3.1. 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 (Appellate Authority), within five (5) calendar days of the hearing Decision.
- 9.3.2. The Appellate Authority shall provide a copy of the appeal submission(s) to the other Party and the Title IX Coordinator within three (3) calendar days of receipt.
- 9.3.3. 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) calendar days of receipt. The Appellate Authority shall provide a copy of the response, if any, to the other Party and the Title IX Coordinator within three (3) calendar days of receipt.
- 9.3.4. The Appellate Authority may approve, reject, modify, or remand the Decision. The Appellate Authority shall issue a written Decision and shall provide a copy to Complainant, Respondent, Title IX Coordinator, and Dean of Students. The Appellate Authority's Decision is final.

9.4. Procedure for Faculty Appeals. Appeals of faculty hearings are governed by *System Rules and Regulations, Chapter V. § 4.56* with exceptions as follows:

- 9.4.1. A faculty member must submit a written appeal stating grounds with any supporting documentation to the System Administration Office within thirty (30) calendar days of receipt of the President's decision.
- 9.4.2. 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.
- 9.4.3. The President may submit a written response to the appeal within thirty (30) calendar days of receipt of the appeal from the System Office.
- 9.4.4. The TSUS 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.

- 9.5. Modification of Deadlines. The Appellate Authority 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.

10. Administrative Requirements

- 10.1. Component Website Requirements. A Component shall create and maintain a web page dedicated solely to this Policy.
- 10.1.1. The web page shall be easily accessible through a clearly identifiable link on the Component's internet website home page.
- 10.1.2. The Component's internet website home page shall contain a clearly identifiable link to enable an individual to make an anonymous Report of an incident of Sexual Misconduct.
- 10.2. Comprehensive Prevention & Outreach Program. Components shall distribute the sexual misconduct policy to all students, faculty and staff annually. Each Component shall develop and implement a comprehensive prevention and outreach program on Sexual Misconduct. The comprehensive prevention and outreach program must address a range of strategies to prevent Sexual Misconduct. 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.
- 10.2.1. Primary Prevention Training. 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.
- 10.2.1.1. The Component training will be based upon research and will be assessed periodically for effectiveness.
- 10.2.1.2. Specifically, training will include:
- 10.2.1.2.1. definitions of Sexual Misconduct

- offenses which are prohibited by the Component, as defined by applicable law;
- 10.2.1.2.2. definition of consent as defined by Texas law;
- 10.2.1.2.3. awareness and prevention of rape, acquaintance Rape, Sexual Harassment, Domestic Violence, Dating Violence, Sexual Assault, and Stalking;
- 10.2.1.2.4. risk reduction, such as recognition of warning signs of possible Sexual Misconduct, situational awareness, and safety planning;
- 10.2.1.2.5. 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);
- 10.2.1.2.6. options for reporting Sexual Misconduct and the confidentiality that may attach to such reporting;
- 10.2.1.2.7. the grievance process for Sexual Misconduct, as described in this Policy;
- 10.2.1.2.8. procedures for accessing possible Sanctions for Sexual Misconduct,

- as described in this Policy;
- 10.2.1.2.9. campus and community resources available to Complainants or Respondents;
- 10.2.1.2.10. interim safety measures available for Complainants; and,
- 10.2.1.2.11. descriptions of additional and ongoing Sexual Misconduct prevention and awareness campaigns and training.
- 10.2.1.3. Each entering freshman and undergraduate transfer Student, and New Employees shall attend an orientation regarding Sexual Misconduct and the Sexual Misconduct Policy during the first semester or term of enrollment or employment. The Component shall establish the format and content of the orientation, which may be provided online. The orientation must include the name, office location, and contact information of the Component's Title IX Coordinator. The orientation must contain a statement regarding:
 - 10.2.1.3.1. the importance of a victim of Sexual Harassment, Sexual Assault, Dating Violence, or Stalking going to a hospital for treatment and preservation of evidence, if applicable, as soon as practicable after the incident;
 - 10.2.1.3.2. the right of a victim of Sexual Harassment, Sexual Assault, Dating Violence, or Stalking to report the incident to the Component and to receive a prompt and equitable resolution of the Report; and,
 - 10.2.1.3.3. the right of a victim of a crime to

choose whether to report the crime to law enforcement, to be assisted by the institution in reporting the crime to law enforcement, or to decline to report the crime to law enforcement.

10.2.2. Ongoing Sexual Misconduct Education. The Component's commitment to raising awareness of the dangers of Sexual Misconduct shall include ongoing education.

10.2.2.1. Ongoing education must include:

10.2.2.1.1. the same information as the primary training;

10.2.2.1.2. the name, office location and contact information of the Component's Title IX Coordinator, provided to Students by email at the beginning of each semester;

10.2.2.1.3. include a public awareness campaign; and,

10.2.2.1.4. include a victim empowerment program.

10.2.2.2. Ongoing education may include, but is not limited to:

10.2.2.2.1. annual training, lectures by faculty, staff, mental health professionals, and/or trained non-Component personnel;

10.2.2.2.2. dissemination of informational materials regarding the awareness and prevention of Sexual Misconduct; and,

10.2.2.2.3. event programming, both campus-wide, and coordinated with and delivered to individual groups on

campus.

- 10.2.3. Training of Title IX Personnel. Title IX personnel includes Title IX Coordinators, Deputy Coordinators, investigators, Decision Makers, and facilitators of informal resolution processes.
- 10.2.3.1. All Title IX personnel shall receive training each academic year including:
- 10.2.3.1.1. knowledge of offenses, including specific definitions of Sexual Misconduct offenses which are prohibited by the Component as defined by applicable law;
 - 10.2.3.1.2. the scope of the Component's Education Programs and Activities, in order to identify situations that require a response under Title IX; and,
 - 10.2.3.1.3. investigatory procedures, due process, and Component Policy and procedures related to Sexual Misconduct.
- 10.2.3.2. All Title IX personnel shall receive training in the following areas:
- 10.2.3.2.1. how to conduct an investigation and grievance process, including hearings, appeals, and informal resolution processes; and,
 - 10.2.3.2.2. how to serve impartially, including avoiding prejudgment of the facts at issue, conflicts of interest, and bias.
- 10.2.3.3. Investigators shall receive training on issues of relevance to create an investigative Report that fairly summarizes relevant evidence.
- 10.2.3.4. Decision Makers shall receive the following training:

- 10.2.3.4.1. the use of technology to be used in a live hearing, to be received prior to that hearing; and,
 - 10.2.3.4.2. issues of relevance of questions and evidence, including when questions and evidence about the Complainant's sexual predisposition or prior sexual behavior are not relevant.
 - 10.2.3.5. Materials used in training of Title IX Personnel must not rely on sex stereotypes and must promote impartial investigations and adjudications of Formal Complaints of sexual harassment.
- 10.2.4. 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.
- 10.2.5. Posting of Training Materials. All materials used to train Title IX personnel as described in Section 10.2.3 must be made publicly available on the Component's website. This requirement applies regardless of whether materials were created by or procured by the Component.
- 10.2.6. 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:
 - 10.2.6.1. local law enforcement agencies;
 - 10.2.6.2. sexual harassment, Sexual Assault, Dating Violence, or Stalking advocacy groups; and,
 - 10.2.6.3. hospitals or other medical resource providers.
- 10.3. Requirements of the Title IX Coordinator's Quarterly Report, as Prescribed by Statute
 - 10.3.1. The Title IX Coordinator of each Component, shall, once every three months, submit a written report of sexual

misconduct allegations received by Responsible Employees to the Component's President containing the following information:

- 10.3.1.1. the number of reports of Sexual Harassment, Sexual Assault, Dating Violence and Stalking during the reporting period;
 - 10.3.1.2. the number of investigations conducted during the reporting period;
 - 10.3.1.3. the final dispositions occurring during the reporting period; and,
 - 10.3.1.4. the number of reports for which the Component determined not to initiate a disciplinary process during the reporting period.
- 10.3.2. The Title IX Coordinator 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.
- 10.4. Requirements of the Component President's Annual Report, as Prescribed by Statute
- 10.4.1. The President of each Component shall, once each academic year in either the fall or spring semester, submit a report of Sexual Misconduct allegations received by the Component to the TSUS Board of Regents containing the following information:
- 10.4.1.1. the number of reports received of sexual harassment, Sexual Assault, Dating Violence and Stalking during the reporting period;
 - 10.4.1.2. the number of investigations conducted during the reporting period;
 - 10.4.1.3. the final dispositions occurring during the reporting period;
 - 10.4.1.4. the number of reports for which the Component determined not to initiate a disciplinary process

- during the reporting period; and,
- 10.4.1.5. 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.
 - 10.4.2. The report to the TSUS Board of Regents may not identify any person, and a copy of such report must be submitted to the Chancellor and the Vice Chancellor and General Counsel.
 - 10.4.3. A President is not required to submit a report to the TSUS 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.
 - 10.4.4. The President's report to the TSUS Board of Regents shall be posted on the Component's internet website.
 - 10.4.5. 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. The President shall send a copy of the letter certifying substantial compliance to the Chancellor and the Vice-Chancellor and General Counsel.
- 10.5. Recordkeeping.
- 10.5.1. A Component shall retain for seven years, unless a longer retention period is required by law or record retention schedule, the records of Sexual Misconduct allegations, investigations, hearings, appeals, and all related matters, including the following:
 - 10.5.1.1. the responsibility determination;
 - 10.5.1.2. any audio or audiovisual recording or transcript of any live hearing;
 - 10.5.1.3. the disciplinary sanctions imposed on the Respondent, if any;
 - 10.5.1.4. the remedies provided to the Complainant, if

- any;
 - 10.5.1.5. the appeal and its result, if any;
 - 10.5.1.6. the informal resolution and its results, if any; and,
 - 10.5.1.7. the materials used to train Title IX Coordinators, Investigators, Decision Makers, and any person who facilitates informal resolutions.
- 10.5.2. A Component shall create and retain for seven years, unless a longer retention period is required by law or record retention schedule, the actions, including Supportive Measures, taken in response to a Report or Formal Complaint of sexual harassment. A Component shall document:
- 10.5.2.1. the reasons for its conclusions;
 - 10.5.2.2. if Supportive Measures were not provided, the reasons the Component did not provide Supportive Measures, which are not clearly unreasonable in light of the known circumstances; and,
 - 10.5.2.3. that it has taken measures designed to restore or preserve equal access to the Component's Education Program or Activity.

Glossary

Actual Knowledge, in the context of Title IX Sexual Harassment, means notice of Sexual Harassment or allegations of Sexual Harassment to a Component's Title IX Coordinator or any official of the Component who has authority to institute corrective measures on behalf of the Component ("Official with Authority"). Imputation of knowledge based solely on vicarious liability or constructive notice is insufficient to constitute actual knowledge. This standard is not met when the only official of the Component with actual knowledge is the Respondent. The mere ability or obligation to report Sexual Harassment or to inform a Student about how to report Sexual Harassment or having been trained to do so, does not qualify an individual as one who has authority to institute corrective measures on behalf of the Component.

Advisor refers to the person who may accompany the Party to any and all meetings, hearings, or proceedings and provides support, guidance, or advice to the Party. The Advisor may not directly participate in any meeting, hearing, or proceeding, except for the limited purpose of conducting oral cross-examination during a live hearing in a Title IX Sexual Harassment matter. The Advisor may not conduct oral cross-examination during a hearing in a Non-Title IX Sexual Misconduct matter.

Appellate Authority means an individual(s) appointed or authorized by the Component to hear appeals.

Campus Administrator refers to the person(s) authorized by the Component to perform the function(s) as designated in this Policy

Campus Security Authorities (CSA) refers to those individuals designated by the Component, including but not limited to, University Police and officials who have significant responsibility for student and campus activities, who are responsible for accurately reporting crime information for purposes of the Clery Act.

Complaint refers to Formal Complaint as defined herein.

Complainant means an individual who is alleged to be the victim of Sexual Misconduct, and shall be referred to herein as either Complainant or victim. These terms may be used interchangeably throughout this Policy. For Title IX Sexual Harassment complaints, the Complainant must be participating in or attempting to participate in the Component's Education Program or Activity at the time of the alleged incident.

Component refers to all member institutions of the Texas State University System, including the System Administration Office, Lamar University, Lamar Institute of Technology, Lamar State College Orange, Lamar State College Port Arthur, Sam Houston State University, Sul Ross State University, and Texas State University.

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 Employee refers to a person designated by the Component to whom students enrolled at the institution may speak confidentially concerning incidents of Sexual Misconduct. The term 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 includes confidentiality requirements under Texas law.

Confidential Treatment Records means records that are made or maintained by a physician, psychiatrist, psychologist, or other recognized professional or paraprofessional acting in the professional or paraprofessional's capacity, or assisting in that capacity, and which are made and maintained in connection with the provision of treatment to the Party, unless the Component obtains that Party's voluntary, written consent to do so for a grievance process under this Policy. If the Party is not legally able to give written consent due to minority, then a parent or legal guardian must provide written consent for the Party.

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) being intoxicated or under the influence of alcohol, drugs, or any other substance is never an excuse for engaging in Sexual Misconduct.

Cyberstalking involves using electronic means, including the Internet, for purposes of a sexual nature, to stalk or harass a person or group of people.

In Texas, "**cyberbullying**" is defined as a person using any electronic communication device to engage in bullying or intimidation. So, this form of bullying falls under the broader **bullying law**. Relevant communications include, for example, statements made through social media and text messages. (Texas Educational Code § 37.218.)

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 based on a consideration of the following factors: (a) the length of the relationship; (b) the type of relationship; (c) the frequency of interaction between the persons involved in the relationship. (20 U.S.C. §1092) and 34 CFR 668.46 (j)(1)(i)(B)

Decision Maker means the person or people who makes the determination regarding responsibility or dismissal of an allegation of Sexual Misconduct and the person or people who makes the determination if the responsibility determination or dismissal is appealed. The Appellate Authority may not also serve as the Decision Maker in the same or affiliated grievance.

Dean of Students includes the Student Affairs Office, the Student Services Office, the Dean of Student Life, or the equivalent personnel.

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.

Education Program or Activity means all the operations of a Component on or off campus, including any building owned or controlled by a student organization that is officially recognized by the Component. Education Program or Activity also includes employment with the Component.

Employee refers to both faculty and staff.

Finding means the written decision made by the Title IX Coordinator or Decision Maker, per the applicable grievance process.

Fondling means 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 their age or because of their temporary or permanent mental incapacity.

Formal Complaint means a document filed by a Complainant or signed by the Title IX Coordinator alleging Title IX Sexual Harassment against a Respondent and requesting that the Component investigate the allegation of Sexual Harassment.

The phrase “document filed by a Complainant” means a document or electronic submission (such as by electronic mail or through an online portal provided for this purpose by the Component) that contains the Complainant’s physical or digital signature, or otherwise indicates that the Complainant is the person filing the Formal Complaint.

Incest means sexual intercourse between persons who are related to each other within the degrees wherein marriage is prohibited by law.

Informal Resolution means the process utilized by a Component to resolve Formal Complaints or Reports as an alternative to the investigation and adjudication procedures stated in this Policy. Informal Resolution may include but is not limited to mediation.

Informal Resolution Facilitator means the person who assists and guides the Parties toward their own resolution. The **Informal Resolution Facilitator** does not decide the outcome.

Investigator refers to the person who conducts the Sexual Misconduct investigation.

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 their latest date of hire with the Component.

Non-Title IX Sexual Misconduct refers to Sexual Misconduct that does not meet the definition of Title IX Sexual Harassment in this Policy.

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

Official with Authority refers to the Title IX Coordinator or any official, as determined by the Component, who has authority to institute corrective measures on behalf of the Component.

Parties means 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 Sexual Misconduct is more likely to have occurred than not.

Rape means 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. See also definition of Sexual Assault herein.

Report refers to a report of Sexual Misconduct that is not Title IX Sexual Harassment.

Respondent refers to the person accused of Sexual Misconduct.

Responsible Employee refers to a Component Employee engaged in the course and scope of their employment, including campus police or security. All Employees are Responsible Employees except Confidential Employees. Responsible Employees include all administrators, faculty, staff, residence life directors and Advisors, and graduate teaching assistants.

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 Formal

Complaint of Sexual Misconduct, including, but not limited to direct and indirect intimidation, threats, and harassment. Intimidation, threats, coercion, or discrimination, including charges against an individual for code of conduct violations that do not involve Sexual Misconduct, but arise out of the same facts or circumstances as a Formal Complaint or Report of Sexual Misconduct, for the purpose of interfering with any right or privilege secured by Title IX or this Policy, constitutes retaliation.

Sex Discrimination also referred to herein as sexual discrimination involves treating a person unfavorably because of that person's sex.

Sex Offenses include 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 is defined as forcible or nonforcible sex offenses under the FBI's Uniform Crime Reporting (U.C.R) program [20 U.S.C. 1092 (f)(6)(A)(v)], which includes these two offense categories:

(i) **Sex Offenses, Forcible:** Any sexual act directed against another person, without the consent of the victim including instances where the victim is incapable of giving consent

(a) **Forcible Rape:** (Except Statutory Rape) The carnal knowledge of a person, forcibly and/or against that person's will or not forcibly or against the person's will in instances where the victim is incapable of giving consent because of his/her temporary or permanent mental or physical incapacity.

(b) **Forcible Sodomy:** Oral or anal sexual intercourse with another person, forcibly and/or against that person's will or not forcibly or against the person's will in instances where the victim is incapable of giving consent because of his/her youth or because of his/her temporary or permanent mental or physical incapacity.

(c) **Sexual Assault with an Object:** To use an object or instrument to unlawfully penetrate, however slightly, the genital or anal opening of the body of another person, forcibly and/or against that person's will or not forcibly or against the person's will in instances where the victim is incapable of giving consent because of his/her youth or

because of his/her temporary or permanent mental or physical incapacity.

(d) **Forcible Fondling:** The touching of the private body parts of another person for the purpose of sexual gratification, forcibly and/or against that person's will or not forcibly or against the person's will in instances where the victim is incapable of giving consent because of his/her youth or because of his/her temporary or permanent mental or physical incapacity.

(ii) **Sex Offenses, Nonforcible: (Except Prostitution Offenses) Unlawful, nonforcible sexual intercourse.**

(a) **Incest:** Nonforcible sexual intercourse between persons who are related to each other within the degrees wherein marriage is prohibited by law.

(b) **Statutory Rape:** Nonforcible sexual intercourse with a person who is under the statutory age of consent.

Examples of sexual assault include, but are not limited to, the following nonconsensual 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.

See also definition of Sexual Assault pursuant to Texas Penal Code §22.011.

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:

Title IX Sexual Harassment refers to Sexual Misconduct that meets one or more of these three types of behavior:

- (i) A Component's Employee conditioning provision of an aid, benefit or service of the Component on an individual's participation in unwelcome sexual conduct ("quid pro quo" harassment which may be express or implied and need not be "severe" or "pervasive" as a single incident is inherently "offensive" and jeopardizes equal educational access;
- (ii) Unwelcome conduct determined by a reasonable person to be so severe, pervasive and objectively offensive that it effectively denies a person equal access to the Component's Education Program or Activity, or
- (iii) "Sexual Assault," "Dating Violence," "Domestic Violence" or "Stalking" as defined in referenced statutes.

Sexual Harassment under other applicable state and federal law means unwelcomed 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 the student's ability to participate in or benefit from Education Programs or Activities at a post-secondary educational institution.

Sexual Intimidation includes but is not limited to: 1) threatening another with a non-consensual sex act; 2) Stalking or Cyber-stalking of a sexual nature as defined in Texas Penal Code 42.072; 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. This term also includes Title IX Sexual Harassment.

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 is defined as engaging in a course of conduct directed at a specific person that would cause a reasonable person to (a) fear for his or her safety or the safety of others; or (b) suffer substantial emotional distress. [34 U.S.C. 12291 (a)(30) and Texas Penal Code Section 42.072.]

Statutory Rape means sexual intercourse with a person who is under the statutory age of Consent.

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

Supportive Measures include:

- Non-disciplinary, non-punitive individualized services offered as appropriate, as reasonably available, and without fee or charge to the Complainant or the Respondent before or after the filing of a Formal

Complaint or Report or where no Formal Complaint or Report has been filed. Such measures are designed to restore or preserve equal access to the Component's Education Program or Activity without unreasonably burdening the other Party.

- Immediate and appropriate corrective action, including measures designed to protect the safety of all Parties or the Component's educational environment, or deter Sexual Harassment. See Section 3 of this Policy.

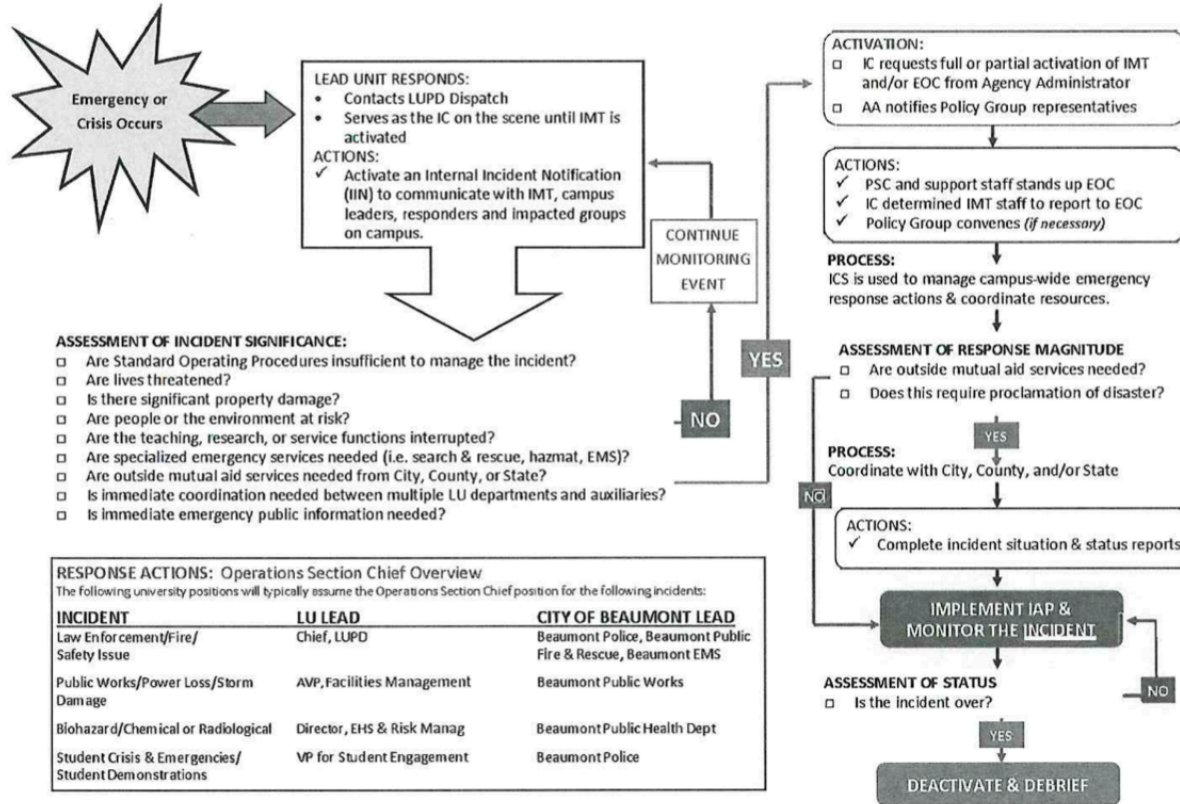
Third Party refers to any person who is not a current Student or Employee of the Component, including but not limited to vendors and invited and uninvited visitors.

Third-Party Reporting refers to the submission of a Formal Complaint or Report 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. Throughout this Policy, the use of the term "Title IX Coordinator" includes such designees.

Title IX Sexual Harassment. See "Sexual Harassment" in this Glossary.

B. Lamar University Emergency Response Protocols – Figures 4.1 & 4.2



EOC	Type	Definition	Action
ON-STANDBY	5	<ul style="list-style-type: none"> Emergency incident that the lead responding department's Standard Operating Procedure (SOP) can handle and will be resolved within one operational period. While there may be some damage and/or interruption, the conditions are localized and the Incident Management Team (IMT)/EOC does not need to be activated. 	<ul style="list-style-type: none"> The onsite lead dept/unit handles the situation following the lead unit's SOP. The lead unit responding to an incident designates an Incident Commander (IC). If a situation requires additional resources, the IC contacts Director EHS & Risk Management to help monitor the situation and to provide additional guidance. The IC may choose to open a Command Post. If the incident has the potential to grow, the IC will notify Director EHS & Risk Management. The LU-EOC is placed on stand-by mode and the VECC (Virtual Emergency Communication Center) may be activated for communication, coordination and documentation.
	4	<ul style="list-style-type: none"> Several resources are required to mitigate the incident. Incident limited to one operational period. 	<ul style="list-style-type: none"> IMT Command and General Staff functions activated only if needed. No written IAP is required but a documented operational briefing will be completed for all incoming resources.
PARTIAL/FULL ACTIVATION	3	<ul style="list-style-type: none"> The emergency incident is severe and causes damage and/or interruption to Lamar University operations. Coordination of resources and campus services is needed to respond effectively. Lamar University may be the only affected entity. Incident may extend into multiple operational periods. 	<ul style="list-style-type: none"> The IC contacts the Director EHS & Risk Management for the determination of whether to activate the LU-EOC and VECC, the IMT, and the Policy Group. The Director EHS & Risk Management confers with ICS IC on whether to maintain the on-scene IC or ICS is activated. The Deputy IC sets up the EOC and VECC, and calls on support staff for assistance. If activated, the Policy Group representatives convene at the Reaud Building. IC, in communication with the Deputy IC, determines whether necessary staff needs to report to the Incident Command Post (ICP) or EOC. Some operations and classes may be suspended. Unified Command with City of Beaumont and/or Jefferson County personnel may be implemented.
	2	<ul style="list-style-type: none"> Incident extends beyond the University's capabilities. Incident extends into multiple operational periods. 	<ul style="list-style-type: none"> IMT is fully activated. A written IAP is required for each operational period. The EOP and EOC are fully activated. Normal university operations may be suspended. Staff vacations and planned leaves may be terminated. The EOC coordinates efforts with the City, County, or State as needed. Unified Command is typically used to manage incident response.
FULL ACTIVATION	1	<ul style="list-style-type: none"> The emergency situation is a disaster condition, regionally or statewide, and LU must fully activate the EOC and VECC to address an immediate emergency response. Emergency conditions are widespread and LU must be self-sufficient for a period up to 72 hours. LU may request mutual assistance from the City of Beaumont, Jefferson County, and/or State agencies. 	<ul style="list-style-type: none"> Unified Command will be used to manage incident response. A written IAP is required for each operational period. LU Liaison Officer may be sent to the City or County EOC. LU may request assistance from an external incident management team to assist in managing the incident.

Lamar University – Beaumont

