

THE LAMAR UNIVERSITY ANNUAL SECURITY & FIRE SAFETY REPORT

This annual security and fire safety report contains statistical information for calendar years 2022, 2023, and 2024.



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 information about security-related services offered by the university in accordance with the Jeanne Clery Disclosure of Campus Security Policy and Campus Crime Statistics Act. This report was created using information supplied to the Lamar University Police Department (LUPD) by the Beaumont Police Department and the Lamar University Division of Student Affairs. It outlines university programs, policies, and procedures designed to enhance your personal safety during your time at Lamar. For statistical purposes, crime data reported to any of these sources are recorded in the calendar year in which the crime was reported. A written request for statistical information is issued annually to all Campus Security Authorities (as defined by federal law) and to all University Deans, Directors, and Department Heads.

All the statistics are collected, compiled, and shared with the Lamar University community through this report, issued by the Lamar University Police Department. LUPD submits the annual crime statistics found in this brochure to the Department of Education (ED). The statistical data collected by the Department of Education is accessible to the public on the ED website.

The common crimes, service requests, and safety measures for the Lamar community around the clock are similar to those of a city. We take campus security very seriously and are dedicated to creating a safe, protected environment for our students, faculty, staff, and visitors. Your personal safety is a top priority at Lamar. Keeping the campus safe requires a strong partnership among Lamar University faculty, staff, students, neighboring community members, and the Lamar University Police Department. Security is everyone's responsibility. We appreciate your cooperation and help in making Lamar a safe place to live, work, and learn.

University Police Department

The Lamar University Police Department operates under Operations and plays a key role in maintaining a safe community in the south end of Beaumont. As one of Southeast Texas' larger law enforcement agencies, it provides comprehensive law enforcement and security services to all parts of Lamar University and much of the surrounding neighborhood. The patrol jurisdiction of security officers is limited to 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 arrive but do not have the authority to arrest. They have the power to enforce University policies and have jurisdiction to operate on LU-owned or controlled property.

Lamar University Police Department officers are commissioned as peace officers under Texas Education Code 51.203 and are certified police officers according to the requirements of the Texas Commission on Law Enforcement. Officers are sworn in with full arrest powers and are required 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. Additionally, all officers are required to attend annual in-service and on-the-job training. Full-time police officers, security officers, and campus safety officers are assigned regular shifts across campus and in Cardinal Village. Moreover, security cameras strategically located across campus are monitored and recorded by the University Police Department 24 hours a day.

The Lamar University Police Department maintains a strong collaborative relationship with state and local law enforcement 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 does not operate any off-campus housing or officially recognized off-campus student organizations; however, many graduate students and some undergraduate students live in neighborhoods surrounding Lamar. Although the Beaumont Police Department has primary jurisdiction in areas off campus, Lamar University police officers can and do respond to incidents 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 related to, the institution's educational purposes, including residence halls; and any building or property that is within or reasonably contiguous to the aforementioned area, owned by the institution but controlled by another person, frequently used by students, and supporting institutional purposes (such as a food or retail vendor).

On-Campus Residence Halls. Any student housing facility that is owned, controlled, or rented by the institution, or is located on property owned or controlled by the institution and 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 located within a reasonably contiguous geographic area of the institution.

Adjacent Public Property. All public property, including thoroughfares, streets, sidewalks, and parking facilities, located within the campus or immediately next to and accessible from the campus.

CRIME REPORTING POLICY

Lamar University policy requires all employees identified as a "Campus Security Authority" to immediately report any crimes or reports of criminal activity they learn about to the Lamar University Police Department. This includes all faculty, administrators, managers, supervisors, Police Department employees, and staff who have significant contact with students—such as through student activities, discipline, housing, student life, and intercollegiate athletics. Licensed mental health, pastoral, or other professional staff bound by client privileges when working in that capacity are exempt from this policy. The University allows anonymous crime reports, and all reports will be investigated and could become 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 may change and is not meant to be complete due to shifts in responsibilities within the university. The statistical data in this report has been gathered from campus security authorities, local police, and others regarding crime and criminal activity. Information is provided daily, and the statistics are compiled yearly and published as a report. Students and others are encouraged to report crimes immediately to the Lamar University Police Department or to appropriate University staff. Your prompt reporting of criminal activity is crucial for the University to take effective action to prevent crime and issue timely warnings about potential dangers to the community.

IMPORTANT REPORTING INFORMATION

All members of the LU community and visitors are encouraged to report potential criminal activity, suspicious behavior, and emergencies promptly and accurately to the Lamar University Police Department by calling 409-880-7777. This includes incidents on campus, on public property near or through the campus, or on other property owned or controlled by Lamar University.

For emergencies from an on-campus phone, contact LUPD by calling 8311 or 911. For off-campus emergencies, dial 409-880-8311 or 911. During a campus power outage when phones or electricity are unavailable, call 409-838-7023 or 409-838-7024 to reach the police dispatcher. For non-emergency calls on campus, contact Dispatch at 7777, 8307, or TDD Phone 7305. The University Police operate 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 can be made at the CICE Building, 5091 Rolfe Christopher, on the Lamar campus between 8 AM and 5 PM. Anonymous reports can be submitted through the Title IX web page accessed from [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 to include them in the annual statistical reports and to evaluate the need for issuing a Timely Warning Notice. Designated CSAs can also receive information related to crimes on campus and are expected to report it promptly to the appropriate authorities.

Lamar University encourages the accurate and prompt reporting of all crimes to the Lamar University PD and/or appropriate police agencies when the victim chooses 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 further investigation, depending on the nature and severity of the offense. Individuals reporting an alleged crime should try to preserve evidence that could prove the crime was committed. All criminal incidents are investigated by LUPD. LUPD responses include, but are not limited to:

Immediate response to emergencies involves dispatching one or more officers. Victims are asked to report to LUPD to file an incident report. Reports are investigated following LUPD procedures. Arrests and charges are made based on the circumstances of the incident. Alleged offenders are referred to appropriate campus agencies, such as the Director of Student Conduct, for potential action. LUPD investigators will conduct investigations whenever appropriate, and any additional information gathered will be forwarded to the Director of Student Conduct. If necessary, LUPD will contact the Beaumont Police Department or the Beaumont Fire Department. In cases of sexual assault or rape, staff on scene, including LUPD, will offer the victim various services. All reported

¹ <http://www.lamar.edu/>

crimes are investigated by the University and may become public records. The University will issue timely warnings about crimes that threaten the campus community. Confidential reports can 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 8 AM and 5 PM.

Voluntary Confidential Reporting

LUPD does not have a voluntary confidential reporting process because police reports are public records under state law, so LUPD cannot keep reports of crime confidential. When reporting an incident of sexual assault, with your permission, a LUPD officer can file a report without revealing your identity (except to the Title IX Coordinator). These reports will be honored to the extent allowed by state law, criminal investigation requirements, and university judicial processes. Such confidential reports are included in the crime statistics for Lamar University, but, like all other crimes listed in the annual crime report, they contain no personally identifiable information.

Students may also report incidents of crime to any Lamar University Administrator or employee designated 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 reportable under the Clery Act.

Pastoral & Professional Mental Health Counselors

Professional mental health counselors, when acting in their capacity, are not considered campus security authorities for Clery Act purposes and are not required to report crimes. Counselors are encouraged, when appropriate, to inform those they are counseling about the procedures for voluntary crime reporting to LUPD. If the student agrees to report the incident, the counselor will submit the report in accordance with LU policy and procedures. If the student prefers to remain anonymous, the professional counselors will then submit a Maxient report of anonymity with the goal of Clery Act reporting. The report will include the victim's age and sex, the incident location, the alleged assailant's age and sex, and their association with the university.

Pastoral Counselor

A person employed by an institution who is affiliated with a religious order or denomination, recognized by that group as providing confidential counseling and functioning within that scope as a pastoral counselor.

Professional Counselor

An employee of an institution whose official duties include providing psychological counseling to the community members and who operates within the limits of their license or certification.

Please note that reports of sexual violence and other violations that may be sex- or gender-based will be shared with the Title IX Coordinator and cannot be kept confidential.

The university encourages professional counselors to inform individuals they are counseling about the option to report crimes anonymously or confidentially for inclusion in the annual crime statistics report. The university does not employ any pastoral counselors.

Campus Access & Security

Lamar University has an open and public campus. While the university does not actively restrict public access, the University Police Department can ban individuals considered a threat to the campus community. LUPD conducts 24-hour patrols of campus grounds and facilities, including residential areas. Designated building coordinators control access to their specific buildings. Residence Hall access requires a campus-issued proximity card. Protecting residents' safety and security is a top priority. Residents must always carry their access cards to verify their residency and never share them with others. Remember, safety begins with each resident.

Security Considerations Used in the Maintenance of Campus Facilities

Lamar University maintains campus facilities and landscaping to reduce hazardous and unsafe conditions. LUPD and Facilities Management regularly patrol the campus and quickly address issues like poor or malfunctioning lighting, broken door locks, overgrown shrubbery, or other safety concerns. Members of the Lamar University community are encouraged to report safety concerns to University Police or Facilities Management.

Residence Halls

The Lamar University student resident community houses 2500 students in double-occupancy suites with private bedrooms. The university places a high priority on services and programs designed to improve residents' quality of life and ensure their security and safety. The Cardinal Village staff includes a Director of Housing and Residence Life, full-time Residence Directors/Assistant Directors, and Resident Assistants assigned to each residence hall. Security and safety policies and procedures- particularly those related to locking individual rooms, building entrances, and other precautions- are discussed with residents through crime prevention seminars, building meetings, and printed materials that are posted and distributed.

Blackboard Connect-Ed

Lamar University has a notification system to contact students via e-mail, voice messages, and/or text messages. Incoming students should confirm their primary phone number through Self-Service Banner. New employees should also confirm their primary phone number through Self-Service Banner.

Shuttles & Walking Escorts

Lamar University Police offers free shuttle service from 5:00 p.m. to 1:00 a.m. daily. Students using this service must have a valid student I.D. The shuttle provides transportation on campus and nearby areas. Students should call 409-880-7777 for this service.

Emergency Phones

Forty emergency phones have been strategically placed around campus. These phones are emergency call stations on white posts with blue lights on top. When an emergency call is made, the system automatically detects the caller's location and connects them to the police department. The locations of these phones are marked on all parking maps and safety brochures. Individuals with hearing impairments should stay 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), and the Chief of Police or designee determines it poses a serious or ongoing threat, a campus-wide “timely warning” notice will be issued.

Reporting criminal actions and timely warnings relates to policies, procedures, and systems for reporting crimes or other emergencies occurring on campus, along with the University’s response to such reports. The current campus policy for making timely reports to campus community members is as follows.

The Clery Act requires institutions to issue timely warnings for crimes that pose a threat to the safety of students or staff. Institutions must include their policies on timely warnings in their Annual Campus Security Report. The institution is only obligated to notify the community about crimes recorded in the Clery statistics.

The Decision to Issue a Timely Warning

Timely warnings are typically issued for the following crime classifications under the Uniform Crime Reporting (UCR) and National Incident-Based Reporting System (NIBRS):

- Murder/Non-Negligent Manslaughter
- A series of burglaries or motor vehicle thefts occurring in reasonably close proximity
- Aggravated assault (cases involving assaults among known parties, such as two roommates fighting, which results in serious injury, will be evaluated individually to determine if the individual poses an ongoing threat to the larger LU community)
- Robbery involving force or violence (cases like pickpocketing and purse snatching usually will not result in a Timely Warning Notice, but will be assessed individually)
- Sexual assault (considered on a case-by-case basis depending on the details, including when and where it occurred, when it was reported, and the information available to the Chief of Police or designee). Since sexual assaults are often reported long after they happen, there may be no opportunity to issue a “timely” warning. All sexual assault cases, including stranger and non-stranger or acquaintance assaults, will be evaluated for potential warnings.
- Major incidents of arson
- Other Clery crimes deemed necessary by the Chief of Police or their designee in their absence.

This list helps ensure timely alerts for serious and ongoing threats to the community. Timely Warning notices are typically written by the Chief of Police in coordination with Marketing and distributed by the Lamar University Police Department. Warnings will include information about the nature of the threat and enable community members to take protective measures. Timely Warning Notices will be issued promptly once relevant information becomes available, while maintaining the confidentiality of victims' identities and aiming to prevent similar incidents.

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 on how to report and prevent crimes. These programs are available several times a year and can be requested by student groups, employees, or individuals. Please call 409-880-7750 for more information about these programs.

One of the key elements of any successful crime prevention program is an informed public. Lamar University aims to educate students about effective 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-lit areas.
- Always lock your car.
- Park in well-lit 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-lit public area.
- Report the loss or theft of keys and valuables immediately to the University Police Department at 880-7777.
- Report crimes, suspicious situations, and security concerns immediately to the University Police Department at 880-7777.

Crime Prevention Programs

During the 2024 calendar year, LU provided approximately nine crime prevention and security awareness programs. Topics included personal safety, residence hall security, drug and alcohol abuse awareness, and sexual assault prevention.

Name of Program	Date	Topic
Resident Assistant Training	1/05/2024	Campus Security Authority
CRASE	1/04/2024	Consent
Cardinal Communities	September 2024	Campus Safety
Active Shooter Tabletop Exercise	February 2024	Campus Safety
CRASE	November 2024	Active Shooter
CRASE	August 12,13,20, 2024	Active Shooter
CRASE	December 2024	Active Shooter

All Crime prevention and security awareness programs encourage students and employees to take responsibility for their own safety and the safety of others. Participants are asked to stay alert, security-conscious, and engaged, and are advised to call Lamar University Police Department to report suspicious behavior. For additional questions about crime prevention, contact the department directly at 409-880-7777.

As part of the department's community-focused policing philosophy, Lamar University Police Department provides crime prevention presentations each semester to classrooms, campus clubs, and student groups when requested. These presentations cover topics like personal safety awareness, Rape Aggression Defense (R.A.D.), and property protection strategies. Anyone interested in having a LUPD Officer speak to their 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 police are not used to monitor or 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 counts as one offense. After a criminal report is filed with Lamar University Police Department (LUPD), the reporting officer investigates it. When a suspect is identified, the case is forwarded to the Jefferson County District Attorney's office for prosecution.

Aside from criminal charges, the Vice President for Student Engagement's office, through the Dean of Students or designee, is primarily responsible for managing the Student Conduct process. The LUPD may also refer suspects to the University Code of Student Conduct. The Senior Conduct Officer or designee will investigate cases involving allegations of a sexual nature, hazing, temporary suspension, or other situations where the law grants authority. If the Dean of Students or designee determines, based on the preponderance of evidence, that the student violated the Code of Student Conduct, they will decide on an appropriate disciplinary penalty. If the student disagrees with the decision, the Senior Conduct Officer or designee will initiate the hearing process.

A hearing officer or hearing panel will be appointed to handle the case. The Senior Conduct Officer or designee, the hearing officer, and/or the hearing panel will follow the procedures for notification, evidence, counsel or advisors, burdens of proof, records, findings, and appeals as outlined in the current edition of the Code of Student Conduct. University actions may include, but are not limited to, monetary fines, work hours, probation, mandatory participation in specific awareness or rehabilitation programs, and/or suspension or expulsion from Lamar University. In all hearings, both the respondent and the complainant will have the opportunity to present their versions of the facts, offer supporting evidence including witnesses, and question witnesses and evidence presented.

For complete procedures and information regarding student conduct hearings, sanctions, penalties, and appeals, please consult the current edition of the [Code of Student Conduct](#)² available at the Office of Student Engagement and the Student Handbook.

Sex Offender Registration Information

In 2002, the Wetterling Act, the federal law concerning the registration of sex offenders, was amended by the Campus Sex Crimes Prevention Act (CSCPA). This amendment required states to gather information about the enrollment or employment of registered sex offenders at higher education institutions and to share that information with campus police or other appropriate law enforcement agencies.

The CSCPA requires universities to notify the campus community where to find information about registered sex offenders who are enrolled or employed at the institution.

A provision was added to FERPA to permit a university to disclose information received under the Wetterling Act about registered sex offenders, including personally identifiable, non-directory information from education records shared without prior consent.

The state must provide the campus police department or another appropriate law enforcement agency with information identifying registered sex offenders. The university must inform the campus community where to find sex offender information and must make this information accessible to members of the campus community through some means. The Texas Department of Public Safety is responsible for obtaining the information and supplying it to the university. The university is not required to ask registrants or prospective employees about this 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 at any university, college, community college, or other institution of higher education, or who is employed there full-time or part-time, with or without compensation, or who is conducting a vocation at such an institution, must report their status as an employee, student, or vocational worker to their local law enforcement authority in the area where they reside within this state. For information on local registered sex offenders, visit the following link: [TX. DPS Sex Offender Records](#).³

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

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 based on sex in its educational programs. Sexual harassment and sexual violence are forms of sex discrimination. Other acts can also be considered sex-based discrimination and are prohibited, whether they are sexually motivated or not. These acts include dating violence, domestic violence, and stalking. Accordingly, Lamar University issues this policy statement to inform the community about its comprehensive plan addressing sexual misconduct, educational programs, and procedures related to sexual assault, domestic violence, dating violence, and stalking, whether incidents occur on or off campus and when reported to a university official. In this context, Lamar University prohibits domestic violence, dating violence, sexual assault, and stalking. It also reaffirms its commitment to maintaining a campus environment that emphasizes the dignity and worth of all members of the Lamar community.

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

Lamar University implements comprehensive, intentional, and integrated programs, initiatives, strategies, and campaigns aimed at ending dating violence, domestic violence, sexual assault, and stalking that:

- Are culturally relevant, inclusive of diverse communities and identities, sustainable, responsive to community needs, and informed by research or evaluated for value, effectiveness, or outcomes; and
- Consider environmental risk and protective factors at 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 campus law enforcement and local police, it is the victim's choice whether to make such a report. 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 CSAs will assist any victim with notifying law enforcement if they wish. Lamar University Police Department can be reached directly by calling 409-880-7777 or in person at 211 Redbird Lane, Beaumont, Texas. More information about the Lamar University Police Department can be found online. Beaumont Police Department is available 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 a 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, visiting the CICE building, suite 131, located at 5091 Rolfe Christopher, Beaumont, TX, to report in person, or emailing luttitleix@lamar.edu. You may also report in person at the Lamar University Police Department, located at 211 Red Bird Lane, Beaumont, TX 77710, if you wish. All reports of domestic violence, dating violence, sexual assault, and stalking made to the Lamar University Police Department will be automatically referred to the Title IX Coordinator for investigation, regardless of whether the complainant chooses to pursue criminal charges.

If a victim chooses not to pursue criminal prosecution, the University can initiate disciplinary action that may lead to sanctions from a reprimand to expulsion. In cases of alleged sexual assault, dating violence, domestic violence, and stalking, both the accuser and the accused are entitled to the same opportunities to have others present during a campus disciplinary proceeding, and both shall be informed of the outcome of any disciplinary process involving a sexual assault.

Adjudication of Violations

The university's disciplinary process includes a prompt, fair, and impartial investigation and resolution process. In all cases, the process will be conducted in a manner that aligns with the institution's policies and is transparent to both the accuser and the accused. Usually, the resolution of domestic violence, dating violence, sexual assault, and stalking complaints is completed within the timeframe specified in each institution's policies. However, each procedure allows for extensions of timeframes for good cause, with written notice to both parties explaining the reason for the delay. University officials involved in investigating or adjudicating complaints of domestic violence, dating violence, sexual assault, and stalking receive annual training on these issues as well as on how to conduct investigations and hearings that protect the safety of the victim and promote accountability. Furthermore, each policy states that:

The accuser and the accused will receive timely notice of meetings where either or both may be present. The accuser, the accused, and appropriate officials will have equal and prompt access to any information used during both formal and informal disciplinary meetings and hearings. The institutional disciplinary procedures will be carried out by officials who have no 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, both the accuser and the accused are entitled to the same opportunity to have others (Advisor) present during a campus disciplinary proceeding. The Advisor may be, but does not have to be, an attorney who can provide support, guidance, or advice to the Party. The Advisor may not participate directly in any meeting, interview, or proceeding except to conduct cross-examination at a live hearing, if any. The university will not restrict the choice of advisor for either the accuser or the accused in any meeting or disciplinary proceeding.

Both the accuser and the accused shall be informed in writing simultaneously of the final outcome of any campus disciplinary proceeding alleging sexual assault, dating violence, domestic violence, or stalking. If an appeal is allowed under the applicable policy, both parties will be notified in writing at the same time about the procedures for the accused and the victim to appeal the disciplinary decision. When an appeal is filed, both the accuser and the accused will be notified in writing of any changes to the outcome before it becomes final, as well as of the final result once the appeal is resolved.

The final report includes only the student's name, the violation committed, and any sanctions imposed by the institution. Any personally identifiable information about the victim will be kept confidential and shared only with individuals who have a specific need to know, such as those investigating or adjudicating the complaint or providing resources or support services to the victim. For example, publicly available records for Clery Act reporting and disclosures will be made without including identifying information about the victim, as defined in 42 USC 1395 (a) (20). Lamar University does not tolerate 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](#).⁵ 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 someone with whom the victim shares a child in common, by a person who is cohabiting with or has cohabited with the victim as a spouse or intimate partner or roommate, by a person similarly situated to a spouse under the domestic or family violence laws of Texas, or by any other person against an adult or youth victim who is protected from that person's acts under Texas's domestic or family violence laws.

Lamar University is dedicated to enforcing all laws and regulations related to domestic violence. When a victim reports an allegation of domestic violence, the University will inform the victim of the following:

- Options for notifying law enforcement authorities and the assistance available to do so.
- The existing counseling, mental health, or student services for victims of domestic violence both on and off campus include Lamar Student Health and Jefferson County family violence resources.
- Opportunities and support are available to help change academic, transportation, employment, and on-campus living arrangements after experiences with domestic violence, if reasonably possible. The Office of the Provost and Vice President for Academic Affairs should be contacted for any adjustments related to academic plans, while the Office of the Vice President for Student Engagement handles changes to transportation, employment, or on-campus housing. These options are accessible regardless of whether the victim reports the incident to campus police. A representative from the Division of Student Engagement or the Office of the Provost will be appointed to assist the victim in making reasonable modifications in these areas.

⁵ https://www.lamar.edu/_files/documents/title-ix/tsus-sexual-misconduct-policy.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 is determined by the victim, considering the following factors: the length of the relationship, the type of relationship, and the frequency of interaction between the involved parties.

Lamar University is dedicated to enforcing all laws and regulations related to dating violence. When a victim reports an allegation of dating violence, the University will inform the victim of the following:

- Options for notifying law enforcement authorities and the assistance available to do so.
- The existing counseling, mental health, and student services for victims of dating violence both on and off campus include Lamar Student Health and Jefferson County family violence resources.
- Opportunities and assistance are available to help change academic, transportation, work, and on-campus living arrangements after a date violence incident, if reasonably feasible. The Office of the Provost and Vice President for Academic Affairs should be contacted for any academic adjustments, while the Office of the Vice President for Student Engagement is responsible for changes related to transportation, work, or on-campus living. These options are accessible whether or not the victim reports the crime to campus police. A representative from either the Division of Student Engagement or the Office of the Provost will be assigned to assist the victim in making reasonable accommodations in these areas.

Stalking

Stalking involves engaging in a pattern of behavior directed at a specific individual that would cause a reasonable person to fear for their safety or the safety of others, or experience significant emotional distress.

Lamar University is dedicated to enforcing all laws and policies related to stalking. When a victim reports a stalking allegation, the University will inform the victim of the following:

- Options for notifying law enforcement authorities and the assistance available to do so.
- The existing counseling, mental health, or student services for victims of stalking both on and off campus include Lamar Student Health and Jefferson County family violence resources.
- Opportunities and assistance are available to change academic, transportation, work, and on-campus living arrangements after an occurrence of stalking, if reasonably possible. The Office of the Provost and Vice President for Academic Affairs should be contacted for any changes to academic arrangements, while the Office of the Vice President for Student Engagement will handle modifications in transportation, work, or on-campus living arrangements. These opportunities are accessible regardless of whether the victim chooses to report the crime to campus police. A representative from the Division of Student Engagement or the Office of the Provost will be assigned to work with the victim to make 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 by recognizing orders of protection. Any student or employee who obtains an order of protection should submit a copy to LUPD and the Office of the Title IX Coordinator. A complainant can then meet with Campus Police to create a Safety Action Plan, which outlines measures to reduce the risk of harm while on campus or traveling to and from campus. This plan might 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 on behalf of a victim from the relevant jurisdiction(s). Lamar University PD may issue a temporary emergency protective order if an arrest has been made.

The victim must apply directly for these services through the courts or the Victims' Assistance Center. Protection from abuse orders might be obtained 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 it is deemed appropriate or at the request of the victim or accused. If the University receives a report that such a no contact order has been violated, it will initiate disciplinary proceedings appropriate to the accused's status (student, employee, etc.) and will impose sanctions if the accused is found responsible for violating the order.

Accommodations & Protective Measures Available for Victims

When Lamar University receives a report of domestic violence, dating violence, sexual assault, or stalking, it will send written notification to students and employees about available accommodations. This notification will cover options related to academics, housing, transportation, protective orders, and work situations. It will also provide information on how to request these accommodations, the assistance available for requesting them, and contact details for the person or office responsible for handling these requests.

At the victim's request, and with the victim's cooperation and consent, university offices will work together to help the victim obtain accommodations. If reasonably possible, a victim may be offered adjustments to academic, living, working, protective measures, or transportation arrangements, regardless of whether they choose to report the crime to campus police or local law enforcement. Examples of potential academic changes include transferring to a different class section or withdrawing to take the class at another time if moving to a different section isn't an option. Possible housing changes might involve moving to a different room or residence hall. Work adjustments could include changing work hours. Transportation options might include parking in a different location or arranging for a safety escort, among others.

To request changes related to academics, housing, or protective measures, a victim should contact the Lamar University Police Department at 409-880-7777 or email police@lamar.edu. If the victim needs help requesting these accommodations, she or he should reach out to the Lamar University Police Department to assist with the process.

On & Off Campus Services for Victims

Upon receiving a report of domestic violence, dating violence, sexual assault, or stalking, Lamar University will send written notice to students and employees about available assistance and resources. This includes information about health services, counseling and mental health support, victim advocacy, legal aid, visa and immigration help, student financial aid, and other services for victims both 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

OFF CAMPUS	Type of Services Available	Service Provider	Contact Information
	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 in writing to the Registrar's office that directory information on file with the University be withheld.

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 individuals who have a specific need to know, such as those investigating or adjudicating

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

The University does not publish the names of crime victims or other personally identifiable information about victims in the Daily Crime Log or in the annual crime statistics, which are disclosed in accordance with the *Jeanne Clery Disclosure of Campus Security Policy and Campus Crime Statistics Act*. Additionally, if a Timely Warning Notice is issued due to a report of domestic violence, dating violence, sexual assault, or stalking, the victim's name and other personally identifiable details will be kept confidential.

How to Be a Bystander:

Bystanders play an important role in preventing 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.” We aim to foster a culture of community accountability where bystanders actively participate in violence prevention without causing additional harm. We may not always know what to do even if we want to help. Below is a list of ways to be an engaged bystander. If you or someone else is in immediate danger, dial 911. This includes situations like a person yelling at or physically abusing another when it is unsafe for you to intervene.

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:

Without intending to victim blame and acknowledging that only abusers are responsible for their actions, here are some strategies to reduce the 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.
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 choose not to report the incident, the University supports, encourages, and will assist those who have experienced Sexual Misconduct in reporting the incident to any of the designated 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 whether the allegation should be classified as Title IX Sexual Harassment or Non-Title IX Sexual Misconduct at any stage of the grievance process. Sexual Misconduct that does not meet all the criteria does not qualify as Title IX Sexual Harassment and will be classified as Non-Title IX Sexual Misconduct. If a Formal Complaint has been filed 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 the purposes of the Title IX Sexual Harassment process. If the allegation does not meet the definition of Sexual Misconduct, the University may handle the misconduct through the relevant code of conduct process.

3. Steps in the Disciplinary Process

- a) Filing a Formal Complaint - A formal complaint can be submitted to the Title IX Coordinator in person, by mail, or via email, using the contact information for the Title IX Coordinator.
- b) Notice of Allegations- In response to a Formal Complaint, the University must provide written notice of the allegations to the Parties.
- c) Investigation - An assigned Investigator will send written notice to a Party whose participation is invited or expected, informing them of the date, time, location, and purpose of all hearings, investigative interviews, or other meetings, with enough time for the Party to prepare.
- d) Notice of Hearing- After the Investigative Report is completed, 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 under TSUS Section 5.4 shall have a live hearing.

- f) Decision and Sanctions - After the live hearing ends, the Decision Maker will issue a written determination, which will be sent simultaneously to the Parties along with instructions on how to appeal the determination.
- g) Appeals - Both Parties must be given the opportunity to appeal a determination of responsibility or a dismissal of a Formal Complaint or any related allegations.

4. *Anticipated Timelines*

The University should make every reasonable effort to resolve a Sexual Misconduct Complaint or Report efficiently, with the expectation that, excluding any appeal processes, the process will generally be completed within one hundred and twenty (120) calendar days from the submission date. Modification of Deadlines. The Title IX Coordinator may adjust any deadlines in this Policy as needed to meet the stated purposes and for good cause, including but not limited to the complexity of the investigation and to accommodate semester breaks.

5. *Decision-Making Process*

The Decision Maker assesses the relevance 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 applicable, after the hearing. The University's Title IX Coordinator or the Investigator who conducted the investigation or prepared the Investigative Report cannot serve as Decision Maker.

6. *Standard of Evidence*

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

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

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

Students may face no-contact orders, probation (including disciplinary and academic probation), expulsion from campus housing, restricted access to activities or facilities, mandated counseling (such as education programs and batterer intervention), disqualification from student employment, revocation of admission or degree, withholding of official transcripts or degrees, 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 offer counseling to any other individual involved in the incident, including a person reporting 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 to drop 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 campus areas.

Non-Title IX Grievance Process - Employee

1. *Victim Reporting Options*

Although a victim of Sexual Misconduct may choose not to report the incident, the University supports, encourages, and will assist those who have experienced Sexual Misconduct in reporting the incident to any of the designated 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 whether they 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 the 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 can be submitted to the Title IX Coordinator in person, by mail, or via email, using the contact information for the Title IX Coordinator.
- b) Notice of Allegations- In response to a report, the University must provide written notice of the allegations to the Parties.
- c) Investigation - An assigned Investigator will send written notice to a Party whose participation is invited or expected, informing them of the date, time, location, and purpose of all hearings, investigative interviews, or other meetings, with enough time for the Party to prepare.
- d) Investigative Report - The investigator will prepare a written Investigative Report that includes summaries of interviews conducted; photographs, if any; documents and materials received; descriptions of relevant evidence; summaries of pertinent electronic records; and a detailed account of the events related to the incident. When the Investigator is not the Title IX Coordinator, the Investigative Report will be submitted to the Title IX Coordinator.
- e) Title IX Coordinator Finding and Recommended Sanction - The Title IX Coordinator will issue a written finding regarding whether: it is more likely than not that the Respondent did not violate this Policy, or it is more likely than not that the Respondent violated this Policy, along with the nature of the violation(s).
- f) Sanction Decision - The responsible Component Administrator will issue written sanctions promptly and send such sanctions, along with a copy of the Findings, to the Complainant, Respondent, Title IX Coordinator, and, when appropriate, to additional individuals with supervisory authority over either Party who are not part of the appellate review process.
- 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 assesses the relevance 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 applicable, after the hearing. The University's Title IX Coordinator or the Investigator who conducted the investigation or prepared the Investigative Report cannot serve as Decision Maker.

6. *Standard of Evidence*

Presumption of Non-Responsibility. Any individual accused of Sexual Misconduct under this Policy is presumed not responsible for the alleged conduct until a responsibility is determined at the conclusion of the grievance process. Preponderance of the Evidence Standard. The Decision Maker will consider 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 raise; reassigning employment, including but not limited to demotion; terminating employment; banning future employment from the System or a Component; temporary suspension without pay; adjusting compensation; issuing no-contact orders; requiring relevant training; or recommending the revocation of tenure.

8. *Supportive Measures*

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

University-Initiated Protective Measures:

In addition to the protective measures previously described, the Title IX Coordinator or their designee will decide whether interim interventions and protective measures should be put into place and, if so, will take steps to implement those measures as quickly 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 be considered related violations that could lead to additional disciplinary actions. 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 require the creation and maintenance of academic and work environments free from illicit drug use and alcohol abuse. Lamar University fully supports the goals of these laws and their related regulations. The Alcohol and Other Drugs policy is designed to comply with the Drug-Free Schools and Communities Act (DFSCA) of 1989 and the Drug-Free Workplace Act of 1988. It is available on the LU Resources on Alcohol and Other Drugs website, as well as in the LU Code of Student Conduct. University regulations and policies related to alcohol and drugs are also found in LU Policy 2.9 – Drug-Free Workplace and the Drug-Free Workplace policy, on the LU Policy website. All these regulations and policies remain in effect.

In accordance with the Drug-Free Schools and Communities Act, Lamar University publishes a biennial review of its prevention programs related to drug and alcohol abuse. These programs include standards of conduct that ban the unlawful possession, use, and distribution of alcohol and illegal drugs on campus and at university-related activities. The review also outlines penalties for violations of federal, state, and local laws and university policies, describes health risks associated with alcohol and drug use, and details available counseling, treatment, rehabilitation, and reentry programs for LU students and employees.

A hard copy of the Biennial Review can be requested at the Student Health Center. A digital version is also available on the [LU Resources on Alcohol and Other Drugs website](#).⁶

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](#)⁷
- [Drug-Free Schools and Communities Act – Information Lamar Community Should Know](#)⁸

ALCOHOLIC BEVERAGES

Lamar University prohibits the unlawful possession, use, and sale of alcoholic beverages. State and federal laws regarding alcohol will be strictly enforced on the Lamar University campus and at LU-sponsored events off campus. Alcohol possession or consumption on campus is only allowed in certain approved areas. The LUPD is responsible for enforcing state underage drinking laws.

HIGH RISKS OF ALCOHOL

Health hazards linked to excessive alcohol use or dependency include significant behavioral changes, slowed motor skills, and impaired reasoning and judgment. These issues lead to a higher rate of accidents and accidental

⁶ <http://students.lamar.edu/student-engagement/student-health-center/committee-on-alcohol-and-other-drugs/index.html>

⁷ <https://www.lamar.edu/students/student-affairs-strategic-initiatives/student-health-center/health-education/policy-notification.html>

⁸ <https://www.lamar.edu/students/student-affairs-strategic-initiatives/student-health-center/health-education/policy-notification.html>

deaths among individuals who misuse alcohol compared to non-drinkers. Nutrition also declines, with vitamin and mineral deficiencies being common. Long-term alcohol abuse can cause bleeding in the intestines, damage to nerves and the brain, psychotic symptoms, memory loss, and loss of coordination. Liver damage often results in cirrhosis, impotence, severe pancreatic inflammation, and harm to the bone marrow, heart, testes, ovaries, and muscles. Damage to nerves or organs is typically irreversible.

HIGH RISK ALCOHOL INTAKE

People who drink a lot of alcohol quickly can reach very high blood alcohol levels before losing consciousness. This may lead to slowed or stopped breathing and death. Vomiting caused by high alcohol levels can also result in choking and death.

ILLICIT DRUGS

Possession, sale, distribution, consumption, and/or use of illegal drugs or narcotics on university property, property under Lamar University's control, or at any event sponsored by the University or a student organization—whether on university grounds or not—is strictly prohibited. This rule also applies to all illegal paraphernalia associated with the use or consumption of prohibited substances. The LUPD is responsible for enforcing federal and state drug laws.

HEALTH RISKS OF OTHER DRUGS

Use of illicit drugs can cause physiological and mental changes similar to those caused by alcohol, but these changes are often more severe and happen more quickly. Overdose of drugs also results in death or coma more frequently. Illicit drugs are usually grouped into seven categories: cocaine, amphetamines, heroin and other opiates, hallucinogens, solvent inhalants, steroids, and marijuana. Besides the negative effects related to the specific drug, intravenous drug users who use unsterilized needles or share needles with others are at risk of developing AIDS, hepatitis, tetanus, and infections in the heart. Brain damage may also occur.

ALCOHOL AND DRUG ABUSE PREVENTION PROGRAMS

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

HAZING

Lamar University is dedicated to ensuring a safe campus for everyone and does not tolerate hazing by any group or individual connected to the university. Engaging in hazing activities violates [Texas law](#) and [university policies](#). Lamar University reserves the right to take disciplinary action against any students or groups involved in hazing.

- To report any hazing incidents, contact the Student Conduct and Care office at 409-880-8458 or fill out the [online Incident Reporting Form](#).

The University reserves the right to take disciplinary action against individual students and/or groups involved in hazing activities. Such disciplinary measures may be taken regardless of state or local prosecutorial actions and their outcomes. Hazing by students, faculty, or staff is strictly prohibited, whether on or off campus. The state law outlining penalties for hazing convictions is contained in sections 4.51–4.58, Texas Education Code, and states, in part, as it relates to students, as follows:

Hazing refers to any intentional or reckless act that occurs on or off the campus of an educational institution, carried out by one person or in coordination with others, directed at a student, and that endangers the mental or physical health or safety of the student. This is done for the purpose of pledging, initiating into, affiliating with, holding office in, or maintaining membership in any organization whose members are or include students at an educational institution. The term includes, but is not limited to:

1. any form of physical violence, such as whipping, beating, striking, branding, electronic shocking, applying a harmful substance to the body, or similar activities;
2. any type of physical activity, such as sleep deprivation, exposure to harsh elements, confinement in a small space, calisthenics, or other activities that subject the student to an unreasonable risk of harm or that negatively impact the student's mental or physical health and safety.
3. any activity involving the consumption of food, liquids, alcoholic beverages, liquor, drugs, or other substances that expose the student to unreasonable risk or harm or negatively impact the student's mental or physical health or safety;
4. any activity that intimidates or threatens the student with ostracism, subjects the student to extreme mental stress, shame, or humiliation, or adversely affects the mental health or dignity of the student; discourages the student from entering or remaining enrolled in an educational institution; or reasonably might cause a student to leave the organization or institution rather than submit to acts described in this subsection.
5. any activity that induces, causes, or requires the student to perform a duty or task that involves a violation of the Penal Code or the Code of Student Conduct.

PERSONAL HAZING OFFENSE

A person commits an offense if the person:

1. engages in hazing;
2. solicits, encourages, directs, aids, or attempts to aid another in engaging in hazing;
3. intentionally, knowingly, or recklessly permits hazing to occur; or
4. has firsthand knowledge of the planning of a specific hazing incident involving a student in an educational institution or firsthand knowledge that a specific hazing incident has occurred and knowingly fails to report said knowledge in writing to Student Conduct & Care Services or other appropriate official of the institution.

PENALTIES FOR HAZING

1. The offense of failing to report is a misdemeanor punishable by a fine not to exceed \$1,000, confinement in county jail for not more than 180 days, or both such fine and confinement.
2. Any other serious offense under this section which does not cause serious bodily injury to another is a misdemeanor punishable by a fine of not less than \$500 nor more than \$1,000, confinement in county jail for not less than 90 days nor more than 180 days, or both such fine and confinement.
3. Any other offense under this section which causes serious bodily injury to another is a misdemeanor punishable by a fine of not less than \$1,000 nor more than \$5,000, confinement in county jail for not less than 180 days nor more than one year, or both such fine and confinement.
4. Any other offense under this section which causes the death of another is a misdemeanor punishable by a fine of not less than \$5,000 nor more than \$10,000, confinement in county jail for not less than one year nor more than two years, or both such fine and confinement.

ORGANIZING HAZING OFFENSE

1. An organization commits an offense if the organization condones or encourages hazing or if an officer or any combination of members, pledges, or alumni of the organization commits or assists in the commission of hazing.
2. An offense under this section is a misdemeanor punishable by a fine of not less than \$5,000 nor more than \$10,000; or, if a court finds that the offense caused personal injury, property damage, or other loss, the court may sentence the organization to pay a fine of not less than \$5,000 nor more than double the amount lost or expenses incurred because of such injury, damage, or loss.

CONSENT NOT A DEFENSE

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

IMMUNITY FROM PROSECUTION AVAILABLE

In the prosecution of an offense under this subchapter, the court may grant immunity from prosecution for the offense to each person who is subpoenaed to testify for the prosecution and who does testify for the prosecution. Any person reporting a specific hazing incident involving a student in an educational institution to Student Conduct & Care Services or other appropriate official of the institution is immune from civil or criminal liability that might otherwise be incurred or imposed as a result of the report. Immunity extends to participation in any judicial proceeding resulting from the report. A person reporting in bad faith or with malice is not protected by this section.

NOTIFICATION OF HAZING POLICY AND DISCIPLINED ORGANIZATIONS

[Texas Education Code section 51.936\(c\)](#)⁹ requires the university to:

1. Distribute to each student during the first three weeks of each semester a summary of the provisions of [TEC Subchapter F, Chapter 37](#)¹⁰ (i.e., this Hazing Policy) and a list of organization(s) that have been disciplined for hazing or convicted for hazing on or off campus during the preceding three years.; and,
2. Publish a summary of the provisions of [TEC Subchapter F, Chapter 37](#)¹¹, in each edition of any general catalogue, student handbook, or similar publication it publishes.

Student Conduct & Care Services will publish the list of organizations on its website and will include it in a campus-wide email sent out at the beginning of each long semester, along with the Hazing Memorandum reminding students of Lamar University's Hazing Policy.

⁹ <https://statutes.capitol.texas.gov/Docs/ED/htm/ED.51.htm#51.936>

¹⁰ <https://statutes.capitol.texas.gov/Docs/ED/htm/ED.37.htm#37.151>

¹¹ <https://statutes.capitol.texas.gov/Docs/ED/htm/ED.37.htm#37.151>

EMERGENCY INFORMATION

Emergency Response & Evacuation Procedures

The emergency evacuation procedures are tested at least twice a year. Students and employees learn the locations of emergency exits in the buildings and receive guidance on which direction to travel during a short-term building evacuation. The LUPD does not inform building occupants in advance of the designated locations for long-term evacuations because these decisions depend on factors such as the time of day, the building's location, available emergency gathering sites on campus, and other considerations like the nature and position of the threat. In both cases, LUPD staff present on scene will relay information to students about the evolving situation or any changes in evacuation status.

The purpose of evacuation drills is to prepare building occupants for a coordinated evacuation in case of a fire or other emergency. At Lamar University, evacuation drills serve as a method to educate and train occupants on fire safety issues specific to their building. During the drill, occupants practice procedures and familiarize themselves with the locations of exits and the sound of the fire alarm.

Annual Testing of the Emergency Response & Evacuation Procedures

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

University departments are responsible for creating emergency response and continuity of operations plans for their areas and staff. Campus emergency management offers resources and guidance to help develop these plans. Emergencies on campus should be reported to LUPD at 409-880-7777.

Lamar University, in partnership with other emergency agencies, conducts emergency response drills and exercises each year, including tabletop exercises, field exercises, and tests of campus emergency notification systems. These tests, which may be scheduled or unannounced, aim to assess and improve the university's emergency plans and capabilities.

LUPD is responsible for testing all emergency notification systems to ensure they work properly, are highly available, and report maintenance needs promptly.

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

All tests are documented and evaluated by LUPD and the Information Technology Division. The evaluation is used to analyze results, assess performance, and identify potential improvements. LUPD maintains the records of testing.

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

Lamar University shares a summary of the emergency response and evacuation procedures via email at least once a year, along with a test (exercise and drill) that fulfills 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 go to the nearest exit and leave the building. If you are the first to notice a fire, activate the alarm, evacuate to a safe location using the nearest exit, and notify LUPD by calling 409-880-7777 or 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 outdoor air becomes dangerous because of toxic or irritating substances, it is usually safer to stay inside, since leaving the area could expose you to that danger. Therefore, to “shelter-in-place” means to create a shelter within the building you are in, and with a few adjustments, this space 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 an interior room until you are told it is safe to exit. If your building is damaged, take your personal belongings (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 as quickly as possible. If police or fire department personnel are present, follow their instructions.

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

A shelter-in-place notification can originate from various sources, including LUPD, Housing Staff members, other University employees, Local PD, or other authorities using the University’s emergency communications tools.

How to “Shelter-in-Place”

No matter where you are, the basic shelter-in-place steps generally stay the same. If the need ever comes up, follow these steps unless told 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 occurs, is known to be happening, or there are strong signs of an imminent threat on or near campus, there may be a need for individuals to evacuate or shelter in place. Every member of the Lamar and Lamar Institute of Technology communities is automatically enrolled in the emergency notification system through Connect-ED. A student or employee may choose 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 their registered email and phone numbers. University employees and students are encouraged to verify their contact details in Self Service Banner and include off-campus contact information for complete notifications.

Emergency/Immediate Notification

Lamar University has established a process to alert the campus community during emergencies. While it is impossible to foresee every significant emergency or dangerous situation on campus, the following examples highlight situations that may require an immediate emergency notification after verification. Emergencies that may arise 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 system test 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 will be immediately followed by an “all clear” message.

Emergency Warning Activation Policy

It is Lamar University’s clear policy that it is FAR BETTER TO ACTIVATE WARNINGS, which later turn out to be unfounded, THAN NOT TO WARN.

False alarms may reduce the effectiveness of subsequent well-founded warnings, but failing to warn the University community of imminent danger can have far more tragic consequences. Delays required to contact an extensive call list have proven deadly in real-life situations. When in doubt, issue a warning that aims 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 an emergency, Lamar University will promptly send notifications to the relevant parts of the University community once a significant emergency or dangerous situation threatening the health or safety of students, employees, and visitors is confirmed.

The LU Incident Command Staff is responsible for responding to reported emergencies and verifying their existence, sometimes working with campus administrators, local first responders, and/or the national weather center.

If the LUPD Chief of Police, or their designee, in collaboration with other University administrators, local first responders, Public Health Officials, and/or the National Weather Service, confirms that an emergency or dangerous situation exists which poses an immediate threat to the health or safety of some or all members of the LU community, Lamar University will promptly initiate and deliver immediate notifications to the relevant segments of the University community. The President or designee, Chief of Police, and Media Services will decide the content of the message and employ some or all of the systems described below to communicate the threat to the LU Community or the appropriate segment if the threat is limited to a specific building or group within the population and will activate the notification system(s).

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

The emergency notification, provided by LUPD in collaboration with Marketing, will include information to help the campus community respond to specific situations or follow evacuation procedures if needed. Lamar University will, without delay and prioritizing community safety, determine the content of the notification and activate the notification system, unless, in the professional judgment of responsible authorities, issuing the notification would interfere with efforts to assist a victim or contain, respond to, or mitigate the emergency. Follow-up information will be shared through some or all of the designated communication systems (excluding the fire alarm).

Local news outlets can be used to spread emergency information to the wider community, including neighbors, parents, and other interested parties. The broader community can also access emergency updates through the Lamar University homepage and/or its social media channels.

The Incident Type will be decided by the LU Incident Command System's Incident Commander (IC) or the Chief of Police. In the absence of either, the following will decide:

- Deputy Incident Commander
- Highest ranking LUPD Texas Peace Officer

The Lamar University Emergency Operations Plan¹² defines specific incident types and outlines the University's response. (Figures 4.1 and 4.2) refer to Appendix B.

The President assigns the following individuals the roles of Agency Administrator and the authority to act on behalf of the Policy Group in making emergency response decisions.

- LU ICS Incident Commander
- Provost and Vice President for Academic Affairs
- Vice President for Finance and Operations

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 on campus, an institution must follow its emergency notification procedures. An institution that follows these procedures is not required to issue a timely warning based on the same circumstances; however, the institution must provide appropriate follow-up information to the community as needed.

¹² 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 specific procedures to follow when residential students are considered missing for 24 hours. Missing Student Notification Policies and Procedures for Students Living in On-Campus Housing Facilities. It is very important that information about missing or potentially missing students be reported promptly 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 or more.

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 immediately reported to LUPD either in person at 211 Redbird Lane, Beaumont, TX, or by calling (409) 880-7777. A student is considered “missing” after an unexplained absence of 24 hours and a report should be made regardless of the time if there is reason to believe the student’s safety is at risk.

Students living 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 determining that the student is missing, either by LUPD or the responsible law enforcement agency. When students choose to provide a confidential contact, they are informed that their contact information will be kept confidential and only accessible to authorized campus officials. This information will only be shared with law enforcement involved in a missing person investigation.

Students under 18 years of age who are not emancipated must have their custodial parent or guardian notified within 24 hours of the determination that the student is missing, made by LUPD or other law enforcement agencies. Any additional contact persons designated by the missing student will also be notified within the same timeframe. LU will notify the local law enforcement agency within 24 hours of identifying a student as missing, unless the law enforcement agency itself made the determination.

A student is considered missing when the LUPD verifies that reported information is credible and the circumstances justify declaring the person missing. If the LUPD investigates and determines that a residential student is missing, they will contact the missing person’s designated contact within twenty-four (24) hours of making that determination, provided contact information has been given. If the student is under 18 and not emancipated, the LUPD will also notify the student’s parent or guardian, as well as any other designated contact, within 24 hours.

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

CRIME STATISTICS

Lamar University’s crime statistics are based on the Federal Bureau of Investigation’s uniform crime reporting standards, regardless of guilt or innocence. The statistics cover reports made to campus officials as well as University and local police departments.

Category	Location	Number of Occurrences		
		2022	2023	2024
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	5	4
	On Campus Student Housing Facilities	8	4	4
	Non-campus	0	0	0
	Public Property	1	0	0
Fondling	On Campus	4	10	14
	On Campus Student Housing Facilities	3	7	10
	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	2022	2023	2024
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	0	3	2
	On Campus Student Housing Facilities	0	2	1
	Non-campus**	0	1	0
	Public Property	0	0	0
Burglary	On Campus	1	7	2
	On Campus Student Housing Facilities	1	5	2
	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	0	2	1
	On Campus Student Housing Facilities	0	0	0
	Non-campus	0	0	0
	Public Property	1	0	0
Domestic Violence	On Campus	0	0	2
	On Campus Student Housing Facilities	0	0	1
	Non-campus	0	0	0
	Public Property	0	0	0
Dating Violence	On Campus*	10	15	10
	On Campus Student Housing Facilities	10	12	8
	Non-campus	0	0	0
	Public Property	1	0	0
Stalking	On Campus *	8	8	9
	On Campus Student Housing Facilities	2	2	2
	Non-campus	0	0	0
	Public Property	0	0	0

Statistics reported to Lamar University Police Department by the Lamar University Title IX Office; updated 9/20/2025.

**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	2022	2023	2024
Liquor Law Violations Arrests	On Campus	4	36	18
	On Campus Student Housing Facilities	4	35	17
	Non-campus	0	3	0
	Public Property	2	0	0
Liquor Law Violations Referrals	On Campus	13	79	6
	On Campus Student Housing Facilities	13	79	4
	Non-campus	0	0	0
	Public Property	1	0	0
Drug Law Violations Arrests	On Campus	5	27	1
	On Campus Student Housing Facilities	5	24	1
	Non-campus	0	0	0
	Public Property	4	0	0
Drug Law Violations Referrals	On Campus	21	34	9
	On Campus Student Housing Facilities	21	34	9
	Non-campus	0	0	0
	Public Property	0	0	0
Weapons Law Violations Arrests	On Campus	1	2	4
	On Campus Student Housing Facilities	1	0	3
	Non-campus	0	0	0
	Public Property	0	0	0
Weapons Law Violations Referrals	On Campus	0	0	0
	On Campus Student Housing Facilities	0	0	0
	Non-campus	0	0	0
	Public Property	0	0	0
Hazing				
2022: one, 2023: one, 2024: None				
Unfounded Crimes				
2022: none, 2023: one, 2024: none				
Hate Crime Offenses				
2024: None reported				
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.				
2022: LUPD reported One Destruction/Damage/Vandalism of Property: On Campus Student Housing Facilities and on Campus.				

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.¹³

¹³ <https://crimeinformation.lupd.org>

EDUCATION & AWARENESS PROGRAMS

Primary Prevention & Awareness Programs – New Students

These programs are offered to all new students at the university and are designed to educate them about sexual assault, alcohol and drug abuse, campus and personal safety, and the resources available for students.

Specifically, the University provided the following **primary prevention and awareness programs** for all **incoming students** in 2024:

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

Sexual Assault Prevention for Undergraduates – Title IX and Clery Act training that actively engages students in building healthy relationships and equips them to recognize and respond to sexual assault and harassment.

Orientation skits are performed by orientation leaders during all new student orientation sessions. The scenarios cover topics such as alcohol use, sexual assault, and drug abuse. The skits are designed to mention LU policies, the consequences of these infractions, and resources available to students if they face such situations.

Name of Program	Date Held	Location Held	Which Prohibited Behavior* Covered?
Alcohol Awareness	3/07/24	Setzer Student Center	DoV, DaV, SA, S
TIX Training	10/9/24	Setzer Student Center	DoV, DaV, SA, S
International Orientation	1/08/24 and 5/23/24	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 2024:

Name of Program	Date Held	Location Held	Which Prohibited Behavior* Covered?
SA Awareness	4/18/24	Setzer Student Center	SA
Sexual Misconduct	4/30/24	Setzer Student Center	DoV, DaV, SA, S
Sexual Misconduct	1/30/24	Setzer Student Center	DoV, DaV, SA, S
SA Awareness	5/23/2024	Setzer Student Center	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 2024:

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	August 19, 2024	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 2024:

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 the institution against a student who is the alleged perpetrator of such crime or offense. If the alleged victim is deceased as a result of such crime or offense, the next of kin shall be treated as the alleged victim for this purpose.

FIRE SAFETY REPORT

This report provides information on fire safety policies and procedures in student residential housing and includes statistics on any fires that have occurred in these facilities at Lamar University, in compliance with the Jeanne Clery Disclosure of Campus Security Policy and Campus Crime Statistics Act. The LU Department of Housing and Residence Life prepares this report annually, based on data from 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 keeps the campus housing fire log and reports fire statistics annually as part of the “Annual Crime Report,” which provides information in accordance with the 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, deaths, and losses 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. to 5 p.m. Monday through Friday, excluding holidays.

FIRE SAFETY SYSTEM

All campus housing facilities are equipped with complete sprinkler systems, smoke detectors, audible alarms, and fire extinguishers in every hallway on each floor. All housing facilities are equipped with active fire monitoring systems. The fire monitoring company provides notifications for each fire alarm to the following in order: LU Police dispatcher, LU Police, Residence Life management, and our 24-hour call maintenance staff.

All common-use kitchens are equipped with fire extinguisher units for range tops and feature a thirty (30) minute timer with automatic shut-off on all stoves, including oven and range elements. They have secured doors with limited hours of operation and are monitored by constant surveillance cameras. All systems undergo full checks and maintenance at least once a year, with regular tests usually conducted monthly. Currently, the University does not have any planned improvements in fire safety.

2024 Fire Safety Systems Data:

Residential Facilities	Fire Alarm Monitoring Done on Site	Partial Sprinkler System ¹⁴	Full Sprinkler System ¹⁵	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 held at least once each semester during the fall and spring. Fire drills took place on the following dates over the past year:

- *September 26, 2024 – Campbell Hall*
- *September 26, 2024 – Morris Hall*
- *September 26, 2024 – Gentry Hall*
- *September 26, 2024 – Combs Hall*
- *September 26, 2024 – Monroe Hall*

¹⁴ Partial Sprinkler System is defined as having sprinklers in the common areas only.

¹⁵ Full Sprinkler System is defined as having sprinklers in both the common areas and individual rooms.

Fire drills are coordinated by the Residence Life Staff, with each Resident Director or Assistant Director managing their respective residence hall. The Director of Housing and Residence Life oversees the details of the drill in coordination with the Resident Director or Assistant Director, the local fire department, Facilities Management, Environmental Health and Safety, Risk Management, and the LU Police Department. Resident Assistants (RAs) help ensure an orderly and timely evacuation of the building and direct students to the designated evacuation site. Students who do not vacate are subject to student conduct disciplinary action. A post-drill review is held with all staff present to discuss the success of the drill and any additional actions needed for future drills. A report is then generated and submitted to the Director of EHS & Risk Management at 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 where they work. Additionally, they should learn where fire extinguishers are located and how to operate them. Below are the standard procedures for use in case of a fire emergency evacuation, which apply to most campus classroom and administrative buildings that have no more than two floors. If your building has specific evacuation procedures, you should review them in advance of any emergency.

FIRE PROCEDURE

If you discover a fire in a building, activate the nearest fire alarm pull station. If a fire alarm is unavailable, immediately alert building occupants to evacuate. Call Lamar Police at 8311 from any campus phone. Inform the dispatcher of the fire's location and type. The dispatcher will contact the Beaumont Fire Department directly and dispatch all available police and maintenance units to assist with the evacuation. If the fire has not spread from its original location, try to extinguish it with a fire extinguisher. However, safety is the main priority. Do not attempt to extinguish a fire in a laboratory or involving chemicals unless you know what chemicals are involved and you have been trained in the proper procedures and extinguisher types for such fires. Safety remains the main concern. Do not reenter an evacuated building until you are told it is safe to do so. Other instructions: If you know what chemicals are present at the fire's location or of other hazards nearby, inform a Lamar University police officer or fire department personnel on the scene, and stay available to provide 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 established to protect the welfare, safety, and convenience of residents in CARDINAL VILLAGE, ensure a fair distribution of services and facilities for all residents, and prevent property from abuse. The full list of policies and procedures is available on the Housing and Residence Life website.

LU RULES RELATED FIRE

1. Fire warning devices and safety equipment are to be used only during emergencies. The sounding of a fire alarm must be taken seriously. When an alarm sounds, residents must evacuate immediately. University or Cardinal Village staff will inform residents when it is safe to return to their units. Residents who do not evacuate during a fire alarm may face disciplinary action. The intentional sounding of an alarm outside of an emergency is a criminal offense and a serious violation of the Housing Contract. Facilities test smoke detectors in rooms to ensure proper operation and working batteries. Upon resident notification, Facilities will replace batteries. Tampering with or altering smoke detectors will result in a \$200.00 fine. Any violation constitutes a default under the housing contract, allowing Housing and Residence Life to declare a default and pursue all available remedies.
2. The fire code prohibits storing or using 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 is not permitted. This includes candles with removed wicks that are used solely for decorative purposes. All candles, flammables, or other items involving open flames will be immediately removed from the 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 pose a fire risk and are prohibited. Residents should check with Housing and Residence Life regarding the permission to use other small appliances.
5. Unauthorized possession, ignition, or detonation of any explosive device, fireworks, liquid, or flammable object on Lamar University property that could cause harm to persons or damage to property by fire or explosion.
6. Knowingly initiating, communicating, or circulating a false or baseless report or alarm about a present, past, or future bombing, fire, offense, or other emergency that would normally cause action by emergency responders; instilling fear of imminent serious bodily injury in a person; or obstructing or disrupting the occupation of a building, room, aircraft, vehicle, or other mode of transportation.
7. Lamar University is a tobacco-free campus, and smoking is not allowed.

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 untenable for lease during the term due to damage, condemnation, or destruction caused by fire or other casualty, Housing and Residence Life shall have the right to terminate the housing contract or move the student to similar accommodations within CARDINAL VILLAGE, and to repair and restore the premises. In the event of such damage, condemnation, or destruction to the premises or CARDINAL VILLAGE, without fault of the student, their agents, or guests, the student's obligation to pay for housing shall be abated only if Housing and Residence Life terminates the housing contract or does not provide the student with similar accommodations at CARDINAL VILLAGE.
2. Keeping any explosive, flammable, or other hazardous substances, or any item or object of a dangerous nature on the premises or CARDINAL VILLAGE;
3. Misuse, in violation of the laws of the State of Texas and the 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 known controlled substances or harmful or habit-forming drugs and/or chemicals within the premises or CARDINAL VILLAGE by the student or the student's guests.
4. Student's inability or refusal to adapt to the concept and requirements of living in a student residence environment.
5. Violation of any covenants and agreements in the housing contract by the student, or of any rules and regulations governing the premises or CARDINAL VILLAGE established by Housing and Residence Life, whether such rules and regulations currently exist or are created in the future.

Fire Safety Education & Training Programs

Fire safety education programs are held for all students living in on-campus student housing and all employees associated with on-campus housing 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 follow in the event of a fire, and distribute information on Lamar University's fire safety policies. LU Residence Life staff and on-campus resident students are also provided with maps of each housing facility that show evacuation routes and the locations of fire alarm equipment. During these programs, trainers emphasize that participating in fire drills is mandatory. Students with disabilities have the option to be assigned a "buddy." Local fire authorities conduct fire safety education and training programs.

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 the alarm is not sounding, activate the nearest pull station.
3. Immediately notify LU Police whenever the fire alarm sounds.
4. If there is a confirmed fire, call LU Police.
5. RAs should assist with crowd control and ensure an orderly evacuation of the building (staff should exit with residents, banging on doors and loudly stating “PLEASE EVACUATE.” If a fire is confirmed, RAs should NEVER put themselves in harm’s way.)
6. Help keep residents at designated evacuation stations away from the buildings. Do not re-enter a building until instructed to do so by LU Police, the Fire Department, or an On-Call Maintenance Technician, which usually occurs after alarms have been reset.
7. Always remain alert, paying attention to any information about vandalism or false alarms. Camera footage is helpful and assists in noticing any suspicious activity around exits.

REPORTING OF FIRE SAFETY INFORMATION

Report all fire safety concerns immediately to the LU Police at 409-880-7777. For fire safety reports related to residence halls, contact the Director of Housing and Residence Life at 409-880-8550 or email housing@lamar.edu.

REPORTING FIRES

According to federal law, Lamar University must annually report data on all fires in on-campus student housing. If you see a real fire in these facilities, get to a safe area immediately and call 911. After the emergency is over, report the incident to LUPD at (409) 880-7777 so they can investigate and include it in the university's annual fire reports.

If a LU community member finds evidence of a fire that has been extinguished and is unsure whether LUPD has already responded, they should immediately notify LUPD at (409) 880-7777 to investigate and document the incident for inclusion in the University’s annual fire statistics.

FIRE STATISTICS

Statistics and Related Information Regarding Fires in Residential Facilities for CY 2024:

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 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	\$0.00
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 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

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.

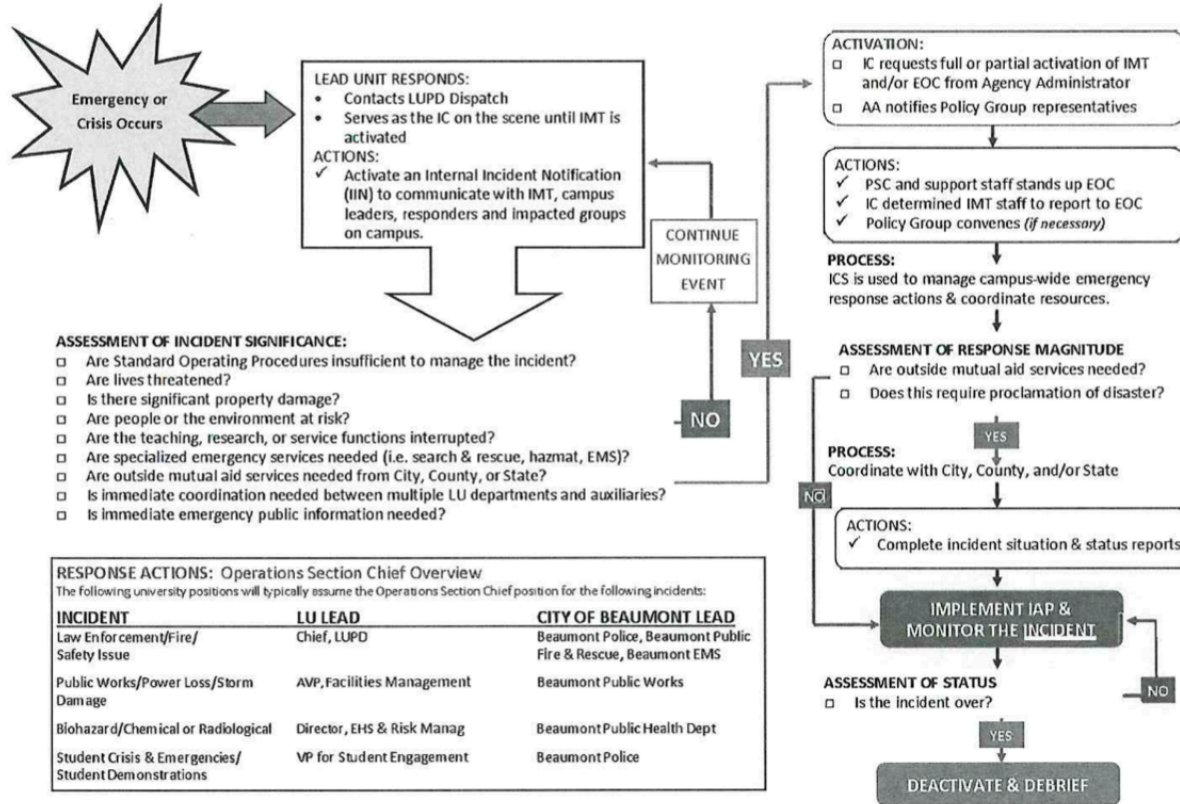
Third Party refers to any person who is not a current Student or Employee of the Component, including but not limited to vendors and invited and uninvited visitors.

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.

C. Lamar University Clery Map

