

**DRUG-FREE SCHOOLS AND CAMPUSES  
REGULATIONS (EDGAR PART86)  
BIENNIAL REVIEW: ACADEMIC YEARS  
2016 - 2018**

**Office of Student Engagement  
and  
Student Health Center**

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## **INTRODUCTION**

The Drug Free Schools and Communities Act (DFSCA) requires, as a condition of receiving any federal funding or other financial assistance, that an institution of higher education (IHE) certify it has adopted and implemented a program to prevent the unlawful possession, use or distribution of illicit drugs and alcohol for students and employees on school premises and as part of its activities. Lamar University (LU) is in compliance with the DFSCA and continues to conduct a biennial review on the effectiveness of its alcohol and other drug programs and services.

Lamar University campus and community provide comprehensive alcohol and other drug prevention initiatives, programs and services that focus on policy, environmental management, education, intervention, prevention, research and assessment. In addition, to comply with federal law, Lamar University Office of Student Engagement, Human Resources and Student Health Center annually provide every employee and student with an “Alcohol and Other Drug Policy” email notification that includes the following:

- Standards of conduct that prohibit the unlawful possession, use or distribution of illicit drugs and alcohol by students and employees.
- A description of legal sanctions under Federal, state and local laws for unlawful possession or distribution of illicit drugs and alcohol.
- A description of the health risks associated with the use of illicit drugs and the abuse of alcohol.
- A description of counseling, treatment programs available to students and employees.
- A clear statement and description of the disciplinary sanctions Lamar University will impose for violations of the codes of conduct for students and employees.

This notification is always available to students, faculty and staff at: [AOD policy](#).

## **Biennial Review Process**

The current Biennial Review of Lamar University’s Alcohol and Other Drug Program is perpetually available at: [lamar.edu](#). The current Biennial Review covers even numbered academic years beginning in the Fall of the last Biennium year through the Spring of the current even-numbered year (Fall 2016-Spring 2018). The Biennial Review document is completed and available for review prior to the first day of class for the Fall semester of the current even-numbered year. The Biennial Review final document is comprised of information and data collected during and after activities from multiple departments. Several key individuals and departments work together to assemble the final review.

These individuals are:

- Dr. Terry Mena-Assoc. VP for Student Engagement/Dean of Students
- Chief Hector Flores-Chief of Lamar Police

- Shawn R. Gray-Director Student Health Center
- Diane Foreman- Asst. Director Student Health Center
- Shannon Hicks, Ph.D-Counselor
- Cynthia Ksiazek-Counselor
- Marie Culik -Certified Health Education Specialist
- Jeffrey Bell-Director Human Resources
- Brenda Dixon-Human Resources Compliance Officer

A hard copy is also maintained on file at the Student Health Center and in the Office of Student Engagement and can be provided to the U.S. Department of Education, if requested. Hard copies are kept for seven years in the Student Health Center.

## **POLICIES**

Lamar University strives to maintain campus communities and worksites free from the illegal use, possession, or distribution of alcohol or of controlled substances. LU has adopted such policies that apply to students and employees. These policies associated with employees include the faculty staff handbook [Faculty Handbook](#) and the [Policy and Procedure Manual](#). Policies related to students include the [Code of Student Conduct](#).

## **ANNUAL POLICY NOTIFICATION PROCESS**

The primary method utilized to distribute the [AOD policy](#) is via campus announcement/email annually. Every student defined as a person currently enrolled for academic credit on the Lamar University campus and online, receives the AOD policy by campus announcement on the 12<sup>th</sup> class day of every semester once per academic year (Fall, Spring, Summer I, II,). Any student who enrolls after the 12<sup>th</sup> class day shall receive the policy the next consecutive 12<sup>th</sup> class day in the following semester. Any new student entering the university will be notified at the time of registration.

All existing employees receive the [AOD policy](#) via campus announcement annually in June during benefit registration. All new employees are required to complete documents through an electronic onboarding system in Human Resources prior to their first day of employment. The onboarding system will include the [AOD policy](#) with a signature requirement. This process will ensure everyone receives the policy regardless of hire date or extent of employment with the university as well as recurrent receipt of the policy for the duration of employment.

In addition to the [AOD policy](#), an AOD webpage is available to anyone visiting Lamar University online. Students are also made aware of drug and alcohol policies during orientation and at residence hall programs as well as other activities and events throughout the year. The Health Education department offers standard programs, found on the [Health Education website](#), in which organizations can request programs for presentation around this specific topic. Orientation programs use several different media mediums to educate students about campus drug and alcohol

policies. One medium is through skits and short videos specifically addressing alcohol and other drug policies. New students are also required to complete an online program through Campus Clarity called “Think About It”. This program meets state requirements under the Clery Act.

Additional information on alcohol and other drugs can be found in the Student Health Center in brochures and handouts. If requesting a hard copy of the policy, please email any of the contacts on the AOD webpage under contacts.

**NEEDS ASSESSMENT:**

**Prevalence, Incidence and Trend Data**

During this biennium, data collection occurred throughout the year during programs, classes, surveys, and reporting. The data represented below is provided by the University police department and is retrieved from their Annual Safety Report.

No. of Alcohol related incidents on campus	33
No. of Drug related incidents on campus	115
No. of Drug and Alcohol related incidents reported to campus officials	148
Alcohol related admission to local ER	3
Drug related admission to local ER	1
Alcohol related ambulance/transport/service calls	9
Drug related ambulance/transport/service calls	1

**POLICY, ENFORCEMENT & COMPLIANCE & RELATED DATA:**

The University strives to maintain a campus community and workplace free from illegal use, possession, manufacture or distribution of alcohol or other drugs. Lamar University has adopted policies that govern Alcohol and Other Drugs on campus. All students and employees are required to adhere to these policies while associated with the university. Any student or employee found in violation of any of these policies may be subject to corrective action and/or discipline including dismissal from the university. Policies are always available for use by students, faculty and staff. Below is the list of policies that relate to alcohol and other drug use for students, faculty and staff:

No. of employee disciplinary actions related to alcohol and drugs	0
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## **Federal Drug Free Campus Policy; Drug and Alcohol Abuse; Dry Campus Policy**

1. Faculty Handbook: <https://www.lamar.edu/faculty-staff/files/documents/academic-affairs/FACULTY-HANDBOOK-2017-with-Index-8-23-17.pdf>
  - Appendix A: Faculty Standards of Conduct Policy Chapter II, Section 43, Policy Number 43.9
  - Appendix B: Drug-Free Workplace Standard, Chapter II Policies and Procedures, Section 63
2. Student Handbook <https://www.lamar.edu/students/safety-and-security/university-policies.html>
  - Appendix C: University Policies: Drug-Free Schools and Communities Act
3. Code of Student Conduct <https://www.lamar.edu/students/academic-support/code-of-conduct.html>
  - Appendix D: Code of Student Conduct: 2.00 Prohibited Conduct:
4. Human Resources Policy Manual: <http://facultystaff.lamar.edu/human-resources/policy-manual/hr-manual-sec2-9.html>
  - Appendix E: Human Resources Policy Manual: Section 2 General Policies, Policy Number 2.9

## **Student Code of Conduct – Particularly Relating to Alcohol and Other Drugs**

1. Code of Student Conduct <https://students.lamar.edu/academic-support/code-of-conduct.html#section2>
  - Appendix F: Code of Student Conduct - 1.00 General Provisions

## **Alcoholic Beverages-Payment from University Accounts; Alcoholic Beverages- Sale Serving and Consumption**

1. Human Resources Policy and Procedure Manual <http://facultystaff.lamar.edu/human-resources/policy-manual/hr-manual-sec2-11.html>
  - Appendix G: Human Resources Policy Manual – General Policies Section 2, Policy Number 2.11 Approval to Purchase Alcohol

## **Tailgating**

1. Football Tailgating and Parking Policies found in Fan Section of Lamar Cardinals Website [http://www.lamarcardinals.com/sports/2015/7/13/FB\\_0713152751.aspx](http://www.lamarcardinals.com/sports/2015/7/13/FB_0713152751.aspx)
  - Appendix H: Football Tailgating and Parking Policies

## **Alcoholic Beverages-University Housing; Substance Abuse Policy-University Housing**

1. Residence Life Handbook: Prohibited Items: <http://www.lamar.edu/residence-life/residence-life-handbook.html>
  - Appendix I: Prohibited Items

2. Lamar University General Policies – Students  
<https://www.lamar.edu/students/safety-and-security/university-policies.html>
  - Appendix J: Lamar University Student Handbook: University Policies
3. Code of Student Conduct: 2.00 Prohibited Conduct: <https://students.lamar.edu/academic-support/code-of-conduct.html#section2>
  - Appendix K: Code of Student Conduct Section 2.00 - Prohibited Conduct

### **Guidelines for Fraternity and Sorority Use of Alcohol**

1. Order of Omega – Omega Upsilon Chapter: Position Statement on Alcohol and Illegal Substances: <http://lamar.orgsync.com/org/luorderofomega/home>
  - Appendix L: Order of Omega: Position Statement on Alcohol and Illegal Substances
2. Fraternal Information Programming Group: <http://www.fipg.org/>
  - Appendix M: FIGP Risk Management Policy

### **Smoke Free / Tobacco Free Campus**

1. Lamar University Human Resources Policy and Procedures Manual: <https://www.lamar.edu/faculty-staff/human-resources/policy-manual/hr-manual-sec2-10.html>
  - Appendix N: Lamar University Human Resources Policy and Procedure Manual, Section 2, Policy 2.10. Smoke Free and Electronic Cigarette Free Workplace
2. Faculty Handbook, <https://www.lamar.edu/faculty-staff/human-resources/policy-manual/hr-manual-sec2-10.html>
  - Appendix O: Faculty Staff Handbook: Smoking/Tobacco Use Policy-Chapter II, Section 62

### **Athletic Department Alcohol and Other Drug Policy; Athletic Department Alcohol and Other Drug Testing Policy**

1. Lamar University 2016 – 17 Student-Athlete Handbook (updates given to each athlete annually)
  - Appendix P: Lamar University 2017-18 Student Athlete Handbook – Student Athlete Conduct Code
  - Appendix Q: Institutional Drug Testing Policy

### **Sexual Assault and other Violence related policies that relate to alcohol/other drug use**

1. Lamar University Human Resources Manual: [https://www.lamar.edu/files/documents/faculty\\_staff/human-resources/titleix/TSUS-Sexual-Misconduct-Policy-and-Procedures-8-17-2017.pdf](https://www.lamar.edu/files/documents/faculty_staff/human-resources/titleix/TSUS-Sexual-Misconduct-Policy-and-Procedures-8-17-2017.pdf)
  - Appendix R: Texas State University System Sexual Misconduct Policy and Procedures

2. Title IX/Sexual Misconduct: <http://www.lamar.edu/titleix/index.html>
  - Appendix S: Sexual Misconduct (Title IX) Information; Preventing and Addressing Sexual Misconduct
3. Student Handbook: <http://students.lamar.edu/student-handbook.html#titleix>
  - Appendix T: Sexual Misconduct (Title IX) Information; Preventing and Addressing Sexual Misconduct
4. Code of Student Conduct: 2.00 Prohibited Conduct: <https://students.lamar.edu/academic-support/code-of-conduct.html#section2>
  - Appendix U: Code of Student Conduct Section 2.00 - Prohibited Conduct
5. Faculty Handbook, <https://www.lamar.edu/files/documents/facultystaff/files/documents/academic-affairs/FACULTYHANDBOOK-2017-with-index-8-23-17pdf>
  - Appendix V: Faculty Staff Handbook: Policy on Sexual Harassment

### **Alcohol/Drug Use in the Classroom Policy**

1. Code of Student Conduct: 2.00 Prohibited Conduct: <https://students.lamar.edu/academic-support/code-of-conduct.html#section2>
  - Appendix W: Code of Student Conduct Section 2.00 - Prohibited Conduct

### **Appendix X. Comprehensive Program, Interventions & Related Data`**

General oversight of each policy is managed by the departments Director from which the policy originates. Discipline, sanctioning and adjudication of each policy is enforced by the departments Director and may include other overseeing entities as they relate to students or employees. The Dean of Students will collaborate with any department director where students are involved and the Director of Human Resources will collaborate with the supervisor of an employee found in violation of a policy. Lamar University police department may also be utilized when deemed necessary.

In addition to the [AOD policy](#) email notifications each student and employee receive annually, general enforcement of the policy occurs through education and monitoring of students by students. Lamar University, as an institution of higher education, has a strong interest in promoting a safe environment that is conducive to acquiring and achieving academic success, and in preserving a high standard of safety and welfare for our students, faculty, and staff. While it is important to motivate and protect our students' pursuits of educational goals, it is equally essential to disseminate vital information as it relates to student conduct and behavior.

Lamar University has adopted a student code of conduct, in accordance with the authority established by the Board of Regents of the Texas State University System, which outlines rules, regulations, rights, and responsibilities that apply to all students on and off campus. It is the expectation of Lamar University that each student becomes fully conversant with all published



university policies, as each student is held accountable for compliance with the student code of conduct and other university policies.

Once more, it is the university's commitment to the security and well-being of all students, faculty, staff, and members of the community that a Smoke-Free and Tobacco-Free Zone initiative is established to encourage a clean and nontoxic environment. Lamar University has strict policies, listed in the student code of conduct, related to allegations of sexual violence, illegal substance possession, and public intoxication reported on or off campus. In addition, the university has available the LU Care Team, a confidential program of identification, intervention and response, to assist students who have reportedly displayed violent, threatening or dangerous behaviors on campus. Accordingly, these efforts will support the general goals of Lamar University and assist with the elimination of potential safety risks.

<b>Dean of Students Alcohol &amp; Other Drug Related Incidents:</b>	
Drug and Alcohol-Related Incidents 9/1/2015 - 8/31/2016	
Liquor Law Violation Referrals	5
D.U.I. Arrest	0
Drug Law Violations – Arrest	10
Drug Law Violations – Referrals	32
Alcohol Related Incidents^	5
Drug Related Incidents^	42
<b>Total Arrests, Referrals, Incidents</b>	<b>47</b>

^comprises sum total of arrests, referrals, incidents

<b>Sanctions as a Result of Cases Heard Involving Alcohol*:</b>		
<b>Sanction</b>	<b>2016-2017</b>	<b>2017-2018</b>
Warning	3	5
Community Issues Paper	0	2
Bulletin Board	0	0
Plan/Attend A Program	0	0
Community Service	23	18
Counseling & Psychological Services	6	1
Educational Class	22	18
Parental Notification	15	14
Probation/Deferred Removal	10	4
Removal from Housing	0	0
Fines	13	5
Suspension	0	0
<b>Total Alcohol Sanctions Issued</b>	<b>61</b>	<b>36</b>

<b>Sanctions as a Result of Cases Heard Involving Other Drugs*:</b>		
<b>Sanction</b>	<b>2016-2017</b>	<b>2017-2018</b>
Warning	7	65
Community Issues Paper	0	1
Bulletin Board	0	0
Plan/Attend A Program	0	0
Community Service	36	34
Counseling & Psychological Services	5	27
Educational Class	40	32
Parental Notification	32	33
Probation/Deferred Removal	1	29
Removal from Housing	2	0
Fines	35	19
Suspension	1	1
<b>Total Other Drugs Sanctions Issued</b>	<b>86</b>	<b>112</b>

**\*These numbers are inclusive of sanctions issued through The Office of Residence Life.**

Number of requests for permission/authorizations for alcohol sales/serving for students, faculty and staff	<b>49</b>
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Students are made aware of University drug and alcohol policies during summer orientation and at residence hall community development meetings, as well as other activities and events throughout the year. Resident assistants and Community leaders are required to participate in a week long training designed to teach them about how to identify students who may be in violation of the [AOD policy](#) while living on campus. Students are also encouraged to report any concerns they may have for other students anonymously via our [LU Care Team Referral Form](#) or report it to their resident director, Lamar police, or campus safety officers. Lamar University police department has a robust working relationship with Beaumont Police. Lamar police officers have jurisdiction to enforce civil laws off campus in the surrounding areas adjacent to the university property. Collaboration between the departments helps students abide by the university's alcohol and drug policies.

### **COMPREHENSIVE PROGRAM, INTERVENTIONS & RELATED DATA**

Lamar University offers a variety of programs and interventions for students in the community. Programs are offered on an individual, group, and entire population basis. The Student Health Center offers many of the individual and group-based education programs, while the Division of Student Engagement Dean of Students is responsible for the entire population programming. Evaluation and feedback data for these programs, unless otherwise stated, is found in Appendix X.

## **Individual Based Programs/Interventions**

Lamar University offers a variety of Tier 1 strategies that show evidence of effectiveness with college students. These individual based assessments, programs, interventions, educational outreach and referrals are made available to students on campus.

### **Brief Assessment and Screening for College Students**

The Student Health Center requires all students, attending their first counseling appointment, to complete a Counseling Center Assessment of Psychological Symptoms (CCAPS)-62 prior to their office visit. CCAPS is a 62-item instrument with eight subscales related to psychological symptoms or distress in college students and also includes a general measure of distress, the Distress Index (DI). The eight subscales are: (1) Depression, (2) Generalized Anxiety, (3) Social Anxiety, (4) Academic Distress, (5) Eating Concerns, (6) Family Distress, (7) Hostility, and (8) Substance Use. The self-administered survey takes approximately 10 minutes to complete. This instrument is reviewed by the counselor prior to administering the intake interview. CCAPS is used as an initial baseline identification of distress categories.

### **Individual Assessment programs through Health Services Counseling**

The Student Health Center has licensed mental health professionals that provide an initial individual, face-to-face intake interview which is conducted after the CCAPS is completed. The counselor reviews and discusses CCAPS during the intake interview to clarify the student's presenting issues, as well as gathers additional pertinent information pertaining to presenting issue(s). Information on pertinent categories such as family, housing, education, employment, past and present mental health symptoms and treatment, family history of mental health and substance use, medical issues and medication, stressors, support system, and relationships are gathered.

### **Brief motivational enhancement interventions**

At the Student Health Center Counseling appointment, Solution focused therapy is implemented with LU students on an individual basis to assist in assessment, planning, goal setting, interventions and referrals. Scaling questions are used to assess the student's situation, presenting issues and categories of distress. Counselors collaborate with the student to identify goal(s), construct a therapeutic plan and co-construct solutions as well as identify campus and/or community referrals needed.

### **Motivational Interviewing**

Counselors at the Student Health Center use Motivational Interviewing with LU students to build rapport, identify, examine and resolve ambivalence about the identified behavior that needs to be changed. It is a conversation that is a collaborative, person-centered partnership that builds upon the student's autonomy. LU counselors utilize this strengths based approach to emphasize the student's capability to change successfully.

### **Combinations of Cognitive-Behavioral skills training with norms clarification**

At Lamar University, the Student Health Center offers Cognitive-behavioral skills training with norms clarification in which is an action-oriented therapy is utilized to address inaccurate or negative thinking so that the student can view challenging situations more clearly and respond to them in a more effective way. Focus remains on the student's thoughts (cognitive patterns) in order to change the student's behavior and emotional state. Norm clarification is discussed, when appropriate, to identify and address misperceptions of behaviors, attitudes and beliefs about alcohol and other drug use, among students.

### **Individual based counseling and Intervention programs**

The Student Health Center licensed mental health professionals offer individual counseling, working on a Brief Therapy Solution Oriented model to address student's presenting issues involving situations in which there is a pattern of unwanted behavior accompanied by distress and impairment, including (but not limited to) affective (mood) disorders, social phobia, substance abuse, eating disorders, anxiety, and ADHD.

### **Referral programs to off-campus treatment providers for students**

The Student Health Center makes referrals to both campus and community resources when requested or deemed necessary and/or beneficial. Types of referrals may include (but are not limited to) additional counseling, psychiatric evaluations, inpatient hospitalization, medical, legal, substance abuse detox as well as alcohol/chemical dependency rehabilitation, trauma and victim's assistance and housing/shelter needs.

## **Group Based Programs**

### **Alcohol Bingo**

The Student Health Center offers a group program called Alcohol Bingo that can be requested by anyone on campus for the purpose of educating all Lamar University students. In this fun twist on Bingo, students learn important alcohol facts including intoxication, abuse, and sexual assault. Each bingo number during the game is associated with a fact concerning alcohol use for college students. From 2014-2016 Alcohol Bingo was offered 5 times serving around 75 students. This program is a universal level of prevention and can be classified as Tier 3 according to NIAAA tiers of evidence.

### **Drunk Goggle Events**

The Student Health Center offers a drunk goggle program that can be modified to fit any event, or stand alone as its own event. Students are given the opportunity to perform various tasks while "under the influence". Examples of drunk goggle events are Drunk Goggle Olympics and Mardi Gras in the Setzer Center. Anyone on campus can request this program for Lamar University students. This program was offered 3 times from 2014-2016. This program is a universal level of prevention and can be classified as Tier 3 according to NIAAA tiers of evidence.

### **Educational Outreach**

Student Health Center mental health professionals are available for consultation and support services to university administration, departments, faculty and staff regarding student well-being. Counselors present trainings, workshops, screenings and a myriad of other mental health outreach services. They can screen students for ADHD, depression, bi-polar, anxiety, substance abuse issues and eating disorders. Each semester the counseling staff presents numerous outreach programs on various mental health topics. They include (but are not limited to) the following: stress management, test anxiety, effective communication, procrastination, anger management, crisis intervention, group grief debriefing, classroom presentations, Greek presentations, and crisis intervention.

### **Presentations upon Request**

Group programs covering alcohol and other drugs can be requested by calling the Student Health Center. These programs are requested by faculty, staff, or student organizations to be given to groups of LU students such as Greek organizations, residence halls, freshman interest groups, or Lamar 1101 classes. These presentations are outside the designated programs already offered and are usually tailored to the needs of the requester. Examples of these programs include Wingz & Drinks Resident Hall event, Beyond the Bed, Sex in the Dark, and Protect Your Pockets. In some instances, alcohol messaging is incorporated with information concerning safe sex and sexual assault prevention. These types of programs are open to anyone on the LU campus. This program is a universal level of prevention and can be classified as Tier 3 or 4 according to NIAAA tiers of evidence. Six types of these presentations were offered from 2016-2018.

### Safe Spring Break

Safe Spring Break is an event held a week before Spring Break as a way to engage students about the consequences of intoxication and other unsafe practices students can engage in. Various campus and outside organizations participate including Lamar University PD, Beaumont PD, Port Arthur PD, Jefferson County Sherriff’s Office, Beaumont Fire & Safety, Texas DOT, AT&T, and Student Health Center. Students were engaged through a variety of avenues including pedal car course with drunk goggles, drunk goggle simulator, texting and driving simulator, jail photo booth, and mocktails. Each year this program draws around 200 students. This program is hosted in a central location on campus so all students have access. This program is a universal level of prevention and can be classified as Tier 1 according to NIAAA tiers of evidence.

### Universal or Entire Population Based Programs

#### Think About It-program

Lamar University requires students to complete a web-based program that satisfies the Drug Free Schools and Colleges mandate. This program, offered by Campus Clarity and the Division of Student Engagement, is designed to educate students on alcohol and other drugs as well as Title IX topics. This program is a selected level of prevention and can be classified as Tier 1. The program, “Think About It: Part 1” is offered to all new incoming freshmen and transfer students. The program was initiated for the Fall 2014 semester and has continued through Spring 2018. Students are sent an email with the link to the program on the 12th class day and given one month to complete it. If not complete then they are reminded via email until the program has been completed. If it is not completed, a registration hold is placed on the student’s account. The completion and demographics data for this program are provided below.

<b>Participation &amp; Completion Data</b>		
	<b>2016-2017</b>	<b>2017-2018</b>
<b>Invited</b>	2476	1523
<b>Signed-Up</b>	1952	1066
<b>Done</b>	1788	969
<b>Completion Rate</b>	72.20%	63.60%

<b>Demographics</b>		
	<b>2016-2017</b>	<b>2017-2018</b>
<b>Student Year</b>		
Freshman	71.83%	96.04%
Sophomore	11.13%	2.35%
Junior	13.30%	0.75%
Senior	3.43%	0.19%
Graduate	31%	0.66%
<b>Age</b>		
15-16	0.15%	0.27 %

17-18	51.13%	75.47%
19-20	21.53%	22.62%
21-22	9.30%	0.82%
23-30	6.35%	0.54%
30+	11.60%	0.27%
<b>Gender</b>		
Female	59.95%	58.00%
Male	39.80%	40.32%
Unspecified	0.25%	0.45%
<b>Housing</b>		
On Campus	40.05%	58.00%
Off Campus	29.11%	11.17%
w/Family	30.84%	30.08%
<b>Ethnicities</b>		
Undeclared	1.28%	0.64%
Hispanic/Latino of any race	14.38%	14.90%
American Indian/Alaska Native	0.49%	0.36%
Asian	4.29%	4.72%
Black or African American	31.38%	32.06%
Native Hawaiian/Pacific Islander	30.0%	0.27%
White	43.90%	43.70%
Two or more races	4.00%	3.36%

### **Environmental/Socio-Ecological Based Programs**

Lamar University is considered an alcohol and drug free campus. Residence hall lease agreements and the Code of Student Conduct specifically address that the halls are drug and alcohol free facilities. Residence directors and community leaders may confiscate any alcohol or drugs found in a students' room in plain sight. Once found, the student is processed through the discipline process in the Code of Student Conduct. A formal letter is sent to the student with the allegations outlined and a deadline for completion given. This letter is signed by the Dean of Students and the student. Any department directly involved in the discipline process is alerted to the discipline mandates. Discipline mandates may include community service hours, monetary fines, and/or educational videos/assignments related to the specific charge.

Social events with alcohol, where special permission from the VP for Finance and Operations or the President has been given, and specific guidelines must be followed. These guidelines are outlined in the Human Resources Handbook, Sec. 2-General Policies, and 2.12 Social Events with Alcohol.

Overall:

- No State Treasury funds shall be used to purchase alcohol.
- Proper paperwork must be submitted prior to the event for approval.

- Only designated buildings may house events which serve alcohol.
- Alcohol may only be served during designated times, it must be served with food and LU police must be in attendance.
- Signature from the hosting organization representative assumes all responsibility for the facility and compliance with state regulations regarding the consumption and distribution of alcohol.
- All violations of these policies will be referred to the VP of Student Engagement and/or Dean of Students for disciplinary action.

### **COMPREHENSIVE PROGRAM GOALS AND OBJECTIVES REVIEW**

In the 2014-2016 Biennium, recommendations for goals and objectives for the current biennium were discussed.

- The Health Education department was to create a coalition that addresses alcohol and other drugs on campus.
  - Plan and present at least one mandatory alcohol program to Greek leadership.
  - Goals and objectives of the program will be created to meet Greek organization national requirements for members.
  - The Health Educations Specialist and Greek life leadership will assess the program to determine which objectives were met.
  - The program will be modified to meet >95% of the objectives and offered each year to Greek organization.
- Conduct the first ACHA-NCHA.
  - Apply for and obtain approval from the LU IRB by Dec. 2015.
  - Open the survey beginning January, 2016 and allow participants to complete it for three weeks.
  - Collect and analyze results of the survey sent from ACHA-NCHA.
- Implement Student Health 101 Newsletter for LU students to access for relatable and reliable health information concerning AOD.
- Streamline Health Education programing by creating a set program list instead of “programs upon request”.
  - Create scripted AOD programs students and organizations can request in OrgSync.
  - Outline the process and timeline for requesting programs.
  - Train Peer Health Educators to present newly scripted AOD programs independently.
- Develop AOD screenings for medical appointments.
  - Create a five question screening to that addresses AOD use for medical patients.
  - Implement the screening in Spring, 2016 for all medical patients that self-check-in.
  - Set guidelines for reporting and referral for scores indicating potential alcohol abuse.

### **COMPREHENSIVE PROGRAM GOALS AND OBJECTIVES ACHIEVEMENT**

In the 2014-2016 Biennial review, the following program recommendation goals were reviewed and assessed as to the success of achievement.

- The position for Associate Director of Greek Life remained unfilled which significantly hindered achieving set goals. Acting Assoc. Director of Greek Life, who was the Dean of



Students, was contacted through emails and personal requests to inform him of upcoming AOD programs and asked him to strongly encourage all Greek organizations to attend. Little of any Greek members attended the programs. Until the position for Associate Director for Greek Life is filled, the health education department will continue to offer and inform the acting Assoc. Director of all AOD programming relevant to Greek organization requirements.

- The ACHA-NCHA was completed within the three-week timeframe. Response was less than 5% completed surveys returned. The data was evaluated to plan for future programming schedules. A second survey will be planned for the next biennium for comparison of data and program schedule adjustments.
- Student Health 101 was implemented for Lamar students.
- The Health Education department completed a set program list that replaced “programs upon request’ by Summer 2017. Programs are now available and being requested by students and organizations through OrgSync. Students continue to inquire about the request process but frequency is decreasing. Minor adjustments have been made which include accommodations for hearing and sight impaired participants. Ongoing updates to evaluations are being reviewed.
- Develop AOD screening tool for medical appointments was modified to a screening tool for depression. Alcohol and other drug use is closely associated with depression. Students who were identified with depression were referred and furthered screened by the counselor about AOD use and treated appropriately. Future AOD screening will be incorporated in the depression screening to that will be recreated to increase more reliable responses.

## **SWOT/C ANALYSIS**

Lamar University continues to utilize a variety of proven prevention strategies in providing awareness, education and services to the campus community. We are committed to evidenced based interventions and continued assessments of student behaviors to continually improve our effectiveness of alcohol and other drug risk reduction strategies. Although students are held accountable for their behavior through the code of Student Conduct, our basis for discipline is to further educate them and provide a safe, healthy environment in which to live.

### **Strengths Related to Policy:**

- The institution continues to develop and implement a comprehensive alcohol and drug prevention policy.
- The institution distributes a copy of the Alcohol and Drug Free notification letter annually to all students and employees.
- The Division of Student Engagement conducts a biennial review of its drug prevention programs and policy to determine effectiveness, implements changes, and ensures that disciplinary sanctions are enforced.
- The department of Student Health Education provides services, programs and activities to promote a strong drug-free campus environment.
- The Division of Student Engagement and the university police track the number of drug and alcohol related legal offenses, referrals and sanctions.

#### Weaknesses Related to Policy:

- The institution does not have a department dedicated to university policy enforcement and management.
- The institution must rely on individual departments to manage institutional policies in a segmented fashion.
- The size of the university lends to limitations in funds for educational programming, policy development and enforcement.
- Timely cooperation and lack of cooperation with Biennial Review Compliance departments.

#### Opportunities Related to Policy:

- The institution has executive leadership who supports advancement, growth and expansion of departments.
- The division has created new positions which will increase productivity and management of policies especially in Greek Life and New Student Leadership
- The Student Health Center has expanded employees in the Health Education department to include Certified Peer Health educators, which allows for more cohesive and effective data collection for survey management.
- Peer Health Educators effectively promote programs as a representative and role model.

#### Threats Related to Policy:

- The division continues implementing policies and procedures pertaining to discipline and sanctions in order to decrease alcohol and drug usage on campus. Lack of manpower hinders this process.
- The institution's change in Risk Management leadership has delayed the forward progress of policy review and execution as it related to campus alcohol use.
- The division is completely revising Greek Life policies to reflect the current administration vision.
- Associate Director for the Greek Life position remains vacant until filled.

#### Strengths Related to Programs/Interventions:

- The Division of Student Engagement's Vice President is open to new programming which target expansion of campus life and community development.
- The Certified Health Education Specialist has restructured programming to better serve student needs and requests.
- Peer Health Educators offer peer to peer programming opportunities that encourage a welcoming and safe environment.
- Added an hourly LPC to Student Health Center staff to aid in individual-based AOD interventions and outreach.
- New Setzer Student Center for providing and hosting programs.

#### Weaknesses Related to Programs/Interventions:

- The first National College Health Assessment did not yield significant results due to poor student participation.
- Health Education Department is limited to one full-time Certified Health Education Specialist and two part-time Peer Health Educators.

#### Opportunities Related to Programs/Interventions:

- Peer Health Educator program, started spring 2016, continues to offer peer-to-peer programming.
- Continued funding for the department will provide provisions for new media programming, electronic newsletters and data collection specific to college campus population.
- Another ACHA-NCHA will be conducted in Spring 2019.

#### Threats/Challenges Related to Programs/Interventions:

- Communication between various departments that offer AOD programming can be limited at times.
- Campus still has a large commuter population which makes reaching them with on-campus AOD programming difficult.

### **RECOMMENDATION FOR NEXT BIENNIUM**

- Create a coalition that will address alcohol and other drugs on the Lamar University campus.
- Conduct a second (American College Health Association) ACHA National College Health Assessment (ACHA-NCHA).
- Continue and maintain the Student Health 101 Newsletter for LU students to access for reliable and reliable health information concerning AOD.
- Update Evaluations to include more outcomes focused questions.
- Increase collaboration with Greek Life, student organizations and residence life directors to develop more impactful AOD programs.
- Redesign AOD screenings to be more effective.

### **Goals & Objectives**

- Conduct the second ACHA-NCHA
  - By end of July 2018, submit IRB approval.
  - By February 2019, initiate ACHA-NCHA.
- Reorganize program evaluations for health education programming
  - Add evaluation questions to assess knowledge gained, attitudes gained, and beliefs gained.
  - Reword evaluation questions for clarity in responses.
- Maintain collaboration with Student Engagement leadership to conduct programs/events targeting AOD
  - Conduct programming meeting to confirm dates, time, venue and participants of events for that semester.

- Schedule new programs with organizations such as Greek Life, outlining participation tasks, contributions and planning of learning objectives and measurement tools.
- Promote Health Education Department programming among organizations, especially Greek Life.
- Review last years’ participation, effectiveness, learning outcomes, and suggestions of programs completed.
- Redesign current AOD screening tool utilized in the intake portion of medical appointments.
  - By the end of December 2018, select an evidenced based tool that screens for AOD that is effective and quick to complete.
  - By January 2019, develop a procedure to identify, address and refer any student at high risk for AOD use to in house counseling or community resource.
- Design and implement mental health triage system to effectively screen and schedule students needing mental health counseling.
  - Research current mental health screening tools.
  - Create a screening tool to implement when students make first counseling appointment.
  - Train and implement guidelines on how and when to appropriately use this screening tool.
  - Evaluate effectiveness of mental health triage tool.

## **CONCLUSION**

The university strives to create an environment inclusive for student learning, empowerment and active participation in the students taking responsibility for their actions. Previous Biennial goals included:

1. Create Health Campus 2020 Coalition to promote a health campus. This was partially met in that a coalition was created and invited individuals across campus, but limited participation of key departments such as athletics proved detrimental to support of maintaining the coalition. So, efforts were targeted to maintain and strengthen current relationships for open communication and collaboration.
2. Conduct the ACHA-NCHA. This goal was met. The university will continue to participate in order to collect ongoing data to guide programing for students.
3. Restructure Student Health Education programing. This goal was met. Focus will now shift to evaluating current programs.
4. Conduct annual programing meetings with Organizational leadership to schedule programs/events targeting AOD. This goal was partially met in that informal meetings and communication was held to ensure AOD programs were included in student life activities.
5. Research and select an AOD screening to incorporate into the intake portion of medical appointments. This goal was met. Medical appointment students were identified and referred to counseling if the assessment indicated a need.

The university's momentum of change and improvement is in full swing. With the new vision from the executive office and empowerment of the divisional leaders, the university has seen exponential growth in programming, student life activities, and interdepartmental collaboration. The following improvements have allowed the university to continue an avenue of success in implementing AOD policy and procedure:

- The university continues to strengthen and ensure all students take the “Think About It” course and expansion of additional modules will better fit graduate and nontraditional student populations.
- The health education department expansion and development of the peer health education program has increased accessibility to students.
- Increased collaboration with residence life leaders has allowed better access into the residence halls for programming and health assessment opportunities.
- Expansion of the Dean of Students office has refined the Code of Student Conduct and established a fair and efficient discipline process.
- Development of a policy that delivers information related to alcohol and other drug health risks, federal, state, local and university punishments to all students and employees has brought the university into compliance with federal mandates.
- Addition of an hourly LPC to expand counseling opportunities.
- Completion of the new Setzer Student Center.

An atmosphere of community is evident in a mid-sized institution, however Lamar University struggles with certain limitations concerning AOD policy and implementation:

- Limitations in manpower which affects efficiency and ongoing maintenance of established policies.
- Employees are burdened with expanded job descriptions instead of being accountable for a more select, specialized one.
- The university finds limitation in funding which affects expansion and growth.
- Continue to search for Associate Director for Greek Life hinders the collaboration with this student population.

Recommendations for future bienniums include:

1. Improve completion rates for “Think About It” program and expansion modules.
2. Improve data assessment and collection on all health education programs.
3. Continue to review and modify policies related to alcohol and other drugs to ensure compliance with federal, state and local laws.
4. Expand the peer health education program and recruit new members to apply.
5. Initiate second ACHA-NCHA to assess risk and health status of campus population.

6. Continue Student Health 101 newsletter to deliver student focused topics specific to the university population.
7. Modify screenings of alcohol and other drug risks in order to improve validity of responses.
8. Continue to implement a bystander awareness program to provide cues to action for students in situations requiring alcohol risk reduction or emergency care.
9. Educate students, faculty and staff about the amnesty policy for the campus.
10. Collaborate with Greek life to develop programing to reduce high risk behaviors.

## Appendix A

<https://www.lamar.edu/faculty-staff/files/documents/academic-affairs/FACULTY-HANDBOOK-2017-with-Index-8-23-17.pdf>

### FACULTY HANDBOOK LAMAR UNIVERSITY BEAUMONT, TEXAS

Policy: Faculty Standards of Conduct  
Chapter: II, Policies & Procedures  
Section 43  
Last Approved: August 2017

#### **43.9 ILLEGAL DRUGS.**

An employee who, by a preponderance of the evidence, under The Texas State University System's Rules and Regulations, is found to have illegally possessed, used, sold, or distributed any drug, narcotic, or controlled substance, whether the infraction is found to have occurred on or off campus, shall be subject to termination, suspension, or other discipline as determined by the president or his or her designee. That an employee is charged in a criminal case, or is found not guilty therein, shall not be construed as prohibiting administrative enforcement of this policy. If, in the judgment of the president or the Board, the best interests of the students or the university or the System so dictate, the employee may be immediately removed from contact with students and other employees, pending resolution of disciplinary proceedings. Nothing herein shall be construed in derogation of the Board's employment at-will policy.

## Appendix B

<https://www.lamar.edu/faculty-staff/files/documents/academic-affairs/FACULTY-HANDBOOK-2017-with-Index-8-23-17.pdf>

### **FACULTY HANDBOOK LAMAR UNIVERSITY BEAUMONT, TEXAS**

Policy: Drug-Free Workplace Standard

Chapter: II, Policies & Procedures

Section 63

Last Approved: Dec. 2004

#### **63. DRUG-FREE WORKPLACE.**

It shall be the policy of Lamar University that the unlawful manufacture, distribution, possession, or use of an illegal and controlled substance at any time on the university's premises is prohibited.

##### **63.1 FEDERAL GRANTS AND POLICY.**

Each employee engaged in the performance of a federal grant shall receive and acknowledge receipt of the university's drug-free workplace policy. Each employee engaged in the performance of a federal grant shall be required to sign a written and dated acknowledgment that he or she has received a copy of the university's drug-free workplace policy (available in the Research Office). A copy of this acknowledgment shall be included in the employee's personnel file. In addition to the signed and dated acknowledgment of receipt of the drug-free workplace policy, each employee engaged in the performance of a federal grant shall be required to sign and date a written agreement that he or she will abide by the terms of the university's drug-free workplace policy; and that he or she shall notify the university (through his or her administrative supervisor or the Human Resources Office) of any criminal drug convictions (state or federal) for a violation occurring in the workplace no later than five days after such conviction. The employee shall also acknowledge that failure to so notify the University of such convictions shall itself constitute a violation of university regulations, and shall subject the employee to disciplinary action.

##### **63.2 NOTIFICATION.**

The university shall notify the granting agency of any conviction of any employee engaged in the performance of a federal grant within ten days of receipt of notice of such conviction from the employee, or from the time the university otherwise receives actual notice of such conviction.



## Appendix C

<https://www.lamar.edu/students/safety-and-security/university-policies.html>

Lamar University  
Beaumont, Texas  
Student Handbook

### University Policies

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

Lamar University is committed to providing a healthy and safe learning environment for all students and employees. The institution has established procedures to advise members of the university community on the consequences of drug/alcohol use, possession and distribution. Additionally, Lamar University is committed to providing important information on available sub-stance abuse counseling, treatment, rehabilitation or re-entry programs.

Significant sections in this handbook and other university publications clearly indicate Lamar University's commitment to comply with the Drug-Free Schools and Communities Act.

## Appendix D

<https://students.lamar.edu/academic-support/code-of-conduct.html#section2>

### Lamar University Beaumont, Texas Code of Student Conduct

#### 1.00 General Provisions

##### 1.01 Applicability

This Code of Student Conduct, hereafter also referred to as this code, is applicable to any student currently enrolled; enrolled in the previous semester/session and eligible to enroll in the next consecutive semester/ session; or newly or readmitted and eligible to enroll in the next semester/session. A student who withdraws from school is subject to disciplinary action for any conduct that occurred while the student met the aforementioned criteria. Students involved in misconduct that would subject them to disciplinary action while not enrolled may be required to appear before the Dean of Students or designee before being readmitted to the university. This code is adopted pursuant to authority granted by The Texas State University System Board of Regents.

##### 1.02 Awareness of Policies

Each student is expected to be fully acquainted and comply with all published policies, rules, and regulations of Lamar University and of The Texas State University System, copies of which shall be available to each student for review online. The university will hold each student responsible for compliance with these published policies. A violation occurring off campus while participating in a university-sponsored program may be as if the violation occurred on campus. Students are also expected to comply with all federal and state laws. Any student who violates any provision of those laws is subject to disciplinary action, notwithstanding any action taken by civil authorities. This principle extends to conduct off campus that is likely to have an adverse effect on the university or the educational process.

##### 1.03 Definitions

1. *Disciplinary action* means proceeding under [Section 3.00](#).
2. *Designee* refers to the individual charged with an administrative responsibility to be performed in the absence of the staff member originally charged with responsibility. All individuals, including the President, may have a designee act on his or her behalf.
3. *Hazing* means those activities defined in Section 37.151-37.157 of the Texas Education Code.
4. *Complainant* refers to the person making a complaint of sexual misconduct.
5. *Respondent* refers to the person accused of sexual misconduct.

6. *Hearing* refers to a formal meeting between a hearing officer and a student.
7. *Hearing officer* means that person appointed by the Vice President for Student Engagement to determine in a hearing whether or not this code has been violated.
8. *Hearing panel* is composed of the hearing officer, students, and faculty and/or staff and may be assembled to determine in a hearing whether or not this code has been violated.
9. *Notice* means correspondence sent by mail addressed to a student at the local address, as shown on university records; or personally delivered to the address; or sent electronically from a Texas State University System email to the student's email address.
10. *Preponderance of the evidence* means whether it is more likely than not. In finding responsibility of the respondent under this standard of proof, the hearing panel/conduct officer must be convinced, based solely upon the information presented in the course of the hearing, that the conduct alleged is more likely than not to have occurred.
11. *Record* means all documents, forms, copies, reports, statements, recordings, or other information.
12. *University policy* means any provision of the Board of Regents Rules and Regulations, order, or any official university policy/procedure statement, rule, or regulation of the university.
13. *University official* means a person who has been given the responsibility and authority by the appropriate agency or person, including regents, officers, faculty, and administrative staff.
14. *University property* means property owned, controlled, or occupied by the university.
15. *VPSE* means the Vice President for Student Engagement.

## **2.00 Prohibited Conduct**

Specific examples of misconduct for which students may be subject to disciplinary action include, but are not limited to, the following:

1. Committing an act that would constitute an offense under appropriate federal, state, or municipal law.
2. Violating any published university policy, including policies or contracts relating to residential living in university-owned or operated facilities.
3. Failing to comply with the direction of a university official acting in the performance of his or her duties, including an official summons to the office of an administrative official at a designated time.
4. Furnishing false testimony or other evidence at a campus disciplinary or other administrative proceeding.
5. Issuing a check to the university without sufficient funds or otherwise failing to meet financial obligations to the university.
6. Endangering the health or safety of other persons, including, for example, throwing an object, without authorization, in or from university facilities.
7. Misusing fire extinguishers or other safety equipment on university-owned or controlled property.
8. Interfering or disrupting university teaching, research, or other activity, including administrative disciplinary or public service activities.
9. Endangering the physical or mental health or safety of any person or intentionally or recklessly causing injury to any person.
10. Possession of or use of university keys without authorization.

11. Engaging in or submitting to hazing (see [Hazing Policy](#)), including hazing associated with an initiation by an organization using dangerous, harmful, or degrading acts.
12. Violating published university policies on the possession or use of alcoholic beverages.
  1. Underage drinking of alcoholic beverages, driving under the influence of alcohol, and/or public intoxication is prohibited.
  2. The consumption of any alcoholic beverage in public places on the campus is prohibited except where specifically authorized by the University. All buildings, lobbies, walkways, and grounds of the campus are, for the purpose of this rule considered to be public places. Alcoholic beverages are not permitted in any residence hall.
  3. Any violation of published university policies regarding the possession and/or use of alcoholic beverages will result with disciplinary actions.
13. Gambling on university property.
14. Possessing, using, selling, or distributing any illegal drug, controlled substance, and/or drug paraphernalia as defined by Texas Law.
15. Possessing or using ammunition, firearm(s), illegal knives (knives with blades longer than five and one-half inches, hand instruments designed to cut or stab another by being thrown, stilettos, poniards, Bowie knives, swords, and/or spears), or other illegal weapons on university property (see, TSUS Policies, Chapter VII, paragraph 4).
16. Possessing, igniting, or detonating an explosive device, firework, or flammable object on university-owned or controlled property that could damage a person or property.
17. Stealing, destroying, defacing, damaging, vandalizing, or misusing university property or property belonging to another person.
18. Forging, altering, or misusing university documents, forms, records, identification cards, or admission records.
19. Violating a published university policy governing residence life or breaching a Residence Life contract.
20. Advocating, either orally or in writing, the conscious and deliberate violation of any federal, state, or local law. Advocating means addressing an individual or group for imminent action and steering it to such action, as opposed to abstractly espousing the moral propriety of such action.
21. Entering university buildings or facilities or using university equipment or resources without authorization.
22. Failing to maintain a current official mailing address in the Registrar's Office or giving a false or fictitious address to a university official.
23. Initiating, communicating, or circulating a false report of a present, past, or future bombing, fire offense, or other emergency that would cause action by an agency organized to deal with emergencies, placing a person in fear of imminent serious bodily injury; or presenting or interrupting the occupation of a building, room, vehicle, other mode of conveyance.
24. Harassing or threatening (by any means) to take unlawful action against any person, causing or intending to cause annoyance or alarm.
25. Engaging in disorderly conduct on property owned or controlled by the university, or at a university function, that interferes with the university's programs or activities.
26. Using authority granted by state law, system rule, or university policy to deprive a person of his or her civil rights.

27. Engaging in or making life-threatening gestures that endanger others or disrupts the learning environment.
28. Violating any published university policy relating to computer resources, electronic network facilities, or the internet.
29. Violating the university's [Policy on Sexual Misconduct](#), including engaging in, but not limited to:
  1. dating violence
  2. family (domestic violence)
  3. retaliation
  4. sexual assault
  5. sexual exploitation
  6. sexual harassment
  7. sexual intimidation
  8. sexual violence
  9. stalking
30. Possessing and/or using, without authorization according to university policy, intoxicating beverages in a classroom building, laboratory, auditorium, library building, faculty or administrative office, residence hall or apartment, intercollegiate and intramural athletic facility, or any other public campus area, or being intoxicated in any public area of the campus.
31. Campus disruptive activities. Disruptive activity means:
  1. Obstructing or restraining the passage of persons to the campus or an area of the campus or to an exit, entrance, or hallway of any building without the authorization of the administration of the university;
  2. Seizing control of an area of a campus, any building, or portion of a building for the purpose of interfering with any administrative, educational, research, or other authorized activity; or
  3. Disrupting and/or preventing or attempting to prevent, by force or violence or the threat of force or violence, any lawful assembly authorized by the university administration. A lawful assembly is disrupted when a person in attendance is rendered incapable of participating in the assembly due to the use of force or violence or a reasonable fear of force or violence.
  4. Pursuant to Education Code, Subsection 51.935 (Disruptive Activities), the university shall adhere to the following rules and regulations: No person or group of persons acting in concert may intentionally engage in disruptive activity or disrupt a lawful assembly on the university campus. Any person who is convicted the third time of violating this statute shall not thereafter be eligible to attend any school, college, or university receiving funds from the State of Texas for a period of two years from such third conviction. Nothing herein shall be construed to infringe upon any right of free speech or expression guaranteed by the Constitution of the United States or the State of Texas.
32. Attempting to commit any of these prohibited acts.

## **2.01 Medical Amnesty Protocol**

1. The Lamar University **Medical Amnesty Protocol** ensures that a student's safety and health comes first in cases of underage possession and/or consumption of alcohol and/or illicit drugs use. The Dean of Students Office and Housing and Residence Life will not pursue conduct action if:
  1. The intoxicated student reports the incident, and/or
  2. If the intoxicated or other student(s) involved is actively seeking medical and/or health assistance from a university official or medical provider.
2. This Protocol applies only to the LU Code of Student Conduct, Housing and Residence Life Handbook, LU Student Organizations Handbook, Greek Life: Fraternity and Sorority Life policies, and any other applicable Texas State University System and Lamar University regulations, rules and policies. This Protocol does not exempt students from being charged criminally by any law enforcement agency. Lamar University students cannot be covered under the Protocol if one of the following conditions is met:
  1. An intoxicated student and/or other students involved allegedly committed any other violation(s) of the student code of conduct (i.e., sexual misconduct, assault, vandalism, dealing drugs, furnishing alcohol to minors, etc.) during the incident in which they are seeking amnesty.
  2. An intoxicated student and/or other students involved have been previously found responsible for possession of alcohol and/or drugs.
  3. An intoxicated student and/or other students involved have already been covered by the Medical Amnesty Protocol for a previous underage possession and/or consumption of alcohol charge while a student at Lamar University.
3. The Dean of Students Office will decide on a case by case basis if conduct action will be pursued for those seeking assistance for others on more than one occasion.

## **3.00 Administration of Student Conduct**

### **3.01 Authorization to Adjudicate Conduction Violations**

Under the direction of the Vice President for Student Engagement, the Dean of Students or designee shall be primarily responsible for the administration of the Student Conduct process. The Director of Residence Life or designee will work closely with the Dean of Students in resolving minor disciplinary problems resulting from the alleged violation of regulations involving residence hall residents.

### **3.02 Disciplinary Procedures**

1. **Investigation:** The Dean of Students or designee will investigate information that a student may have violated a university policy. During the investigation, the Dean of Students or designee will give the student an opportunity to explain the incident, unless the student is unavailable. The Dean of Students or designee may conduct an investigation and make an administrative determination in the absence of a student if the student does not respond within the time period specified in any notice to the student. The Dean of Students or designee may place a registration hold, preventing a student from registering for additional courses, until the student responds to a summons or a decision is finalized.
2. **Administrative Review:** If the Dean of Students or designee concludes, based on the preponderance of evidence, that the student has violated the Code of Student Conduct, the Dean of Students or designee will determine an appropriate disciplinary penalty.

1. The Dean of Students or designee will discuss the findings and determination of an appropriate penalty with the student, if the student is available. In cases where the Dean of Students or designee determines that the allegations against the accused student are true but the only sanction assessed is a warning, the student may not request a hearing. For sanctions other than warnings, the Dean of Students or designee will give the student an opportunity to either accept or reject the Dean of Students' or designee's decision.
2. If the student accepts the Dean of Students' or designee's decision, the student shall so indicate in writing and waive his or her rights to a hearing. The designee may then assess the disciplinary penalty.
3. If the student does not accept the Dean of Students' or designee's decision, the Dean of Students or designee will initiate the hearing procedure.
4. In cases of sexual misconduct, the complainant will have the same right to request a hearing or appeal a decision as the respondent. The complainant will be afforded the same rights as the respondent, including the ability to attend the hearing and present relevant information.

### **3.03 Disciplinary Penalties**

1. **Sanctions:** Mitigating or aggravating factors in assessing the proper level of discipline may include, but not be limited to: the student's motive for engaging in the behavior; disciplinary history; effect of the behavior on safety and security of the university community; and the likelihood that the behavior will recur. The following penalties comprise the range of official university actions that may be taken when, based on the preponderance of the evidence, a student is determined to have engaged in prohibited conduct. These penalties are not exclusive and may be imposed with other sanctions.
  1. **Warning:** A written notice to the student that a violation of a published university policy has occurred and that the continuation of such conduct or actions could result in further disciplinary action.
  2. **Restricted privileges:** Denial or restriction of one or more university privileges granted to students. These may be, but are not limited to: parking privileges; dining facility privileges; visitation privileges; use of the recreational sports center; use of university computers, computer facilities, or systems; and participation in athletics or other extracurricular activities. Loss or restriction of privileges does not entitle a student to a refund of fees, paid or due.
  3. **Special project:** The requirement that the student complete a special project; for example, writing an essay or attending a special class or lecture.
  4. **Restitution:** Paying for physical or property damage, losses, or misappropriation, either monetarily or by the performance of specific duties.
  5. **Cancellation of residence hall contract.**
  6. **Disciplinary probation:** An indication that the student is not in good standing, and that his/her continued enrollment is conditioned upon adherence to published university policies. Probation automatically restricts the following privileges:
    1. A student on disciplinary probation is ineligible to be elected or hold any executive office of any student organization recognized by Lamar University; and

2. A student on disciplinary probation may not represent the university in any special or honorary role.
  7. Withholding an official transcript or degree.
  8. Cancellation of pre-registered courses, prohibition against readmission, or restriction from pre-registration.
  9. Denial or non-recognition of a degree.
  10. Loss of or ineligibility for a student grant or loan.
  11. Suspension: Separation from the university for a definite term during which the student shall not be permitted to earn university credit at Lamar University, be on university-owned property, participate in any university activity, or use any university service.
  12. Expulsion: Permanent separation from the university. A student who has been suspended or expelled from any Texas State University System institution shall be ineligible to enroll at any other system institution during the period of suspension or expulsion. The registrar of each institution is authorized to make an appropriate notation on the student's transcript to accomplish this objective and to remove the notation when the student's disciplinary record has been cleared. In addition to Lamar University, the Texas State University System includes Texas State University, Lamar State College - Port Arthur, Lamar State College - Orange, Lamar Institute of Technology, Sam Houston State University, Sul Ross State University, and Sul Ross State University Rio Grande College.
2. **Recording of Penalties:** The penalties provided in Subsections [3.03.1.8](#), [3.03.1.9](#), [3.03.1.11](#), and [3.03.1.12](#) can be noted on the student's permanent transcript. Any record of penalty, except for expulsion, not noted on the transcript shall be expunged no later than five years after the penalty is assessed.
  3. **Finality of Penalties:** No penalty shall take effect until disciplinary action becomes final. Disciplinary action becomes final when:
    1. during administrative disposition:
      1. upon acceptance by the student of the designee's decision if the only sanction is a warning; or
      2. upon notification to the student of the decision of the designee and the expiration of the time in which to file a notice of appeal to the Vice President for Student Engagement.
    2. in the event of a hearing:
      1. the sanction assessed is a warning or probation; or
      2. upon notification to the student of the decision of the hearing panel and the expiration of the time in which to file a notice of appeal to the Vice President for Student Engagement.
    3. in the event of review by the Vice President for Student Engagement:
      1. upon notification to the student of the decision of the Vice President for Student Engagement.



### 3.04 Interim Disciplinary Action

1. The President or Vice President for Student Engagement or their designee may take immediate interim disciplinary action, including suspension, pending a hearing, against a student for allegedly violating a university policy when the student's continuing presence constitutes:
  1. a danger to persons or property;
  2. or an ongoing threat of disrupting the academic process.
2. The university official involved shall notify the student of the interim disciplinary action by the most expeditious means available. Thereafter, the Dean of Students or designee may offer the student an opportunity to have an administrative review or to immediately initiate the hearing procedures provided in this code. If the latter option is chosen, a hearing shall be held no later than 12 class days after the temporary disciplinary action was taken. In the event that the interim disciplinary action includes suspension, the university official involved shall, as soon as possible, notify the President of Lamar University and the Vice Chancellor and General Counsel of the Texas State University System of such action.

### 3.05 Hearings

1. **Hearing Panel:** At the beginning of each fall semester, the Vice President for Student Engagement will appoint an at-large hearing panel composed of faculty, staff, and student members. Student members must be in good academic and disciplinary standing. The hearing panel shall be the Dean of Students, two student members, and a faculty and/or staff member, hereafter collectively referred to as the hearing panel. The panel shall be scheduled to serve based on availability and scheduling constraints. If two student members are not able or willing to hear a case, the Dean of Students or designee may appoint new members to the panel so that every case may be heard within a reasonable time period. During hearings, new appointments, whether appointed for one hearing or the remainder of the current academic year, shall have all the qualifications, authority and responsibilities of a panel member appointed at the beginning of the fall semester. The Dean of Students or designees will serve as the hearing officer and shall preside over the disciplinary hearing.
2. **Students' Rights:** Each student who requests a hearing or who is given an interim disciplinary sanction shall be afforded:
  1. **Notice:** Written notification at least five class days before the hearing specifying:
    1. the university policy alleged to have been violated;
    2. a summary of the facts alleged to constitute the violation;
    3. the date, time, and location of the hearing;
    4. the names of expected witnesses;
    5. a description of other evidence that the designee will present at the hearing;
    6. notification if the designee intends to use legal counsel for other than advisory purposes as provided in [Subsection 3.05.2.3](#); and
    7. a statement that the student must provide a list of witnesses and a summary of their expected testimony to the Dean of Students or designee at least 48 hours before the hearing.
  2. **Hearing:** This is an opportunity for the respondent and complainant to attend the hearing and present relevant evidence. If the respondent or complainant fails to attend, the hearing may proceed. The student may present his or her own response to

the charges and may produce either oral information or written affidavits of witnesses on his or her behalf.

3. **Representative:** This is an opportunity for the student to have an advisor or counsel present at meetings with the designee during hearings. The student will provide the representative at his or her expense. The university is not obligated to arrange for or provide a representative. In addition, the student may also have parents or a legal guardian present.
  1. To the extent that the designee uses legal counsel for other than advisory purposes during the hearing, the student shall be afforded the same opportunity. The designee will notify the student of the designee's intent to use legal counsel when providing the notification described in [Subsection 3.05.2.1](#).
  2. The student's representative may not address the panel, question witnesses or the designee, or participate in the hearing except to offer advice and counsel to the student.
4. **Challenge to Impartiality:** This is an opportunity for the student to challenge the impartiality of the hearing officer or a member of the hearing panel. This challenge must be made at any time before the introduction of information or other evidence. The person challenged will be the sole judge as to whether he or she can serve with fairness and objectivity. If the person challenged chooses not to serve and an alternate is not readily available, the designee may appoint a special replacement for that case.
3. **Notification of Evidence:** At least 48 hours before the hearing, the designee will provide the student/respondent and complainant with the names of witnesses, summaries of information, documents, and other evidence to be presented at the hearing.
4. **Burden of Proof:** The designee has the burden of going forward with the information on the violation by the preponderance of the evidence.
5. **Questioning Witnesses:** The designee, the student/respondent, the hearing officer, and members of the hearing panel may question witnesses regarding relevant matters.
6. **Recording:** The hearing, with the exception of the panel's deliberation, will be recorded. If the student/respondent, the complainant (if sexual misconduct), or the designee desires to appeal the panel's findings, a copy of the hearing recording and records presented at the hearing will be forwarded to the Vice President for Student Engagement. The student/respondent and/or complainant (if sexual misconduct) may request to listen to the recording prior to writing an appeal.
7. **Postponement:** The designee may postpone a hearing for good cause. A request for postponement must be filed with the Dean of Students at least 24 hours before the hearing.
8. **Hearing Officer:** The hearing officer will determine the procedure to be followed, rule on the admissibility of evidence, and control decorum in the hearing.
9. **Attendance:** Upon the request of the student/respondent or the designee, or upon his or her own initiative, the hearing officer may issue a written request for a witness to appear and testify or to produce documents at a hearing. Requests shall be personally delivered, sent by certified mail, or sent from a TSUS email address to the witness' designated university email account or personal email account. Students who are requested to appear at hearings are expected to comply.

10. **Confidentiality:** During the hearing, only the members of the hearing panel, the designee and his/her counsel, the student/respondent and his/her advisor, the complainant (if sexual misconduct) and his/her advisor, the student's parents or legal guardians, and the witness currently testifying will be allowed in the hearing room. After testifying, a witness may not remain in the hearing room. All persons present at the hearing shall treat matters discussed with confidence.
11. **Relevant Evidence:** Legal rules of evidence shall not apply to hearings. Any relevant information shall be admitted if it is credible and is the sort that reasonable people would rely upon in the conduct of their affairs.
12. **Not Compelled to Testify:** The respondent may not be compelled to speak against himself or herself.
13. **Procedural Rules:**
  1. The hearing officer will invite all parties entitled to be present into the hearing room.
  2. The hearing officer will read a statement of confidentiality.
  3. The hearing officer will state the university policy alleged to have been violated.
  4. The designee will present evidence of the student's violation of the policy.
  5. The student may present his/her own defense against the charges.
  6. The hearing officer and/or hearing panel may question the witness(es).
  7. Both parties may present rebuttal evidence.
  8. Both parties may present brief summations.
  9. The hearing officer will dismiss both parties and the hearing panel will deliberate and determine, by a majority vote, whether the respondent has violated a university policy. Deliberations are not recorded. If the panel finds that the student/respondent did violate a university policy, it will assess the penalty. The hearing officer shall report in writing the panel's findings and the penalty, if any, to be assessed.
  10. The hearing officer will send the panel's report to the VPSE, with copies to the student and to the designee. If the student is found to have violated a university policy, and if a disciplinary penalty has been assessed, the hearing officer will inform the student of his/her right to appeal to the VPSE.

## **4.0 Appeals**

### **4.01 Vice President for Student Affairs (VPSE)**

In cases in which the sanction assessed is a verbal or written warning or probation, the decision of the hearing officer or hearing panel is final. In cases in which the sanction assessed is beyond a warning or probation, either the student/respondent or complainant may appeal to the VPSE based on:

1. whether or not a fair hearing was afforded. A fair hearing includes notice of the alleged misconduct, and an opportunity to present information.
2. whether or not the sanctions levied were appropriate to the offense.
3. whether or not the finding was supported by the information.
4. whether or not new evidence is introduced that was not available at the time of the hearing.

An appeal is not a rehearing of the original case. The VPSE's review will focus on arguments addressing the basis, listed above, of the appeal.

#### **4.02 Notice**

Either party appealing to the VPSE must give written notice to the Dean of Students no later than five business days after the hearing officer or hearing panel's decision. All supporting documentation, when appropriate or requested, shall be filed with the VPSE no later than five business days after notice of appeal is given. Both parties, at the discretion of the VPSE, may submit oral or written statements to support their positions.

#### **4.03 Action**

Upon appeal, the VPSE will review the materials presented at the hearing and may require the parties to submit written material or oral statements. The VPSE shall respond to the appeal within ten business days after all the documentation is received and all testimony is reviewed. The VPSE may postpone a decision for good cause.

1. If the student is required to appear in person before the VPSE, the student may have a representative present as provided in [Subsection 3.05.2.3](#).
2. The VPSE may approve, reject, or modify the decision of the hearing panel or may require that the committee reopen the hearing to hear additional evidence or to reconsider the decision.
3. The VPSE will inform the student/respondent, complainant (if sexual misconduct), and the hearing officer of his/her decision in writing. The VPSE's decision is final except for the discretionary review described below. The Dean of Students will prepare the decision of the appeal by the VPSE and send to the student/respondent and complainant (if sexual misconduct).

#### **4.04 Discretionary Review**

The VPSE, the President, or the Board of Regents may, on their initiative, review any disciplinary case, and upon such review may approve, reject, or modify the lower decision, or may remand the decision to the hearing officer or hearing panel for presentation of additional evidence and reconsideration of the decision.

## Appendix E

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

### HUMAN RESOURCES POLICY MANUAL LAMAR UNIVERSITY BEAUMONT, TEXAS

#### Policy: Drug Free Work Place Section 2 General Policies Policy Number 2.9

##### **DRUG-FREE WORK PLACE**

**1. Policy:** Lamar University is committed to providing safe and healthy work, teaching, and learning environments. Therefore, the unlawful manufacture, distribution, dispensing, possession or use of a controlled substance and the abuse of alcohol in the work place is expressly prohibited. Students, faculty, and staff may be drug tested in accordance with this policy.

1.1 This policy applies to all employees of the University which shall be notified of the provision of the policy. All department chairs and supervisors of the institution are responsible for ensuring that the work place is free from illicit drug use and alcohol abuse. They shall also be responsible for the conformance by all employees with the provisions of this policy and all required procedures hereto.

1.2 Sanctions will be imposed on students and employees (consistent with local, State, and Federal law), up to and including expulsion or termination of employment and referral for prosecution, for violation of the standards of conduct set forth in above.

1.3 The University shall conduct a biennial review of its drug and alcohol abuse prevention program. It shall determine and put in report format: (1) the effectiveness of the program and (2) the consistency of the enforcement of sanctions imposed pursuant to the program. It shall also evaluate whether any changes are needed and shall implement any such changes.

1.4 The University shall have available for review by the Secretary of Education, or designee, and the general public, if requested, copies of all documents distributed to students and

employees under the drug and alcohol abuse prevention program and copies of the institution's biennial review.

**2. Purpose:** Based on its commitment to assure the safety and health of its students and employees, Lamar University seeks to maintain a learning environment free of the unlawful manufacture, distribution, possession or use of a controlled substance or the abuse of alcohol. Drug and alcohol abuse affects the responsible conduct of business, teaching, and learning, and therefore, will not be tolerated.

2.1 To maintain a safe and healthy environment for all students and employees;

2.2 To maintain the good reputation of the University and its employees;

2.3 To minimize accidental injuries to a person or property;

2.4 To keep absenteeism and tardiness at a minimum and to improve the effective performance of job duties and productivity of all employees and the educational performance of all students;

2.5 In appropriate circumstances, to assist students and employees in securing substance abuse rehabilitation;

2.6 To comply with the Federal Drug-Free Work Place Act of 1988, the Drug Free Schools and Communities Act Amendments of 1989, and other applicable legislation, and,

2.7 To adopt and implement a program to prevent use of illicit drugs and abuse of alcohol by students and employees.

This policy shall be in addition to any drug abuse policy or policies relating to participation in intercollegiate athletics.

**3. Definitions: As used in this policy, the following definitions apply.**

3.1. "Drugs or other controlled substances" mean any substance, other than alcohol, capable of altering an individual's mood, perception, pain level or judgment.

3.1.1 A "prescribed drug" is any substance prescribed for individual consumption by a licensed medical practitioner. It includes prescribed drugs and over-the-counter drugs which have been legally obtained and are being used for the purpose for which they were prescribed or manufactured.

3.1.2 An "illicit drug" or chemical substance is (a) any drug or chemical substance, the use, sale or possession of which is illegal under any State or Federal law, or (b) one which is legally obtainable but has not been legally obtained. The term includes prescribed drugs not legally obtained and prescribed drugs not being used for prescribed purposes.

3.1.3 The term "controlled substance" means a controlled substance in schedules I through V of Section 202 of the Controlled Substance Act (21 U.S.C.S. 812) or

which possession, sale or delivery results in criminal sanctions under the Texas Controlled Substances Act (Art. 4476-15, TCS). In general, this includes all prescription drugs, as well as those substances for which there is no generally accepted medicinal use (e.g., heroin, LSD, marijuana, etc.), and substances which possess a chemical structure similar to that of the controlled substance (e.g., "Designer Drugs"). The term does not include alcohol.

3.2 "Alcohol" refers to any beverage that is "alcohol", or any beverage containing more than one-half of one percent of alcohol by volume, which is capable of use for beverage purposes, either alone or when diluted".

3.3 "Alcohol abuse" means the excessive use of alcohol in a manner that interferes with (1) physical or psychological functioning; (2) social adaptation; (3) educational performance; or (4) occupational functioning.

3.4 The term "conviction" means a find of guilt (including a plea of nolo contendere) or imposition of sentence, or both, by any judicial body charged with the responsibility to determine violations of the Federal or State criminal drug statutes. (See 8.5 for time limitations on reporting such convictions.)

3.5 "Cause for reasonable suspicion" may be established by: (1) observation; (2) action/behaviors of the individual; (3) witness by supervisor or other reliable individual of possession or use; or any other legal measure used for alcohol or drug detection.

3.6 The term "criminal drug statute" means a criminal statute involving manufacture, distribution, dispensation, use, or possession of any controlled substance.

3.7 "Sanctions" may include completion of an appropriate rehabilitation or assistance program, probation, expulsion, termination, or referral to authorities for prosecution. If an employee has been convicted of a criminal drug statute, sanctions must be imposed within 30 days.

**4. Drug Free Awareness Program:** The University shall distribute to each employee, if applicable, information pertaining to:

4.1 Standards of conduct that prohibit the unlawful possession, use, and distribution of illicit drugs and alcohol to students and employees on the University's property or as part of any University activity.

4.2 A description of the applicable legal sanctions under local, state, or federal law for the unlawful possession or distribution of illicit drugs or alcohol.

4.3 A description of the health or the health risks associated with the use of illicit drugs and the abuse of alcohol.

4.4. A description of any drug or alcohol counseling, treatment, or rehabilitation or re-entry programs that are available to employees.

4.5 A clear statement that the University, consistent with local, state, or federal law, will

impose sanctions against a student or employee who violates the standards of conduct. The statement must describe the possible sanctions, which may include completion of an appropriate rehabilitation program, expulsion from school, termination of employment, or referral to the authorities for prosecution.

4.6 A description of the institution's drug/alcohol abuse prevention and intervention program, including alternative support, education and re-entry programs for students who are suspended as a result of violating standards required by these minimum requirements.

The University shall certify the availability of a drug abuse prevention program for officers, employees and students of the institution, as required under Title IV of the Higher Education Amendments (P.L. 99-498).

## **5. Suspicion of Usage:**

5.1 If a supervisor reasonably suspects that usage of alcohol, illicit drugs or a controlled substance has affected an employee's job performance, the supervisor shall immediately notify the appropriate department head, or other designated administrative official and, upon direction, the supervisor or other designated administrative official shall discuss with the employee the suspected drug-related problems. The employee should be advised of any available drug counseling, rehabilitation, or employee assistance programs, and the terms of any applicable period of probation. All such meetings between the employee and the supervisor or other designated administrative official to address the suspected drug-related problem and/or its resolution shall be documented in a memorandum to the record and filed in the employee's personnel file.

5.2 Should such discussion and/or participation in any available drug counseling, rehabilitation, or employee assistance program fail to resolve the suspected drug-related problems, or should the employee fail to meet the term of any applicable probation period, the employee may be subject to termination, or a chemical screening may be required as provided in Section 7. Procedure for Testing (Chemical Screening).

## **6. Rules for Testing:**

6.1 Employees in sensitive positions may be tested for the use of alcohol, illicit drugs or a controlled substance. "Employee in a sensitive position" means an employee who has been granted access to classified information or employees in other positions determined by appropriate administrative personnel to involve national security, health or safety concerns, or functions requiring a high degree of trust and confidence.

6.2 The Department of Defense Drug-Free Work Force Rule mandates that government contractors establish a program for testing for the use of illicit drugs by an employee in a sensitive position under a Department of Defense (DOD) contract.

6.3 Testing of an employee in a DOD-funded sensitive position shall be undertaken under the following circumstances: (1) there is reasonable suspicion that the employee's job



performance has been affected by the use of illicit drugs, and (2) there is a reasonable belief that such impairment will affect national security, health or safety concerns, or functions requiring a high degree of trust and confidence.

## **7. Procedure for Testing (Chemical Screening):**

7.1 The decision to require a chemical screening must be reviewed with system legal counsel prior to the screening.

7.2 Prior to the administration of chemical screening, the appropriate administrative or supervisory personnel must explain the chemical screening procedures to the employee and then accompany the employee to a hospital or clinic for the taking of a specimen for screening purposes.

7.3 Before the specimen is taken, the employee should be asked to sign a consent form agreeing to the taking of a specimen for testing purposes. The signed form will be required by the hospital or clinic. The employee will be asked to list any medications taken. There will be a reasonable opportunity to rebut or explain a positive test result, including an independent retest of the sample.

7.4 The expense of the test, and any retest, shall be borne by the University. The testing procedure will be kept confidential, with the results being reported to the employee and the appropriate senior-level administrator as soon as they are available.

## **8. Regulations Specifically Related To Employees:**

8.1 A copy of this policy shall be provided to each employee who is or who will be engaged in the performance of a federal grant or contract, and a record shall be kept of the distribution.

8.2 Any employee whose off-duty use of illegal drugs or other controlled substances results in absenteeism, tardiness, impairment of work performance, or is the cause of work place accidents, will be referred to an assistance program and may be subject to discipline or discharge if he or she rejects participation in the program or if the participation does not result in improved performance.

8.3 Employees in sensitive positions whose work-related performance gives cause for suspicion of use of alcohol or use or possession of a controlled substance may, at the discretion of appropriate authorities be subjected to testing for the substance in accordance with the sections in this policy related to testing and chemical screening. A refusal to submit to a test, combined with a reasonable suspicion of usage, may be a sufficient basis for termination.

8.4 Any disciplinary action shall be governed by University policies on discipline and dismissal and academic freedom, responsibility and tenure. Sanctions may include a period of probation for an employee. A record of the action will be placed in the employee's personnel file.

8.5 As a condition of employment, employees on government grants or contracts must abide by the required notification statement and must report any criminal drug statute conviction for a violation occurring in the work place or on University business to their employer no later than

five days after such conviction. The employer, in turn, must so notify the contracting federal agency within ten days after receiving notice from an employee or otherwise receiving actual notice of such conviction, and within thirty days must impose sanctions on the employee, up to and including termination, or requiring the employee to satisfactorily participate in an approved drug abuse assistance or rehabilitation program.

**9. Authority of President:**

The President of Lamar University is authorized to approve any changes to this policy to bring the University into full compliance with instructions of the Board of Regents, applicable legislation, or guidelines promulgated by local, state or federal governmental bodies.

## Appendix F

<https://students.lamar.edu/academic-support/code-of-conduct.html#section2>

### Lamar University Beaumont, Texas Code of Student Conduct

#### 1.00 General Provisions

##### 1.01 Applicability

This Code of Student Conduct, hereafter also referred to as this code, is applicable to any student currently enrolled; enrolled in the previous semester/session and eligible to enroll in the next consecutive semester/ session; or newly or readmitted and eligible to enroll in the next semester/session. A student who withdraws from school is subject to disciplinary action for any conduct that occurred while the student met the aforementioned criteria. Students involved in misconduct that would subject them to disciplinary action while not enrolled may be required to appear before the Dean of Students or designee before being readmitted to the university. This code is adopted pursuant to authority granted by The Texas State University System Board of Regents.

##### 1.02 Awareness of Policies

Each student is expected to be fully acquainted and comply with all published policies, rules, and regulations of Lamar University and of The Texas State University System, copies of which shall be available to each student for review online. The university will hold each student responsible for compliance with these published policies. A violation occurring off campus while participating in a university-sponsored program may be as if the violation occurred on campus. Students are also expected to comply with all federal and state laws. Any student who violates any provision of those laws is subject to disciplinary action, notwithstanding any action taken by civil authorities. This principle extends to conduct off campus that is likely to have an adverse effect on the university or the educational process.

##### 1.03 Definitions

1. *Disciplinary action* means proceeding under [Section 3.00](#).
2. *Designee* refers to the individual charged with an administrative responsibility to be performed in the absence of the staff member originally charged with responsibility. All individuals, including the President, may have a designee act on his or her behalf.
3. *Hazing* means those activities defined in Section 37.151-37.157 of the Texas Education Code.

4. *Complainant* refers to the person making a complaint of sexual misconduct.
5. *Respondent* refers to the person accused of sexual misconduct.
6. *Hearing* refers to a formal meeting between a hearing officer and a student.
7. *Hearing officer* means that person appointed by the Vice President for Student Engagement to determine in a hearing whether or not this code has been violated.
8. *Hearing panel* is composed of the hearing officer, students, and faculty and/or staff and may be assembled to determine in a hearing whether or not this code has been violated.
9. *Notice* means correspondence sent by mail addressed to a student at the local address, as shown on university records; or personally delivered to the address; or sent electronically from a Texas State University System email to the student's email address.
10. *Preponderance of the evidence* means whether it is more likely than not. In finding responsibility of the respondent under this standard of proof, the hearing panel/conduct officer must be convinced, based solely upon the information presented in the course of the hearing, that the conduct alleged is more likely than not to have occurred.
11. *Record* means all documents, forms, copies, reports, statements, recordings, or other information.
12. *University policy* means any provision of the Board of Regents Rules and Regulations, order, or any official university policy/procedure statement, rule, or regulation of the university.
13. *University official* means a person who has been given the responsibility and authority by the appropriate agency or person, including regents, officers, faculty, and administrative staff.
14. *University property* means property owned, controlled, or occupied by the university.
15. *VPSE* means the Vice President for Student Engagement.

## **2.00 Prohibited Conduct**

Specific examples of misconduct for which students may be subject to disciplinary action include, but are not limited to, the following:

1. Committing an act that would constitute an offense under appropriate federal, state, or municipal law.
2. Violating any published university policy, including policies or contracts relating to residential living in university-owned or operated facilities.
3. Failing to comply with the direction of a university official acting in the performance of his or her duties, including an official summons to the office of an administrative official at a designated time.
4. Furnishing false testimony or other evidence at a campus disciplinary or other administrative proceeding.
5. Issuing a check to the university without sufficient funds or otherwise failing to meet financial obligations to the university.
6. Endangering the health or safety of other persons, including, for example, throwing an object, without authorization, in or from university facilities.
7. Misusing fire extinguishers or other safety equipment on university-owned or controlled property.
8. Interfering or disrupting university teaching, research, or other activity, including administrative disciplinary or public service activities.

9. Endangering the physical or mental health or safety of any person or intentionally or recklessly causing injury to any person.
10. Possession of or use of university keys without authorization.
11. Engaging in or submitting to hazing (see [Hazing Policy](#)), including hazing associated with an initiation by an organization using dangerous, harmful, or degrading acts.
12. Violating published university policies on the possession or use of alcoholic beverages.
  1. Underage drinking of alcoholic beverages, driving under the influence of alcohol, and/or public intoxication is prohibited.
  2. The consumption of any alcoholic beverage in public places on the campus is prohibited except where specifically authorized by the University. All buildings, lobbies, walkways, and grounds of the campus are, for the purpose of this rule considered to be public places. Alcoholic beverages are not permitted in any residence hall.
  3. Any violation of published university policies regarding the possession and/or use of alcoholic beverages will result with disciplinary actions.
13. Gambling on university property.
14. Possessing, using, selling, or distributing any illegal drug, controlled substance, and/or drug paraphernalia as defined by Texas Law.
15. Possessing or using ammunition, firearm(s), illegal knives (knives with blades longer than five and one-half inches, hand instruments designed to cut or stab another by being thrown, stilettos, poniards, Bowie knives, swords, and/or spears), or other illegal weapons on university property (see, TSUS Policies, Chapter VII, paragraph 4).
16. Possessing, igniting, or detonating an explosive device, firework, or flammable object on university-owned or controlled property that could damage a person or property.
17. Stealing, destroying, defacing, damaging, vandalizing, or misusing university property or property belonging to another person.
18. Forging, altering, or misusing university documents, forms, records, identification cards, or admission records.
19. Violating a published university policy governing residence life or breaching a Residence Life contract.
20. Advocating, either orally or in writing, the conscious and deliberate violation of any federal, state, or local law. Advocating means addressing an individual or group for imminent action and steering it to such action, as opposed to abstractly espousing the moral propriety of such action.
21. Entering university buildings or facilities or using university equipment or resources without authorization.
22. Failing to maintain a current official mailing address in the Registrar's Office or giving a false or fictitious address to a university official.
23. Initiating, communicating, or circulating a false report of a present, past, or future bombing, fire offense, or other emergency that would cause action by an agency organized to deal with emergencies, placing a person in fear of imminent serious bodily injury; or presenting or interrupting the occupation of a building, room, vehicle, other mode of conveyance.
24. Harassing or threatening (by any means) to take unlawful action against any person, causing or intending to cause annoyance or alarm.
25. Engaging in disorderly conduct on property owned or controlled by the university, or at a university function, that interferes with the university's programs or activities.

26. Using authority granted by state law, system rule, or university policy to deprive a person of his or her civil rights.
27. Engaging in or making life-threatening gestures that endanger others or disrupts the learning environment.
28. Violating any published university policy relating to computer resources, electronic network facilities, or the internet.
29. Violating the university's [Policy on Sexual Misconduct](#), including engaging in, but not limited to:
  1. dating violence
  2. family (domestic violence)
  3. retaliation
  4. sexual assault
  5. sexual exploitation
  6. sexual harassment
  7. sexual intimidation
  8. sexual violence
  9. stalking
30. Possessing and/or using, without authorization according to university policy, intoxicating beverages in a classroom building, laboratory, auditorium, library building, faculty or administrative office, residence hall or apartment, intercollegiate and intramural athletic facility, or any other public campus area, or being intoxicated in any public area of the campus.
31. Campus disruptive activities. Disruptive activity means:
  1. Obstructing or restraining the passage of persons to the campus or an area of the campus or to an exit, entrance, or hallway of any building without the authorization of the administration of the university;
  2. Seizing control of an area of a campus, any building, or portion of a building for the purpose of interfering with any administrative, educational, research, or other authorized activity; or
  3. Disrupting and/or preventing or attempting to prevent, by force or violence or the threat of force or violence, any lawful assembly authorized by the university administration. A lawful assembly is disrupted when a person in attendance is rendered incapable of participating in the assembly due to the use of force or violence or a reasonable fear of force or violence.
  4. Pursuant to Education Code, Subsection 51.935 (Disruptive Activities), the university shall adhere to the following rules and regulations: No person or group of persons acting in concert may intentionally engage in disruptive activity or disrupt a lawful assembly on the university campus. Any person who is convicted the third time of violating this statute shall not thereafter be eligible to attend any school, college, or university receiving funds from the State of Texas for a period of two years from such third conviction. Nothing herein shall be construed to infringe upon any right of free speech or expression guaranteed by the Constitution of the United States or the State of Texas.
32. Attempting to commit any of these prohibited acts.

## **2.01 Medical Amnesty Protocol**

1. The Lamar University **Medical Amnesty Protocol** ensures that a student's safety and health comes first in cases of underage possession and/or consumption of alcohol and/or illicit drugs use. The Dean of Students Office and Housing and Residence Life will not pursue conduct action if:
  1. The intoxicated student reports the incident, and/or
  2. If the intoxicated or other student(s) involved is actively seeking medical and/or health assistance from a university official or medical provider.
2. This Protocol applies only to the LU Code of Student Conduct, Housing and Residence Life Handbook, LU Student Organizations Handbook, Greek Life: Fraternity and Sorority Life policies, and any other applicable Texas State University System and Lamar University regulations, rules and policies. This Protocol does not exempt students from being charged criminally by any law enforcement agency. Lamar University students cannot be covered under the Protocol if one of the following conditions is met:
  1. An intoxicated student and/or other students involved allegedly committed any other violation(s) of the student code of conduct (i.e., sexual misconduct, assault, vandalism, dealing drugs, furnishing alcohol to minors, etc.) during the incident in which they are seeking amnesty.
  2. An intoxicated student and/or other students involved have been previously found responsible for possession of alcohol and/or drugs.
  3. An intoxicated student and/or other students involved have already been covered by the Medical Amnesty Protocol for a previous underage possession and/or consumption of alcohol charge while a student at Lamar University.
3. The Dean of Students Office will decide on a case by case basis if conduct action will be pursued for those seeking assistance for others on more than one occasion.

## **3.00 Administration of Student Conduct**

### **3.01 Authorization to Adjudicate Conduction Violations**

Under the direction of the Vice President for Student Engagement, the Dean of Students or designee shall be primarily responsible for the administration of the Student Conduct process. The Director of Residence Life or designee will work closely with the Dean of Students in resolving minor disciplinary problems resulting from the alleged violation of regulations involving residence hall residents.

### **3.02 Disciplinary Procedures**

1. **Investigation:** The Dean of Students or designee will investigate information that a student may have violated a university policy. During the investigation, the Dean of Students or designee will give the student an opportunity to explain the incident, unless the student is unavailable. The Dean of Students or designee may conduct an investigation and make an administrative determination in the absence of a student if the student does not respond within the time period specified in any notice to the student. The Dean of Students or designee may place a registration hold, preventing a student from registering for additional courses, until the student responds to a summons or a decision is finalized.
2. **Administrative Review:** If the Dean of Students or designee concludes, based on the preponderance of evidence, that the student has violated the Code of Student Conduct, the Dean of Students or designee will determine an appropriate disciplinary penalty.

1. The Dean of Students or designee will discuss the findings and determination of an appropriate penalty with the student, if the student is available. In cases where the Dean of Students or designee determines that the allegations against the accused student are true but the only sanction assessed is a warning, the student may not request a hearing. For sanctions other than warnings, the Dean of Students or designee will give the student an opportunity to either accept or reject the Dean of Students' or designee's decision.
2. If the student accepts the Dean of Students' or designee's decision, the student shall so indicate in writing and waive his or her rights to a hearing. The designee may then assess the disciplinary penalty.
3. If the student does not accept the Dean of Students' or designee's decision, the Dean of Students or designee will initiate the hearing procedure.
4. In cases of sexual misconduct, the complainant will have the same right to request a hearing or appeal a decision as the respondent. The complainant will be afforded the same rights as the respondent, including the ability to attend the hearing and present relevant information.

### **3.03 Disciplinary Penalties**

1. **Sanctions:** Mitigating or aggravating factors in assessing the proper level of discipline may include, but not be limited to: the student's motive for engaging in the behavior; disciplinary history; effect of the behavior on safety and security of the university community; and the likelihood that the behavior will recur. The following penalties comprise the range of official university actions that may be taken when, based on the preponderance of the evidence, a student is determined to have engaged in prohibited conduct. These penalties are not exclusive and may be imposed with other sanctions.
  1. **Warning:** A written notice to the student that a violation of a published university policy has occurred and that the continuation of such conduct or actions could result in further disciplinary action.
  2. **Restricted privileges:** Denial or restriction of one or more university privileges granted to students. These may be, but are not limited to: parking privileges; dining facility privileges; visitation privileges; use of the recreational sports center; use of university computers, computer facilities, or systems; and participation in athletics or other extracurricular activities. Loss or restriction of privileges does not entitle a student to a refund of fees, paid or due.
  3. **Special project:** The requirement that the student complete a special project; for example, writing an essay or attending a special class or lecture.
  4. **Restitution:** Paying for physical or property damage, losses, or misappropriation, either monetarily or by the performance of specific duties.
  5. **Cancellation of residence hall contract.**
  6. **Disciplinary probation:** An indication that the student is not in good standing, and that his/her continued enrollment is conditioned upon adherence to published university policies. Probation automatically restricts the following privileges:
    1. A student on disciplinary probation is ineligible to be elected or hold any executive office of any student organization recognized by Lamar University; and



2. A student on disciplinary probation may not represent the university in any special or honorary role.
  7. Withholding an official transcript or degree.
  8. Cancellation of pre-registered courses, prohibition against readmission, or restriction from pre-registration.
  9. Denial or non-recognition of a degree.
  10. Loss of or ineligibility for a student grant or loan.
  11. Suspension: Separation from the university for a definite term during which the student shall not be permitted to earn university credit at Lamar University, be on university-owned property, participate in any university activity, or use any university service.
  12. Expulsion: Permanent separation from the university. A student who has been suspended or expelled from any Texas State University System institution shall be ineligible to enroll at any other system institution during the period of suspension or expulsion. The registrar of each institution is authorized to make an appropriate notation on the student's transcript to accomplish this objective and to remove the notation when the student's disciplinary record has been cleared. In addition to Lamar University, the Texas State University System includes Texas State University, Lamar State College - Port Arthur, Lamar State College - Orange, Lamar Institute of Technology, Sam Houston State University, Sul Ross State University, and Sul Ross State University Rio Grande College.
1. **Recording of Penalties:** The penalties provided in Subsections [3.03.1.8](#), [3.03.1.9](#), [3.03.1.11](#), and [3.03.1.12](#) can be noted on the student's permanent transcript. Any record of penalty, except for expulsion, not noted on the transcript shall be expunged no later than five years after the penalty is assessed.
  2. **Finality of Penalties:** No penalty shall take effect until disciplinary action becomes final. Disciplinary action becomes final when:
    1. during administrative disposition:
      1. upon acceptance by the student of the designee's decision if the only sanction is a warning; or
      2. upon notification to the student of the decision of the designee and the expiration of the time in which to file a notice of appeal to the Vice President for Student Engagement.
    2. in the event of a hearing:
      1. the sanction assessed is a warning or probation; or
      2. upon notification to the student of the decision of the hearing panel and the expiration of the time in which to file a notice of appeal to the Vice President for Student Engagement.
    3. in the event of review by the Vice President for Student Engagement:
      1. upon notification to the student of the decision of the Vice President for Student Engagement.

### 3.04 Interim Disciplinary Action

1. The President or Vice President for Student Engagement or their designee may take immediate interim disciplinary action, including suspension, pending a hearing, against a student for allegedly violating a university policy when the student's continuing presence constitutes:
  1. a danger to persons or property;
  2. or an ongoing threat of disrupting the academic process.
2. The university official involved shall notify the student of the interim disciplinary action by the most expeditious means available. Thereafter, the Dean of Students or designee may offer the student an opportunity to have an administrative review or to immediately initiate the hearing procedures provided in this code. If the latter option is chosen, a hearing shall be held no later than 12 class days after the temporary disciplinary action was taken. In the event that the interim disciplinary action includes suspension, the university official involved shall, as soon as possible, notify the President of Lamar University and the Vice Chancellor and General Counsel of the Texas State University System of such action.

### 3.05 Hearings

1. **Hearing Panel:** At the beginning of each fall semester, the Vice President for Student Engagement will appoint an at-large hearing panel composed of faculty, staff, and student members. Student members must be in good academic and disciplinary standing. The hearing panel shall be the Dean of Students, two student members, and a faculty and/or staff member, hereafter collectively referred to as the hearing panel. The panel shall be scheduled to serve based on availability and scheduling constraints. If two student members are not able or willing to hear a case, the Dean of Students or designee may appoint new members to the panel so that every case may be heard within a reasonable time period. During hearings, new appointments, whether appointed for one hearing or the remainder of the current academic year, shall have all the qualifications, authority and responsibilities of a panel member appointed at the beginning of the fall semester. The Dean of Students or designees will serve as the hearing officer and shall preside over the disciplinary hearing.
2. **Students' Rights:** Each student who requests a hearing or who is given an interim disciplinary sanction shall be afforded:
  1. **Notice:** Written notification at least five class days before the hearing specifying:
    1. the university policy alleged to have been violated;
    2. a summary of the facts alleged to constitute the violation;
    3. the date, time, and location of the hearing;
    4. the names of expected witnesses;
    5. a description of other evidence that the designee will present at the hearing;
    6. notification if the designee intends to use legal counsel for other than advisory purposes as provided in [Subsection 3.05.2.3](#); and
    7. a statement that the student must provide a list of witnesses and a summary of their expected testimony to the Dean of Students or designee at least 48 hours before the hearing.
  2. **Hearing:** This is an opportunity for the respondent and complainant to attend the hearing and present relevant evidence. If the respondent or complainant fails to attend, the hearing may proceed. The student may present his or her own response to

the charges and may produce either oral information or written affidavits of witnesses on his or her behalf.

3. **Representative:** This is an opportunity for the student to have an advisor or counsel present at meetings with the designee during hearings. The student will provide the representative at his or her expense. The university is not obligated to arrange for or provide a representative. In addition, the student may also have parents or a legal guardian present.
  1. To the extent that the designee uses legal counsel for other than advisory purposes during the hearing, the student shall be afforded the same opportunity. The designee will notify the student of the designee's intent to use legal counsel when providing the notification described in [Subsection 3.05.2.1](#).
  2. The student's representative may not address the panel, question witnesses or the designee, or participate in the hearing except to offer advice and counsel to the student.
4. **Challenge to Impartiality:** This is an opportunity for the student to challenge the impartiality of the hearing officer or a member of the hearing panel. This challenge must be made at any time before the introduction of information or other evidence. The person challenged will be the sole judge as to whether he or she can serve with fairness and objectivity. If the person challenged chooses not to serve and an alternate is not readily available, the designee may appoint a special replacement for that case.
3. **Notification of Evidence:** At least 48 hours before the hearing, the designee will provide the student/respondent and complainant with the names of witnesses, summaries of information, documents, and other evidence to be presented at the hearing.
4. **Burden of Proof:** The designee has the burden of going forward with the information on the violation by the preponderance of the evidence.
5. **Questioning Witnesses:** The designee, the student/respondent, the hearing officer, and members of the hearing panel may question witnesses regarding relevant matters.
6. **Recording:** The hearing, with the exception of the panel's deliberation, will be recorded. If the student/respondent, the complainant (if sexual misconduct), or the designee desires to appeal the panel's findings, a copy of the hearing recording and records presented at the hearing will be forwarded to the Vice President for Student Engagement. The student/respondent and/or complainant (if sexual misconduct) may request to listen to the recording prior to writing an appeal.
7. **Postponement:** The designee may postpone a hearing for good cause. A request for postponement must be filed with the Dean of Students at least 24 hours before the hearing.
8. **Hearing Officer:** The hearing officer will determine the procedure to be followed, rule on the admissibility of evidence, and control decorum in the hearing.
9. **Attendance:** Upon the request of the student/respondent or the designee, or upon his or her own initiative, the hearing officer may issue a written request for a witness to appear and testify or to produce documents at a hearing. Requests shall be personally delivered, sent by certified mail, or sent from a TSUS email address to the witness' designated university email account or personal email account. Students who are requested to appear at hearings are expected to comply.

10. **Confidentiality:** During the hearing, only the members of the hearing panel, the designee and his/her counsel, the student/respondent and his/her advisor, the complainant (if sexual misconduct) and his/her advisor, the student's parents or legal guardians, and the witness currently testifying will be allowed in the hearing room. After testifying, a witness may not remain in the hearing room. All persons present at the hearing shall treat matters discussed with confidence.
11. **Relevant Evidence:** Legal rules of evidence shall not apply to hearings. Any relevant information shall be admitted if it is credible and is the sort that reasonable people would rely upon in the conduct of their affairs.
12. **Not Compelled to Testify:** The respondent may not be compelled to speak against himself or herself.
13. **Procedural Rules:**
  1. The hearing officer will invite all parties entitled to be present into the hearing room.
  2. The hearing officer will read a statement of confidentiality.
  3. The hearing officer will state the university policy alleged to have been violated.
  4. The designee will present evidence of the student's violation of the policy.
  5. The student may present his/her own defense against the charges.
  6. The hearing officer and/or hearing panel may question the witness(es).
  7. Both parties may present rebuttal evidence.
  8. Both parties may present brief summations.
  9. The hearing officer will dismiss both parties and the hearing panel will deliberate and determine, by a majority vote, whether the respondent has violated a university policy. Deliberations are not recorded. If the panel finds that the student/respondent did violate a university policy, it will assess the penalty. The hearing officer shall report in writing the panel's findings and the penalty, if any, to be assessed.
  10. The hearing officer will send the panel's report to the VPSE, with copies to the student and to the designee. If the student is found to have violated a university policy, and if a disciplinary penalty has been assessed, the hearing officer will inform the student of his/her right to appeal to the VPSE.

## **4.0 Appeals**

### **4.01 Vice President for Student Affairs (VPSE)**

In cases in which the sanction assessed is a verbal or written warning or probation, the decision of the hearing officer or hearing panel is final. In cases in which the sanction assessed is beyond a warning or probation, either the student/respondent or complainant may appeal to the VPSE based on:

1. whether or not a fair hearing was afforded. A fair hearing includes notice of the alleged misconduct, and an opportunity to present information.
2. whether or not the sanctions levied were appropriate to the offense.
3. whether or not the finding was supported by the information.
4. whether or not new evidence is introduced that was not available at the time of the hearing.

An appeal is not a rehearing of the original case. The VPSE's review will focus on arguments addressing the basis, listed above, of the appeal.

#### **4.02 Notice**

Either party appealing to the VPSE must give written notice to the Dean of Students no later than five business days after the hearing officer or hearing panel's decision. All supporting documentation, when appropriate or requested, shall be filed with the VPSE no later than five business days after notice of appeal is given. Both parties, at the discretion of the VPSE, may submit oral or written statements to support their positions.

#### **4.03 Action**

Upon appeal, the VPSE will review the materials presented at the hearing and may require the parties to submit written material or oral statements. The VPSE shall respond to the appeal within ten business days after all the documentation is received and all testimony is reviewed. The VPSE may postpone a decision for good cause.

1. If the student is required to appear in person before the VPSE, the student may have a representative present as provided in [Subsection 3.05.2.3](#).
2. The VPSE may approve, reject, or modify the decision of the hearing panel or may require that the committee reopen the hearing to hear additional evidence or to reconsider the decision.
3. The VPSE will inform the student/respondent, complainant (if sexual misconduct), and the hearing officer of his/her decision in writing. The VPSE's decision is final except for the discretionary review described below. The Dean of Students will prepare the decision of the appeal by the VPSE and send to the student/respondent and complainant (if sexual misconduct).

#### **4.04 Discretionary Review**

The VPSE, the President, or the Board of Regents may, on their initiative, review any disciplinary case, and upon such review may approve, reject, or modify the lower decision, or may remand the decision to the hearing officer or hearing panel for presentation of additional evidence and reconsideration of the decision.

## Appendix G

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

Lamar University  
Beaumont, Texas

### HR Policy Manual

#### Section 2 - General Policies

##### **Policy Number: 2.11 - APPROVAL TO PURCHASE ALCOHOL**

SCOPE: FACULTY AND STAFF Issued: 4/1/00 1. Policy: Alcohol, for those functions at which it is deemed by the Vice President for Finance and Operations or President to be appropriate and desirable to serve alcoholic beverages, may not be purchased with funds (e.g. 001 and 256) held in the State Treasury. Where not expressly prohibited, certain gift funds, designated funds, auxiliary funds or restricted funds may be used for this purpose. The Vice President of Finance and Operations shall be responsible for determining the proper source and use of funds for such purpose before the expenditure is allowed. 2. Procedure:

2.1 Persons intending to purchase alcohol via a requisition should submit a completed "Request to Purchase Alcohol with University Funds" form with the requisition prior to processing. The Purchasing Department will forward the package to the Vice President for Finance and Operations for approval. If approval is not obtained prior to the expense being incurred, the expenditure becomes the personal obligation of the individual making the purchase, and the University is under no obligation to reimburse the employee.

2.2 Employees desiring to be reimbursed for alcohol purchases made as part of travel and entertainment activities should complete and obtain approval of the "Request to Purchase Alcohol with University Funds" form prior to incurring the expense. If approval is not obtained prior to the expense being incurred, the expenditure becomes the personal obligation of the individual making the purchase, and the University is under no obligation to reimburse the employee.

## Appendix H

[http://www.lamarcardinals.com/sports/2015/7/13/FB\\_0713152751.aspx](http://www.lamarcardinals.com/sports/2015/7/13/FB_0713152751.aspx)

### **FOOTBALL TAILGATING AND PARKING POLICIES**

The following standards have been developed and adopted by Lamar University so that its students, faculty, staff, alumni, and guests may enjoy their game day experience to the fullest. Lamar University anticipates your full cooperation in observing each of these outlined points, which are provided in the best interest of health and safety. Thank you in advance for your cooperation.

#### **IMPORTANT HIGHLIGHTS**

**"TAILGATING"** in this policy is defined as parking and consuming food and beverages, including alcoholic beverages, outside of Provost Umphrey Stadium, on the campus of Lamar University. This policy refers specifically to tailgating at LU home football games.

1. Tailgate parties are to be private parties only and must adhere to Health Department rules and regulations.
2. Tailgating may begin no earlier than six hours before the start of the game and may not continue after kick-off of the football game. Tailgating may resume for no more than 90 minutes after the conclusion of the game.
3. Texas Law pertaining to the possession, consumption and distribution of alcohol and controlled substances will be strictly enforced. The consumption of alcohol is allowed only in Red, Gold, Orange and Green lots.
4. Parking/Tailgate permits may not be transferred or reassigned by permit holders. All permits must be obtained through the Athletic Ticket Office of Lamar Athletics, (409) 880-1715.
5. Traffic flow prior to and following home games will be directed by University Police. Some roadways may be blocked and/or traffic may be diverted to ensure traffic moves as swiftly and safely as possible. MLK Access Road will be closed to RV traffic for one hour after the game.
6. Parking/Tailgate permit holders must have a signed "Acknowledgement of Policy" on file with the Athletic Ticket Office. Permits are purchased on a per spot basis, and there is no distinction between parking and tailgating permits. One permit allows the purchaser to both park and tailgate in the designated lots.
7. Tailgating is only allowed in lots Red (A2), Gold (A5), Green (C5, E2), Orange (E3, E5). For lot A2, permits are sold only in blocks of four (4) spaces. Lots A5, C5, E2, E3, and E5 are sold in one (1) space increments.

**Policy**

• Lamar University allows students, alumni, and friends of the University to hold private tailgate parties in the University's designated parking lots near Provost Umphrey Stadium in conjunction with Lamar University home football games, under the rules set forth in this policy. • Alcohol possession and consumption is only allowed in the Red, Gold, Orange and Green lots, please refer to the Football Parking Map.

**Authority**

• *Chapter VII, Section 4 of The Texas State University System Rules and Regulations* authorizes the service and consumption of alcoholic beverages only in "special use" facilities on the Lamar University Campus designated by the President. • *Chapter VII, Section 1 of The Texas State University Systems Rules and Regulations* prohibits commercial activity on campus property without permission granted in writing by the President or his designee.

**Violations of Policy**

• Any violation of the tailgating policy may result in the immediate termination of tailgating and/or parking privileges, criminal prosecution (i.e. citation or arrest), and/or disciplinary action through the LU Student Affairs office if the violator is an LU student.

**Conduct**

• Individuals participating in tailgating activities at Lamar University are expected to conduct themselves in a manner respectful of the nature and character of the University; including, following the directives of event management and public safety officials. • Tailgating hosts may be held responsible for the behavior and actions of guests in the permit area. • Persons acting in a disruptive, disrespectful or disorderly manner may be asked to leave the premises or be subject to citation or

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### General Information

- A Parking/Tailgating permit must be purchased and displayed in order to park and/or tailgate in Red, Gold, Orange or Green lots.
- Permits should be purchased for the number of spaces to be occupied by vehicles and tailgating activities. For example, a person who wishes to have one space for their vehicle and two spaces for tailgating activities must purchase a permit reflecting payment for three spaces.
- Roadways cannot be blocked by parked vehicles at any time. Permitted vehicles must fit within the confines of the permitted spaces purchased and may not extend into the driving lanes.

### Areas: There are three categories of tailgating/parking lots available:

- The Red lot (A-2) is the only lot where a specific tailgating location (spot) is reserved, and will remain the same for every game of the season. Permits in the Red lot are only sold in lots of 4. Refer to the pricing guide for pricing information.
- Permits for the Gold (A-5), Orange (C-5 and E-5) and Green (E-2 and E-3) lots are sold individually on a per spot basis in the quantity requested by the purchaser. Individual spots are not reserved, but are assigned to a specific lot. No additional spaces may be blocked or saved by the permit holder. Fans with permits for the Gold, Orange and Green lots who wish to park and/or tailgate together should purchase their spots in the same lot and arrive together in sufficient time to secure their spaces.
- There is no charge for parking in Blue lots. They are first come, first served on the day of the game. No tailgating is allowed in the Blue parking lots, including the serving of food, alcoholic or non-alcoholic beverages.

### Disabled Parking Permits

- Parking in designated disabled/handicap spaces is free of charge in all lots and is available on a first come, first served basis.
- Proper disabled parking permits issued by the State of Texas should be displayed and available for inspection according to Lamar University Parking and Traffic Regulations.

### Food and Beverages

- "TAILGATING" activities are considered private parties.
- Tailgaters may not offer food, non-alcoholic or alcoholic beverages for public consumption or sale to anyone other than those included in their tailgating party.
- **Serving alcohol to or consumption of alcohol by minors (those under 21 years of age) is a violation of state and federal law.**
- **Glass containers are prohibited in all parking/tailgating areas and kegs or other common source containers are not allowed at any time.**
- **Tailgating games in which consuming alcohol is integral to the game, and the use of devices intended to accelerate the consumption of alcohol are expressly prohibited. Examples of prohibited games and devices are *beer pong, funnels and beer bong*s.**
- All cooking devices, propane or otherwise, should be attended to at all times during cooking. Hot coals must be completely extinguished with water before leaving the tailgating site. **Fires built on the ground and open fire pit devices are prohibited.**
- Dispose of all trash in the appropriate receptacles located in tailgating areas or pack it out.
- Anyone found to be in violation of these rules will have their tailgate permit revoked and will receive no refund for future games.

**Signs**

- Signs are allowed for tailgating identification purposes; however, signs higher than 10 feet above the ground and larger than 5' X 5' in size are not allowed (except by registered Lamar University Organizations and Lamar Athletic Corporate Sponsors).
- All tents and signage must be adequately weighted or otherwise secured for safety purposes.
- No posts or stakes may be driven into the pavement or concrete.

**Promotional Materials**

- No promotional materials or goods of any kind may be distributed or sold on campus in conjunction with Lamar University athletic events without prior written consent from the Athletic Department.
- Any group found to be in violation of this rule will have their tailgate permit revoked and will receive no refund for future games.

**Vehicle Times**

- Parking opens six hours before game time for all home games.
- Early parking is prohibited in the Red, Gold, Orange and Green lots.
- Tailgate areas must be dismantled no later than 90 minutes following the end of the game.
- **Overnight camping is prohibited on the entire LU Campus.**

## Appendix I

<https://www.lamar.edu/residence-life/residence-life-handbook.html>

Lamar University  
Beaumont, Texas

### Residence Life Handbook

#### **STATEMENT OF RESPONSIBILITY**

Information provided in this Handbook is for the benefit of the community and residents of University Housing. Community members are responsible for adhering to this information and may be held accountable if individual or group actions are a detriment to the community. This information will help make the living experience educational and enriching and provide resources to be a positive, contributing member of the community.

Residents are responsible for what happens within their living unit. Students in the presence of any policy violation may be subject to student conduct action up to and including suspension or expulsion from LU or LIT. Any type of damage—accidental, incidental, or malicious—will result in restitution of damaged property by the responsible residents.

Note: If any information in this Handbook conflicts with your Housing Contract, the Housing Contract supersedes this Handbook.

#### **Prohibited and Restricted Items**

##### Alcohol

Alcoholic beverages are not permitted in any residence hall. Alcohol bottles and/or containers may not be kept in any resident's room for any reason, including decorative purposes. Students are also responsible for all state laws regarding alcohol, including public intoxication and providing alcohol to minors, as well as the alcohol policy as stated in the Code of Student Conduct. As the visitor policy states, residents are responsible for the actions of their guests and should educate their guests of policies prior to their visit. If alcohol is found within the common areas of the residential unit, both residents will be held responsible. If alcohol brought by a guest of the resident is found within in a residential unit, the residents of that unit will be held responsible. Residents found in possession of alcoholic beverages are subject to student conduct action and a \$100 fine.

### Candles and Incense

Candles, torches, incense, hookahs, pipes, and any other devices (oil lamps, lava lamps, etc.) that produce an open flame or have an open heating coil are extremely hazardous and are prohibited in the residence halls. A charge of \$50.00 will be applied to the student account when these prohibited items are found.

### Cooking Appliances

Toasters, hot plates, and other small appliances with heating elements are not allowed in the residence halls. These items present problems in terms of overload of voltage to the power outlets in the units and are potential fire hazards. A charge of \$50.00 will be applied to the student account when these prohibited items are found.

### Curtains

Curtains, unless marked flame retardant with a factory label (UL listed as flame retardant), are not permitted in the residence halls. The tag must remain on curtains at all times.

### Decorations

Students may bring area rugs, carpet, tension rods, curtains, and other decorating items as long as nothing is permanently adhered to any surface. The room must be returned to the original condition before check-out. Any damage resulting from nails, screws, carpet tape, contact paper, or any adhesives must be repaired so that no damage is visible. Students will be charged for any damage found during the check-out process. Residents should contact Residence Life if they have questions about how to hang an item without causing damage. Note: Poster putty is generally the safest way to hang items and is easily removed when following manufacturer's directions. Decorations may not hinder the use of, or restrict access to, hallways, doorways, stairs, corridors, or fire-related equipment. Do not attach anything to, or tamper with, light fixtures, sprinkler heads, safety equipment, or exit signs. These restrictions apply to both student rooms and public areas.

Decals and stickers cannot be attached to painted walls, windows, or other surfaces of any university property located in the suite. Construction barriers, traffic/street signs, newspaper machines, etc. are also prohibited because these items are almost always stolen property. Live Christmas trees and boughs are strictly prohibited in all rooms. Residents may not use seasonal lighting, such as twinkle/rope lights, as decoration. Seasonal decorations must be of a fire retardant material. In order to maintain the physical condition of the residence halls, residents are asked not to damage the painted walls or surfaces in their room.

### Drugs and Drug Paraphernalia

It is the policy of Lamar University that any unlawful manufacture, possession, or delivery of any controlled substance or illegal drug is strictly prohibited. The Student Code of Conduct also prohibits possession of drug paraphernalia (bongs, hash pipes, blow tubes, water pipes, etc). Moreover, it is the policy of the state of Texas and of this university that this institution will be free of illegal drugs.

### Fireworks, Explosives, Flammable Liquids, and Hazardous Materials

Students may not possess fireworks, explosives, ammunition, gunpowder, spray paint, or any other related materials in campus facilities. Similarly, all flammable liquids and hazardous materials are prohibited in the residence halls (gasoline, kerosene, lighter fluid, car batteries, corrosive acids, etc.)

### Halogen Lamps

Halogen lamps are prohibited in all facilities. Use of these lamps is against the National Electric Code and the Life Safety Code.

### Pets

Residents are not allowed to keep pets. Unauthorized pets will be removed by university officials if the resident cannot be found or refuses to remove the pet. Residents will automatically be charged an extermination fee to spray for fleas, ticks, and other pests, and/or a \$100.00 fine any time an unauthorized pet is found in the resident's possession. Pets do not include service animals for those individuals who have special needs.

### Weapons

Refer to the Code of Student Conduct.

### Wireless Routers

Lamar University provides high-speed wired and wireless internet to the residents of campus housing. Personal routers that are plugged into the network slow down and can even crash the network for all occupants of the residence hall. To maximize the campus network speed and performance, personal routers are not allowed and are subject to confiscation and the \$50 prohibited item fee if found within a unit.

## Appendix J

<https://www.lamar.edu/students/safety-and-security/university-policies.html>

Lamar University  
Beaumont, Texas  
Student Handbook

### University Policies

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

Lamar University is committed to providing a healthy and safe learning environment for all students and employees. The institution has established procedures to advise members of the university community on the consequences of drug/alcohol use, possession and distribution. Additionally, Lamar University is committed to providing important information on available sub-stance abuse counseling, treatment, rehabilitation or re-entry programs.

Significant sections in this handbook and other university publications clearly indicate Lamar University's commitment to comply with the Drug-Free Schools and Communities Act.

## Appendix K

<https://students.lamar.edu/academic-support/code-of-conduct.html#section2>

### Lamar University Beaumont, Texas Code of Student Conduct

#### 1.00 General Provisions

##### 1.01 Applicability

This Code of Student Conduct, hereafter also referred to as this code, is applicable to any student currently enrolled; enrolled in the previous semester/session and eligible to enroll in the next consecutive semester/ session; or newly or readmitted and eligible to enroll in the next semester/session. A student who withdraws from school is subject to disciplinary action for any conduct that occurred while the student met the aforementioned criteria. Students involved in misconduct that would subject them to disciplinary action while not enrolled may be required to appear before the Dean of Students or designee before being readmitted to the university. This code is adopted pursuant to authority granted by The Texas State University System Board of Regents.

##### 1.02 Awareness of Policies

Each student is expected to be fully acquainted and comply with all published policies, rules, and regulations of Lamar University and of The Texas State University System, copies of which shall be available to each student for review online. The university will hold each student responsible for compliance with these published policies. A violation occurring off campus while participating in a university-sponsored program may be as if the violation occurred on campus. Students are also expected to comply with all federal and state laws. Any student who violates any provision of those laws is subject to disciplinary action, notwithstanding any action taken by civil authorities. This principle extends to conduct off campus that is likely to have an adverse effect on the university or the educational process.

##### 1.03 Definitions

16. *Disciplinary action* means proceeding under [Section 3.00](#).
17. *Designee* refers to the individual charged with an administrative responsibility to be performed in the absence of the staff member originally charged with responsibility. All individuals, including the President, may have a designee act on his or her behalf.

18. *Hazing* means those activities defined in Section 37.151-37.157 of the Texas Education Code.
19. *Complainant* refers to the person making a complaint of sexual misconduct.
20. *Respondent* refers to the person accused of sexual misconduct.
21. *Hearing* refers to a formal meeting between a hearing officer and a student.
22. *Hearing officer* means that person appointed by the Vice President for Student Engagement to determine in a hearing whether or not this code has been violated.
23. *Hearing panel* is composed of the hearing officer, students, and faculty and/or staff and may be assembled to determine in a hearing whether or not this code has been violated.
24. *Notice* means correspondence sent by mail addressed to a student at the local address, as shown on university records; or personally delivered to the address; or sent electronically from a Texas State University System email to the student's email address.
25. *Preponderance of the evidence* means whether it is more likely than not. In finding responsibility of the respondent under this standard of proof, the hearing panel/conduct officer must be convinced, based solely upon the information presented in the course of the hearing, that the conduct alleged is more likely than not to have occurred.
26. *Record* means all documents, forms, copies, reports, statements, recordings, or other information.
27. *University policy* means any provision of the Board of Regents Rules and Regulations, order, or any official university policy/procedure statement, rule, or regulation of the university.
28. *University official* means a person who has been given the responsibility and authority by the appropriate agency or person, including regents, officers, faculty, and administrative staff.
29. *University property* means property owned, controlled, or occupied by the university.
30. *VPSE* means the Vice President for Student Engagement.

## **2.00 Prohibited Conduct**

Specific examples of misconduct for which students may be subject to disciplinary action include, but are not limited to, the following:

33. Committing an act that would constitute an offense under appropriate federal, state, or municipal law.
34. Violating any published university policy, including policies or contracts relating to residential living in university-owned or operated facilities.
35. Failing to comply with the direction of a university official acting in the performance of his or her duties, including an official summons to the office of an administrative official at a designated time.
36. Furnishing false testimony or other evidence at a campus disciplinary or other administrative proceeding.
37. Issuing a check to the university without sufficient funds or otherwise failing to meet financial obligations to the university.
38. Endangering the health or safety of other persons, including, for example, throwing an object, without authorization, in or from university facilities.
39. Misusing fire extinguishers or other safety equipment on university-owned or controlled property.



40. Interfering or disrupting university teaching, research, or other activity, including administrative disciplinary or public service activities.
41. Endangering the physical or mental health or safety of any person or intentionally or recklessly causing injury to any person.
42. Possession of or use of university keys without authorization.
43. Engaging in or submitting to hazing (see [Hazing Policy](#)), including hazing associated with an initiation by an organization using dangerous, harmful, or degrading acts.
44. Violating published university policies on the possession or use of alcoholic beverages.
  1. Underage drinking of alcoholic beverages, driving under the influence of alcohol, and/or public intoxication is prohibited.
  2. The consumption of any alcoholic beverage in public places on the campus is prohibited except where specifically authorized by the University. All buildings, lobbies, walkways, and grounds of the campus are, for the purpose of this rule considered to be public places. Alcoholic beverages are not permitted in any residence hall.
  3. Any violation of published university policies regarding the possession and/or use of alcoholic beverages will result with disciplinary actions.
45. Gambling on university property.
46. Possessing, using, selling, or distributing any illegal drug, controlled substance, and/or drug paraphernalia as defined by Texas Law.
47. Possessing or using ammunition, firearm(s), illegal knives (knives with blades longer than five and one-half inches, hand instruments designed to cut or stab another by being thrown, stilettos, poniards, Bowie knives, swords, and/or spears), or other illegal weapons on university property (see, TSUS Policies, Chapter VII, paragraph 4).
48. Possessing, igniting, or detonating an explosive device, firework, or flammable object on university-owned or controlled property that could damage a person or property.
49. Stealing, destroying, defacing, damaging, vandalizing, or misusing university property or property belonging to another person.
50. Forging, altering, or misusing university documents, forms, records, identification cards, or admission records.
51. Violating a published university policy governing residence life or breaching a Residence Life contract.
52. Advocating, either orally or in writing, the conscious and deliberate violation of any federal, state, or local law. Advocating means addressing an individual or group for imminent action and steering it to such action, as opposed to abstractly espousing the moral propriety of such action.
53. Entering university buildings or facilities or using university equipment or resources without authorization.
54. Failing to maintain a current official mailing address in the Registrar's Office or giving a false or fictitious address to a university official.
55. Initiating, communicating, or circulating a false report of a present, past, or future bombing, fire offense, or other emergency that would cause action by an agency organized to deal with emergencies, placing a person in fear of imminent serious bodily injury; or presenting or interrupting the occupation of a building, room, vehicle, other mode of conveyance.
56. Harassing or threatening (by any means) to take unlawful action against any person, causing or intending to cause annoyance or alarm.

57. Engaging in disorderly conduct on property owned or controlled by the university, or at a university function, that interferes with the university's programs or activities.
58. Using authority granted by state law, system rule, or university policy to deprive a person of his or her civil rights.
59. Engaging in or making life-threatening gestures that endanger others or disrupts the learning environment.
60. Violating any published university policy relating to computer resources, electronic network facilities, or the internet.
61. Violating the university's [Policy on Sexual Misconduct](#), including engaging in, but not limited to:
  1. dating violence
  2. family (domestic violence)
  3. retaliation
  4. sexual assault
  5. sexual exploitation
  6. sexual harassment
  7. sexual intimidation
  8. sexual violence
  9. stalking
62. Possessing and/or using, without authorization according to university policy, intoxicating beverages in a classroom building, laboratory, auditorium, library building, faculty or administrative office, residence hall or apartment, intercollegiate and intramural athletic facility, or any other public campus area, or being intoxicated in any public area of the campus.
63. Campus disruptive activities. Disruptive activity means:
  1. Obstructing or restraining the passage of persons to the campus or an area of the campus or to an exit, entrance, or hallway of any building without the authorization of the administration of the university;
  2. Seizing control of an area of a campus, any building, or portion of a building for the purpose of interfering with any administrative, educational, research, or other authorized activity; or
  3. Disrupting and/or preventing or attempting to prevent, by force or violence or the threat of force or violence, any lawful assembly authorized by the university administration. A lawful assembly is disrupted when a person in attendance is rendered incapable of participating in the assembly due to the use of force or violence or a reasonable fear of force or violence.
  4. Pursuant to Education Code, Subsection 51.935 (Disruptive Activities), the university shall adhere to the following rules and regulations: No person or group of persons acting in concert may intentionally engage in disruptive activity or disrupt a lawful assembly on the university campus. Any person who is convicted the third time of violating this statute shall not thereafter be eligible to attend any school, college, or university receiving funds from the State of Texas for a period of two years from such third conviction. Nothing herein shall be construed to infringe upon any right of free speech or expression guaranteed by the Constitution of the United States or the State of Texas.
64. Attempting to commit any of these prohibited acts.

## **2.01 Medical Amnesty Protocol**

4. The Lamar University **Medical Amnesty Protocol** ensures that a student's safety and health comes first in cases of underage possession and/or consumption of alcohol and/or illicit drugs use. The Dean of Students Office and Housing and Residence Life will not pursue conduct action if:
  1. The intoxicated student reports the incident, and/or
  2. If the intoxicated or other student(s) involved is actively seeking medical and/or health assistance from a university official or medical provider.
5. This Protocol applies only to the LU Code of Student Conduct, Housing and Residence Life Handbook, LU Student Organizations Handbook, Greek Life: Fraternity and Sorority Life policies, and any other applicable Texas State University System and Lamar University regulations, rules and policies. This Protocol does not exempt students from being charged criminally by any law enforcement agency. Lamar University students cannot be covered under the Protocol if one of the following conditions is met:
  1. An intoxicated student and/or other students involved allegedly committed any other violation(s) of the student code of conduct (i.e., sexual misconduct, assault, vandalism, dealing drugs, furnishing alcohol to minors, etc.) during the incident in which they are seeking amnesty.
  2. An intoxicated student and/or other students involved have been previously found responsible for possession of alcohol and/or drugs.
  3. An intoxicated student and/or other students involved have already been covered by the Medical Amnesty Protocol for a previous underage possession and/or consumption of alcohol charge while a student at Lamar University.
6. The Dean of Students Office will decide on a case by case basis if conduct action will be pursued for those seeking assistance for others on more than one occasion.

## **3.00 Administration of Student Conduct**

### **3.01 Authorization to Adjudicate Conduction Violations**

Under the direction of the Vice President for Student Engagement, the Dean of Students or designee shall be primarily responsible for the administration of the Student Conduct process. The Director of Residence Life or designee will work closely with the Dean of Students in resolving minor disciplinary problems resulting from the alleged violation of regulations involving residence hall residents.

### **3.02 Disciplinary Procedures**

3. **Investigation:** The Dean of Students or designee will investigate information that a student may have violated a university policy. During the investigation, the Dean of Students or designee will give the student an opportunity to explain the incident, unless the student is unavailable. The Dean of Students or designee may conduct an investigation and make an administrative determination in the absence of a student if the student does not respond within the time period specified in any notice to the student. The Dean of Students or

designee may place a registration hold, preventing a student from registering for additional courses, until the student responds to a summons or a decision is finalized.

4. **Administrative Review:** If the Dean of Students or designee concludes, based on the preponderance of evidence, that the student has violated the Code of Student Conduct, the Dean of Students or designee will determine an appropriate disciplinary penalty.
  1. The Dean of Students or designee will discuss the findings and determination of an appropriate penalty with the student, if the student is available. In cases where the Dean of Students or designee determines that the allegations against the accused student are true but the only sanction assessed is a warning, the student may not request a hearing. For sanctions other than warnings, the Dean of Students or designee will give the student an opportunity to either accept or reject the Dean of Students' or designee's decision.
  2. If the student accepts the Dean of Students' or designee's decision, the student shall so indicate in writing and waive his or her rights to a hearing. The designee may then assess the disciplinary penalty.
  3. If the student does not accept the Dean of Students' or designee's decision, the Dean of Students or designee will initiate the hearing procedure.
  4. In cases of sexual misconduct, the complainant will have the same right to request a hearing or appeal a decision as the respondent. The complainant will be afforded the same rights as the respondent, including the ability to attend the hearing and present relevant information.

### 3.03 Disciplinary Penalties

4. **Sanctions:** Mitigating or aggravating factors in assessing the proper level of discipline may include, but not be limited to: the student's motive for engaging in the behavior; disciplinary history; effect of the behavior on safety and security of the university community; and the likelihood that the behavior will recur. The following penalties comprise the range of official university actions that may be taken when, based on the preponderance of the evidence, a student is determined to have engaged in prohibited conduct. These penalties are not exclusive and may be imposed with other sanctions.
  1. **Warning:** A written notice to the student that a violation of a published university policy has occurred and that the continuation of such conduct or actions could result in further disciplinary action.
  2. **Restricted privileges:** Denial or restriction of one or more university privileges granted to students. These may be, but are not limited to: parking privileges; dining facility privileges; visitation privileges; use of the recreational sports center; use of university computers, computer facilities, or systems; and participation in athletics or other extracurricular activities. Loss or restriction of privileges does not entitle a student to a refund of fees, paid or due.
  3. **Special project:** The requirement that the student complete a special project; for example, writing an essay or attending a special class or lecture.
  4. **Restitution:** Paying for physical or property damage, losses, or misappropriation, either monetarily or by the performance of specific duties.
  5. **Cancellation of residence hall contract.**

6. Disciplinary probation: An indication that the student is not in good standing, and that his/her continued enrollment is conditioned upon adherence to published university policies. Probation automatically restricts the following privileges:
    1. A student on disciplinary probation is ineligible to be elected or hold any executive office of any student organization recognized by Lamar University; and
    2. A student on disciplinary probation may not represent the university in any special or honorary role.
  7. Withholding an official transcript or degree.
  8. Cancellation of pre-registered courses, prohibition against readmission, or restriction from pre-registration.
  9. Denial or non-recognition of a degree.
  10. Loss of or ineligibility for a student grant or loan.
  11. Suspension: Separation from the university for a definite term during which the student shall not be permitted to earn university credit at Lamar University, be on university-owned property, participate in any university activity, or use any university service.
  12. Expulsion: Permanent separation from the university. A student who has been suspended or expelled from any Texas State University System institution shall be ineligible to enroll at any other system institution during the period of suspension or expulsion. The registrar of each institution is authorized to make an appropriate notation on the student's transcript to accomplish this objective and to remove the notation when the student's disciplinary record has been cleared. In addition to Lamar University, the Texas State University System includes Texas State University, Lamar State College - Port Arthur, Lamar State College - Orange, Lamar Institute of Technology, Sam Houston State University, Sul Ross State University, and Sul Ross State University Rio Grande College.
5. **Recording of Penalties:** The penalties provided in Subsections [3.03.1.8](#), [3.03.1.9](#), [3.03.1.11](#), and [3.03.1.12](#) can be noted on the student's permanent transcript. Any record of penalty, except for expulsion, not noted on the transcript shall be expunged no later than five years after the penalty is assessed.
6. **Finality of Penalties:** No penalty shall take effect until disciplinary action becomes final. Disciplinary action becomes final when:
1. during administrative disposition:
    1. upon acceptance by the student of the designee's decision if the only sanction is a warning; or
    2. upon notification to the student of the decision of the designee and the expiration of the time in which to file a notice of appeal to the Vice President for Student Engagement.
  2. in the event of a hearing:
    1. the sanction assessed is a warning or probation; or
    2. upon notification to the student of the decision of the hearing panel and the expiration of the time in which to file a notice of appeal to the Vice President for Student Engagement.
  3. in the event of review by the Vice President for Student Engagement:

1. upon notification to the student of the decision of the Vice President for Student Engagement.

### **3.04 Interim Disciplinary Action**

3. The President or Vice President for Student Engagement or their designee may take immediate interim disciplinary action, including suspension, pending a hearing, against a student for allegedly violating a university policy when the student's continuing presence constitutes:
  1. a danger to persons or property;
  2. or an ongoing threat of disrupting the academic process.
4. The university official involved shall notify the student of the interim disciplinary action by the most expeditious means available. Thereafter, the Dean of Students or designee may offer the student an opportunity to have an administrative review or to immediately initiate the hearing procedures provided in this code. If the latter option is chosen, a hearing shall be held no later than 12 class days after the temporary disciplinary action was taken. In the event that the interim disciplinary action includes suspension, the university official involved shall, as soon as possible, notify the President of Lamar University and the Vice Chancellor and General Counsel of the Texas State University System of such action.

### **3.05 Hearings**

14. **Hearing Panel:** At the beginning of each fall semester, the Vice President for Student Engagement will appoint an at-large hearing panel composed of faculty, staff, and student members. Student members must be in good academic and disciplinary standing. The hearing panel shall be the Dean of Students, two student members, and a faculty and/or staff member, hereafter collectively referred to as the hearing panel. The panel shall be scheduled to serve based on availability and scheduling constraints. If two student members are not able or willing to hear a case, the Dean of Students or designee may appoint new members to the panel so that every case may be heard within a reasonable time period. During hearings, new appointments, whether appointed for one hearing or the remainder of the current academic year, shall have all the qualifications, authority and responsibilities of a panel member appointed at the beginning of the fall semester. The Dean of Students or designees will serve as the hearing officer and shall preside over the disciplinary hearing.
15. **Students' Rights:** Each student who requests a hearing or who is given an interim disciplinary sanction shall be afforded:
  1. **Notice:** Written notification at least five class days before the hearing specifying:
    1. the university policy alleged to have been violated;
    2. a summary of the facts alleged to constitute the violation;
    3. the date, time, and location of the hearing;
    4. the names of expected witnesses;
    5. a description of other evidence that the designee will present at the hearing;
    6. notification if the designee intends to use legal counsel for other than advisory purposes as provided in [Subsection 3.05.2.3](#); and

7. a statement that the student must provide a list of witnesses and a summary of their expected testimony to the Dean of Students or designee at least 48 hours before the hearing.
2. **Hearing:** This is an opportunity for the respondent and complainant to attend the hearing and present relevant evidence. If the respondent or complainant fails to attend, the hearing may proceed. The student may present his or her own response to the charges and may produce either oral information or written affidavits of witnesses on his or her behalf.
3. **Representative:** This is an opportunity for the student to have an advisor or counsel present at meetings with the designee during hearings. The student will provide the representative at his or her expense. The university is not obligated to arrange for or provide a representative. In addition, the student may also have parents or a legal guardian present.
  1. To the extent that the designee uses legal counsel for other than advisory purposes during the hearing, the student shall be afforded the same opportunity. The designee will notify the student of the designee's intent to use legal counsel when providing the notification described in [Subsection 3.05.2.1](#).
  2. The student's representative may not address the panel, question witnesses or the designee, or participate in the hearing except to offer advice and counsel to the student.
4. **Challenge to Impartiality:** This is an opportunity for the student to challenge the impartiality of the hearing officer or a member of the hearing panel. This challenge must be made at any time before the introduction of information or other evidence. The person challenged will be the sole judge as to whether he or she can serve with fairness and objectivity. If the person challenged chooses not to serve and an alternate is not readily available, the designee may appoint a special replacement for that case.
16. **Notification of Evidence:** At least 48 hours before the hearing, the designee will provide the student/respondent and complainant with the names of witnesses, summaries of information, documents, and other evidence to be presented at the hearing.
17. **Burden of Proof:** The designee has the burden of going forward with the information on the violation by the preponderance of the evidence.
18. **Questioning Witnesses:** The designee, the student/respondent, the hearing officer, and members of the hearing panel may question witnesses regarding relevant matters.
19. **Recording:** The hearing, with the exception of the panel's deliberation, will be recorded. If the student/respondent, the complainant (if sexual misconduct), or the designee desires to appeal the panel's findings, a copy of the hearing recording and records presented at the hearing will be forwarded to the Vice President for Student Engagement. The student/respondent and/or complainant (if sexual misconduct) may request to listen to the recording prior to writing an appeal.
20. **Postponement:** The designee may postpone a hearing for good cause. A request for postponement must be filed with the Dean of Students at least 24 hours before the hearing.
21. **Hearing Officer:** The hearing officer will determine the procedure to be followed, rule on the admissibility of evidence, and control decorum in the hearing.

22. **Attendance:** Upon the request of the student/respondent or the designee, or upon his or her own initiative, the hearing officer may issue a written request for a witness to appear and testify or to produce documents at a hearing. Requests shall be personally delivered, sent by certified mail, or sent from a TSUS email address to the witness' designated university email account or personal email account. Students who are requested to appear at hearings are expected to comply.
23. **Confidentiality:** During the hearing, only the members of the hearing panel, the designee and his/her counsel, the student/respondent and his/her advisor, the complainant (if sexual misconduct) and his/her advisor, the student's parents or legal guardians, and the witness currently testifying will be allowed in the hearing room. After testifying, a witness may not remain in the hearing room. All persons present at the hearing shall treat matters discussed with confidence.
24. **Relevant Evidence:** Legal rules of evidence shall not apply to hearings. Any relevant information shall be admitted if it is credible and is the sort that reasonable people would rely upon in the conduct of their affairs.
25. **Not Compelled to Testify:** The respondent may not be compelled to speak against himself or herself.
26. **Procedural Rules:**
  1. The hearing officer will invite all parties entitled to be present into the hearing room.
  2. The hearing officer will read a statement of confidentiality.
  3. The hearing officer will state the university policy alleged to have been violated.
  4. The designee will present evidence of the student's violation of the policy.
  5. The student may present his/her own defense against the charges.
  6. The hearing officer and/or hearing panel may question the witness(es).
  7. Both parties may present rebuttal evidence.
  8. Both parties may present brief summations.
  9. The hearing officer will dismiss both parties and the hearing panel will deliberate and determine, by a majority vote, whether the respondent has violated a university policy. Deliberations are not recorded. If the panel finds that the student/respondent did violate a university policy, it will assess the penalty. The hearing officer shall report in writing the panel's findings and the penalty, if any, to be assessed.
  10. The hearing officer will send the panel's report to the VPSE, with copies to the student and to the designee. If the student is found to have violated a university policy, and if a disciplinary penalty has been assessed, the hearing officer will inform the student of his/her right to appeal to the VPSE.

## **4.0 Appeals**

### **4.01 Vice President for Student Affairs (VPSE)**

In cases in which the sanction assessed is a verbal or written warning or probation, the decision of the hearing officer or hearing panel is final. In cases in which the sanction assessed is beyond a warning or probation, either the student/respondent or complainant may appeal to the VPSE based on:

5. whether or not a fair hearing was afforded. A fair hearing includes notice of the alleged misconduct, and an opportunity to present information.



6. whether or not the sanctions levied were appropriate to the offense.
7. whether or not the finding was supported by the information.
8. whether or not new evidence is introduced that was not available at the time of the hearing.

An appeal is not a rehearing of the original case. The VPSE's review will focus on arguments addressing the basis, listed above, of the appeal.

#### **4.02 Notice**

Either party appealing to the VPSE must give written notice to the Dean of Students no later than five business days after the hearing officer or hearing panel's decision. All supporting documentation, when appropriate or requested, shall be filed with the VPSE no later than five business days after notice of appeal is given. Both parties, at the discretion of the VPSE, may submit oral or written statements to support their positions.

#### **4.03 Action**

Upon appeal, the VPSE will review the materials presented at the hearing and may require the parties to submit written material or oral statements. The VPSE shall respond to the appeal within ten business days after all the documentation is received and all testimony is reviewed. The VPSE may postpone a decision for good cause.

4. If the student is required to appear in person before the VPSE, the student may have a representative present as provided in [Subsection 3.05.2.3](#).
5. The VPSE may approve, reject, or modify the decision of the hearing panel or may require that the committee reopen the hearing to hear additional evidence or to reconsider the decision.
6. The VPSE will inform the student/respondent, complainant (if sexual misconduct), and the hearing officer of his/her decision in writing. The VPSE's decision is final except for the discretionary review described below. The Dean of Students will prepare the decision of the appeal by the VPSE and send to the student/respondent and complainant (if sexual misconduct).

#### **4.04 Discretionary Review**

The VPSE, the President, or the Board of Regents may, on their initiative, review any disciplinary case, and upon such review may approve, reject, or modify the lower decision, or may remand the decision to the hearing officer or hearing panel for presentation of additional evidence and reconsideration of the decision.

## Appendix L

<http://lamar.orgsync.com/org/luorderofomega/home>

### **Order of Omega - Omega Upsilon Chapter**

#### **Position Statement on Alcohol and Illegal Substances**

WHEREAS, The Executive Board of Order of Omega and its member chapters recognize and are deeply concerned with the continued abuse of alcohol and illegal substances in our fraternity and sorority systems and in society, and

WHEREAS, the dangers of misuse and abuse of alcohol and illegal substances to individuals and groups are becoming increasingly evident, and

WHEREAS, the misuse and abuse of the substances are inconsistent with the goals and missions of Order of Omega, fraternities and sororities, and higher education institutions, therefore,

BE IT RESOLVED: that Order of Omega members accept and promote the following:

- that each Order of Omega member be encouraged to make a responsible decision concerning the use of alcohol and promote within his/her fraternity and sorority system this decision,
- that when alcohol is present, responsibility be encouraged and promoted,
- that all chapters develop and implement guidelines for responsible use of alcohol,
- that events and activities sponsored by chapters of Order of Omega will comply with all university or college policies and local and state laws regarding the purchase, sale, and distribution, and use of alcoholic beverages,
- that the purchase of alcohol with Order of Omega funds will be prohibited, and

BE IT RESOLVED: that use, sale, or distribution of illegal substances be forbidden and considered as grounds for expulsion from the Order of Omega chapter.

## Appendix M

<http://www.fipg.org/>

### **FIPG RISK MANAGEMENT POLICY**

January, 2013

The Risk Management Policy of FIPG, Inc. includes the provisions, which follow and shall apply to all fraternity entities and all levels of fraternity membership.

#### **ALCOHOL AND DRUGS**

1. The possession, sale, use or consumption of **ALCOHOLIC BEVERAGES**, while on chapter premises or during a fraternity event, in any situation sponsored or endorsed by the chapter, or at any event an observer would associate with the fraternity, must be in compliance with any and all applicable laws of the state, province, county, city and institution of higher education, and must comply with either the **BYOB** or **Third Party Vendor Guidelines**.
2. No alcoholic beverages may be purchased through or with chapter funds nor may the purchase of same for members or guests be undertaken or coordinated by any member in the name of or on behalf of the chapter. The purchase or use of a bulk quantity or common source(s) of alcoholic beverage, for example, kegs or cases, is prohibited.
3. **OPEN PARTIES**, meaning those with unrestricted access by non-members of the fraternity, without specific invitation, where alcohol is present, are prohibited.
4. No members, collectively or individually, shall purchase for, serve to, or sell alcoholic beverages to any minor (i.e., those under legal drinking age).
5. The possession, sale or use of any **ILLEGAL DRUGS** or **CONTROLLED SUBSTANCES** while on chapter premises or during a fraternity event or at any event that an observer would associate with the fraternity is strictly prohibited.
6. No chapter may co-sponsor an event with an alcohol distributor or tavern (tavern defined as an establishment generating more than half of annual gross sales from alcohol) at which alcohol is given away, sold or otherwise provided to those present. This includes any event held in, at or on the property of a tavern as defined above for purposes of fundraising. However, a chapter may rent or use a room or area in a tavern as defined above for a closed event held within the provisions of this policy, including the use of a third party vendor and guest list. An event at which alcohol is present may be conducted or co-sponsored with a charitable organization if the event is held within the provisions of this policy.
7. No chapter may co-sponsor, co-finance or attend or participate in a function at which alcohol is purchased by any of the host chapters, groups or organizations.
8. All recruitment or rush activities associated with any chapter will be non-alcoholic. No recruitment or rush activities associated with any chapter may be held at or in conjunction with a tavern or alcohol distributor as defined in this policy.
9. No member or pledge, associate/new member or novice shall permit, tolerate, encourage or participate in “drinking games.” The definition of drinking games includes but is not limited to the consumption of shots of alcohol, liquor or alcoholic beverages, the practice of consuming shots

equating to one's age, "beer pong," "century club," "dares" or any other activity involving the consumption of alcohol which involves duress or encouragement related to the consumption of alcohol. 10. No alcohol shall be present at any pledge/associate member/new member/novice program, activity or ritual of the chapter. This includes but is not limited to activities associated with "bid night," "big brother – little brother" events or activities, / "big sister – little sister" events or activities, "family" events or activities and initiation.

### **HAZING**

No chapter, colony, student or alumnus shall conduct nor condone hazing activities. Permission or approval by a person being hazed is not a defense. Hazing activities are defined as:

"Any action taken or situation created, intentionally, whether on or off fraternity premises, to produce mental or physical discomfort, embarrassment, harassment, or ridicule. Such activities may include but are not limited to the following: use of alcohol, paddling in any form, creation of excessive fatigue, physical and psychological shocks, quests, treasure hunts, scavenger hunts, road trips or any other such activities carried on outside or inside of the confines of the chapter house; wearing of public apparel which is conspicuous and not normally in good taste, engaging in public stunts and buffoonery, morally degrading or humiliating games and activities, and any other activities which are not consistent with academic achievement, fraternal law, ritual or policy or the regulations and policies of the educational institution or applicable state law."

### **SEXUAL ABUSE AND HARASSMENT**

The fraternity will not tolerate or condone any form of sexist or sexually abusive behavior on the part of its members, whether physical, mental or emotional. This is to include any actions, activities or events, whether on chapter premises or an off-site location which are demeaning to women or men, including but not limited to verbal harassment, sexual assault by individuals or members acting together. The employment or use of strippers, exotic dancers or similar, whether professional or amateur, at a fraternity event as defined in this policy is prohibited.

### **FIRE, HEALTH AND SAFETY**

1. All chapter houses should meet all local fire and health codes and standards. 2. All chapters should post by common phones and in other locations emergency numbers for fire, police and ambulance and should have posted evacuation routes on the back of the door of each sleeping room.
3. All chapters should comply with engineering recommendations as reported by the insurance company or municipal authorities.
4. The possession and/or use of firearms or explosive or incendiary devices of any kind within the confines and premises of the chapter house is prohibited.
5. Candles should not be used in chapter houses or individual rooms except under controlled circumstances such as initiation. EDUCATION Each fraternity shall annually instruct its students and alumni/alumnae in the Risk Management Policy of FIPG, Inc. Additionally, all students and key volunteers shall annually receive a copy of the Risk Management Policy and a copy of the policy shall be available on the fraternity website.

### **Links**

- [GreekLifeEdu](#)

## Appendix N

<https://www.lamar.edu/faculty-staff/human-resources/policy-manual/hr-manual-sec2-10.html>

### LAMAR UNIVERSITY HUMAN RESOURCES POLICIES AND PROCEDURES MANUAL

Last Approved: June 2017

#### Section 2 - General Policies

##### **Policy Number: 2.10 - SMOKE-FREE, TOBACCO-FREE, AND ELECTRONIC CIGARETTE-FREE WORK PLACE**

SCOPE: FACULTY, STAFF AND STUDENTS Issued: 4/1/00

Revised: 8/25/14

Lamar University, along with all member schools in The Texas State University System (TSUS), has become a smoke-free and tobacco-free campus. The TSUS system is committed to providing a safe, healthy and pleasant environment for its faculty, staff and students. Lamar University has developed a comprehensive institutional policy creating a smoke-free and tobacco-free environment on its premises. Lamar's policy applies to all faculty, staff, students, employees of contractors and visitors to the campus and addresses the use of tobacco products as well as smokeless tobacco, electronic cigarettes or similar devices on university owned or leased premises.

#### **DEFINITIONS:**

1. "Tobacco products" include cigarettes, cigars, blunts, bidis, hookahs, chewing tobacco, dip, smokeless tobacco, snuff, electronic cigarettes or any other items containing or classified as such.
2. "Tobacco uses" includes smoking, chewing, dipping, or any other ingesting, consumption, or bodily intake of tobacco products.
3. "Campus" includes property owned or leased by Lamar University, including all grounds, buildings, facilities, vehicles, parking lots, property used for official functions sponsored by the University, and property used for course related activities.

#### **REGULATIONS:**

1. Faculty, students, employees, volunteers, contractors or other persons performing services on behalf of the University, visitors or others on the campus for any reason, are prohibited from using any tobacco products at any time while on campus.
2. The sale or free distribution of tobacco products or merchandise on university property shall be prohibited.

**COMPLIANCE:**

1. Lamar University expects that all employees, students, volunteers, contractors, or other persons performing services on behalf of the university, visitors or others on the campus for any reason who use tobacco products to comply with this policy.
2. Students who violate this policy will be subject to the university student disciplinary processes.
3. Employees who violate this policy shall be subject to discipline or dismissal through appropriate university processes.
4. Visitors, volunteers, contractors or other service providers who violate this policy shall be asked to leave campus and/or may be prohibited from returning to campus.

**EXCEPTIONS:**

1. Artists or actors who participate in authorized performances which require smoking or the use of another tobacco product as part of artistic productions are exempt from this tobacco policy.
2. Participants in academic research projects involving tobacco products are exempt from this tobacco policy if approved by the Provost.

**COMMUNICATION:**

Signage and other forms of communication will be posted in a manner and location that adequately notify students, employees, visitors, contractors or other persons performing services on behalf of the university

## Appendix O

<https://www.lamar.edu/faculty-staff/human-resources/policy-manual/hr-manual-sec2-10.html>

### **FACULTY HANDBOOK LAMAR UNIVERSITY BEAUMONT, TEXAS**

Policy: Smoking/Tobacco Use Policy

Chapter: II, Policies & Procedures

Section 62

Last Approved: June 2017

#### **62. SMOKING/TOBACCO USE POLICY.**

Lamar University, along with all other member schools in The Texas State University System (TSUS), is smoke-free and tobacco-free campus. Lamar is committed to providing a safe, healthy and pleasant environment for its faculty, staff and students. Lamar University has developed the following comprehensive institutional policy creating a smoke-free and tobacco-free environment on its premises. Lamar's policy applies to all faculty, staff, students, employees of contractors, and visitors to the campus, and addresses the use of tobacco products as well as smokeless tobacco, electronic (“vapor”) cigarettes or similar devices on university owned or leased premises.

#### **62.1 DEFINITIONS.**

62.1.1 “Tobacco products” include cigarettes, cigars, blunts, bidis, hookahs, chewing tobacco, dip, smokeless tobacco, snuff, electronic cigarettes or any other items containing or classified as such.

62.1.2 “Tobacco uses” includes smoking, chewing, dipping, or any other ingesting, consumption, or bodily intake of tobacco products.

62.1.3 “Campus” includes property owned or leased by Lamar University, including all grounds, buildings, facilities, vehicles, parking lots, property used for official functions sponsored by the University, and property used for course related activities.

#### **62.2 REGULATIONS.**

62.2.1 Faculty, students, employees, volunteers, contractors or other persons performing services on behalf of the university, visitors or others on the campus for any reason, are prohibited from using any tobacco products at any time while on campus.

62.2.2 The sale or free distribution of tobacco products or merchandise on university property shall be prohibited.

### **62.3 COMPLIANCE.**

62.3.1 Lamar University expects that all employees, students, volunteers, contractors, or other persons performing services on behalf of the university, visitors or others on the campus for any reason who use tobacco products to comply with this policy.

62.3.2 Students who violate this policy will be subject to the university student disciplinary processes.

62.3.3 Faculty and other employees who violate this policy shall be subject to discipline or dismissal through appropriate university processes.

62.3.4 Visitors, volunteers, contractors or other service providers who violate this policy shall be asked to leave campus and/or may be prohibited from returning to campus.

### **62.4 EXCEPTIONS.**

62.4.1 Artists or actors who participate in authorized performances which require smoking or the use of another tobacco product as part of artistic productions are exempt from this tobacco policy.

62.4.2 With the prior written approval of the provost, participants in academic research projects involving tobacco products are exempt from this tobacco policy.

### **62.5 COMMUNICATION.**

Signage and other forms of communication will be posted in a manner and location that adequately notify students, employees, visitors, contractors or other persons performing services on behalf of the university.



## Appendix P

### LAMAR UNIVERSITY 2017-18 STUDENT-ATHLETE HANDBOOK Code of Conduct Sections 7, 8, 9 – Student-Athlete Conduct Code

#### 7. Student-Athlete Conduct Code

Student-Athletes at Lamar University are subject to university regulations and procedures outlined in the institution's Student Handbook, and all other published material containing such regulations, policies and procedures. Student-Athletes are also expected to comply with all federal, state and local laws. This principle extends to conduct off campus that is likely to have adverse effects on the University or on the educational process. In addition, student-athletes are subject to all rules and regulations required for individual participation on specific sports teams, including team rules, rules of the Southland Conference, and rules of the NCAA. Student-athletes are expected to be thoroughly familiar with institutional and departmental rules and regulations, as well as those pertaining to the Southland Conference and the NCAA.

The University expects you to train and strive for your highest degree of athletic excellence, to demonstrate academic honesty and integrity and to conduct yourself as a responsible citizen. Being a student-athlete at Lamar University presupposes a commitment to the principles and policies embodied in the student-athlete conduct code.

**Disciplinary Sanctions.** Sanctions for violation of the Student-Athlete Conduct Code may include any or more than one of the following:

- a) Reprimand - the student-athlete is warned in writing that further misconduct may result in more severe disciplinary sanctions.
- b) Restitution - the student-athlete may be required to make payment to the University or community for damage incurred as a result of misconduct.
- c) Probations - the student-athlete continues as a member of the team but may be precluded from specific activities or must abide by other restrictions or conditions imposed during the probation period.
- d) Suspension - separation of the student-athlete from the team for specified period of time.
- e) Expulsion - permanent separation of the student-athlete from the team and intercollegiate athletics at the University. Expulsion may also include withdrawal of the student-athlete's athletic scholarship.

Suspension is to be immediately in effect without prior notice whenever there is evidence that the student-athlete's continued presence would constitute a threat to the student-athlete or others to normal team operation. In cases of temporary suspension, the student-athlete shall be given an opportunity to meet with the Athletics Director within five (5) business days from the effective date of the suspension.

A student who violates civil or criminal law, the Student Conduct Code, or repeatedly violates team rules risks expulsion or suspension from participation in intercollegiate athletics unless specific and mitigating factors are present. Factors to be considered may include the present demeanor and past disciplinary record of the offender, as well as the nature of the offense and the severity of any damage, injury or ban resulting from it.

### **8. Three Basic Rules that Apply to All Athletes**

Policies and rules established by the Department of Athletics and your coaching staff will be followed throughout the year. Violation of any of the three basic rules, as established by the Lamar University Athletics Department, will result in disciplinary action as described above.

1. **Class Attendance** - Athletes are expected to attend all regularly scheduled classes. Permission to make up missed class work is granted at the discretion of your instructor. You are responsible for contacting each of your instructors, personally, to determine how missed course work should be made up. You will find it helpful to contact your instructors before the missed class, whenever possible.

**The only times a student-athlete should ever miss class are:**

- a) Absences due to an athletics contest or team travel to an athletics contest.
  - b) Illness or injury verified by the Athletic Trainers or university physician.
  - c) Personal reasons, with prior approval from your instructor.
2. **Curfew** — Lamar student-athletes, in each sport, will adhere to a mandatory curfew, in season and out of season, as established by the head coach in your sport. The head coach will explain his/her curfew policy to you.
  3. **Conduct** — As a student-athlete, you represent Lamar University, your coaches, teammates, and your families at all times. Any behavior short of these expectations will not be tolerated.

### **9. Unethical Conduct**

Student-athletes are expected to refrain from the following prohibited conduct as outlined by the NCAA, Southland Conference, Texas State University System and/or the Lamar University Department of Athletics. Unethical conduct by prospective or enrolled student-athletes may include, but is not limited to, the following.

#### **NCAA Bylaw 10.1 – Unethical Conduct**

Unethical conduct by a prospective or enrolled student-athlete or a current or former institutional staff member, which includes any individual who performs work for the institution or the athletics department even if he or she does not receive compensation for such work, may include, but is not limited to, the following: (*Revised: 1/10/90, 1/9/96, 2/22/01, 10/5/10*)

- a) Refusal to furnish information relevant to an investigation of a possible violation of an NCAA regulation when requested to do so by the NCAA or the individual's institution;
- b) Knowing involvement in arranging for fraudulent academic credit or false transcripts for a prospective or an enrolled student-athlete;
- c) Knowing involvement in offering or providing a prospective or an enrolled student-athlete an improper inducement or extra benefit or improper financial aid;
- d) Knowingly furnishing or knowingly influencing others to furnish the NCAA or the individual's institution false or misleading information concerning an individual's involvement in or knowledge of matters relevant to a possible violation of an NCAA regulation;

- e) Receipt of benefits by an institutional staff member for facilitating or arranging a meeting between a student-athlete and an agent, financial advisor or a representative of an agent or advisor (e.g., "runner");
- f) Knowing involvement in providing a banned substance or impermissible supplement to student-athletes, or knowingly providing medications to student-athletes contrary to medical licensure, commonly accepted standards of care in sports medicine practice, or state and federal law. This provision shall not apply to banned substances for which the student-athlete has received a medical exception per Bylaw 31.2.3.2; however, the substance must be provided in accordance with medical licensure, commonly accepted standards of care and state or federal law;
- g) Failure to provide complete and accurate information to the NCAA, the NCAA Eligibility Center or an institution's admissions office regarding an individual's academic record (e.g., schools attended, completion of coursework, grades and test scores);
- h) Fraudulence or misconduct in connection with entrance or placement examinations;
- i) Engaging in any athletics competition under an assumed name or with intent to otherwise deceive;  
or
- j) Failure to provide complete and accurate information to the NCAA, the NCAA Eligibility Center or the institution's athletics department regarding an individual's amateur status.

## Appendix Q

### LAMAR UNIVERSITY Institutional Drug Testing Policy Revised: October 2017

#### **PHILOSOPHY**

The Department of Intercollegiate Athletics at Lamar University believes that the abuse of legal drugs and/or the use of illegal drugs can adversely affect the health and safety as well as the academic capability of student-athletes. In an effort to minimize the possibility that a student-athlete may jeopardize his or her own physical and academic performances, the Department of Intercollegiate Athletics at Lamar University has developed the following drug education and testing program. This program is separate from the NCAA Drug Testing Program.

#### **PURPOSES**

The purposes of the Lamar University drug education and testing program are:

1. To inform and educate the student-athletes as to the harmful effects of substance abuse and misuse;
2. To deter the potential abuse of, misuse of, or experimentation with drugs and other physically or psychologically harmful substances;
3. To provide any student-athlete determined to be affected by substance use or abuse with the opportunity to obtain rehabilitation through professional evaluation counseling, or referral for treatment; and
4. To protect and preserve the integrity of the individual student-athlete, the Department of Intercollegiate Athletics at Lamar University, and Lamar University.

#### **POLICY**

The Department of Intercollegiate Athletics at Lamar University will provide education sessions to student-athletes at least annually on the dangers of alcohol and drug use. These education sessions may include any training or education required by Lamar University of all students. At the beginning of each academic year or at other times as determined by the Department of Intercollegiate Athletics, a presentation will be made to all intercollegiate student-athletes to review and explain the Department of Intercollegiate Athletics' drug education and testing program. A consent form authorizing the taking and testing of urine samples (Appendix A) shall be signed annually by each student-athlete. If the student-athlete is a minor, a parent or guardian's signature will be required. The consent forms will be signed no later than that time, and secured in each student-athlete's electronic medical record (EMR) or medical file in the office of the Head Athletic Trainer. Electronic signatures will be considered valid as an original signature.

Lamar University has designated the Head Athletic trainer as the NCAA required designated responder for student athlete and athletics department staff members. The designated responder is able to advise

student-athletes about the NCAA list of banned drug classes and to advise them regarding the use of nutritional supplements.

Lamar University is obligated to warn student-athletes that any nutritional supplement use may endanger the student-athlete's health and eligibility. Dietary and nutritional supplements are not well regulated, may contain NCAA banned substances, and are taken at the student athletes' own risk. Student-athletes are encouraged to check with their designated staff member before consuming any substance other than food.

There is no prior notification required for the drug test. Screening may be done for any substance appearing on the NCAA banned substance list. The NCAA banned substance list may be obtained from the Head Athletic Trainer, the Compliance Director, or online at [www.ncaa.org](http://www.ncaa.org). Additional substances may be tested for at the discretion of the Team Physician and/or Head Athletic Trainer, and/or designee. Analysis of specimens provided for testing will be performed by an independent laboratory selected by the Department of Intercollegiate Athletics.

The Department of Intercollegiate Athletics at Lamar University reserves the right to require a urine specimen from any participant in a sports program recognized, operated or controlled by or under the authority of the Department of Intercollegiate Athletics. Eligible participants include all student-athletes appearing on the team's NCAA squad list and (hereafter referred to as "student-athletes").

Lamar University has a desire to maintain the most up-to-date testing procedures, including partnership with The National Center for Drug Free Sport (DFS) to improve drug-testing detection. Negative samples are retained by the authorized laboratory for a short period of time after results notification, generally seven (7) days, and are then discarded. Because of its partnership with DFS, Lamar University agrees that after the 7-day period has passed, negative discard samples may be used for research purposes by DFS laboratories.

The Department of Intercollegiate Athletics will randomly select student-athletes for testing. The testing period will be year-round beginning on either the day an individual sport has its initial NCAA eligibility meeting or the first day of classes in the fall semester as listed on the official University calendar, whichever comes first. This includes any official University breaks or closures. Student-athletes are subject to drug testing at the entry physical exam process (note: this process may be split over different days). Random selection of student-athletes will be made by DFS after receiving current rosters from the Department of Intercollegiate Athletics at Lamar University.

If there is reasonable suspicion that a student-athlete is using banned drugs and substantial proof can be documented using the Probable Cause to Suspect Drug Use Notification form (Appendix B), the suspected student-athlete may be selected for drug testing at the discretion of the Director of Athletics. At the discretion of the Director of Athletics, each athletics team may be tested in its entirety. Any student-athlete having a history of a positive drug test while at Lamar University may be subject to testing at any time.

Any student-athlete who qualifies for an NCAA Championship may be tested prior to attending the championship. If a student-athlete tests positive during this test, he or she will not participate at the NCAA Championships.

Test results shall be shared with those identified in the consent form. Strict confidentiality of test results, except as authorized by the consent form, shall be maintained in accordance with the procedures which follow.

## **PROCEDURES**

Urine samples will be secured for testing in the following manner:

1. Student-athletes who have been selected for institutional drug testing by the Department of Intercollegiate Athletics will be notified no more than 24 hours prior to the testing. At this time, the student-athlete will sign the Drug Testing Notification Form (Appendix C), which confirms the student-athlete received notice of his/her selection for drug testing and notifies the student-athlete of the time and location of testing.
2. Upon arriving at the designated location, the student-athlete will sign the drug testing roster to check-in. After checking in, the student-athlete will not be allowed to leave the testing site until a valid urine sample has been collected. The student-athlete will select the vial he/she desires to use for the collection and write his/her initials on the lid. This vial is to remain in the physical possession of the student-athlete until an adequate sample is provided.
3. A member of the Athletic Training staff, or designee, of the same gender as the student-athlete will require the student-athlete to rinse with water only, no soap, and dry his/her hands, and will monitor the furnishing of the specimen by observation in order to assure the integrity of the specimen.
4. Fluids and food will be provided for student-athletes who have difficulty providing a specimen. These fluids and food will be sealed, caffeine-free, alcohol-free and free of all banned substances. Other fluids and food items will not be allowed in the collection site.
5. If a specimen is incomplete, the student-athlete must remain in the collection area until the sample is complete. During this period, the student-athlete is responsible for keeping the collection beaker closed and controlled.
6. Once the student-athlete provides a specimen (at least 60mL), the Athletic Training staff monitored the furnishing of the specimen by observation will sign that the specimen was Drug Testing Coordinator will then check the specific gravity of the urine in the presence of the student-athlete.
7. If the urine has a specific gravity below 1.005, the specimen will be rejected and a new student-athlete will select a new vial for subsequent specimen collections.
8. If the urine has a specific gravity above 1.005, the specimen will be split into “A” and “sent to an independent laboratory for testing. Final determination of the specimen adequacy laboratory.
9. The student-athlete will maintain control of his/her specimen throughout the entire collection process. When the collection vial is sealed and packaged to send to the laboratory for testing, the student-athlete will be required to sign the chain of custody form acknowledging that the sample is his/hers, the sample was in his/her control throughout the collection, and he/she was able to observe the packaging of the sample.
10. Any student-athlete who refuses to provide a specimen, is unable to provide an acceptable appear at the time scheduled for testing, will be considered as having a positive test.
11. Tampering with or adulterating a urine specimen in an attempt to alter its natural characteristics providing a specimen that is not your own will be considered a positive test.

## PENALTIES - OVERVIEW

Student-athletes demonstrating positive test results will be subject to the following actions:

1. If any student-athlete tests “positive”, that is, if the tests show the presence of a banned substance or its metabolite, the Team Physician or Head Athletic Trainer will inform the Director of Athletics, the Head Coach and the student-athlete within 48 hours (excluding weekends) after the positive test confirmation has been received from the laboratory. The Team Physician or Head Athletic Trainer may meet privately with the student-athlete to explain the type of substance identified.
2. In the event of any positive drug test, the Director of Athletics or designee may communicate the results of the drug test with the parent(s) and/or guardian(s) of the student-athlete. Notification of the parent(s) and/or guardian(s) would normally take place following notification of the Head Coach and the student-athlete of the positive test result. The student-athlete may be present during the parent and/or guardian notification.
3. Upon confirmation of a positive test, the student-athlete will be disciplined in accordance with the Lamar University Intercollegiate Athletics Institutional Drug Education and Testing Program. The disciplinary action taken by the department will be recorded on the Disciplinary Action Contract (Appendix D) and placed in the student-athlete’s confidential file located in the Department of Intercollegiate Athletics.
4. In the event of **required community service**, the following procedures are in place:
  - a. The number of hours of required community service are specified under each penalty phase. This is a minimum number of community service hours. Additional hours may be required by the head coach.
  - b. Community service must be completed at sites approved in advance by Lamar University Athletics. A list of these approved sites is available from the Director of Athletics and/or designee.
  - c. A record of completed community service will be kept on the Athletic Community Service Form. This record will be submitted to the Head Athletic Trainer when community service is completed or upon request of the Athletic Director, Head Coach, or Head Athletic Trainer at any time prior to the deadline for completion of community service.
5. In the event of a **competition suspension**, the following procedures are in place:
  - a. The student-athlete will be declared immediately ineligible for a specific percentage of the overall number of contests (excluding exhibition contests or foreign tours) as determined by the official contest schedule as of the first date of competition. The percentage will be rounded to the nearest whole number. In the event the percentage is exactly half of a whole number, it will be rounded up.
  - b. In the event that any competition suspension is not served in its entirety during the current competitive season, the remainder of the penalty will be served at the beginning of the next competitive season that the student-athlete competes (excluding exhibition games).

1. Student-athletes participating in multiple intercollegiate sports and serving a competition suspension that is not served in its entirety before the conclusion of the initial sport competition season will complete the suspension in the subsequent sport competition season.
2. The Director of Athletics or designee will confirm with the student-athlete's coach the actual number of competitions the student-athlete is ineligible to participate in.

If the second positive test occurs outside of the competitive season, the penalty will commence at the start of the next regularly scheduled competitive season. The Director of Athletics or designee will confirm with the student-athlete's coach the actual number of competitions the student-athlete is ineligible to participate in. A student-athlete receiving a competition suspension shall be permitted to return to competitive status only with clearance from the Team Physician, Head Athletic Trainer, and Director of Athletics and only after completion of agreed upon terms of the suspension. Additionally, a competition suspension cannot be served concurrently with an illness or injury that would normally prevent participation as determined by the Head Athletic Trainer and/or Team Physician. A student-athlete shall not serve a competition suspension under the drug testing program concurrently with any other competition suspension (i.e. academic suspension, NCAA sanction suspension, etc.). The suspensions shall be served consecutively. The Director of Athletics or designee will confirm with the student-athlete's coach the actual number of competitions the student-athlete is ineligible to participate in.

6. In the event that a student-athlete has a positive drug test(s) for marijuana and/or marijuana metabolites **and** a positive drug test for a street drug(s) and/or street drug metabolites other than marijuana and/or marijuana metabolites or anabolic steroids and/or masking agents, the following procedures are in place:
  - a. A single positive test for marijuana and/or marijuana metabolites followed by a single positive test for street drug(s) and/or metabolite(s) will enter the penalty structure as the first positive test for a street drug(s) and/or metabolite(s).
  - b. Two positive tests for marijuana and/or marijuana metabolites followed by a single positive test for street drug(s) and/or metabolite(s) will enter the penalty structure as the second positive test for a street drug(s) and/or metabolite(s).
  - c. A single positive test for street drug(s) and/or metabolite(s) followed by a single positive test for marijuana and/or metabolites will enter the penalty structure as the second positive test for marijuana and/or metabolites.
  - d. A single positive test for street drug(s) and/or metabolite(s) followed by two positive tests for marijuana and/or metabolites will enter the penalty structure as the second positive test for street drug(s) and/or metabolite(s).
  - e. Any positive drug test for anabolic steroids or masking agents will enter the penalty structure for those substances without regard to any previous marijuana and/or street drug testing results.
7. In the event that a student-athlete does not complete sanctions by the specified due date, the Director of Athletics will notify the appropriate Head Coach that the student-athlete is immediately suspended from all countable athletic activity until such a time that the sanctions are completed.



PENALTIES –MARIJUANA and/or MARIJUANA METABOLITES

In the event of a positive test for marijuana and/or marijuana metabolites, the following penalties are assessed:

1. FIRST POSITIVE
  - a. Completion of drug abuse education program within (10) days of notification of positive test.
  - b. Completion of ten (10) hours of community service within four (4) weeks of notification of positive test.
  - c. Other penalties as assessed by the head coach and/or director of athletics.
2. SECOND POSITIVE
  - a. Drug Counselor evaluation at cost of student-athlete, completion date to be specified, including follow-up completion of any recommendations made by counselor.
  - b. Completion of drug abuse education program within ten (10) days of notification of positive test.
  - c. Completion of twenty (20) hours of community service within eight (8) weeks of notification of positive test.
  - d. Other penalties as assessed by the head coach and/or director of athletics.
3. THIRD POSITIVE
  - a. Drug Counselor evaluation at cost of student-athlete, completion date to be specified, including follow-up completion of any recommendations made by counselor.
  - b. Completion of drug abuse education program within ten (10) days of notification of positive test.
  - c. Completion of forty (40) hours of community service within twelve (12) weeks of notification of positive test.
  - d. The student-athlete will be declared immediately ineligible for 25% of the overall number of contests as detailed under this drug testing program.
  - e. Other penalties as assessed by the head coach and/or director of athletics.
4. FOURTH POSITIVE
  - a. A fourth positive test result for street drugs or street drug metabolites other than marijuana and/or marijuana metabolites will result in permanent loss of eligibility for the remainder of the student-athletes' intercollegiate career at Lamar University, and loss of any athletics-related scholarships.

**PENALTIES –STREET DRUG(S) and/or METABOLITES OTHER THAN MARIJUANA**

In the event of a positive test for **street drug(s) or street drug metabolite(s) other than marijuana and/or marijuana metabolites**, the following penalties are assessed:

1. **FIRST POSITIVE**
  - a. Drug Counselor evaluation at cost of student-athlete, completion date to be specified, including follow-up completion of any recommendations made by counselor.
  - b. Completion of drug abuse education program within ten (10) days of notification of positive test.
  - c. Completion of twenty (20) hours of community service within eight (8) weeks of notification of positive test.
  - d. Other penalties as assessed by the head coach and/or director of athletics.
2. **SECOND POSITIVE**
  - a. Drug Counselor evaluation at cost of student-athlete, completion date to be specified; including follow-up completion of any recommendations made by counselor.
  - b. Completion of drug abuse education program within ten (10) days of notification of positive test.
  - c. Completion of forty (40) hours of community service within twelve (12) weeks of notification of positive test.
  - d. The student-athlete will be declared immediately ineligible for 25% of the overall number of contests as detailed under this drug testing program.
  - e. Other penalties as assessed by the head coach and/or director of athletics.
3. **THIRD POSITIVE**
  - a. A third positive test result for street drugs or street drug metabolites other than marijuana and/or marijuana metabolites will result in permanent loss of eligibility for the remainder of the student-athletes' intercollegiate career at Lamar University, and loss of any athletics-related scholarships.

**PENALTIES –ANABOLIC STEROIDS and/or MASKING AGENTS**

In the event of a positive test for anabolic steroids and/or masking agents, the following penalties are assessed:

4. **FIRST POSITIVE**
  - a. Drug Counselor evaluation at cost of student-athlete, completion date to be specified, including follow-up completion of any recommendations made by counselor.
  - b. Completion of drug abuse education program within ten (10) days of notification of positive test.
  - c. The student-athlete will be declared ineligible for a complete calendar year (365 days) beginning on the date the positive test was confirmed.
5. **SECOND POSITIVE**
  - a. A second positive test result for anabolic steroids and/or masking agents will result in the permanent loss of eligibility for the remainder of the student-athletes' intercollegiate career at Lamar University, and loss of any athletics-related scholarships.

### APPEALS PROCESS

Student-athletes demonstrating positive test results and wishing to appeal the results must follow the designated appeals process:

1. If the student-athlete challenges the test results, he/she must notify the Head Athletic Trainer or Director of Athletics in writing within 24 hours after the meeting to discuss the test results.
2. Upon receiving notice of challenge, the Head Athletic Trainer and/or Team Physician will meet with the student-athlete for further discussion about the reliability of the test and to determine whether an additional test should be administered. If an additional test is administered, the “B” specimen will be tested by the same laboratory that tested the “A” specimen. Re-testing of the original sample will be at the student-athlete’s own expense.
3. If the Team Physician and/or his designee determines the test results reflect a true positive, the test results may be communicated to the Director of Athletics, the Compliance Director, and the Head Coach of the appropriate sport or sports. The student-athlete will be subject to the appropriate penalties as described previously.
4. If it is determined that the initial results were a “false positive”, the result will be documented in the student-athlete’s confidential file located in the Department of Intercollegiate Athletics. The student-athlete will not undergo disciplinary action.

## Lamar University Intercollegiate Athletics

### Safe Harbor Program

A student-athlete may self-refer to the Department of Intercollegiate Athletics' "Safe Harbor Program" for voluntary evaluation and counseling. A student-athlete is not eligible for the Safe Harbor Program after notification of an impending drug test or after receiving notice of a positive Lamar University or NCAA Drug Test.

The student-athlete who desires to self-refer to the Safe Harbor Program may do so by notifying the Director of Athletics, Head Athletic Trainer, Senior Women's Administrator, or Compliance Director, and completing the Request to Enter Safe Harbor Program form (Appendix E).

The Department of Intercollegiate Athletics will work with the student-athlete to prepare a Safe Harbor treatment plan, which may include confidential drug testing. If the student-athlete tests positive for a banned substance upon entering the Safe Harbor Program, that positive will not result in any administrative sanctions. The Team Physician may suspend the student-athlete from play or practice if medically indicated. A student-athlete will be permitted to remain in the Safe Harbor Program up to thirty (30) days, as determined by the treatment plan. A student-athlete will not be permitted to enter the Safe Harbor Program within thirty (30) days prior to NCAA or Southland Conference postseason competition.

While in compliance with the Safe Harbor Program, the student-athlete will not be included in the list of student-athletes eligible for random drug testing by the Department of Intercollegiate Athletics.

**Student-athletes in the Safe Harbor Program may be selected for the NCAA Drug Testing Program.**

The Director of Athletics, Team Physician, Head Athletic Trainer, Senior Women's Administrator, Compliance Director, and Head Coach may be informed of the student-athlete's participation in the Safe Harbor Program. Other University employees may be informed only to the extent necessary for the implementation of this policy.

If a student-athlete tests positive on a second test for any banned substance after entering the Safe Harbor Program or fails to comply with the treatment plan, the student-athlete will be removed from the Safe Harbor Program. Any initial positive test under the Safe Harbor Program will be treated as a first positive, and the second positive test will result in action consistent with a second positive test.

## Lamar University Intercollegiate Athletics

### Nutritional Supplement Advisory Form

Nutritional Supplement Advisory: Student-athletes are responsible for any substance ingested. Nutritional supplements may contain NCAA banned substances, resulting in a positive drug test and loss of NCAA eligibility. Student-athletes are encouraged to check with the Head Athletic Trainer, the designated responder for questions about dietary supplements and NCAA banned drugs, before consuming any nutritional supplement or other substance other than food.

I, \_\_\_\_\_ fully acknowledge the risk of losing my eligibility  
(Student-Athlete printed name)

to participate in intercollegiate athletics if I take a nutritional supplement and subsequently have a positive test for a NCAA banned substance, regardless of the reason or purpose for taking such nutritional supplement(s).

I acknowledge and understand that the labeling on nutritional supplements and similar products can be misleading and inaccurate, and that sales personnel are paid to sell these products and cannot accurately certify that these products contain no substances banned by the NCAA. I understand that nutritional supplements are not regulated by any agency, and therefore I may be unaware of the true contents of a supplement, including the possibility that a supplement contains a banned substance. I understand that terms such as “healthy” and “natural” do not necessarily mean that the product is safe to take or use.

Before taking or using any supplement, I am solely responsible for taking appropriate steps to ensure that it does not contain any substance banned by the NCAA. With my signature below, I am certifying that I will not take or use any nutritional supplement until the product has been reviewed by the institution’s Designated Responder (Appendix F). I understand that the review of supplement products by the Designated Responder does not necessarily deem the product(s) safe or free of NCAA banned substances.

More information on nutritional supplements can be found at: [www.drugfreesport.com/REC](http://www.drugfreesport.com/REC) (password: ncaa1)

---

(Student-Athlete printed name)

(signature)

(date)

---

JoshuaYonker,MS,LAT,ATC

(Head Athletic Trainer –  
Institutional Designated Responder)

(signature)

(date)

**Lamar University Intercollegiate Athletics**  
**Institutional Drug Education & Testing Program**  
**Consent and Authorization Agreement**

For and in consideration of my being permitted to participate in Lamar University Intercollegiate Athletics, I hereby agree to abide by the principles and conditions of the drug testing program that has been adopted by the University for its athletic department and any amendments thereto for the duration of my participation in Lamar University Intercollegiate Athletics. I have received a copy of the University's "Drug Education and Testing Program", and have read and understand its provisions, including possible sanctions for violation of those provisions.

I hereby authorize the Department of Intercollegiate Athletics at Lamar University to obtain and release test analysis results and information pertaining to and obtained under the provisions of the Department of Intercollegiate Athletics' drug education and testing program to those persons or entities identified in said program, including but not limited to: the Team Physician, Director of Athletics, Head Athletic Trainer, Senior Women's Administrator, Compliance Director, Head Coach, a counseling professional within the Student Health Center of Lamar University, and a private treatment facility.

In the event of a confirmed positive test, the results may be released to a parent or guardian.

I also authorize the staff at the Student Health Center of Lamar University or any private substance abuse treatment center to release information regarding my attendance (or lack thereof) and satisfactory completion of any required counseling or education sessions mandated by Lamar University Intercollegiate Athletics.

By signing below, I consent to allow my drug-testing sample to be used by Drug Free Sport laboratories for research purposes to improve drug-testing detection. Research will only be conducted on negative samples following a 7-day period after negative test confirmation.

My execution of this form shall be consent for the release of such information under the Texas Medical Practice Act (Sec. 5.08(j), Art. 4495b, Vernon's Texas Civil Statute(s)), the Texas Open Records Act (Sec. 3(a)(14), Art. 6252-17a, Vernon's Texas Civil Statute(s)), and the Family Educational Rights and Privacy Act of 1974 (Title 20 U.S.C.A. Sec. 1232g). I further hereby release Lamar University, its Board of Regents, and its officers, employees and agents from any and all liability for the damages that may result from the authorized release of such information or records.

---

(signature of Student-Athlete)

(date)

---

(printed name of Student-Athlete)

(sport)

---

(signature of parent or legal guardian, if Student-Athlete is under 18 years of age)

---

(signature of Head Athletic Trainer)

(Revised Oct.2017)

**Lamar University Intercollegiate Athletics**  
**Institutional Drug Education & Testing Program**  
**Probable Cause to Suspect Drug Use Notification Form**

I, \_\_\_\_\_, under the probable cause to suspect drug use or abuse  
 (Department of Athletics representative)

report the following objective sign(s), symptom(s) or behavior(s) that I reasonably believe warrant

\_\_\_\_\_ be referred for possible drug testing under the Department of

(Name of Student-Athlete)  
 Athletics Institutional Drug Education and Testing Program.

The following sign(s), symptom(s), and/or behavior(s) were observed by me over the past \_\_\_\_\_  
 hours and/or \_\_\_\_\_ days. **Please check below all that apply:**

The Student-Athlete has shown:

- Irritability
- Loss of temper
- Poor motivation
- Failure to follow directions
- Verbal outburst
- Emotional outburst
- Sudden weight gain
- Sudden weight loss
- Sloppy hygiene and/or appearance

The Student-Athlete has been:

- Late for practice
- Late for class
- Not attending class
- Receiving poor grades
- Missing appointments
- Missing/skipping meals

The Student-Athlete demonstrated the following:

- Dilated pupils
- Constricted pupils
- Red eyes
- Smell of alcohol on breath at practice or competition
- Smell of marijuana
- Staggering or difficulty walking
- Constantly running and/or red nose
- Over stimulated or “hyper”
- Excessive talking
- Withdrawn and/or less communicative
- Periods of memory loss
- Slurred speech
- Combative behavior or fighting
- Been arrested, detained in jail or received  
a citation for a drug related offense

Other specific objective findings include:

\_\_\_\_\_  
 \_\_\_\_\_

\_\_\_\_\_  
 (print name athletic staff member)

\_\_\_\_\_  
 (signature)

\_\_\_\_\_  
 (date)

**Reviewed by:**

**Approved for testing:**

\_\_\_\_\_  
 (Director of Athletics)

\_\_\_\_\_  
 (date)

\_\_\_\_\_  
 YES \_\_\_\_\_ NO

If approved for testing, forward copy of this form to Head Athletic Trainer.  
 Place original in Student-Athlete’s permanent file.

(Revised Oct.2017)

**Lamar University Intercollegiate Athletics**  
Institutional Drug Education & Testing Program  
Notification Form

Athlete: \_\_\_\_\_

Identification Number: \_\_\_\_\_ Sport: \_\_\_\_\_  
(Optional)\_

Date of notification: \_\_\_\_\_ Time of notification: a.m./p.m. \_\_\_\_\_

I, The Undersigned:

Acknowledge being notified to appear for drug testing and have been notified to report to the drug-testing station at

\_\_\_\_\_, on \_\_\_\_\_ on or before \_\_\_\_\_ a.m/p.m.  
(location) (date) (time)

**I will be prepared to provide an adequate specimen and will not over hydrate.**

**I understand that I may have a witness accompany me to the drug-testing site.**

By signing, I have been notified of my selection for drug testing, and am aware of what is expected of me in preparation for this drug-testing event.

Athlete's Signature: \_\_\_\_\_

I can be reached at the following telephone number on day of test: \_\_\_\_\_

Comments: \_\_\_\_\_  
\_\_\_\_\_

**For Collection Use Only:**

Void No. 1: pH: \_\_\_\_\_ specific gravity: \_\_\_\_\_ Void No. 3: pH: \_\_\_\_\_ specific gravity: \_\_\_\_\_  
Void No. 2: pH: \_\_\_\_\_ specific gravity: \_\_\_\_\_ Void No. 4: pH: \_\_\_\_\_ specific gravity: \_\_\_\_\_

---

**SPORTS DRUG TESTING REMINDER**

Athlete: \_\_\_\_\_

Date of Test: \_\_\_\_\_ Location: \_\_\_\_\_ Report Time: \_\_\_\_\_

(Revised Oct 2017)



**Lamar University Intercollegiate Athletics**  
**Institutional Drug Education & Testing Program**  
**Disciplinary Action Contract**

I, \_\_\_\_\_, understand that on \_\_\_\_\_, I was found to have a  
(Student-Athlete Name) (date)  
positive drug test for the following substance(s):

**MARIJUANA and/or MARIJUANA METABOLITES**

FIRST POSITIVE       SECOND POSITIVE       THIRD POSITIVE       FOURTH POSITIVE

**STREET DRUGS and/or METABOLITES other than Marijuana**

FIRST POSITIVE       SECOND POSITIVE       THIRD POSITIVE

**STEROIDS and/or MASKING AGENTS and/or METABOLITES**

FIRST POSITIVE       SECOND POSITIVE

Following a meeting with the individuals whose signatures appear below, I understand that I will complete the appropriate sanctions for the offense as outlined in the Department of Intercollegiate Athletics' Institutional Drug Education and Testing Program.

- Completion of Drug Abuse Education Program: deadline (10 days) \_\_\_ / \_\_\_ / \_\_\_\_
- Completion of Drug Counselor Evaluation and recommendations: deadline \_\_\_ / \_\_\_ / \_\_\_\_
- Completion of Community Service: \_\_\_\_\_ hours, deadline \_\_\_ / \_\_\_ / \_\_\_\_
- Competition Suspension: \_\_\_\_\_ total contests, contest dates \_\_\_\_\_
- Dismissal from Intercollegiate Athletics Team and loss of athletics-related scholarship

Additionally, my Head Coach has imposed the following sanctions and/or requirements:

\_\_\_\_\_  
\_\_\_\_\_

Failure to comply with any of the above sanctions may result in my suspension, dismissal, and/or adjustment or termination of my scholarship.

I have read, understand, and agree to comply with the above.

\_\_\_\_\_  
(Student-Athlete name printed)

\_\_\_\_\_  
(Student-Athlete signature)

\_\_\_\_\_  
(date)

\_\_\_\_\_  
(Director of Athletics)

\_\_\_\_\_  
(Head Coach)

\_\_\_\_\_  
(Institutional Drug Testing Coordinator)

(Revised Oct 2017)

**Lamar University Intercollegiate Athletics**  
**Institutional Drug Education & Testing Program**  
**Request to Enter Safe Harbor Program**

I, the undersigned, request to enter the Lamar University Intercollegiate Athletics Safe Harbor Program.

I understand that by this request, I will:

- Be immediately tested for drugs according to procedures described in the Lamar University Drug Education and Testing Program
- Be evaluated by the Team Physician and/or a substance abuse counselor, as determined by the Team Physician
- Follow and complete the prescribed counseling and treatment plan
- Be subject to further drug testing at a frequency prescribed by the Team Physician and/or counselor
- Remain in the Safe Harbor Program until released by the Team Physician and/or counselor for a period of time not to exceed 30 days, and
- Not be eligible for selection to participate in drug screening under the Lamar University Intercollegiate Athletics Drug Education and Testing Program, but
- **Will remain eligible for drug testing as mandated by the NCAA**

Student-Athlete Name (printed): \_\_\_\_\_

Student-Athlete Signature: \_\_\_\_\_

Date: \_\_\_\_\_

**For Head Athletic Trainer and/or Team Physician:**

SA Eligible for Safe Harbor Program: \_\_\_\_ Yes \_\_\_\_ No

Reviewed Safe Harbor Program with SA: \_\_\_\_ Yes \_\_\_\_ No

Signature: \_\_\_\_\_

Title: \_\_\_\_\_

Date: \_\_\_\_\_

(Revised Oct 2017)

**Lamar University Intercollegiate Athletics**  
Nutritional Supplement Disclosure and Review Form

Nutritional Supplement Advisory: Student-athletes are responsible for any substance ingested. Nutritional supplements may contain NCAA banned substances, resulting in a positive drug test and loss of NCAA eligibility.

Through my signature, I acknowledge that I read and understood the Student-Athlete Nutritional Supplement Advisory and Review Form.

---

 (Student-Athlete printed name)

(signature)

(date)

**I am taking or intend to take the following nutritional supplements:**

Supplement Name & Manufacturer	Listed Ingredients
1. _____ _____	_____ _____ _____
2. _____ _____	_____ _____ _____
3. _____ _____	_____ _____ _____
4. _____ _____	_____ _____ _____

**To be completed by the Head Athletic Trainer – Designated Responder:**

Notes:

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 (Head Athletic Trainer –Designated Responder printed name)

(signature)

(date)

---

 (Student-Athlete printed name)

(signature)

(date)

(Revised Oct 2017)

## Appendix R

[https://www.lamar.edu/files/documents/faculty\\_staff/human-resources/titleix/TSUS-Sexual-Misconduct-Policy-and-Procedures-8-17-2017.pdf](https://www.lamar.edu/files/documents/faculty_staff/human-resources/titleix/TSUS-Sexual-Misconduct-Policy-and-Procedures-8-17-2017.pdf)

**TEXAS STATE UNIVERSITY SYSTEM  
SEXUAL MISCONDUCT POLICY AND PROCEDURES  
TSUS Sexual Misconduct Policy  
Effective August 17, 2017**

### 1. Introduction

1.1 Institutional Values. The Texas State University System, its colleges, and universities (collectively referred to as “System” and/or “Components” and used interchangeably herein) are committed to creating and maintaining educational communities in which each individual is respected, appreciated and valued. The System diligently strives to foster an environment that permits and encourages everyone to perform at their highest levels. The System’s focus on tolerance, openness, and respect is key in providing every member of the TSUS community with basic human dignity free from harassment, exploitation, intimidation or other sexual misconduct. Any report of behavior that threatens our institutional values, and breaches this Policy shall be promptly investigated and remediated in accordance with principles of law, fairness and equity to all Parties involved.

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

1.3. Notice of Nondiscrimination. The System complies with Title IX of the Higher Education Amendments of 1972 (Title IX), which prohibits discrimination on the basis of sex in educational programs or activities; Title VII of the Civil Rights Act of 1964 (Title VII), which prohibits sex discrimination in employment; and the Campus Sexual Violence Elimination Act. Sexual misconduct, as defined in this Policy, constitutes a form of sex discrimination prohibited by Title IX and Title VII.

1.4. Applicability of this Policy. This Policy applies to all students, faculty, staff, and Third Parties within the System’s or its Components’ control. This Policy prohibits sexual misconduct committed by or against a student, faculty, staff, or Third Parties. This Policy applies to sexual misconduct:

1.41 On Component premises;

1.42 At Component-affiliated educational, athletic, or extracurricular programs or activities;

1.43 That has an adverse impact on the education or employment of a member of the Component community;

1.44 That otherwise threatens the health and/or safety of a member of the Component community; and

1.45 Occurring after the effective date of this Policy.

1.46 All incidents occurring prior to the effective date of this Policy are controlled by the Policy in effect at that time.

1.8 Sexual Misconduct Policy also known as Sexual Assault Policy. This Policy has been adopted for each Component by the System as its sexual assault policy. It shall be made available to students, faculty and staff by including it in the Component's student, faculty and personnel handbooks and by creating and maintaining a web page on the Component's website dedicated solely to the Policy.

1.81 Each Component shall email students the protocol for reporting incidents of sexual assault, including the Component's Title IX Coordinator's name, office location and contact information at the beginning of each semester or academic term.

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

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

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

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

### 3. Reporting TSUS Sexual Misconduct Policy

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

3.11 Before a Victim reveals any information to a Responsible Employee, the employee should ensure that the Victim understands the employee's reporting obligations. If the Victim requests anonymity and confidentiality, direct the Victim to Title IX Confidential Sources.

3.12 If the Victim reports an incident to the Responsible Employee but also requests anonymity and confidentiality or requests that the matter not be investigated, the employee should tell the Victim that the Component will consider the request but cannot guarantee that the Component will be able to honor it. In reporting the details of the incident to the Title IX Coordinator, the Responsible Employee will inform the Title IX Coordinator of the Victim's request for confidentiality.

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

- 3.131 the increased risk that the Alleged Perpetrator will commit additional acts of sexual or other violence;
- 3.132 whether there have been other sexual misconduct complaints about the same Alleged Perpetrator;
- 3.133 whether the Alleged Perpetrator has a history of arrests or records from a prior school indicating a history of violence;
- 3.134 whether the Alleged Perpetrator threatened further sexual misconduct or other violence against the Victim or others;
- 3.135 whether the alleged sexual misconduct was committed by multiple Perpetrators;
- 3.136 whether the alleged sexual misconduct was perpetrated with a weapon;
- 3.137 whether the Victim was a minor at the time of the alleged conduct;
- 3.138 whether the Component possesses other means to obtain relevant evidence of the alleged sexual misconduct (e.g., security cameras or personnel, physical evidence); or
- 3.139 whether the Victim's report reveals a pattern of conduct (e.g., via illicit use of drugs or alcohol) at a given location or by a particular group.

## Appendix S

<http://www.lamar.edu/titleix/index.html>

### **Title IX/Sexual Misconduct Sexual Misconduct (Title IX) Information**

#### PREVENTING and ADDRESSING SEXUAL MISCONDUCT

Title IX of the Education Amendments Act of 1972 (Title IX) prohibits sexual discrimination in federally funded educational programs or activities.

The Texas State University System and Lamar University are committed to creating and maintaining educational communities in which each individual is respected, appreciated and valued. Lamar University diligently strives to foster an environment that permits and encourages everyone to perform at their highest levels in academia. Lamar University's focus on tolerance, openness, and respect is key in providing every member of our community with basic human dignity free from harassment, exploitation, intimidation or other sexual misconduct.

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.

Lamar University is firmly committed to maintaining an educational environment free from all forms of sex discrimination. Sexual Misconduct is a form of sex discrimination and will not be tolerated. Lamar University promotes prompt reporting of all types of Sexual Misconduct and timely and fair resolution of Sexual Misconduct complaints.

Lamar University

## Appendix T

<http://students.lamar.edu/student-handbook.html#titleix>

### Lamar University Beaumont, Texas Student Handbook

#### Sexual Misconduct (Title IX) Information

##### PREVENTING and ADDRESSING SEXUAL MISCONDUCT

Title IX of the Education Amendments Act of 1972 (Title IX) prohibits sexual discrimination in federally funded educational programs or activities.

The Texas State University System and Lamar University are committed to creating and maintaining educational communities in which each individual is respected, appreciated and valued. Lamar University diligently strives to foster an environment that permits and encourages everyone to perform at their highest levels in academia. Lamar University's focus on tolerance, openness, and respect is key in providing every member of our community with basic human dignity free from harassment, exploitation, intimidation or other sexual misconduct.

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.

Lamar University is firmly committed to maintaining an educational environment free from all forms of sex discrimination. Sexual Misconduct is a form of sex discrimination and will not be tolerated. Lamar University promotes prompt reporting of all types of Sexual Misconduct and timely and fair resolution of Sexual Misconduct complaints. Lamar University will take prompt and appropriate action to eliminate Sexual Misconduct when such is committed, prevent its recurrence, and remedy its effects.

Lamar University engages in the risk reduction strategies to limit the risk of sexual misconduct for the campus community. Every incoming student, including undergraduate transfer students and international students, shall attend prevention and education training or orientation regarding sexual misconduct and the campus sexual assault policy during the first semester or term of enrollment. Lamar University facilitates an online education and prevention training program 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. If you are incoming student completing your first semester in college, you must complete Title IX training before you can register for classes.

In order to address concerns related to sexual misconduct, Lamar University has appointed Mr. Jeff Bell as Title IX Coordinator.

*The Sexual Misconduct (Title IX) Information and Training Requirements is available at*  
<http://www.lamar.edu/titleix/>.



## Appendix U

<https://www.lamar.edu/students/academic-support/code-of-conduct.html>

# Lamar University Code of Student Conduct

## 2.00 Prohibited Conduct

Specific examples of misconduct for which students may be subject to disciplinary action include, but are not limited to, the following:

1. Committing an act that would constitute an offense under appropriate federal, state, or municipal law.
2. Violating any published university policy, including policies or contracts relating to residential living in university-owned or operated facilities.
3. Failing to comply with the direction of a university official acting in the performance of his or her duties, including an official summons to the office of an administrative official at a designated time.
4. Furnishing false testimony or other evidence at a campus disciplinary or other administrative proceeding.
5. Issuing a check to the university without sufficient funds or otherwise failing to meet financial obligations to the university.
6. Endangering the health or safety of other persons, including, for example, throwing an object, without authorization, in or from university facilities.
7. Misusing fire extinguishers or other safety equipment on university-owned or controlled property.
8. Interfering or disrupting university teaching, research, or other activity, including administrative disciplinary or public service activities.
9. Endangering the physical or mental health or safety of any person or intentionally or recklessly causing injury to any person.
10. Possession of or use of university keys without authorization.
11. Engaging in or submitting to hazing (see [Hazing Policy](#)), including hazing associated with an initiation by an organization using dangerous, harmful, or degrading acts.
12. Violating published university policies on the possession or use of alcoholic beverages.
  1. Underage drinking of alcoholic beverages, driving under the influence of alcohol, and/or public intoxication is prohibited.

2. The consumption of any alcoholic beverage in public places on the campus is prohibited except where specifically authorized by the University. All buildings, lobbies, walkways, and grounds of the campus are, for the purpose of this rule considered to be public places. Alcoholic beverages are not permitted in any residence hall.
  3. Any violation of published university policies regarding the possession and/or use of alcoholic beverages will result with disciplinary actions.
13. Gambling on university property.
  14. Possessing, using, selling, or distributing any illegal drug or controlled substance.
  15. Possessing or using ammunition, firearm(s), illegal knives (knives with blades longer than five and one-half inches, hand instruments designed to cut or stab another by being thrown, stilettos, poniards, Bowie knives, swords, and/or spears), or other illegal weapons on university property (see, TSUS Policies, Chapter VII, paragraph 4).
  16. Possessing, igniting, or detonating an explosive device, firework, or flammable object on university-owned or controlled property that could damage a person or property.
  17. Stealing, destroying, defacing, damaging, vandalizing, or misusing university property or property belonging to another person.
  18. Forging, altering, or misusing university documents, forms, records, identification cards, or admission records.
  19. Violating a published university policy governing residence life or breaching a Residence Life contract.
  20. Advocating, either orally or in writing, the conscious and deliberate violation of any federal, state, or local law. Advocating means addressing an individual or group for imminent action and steering it to such action, as opposed to abstractly espousing the moral propriety of such action.
  21. Entering university buildings or facilities or using university equipment or resources without authorization.
  22. Failing to maintain a current official mailing address in the Registrar's Office or giving a false or fictitious address to a university official.
  23. Initiating, communicating, or circulating a false report of a present, past, or future bombing, fire offense, or other emergency that would cause action by an agency organized to deal with emergencies, placing a person in fear of imminent serious bodily injury; or presenting or interrupting the occupation of a building, room, vehicle, other mode of conveyance.
  24. Harassing or threatening (by any means) to take unlawful action against any person, causing or intending to cause annoyance or alarm.
  25. Engaging in disorderly conduct on property owned or controlled by the university, or at a university function, that interferes with the university's programs or activities.
  26. Using authority granted by state law, system rule, or university policy to deprive a person of his or her civil rights.
  27. Engaging in or making life-threatening gestures that endanger others or disrupts the learning environment.
  28. Violating any published university policy relating to computer resources, electronic network facilities, or the internet.

29. Violating the university's [Policy on Sexual Misconduct](#), including engaging in, but not limited to:
  1. dating violence
  2. family (domestic violence)
  3. retaliation
  4. sexual assault
  5. sexual exploitation
  6. sexual harassment
  7. sexual intimidation
  8. sexual violence
  9. stalking
30. Possessing and/or using, without authorization according to university policy, intoxicating beverages in a classroom building, laboratory, auditorium, library building, faculty or administrative office, residence hall or apartment, intercollegiate and intramural athletic facility, or any other public campus area, or being intoxicated in any public area of the campus.
31. Campus disruptive activities. Disruptive activity means:
  1. Obstructing or restraining the passage of persons to the campus or an area of the campus or to an exit, entrance, or hallway of any building without the authorization of the administration of the university;
  2. Seizing control of an area of a campus, any building, or portion of a building for the purpose of interfering with any administrative, educational, research, or other authorized activity; or
  3. Disrupting and/or preventing or attempting to prevent, by force or violence or the threat of force or violence, any lawful assembly authorized by the university administration. A lawful assembly is disrupted when a person in attendance is rendered incapable of participating in the assembly due to the use of force or violence or a reasonable fear of force or violence.
  4. Pursuant to Education Code, Subsection 51.935 (Disruptive Activities), the university shall adhere to the following rules and regulations: No person or group of persons acting in concert may intentionally engage in disruptive activity or disrupt a lawful assembly on the university campus. Any person who is convicted the third time of violating this statute shall not thereafter be eligible to attend any school, college, or university receiving funds from the State of Texas for a period of two years from such third conviction. Nothing herein shall be construed to infringe upon any right of free speech or expression guaranteed by the Constitution of the United States or the State of Texas.
32. Attempting to commit any of these prohibited acts.

## Appendix V

Lamar University is committed to maintaining an environment that promotes prompt reporting of all types of sexual misconduct and timely and fair resolution of same. Lamar will take prompt and appropriate action to address sexual misconduct when such is committed, prevent its recurrence, and remedy its effects. The Sexual Misconduct Policy can be found at [https://www.lamar.edu/files/documents/faculty\\_staff/human-resources/titleix/TSUS-Sexual-Misconduct-Policy-and-Procedures-8-17-2017.pdf](https://www.lamar.edu/files/documents/faculty_staff/human-resources/titleix/TSUS-Sexual-Misconduct-Policy-and-Procedures-8-17-2017.pdf)

### FACULTY HANDBOOK

### LAMAR UNIVERSITY BEAUMONT, TEXAS

### TEXAS STATE UNIVERSITY SYSTEM SEXUAL MISCONDUCT POLICY AND PROCEDURES

Effective August 17, 2017

#### 1. Introduction

##### 1.1 Institutional Values.

The Texas State University System, its colleges, and universities (collectively referred to as “System” and/or “Components” and used interchangeably herein) are committed to creating and maintaining educational communities in which each individual is respected, appreciated and valued.

The System diligently strives to foster an environment that permits and encourages everyone to perform at their highest levels. The System’s focus on tolerance, openness, and respect is key in providing every member of the TSUS community with basic human dignity free from harassment, exploitation, intimidation or other sexual misconduct. Any report of behavior that threatens our institutional values, and breaches this Policy shall be promptly investigated and remediated in accordance with principles of law, fairness and equity to all Parties involved.

##### 1.2 Purpose of Policy.

Sexual Misconduct, as defined in this Policy, is a form of sex discrimination and will not be tolerated. The System and Components will maintain an environment that promotes prompt reporting of all types of Sexual Misconduct and timely and fair resolution of Sexual Misconduct complaints. The Components will take prompt and appropriate action to eliminate Sexual Misconduct, prevent its recurrence, and remedy its effects. This Policy defines and describes prohibited sexual conduct, establishes procedures for processing complaints of sexual misconduct, permits appropriate Sanctions, and identifies available resources.

### 1.3 Notice of Nondiscrimination.

The System complies with Title IX of the Higher Education Amendments of 1972 (Title IX), which prohibits discrimination on the basis of sex in educational programs or activities; Title VII of the Civil Rights Act of 1964 (Title VII), which prohibits sex discrimination in employment; and the Campus Sexual Violence Elimination Act. Sexual misconduct, as defined in this Policy, constitutes a form of sex discrimination prohibited by Title IX and Title VII.

### 1.4. Applicability of this Policy.

This Policy applies to all students, faculty, staff, and Third Parties within the System's or its Components' control. This Policy prohibits sexual misconduct committed by or against a student, faculty, staff, or Third Parties. This Policy applies to sexual misconduct:

- 1.41 On Component premises;
- 1.42 At Component-affiliated educational, athletic, or extracurricular programs or activities;
- 1.43 That has an adverse impact on the education or employment of a member of the Component community;
- 1.44 That otherwise threatens the health and/or safety of a member of the Component community; and
- 1.45 occurring after the effective date of this Policy.
- 1.46 All incidents occurring prior to the effective date of this Policy are controlled by the Policy in effect at that time.

### 1.8 Sexual Misconduct Policy also known as Sexual Assault Policy.

This Policy has been adopted for each Component by the System as its sexual assault policy. It shall be made available to students, faculty and staff by including it in the Component's student, faculty and personnel handbooks and by creating and maintaining a web page on the Component's website dedicated solely to the Policy.

- 1.81 Each Component shall email students the protocol for reporting incidents of sexual assault, including the Component's Title IX Coordinator's name, office location and contact information at the beginning of each semester or academic term.
- 1.82 Each Component shall permit employees and enrolled students to electronically report allegations of sexual misconduct.
- 1.83 Electronic reporting of incidents of sexual misconduct shall be permitted to be made anonymously.
- 1.84 Electronic reporting of incidents of sexual misconduct shall be accessible through a clearly identifiable link on the Component's website home page.

## Appendix W

<https://www.lamar.edu/students/academic-support/code-of-conduct.html>

# Lamar University Code of Student Conduct

## 2.00 Prohibited Conduct

Specific examples of misconduct for which students may be subject to disciplinary action include, but are not limited to, the following:

1. Committing an act that would constitute an offense under appropriate federal, state, or municipal law.
2. Violating any published university policy, including policies or contracts relating to residential living in university-owned or operated facilities.
3. Failing to comply with the direction of a university official acting in the performance of his or her duties, including an official summons to the office of an administrative official at a designated time.
4. Furnishing false testimony or other evidence at a campus disciplinary or other administrative proceeding.
5. Issuing a check to the university without sufficient funds or otherwise failing to meet financial obligations to the university.
6. Endangering the health or safety of other persons, including, for example, throwing an object, without authorization, in or from university facilities.
7. Misusing fire extinguishers or other safety equipment on university-owned or controlled property.
8. Interfering or disrupting university teaching, research, or other activity, including administrative disciplinary or public service activities.
9. Endangering the physical or mental health or safety of any person or intentionally or recklessly causing injury to any person.
10. Possession of or use of university keys without authorization.
11. Engaging in or submitting to hazing (see [Hazing Policy](#)), including hazing associated with an initiation by an organization using dangerous, harmful, or degrading acts.
12. Violating published university policies on the possession or use of alcoholic beverages.
  1. Underage drinking of alcoholic beverages, driving under the influence of alcohol, and/or public intoxication is prohibited.
  2. The consumption of any alcoholic beverage in public places on the campus is prohibited except where specifically authorized by the University. All buildings, lobbies, walkways, and grounds of the campus are, for the purpose of this rule considered to be public places. Alcoholic beverages are not permitted in any residence hall.
  3. Any violation of published university policies regarding the possession and/or use of alcoholic beverages will result with disciplinary actions.

13. Gambling on university property.
14. Possessing, using, selling, or distributing any illegal drug or controlled substance.
15. Possessing or using ammunition, firearm(s), illegal knives (knives with blades longer than five and one-half inches, hand instruments designed to cut or stab another by being thrown, stilettos, poniards, Bowie knives, swords, and/or spears), or other illegal weapons on university property (see, TSUS Policies, Chapter VII, paragraph 4).
16. Possessing, igniting, or detonating an explosive device, firework, or flammable object on university-owned or controlled property that could damage a person or property.
17. Stealing, destroying, defacing, damaging, vandalizing, or misusing university property or property belonging to another person.
18. Forging, altering, or misusing university documents, forms, records, identification cards, or admission records.
19. Violating a published university policy governing residence life or breaching a Residence Life contract.
20. Advocating, either orally or in writing, the conscious and deliberate violation of any federal, state, or local law. Advocating means addressing an individual or group for imminent action and steering it to such action, as opposed to abstractly espousing the moral propriety of such action.
21. Entering university buildings or facilities or using university equipment or resources without authorization.
22. Failing to maintain a current official mailing address in the Registrar's Office or giving a false or fictitious address to a university official.
23. Initiating, communicating, or circulating a false report of a present, past, or future bombing, fire offense, or other emergency that would cause action by an agency organized to deal with emergencies, placing a person in fear of imminent serious bodily injury; or presenting or interrupting the occupation of a building, room, vehicle, other mode of conveyance.
24. Harassing or threatening (by any means) to take unlawful action against any person, causing or intending to cause annoyance or alarm.
25. Engaging in disorderly conduct on property owned or controlled by the university, or at a university function, that interferes with the university's programs or activities.
26. Using authority granted by state law, system rule, or university policy to deprive a person of his or her civil rights.
27. Engaging in or making life-threatening gestures that endanger others or disrupts the learning environment.
28. Violating any published university policy relating to computer resources, electronic network facilities, or the internet.
29. Violating the university's [Policy on Sexual Misconduct](#), including engaging in, but not limited to:
  1. dating violence
  2. family (domestic violence)
  3. retaliation
  4. sexual assault
  5. sexual exploitation
  6. sexual harassment
  7. sexual intimidation
  8. sexual violence
  9. stalking

30. Possessing and/or using, without authorization according to university policy, intoxicating beverages in a classroom building, laboratory, auditorium, library building, faculty or administrative office, residence hall or apartment, intercollegiate and intramural athletic facility, or any other public campus area, or being intoxicated in any public area of the campus.
31. Campus disruptive activities. Disruptive activity means:
  1. Obstructing or restraining the passage of persons to the campus or an area of the campus or to an exit, entrance, or hallway of any building without the authorization of the administration of the university;
  2. Seizing control of an area of a campus, any building, or portion of a building for the purpose of interfering with any administrative, educational, research, or other authorized activity; or
  3. Disrupting and/or preventing or attempting to prevent, by force or violence or the threat of force or violence, any lawful assembly authorized by the university administration. A lawful assembly is disrupted when a person in attendance is rendered incapable of participating in the assembly due to the use of force or violence or a reasonable fear of force or violence.
  4. Pursuant to Education Code, Subsection 51.935 (Disruptive Activities), the university shall adhere to the following rules and regulations: No person or group of persons acting in concert may intentionally engage in disruptive activity or disrupt a lawful assembly on the university campus. Any person who is convicted the third time of violating this statute shall not thereafter be eligible to attend any school, college, or university receiving funds from the State of Texas for a period of two years from such third conviction. Nothing herein shall be construed to infringe upon any right of free speech or expression guaranteed by the Constitution of the United States or the State of Texas.
32. Attempting to commit any of these prohibited acts.



## Appendix X

### AOD Program Evaluation Data

**Spring 2017**

**Fall 2017**

**August 2017**

- TIPS Training (Training for Intervention Procedures): Training and Certification of 40 Resident Advisors.

**October 2017**

<b>October 2017</b> <b>Alcohol: the Facts Served Straight Up</b> <b>Total Participants = 13</b>			
	Agree	Unsure	Disagree
<b>Program objectives were met.</b>	<b>13</b>	<b>0</b>	<b>0</b>
<b>Presentation content was clear and concise.</b>	<b>13</b>	<b>0</b>	<b>0</b>
<b>I found the session informative.</b>	<b>13</b>		
<b>I learned something new from this presentation. (Only 5 participants received this survey modification)</b>	<b>5</b>		
<b>Since viewing this program, my current health practices will change.</b>	<b>10</b>	<b>1</b>	<b>2</b>
<b>Since viewing this program, my current health beliefs have changed. (Only 5 received this survey modification)</b>	<b>3</b>	<b>1</b>	<b>1</b>

## Spring 2018

### April 2018

- The Health Education Department regularly participants in the STARS department program RedTalks.

<p style="text-align: center;"><b>April 2018</b>  <b>RedTalk: Why We Need To Talk About Alcohol</b>  <b>Participants = 15 Students, 5 Staff</b></p>					
Have you attended a REDtalk before?	Would you attend a REDtalk again in the future?	How did you hear about today's REDtalk?	This presentation provided information that will help me reach my goals.	I gained usable skills that I can apply to my academic or personal life.	What will you take away from this REDtalk and apply to your own life?
Yes	Yes	Flyers	Neutral	Strongly Agree	If you drink more than I drink do not drive.
No	Yes	Friends	Neutral	Agree	Binge drinking is not a good idea
No	Yes	Friends	Neutral	Agree	Be wary of alcohol and its effects
No		Counselor	Agree	Agree	There's rules against at LU. Drinking can last 30 days. BAC
Yes	Yes	Signs and campus advisor	Agree	Neutral	Don't drink away from home
No	Yes		Neutral	Agree	Drink less
Yes	Yes	Info about alcohol	Agree	Agree	Don't get drunk and don't drive if you are, and take care of people drinking.
No	Yes	Psychology CC	Strongly Agree	Strongly Agree	Watch the signs of alcohol poisoning.

No	Yes	Through our CC	Agree	Strongly Agree	How to drink responsibly and how to spot alcohol poisoning.
No	Yes	Work	Strongly Agree	Strongly Agree	Don't drink a lot!!
Yes		Friend	Neutral	Agree	How to have a safe time drinking
No	Yes	Counselor			That one night of drinking can impair your ability for 30 days.
No	Yes	Advertisement signs posted around campus	Neutral	Neutral	I learned valuable statistics on alcohol usage that I can apply to future outings.
No	Yes	Advisor	Agree	Agree	Drink responsibly