

HOW THIS REPORT IS COMPILED

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

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

UNIVERSITY POLICE DEPARTMENT

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

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

CLERY GEOGRAPHY

On Campus Property. Any building or property owned or controlled by an institution within the same reasonably contiguous geographic area and used by the institution in direct support of, or in a manner related to, the institution's educational purposes, including residence halls; and any building or property that is within or reasonably contiguous the aforementioned area that is owned by the institution but controlled by another person, is frequently used by students, and supports institutional purposes (such as a food or other retail vendor).

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

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

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

CRIME REPORTING POLICY

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

- University President
- Provost and Associate Provosts
- Vice Presidents and Associate Vice Presidents
- Deans and Associate Deans
- Division of Police and Public Safety employees; Contract Security Officers

- Title IX Coordinator
- University Housing Director, Associate Director, Residence Hall Coordinators, Community Assistants, and Desk Workers
- Athletics Director, Associate Directors, Coaching Staff, and Trainers
- Registered Student Organization (RSO) Faculty and Staff Advisors
- All Student Health Services Employees
- Academic Advisors
- Student Judicial Officers

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

IMPORTANT REPORTING INFORMATION

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

To report instances of sexual misconduct to the Title IX administrator, please call Human Resources at 8375 or if off campus, (409) 880-8375. In person reports may be made at the Office of Human Resources, 1030 Jim Gilligan Way, on the Lamar campus between the hours of 8 AM – 5 PM. Anonymous reports may be generated from the Title IX web page accessed from www.lamar.edu.

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

CAMPUS ACCESS AND SECURITY

Lamar University is a public and open campus. No effort is made to restrain the general public from entering the campus; however, the University Police Department reserves the right to bar individuals who are considered a threat to the well-being of the University community. LUPD provides 24-hour patrol of campus property and facilities, and designated building coordinators

establish and maintain access to their respective buildings. Residence Hall access is by campus issued proximity card. The campus is routinely inspected for environmental safety hazards such as insufficient lighting and overgrown shrubbery; however, members of the University community are encouraged to report locations of concern to University Police.

RESIDENCE HALLS

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

BLACKBOARD CONNECT-ED

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

SHUTTLES AND WALKING ESCORTS

The Lamar University Police offers free shuttle service from 5:00 p.m. to 12:30 a.m. daily. Students utilizing this service must have a valid student I.D. The shuttle service provides transportation for students on campus and within the immediate vicinity of the campus. Students should call 880-7551 for this service.

EMERGENCY PHONES

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

TIMELY WARNINGS AND REPORTING CRIMINAL ACTIONS

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

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

The Decision to Issue a Timely Warning:

1. A warning must be issued when both of the following conditions are met:
 - a. Arson
 - b. Aggravated Assault
 - c. Criminal Homicide,
 - d. Robbery
 - e. Sex Offenses
 - f. Illegal Weapons Possession
 - g. Burglary
 - h. Motor Vehicle Theft
 - i. Any Crime Determined to be a Hate Crime; and
2. The crime is considered by LUPD to represent a continuing threat to students or employees.
3. The Chief of Police, or his designee, is responsible for making the decision whether a timely warning will be issued.

Determining Whether a Continuing Threat Exists:

1. Whether a reported crime constitutes a continuing threat must be decided on a case-by-case basis in light of all the facts surrounding a crime, including factors such as the nature of the crime, the continuing danger to the campus community and the possible risk of compromising law enforcement efforts.
2. Examples of crimes that could constitute a continuing threat include but are not limited to:
 - a. A serial crime that targets certain campus populations such as sex crimes or race-based crimes in which the perpetrator has not been apprehended; or
 - b. A crime in which there is no apparent connection between perpetrator and victim and the perpetrator has not been apprehended.
3. Crimes that would not constitute a continuing threat include but are not limited to
 - a. Crimes in which the perpetrator has been apprehended, thereby neutralizing the threat

- b. Crimes in which an identified perpetrator targets specific individuals to the exclusion of others, such as domestic violence.

Content of the Warning Notice

1. The warning must contain sufficient information about the nature of the threat to allow members of the campus to take action to protect themselves, such as
 - a. A succinct statement of the incident
 - b. Possible connection to previous incidents, if applicable
 - c. Physical description of the suspect
 - d. Composite drawing of the suspect, if available
 - e. Date and time the warning was released
 - f. Other relevant and important information
2. In some cases, law enforcement may need to keep some facts confidential to avoid compromising an investigation.

Timing of the Warning

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

Method of Distribution

1. The warning must be distributed in a manner reasonably likely to reach the entire campus community and patrol zone residents.
 2. Depending on the circumstances, any of the following methods, or combination thereof, may be used
 - a. Posting of notices
 - b. Campus-wide emails
 - c. Text messages
 - d. Activation of the campus siren system
 - e. Posting to the Lamar University home page
 - f. Press releases
 - g. Closed circuit television systems in residence halls and other buildings
 - h. Voice messages over various public address systems
- B. Individuals may report alleged criminal actions (Including sex offenses) or emergencies that occur on the campus of Lamar University through any of the following means. Call LUPD at 409-880-8311 or 409-880-8307 at LUPD located at 211 Redbird Lane; Beaumont, TX 77710

1. Use an emergency telephone, designated by a blue light on a yellow pole
2. Dial 911
3. Contact an officer in uniform, a community service officer in uniform, or a security guard in uniform
4. Ask any LUPD supervisor to assist with reporting a crime
5. Students can contact the Dean of Students, Title IX Director, Director of Health Center
6. Employees can contact the Title IX Director

Reporting Criminal Actions

LUPD will review reports of alleged criminal activity it receives and either dispatch an officer immediately or refer the report for subsequent investigation, depending upon the nature and seriousness of the offense involved. Individuals reporting an alleged crime should attempt to preserve evidence that might prove the crime was committed. All criminal incidents are investigate by LUPD. LUPD responses include, but are not limited to:

1. Immediate response to emergencies through dispatch of one or more officers
 2. Investigation of reports in accordance with LUPD procedure
 3. Arrest and filing of charges, depending on the circumstances of the incident
 4. Referring alleged offenders to appropriate campus agencies, such as the Dean of Students
 5. Issuing timely warnings of crimes that represent a threat to the campus community.
- C. In the event that a situation arises, either on or off campus, that in the judgment of the Chief of Police or designee constitutes an ongoing or continuing threat, a campus-wide timely warning will be issues. The warning will be issued through the University connect-ed email and text alert to students, faculty, and staff. If deemed appropriate by the Chief of Police or designee the timely warning will be placed on the LUPD web site at <http://universitypolice.lamar.edu/>. Depending on circumstances, other measures may be taken, including by not limited to, use of telephones, publication in print media, or broadcasts through campus television.
- D. Victims or witnesses wishing to make voluntary reports of criminal activity in confidence may do so by requesting that the agency or person to whom a report is made maintain confidentiality with regard to the identity of the individual making the report. Reports of this nature will be honored to the extent permitted by state law, criminal investigatory requirements, and university judicial processes. These confidential reports are counted and disclosed in the crime statistics for Lamar University, but as with all other crimes included in the annual crime report to personally-identifiable information is included.
- E. Students may also report incident of crime to any Lamar University Administrator, or employee identified as a Campus Security Authority, who is then responsible for promptly notifying the police of the reported incident. The police will determine whether the crime is Clery reportable.

CRIME PREVENTION

The University offers a variety of informative programs for students and employees dealing with how to report and prevent crimes. These programs are available several times a year and on request by student groups, employees, or individuals. Please call 880-8305 for further information on these programs.

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

- Walk with friends in well-lighted areas.
- Always lock your car.
- Park in well-lighted areas.
- Have your keys ready when you approach your car, and check the front and back seats before entering.
- Keep your keys secure, lock your room or apartment, and do not leave personal belongings unattended.
- Engrave your name or identification on personal property.
- Be alert for strangers.
- If you are followed, cross the street, change direction and go to a well-lighted public area.
- Report the loss or theft of keys and valuables immediately to the University Police Department, 880-8307.
- Report crimes, suspicious situations and security concerns immediately to the University Police Department, 880-8307.

CRIME PREVENTION PROGRAMS

Name of Program	Date	Topic
<i>New Student Orientation</i>	Friday, June 27, 2014	Bike
	Friday, July 11, 2014	Registration
	Wednesday, July 16, 2014	
	Saturday, July 19, 2014	Operation ID
	Saturday, August 2, 2014	
<i>Property Registration</i>	Friday, August 22, 2014	Bike
		Registration
		Operation ID
<i>Spring Preview Day</i>	February 15, 2014	Bike
		Registration
		Operation ID

DISCIPLINARY PROCEDURES AND SANCTIONS

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

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

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

- Proceedings will provide a prompt, fair, and impartial investigation and resolution; and be conducted by officials who receive annual training on issues related to domestic violence, dating violence, sexual assault, and stalking, and how to conduct an investigation and hearing process that protects the safety of victims and promotes accountability.
- The respondent and complainant are entitled to the same opportunities to have a support person/advisor of their choice at any proceeding or related meeting.
- Both the respondent and complainant will be informed in writing of the outcome of any student conduct hearing, procedures for appealing the results of the proceeding, any change to the results that occurs prior to the time that such results become final, and notification of final results.

For complete procedures and information involving student conduct hearings, sanctions, penalties and appeals, please refer to the current edition of the Code of Student Conduct available in the Office of Student Engagement and the Student Handbook.

SEX OFFENDER REGISTRATION INFORMATION

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

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

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

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

The Department of Public Safety has adopted the following procedure:

Notification of Enrollment at or Employment by Institutions of Higher Education

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

For local registered sex offender information go to:

[https://records.txdps.state.tx.us/DPS WEB/SorNew/index.aspx](https://records.txdps.state.tx.us/DPS_WEB/SorNew/index.aspx)

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

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

A. Domestic Violence:

1. A Felony or misdemeanor crime of violence committed—
 - a) By a current or former spouse or intimate partner of the victim;
 - b) By a person with whom the victim shares a child in common;
 - c) By a person who is cohabitating with, or has cohabitated with, the victim as a spouse or intimate partner;
 - d) By a person similarly situated to a spouse of the victim under the domestic or family violence laws of the jurisdiction in which the crime of violence occurred; or
 - e) e) By any other person against an adult or youth victim who is protected from that person's acts under the domestic or family violence laws of the jurisdiction in which the crime of violence occurred.
2. For the purposes of complying with the requirements of this section and section 668.41, any incident meeting this definition is considered a crime for the purposes of Clery Act reporting.

B. Dating Violence:

1. Violence committed by a person who is or has been in a social relationship of a romantic or intimate nature with the victim.
2. The existence of such a relationship shall be based on the reporting party's statement and with consideration of the length of the relationship, the type of relationship, and the frequency of interaction between the persons involved in the relationship.
3. For the purposes of this definition—
 - a) Dating Violence includes, but is not limited to, sexual or physical abuse or the threat of such abuse.
 - b) Dating violence does not include acts covered under the definition of domestic violence.
4. For the purposes of complying with the requirements of this section and section 668.41, any incident meeting this definition is considered a crime for the purposes of Clery Act reporting.

C. Sexual Assault:

1. An offense that meets the definition of rape, fondling, incest, or statutory rape as used in the FBI's Uniform Crime Reporting (UCR) program. Per the National Incident-Based Reporting System User Manual from the FBI UCR Program, a sex

offense is “any sexual act directed against another person, without the consent of the victim, including instances where the victim is incapable of giving consent.”

- a) **Rape** is defined as the penetration, no matter how slight, of the vagina or anus with any body part or object, or oral penetration by a sex organ of another person, without the consent of the victim
- b) **Fondling** is defined as the touching of the private parts of another person for the purposes of sexual gratification, without the consent of the victim, including instances where the victim is incapable of giving consent because of his/her age or because of his/her temporary or permanent mental incapacity.
- c) **Incest** is defined as sexual intercourse between persons who are related to each other within the degrees wherein marriage is prohibited by law.
- d) **Statutory Rape** is defined as sexual intercourse with a person who is under the statutory age of consent.

D. Stalking:

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

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

In Texas Statutes defines:

“Family Violence” (domestic violence) Family Code Sec. 71.004.

- (1) an act by a member of a family or household against another member of

- (2) the family or household that is intended to result in physical harm, bodily injury, assault, or sexual assault or that is a threat that reasonably places the member in fear of imminent physical harm, bodily injury, assault, or sexual assault, but does not include defensive measures to protect oneself;
- (3) abuse, as that term is defined by Sections [261.001](#)(1)(C), (E), and (G), by a member of a family or household toward a child of the family or household; or
- (4) dating violence, as that term is defined by Section [71.0021](#).

"Dating Violence" Family Code Sec. 71.0021.

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

"Sexual Assault" Penal Code Sec. 22.011.

- (a) A person commits an offense if the person:
 - (1) intentionally or knowingly:
 - (A) causes the penetration of the anus or sexual organ of another person by any means, without that person's consent;
 - (B) causes the penetration of the mouth of another person by the sexual organ of the actor, without that person's consent; or
 - (C) causes the sexual organ of another person, without that person's consent, to contact or penetrate the mouth, anus, or sexual organ of another person, including the actor; or
 - (2) intentionally or knowingly:
 - (A) causes the penetration of the anus or sexual organ of a child by any means;
 - (B) causes the penetration of the mouth of a child by the sexual organ of the actor;

- (C) causes the sexual organ of a child to contact or penetrate the mouth, anus, or sexual organ of another person, including the actor;
 - (D) causes the anus of a child to contact the mouth, anus, or sexual organ of another person, including the actor; or
 - (E) causes the mouth of a child to contact the anus or sexual organ of another person, including the actor.
- (b) A sexual assault under Subsection (a)(1) is “**Without the Consent**” of the other person if:
- (1) the actor compels the other person to submit or participate by the use of physical force or violence;
 - (2) the actor compels the other person to submit or participate by threatening to use force or violence against the other person, and the other person believes that the actor has the present ability to execute the threat;
 - (3) the other person has not consented and the actor knows the other person is unconscious or physically unable to resist;
 - (4) the actor knows that as a result of mental disease or defect the other person is at the time of the sexual assault incapable either of appraising the nature of the act or of resisting it;
 - (5) the other person has not consented and the actor knows the other person is unaware that the sexual assault is occurring;
 - (6) the actor has intentionally impaired the other person's power to appraise or control the other person's conduct by administering any substance without the other person's knowledge;
 - (7) the actor compels the other person to submit or participate by threatening to use force or violence against any person, and the other person believes that the actor has the ability to execute the threat;
 - (8) the actor is a public servant who coerces the other person to submit or participate;
 - (9) the actor is a mental health services provider or a health care services provider who causes the other person, who is a patient or former patient of the actor, to submit or participate by exploiting the other person's emotional dependency on the actor;
 - (10) the actor is a clergyman who causes the other person to submit or participate by exploiting the other person's emotional dependency on the clergyman in the clergyman's professional character as spiritual adviser; or
 - (11) the actor is an employee of a facility where the other person is a resident, unless the employee and resident are formally or informally married to each other under Chapter 2, Family Code.
- (c) In this section:
- (1) "Child" means a person younger than 17 years of age.
 - (2) "Spouse" means a person who is legally married to another.
 - (3) "Health care services provider" means:
 - (A) a physician licensed under Subtitle B, Title 3, Occupations Code;
 - (B) a chiropractor licensed under Chapter 201, Occupations Code;
 - (C) a physical therapist licensed under Chapter 453, Occupations Code;

- (D) a physician assistant licensed under Chapter 204, Occupations Code; or
 - (E) a registered nurse, a vocational nurse, or an advanced practice nurse licensed under Chapter 301, Occupations Code.
- (4) "Mental health services provider" means an individual, licensed or unlicensed, who performs or purports to perform mental health services, including a:
- (A) licensed social worker as defined by Section [505.002](#), Occupations Code;
 - (B) chemical dependency counselor as defined by Section [504.001](#), Occupations Code;
 - (C) licensed professional counselor as defined by Section [503.002](#), Occupations Code;
 - (D) licensed marriage and family therapist as defined by Section [502.002](#), Occupations Code;
 - (E) member of the clergy;
 - (F) psychologist offering psychological services as defined by Section [501.003](#), Occupations Code;
 - (G) special officer for mental health assignment certified under Section [1701.404](#), Occupations Code.
- (5) "Employee of a facility" means a person who is an employee of a facility defined by Section [250.001](#), Health and Safety Code, or any other person who provides services for a facility for compensation, including a contract laborer.
- (d) It is a defense to prosecution under Subsection (a)(2) that the conduct consisted of medical care for the child and did not include any contact between the anus or sexual organ of the child and the mouth, anus, or sexual organ of the actor or a third party.
- (e) It is an affirmative defense to prosecution under Subsection (a)(2):
- (1) that the actor was the spouse of the child at the time of the offense;
 - or
 - (2) that:
- (A) the actor was not more than three years older than the victim and at the time of the offense:
 - (i) was not required under Chapter 62, Code of Criminal Procedure, to register for life as a sex offender; or
 - (ii) was not a person who under Chapter 62, Code of Criminal Procedure, had a reportable conviction or adjudication for and offense under this section; and
 - (B) the victim:
 - (i) was a child of 14 years of age or older; and
 - (ii) was not a person whom the actor was prohibited from marrying or purporting to marry or with whom the actor was prohibited from living under the appearance of being married under Section [25.01](#).

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

"Consent" means assent in fact, whether express or apparent. [Texas Penal Code Section 1.07\(a\)11](#)

Texas law defines **"Stalking"** Penal Code Sec. 42.072.

- (a) A person commits an offense if the person, on more than one occasion and pursuant to the same scheme or course of conduct that is directed specifically at another person, knowingly engages in conduct that:
- (1) constitutes an offense under Section [42.07](#), or that the actor knows or reasonably should know the other person will regard as threatening:
 - (A) bodily injury or death for the other person;
 - (B) bodily injury or death for a member of the other person's family or household or for an individual with whom the other person has a dating relationship; or
 - (C) that an offense will be committed against the other person's property;
 - (2) causes the other person, a member of the other person's family or household, or an individual with whom the other person has a dating relationship to be placed in fear of bodily injury or death or in fear that an offense will be committed against the other person's property, or to feel harassed, annoyed, alarmed, abused, tormented, embarrassed, or offended; and
 - (3) would cause a reasonable person to:
 - (A) fear bodily injury or death for himself or herself;
 - (B) fear bodily injury or death for a member of the person's family or household or for an individual with whom the person has a dating relationship;
 - (C) fear that an offense will be committed against the person's property; or
 - (D) feel harassed, annoyed, alarmed, abused, tormented, embarrassed, or offended.
- (b) An offense under this section is a felony of the third degree, except that the offense is a felony of the second degree if the actor has previously been convicted of an offense under this section or of an offense under any of the following laws that contains elements that are substantially similar to the elements of an offense under this section:
- (1) the laws of another state;
 - (2) the laws of a federally recognized Indian tribe;
 - (3) the laws of a territory of the United States; or
 - (4) federal law.
- (c) For purposes of this section, a trier of fact may find that different types of conduct described by Subsection (a), if engaged in on more than one occasion, constitute conduct that is engaged in pursuant to the same scheme or course of conduct.
- (d) In this section:

- (1) "Dating relationship," "family," "household," and "member of a household" have the meanings assigned by Chapter 71, Family Code.
- (2) "Property" includes a pet, companion animal, or assistance animal, as defined by Section [121.002](#), Human Resources Code.

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

SEXUAL ASSAULT

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

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

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

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

programming exist for all incoming students and new employees. Information covered includes:

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

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

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

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

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

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

Lamar University does not tolerate any retaliation against anyone who exercises rights under the Clery Act and Title IX of the Civil Rights Act.

DOMESTIC VIOLENCE

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

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

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

DATING VIOLENCE

Dating Violence is violence committed by a person: who is or has been in a social relationship of a romantic or intimate nature with the Victim; and where the existence of such a relationship shall be determined by the Victim with consideration of the following factors: the length of the relationship; the type of relationship; and the frequency of interaction between the persons involved in the relationship.

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

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

STALKING

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

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

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

SEXUAL MISCONDUCT

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

TEXAS STATE UNIVERSITY SYSTEM
SEXUAL MISCONDUCT POLICY AND PROCEDURES
Revised 08/26/15

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 in academia. The System’s focus on tolerance, openness, and respect is key in providing every member of the TSUS community with basic human dignity free from harassment, exploitation, intimidation or other sexual misconduct. Any report of behavior that threatens our institutional values, and breaches this Policy shall be promptly investigated and remediated in accordance with principles of law, fairness and equity to all parties involved.
- 1.2 Purpose of Policy. The Texas State University System and its Components are firmly committed to maintaining an educational environment free from all forms of sex discrimination. Sexual Misconduct, as defined in this Policy, is a form of sex discrimination and will not be tolerated. The System and Components will maintain an environment that promotes prompt reporting of all types of Sexual Misconduct and timely and fair resolution of Sexual Misconduct complaints. The Components will take prompt and appropriate action to eliminate Sexual Misconduct when such is committed, prevent its recurrence, and remedy its effects. This Policy defines and describes prohibited sexual conduct, establishes procedures for processing complaints of sexual misconduct, permits appropriate sanctions, and identifies available resources.
- 1.3 Notice of Nondiscrimination. The System complies with Title IX of the Higher Education Amendments of 1972 (Title IX), which prohibits discrimination on the basis of sex in educational programs or activities; Title VII of the Civil Rights Act of 1964 (Title VII), which prohibits sex discrimination in employment; and the Campus Sexual Violence Elimination Act. Sexual misconduct, as defined in this Policy, constitutes a form of sex discrimination prohibited by Title IX and Title VII.

- 1.4 Applicability of this Policy. This Policy applies to all students, faculty, staff, and third parties within the System's or its Components' control. This Policy prohibits sexual misconduct committed by or against a student, faculty, staff, or third parties. This Policy applies to sexual misconduct:
- 1.41 on Component premises;
 - 1.42 at Component-affiliated educational, athletic, or extracurricular programs or activities;
 - 1.43 that has an adverse impact on the education or employment of a member of the Component community; or
 - 1.44 that otherwise threatens the health and/or safety of a member of the Component community.
- 1.5 Extent of Authority. While the Texas State University System is committed to investigating all complaints of sexual misconduct and there is no geographical limitation to invoking this Policy, sexual misconduct that is alleged to have occurred at a significant distance from the Component and/or outside the Component property may be difficult for the Component to investigate. Additionally, the Component's disciplinary authority may not extend to third parties who are not students or employees of the Component.
- 1.6 Effect of Criminal Prosecution. Proceedings under this Policy will not be dismissed or delayed because criminal investigation or prosecution is pending or charges have been reduced or dismissed. Proceedings may also continue if a party is no longer employed with or currently enrolled as a student of the Component.
- 1.7 Supersedes Existing Policies. In the case of allegations of sexual misconduct, this Policy supersedes any conflicting procedures and policies set forth in other Component documents.
- 1.8 Campus Sexual Assault Policy. This Policy shall be adopted by each Component as its campus 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.

2. DEFINITIONS

- 2.1 Complainant refers to the person making a complaint of sexual misconduct, and shall be referred to herein as either Complainant, Survivor, or Victim, and these terms may be used interchangeably throughout this Policy.
- 2.2 Component refers to all member institutions of the Texas State University System, including but not limited to, Lamar University, Lamar Institute of Technology, Lamar State College - Orange, Lamar State College - Port Arthur, Sam Houston State University, Sul Ross State University, Sul Ross State University Rio Grande College and Texas State University.
- 2.3 Component Affiliated Program or Activity refers to any program or activity, on or off campus, that is initiated, aided, authorized or supervised by the Component or by an officially-recognized organization of, or within, the Component.
- 2.4 Component Premises. Buildings or grounds owned, leased, operated, controlled or supervised by the Component including property that is within or reasonably contiguous to the premises owned by the Component but controlled by another person, is frequently used by students, and supports institutional purposes (such as a food or other retail vendor).
- 2.5 Consent is an informed and freely and affirmatively communicated willingness to participate in a particular sexual activity. Consent can be expressed either by words or by clear and unambiguous actions, as long as those words or actions create mutually understandable permission regarding the conditions of each instance of sexual activity. It is the responsibility of the person who wants to engage in the sexual activity to ensure that s/he has the consent of the other to engage in each instance of sexual activity. (The definition of consent for the crime of sexual assault in Texas can be found at Texas *Penal Code Section 22.011*.) <http://www.statutes.legis.state.tx.us/Docs/PE/htm/PE.22.htm#22.011>
- 2.51 The Component will consider the following factors in determining whether consent was provided:
- 2.511 consent is a voluntary agreement or assent to engage in sexual activity;
 - 2.512 someone who is incapacitated cannot consent;
 - 2.513 consent can be withdrawn at any time;
 - 2.514 past consent does not imply future consent;

- 2.515 silence or an absence of resistance does not imply consent;
 - 2.516 consent to engage in sexual activity with one person does not imply consent to engage in sexual activity with another;
 - 2.517 coercion, force, or threat invalidates consent; and,
 - 2.518 being intoxicated or under the influence of alcohol, drugs, or any other substance is never an excuse for engaging in sexual misconduct.
- 2.6 Dating Violence is violence committed by a person:
- 2.61 who is or has been in a social relationship of a romantic or intimate nature with the Victim; and
 - 2.62 where the existence of such a relationship shall be determined by the Victim with consideration of the following factors:
 - 2.621 the length of the relationship;
 - 2.622 the type of relationship; and
 - 2.623 the frequency of interaction between the persons involved in the relationship (Texas *Family Code Section 71.0021*).
<http://www.statutes.legis.state.tx.us/Docs/FA/htm/FA.71.htm#71.0021>
- 2.7 Dean of Student's Office includes the Student Affairs Office, the Student Services Office and the Dean of Student Life Office.
- 2.8 Family (Domestic) Violence includes felony or misdemeanor crimes of violence committed by a current or former spouse or intimate partner of the Victim, by a person with whom the Victim shares a child in common, by a person who is cohabitating with or has cohabitated with the Victim as a spouse or intimate partner or roommate, by a person similarly situated to a spouse of the Victim under the domestic or family violence laws of the State of Texas, or by any other person against an adult or youth Victim who is protected from that person's acts under the domestic or family violence laws of the State of Texas (Texas *Family Code Section 71.004*).
<http://www.statutes.legis.state.tx.us/Docs/FA/htm/FA.71.htm#71.004>
- 2.9 Incoming Student refers to a student in their first semester of enrollment.
- 2.10 New Employee refers to a faculty or staff member who has not been previously employed by the Component or whose previous employment with the

Component was more than one year from his or her latest date of hire with the Component.

- 2.11 Parties refers to the Complainant and Respondent.
- 2.12 Preponderance of the Evidence means the greater weight and degree of credible evidence. Preponderance of the evidence is the standard for determining allegations of sexual misconduct under this Policy. Preponderance of the evidence is satisfied if the action is more likely to have occurred than not.
- 2.13 Respondent refers to the person accused of sexual misconduct and shall be referred to herein as either Respondent, Alleged Perpetrator, Accused, or Perpetrator, and these terms may be used interchangeably throughout this Policy.
- 2.14 Responsible Employee refers to a campus employee who has the authority to redress sexual misconduct; who has the duty to report incidents of sexual misconduct to the Title IX Coordinator or other appropriate designee, or whom a student could reasonably believe has this authority or duty. Responsible employees shall include all administrators, faculty, staff, student workers, except:
- 2.141 any employee with confidentiality obligations as described in Section 3 below;
 - 2.142 cafeteria staff who are not assigned administrative duties;
 - 2.143 custodial staff who are not assigned administrative duties;
 - 2.144 groundskeeper staff who are not assigned administrative duties;
 - 2.145 maintenance staff who are not assigned administrative duties;
 - 2.146 ranch/agricultural staff who are not assigned administrative duties; or
 - 2.147 staff of campus physical plant who are not assigned administrative duties.
- 2.15 Retaliation means any adverse action threatened or taken against a person because he or she has filed, supported, or provided information in connection with a Complaint of Sexual Misconduct, including but not limited to direct and indirect intimidation, threats, and harassment.
- 2.16 Sexual Assault means any form of *non-consensual* sexual activity representing a continuum of conduct from forcible rape to non-physical forms of pressure

designed to compel individuals to engage in sexual activity against their will (Texas Penal Code Section 22.011).

<http://www.statutes.legis.state.tx.us/Docs/PE/htm/PE.22.htm#22.011>

- 2.161 Examples of sexual assault include, but are not limited to, the following non-consensual sexual activity:
 - 2.1611 sexual intercourse (vaginal or anal);
 - 2.1612 oral sex;
 - 2.1613 rape or attempted rape;
 - 2.1614 penetration of an orifice (anal, vaginal, oral) with the penis, finger or other object;
 - 2.1615 unwanted touching of a sexual nature;
 - 2.1616 use of coercion, manipulation or force to make someone else engage in sexual touching, including touching of breasts, chest, buttocks and genitalia;
 - 2.1617 engaging in sexual activity with a person who is unable to provide consent; or
 - 2.1618 knowingly transmitting a sexually-transmitted disease to another.

- 2.17 Sexual Exploitation occurs when a person takes non-consensual or abusive sexual advantage of another for his or her own advantage or benefit, or to benefit or advantage anyone other than the one being exploited.
 - 2.171 Examples can include, but are not limited to, the following behaviors:
 - 2.1711 prostituting another;
 - 2.1712 non-consensual electronically recording, photographing, or transmitting intimate or sexual utterances, sounds or images without the knowledge and consent of all parties involved;
 - 2.1713 voyeurism (spying on others who are in intimate or sexual situations);
 - 2.1714 going beyond the boundaries of consent (such as letting friends hide in a closet to watch another friend having consensual sex); or
 - 2.1715 distributing intimate or sexual information about another person without that person's consent.

- 2.18 Sexual Harassment is any unwelcome verbal, nonverbal, written, electronic or physical behavior of a sexual nature directed at someone, or against a particular

group, because of that person's or group's sex, or based on gender stereotypes, severe or pervasive, and where it meets either of the following criteria:

2.181 Submission, consent, or rejection of the behavior is believed to carry consequences for the individual's education, employment, on-campus living environment or participation in a Component affiliated activity.

2.1811 Examples of this type of sexual harassment include, but are not limited to:

2.18111 pressuring another to engage in sexual behavior for some educational or employment benefit; or

2.18112 making a real or perceived threat that rejecting sexual behavior will result in a negative tangible employment or academic consequence.

2.182 The behavior has the purpose or effect of substantially interfering with another's work or educational performance by creating an intimidating or hostile environment for employment, education, on-campus living or participation in a Component affiliated activity.

Examples of this type of sexual harassment can include, but are not limited to:

2.1821 persistent unwelcome efforts to develop a romantic or sexual relationship;

2.1822 unwelcome commentary about an individual's body or sexual activities;

2.1823 unwanted sexual attention;

2.1824 repeatedly engaging in sexually-oriented conversations, comments or horseplay, including the use of language or the telling of jokes or anecdotes of a sexual nature in the workplace, office or classroom, even if such conduct is not objected to by those present; or

2.1825 gratuitous use of sexually-oriented materials not directly related to the subject matter of a class, course or meeting even if not objected to by those present.

2.19 Sexual Intimidation includes but is not limited to:

2.191 threatening another with a non-consensual sex act;

2.192 stalking or cyber-stalking; or

- 2.193 engaging in indecent exposure as defined in Texas *Penal Code 21.08*.
<http://www.statutes.legis.state.tx.us/docs/pe/htm/pe.21.htm#21.08>
- 2.20 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.
- 2.21 Sexual Violence Sexual violence refers to physical sexual acts perpetrated against a person's will or where a person is incapable of giving consent. All such acts are forms of Sexual Misconduct.
- 2.22 Stalking means engaging in a course of conduct directed at a specific person that would cause a reasonable person to:
- 2.221 fear for his or her safety or the safety of others; or
 - 2.222 suffer substantial emotional distress (Texas *Penal Code Section 42.072*).
<http://www.statutes.legis.state.tx.us/Docs/PE/htm/PE.42.htm#42.072>
- 2.23 Student refers to any person who has been accepted for admission, or who is currently or was previously enrolled in the Component on either a full-time or part-time basis.
- 2.24 Third party refers to any person who is not a current student or employee of the Component, including but not limited to vendors and invited and uninvited visitors.
- 2.25 Third-Party Reporting refers to the submission of a complaint of sexual misconduct by a person on behalf of another person.
- 2.26 Title IX Coordinator is the person who has been designated by each Component to coordinate efforts to comply with and implement this Policy. The Title IX Coordinator is responsible for conducting the administrative investigation of reports of sexual misconduct and is available to discuss options, provide support, explain Component policies and procedures, and provide education on relevant issues. The Title IX Coordinator may designate one or more Deputy Title IX Coordinators. Each Component will identify and provide complete contact information for their Title IX Coordinator and all Deputy Coordinators in various locations, including but not limited to the Component's website; the student's

handbook; the Dean of Student's Office; Human Resources; and Campus Police or Security; or their equivalents.

2.27 Title IX Investigator refers to the person who conducts the Title IX investigation.

3. Confidentiality

- 3.1 Limited Confidentiality of Reports to Employees. When considering reporting options, Victims should be aware that certain Component personnel can maintain strict confidentiality, while others have mandatory reporting and response obligations. Component personnel that are not confidential reporters as described in 3.4 and who receive a report of alleged sexual misconduct are required to share the information with appropriate administrative authorities for investigation and follow up. The Component will protect a Complainant's confidentiality by refusing to disclose his or her information to anyone outside the Component to the maximum extent permitted by law. As for confidentiality of information within the Component, the Component must balance a Victim's request for confidentiality with its responsibility to provide a safe and non-discriminatory environment for the Component community.
- 3.2 Confidentiality Requests and Interim Measures. The Component's inability to take disciplinary action against an alleged discriminator or harasser because of a Complainant's insistence of confidentiality, will not restrict the Component's ability to provide appropriate measures for the reasonable safety of the Component community. The Complaint may also be used as an anonymous report for data collection purposes under the Clery Act.
- 3.3 Victim Identity Protected from Open Records. The Texas Public Information Act permits the identity of Victims of sexual assault to be withheld from those seeking records under the Act (*Texas Attorney General Open Records Decision 339 (1982)*).
<https://www.texasattorneygeneral.gov/opinions/openrecords/46white/ord/1982/pdf/ORD19820339.pdf>
- 3.4 Employees Required to Maintain Confidentiality. The following individuals are required to maintain confidentiality and shall not report any information about an incident to the Title IX Coordinator without a Victim's permission:
- 3.41 physical and mental health professionals, including licensed counselors who provide mental health counseling to members of the school

community, and those who act under the supervision of a health care employee; and

- 3.42 individuals whose scope of employment include confidentiality requirements under Texas law.
 - 3.43 Each Component will identify and provide complete contact information of such individuals in various locations, including but not limited to the Component's website; the student's handbook; the Dean of Student's Office; and Campus Police or Security.
 - 3.44 These individuals will maintain confidentiality in accordance with the law and their professional rules of conduct. They will assist in a crisis situation and provide information about possible resources, some of which may include law enforcement, medical assistance, psychological counseling, victim advocacy assistance, legal assistance, Component disciplinary action, immigration services and criminal prosecution. They will not reveal the Victim's identity to anyone without the Victim's permission except under very limited exceptions (e.g., if an immediate threat to the Victim or others is present, or if the Victim is a minor). Victims need not reveal their names if calling these individuals for information.
- 3.5 Employees Who 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, or unless the Victim has also reported the incident to law enforcement.
- 3.51 Before a Victim reveals any information to a responsible employee, the employee should ensure that the Victim understands the employee's reporting obligations - and, if the Victim wants to maintain confidentiality, direct the Victim to confidential resources.
 - 3.52 If the Victim chooses to tell the responsible employee what happened but also states that she or he wants to maintain confidentiality or does not want the matter 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 also inform the Title IX Coordinator of the Victim's request for confidentiality.

- 3.53 When weighing a Victim's request for confidentiality or that no investigation or discipline be pursued, the Component will consider a range of factors, including the following:
- 3.531 the increased risk that the Alleged Perpetrator will commit additional acts of sexual or other violence, such as:
 - 3.532 whether there have been other sexual misconduct complaints about the same Alleged Perpetrator;
 - 3.533 whether the Alleged Perpetrator has a history of arrests or records from a prior school indicating a history of violence;
 - 3.534 whether the Alleged Perpetrator threatened further sexual misconduct or other violence against the Victim or others;
 - 3.535 whether the alleged sexual misconduct was committed by multiple Perpetrators;
 - 3.536 whether the alleged sexual misconduct was perpetrated with a weapon;
 - 3.537 whether the Victim was a minor at the time of the alleged conduct;
 - 3.538 whether the Component possesses other means to obtain relevant evidence of the alleged sexual misconduct (e.g., security cameras or personnel, physical evidence); or
 - 3.539 whether the Victim's report reveals a pattern of conduct (e.g., via illicit use of drugs or alcohol) at a given location or by a particular group.
- 3.6 Breaches of Confidentiality. Breaches of confidentiality or privacy committed by anyone receiving a report of alleged sexual misconduct or investigating the report of alleged sexual misconduct, may be considered a separate violation of this Policy and may result in disciplinary sanctions.

4. Reporting Policies and Protocols

- 4.1 Reporting Options. A Victim of sexual misconduct is encouraged to report to any of the sources below. Although the Victim of sexual misconduct may decline to report the incident, the Component supports, encourages and will assist those who have been the Victim of sexual misconduct to report the incident to any individual or entity listed in 3.4, 3.5 above and/or in this Section.
- 4.11 Local Law Enforcement. An individual may report an incident of sexual misconduct directly with local law enforcement agencies by dialing 911.

Individuals who make a criminal complaint may also choose to pursue a complaint through the Title IX Coordinator.

- 4.12 A criminal investigation into the matter does not preclude the Component from conducting its own investigation. The result of a criminal investigation does not determine whether sexual misconduct, for purposes of this Policy, has occurred.
- 4.13 Component Police or Security. An individual may also report an incident of sexual misconduct to the Component police or security. Reporting to such officials helps protect others from future victimization; apprehend the alleged assailant; and maintain future options regarding criminal prosecution, Component disciplinary action and/or civil action against the alleged wrongdoer. For Components that employ sworn peace officers, a Victim may request that his or her identity be kept confidential when reporting sexual misconduct to a sworn peace officer. Filing a police report does not obligate the Victim to continue with criminal proceedings or Component disciplinary action. Components shall provide the Victim contact information for their campus police or security personnel.
- 4.14 Title IX Coordinator. Any incident of sexual misconduct can be brought to the attention of the Title IX Coordinator. Although the Component strongly encourages reporting sexual misconduct to the police, a Victim may request administrative action by the Component with or without filing a police report.
- 4.15 Dean of Student's Office. Any incident of sexual misconduct can be brought to the attention of the Dean of Student's Office. Although the Component strongly encourages reporting sexual misconduct to the police, a Victim may request administrative action by the Component with or without filing a police report. The Dean of Students Office will promptly inform the Title IX Coordinator of the complaint.
- 4.16 Campus Security Authority. A complaint of sexual misconduct can be brought to a Campus Security Authority (CSA) as defined in each Component's Annual Security Report. The CSA will promptly inform the Title IX Coordinator of the complaint. Each Component will identify and provide complete contact information for their CSA in various locations, including but not limited to the Component's web page; the student's handbook; the annual security report; and the Dean of Student's Office.

- 4.17 Human Resources. A complaint of sexual misconduct may be brought to the Human Resources Department, which will promptly inform the Title IX Coordinator of the complaint.
- 4.18 Responsible Employee. An individual may report alleged sexual misconduct to a Responsible Employee, as that term is defined in 2.14 above. A faculty or staff member with any knowledge (including firsthand observation) about a known or suspected incident of sexual misconduct (other than those individuals identified in section 3.4 above) must report the incident to the Component police or security or the Component's Title IX Coordinator. No employee is authorized to investigate or resolve Complaints without the involvement of the Component's Title IX Coordinator.
- 4.19 Individuals may also file anonymous reports. Each Component shall provide the phone number and web address available for anonymous reports. Individuals who choose to file anonymous reports are advised that it may be very difficult for the Component to follow up and/or take action on anonymous reports, where corroborating information is limited. Anonymous reports may be used for Clery Act data collection purposes.
- 4.2 Preservation of Evidence. Preservation of evidence is critical in instances of sexual misconduct. Prompt reporting may preserve options that delayed reporting does not, including the preservation of physical evidence (which may be necessary to prove sexual misconduct or to obtain a judicial order of protection), the support of crisis counseling, and immediate police response.
- 4.3 Interim Measures. When an incident of sexual misconduct is formally reported, the Component will consider interim measures to protect the Alleged Victim while the incident is investigated and adjudicated through this Policy. The Title IX Coordinator and other appropriate Component administrators cooperate together to identify alternative arrangements to preserve the rights of both the Alleged Victim and the Accused, as well as provide a safe overall educational or working environment until (and perhaps after) the conclusion of the process.
- 4.31 Interim measures may include changing academic, living, transportation or working situations; and, any interim disciplinary action must comply with *System Rules and Regulations Chapters IV § 2.2(14), V § 2.141, and VI § 5.(14)*.

- 4.32 Failure to adhere to the parameters of any interim measures may be considered a separate violation of this Policy and may result in disciplinary sanctions.
- 4.33 Component will honor any order of protection, no contact order, restraining order or similar lawful order issued by any criminal, civil or tribal court.

5. Retaliation

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

6. Immunity

The Component considers the reporting and adjudication of sexual misconduct cases of paramount importance. The Component does not condone underage drinking, illegal use of drugs or other criminal behavior; however, the Component may extend limited immunity from punitive sanctions when appropriate for those reporting incidents and/or assisting Victims of sexual misconduct, provided they are acting in good faith in reporting or participating in an investigation.

7. Prohibition on Providing False Information

Any individual who knowingly files a false Complaint under this Policy, or knowingly provides false information to Component officials, or who intentionally misleads Component officials who are involved in the investigation or resolution of a Complaint shall be subject to disciplinary action.

8. Risk Reduction Strategies

- 8.1 Purpose. The Component will engage in the risk reduction strategies outlined below to limit the risk of sexual misconduct for the campus community.
- 8.2 Training.

- 8.21 Primary Prevention Training. Every incoming student, including undergraduate transfer students, and new employee shall attend prevention and education training or orientation regarding sexual misconduct and the campus sexual assault policy during the first semester or term of enrollment or employment. The Component shall establish the format and content of the training or orientation. Primary prevention training programs shall be designed to promote awareness of sexual offenses and to incorporate risk reduction strategies to enable community members to take a role in preventing and interrupting incidents of sexual misconduct. The Component training will be based upon research and will be assessed periodically for effectiveness. Specifically, training will include:
- 8.211 awareness and prevention of rape, acquaintance rape, domestic violence, dating violence, sexual assault, and stalking;
 - 8.212 definitions of sexual misconduct offenses which are prohibited by the Component as defined by Texas law;
 - 8.213 definition of consent as defined by Texas law;
 - 8.214 risk reduction, such as recognition of warning signs of possible sexual misconduct, situational awareness and safety planning;
 - 8.215 bystander intervention to encourage identification of situations that might lead to sexual misconduct and promote safe intervention as a means to prevent the misconduct - bystander intervention includes recognizing situations of potential harm, understanding institutional structures and cultural conditions that facilitate violence, overcoming barriers to intervening, identifying safe and effective intervention options, and taking action to intervene;
 - 8.216 procedures for reporting, investigating, and accessing possible sanctions for sexual misconduct as described in this Policy;
 - 8.217 options for reporting sexual misconduct and the confidentiality that may attach to such reporting;
 - 8.218 campus and community resources available to Complainants or Respondents;
 - 8.219 interim safety measures available for Complainants; and,
 - 8.21(10) descriptions of additional and ongoing sexual misconduct training.

- 8.3 Ongoing Sexual Misconduct Training. The Component's commitment to raising awareness of the dangers of sexual misconduct includes offering ongoing education in the form of annual training, lectures by faculty, staff, mental health professionals, and/or trained non-Component personnel. Ongoing training may include dissemination of informational materials regarding the awareness and prevention of sexual misconduct.
- 8.4 Training of Coordinators, Investigators, Hearing and Appellate Authorities. All Title IX Coordinators, Deputy Coordinators, Investigators, and those with authority over sexual misconduct hearings and appeals shall receive training each academic year including, knowledge of offenses, investigatory procedures, due process, and Component policy and procedures related to sexual misconduct.

9. Informal Resolution (Mediation)

- 9.1 Eligibility for Mediation. Informal resolution is available and appropriate for claims of Sexual Harassment, only if:
- 9.12 both parties are both willing to engage in mediation and consent to do so in writing;
 - 9.13 the Complainant and the Respondent are both students or are both employees of the Component;
 - 9.14 the Title IX Coordinator agrees that informal resolution is an appropriate mechanism for resolving the Complaint; and
 - 9.15 the Complaint involves only Sexual Harassment as described in this Policy and does not involve any other sexual offense.
- 9.2 Mediation and Agreements. When the Title IX Coordinator determines informal resolution is appropriate and the parties consent in writing, the Title IX Coordinator will arrange or facilitate mediation in attempt to resolve the complaint. Agreements reached in mediation will be reduced to writing and signed by both parties. Agreements will be maintained by the Coordinator and shared only as necessary to implement the agreed resolution or as required by law.
- 9.3 Referral for Investigation. When mediation is not successful, or, if in the course of facilitating informal resolution the Title IX Coordinator learns of sexual offenses beyond sexual harassment, the informal resolution process will immediately terminate. The matter will then be referred for investigation in accordance with the procedures outlined below.

10. Investigation Procedures and Protocols

10.1 Actions Upon Receiving Report. Upon Component's receipt of a report of sexual misconduct:

10.11 Assignment. The Title IX Coordinator will review the complaint and investigate the matter. Alternatively, the Title IX Coordinator may assign the investigation to a Deputy Coordinator or Investigator and advise the Complainant of the name and contact information of the individual assigned. Subsequent references to Investigator in this section refers to the individual investigating the complaint, whether a Title IX Coordinator, Deputy Coordinator, or Investigator.

10.12 Initial Meeting with Complainant. As soon as is practicable, the Investigator shall contact the Complainant (subsequent references to Complainant in this section include the Alleged Victim if the original Complainant was not the Victim) and schedule an initial meeting. At the initial meeting the Investigator will:

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

10.122 request additional information regarding the reported incident;

10.123 explain the investigatory process;

10.124 explain the options for reporting to law enforcement authorities, whether on campus or local police;

10.125 discuss confidentiality standards and concerns with the Complainant and advise that confidentiality may impact the Component's ability to investigate fully;

10.126 determine whether the Complainant wishes to pursue a resolution (formal or informal) through the Component or seeks no resolution;

10.127 refer the Complainant, as appropriate, to the Counseling Center or other resources which may include law enforcement, medical assistance, psychological counseling, victim advocacy resources, legal resources, Component disciplinary action, immigration services, and criminal prosecution; and

10.128 discuss with the Complainant, as appropriate, possible interim measures as described herein.

10.13 Interim Measures. The Investigator will determine and implement interim measures as appropriate and necessary for the Complainant's safety and to limit potential retaliation. Such measures may include, but are not limited to:

- 10.131 campus no-contact orders;
- 10.132 reassignment of housing or work assignments;
- 10.133 temporary withdrawal or suspension from the Component, in accordance with *System Rules and Regulations Chapters IV § 2.2(14), V § 2.141, and VI § 5.(14)*;
- 10.134 escort or transportation assistance;
- 10.135 modification of class schedules; or
- 10.136 restrictions from specific activities or facilities.

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

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

10.2 Prompt, Fair, and Equitable Investigation.

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

10.22 Notice of Allegations to Respondent. At the outset of an investigation, the Investigator will provide the Respondent prompt notice of the allegations against him or her in writing together with a copy of this Policy. Written Notice of Allegations will be provided to the Complainant concurrently with Respondent.

10.23 Equitable Treatment.

- 10.231 Investigator will remain neutral throughout the investigation and provide both the Complainant and Respondent opportunities to respond in person and in writing, to submit relevant documents, and to produce relevant witnesses.
- 10.232 The Complainant and Respondent will receive a minimum of forty-eight hours' notice of any sanction meeting, due process hearing, or appellate meeting, if any.
- 10.233 Both Complainant and Respondent may have one representative and/or one advisor present at all meetings a party has with the Investigator, Title IX Coordinator, Deputy Coordinator or other Component administrator related to a complaint. The representative or advisor may provide support, guidance or advice to the Complainant or Respondent, but may not otherwise directly participate in the meetings.
- 10.234 The Complainant, Respondent, and appropriate officials will, at least forty-eight hours' in advance, be provided access to any information that will be used after the investigation but during disciplinary meetings.

10.24 Investigation Activities. Investigator will gather and review information from Complainant, Respondent, and Witnesses. Investigator shall conduct site inspection, if necessary, and obtain other information from sources as appropriate given the nature of the complaint.

10.25 Report of Investigation. The Investigator will complete a written Investigative Report that includes summaries of interviews conducted; photographs, if any; documents and materials received; descriptions of relevant evidence; summaries of relevant electronic records; and a detailed report of the events related to the incident. When the Investigator is not the Title IX Coordinator the Investigative Report will be submitted to the Title IX Coordinator for review and finding.

11. Standard of Review and Finding

11.1 Review. The Title IX Coordinator will review the Report of Investigation under the "preponderance of the evidence" standard as defined in Section 2.12 of this Policy.

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

- 11.21 no reasonable grounds exist that the Sexual Misconduct Policy was violated and the matter is closed, or
- 11.22 it is more likely than not that Respondent violated the Sexual Misconduct Policy, and which specific sections of the Policy were violated.

11.3 Rationale and Recommended Sanctions. The finding shall include the Title IX Coordinator's basis for the decision and recommended sanctions, if any. The Title IX Coordinator will communicate the Finding in writing simultaneously to the Complainant, Respondent, and Component Administrator (as defined in 12.2 below) with authority to determine and issue appropriate sanctions, if any.

12. Sanctions

- 12.1. Possible Sanctions. Sanctions for a Finding of a Policy violation will depend upon the nature and gravity of the misconduct and/or any record of prior discipline for sexual misconduct. Sanctions may include:
- 12.11 withholding a promotion or pay increase;
 - 12.12 reassigning employment;
 - 12.13 terminating employment;
 - 12.14 barring future employment;
 - 12.15 temporary suspension without pay;
 - 12.16 compensation adjustments;
 - 12.17 expulsion or suspension from the Component and/or System;
 - 12.18 no-contact orders,
 - 12.19 probation (including disciplinary and academic probation);
 - 12.20 expulsion from campus housing;
 - 12.21 restricted access to activities or facilities;
 - 12.22 mandated counseling (e.g. educational programs such as batterer's intervention);
 - 12.23 disqualification from student employment positions;
 - 12.24 revocation of admission and/or degree;
 - 12.25 withholding of official transcript or degree;
 - 12.26 bar against readmission;
 - 12.27 monetary restitution; or
 - 12.28 withdrawing from a course with a grade of *W*, *F*, or *WF*.
- 12.2 Sanction Decision. The responsible Component Administrator will issue a decision regarding sanctions simultaneously to the Complainant, Respondent, and Title IX Coordinator in writing within seven (7) class days of receipt of the Finding. Administrators responsible for imposing sanctions are:

12.21 Student Respondent Sanctions. The Dean of Students will issue sanctions for students.

12.211 Student Employees. Where the Respondent is both a student and an employee, the Title IX Coordinator will determine whether the Respondent's status is that of student, staff, or faculty for disciplinary purposes. When the Respondent's status is determined to be that of a student employed by the Component, the Dean of Students will consult with the AVP of Human Resources or their equivalent prior to issuing sanctions.

12.212 Due Process Hearing. Complainant or Student Respondent may elect to dispute the Finding and/or the sanction through a due process hearing. Procedures for the hearing are outlined in the *System Rules and Regulations, Chapter VI §§ 5.7-5.9* and the Component's Student Discipline Procedures, with exceptions as follows:

12.2121 The Component Representative for student due process hearings related to Sexual Misconduct shall be the Component's Title IX Coordinator or his or her designee;

12.2122 The role of the hearing adjudicator(s) is to review the investigation and the appropriateness of the sanction for significant procedural errors or omissions;

12.2123 Parties may question their own witnesses, but they shall not ask questions of each other or the other party's witnesses;

12.2124 Each party shall receive notice of the hearing and has a right to be present; however, neither party shall be compelled to attend any hearing; and

12.2125 When a finding of sexual misconduct is upheld, sanctions listed in section 12.1 of this policy shall be imposed.

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

12.214 Faculty Employee Respondents. The Dean, who may consult with the Department Chair as appropriate, will issue sanctions in consultation with the Provost.

- 12.2141 Tenured Faculty Due Process Hearing. Tenured faculty receiving a sanction that impacts the faculty member's continued employment, full-time salary (not including administrative positions or summer teaching) or demotion in rank may elect to dispute the Finding and the sanction through a due process hearing.
- 12.2142 Non-Tenured Faculty Due Process Hearing. A non-tenured faculty member receiving a sanction impacting the faculty member's continued employment, full-time salary (not including possible summer teaching) or demotion in rank termination sanction before the expiration of the stated period of his or her appointment may elect to dispute the Finding and sanction through a due process hearing.
- 12.2143 Procedures for Faculty Due Process Hearing. Hearing procedures are outlined in the *System Rules and Regulations, Chapter V, § 4.54* and the Component's Faculty Grievance Procedures or its equivalent with the following exceptions:
- 12.21431 The role of the hearing adjudicator(s) is to review the investigations and the appropriateness of the sanction for significant procedural errors or omissions; and
- 12.21432 Complainant shall receive notice of the hearing and has a right to be present. Complainant shall neither be compelled to attend any hearing, nor be questioned by the Respondent.
- 12.215 In any situation where the responsible administrator has a conflict, the employee next in line in authority will impose sanctions.

13. Appeal of Finding or Sanctions

- 13.1 Right to Appeal. If either Complainant or the Respondent is dissatisfied with the Title IX Coordinator's Finding, sanction, and/or determination of a due process hearing, either party may appeal to the appropriate Component Appellate Authority as indicated below. References to "parties" in this section and in the *System Rules and Regulations* refer to the Respondent, Component Representative (Title IX Coordinator or designee), Component Administrator who imposed sanctions, and Complainant.
- 13.2 Grounds for Appeal. The grounds for any appeal are limited to the following:
- 13.21 previously unavailable relevant evidence;
 - 13.22 substantive procedural error in the investigation or hearing; or
 - 13.23 sanction is substantially disproportionate to the Finding;
 - 13.24 the finding was not supported by the evidence.
- 13.3 Procedure for Appeal.
- 13.31 An administrator receiving notice of appeal will provide a copy of the notice to the parties concurrently with receipt.
 - 13.32 Students. Any appeal of the finding, sanction or determination of a due process hearing is governed by the procedures outlined in the Student Conduct and Discipline Procedures in the *System Rules and Regulations, Chapter VI, § 5.(10)* and the Component's Student Code of Conduct. However, the appeal officer (Component Appellate Authority) may only approve, reject, or modify the decision and the appeal officer's decision is final.
 - 13.33 Staff Employees. Any appeal of the Finding or sanction against a staff employee is governed by the procedures outlined in the *System Rules and Regulations, Chapter V, § 2.15* and the Component's Staff/Employee Grievance Procedures or its equivalent.
 - 13.34 Non-Tenured Faculty.
 - 13.341 Should the sanction against a non-tenured faculty member result in the termination of the faculty member during his/her contract period, the faculty member is entitled to a due process hearing pursuant to section 12.2152, and the faculty member may appeal the findings and/or sanctions resulting from such due process hearing. Such appeal is governed by the *System Rules and Regulations, Chapter V, § 4.5*.

13.342 Should the sanction against a non-tenured faculty member result in the non-reappointment or termination of the faculty member after expiration of his/her contract period, the faculty member is not entitled to a due process hearing pursuant to section 12.2152. However, the faculty member may appeal the findings and/or sanctions and such appeal is governed by the *System Rules and Regulations, Chapter V, § 4.4*.

13.343 All other appeals of the finding or sanction against a non-tenured faculty member is governed by the procedures outlined in the *System Rules and Regulations, Chapter V, § 2.15* and the Component's Staff/Employee Grievance Procedures or its equivalent.

13.35 Tenured Faculty

13.351 Should the sanction against a tenured faculty member result in revocation of tenure, termination of employment, and/or reduction of his/her academic year base salary (not including possible administrative roles or summer teaching) or demotion in rank, the faculty member shall be entitled to a due process hearing under the *System Rules and Regulations, Chapter V, § 4.5*.

13.352 All other appeals of a finding or sanction against a tenured faculty member are governed by the procedures outlined in the *System Rules and Regulations, Chapter V, § 2.15* and the Component's Staff/Employee Grievance Procedures or its equivalent.

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

14. Final Decision

14.1 No Appeal. Decisions and sanctions imposed under this Policy are final when the period for appeal under the rules and policies referenced in paragraph 13 above have expired without initiation of an appeal by either party.

14.2 Conclusion of Appeal. An appealed decision is final as outlined in the rules and polices referenced in section 13 above.

14.3 Notification of Outcomes.

- 14.31 The Title IX Coordinator will simultaneously notify the Complainant and the Respondent in writing of the outcome of the following stages of the process:
- 14.311 the Finding;
 - 14.312 the sanction;
 - 14.313 the outcome of a due process hearing, if any; and
 - 14.314 the outcome of due process appeal, if any.
- 14.32 Any notice of outcome must include:
- 14.321 whether the alleged conduct occurred;
 - 14.322 any sanctions imposed on the respondent that directly relate to the complainant,
 - 14.323 and other steps the school has taken to eliminate the hostile environment, if the school finds one to exist, and prevent recurrence.
- 14.33 The Respondent should not be notified of the individual remedies offered or provided to the Complainant.

15. Biennial Policy Review

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

DRUGS AND ALCOHOL

<http://www.lamar.edu/about-lu/administration/risk-management/safety-plan/safety-plan-section-12.html>

Alcoholic Beverages

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

Illicit Drugs

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

High Risk Alcohol Intake

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

High Risks of Alcohol

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

Health Risks of Other Drugs

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

ALCOHOL PREVENTION PROGRAMS

EVACUATION AND LOCKDOWN NOTIFICATIONS

Name of Program	Date	Topic
<i>Spring Break Bash</i>	March, 5, 2014	Alcohol Abuse

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

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

Students are encouraged to verify their telephone and email information in myLAMAR. This should be done through web access for students. Connect-ED has been configured to send email to the first two email addresses provided (the first being the student's myLAMAR e-mail). It will also send e-mail to the second address field.

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

EMERGENCY WARNING ACTIVATION POLICY

Lamar University and Lamar Institute of Technology

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

1. To preserve life and protect the lives of all involved in hazardous incident(s).
2. To provide prompt warning of circumstances and suggested defensive actions to persons in or around the campuses so as to minimize risk to innocent bystanders.

3. To include the apprehension of criminal actors, neutralization of weaponry, protection of property, enforcement of applicable laws, and resumption of normal University activities.

EMERGENCY SIREN

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

RECOMMENDED ACTION UPON SIREN ACTIVATION

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

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

WHEN IN DOUBT, SHELTER IN PLACE.

The recommended course of action will call upon affected public to utilize some judgment. When the siren is heard, persons must:

STOP: All impacted must stop and take stock of where they are and what is happening around them. The siren is sounded to prevent people from walking into a deadly situation without notice.

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

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

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

MISSING STUDENTS

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

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

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

B. Any missing student report must be referred immediately to LUPD.

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

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

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

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

CRIME STATISTICS

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

For more information about LUPD guidelines and procedures, request a copy of the Annual Report from the University Police Department and the Code of Student Life from the Office of Student Engagement.

Category	Location	Number of Occurrences		
		2012	2013	2014
Murder/Non-Negligent Manslaughter	On Campus	0	0	0
	On-Campus Student Housing Facilities	0	0	0
	Noncampus	0	0	0
	Public Property	0	0	0
Negligent Manslaughter	On Campus	0	0	0
	On-Campus Student Housing Facilities	0	0	0
	Noncampus	0	0	0
	Public Property	0	0	0
Sex offenses - Forcible	On Campus	4	3	
	On-Campus Student Housing Facilities	2	3	
	Noncampus	0	0	
	Public Property	0	0	
Rape	On Campus	0	0	2
	On-Campus Student Housing Facilities	0	0	2
	Noncampus	0	0	0
	Public Property	0	0	0
Fondling	On Campus		0	0
	On-Campus Student Housing Facilities		0	1
	Noncampus		0	0
	Public Property		0	0
Non-Forcible Sex Offenses	On Campus	0	0	
	On-Campus Student Housing Facilities	0	0	
	Noncampus	0	0	
	Public Property	0	0	

Incest	On Campus		0	0
	On-Campus Student Housing Facilities		0	0
	Noncampus		0	0
	Public Property		0	0
Statutory Rape	On Campus		0	0
	On-Campus Student Housing Facilities		0	0
	Noncampus		0	0
	Public Property		0	0
Robbery	On Campus	1	0	1
	On-Campus Student Housing Facilities	0	0	0
	Noncampus	0	0	0
	Public Property	0	0	0
Aggravated Assault	On Campus	0	1	0
	On-Campus Student Housing Facilities	0	1	0
	Noncampus	0	0	0
	Public Property	0	0	0
Burglary	On Campus	8	9	7
	On-Campus Student Housing Facilities	5	3	3
	Noncampus	0	0	0
	Public Property	0	0	0
Arson	On Campus	0	0	0
	On-Campus Student Housing Facilities	0	0	0
	Noncampus	0	0	0
	Public Property	0	0	0
Motor Vehicle Theft	On Campus	0	2	4
	On-Campus Student Housing Facilities	0	0	0
	Noncampus	0	0	0
	Public Property	0	0	1
Domestic Violence	On Campus		0	0
	On-Campus Student Housing Facilities		0	0
	Noncampus		0	0
	Public Property		0	1
Dating Violence	On Campus		0	2
	On-Campus Student Housing Facilities		0	2
	Noncampus		0	0
	Public Property		0	0
Stalking Crimes	On Campus		2	6
	On-Campus Student Housing Facilities		0	1
	Noncampus		0	0
	Public Property		0	0

Liquor Law Violations Arrests	On Campus	6	3	4
	On-Campus Student Housing Facilities	6	1	0
	Noncampus	0	0	0
	Public Property	0	0	0
Liquor Law Violations Referrals	On Campus	8	7	0
	On-Campus Student Housing Facilities	8	1	0
	Noncampus	0	0	0
	Public Property	0	0	0
Drug Abuse Arrests	On Campus	53	39	25
	On-Campus Student Housing Facilities	42	19	22
	Noncampus	0	0	0
	Public Property	0	0	5
Drug Abuse Referrals	On Campus	29	17	5
	On-Campus Student Housing Facilities	28	17	5
	Noncampus	0	0	0
	Public Property	0	0	0
Weapons Possession Arrests	On Campus	5	1	0
	On-Campus Student Housing Facilities	1	1	0
	Noncampus	0	0	0
	Public Property	0	0	0
Weapons Possession Referrals	On Campus	3	1	0
	On-Campus Student Housing Facilities	3	1	0
	Noncampus	0	0	0
	Public Property	0	0	0
Unfounded Crimes			0	

FIRE STATISTICS

Lamar University Annual Fire Safety Report For Residence Life, 2014

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

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

Fire Stats & Fire Log

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

RESIDENCE HALL FIRE INCIDENT LOG			
Date	Location	Cause/Type	Fine for Damage
1/24/2012	Gentry Hall	Sprinkler set off. No fire.	0
2/11/2012	Monroe Hall	Bag in microwave caught fire	0
2/12/2012	Gentry Hall	Burnt food caused smoke	0
2/15/2012	Gentry Hall	Resident set off sprinkler. No fire	0
3/27/2012	Gentry Hall	Ceiling vent fan caught fire	0
10/21/2012	Monroe Hall	Malfunctioning dryer vent coils	0
12/2/2012	Gentry Hall	Burnt food caused smoke	0
2/10/2013	Morris Hall	Burnt food caused smoke	0
3/17/2013	Cheek Street	Vehicle Fire, No damage to building	0
4/8/2013	Monroe Hall	Smoke in laundry room, (mech)	0
5/5/2013	Campbell Hall	Fire alarm pulled	0
6/16/2013	Gentry Hall	Alarm malfunction set off alarm	0
7/30/2013	Monroe Hall	Low water pressure set off alarm	0
1/19/2014	Gentry Hall	Cooking smoke from kitchen	0
1/28/2014	Combs Hall	Grease fire in kitchen	0
6/10/2014	Gentry Hall	Low water pressure set off alarm	0
11/25/2014	Combs Hall	Smoke from overcooked foot	0

FIRE SAFETY SYSTEMS

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

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

Annual Testing of the Emergency Response and Evacuation Procedures

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

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

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

FIRE DRILLS

Mandatory supervised fire drills are conducted at a minimum of once each semester in the fall and spring semesters, conducted within the time of after the 15th class day, during the hours between 6pm and 10pm when the majority of students will be present. Fire drills were conducted on the following dates during the past year:

- ***April 23, 2014 (Cardinal Village)***

Fire Drills are coordinated by the Residence Life Staff, by each resident director for each phase. The Director of Residence Life coordinates the details of the drill in accordance with the Resident Director and the Lead Community Assistant for the designated phase, the local fire department, the fire alarm company, and the LU Police dept. Community Assistants (CA's) assist

with orderly and timely evacuation of the building, and directing students to the designated evacuation site. Students failing to vacate are subject to student conduct disciplinary action. A post drill review is conducted with all staff present to discuss the success of the drill and additional necessary actions that may be required for future drills. Then a report is generated and given to the Risk Management Safety Specialist of Lamar University.

EVACUATION PROCESS OF RESIDENCE LIFE

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

FIRE PROCEDURE

- If you discover a fire in a building, activate the nearest fire alarm pull station. If no fire alarm is available, immediately notify occupants of the building to evacuate the building.
- Telephone the Lamar Police by dialing 8311 on any campus telephone. Tell the dispatcher the location and nature of the fire. The dispatcher will call the Beaumont Fire Department on their special direct line, and dispatch all available police and maintenance units to assist in evacuation of the building.
- If the fire has not spread from its point of origin, attempt to extinguish the fire using fire extinguishers. However, "Safety of Life" is the prime concern.
- Do not attempt to extinguish a fire in a laboratory or a chemical fire unless you know what chemicals are involved and have been trained in the correct procedures and types of extinguishers to be used for fighting such fires. "Safety of Life" remains the prime concern.
- Do not reenter an evacuated building until you have been advised that it is safe to do so.

Other Instructions

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

Policies and Procedures on Appliances and Smoking of Residence Life

These Rules and Regulations are incorporated by reference into the Lease Agreement between Landlord and Tenant and are a part thereof. They are promulgated for the purpose of preserving the welfare, safety, and convenience of tenants in CARDINAL VILLAGE and for the purposes of making a fair distribution of services and facilities for all tenants, and for the purpose of preserving Landlord's property from abusive treatment. The complete list of policies and procedures can be found on our website once the student logs our website or can receive a copy in our front office.

LU CODE OF CONDUCT RELATED FIRE POLICIES

1. Fire warning devices and safety equipment are to be used only in case of emergency. The sounding of a fire alarm should be taken seriously. In the event of an alarm, tenants are to vacate the premises immediately. Tenants will be instructed by university or Cardinal Village staff when they will be allowed to return to their apartments. Tenants who do not vacate their apartments during a fire alarm are subject to disciplinary action. The intentional sounding of an alarm outside of an emergency situation is a criminal offense and a material breach of the Lease Agreement. At lease commencement Landlord will test the smoke detectors in premises (room) for proper operation and working batteries. Upon notification by resident owner will replace batteries. Tampering or altering smoke detectors will result in a \$100.00 fine. Any violation is a default under the Lease which would entitle Landlord to declare a default and pursue all remedies provided to Landlord.
2. Fire code prohibits storage or use of barbecue grills in or on any building, walkway, stairway or balcony.
3. The use and/or possession of candles, whether new or used, on the premises are not permitted. This includes candles which have had their wicks removed and is for decorative purposes only. All candles and flammables will be removed from premises immediately. In the event of a violation of this rule, \$25.00 fine will be assessed against per candle.
4. Some small appliances, such as radios, televisions, irons, refrigerators not exceeding four cubic feet and microwaves not exceeding 600 watts are permitted. Space heaters, halogen lamps, and other heating devices present a fire hazard and are prohibited. Tenant should check with landlord regarding permissibility of other small appliances.
5. Lamar University is a tobacco free campus.

LU RESIDENCE LIFE MANAGEMENT RELATED POLICIES

1. DAMAGE, CONDEMNATION OR DESTRUCTION OF PREMISES. If, in the opinion of the Landlord, the Premises or CARDINAL VILLAGE should become un-tenantable to lease during the term hereof because of damage, condemnation or destruction by fire or other casualty, Landlord shall have the right to terminate this Lease, or move Tenant to similar accommodations within CARDINAL VILLAGE and repair and restore the Premises. In the event of such damage, condemnation or destruction to the Premises or CARDINAL VILLAGE without the fault of Tenant, his agents or guests, Tenant's obligation to pay Rent hereunder shall be abated only if Landlord terminates this Lease or does not furnish Tenant with similar accommodations at CARDINAL VILLAGE;
2. Keeping any handguns, firearms, or weapons of any type, or any explosive, inflammable, or any extra hazardous substances, or any article or thing of a dangerous nature on the Premises or CARDINAL VILLAGE;
3. Misuse, in violation of the laws of the State of Texas and rules and regulations of CARDINAL VILLAGE, of alcoholic beverages or the illegal manufacture, sale, possession, or use of narcotics, marijuana, hypnotics, stimulants, hallucinogens, or other similar known controlled substances or harmful or habit-forming drugs and/or chemicals within the Premises or CARDINAL VILLAGE by Tenant or Tenant's guests;
4. Inability or refusal on the part of Tenant to adjust to the concept and requirements of living in a student residence environment;
5. Violation of any of the covenants and agreements of this Lease by Tenant or of any of the rules and regulations governing the Premises or CARDINAL VILLAGE made by Landlord, whether such rules and regulations are now in existence or subsequently created in the future.

Fire Safety Education and Training Programs

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

CA Procedure for Fire/Sounding Alarm

1. Every time a fire alarm sounds, exit the building – always assume there is a fire.
2. If a fire is confirmed and alarm is not sounding, activate the closest pull station.

3. Immediately notify LU Police whenever fire alarm is sounding.
4. If confirmed fire, call LU Police.
5. CA's should assist with crowd control and orderly evacuation of building (staff should exit with residents, banging on every apartment door and loudly stating "PLEASE EVACUATE," or if confirmed fire, CA's should NEVER put themselves in harms way.
6. Help keep residents at designated evacuation stations away from buildings. Do not re-enter a building until instructed to do so by LU Police, Fire Department, On Call CA Staff, and On Call Maintenance Tech, typically after alarms have been reset.
7. Remain alert at all times, paying attention for any information about vandalism/false alarms. Camera footage is helpful, so help notice any suspicious activity around exits.

Reporting of Fire Safety Information

All fire safety concerns should immediately be reported to the LU Police at 409-880-8305.

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

Plans for Future Improvements in Fire Safety

No facility-related future improvements are currently planned. Future plans may target requiring all new residents to attend fire safety and cooking safety courses before access is granted to common kitchen facilities. And also have CA's present programs on fire safety and rules and regulations of Cardinal Village.

Education and Awareness Programs

Primary Prevention and Awareness Programs – Faculty & Staff

New-Hire Orientation

- Training held on the 1st and 15th of each month or the 1st working day thereafter.
- Training held at the Human Resources Annex.
- Prohibited behavior covered
 - Sexual Assault
 - Domestic Violence
 - Dating Violence
 - Stalking

Ongoing Prevention and Awareness Campaign – Faculty & Staff

Human Resources

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

Bruised But Not Broken

- Denim Day for Sexual Assault Prevention and Awareness
 - April 25, 2014
 - Prohibited Behavior Covered
 - Sexual Assault
- Domestic Violence Prevention and Awareness
 - October 16, 2014
 - Prohibited Behavior Covered
 - Sexual Assault
 - Domestic Violence

Primary Prevention and Awareness Programs – Student

- None documented

Ongoing Prevention and Awareness Campaign – Student

Cardinal Village Dormitories

- Cookie Decorating Event
 - Morris Hall, October 24, 2014
 - Prohibited Behavior Covered
 - Domestic Violence

Bruised But Not Broken

- Denim Day for Sexual Assault Prevention and Awareness
 - April 25, 2014
 - Prohibited Behavior Covered

- Sexual Assault
- Domestic Violence Prevention and Awareness
 - October 16, 2014
 - Prohibited Behavior Covered
 - Sexual Assault
 - Domestic Violence