2019 Annual Security Report
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Welcome to Lamar State College Orange
A message from the Executive Director of College Affairs

Lamar State College Orange places the safety and health of employees and students as our number one priority. Our Security Department is a full-service department providing safety, security, and crime prevention services to the Gator community. LSCO Security Department works to minimize crimes on campus. In an emergency, dial 409.670.0789 from any phone or there are telephones located in the hallways of all the campus buildings, which dial directly to campus security. Our emergency notification system provides critical information to the community.

All employees are students are automatically signed up for Blackboard Connect alerts. If you are not receiving alerts, please review the “Disseminating Information on Campus Crime” section of this handout to ensure your contact information is included.

The emergency phone number for LSCO Security is answered during normal business hours and the Orange Police Department phone number (409.883.1026) is answered 24 hours a day, 7 days a week by the Department Dispatch. The Office of College Affairs is located in the Ron Lewis Library Building, Room 352. The primary goal of our department is to assist you in being safe and secure at Lamar State College Orange.

Please do not hesitate to contact our Campus Security should the need arise.

Sincerely,

Patty Collins, MS, CAE
Executive Director of College Affairs
Title IX Coordinator

Lamar State College Orange
2019 Annual Security Report

Introduction

Published each year, the Lamar State College Annual Security Report provides you with information on security-related services offered by the college in compliance with the Jeanne Clery Disclosure of Campus Security Policy and Campus Crime Statistics Act. This document has been prepared with information provided to the LSCO Security Department and the Executive Director of College Affairs office. It summarizes college programs, policies, and procedures designed to enhance your personal safety while you are at LSCO. The LSCO Annual Security Report is available online at http://www.lsco.edu/security/security.asp.

Preparation of Annual Security Report

The information contained in this document was prepared under the guidelines established by 20 United States Code, section 1092(f), known as the “Jeanne Clery, Disclosure of Campus Security Policy and Campus Crime Statistics Act,” (The Clery Act) and the Code of Federal Regulations. The information represents a general description of Lamar State College Orange’s security/safety policies and programs, and the crime statistics for the most recent calendar year and the two preceding calendar years.

The data is obtained from reports made to LSCO Security, the Orange Police Department, and College Security Authorities. Campus crime data is gathered the same day that it is reported. Data is obtained annually from the Orange Police Department and compared with the data gathered at the college. The resulting data is used to prepare the annual crime statistics report.

Law Enforcement Authority and Interagency Relations

LSCO Security Department – is located in the Allied Health Building, 302 W. Front Street, Orange, TX 77611. On campus security can be reached at 409.670.0789. The 24/7 emergency number answered by Orange Police Department dispatch is 409.883.1026.

Campus security officers have enforcement authority on property owned and controlled by the college. The streets contiguous to and running through the campus are under the authority of the Orange Police Department. Campus security officers are authorized by state statute to enforce federal and state laws within their jurisdiction, in addition to rules and regulations issued by the Board of Regents of LSCO. Under Section 51.203, Texas Education Code; Campus Peace Officers, states in part: “The governing boards of each state institution of higher education and public technical institute may employ and commission peace officers for the purpose of carrying out the provisions of this subchapter. The primary jurisdiction of a peace officer commissioned under this section includes all counties in which property is owned, leased, rented or otherwise under the control of the institution of higher education or technical institute that employs the peace officer or otherwise in the performance of their duties.”
Security guards patrol all LSCO campus facilities. They patrol on foot or in golf carts marked with SECURITY. LSCO officers are available to provide escort service to anyone whom may be concerned with their safety. LSCO officers enjoy a good working relationship with federal, state, local, city, and county law enforcement authorities. The Security Department’s working relationship with other area law enforcement agencies ensures that crimes and violations at nearby campus sites may be reported to LSCO officers and, if further assistance is needed, at on-campus locations.

Campus Procedures for Reporting Crimes or Emergencies

All crimes or traffic accidents that take place on campus should be reported immediately to the Security Department. Although a victim of a crime may decline to report the incident, the College supports, encourages, and will assist those who have been the victim of a crime or an observer to report the incident to campus security, local law enforcement, Dean of Student Services, any Campus Security Authority, Human Resources, a Responsible Employee, or anonymously report through our STOP!T platform.

Campus Security Authorities

All employees of the College, except professional mental health, pastoral, or other licensed professionals legally bound by professional/client privileges when functioning in that capacity, are considered to be “Responsible Employees.” Responsible employees are required to report issues of concern on campus, especially Title IX information. “Campus Security Authorities” (CSAs) are a more defined group of employees who have received special training. Students are informed that CSAs are individuals to speak with when reporting concerns in addition to the campus security. CSAs must report immediately to the campus security all crimes or reports of criminal activity that are brought to their attention.

Campus Security Authorities include: Building Liaisons, Title IX Coordinator, Title IX Deputy Coordinators, Title IX Assistant Coordinators, and the Director of Physical Plant. A list of CSAs can be found on our website at http://www.lsco.edu/titleix/titleix.asp.
**Voluntary or Anonymous Reporting**

Lamar State College Orange has adopted STOP!T, a technology platform that will help mitigate, deter, and control harmful and inappropriate behavior as well as help create a positive and safe learning environment for our campus community. STOP!T will be an integral part of our effort to deter and mitigate risks associated with sexual harassment and assault, Title IX, the Clery Act, hazing, violence, and other threats to student safety. STOP!T provides a mobile app, allowing students immediate access to the reporting platform, and website access available via a computer or tablet. Students can download the app from iTunes or Google Play or access the website from any browser. LSCO encourages pastoral counselors and professional counselors, if and when they deem appropriate, to inform the persons they are counseling of LSCO’s procedures for reporting crimes. LSCO maintains a strong working relationship with local agencies that provide support to our students.

**Investigations**

**Investigation of Campus Crime** – LSCO Security Officers with assistance of LSCO Director of Security, conduct investigations with regard to all incidents reported to LSCO. Incidents involving legal matters will be turned over to the Orange Police Department for full investigation. LSCO Department of Security will work with local law enforcement officers to provide access to information and knowledge obtained during the initial reporting.

**Disseminating Information on Campus Crime**

**Media Relations:** The Marketing and Public Information Office prepares news releases on crimes for distribution to campus media, the KOGT radio station, and other media outlets, as needed.

**Campus Newsletter:** The LSCO Times (a campus newsletter) has access to updated daily crime log information from the Safety and Security website.

**Crime Stoppers:** The Orange Police Department and the LSCO Security Department develop information regarding criminal activity. When information is needed or one wishes to report a crime, the local Crime Stopper program is sometimes utilized.

**Crime Alert Notification:** Director of Security or other designated College employee may alert Faculty, Staff, or Students by other means that may include campus e-mail, postings on designated websites, or through departmental communications.

**Emergency Alert Notifications (BlackboardConnect)** For incidents that are deemed to be an emergency that will affect the College Community in the immediate and represent a serious or continuing threat to students and employees, the BlackboardConnect Emergency Alert Messaging
System will be implemented by the Executive Director of College Affairs or other designated college employee. BlackboardConnect notifies via voicemail, email, or text (as set up by the recipient).

To update the contact information complete the LSCO Personal Event Form found on Blackboard (https://lscobcsweb/instiution/Employee%20Resources/Hiring/EmploymentDocuments.html) and return to the Human Resource Department.

The BlackboardConnect Alert message, audience, and timing of dissemination are determined by a coordinated review of the President’s Office, College Affairs Office, and Security Office.

**The BlackboardConnect Alert system is tested periodically by the College Affairs office.**

**Security of and Access to Campus Facilities**

The President of Lamar State College Orange is authorized by the Board of Regents of the Texas State University System to establish and administer regulations and procedures to provide for the security of campus buildings, equipment, and personnel. This includes the installation and maintenance of a key system and policies governing the use of that system. In accordance with administrative policy 5.20, the President has delegated the administration of the Key Control System to the Director of Physical Plant in consultation with the Director of Security.

The Director of Physical Plant will designate a key mechanic who will maintain all campus locks and manufacture keys as needed. No other person is authorized to install, alter, or remove locks without the approval of the President or the Director of Campus Security.

**Campus Facilities**

Exterior access to facilities is generally available to faculty, staff, and students from 7 a.m. to 10 p.m., Monday through Thursday, and from 7 a.m. to 5 p.m. on Fridays. Weekend hours vary according to class schedules. Employees may request building access keys for use after hours. Employees receiving building access keys must agree to follow entrance/exit procedures and sign a waiver of liability acknowledging the absence of campus security during after hour periods. LSCO does not have campus residence facilities.

**Maintenance of Facilities**

The Physical Plant Department is responsible for the renovation, maintenance, repair, and operation of facilities at Lamar State College Orange. These responsibilities encompass routine maintenance, extraordinary repairs/renovations, and service requests from campus personnel/departments. The Physical Plant Department is responsible for all preventative maintenance including: monitor all buildings and mechanical systems to insure their integrity and proper operation; schedule and perform preventive maintenance on buildings and building-related equipment as necessary; maintain the safety of all facilities and equipment; coordinate the licensure and inspection of all building-related equipment/facilities as required by law.
Security Awareness and Crime Prevention

The Department of Security focuses attention on crime prevention through increased emphasis on community-oriented policing. Throughout the academic year there will be group programs and individual counseling on crime prevention presented by campus security, Orange Police Department, and the local sheriff’s department. Programs by the Criminal Justice Department are also available. The Director of Security speaks to new students during Fall and Spring orientation about general campus safety, crime prevention, reporting procedures and locations, as well as, guidance on any current trends on campus.

LSCO Security partners with other areas of campus to run drills, trainings, and follow-up education (generally by email) on Active Shooter scenarios, building evacuation preparation, and fire concerns for college employees, students, and campus guests. These events happen throughout the semester.

The Department of Security also maintains prevention tips on their website at http://www.lsco.edu/security/security.asp.

Student Conduct and Discipline

Acquaintance with Policies, Rules, and Regulations
Each student is expected to be fully acquainted and comply with all published policies, rules, and regulations of the College and of the Texas State University System, which are accessible on-line via the Student Handbook: http://www.lsco.edu/stuhandbook/HANDBOOK%20-%208.17.17.pdf. Students are also expected to comply with all federal and state laws.

Criminal Activity at Non-campus Locations
If the perpetrator of a crime is identified as a LSCO student by law enforcement or if an event occurs off-campus, local law enforcement usually notifies the campus via the Department of Security. The campus is currently securing MOUs with outside agencies to further our efforts to partner with local agencies to prevent crime on our campus. Regardless of action taken in the court system, students can experience the student disciplinary process on campus simultaneously. LSCO does not have any officially recognized student organizations with non-campus locations.

Alcohol & Drugs
LSCO maintains an awareness of public laws in relation to drugs and alcohol and supports their enforcement through our Security Office. Any violations of state law in relation to drugs or alcohol (possession, use, and sale) are processed legally through local law enforcement and referred to the Dean of Student Services for campus disciplinary procedures, concurrently. More information about our policy can be found in the Student Handbook.
Use of Illegal Drugs
A student who, by a preponderance of the evidence, under the Rules and Regulations, Texas State University System, is found to have illegally possessed, used, sold or distributed any drug, narcotic, controlled substance, or drug paraphernalia including residue, whether the infraction is found to have occurred on or off campus, shall be subject to discipline, ranging from mandatory, college approved counseling to expulsion.

Students for whom there is a reasonable suspicion of involvement with drugs or controlled substances may be required to submit to an appropriate drug test. Mitigating or aggravating factors in assessing the proper level of discipline shall include, but not necessarily be limited to, the student’s motive for engaging in the behavior, disciplinary history, effect of the behavior on safety and security of the college community, and the likelihood that the behavior will recur. The college will exercise their right as a result of being found guilty of a violation of the drug policy and placed on probation to perform random drug tests on students at any time during the probation.

If at any time the student is found to test positive for any illegal drugs, the student will be suspended per the duration above. A student who has been suspended, dismissed, probated, or expelled from the university shall be ineligible to enroll at any other Texas State University System university during the applicable period of discipline.

The registrar is authorized to make an appropriate notation on the student’s transcript to accomplish this objective and to remove the notation when the student’s disciplinary record has been cleared. A second infraction for a drug-related offense shall result in permanent expulsion from the University and from all other institutions in The Texas State University System. (Texas State University System Policies, VI, 5.9(20) pg.VI-13).

Available Counseling and Treatment Program
LSCO offers drug and alcohol abuse education programs through a third party vendor, Everfi. AlcoholEdu is an interactive online program that uses the latest evidence-based prevention methods to create a highly engaging user experience, inspiring students to make healthier decisions related to alcohol and other drugs. Drug and alcohol abuse counseling is available through the Counseling office located in the Ron Lewis Library Building, Room 354, 409.882.3340. This office also provides off-campus referrals to treatment programs and facilities in the local and surrounding areas.
1. Introduction

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

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

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

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

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

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

1.6 Effect of Criminal Prosecution, Continuation of Proceedings. 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 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 policies.

1.8 Sexual Misconduct Policy also known as Policy on Sexual Harassment, Sexual Assault, Dating Violence and Stalking. This Policy has been adopted for each Component by the System as its Policy on Sexual Harassment, Sexual Assault, Dating Violence and Stalking. It shall be made available to students, faculty and staff by including it in the Component’s student, faculty and personnel handbooks and by creating and maintaining a web page on the Component’s website dedicated solely to the Policy that is easily accessible through a clearly identifiable link on the Component’s internet website home page.

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

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

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

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

1.9 Conflicts of Interest. In any situation where the investigator, administrator, Sanctioning Authority or Appellate Authority has a conflict of interest, a designated employee approved by the Title IX Coordinator shall assume duties imposed under this Policy.
2. **Definitions.** A Glossary with definitions of sexual misconduct offenses and other terms used in this Policy is attached.

2 A. **Sexual Misconduct Violations.** Sexual misconduct includes, Dating Violence, Family or Domestic Violence, Rape, Sexual Assault, Fondling, Incest, Statutory Rape, Sexual Exploitation, Sexual Harassment, Sexual Intimidation, or Stalking as defined in the Glossary and constitutes a violation of this Policy. Students and employees reported as having engaged in sexual misconduct are subject to investigation for violating this Policy. Should an investigation result in a Finding of a violation this policy, the violator may be subject to sanctions as defined herein.

3. **Reporting**

3.1 **Employees That Must Report – Responsible Employees (as defined in this policy).** A Responsible Employee who receives a report of sexual misconduct must report to the Title IX Coordinator or the Coordinator’s designee, all relevant details about the alleged sexual misconduct shared by the Victim or reporting party. A Responsible Employee shall share all information relevant to the investigation, and if applicable, redress of the incident, including whether an alleged Victim has expressed a desire for confidentiality in reporting the incident. A responsible employee should not share information with law enforcement without the Victim’s consent, unless the Victim has also reported the incident to law enforcement.

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

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

3.13 A Responsible Employee must promptly report to the Title IX Coordinator or the Coordinator’s designee incidents of sexual harassment, sexual assault, dating violence or stalking or any other sexual misconduct defined in this Policy, provided:

3.131 the employee is in the course and scope of employment, at the time the employee witnesses or receives information regarding the occurrence of sexual harassment, sexual assault, dating violence, or stalking, or any other sexual misconduct defined in this Policy; and,

3.132 the employee reasonably believes the incident constitutes sexual harassment, sexual assault, dating violence, or stalking or any other sexual misconduct defined in this policy; and,
3.133 the incident of sexual harassment, sexual assault, dating violence or stalking or any other sexual misconduct defined in this policy, was either committed by or against an enrolled student or an employee of the component at the time of the incident.

3.2 **No report required.** A person is not required to report an incident of sexual harassment, sexual assault, dating violence, or stalking or any other sexual misconduct defined in this policy, to the Title IX Coordinator or Coordinator’s designee if:

3.21 the person was the Victim of such conduct; or,

3.22 the person received information due to a disclosure made at a public awareness event sponsored by a Component or by a student organization affiliated with the Component.

3.3 **Title IX Confidential Sources (as defined in the Glossary).** Each Component will identify and provide contact information of Confidential Sources in various locations, including but not limited to the Component’s website; the student’s handbook; the Dean of Students Office; and Campus Police or Security. These Confidential Sources will assist in a crisis and provide information about possible resources, some of which may include law enforcement, medical assistance, psychological counseling, Victim advocacy assistance, legal assistance, Component disciplinary action, immigration services and criminal prosecution. Training for Confidential Sources to be through their professional organizations, if any, and through the Title IX Coordinator.

3.31 A Confidential Source who receives information about an incident of sexual harassment, sexual assault, dating violence, domestic violence or stalking shall report to the Title IX Coordinator or Coordinator’s designee only the type of incident reported. A Confidential Source shall also provide such information to the campuses’ Clery Act Coordinator for purposes of the campus Clery Act Report.

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

3.5 **Interim Measures when Anonymity is Requested.** The Component’s inability to take disciplinary action against an alleged Respondent because of a Complainant’s insistence on anonymity, will not restrict the Component’s ability to provide appropriate measures
for the reasonable safety of the Component community. The Complaint may also be used as an anonymous report for data collection purposes under the Clery Act.

3.6 **Breaches of Confidentiality.** Breaches of confidentiality or privacy committed by anyone receiving a report of alleged sexual misconduct or investigating the report of alleged sexual misconduct, may be considered a separate violation of this Policy and may result in disciplinary Sanctions.

3.7 **Reporting Options.** Although a Victim of sexual misconduct may decline to report the incident, the Component supports, encourages and will assist those who have been the Victim of sexual misconduct to report the incident to any individual or entity listed herein. A Victim of sexual misconduct is encouraged to report to any of the sources below.

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

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

3.73 **Title IX Coordinator.** Any incident of sexual misconduct may be brought to the attention of the Title IX Coordinator. Although the Component strongly encourages reporting sexual misconduct to the police, a Victim may request administrative action by the Component with or without filing a police report.

3.74 **Dean of Students Office.** Any incident of sexual misconduct may be brought to the attention of the Dean of Students Office. Although the Component strongly encourages reporting sexual misconduct to the police, a Victim may request administrative action by the Component with or without filing a police report. The Dean of Students Office will promptly inform the Title IX Coordinator of the complaint.

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

3.76 **Human Resources.** A complaint of sexual misconduct may be brought to the
Human Resources Department, which will promptly inform the Title IX
Coordinator of the complaint.

3.77 **Responsible Employee.** An individual may report alleged sexual misconduct to a
Responsible Employee, as that term is defined in the Glossary. Except as
provided by section 3.2, a faculty or staff member with any knowledge (including
firsthand observation) about a known or suspected incident of sexual misconduct
(other than Title IX Confidential Sources) must promptly report the incident to
the Component Title IX Coordinator or his or her designee.

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

3.8 **Preservation of Evidence.** Preservation of evidence is critical in incidents of sexual
harassment, sexual assault, dating violence, or stalking or any other sexual misconduct
defined in this Policy. Victims are encouraged to go to a hospital for treatment and
preservation of evidence as soon as practicable after such an incident if applicable.

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

3.91 knowingly failed to make a report of sexual harassment, sexual assault, dating
violence or stalking when the Responsible Employee was required to do so; or

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

3.10 **Confidentiality.** The identity of the following individuals is confidential and not subject
to disclosure under the Texas Public Information Act unless such individual(s) waive
nondisclosure in writing:

3.101 an alleged Victim of an incident of sexual harassment, sexual assault, dating
violence or stalking,

3.102 a person who reports an incident of sexual harassment, sexual assault, dating
violence, or stalking,

3.103 a person who sought guidance from the Component concerning such an
incident,

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

3.11 The identity of the individual(s) referenced in Section 3.10 herein may only be disclosed to the following:

3.111 a Component as necessary to conduct an investigation,
3.112 to the extent required by other law, the person or persons alleged to have perpetrated the incident of sexual harassment, sexual assault, dating violence or stalking or any other sexual misconduct defined in this Policy,
3.113 a law enforcement officer as necessary to conduct a criminal investigation; or
3.114 a health care provider in an emergency situation, as determined necessary by the Component.

3.1141 Information reported to a health care provider or other medical provider employed by a Component is confidential and may be shared by the provider only with the Victim’s consent.

3.1142 Health care providers must provide aggregate data or other nonidentifying information regarding incidents of sexual harassment, sexual assault, dating violence or stalking to the Component’s Title IX Coordinator.

3.115 potential witnesses to the incident as necessary to conduct an investigation of the report.

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

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

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

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

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

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

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

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

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

4.11 campus no-contact orders;
4.12 reassignment of housing or work assignments;
4.13 temporary withdrawal or suspension from the Component, in accordance with System Rules and Regulations Chapters IV § 2.2(14), V § 2.141, and VI § 5.(14);
4.14 escort or transportation assistance;
4.15 modification of class or work schedules; or
4.16 restrictions from specific activities or facilities.

4.2 Any interim disciplinary action must comply with System Rules and Regulations Chapters IV § 2.2(14), V § 2.141, and VI § 5.(14).
4.3 Failure to adhere to the parameters of any interim measures may be considered a separate violation of this Policy and may result in disciplinary Sanctions.

4.4 The Component will honor any order of protection, no contact order, restraining order or similar lawful order issued by any criminal, civil, or tribal court.

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

5. **Retaliation**

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

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

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

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

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

6. **Immunity/Amnesty**

6.1 Reporting, investigating, and adjudicating incidents of sexual misconduct is of paramount importance. The Component does not condone underage drinking, illegal use of drugs or other criminal behavior. However, the Component will not take any disciplinary action for prohibited conduct in relation to or concurrently with an incident of sexual misconduct, against a person who is enrolled with or employed by the Component for any violation of the Component’s code of conduct, provided:

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

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

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

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

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

7. Prohibition on Providing False Information
Any individual who knowingly files a false Complaint under this Policy, or knowingly provides false information to Component officials, or who intentionally misleads Component officials who are involved in the investigation or resolution of a Complaint shall be subject to disciplinary action, including but not limited to disciplinary actions as set forth herein.

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

8.1 Training
8.11 Primary Prevention Training. Each entering freshman and undergraduate transfer student, and new employees shall attend an orientation regarding sexual misconduct and the Sexual Misconduct Policy during the first semester or term of enrollment or employment. The Component shall establish the format and content of the orientation which may be provided online. The orientation must contain a statement regarding the importance of a Victim of sexual harassment, sexual assault, dating violence, or stalking going to a hospital for treatment and preservation of evidence, if applicable, as soon as practicable after the incident.
Additionally, primary prevention training programs shall be designed to promote awareness of sexual offenses and to incorporate risk reduction strategies to enable community members to take a role in preventing and interrupting incidents of sexual misconduct. The Component training will be based upon research and will be assessed periodically for effectiveness. Specifically, training will include:

8.111 awareness and prevention of rape, acquaintance rape, sexual harassment, domestic violence, dating violence, sexual assault, and stalking;
8.112 definitions of sexual misconduct offenses which are prohibited by the Component as defined by applicable law;
8.113 definition of consent as defined by Texas law;
8.114 risk reduction, such as recognition of warning signs of possible sexual misconduct, situational awareness and safety planning;
8.115 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;
8.116 procedures for reporting, investigating, and accessing possible Sanctions for sexual misconduct as described in this Policy;
8.117 options for reporting sexual misconduct and the confidentiality that may attach to such reporting;
8.118 campus and community resources available to Complainants or Respondents;
8.119 interim safety measures available for Complainants; and,
8.11(10) descriptions of additional and ongoing sexual misconduct training and,
8.11(11) Name, office location and contact information of the Component’s Title IX Coordinator with such information being provided at the student’s orientation and by email at the beginning of each semester.

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

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

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

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

8.51 local law enforcement agencies;
8.52 sexual harassment, sexual assault, dating violence, or stalking advocacy groups; and
8.53 hospitals or other medical resource providers.

9. Informal Resolution (Mediation)
9.1 Eligibility for Mediation. Informal resolution is available and appropriate for claims of Sexual Harassment, only if:

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

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

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

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

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

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

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

10.221 provide an electronic and/or hard copy of this Policy which explains the process and rights of all Parties;
10.222 request additional information regarding the reported incident;
10.223 explain the investigatory process;
10.224 explain the options for reporting to law enforcement authorities, whether on campus or local police;
10.225 discuss Complainant’s request for anonymity and confidentiality, if such has been requested, and explain that confidentiality may impact the Component’s ability to investigate fully;
10.226 determine whether the Complainant wishes to pursue a resolution;
10.227 refer the Complainant, as appropriate, to the counseling center or other resources which may include, but are not limited to, law enforcement, medical assistance, psychological counseling, Victim advocacy resources, legal resources, Component disciplinary action, immigration services, and criminal prosecution;
10.228 discuss with the Complainant, possible interim measures as described in this Policy;
10.229 inform Complainant and Respondent that, to the greatest extent practicable based on the number of counselors employed by the Component, the Component will ensure that each Complainant or
Respondent of an incident of sexual assault, or any other person who reports such incident, are offered counseling provided by a counselor who does not provide counseling to any other person involved in the incident; and,

10.22(10) inform Complainant and Respondent of an incident of sexual misconduct of the option of dropping a course in which both parties are enrolled without any academic penalty.

10.23 Interim Measures. The Title IX Coordinator and/or Investigator will determine and implement interim measures.

10.3 Prompt, Fair, and Equitable Investigation.

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

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

10.33 Equitable Treatment.

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

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

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

10.334 Complainant, Respondent and appropriate Component officials shall have reasonable and equitable access to all evidence relevant to the alleged violation in the Component’s possession, including any statements made by the alleged Victim or by other persons, information stored electronically, written or electronic communications, social media posts, or physical evidence, redacted as necessary to comply with any applicable federal or state law regarding confidentiality. Each Party shall be given an opportunity to respond to the investigator’s report in writing in advance of the decision of responsibility.

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

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

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

11.2 Title IX Coordinator Finding and Recommended Sanction.
11.21 The Title IX Coordinator will make a written Finding as to whether:

11.211 no reasonable grounds exist that the Sexual Misconduct Policy was violated and the matter is closed, or
11.212 it is more likely than not that Respondent violated the Sexual Misconduct Policy, and the nature of the violation(s).

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

11.23 Communication of the Finding and Recommended Sanctions.

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

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

12. Sanctions

12.1 Possible Sanctions. Sanctions for a Finding of a Policy violation will depend upon the nature and gravity of the misconduct and/or any record of prior discipline for sexual misconduct. Sanctions include, but are not limited to, the following:

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

12.2 Sanction Decision. Within seven (7) class days of receipt of the Finding, the responsible Component Administrator will issue written Sanctions and send such Sanctions with a copy of the Findings to the Complainant, Respondent, Title IX Coordinator, and when appropriate, additional individuals with supervisory authority over either Party that are not in line of appellate review. Component administrator shall inform Complainant of any Sanction(s) imposed on Respondent that directly relates to Complainant.
Administrators responsible for imposing Sanctions are:

12.31 **Student Respondent Sanctions.** Dean of Students will issue Sanctions for students. When Respondent is both a student and an employee, the Title IX Coordinator will determine whether the Respondent’s status is that of student, staff, or faculty for disciplinary purposes. When Respondent’s status is determined to be that of a student employed by the Component, the Dean of Students will consult with the AVP of Human Resources or equivalent prior to issuing Sanctions.

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

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

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

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

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

### 13. Dispute of Findings and/or Sanctions

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

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

13.11 The Component Representative for student due process hearings related to Sexual Misconduct shall be the Component’s Title IX Coordinator or designee;
13.12 When the matter is heard by more than one individual, the Component will establish a Hearing Adjudicator Chair.

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

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

13.15 Each Party shall have an opportunity to present witnesses and other evidence relevant to the alleged incident;

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

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

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

13.19 The Hearing Adjudicator Chair may modify the deadlines contained in this section as necessary to accomplish the purposes stated and for good cause, including, but not limited to, the complexity of the hearing, semester breaks and time-sensitive considerations.

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

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

13.22 The Chief Human Resources Officer shall provide a copy of the materials submitted to the other Party, the Title IX Coordinator, and the appropriate divisional Vice President within three (3) class days of receipt.
13.23 A Party who has not requested review, including the Component, may, but is not required to, submit a written response to the appropriate divisional Vice President within five (5) class days of receiving the materials.

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

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

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

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

13.32 The Component President shall designate a Hearing Officer to review.

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

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

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

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

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

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

13.41 The role of the Hearing Tribune is to review the investigation and the appropriateness of the Sanction for significant procedural errors or omissions;
13.42 All notices and correspondence shall be sent to Complainant, Respondent, Title IX Coordinator, and Provost who shall be referred to as Required Parties for purposes of this section.

13.43 Within five (5) class days of receipt of the Finding and/or Sanction, the faculty member must file a written request for a due process hearing by submitting the request together with any materials for review to the Provost.

13.44 The other Party shall receive notice of the hearing and has a right to be present, but shall not be compelled to attend any hearing. Complainant, Respondent, or Witness who does not want to be in the same room as one of the Parties shall, upon advance request, be accommodated.

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

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

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

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

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

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

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

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

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

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

14.21 previously unavailable relevant evidence;

14.22 substantive procedural error in the investigation or hearing; or

14.23 Sanction is substantially disproportionate to the Finding;

14.3 **Procedure for Student Appeals.**

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

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

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

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

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

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

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

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

14.43 The President may submit a written response to the appeal within thirty (30) calendar days of receipt of the appeal from the System Office.
14.44 The Board shall provide notice in writing of the reasons for its Decision simultaneously to the faculty member, the non-appealing Party, the President and Title IX Coordinator. The Decision of the Board is final.

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

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

15. **Final Decision**

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

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

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

15.31 Whether the alleged conduct was more likely than not to have occurred;
15.32 Any Sanction imposed on the Respondent that directly relate to the Complainant, and
15.33 Other steps the school has taken to eliminate the hostile environment, if the Component finds one exist(ed), and to prevent recurrence.

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

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

16.12 the number of reports received of sexual harassment, sexual assault, dating violence and stalking during the reporting period;
16.13 the number of investigations conducted during the reporting period;
16.14 the final dispositions occurring during the reporting period;
16.15 the number of reports for which the institution determined not to initiate a disciplinary process during the reporting period
16.2 The Title IX Coordinator or Coordinator’s designee of each Component shall immediately report to the Component’s President any incident of sexual harassment, sexual assault, dating violence or stalking if the Coordinator has cause to believe that the safety of any person is in imminent danger as a result of such conduct.

17. Administrative Reporting Requirements of the Component’s Presidents

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

17.12 the number of reports received of sexual harassment, sexual assault, dating violence and stalking during the reporting period;
17.13 the number of investigations conducted during the reporting period;
17.14 the final dispositions occurring during the reporting period;
17.15 the number of reports for which the institution determined not to initiate a disciplinary process during the reporting period, and,
17.16 any disciplinary actions taken against employees who knowingly fail to report an incident of sexual harassment, sexual assault, dating violence or stalking, when required to do so, or who knowingly with intent to harm or deceive make a false report of such conduct.
17.17 The report to the Texas State University System Board of Regents may not identify any person pursuant to Texas Education Code 51.253 (c) (1).

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

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

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

18. Biennial Policy Review

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

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

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

Component Affiliated Program or Activity refers to any program or activity, on or off campus, which is initiated, aided, authorized or supervised by the Component or by an officially-recognized organization of, or within, the Component.

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

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

Consent is an informed and freely and affirmatively communicated willingness to participate in a particular sexual activity. Consent can be expressed either by words or by clear and unambiguous actions, as long as those words or actions create mutually understandable permission regarding the conditions of each instance of sexual activity. It is the responsibility of the person who wants to engage in the sexual activity to ensure that s/he has the consent of the other to engage in each instance of sexual activity. (The definition of consent for the crime of sexual assault in Texas can be found at Texas Penal Code Section 22.011.)

The Component will consider the following factors in determining whether consent was provided:

1) consent is a voluntary agreement or assent to engage in sexual activity;
2) someone who is incapacitated cannot consent;
3) consent can be withdrawn at any time;
4) past consent does not imply future consent;
5) silence or an absence of resistance does not imply consent;
6) consent to engage in sexual activity with one person does not imply consent to engage in sexual activity with another;
7) coercion, force, or threat invalidates consent; and,
8) being intoxicated or under the influence of alcohol, drugs, or any other substance is never an excuse for engaging in sexual misconduct.

**Dating Violence** is violence committed by a person:
1) who is or has been in a social relationship of a romantic or intimate nature with the victim; and
2) where the existence of such a relationship shall be determined based on a consideration of the following factors:
   (a) the length of the relationship;
   (b) the type of relationship;
   (c) the frequency of interaction between the persons involved in the relationship
(20 U.S.C §1092) and 34 CFR 668.46 (j)(1)(i)(B)

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

**Family (Domestic) Violence** includes felony or misdemeanor crimes of violence committed by a current or former spouse or intimate partner of the Victim, by a person with whom the victim shares a child in common, by a person who is cohabitating with or has cohabited 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*) and 34CFR 668.46 (a).

**Fondling** - the touching of the private body parts of another person for the purpose of sexual gratification, without the consent of the Victim, including instances where the Victim is incapable of giving consent because of his/her age or because of his/her temporary or permanent mental incapacity

**Incest** - Sexual intercourse between persons who are related to each other within the degrees wherein marriage is prohibited by law

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

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

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

Rape – the penetration, no matter how slight, of the vagina or anus with any body part or object, or oral penetration by a sex organ of another person, without the consent of the Victim.

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

Responsible Employee refers to a campus employee, including members of a campus police or security, 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, employees, except:

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

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

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

Sexual assault means an offense classified as rape, fondling, incest, or statutory rape under the uniform crime reporting program of the Federal Bureau of Investigation and/or under the Texas Penal Code §22.011.

Statutory Rape—Sexual intercourse with a person who is under the statutory age of consent. Examples of sexual assault include, but are not limited to, the following non-consensual sexual activity:

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

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

Examples of sexual exploitation can include, but are not limited to, the following behaviors:
1) prostituting another;
2) non-consensual electronically recording, photographing, or transmitting intimate or sexual utterances, sounds or images without the knowledge and consent of all Parties involved;
3) voyeurism (spying on others who are in intimate or sexual situations);
4) going beyond the boundaries of consent (such as letting friends hide in a closet to watch another friend having consensual sex); or
5) distributing intimate or sexual information about another person without that person’s consent.

**Sexual harassment** means unwelcome, sex-based verbal or physical conduct that:
1) in the employment context, unreasonably interferes with a person's work performance or creates an intimidating, hostile, or offensive work environment; or
2) in the education context, is sufficiently severe, persistent, or pervasive that the conduct interferes with a student's ability to participate in or benefit from educational programs or activities at a postsecondary educational institution.

**Sexual Intimidation** includes but is not limited to:
1) threatening another with a non-consensual sex act;
2) stalking or cyber-stalking; or
3) engaging in indecent exposure as defined in Texas Penal Code 21.08.

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

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

**Stalking** means engaging in a course of conduct directed at a specific person that would cause a reasonable person to:
1) fear for his or her safety or the safety of others; or
2) suffer substantial emotional distress (Texas Penal Code Section 42.072) and (20U.S.C. §1092 (a))
**Student** refers to any person who has been accepted for admission, or who is currently or was previously enrolled in the Component on either a full-time or part-time basis.

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

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

**Title IX Coordinator** is the person who has been designated by each Component to coordinate efforts to comply with and implement this Policy. The Title IX Coordinator is responsible for conducting the administrative investigation of reports of sexual misconduct and is available to discuss options, provide support, explain Component policies and procedures, and provide education on relevant issues. The Title IX Coordinator may designate one or more Deputy Title IX Coordinators. Each Component will identify and provide complete contact information for their Title IX Coordinator and all Deputy Coordinators in various locations, including but not limited to the Component’s website; the student’s handbook; the Dean of Students Office; Human Resources; and Campus Police or Security; or their equivalents.

**Title IX Investigator** refers to the person who conducts the Title IX investigation.
### Crime Statistics: Criminal Offenses

#### Criminal Offenses - On campus

<table>
<thead>
<tr>
<th>Criminal offense</th>
<th>2017</th>
<th>2018</th>
<th>2019</th>
</tr>
</thead>
<tbody>
<tr>
<td>a. Murder/Non-negligent manslaughter</td>
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<td>0</td>
<td>0</td>
</tr>
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<td>0</td>
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<td>0</td>
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<tr>
<td>d. Sex offenses - Non-forcible (<strong>Include only incest and statutory rape</strong>)</td>
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<td>f. Aggravated assault</td>
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<tr>
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<td>0</td>
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<tr>
<td>h. Motor vehicle theft</td>
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<tr>
<td>i. Arson</td>
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</tbody>
</table>

#### Criminal Offenses - Noncampus

<table>
<thead>
<tr>
<th>Criminal offense</th>
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</tbody>
</table>
### Criminal Offenses - Public Property

<table>
<thead>
<tr>
<th>Criminal offense</th>
<th>2017</th>
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</tr>
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</tr>
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<td>0</td>
</tr>
</tbody>
</table>

### Crime Statistics: Hate Crimes

### Hate Crimes - On campus

Note: Your institution is required to disclose data on hate crimes by category of prejudice in your Annual Security Report. For purposes of this data collection, only the total number of hate crimes is required.

<table>
<thead>
<tr>
<th>Criminal offense</th>
<th>2017</th>
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<tbody>
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<td>0</td>
</tr>
<tr>
<td>j. Any other crime involving bodily injury</td>
<td>0</td>
<td>0</td>
<td>0</td>
</tr>
</tbody>
</table>
Hate Crimes - Noncampus

Note: Your institution is required to disclose data on hate crimes by category of prejudice in your Annual Security Report. For purposes of this data collection, only the total number of hate crimes is required.

<table>
<thead>
<tr>
<th>Criminal offense</th>
<th>Total hate crimes on noncampus</th>
</tr>
</thead>
<tbody>
<tr>
<td></td>
<td>2017</td>
</tr>
<tr>
<td>a. Murder/Non-negligent manslaughter</td>
<td>0</td>
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<td>j. Any other crime involving bodily injury</td>
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</tr>
</tbody>
</table>

Hate Crimes - Public Property

Note: Your institution is required to disclose data on hate crimes by category of prejudice in your Annual Security Report. For purposes of this data collection, only the total number of hate crimes is required.

<table>
<thead>
<tr>
<th>Criminal offense</th>
<th>Total hate crimes on public property</th>
</tr>
</thead>
<tbody>
<tr>
<td></td>
<td>2017</td>
</tr>
<tr>
<td>a. Murder/Non-negligent manslaughter</td>
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</table>
## Crime Statistics: Arrests and Disciplinary Actions On Campus

### Arrests - On campus

<table>
<thead>
<tr>
<th>Law Violation</th>
<th>Total arrests on campus</th>
</tr>
</thead>
<tbody>
<tr>
<td></td>
<td>2017</td>
</tr>
<tr>
<td>a. Illegal weapons possession</td>
<td>0</td>
</tr>
<tr>
<td>b. Drug law violations</td>
<td>0</td>
</tr>
<tr>
<td>c. Liquor law violations</td>
<td>0</td>
</tr>
</tbody>
</table>

### Disciplinary Actions - On campus

<table>
<thead>
<tr>
<th>Law Violation</th>
<th>Number of persons referred for Disciplinary Action on campus</th>
</tr>
</thead>
<tbody>
<tr>
<td></td>
<td>2017</td>
</tr>
<tr>
<td>a. Illegal weapons possession</td>
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### Arrests - Noncampus

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<tr>
<th>Law Violation</th>
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<th>Law Violation</th>
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</tr>
</tbody>
</table>
**Public Property**

**Arrests - Public Property**
Do NOT include drunkenness or driving under the influence in Liquor law violations.

<table>
<thead>
<tr>
<th>Crime</th>
<th>2017</th>
<th>2018</th>
<th>2019</th>
</tr>
</thead>
<tbody>
<tr>
<td>a. Illegal weapons possession</td>
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**Disciplinary Actions - Public Property**

<table>
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<th>Law Violation</th>
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</table>
Emergency Management and Business Continuity Plan

Only portions of the EMBCP have been included in this document. A full version of the plan can be located at http://www.lsco.edu/risk-management/emergency-management-and-business-continuity-plan.asp.

Purpose

The Emergency Management and Business Continuity Plan (EMBCP) is intended to establish policies, procedures, and organizational structure for response to emergencies that are of sufficient magnitude to cause a significant disruption of the functioning of all or portions of the College. This plan describes the roles and responsibilities of departments, units, and personnel during emergency situations. The basic emergency procedures are designed to protect lives and property through effective use of College and community resources. Since an emergency may be sudden and without warning, these procedures are designed to be flexible in order to accommodate contingencies of varies types and magnitudes.

This EMBCP addresses each type of emergency on an individual basis, providing guidelines for the containment of the incident. Section 5.1 provides emergency instructions for the College Incident Commander. Section 5.2 of this document provides emergency response information primarily for use by Staff, Faculty, and other on-site personnel who may be initial responders to an emergency.

Scope

This plan is a College-level plan that guides the emergency response of College personnel and resources. It is the official emergency response plan of the College and precludes actions not in concert with the intent of this plan or the organization created by it. However, nothing in this plan shall be construed in a manner that limits the use of good judgment and common sense in matters not foreseen or covered by the elements of the plan.

This plan and organization shall be subordinate to federal, state or local plans during a disaster declaration by those authorities. This Emergency Management and Business Continuity Plan is consistent with established practices relating to coordination of emergency response. Accordingly, this plan incorporates the use of the Incident Command System to facilitate interagency coordination, promote the use of common emergency response terminology and command structure, and facilitate the flow of information between responding agencies.

The College will cooperate with the Office of Emergency Management, State, County, and City Police and other responders in the development of emergency response plans and participate in multi-jurisdictional emergency planning exercises.
**Mission**

The College will respond to an emergency situation in a safe, effective, and timely manner. College personnel and equipment will be utilized to accomplish the following priorities:

Priority I: Protection of Human Life  
Priority II: Support of Health & Safety Services  
Priority III: Protection of College Assets  
Priority IV: Maintenance of College Services  
Priority V: Assessment of Damages  
Priority VI: Restoration of General Campus Operations

**The Emergency Management Team (EMT) / Incident Response Team (IRT)**

The Emergency Management Team (EMT) will evaluate information from various sources during the progress of the event and advise the President on appropriate actions requiring his/her decision. The Emergency Management Team is also responsible for the review and approval of the Emergency Management and Business Continuity Plan.

The Incident Response Team (IRT) is activated, at a level based on the type and nature of the incident, to respond to any emergency situation. The IRT reports to the EMT who in turn communicates directly with the President or designated College Incident Commander (CIC).

The Emergency Management Team and the Incident Response Team will meet annually to review the plan and conduct any necessary training to ensure smooth implementation of the plan in the event of an emergency.

**Emergency Response**


**Incident Commander Action Steps (Section 5.1)**

The Incident Commander Action Steps for the College Incident Commander are identified in Section 5.2. The first checklist is for the pre-disaster alert, watch, and warning periods. The second checklist is for use in the immediate post-disaster period. Various emergency/disaster events are listed and suggested response steps for the CIC and the IRT are identified.

**Incident Response Plan (Section 5.2)**

The Incident Response Plan is organized by various emergency/disaster events and provides action steps to be taken by the initial responders. It is intended for use by the Faculty and Staff.

**Individual Roles**

**Role of the President**

This plan is promulgated under the authority of the President of the College. All decisions concerning the discontinuation of College function, cancellation of classes, or cessation of operations, rest with the President or his/her designee. After consulting with the Emergency
Management Team, the President shall be responsible for declaring a major institutional emergency.

The President of the College is the College Incident Commander and is the individual responsible for the command and control of all aspects of an emergency situation.

**Role of Faculty and Staff**

Faculty members are seen as leaders by students and should be prepared to direct their students to assembly areas in the event of an emergency and account for every student. Every member of the Faculty and Staff should read and be familiar with emergency plans and familiarize themselves with emergency procedures and evacuation routes. Faculty and Staff must be prepared to assess situations quickly but thoroughly and use common sense in determining a course of action. Faculty and Staff members will be designated to serve as building liaisons. Building Liaisons will be responsible for ensuring building occupants follow emergency response plans for shelter in place or evacuation. Emergency evacuation routes for each building, including assembly areas, are identified on Appendix D and shall be utilized by the building liaison in an emergency situation requiring evacuation.

All Faculty and Staff are responsible for securing their work areas. Work areas need to be secured in advance of certain weather systems (hurricanes, winter storms, floods, etc.).

**Role of Students**

Every student should familiarize themselves with the emergency procedures and evacuation routes in buildings they use frequently. Faculty, Staff, and Students should also be able to execute Emergency Lockdown and other safety procedures as outlined in the Incident Response Plan. Students should be prepared to assess situations quickly but thoroughly, and use commonsense in determining a course of action. They should proceed to assembly areas in an orderly manner when directed by emergency personnel or when an alarm sounds.

**Plan Activation & Operation**

In responding to any emergency it is important for the CIC to classify the severity or level of the event. This plan utilizes the following definitions:

**Level 1 – Minor Incident.** A Minor Incident is defined as a local event with limited impact which does not affect the overall functioning capacity of the College. Examples would be a contained hazardous material incident or a limited power outage. The initial responders and/or Security typically handle the situation.

The CIC may be notified, but the EMBCP is not activated (neither the EMT nor the IRT respond).

**Level 2 – Emergency.** Any incident, potential or actual, which seriously disrupts the overall operation of the College. Examples would be a building fire, a civil disturbance, or a widespread power outage of extended duration. The initial responders and/or Security cannot handle the situation. The CIC is notified and the EMBCP is activated and outside support services may be required.
A major emergency requires activation or partial activation of the EMBCP (the IRT is assembled and the EMT is consulted). Several Units respond and outside emergency services may also be involved.

**Level 3 – Disaster.** Any event or occurrence that has taken place and has seriously impaired or halted the operations of the College. Examples would be a hurricane, a damaging tornado or other community-wide emergency. The event would likely disable College operations for at least 24 hours.

In some cases large numbers of Student, Staff, and Faculty casualties or severe property damage may be sustained. A Disaster requires activation of the EMBCP (the IRT is assembled and the EMT is consulted). Most if not all Units respond and outside emergency services will likely be involved.

**Monitoring Responsibilities**
The primary responsibility for monitoring emergency threats and events resides with Security. Security serves on a continuous 24/7/365 basis and is always available to receive emergency communications from a variety of official and public sources, including:

- National Warning System
- National Weather Service (NWS)
- Emergency Broadcast System (EBS)
- State Police
- Local Police, Fire and Emergency Medical Services
- College communication systems
- Emergency telephone calls

Other entities, notably Facilities, will monitor developing weather systems. However, such activity does not mitigate the responsibility of Security to serve as the central communications point for all campus threats including weather related emergencies which may develop slowly (severe winter storms, blizzards, hurricanes, etc.) or suddenly (tornadoes, severe thunderstorms, etc.).

**Notification**

Security has overall responsibility for alerting the appropriate parties. Accordingly, initial responders should always contact Security immediately. First responders may also contact other appropriate entities – such as the Fire Department if a fire breaks out.

In case of any type of emergency, the Security Supervisor (supervisor in charge) should follow Security standard operating procedures. If the emergency warrants, he/she should communicate immediately with the Director of Security, who should communicate with the CIC or Executive Director, College Affairs. No one else should attempt to contact the CIC for purposes of notification. If there is doubt that the CIC has been contacted then Security should be contacted for clarification.
Security will have a list of the EMT members and telephone contact information. If the CIC or Executive Director, College Affairs is not available, Security will have the priority list of CIC and continue to make telephone calls until contact is made.

Faculty, Staff, and Students will be notified via Connect Ed of any emergency affecting overall college activities. Notifications will be via phone, email, and text.

**Plan Activation**

Plan activation begins at the discretion of the CIC upon the receipt of information of an emergency event or threat of an emergency. Based on the Security report, and information obtained from other appropriate entities, the CIC will declare the level of the emergency and activate the EMP to the extent necessary to control the situation.

Upon activation, the IRT will be notified and should report to the designated command center as directed. The CIC shall review the circumstances of the emergency with the EMT and determine the appropriate response. Section 5.2 provides general guidelines for responding to specific disasters.

**Warning**

Should it be deemed necessary to warn the College community of an impending threat or emergency situation, Faculty, Staff, and Students will be notified via BlackboardConnect. Notifications will be via phone, email, and text.

If either an Emergency or a Disaster (Level 2 or 3) is declared, the EMBCP will be activated. Upon declaration of an emergency or disaster, the IRT members needed to respond will be notified and should report immediately to the designated command center location. The EMT will also be notified and should report as needed.

Predictable events, such as a certain meteorological storms, are treated differently from emergency incidents. Security is designated to monitor these events on a 24/7/365 basis. The Director of Security and Community Liaison or his/her designee will contact the CIC.
**Bomb Threat or Suspicious Package**

If a suspicious package is discovered on the campus, the individual making the discovery shall immediately contact Security at 670-0789 and provide as much information as possible. At a minimum, the individual should provide a description of the suspicious package, the location, and any specific characteristics.

If a telephone call or information is received stating a bomb is on the campus:

- Recipient will write down the call as precisely as possible, noting time of call, length of call, and any distinguishing characteristics of the caller’s voice (including male/female, accent, age, etc.) and the possible location. (Note: Use the attached checklist for bomb threats.)
- Recipient should not hang up the phone when the call is completed. Keep the line open or place it on “hold”.
- Recipient immediately contacts Security and advises them of the call, and provides a detailed written text.

In addition to contacting the Incident Commander, Security will call 911 advising local emergency service authorities of the situation (bomb threat or suspicious package) and request local emergency service assistance. Local emergency service authorities should be provided any updated information upon arrival.

Security will be posted to ensure no one enters the building(s) until emergency personnel arrive and the area is determined to be safe.

All students, faculty, and staff will vacate the affected buildings, and move to a safe location as designated by officials on site, staying at least 300 feet from the nearest affected building.

Once local emergency service authorities arrive, the Incident Commander will coordinate and assist them. Only trained personnel should attempt to perform a methodical search of the buildings.

The local emergency services authorities will notify the Incident Commander when reentry to the building is allowed.
**Campus Disturbance or Demonstration**

Generally, peaceful, non-obstructive demonstrations should not be interrupted. Demonstrators should not be obstructed or provoked and efforts should be made to conduct College business normally.

A student demonstration should not be disrupted unless one or more of the following conditions exist as a result of the demonstration:

- Interference with normal operations of the College
- Prevention of access to office, building, or other College facilities
- Threat of physical harm to people
- Threat or actual damage to College property

If any of these conditions exist, the Incident Commander with assistance from Security will ask the demonstrators to terminate the disruptive activity and inform them that failure to discontinue the specified action will result in disciplinary action and intervention by civil authorities. If the disruptive activity does not cease immediately, local civil authorities should be called for assistance.

If demonstrators are asked to leave, but refuse to leave by regular facility closing time:

Arrangements should be made for Security to closely monitor the situation during non-business hours,

A decision will be made to treat the violation of regular closing hours as a disruptive demonstration.

If there is an immediate threat of bodily harm or damage to property, Security will dial 911 for assistance and contact the Incident Commander with an update of the situation.

The local emergency services authorities will notify the College when normal operations can resume. Safety and security of innocent bystanders or occupants are the primary concerns.
Fire and Facility Evacuation Procedures

If a fire is discovered in any building on campus, the individual shall immediately pull the closest fire alarm switch.

When a fire alarm is activated, all occupants will evacuate the building in a timely and responsive manner. Building Liaisons should be the last occupants to leave the building to ensure everyone has exited the building. A Building Liaison for each building will be appointed.

Should a person have to remain in the building due to circumstances beyond his/her control, the Building Liaison will notify the arriving fire officials of the person’s location and the condition of the individual (i.e., handicapped, wheelchair bound, injured, etc.).

The alarm systems should be designed to notify the monitoring company of a fire at the location in which the alarm was activated. Security will immediately contact the Incident Commander and inform him/her of the situation.

When feasible, Security will respond to the alarm panel of the building that has been activated and determine the exact location of the activation. Security will go to that location to determine the response needed and will inform the arriving emergency personnel of their findings and will assist with traffic and crowd control.

Evacuation

When an evacuation of a building is ordered, the evacuation will be done in an orderly and safe manner. All faculty, staff, and students are to assemble in areas designated by the Emergency Management and Business Continuity Plan Coordinator. Evacuation orders may be given for multiple purposes. Building Liaisons will be responsible for notifying building occupants where the assemble area is. Emergency evacuation routes for each building, including assembly areas, are identified on Appendix D and shall be utilized by the building liaison in an emergency situation requiring evacuation.

Building Liaisons are the safety committee members and other designated personnel for each building.
**Evacuation Procedures**

When an evacuation of a building is ordered, the evacuation will be done in an orderly and safe manner. All faculty, staff, and students are to assemble in designated areas. Evacuation orders may be given for multiple purposes. See Appendix D for evacuation routes and designated areas for assembly.

1. Know where all emergency exits, alarm pulls, and fire extinguishers are located.

2. Never assume the alarm is only a drill.

3. When the alarm sounds, remain calm.

4. Make sure employees/students in your area have heard the alarm and know to evacuate immediately.

5. Turn off all equipment.

6. Shut the door as you exit.

7. Check restrooms and workrooms as you exit the building.

8. Use exits away from any visible smoke or fire.

9. Do **not** use the elevator.

10. Anyone who is unable to exit on his or her own should be assisted to an area at the top of the stairs to await evacuation by the fire department. Do **not** block the stairs.

11. Proceed to a previously designated area away from the building. Check class roll or have all students and employees sign a list so everyone is accounted for.

12. Do not try to leave the parking area. Streets must remain clear to allow emergency vehicles access to the building.

13. Do not return to the building until the Director of Security & Safety or Director of Physical Plant gives instructions to do so.

Procedures for evacuation and location of fire extinguishers and alarm pulls are posted in each classroom.
Hostile Intruder Incident

If a Hostile Intruder is discovered on the campus, the individual making the discovery shall immediately contact Security and 911 and provide as much information as possible. Do not approach the intruder or intervene in any ongoing crime. At a minimum, the individual should provide a description of the intruder and any specific characteristics (height, weight, hair color, race, and type and color of clothing) and type of weapon(s) if any.

If gunshots are heard within a building, individuals in hallways will immediately seek shelter in classrooms. Faculty will close and lock or barricade room doors, close windows and window treatments, and turn off the lights to that area. Faculty should try to calm student fears and keep them as quiet as possible and out-of-sight. Faculty will stay in the locked/barricaded room until informed by Police/Security personnel that it is safe to come out of the area. Faculty should use cell phones to call 911 and notify Security personnel of the situation.

Under no circumstances should the fire alarm be activated or an attempt made to evacuate the building unless you are in the room or immediate area where the shots are being fired. Persons may be placed in harm’s way when they are attempting to evacuate the building.

Office personnel in the affected building will close and secure their office areas and immediately call 911 and Security at 670-0789.

Security will be posted to ensure no one enters the building(s) until local emergency services personnel arrive and the area is determined to be safe. The BlackboardConnect broadcast system will be activated to inform the campus of the threat and to provide instructions on precautions to be taken.

Once local emergency service authorities arrive, the Incident Commander will coordinate any information or assistance with them. Only trained law enforcement personnel should attempt to perform a methodical search of the buildings in which the hostile intruder is located.

A senior law enforcement officer on scene will notify the Incident Commander when reentry to the building can be made and the classes and office areas are safe to open.
Shelter-in-Place

There are a number of emergency situations where an evacuation of a building and/or classroom is not advisable – tornadoes, hostile intruder, hazardous release outside, terrorist attack, etc. Standard Operating Procedures for each building on campus have been developed. Please refer to the Shelter in Place document found on Blackboard under the Employee Resources/Work Life tab in the Safety Section.

Communications

• A “Shelter-in-Place” will be announced via BlackboardConnect.

• If a situation that may require a Shelter-in-Place is discovered, the individual making the discovery shall immediately contact Security who will advise the Incident Commander and provide as much information as possible.

• Fire evacuation alarms are not to be sounded.

Procedures

• Lock classroom and other doors.

• Close windows & window treatments.

• Turn off lights.

• Everyone is to remain quiet and not enter hallways.

• Should the fire alarm sound, do not evacuate the building unless:
  o You have firsthand knowledge that there is a fire in the building, or
  o You have been advised by Police/Security to evacuate the building

• Crouch down in areas that are out of sight from doors and windows.

• Students in hallways are to seek shelter in the nearest classroom.

• Students in outdoor areas should immediately take cover.
**Terrorist Attack**

**Weapon of Mass Destruction**
A Weapon of Mass Destruction includes biological, chemical, nuclear, incendiary or highly explosive material and any combination thereof.

**General Guidelines**
Emergency action steps will depend upon the type of device and/or agent used and whether it is used on-campus, in a campus building or off-campus. The College has developed plans to respond to such situations and has established lines of communication with appropriate civil authorities to obtain current information.

**Action Steps**

1. Notify Security at 409 670-0789, who will:
   a. Call 911 to dispatch police/bomb-squad and fire/hazmat
   b. Contact the Incident Commander
   c. Contact the FBI
   d. Contact the Local/Regional Office of Emergency Management
   e. Contact the Local Health Department

2. In most cases authorities will set-up an Incident Command Center upwind of the hazard.

3. Avoid contamination:
   a. At the point of the release
   b. By exposed individuals
   c. Limit access in the area to those responsible for rescue or material/device analysis

4. Do not touch or move any suspicious object:
   a. Do not use radios, cell phones, etc. that may trigger detonation
   b. Evacuate the area

5. If an unknown material has been released:
   a. Facilities will shut down ventilation systems
   b. If the release is internal, secure the affected area and evacuate
   c. Affected individuals should quarantine themselves at a safe location
   d. If the release is external, secure the perimeter and execute a Shelter-in-Place

6. If a hazardous release occurs off-campus:
   a. And contamination is expected to affect the campus, you will be given instructions to remain indoors
   b. And contamination is not expected to affect the campus, you will be given instructions on avoiding any contaminated areas.
Training and Campus Drills

Training
Lamar State College Orange is committed to ensuring our students, faculty, and staff are prepared for an emergency situation that may arise on our campus. Faculty and staff will be trained annually to understand the function and elements of this plan, including types of potential emergencies, reporting procedures, evacuation plans, and the responsibility of their individual department unit plan. Training will address the following:

- Introduction to EMBCP
- Individual roles and responsibilities
- Threats, hazards, and protective actions
- Notification, warning, and communication procedures
- Locations of all emergency exits
- Locations of fire alarm pull station and the fire extinguisher locations
- Emergency response procedures
- Evacuation, shelter, and accountability procedures

Training will be conducted by the Emergency Management Team, outside professional individuals, department supervisors, or other local emergency service entities.

Campus Security Authority Training
Lamar State College Orange CSA’s are trained initially and thereafter annually using Clery Center materials and other Texas State University System guidance.

Campus Drills
Campus drills should promote preparedness, improve the response capability of individuals, validate plans, policies, procedures and systems, and verify the effectiveness of command, control, and communication functions. Drills will vary in size and complexity to achieve different operational objectives.

The following types of drills can be used:

- Tabletop Drills simulate an activation of the EMBCP in an informal, stress-free environment. They are designed to promote constructive discussion as participants examine and resolve potential problems based on the plan.
- Functional Drills are interactive drills performed in real time that test the capability of the agency to respond to simulated continuity activation.
- Full-Scale Drills simulate continuity activation through field exercises designed to evaluate the executive of the plan in a highly stressful environment.
Drills are conducted to validate elements of the EMBCP, both individually and collectively. LSCO is committed to ensuring that realistic exercises are conducted, during which individuals and business units perform the tasks that are expected of them in a real event. Drills should be conducted on an annual basis.

Each drill activity, as well as actual events, will be evaluated and an After Drill Report and Improvement Plan should be completed. The evaluation will identify strengths and weaknesses and suggest areas for improvement that will enhance LSCO’s preparedness. The information will be collected and prepared by the EMBCP Coordinator, and reviewed and approved by the Emergency Response Team. Once approved, the EMBCP Coordinator will incorporate applicable lessons learned into the EMBCP.

Recommended evacuation routes and assembly points are located in the EMBCP, Appendix D.