



2023 Annual Security and Fire Safety Report

In compliance with the Jeanne Clery Disclosure of Campus Security Policy and Campus Crime Statistics Act (20 USC § 1092(f), 34 CFR 668.46), the policies and procedures outlined in this report contains information for 2023-2024 academic year and statistical information for 2020,2021 and 2022.

All policies and procedures apply to the following campuses: Main Campus, Gateway Campus, Laurel Campus, Fire Academy and Frank Robinson Facility.

This report is also available on the Lamar Institute of Technology website at:

<https://www.lit.edu>



2023 Annual Security Report Updated on October 5, 2023.

*Correction was made from “2022” to “2023” on page 8 in “**Message from the President**” to correct error made during publishing.*

*Correction was made in the **Campus Security Authorities** on page 14; Andrea Stephenson’s title changed to Registrar to reflect current job title, Julia Rodriguez was removed from CSA list as she transitioned from LIT, Barbetta Womack and Rebecca Gentry were added as CSA’s for LIT.*

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Reporting suspicion to another individual or to an official does not satisfy the reporting requirement. All employees are required to comply with college policy (Policy and Procedure Manual, 10.6 Campus Program for Minors & Child Abuse Training Requirements); however, an employee’s first obligation is to protect the child by reporting to law enforcement or the Department of Family and Protective Services. Any person who knowingly fails to report suspected child abuse or neglect commits a Class A Misdemeanor, which is punishable by up to one year in jail and/or a fine of up to \$4,000.....	42
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Message from the President

At Lamar Institute of Technology (LIT) we are dedicated to high quality teaching and learning in a safe and secure environment. This safety net ensures that our faculty, staff, and students can concentrate on their work and student success goals. To accomplish the goal of having a safe work and academic space for our faculty, staff, and students, LIT makes safety a top priority by providing high quality safety education and prevention programs across all of our campus locations.

The 2023 Campus Security and Fire Safety Report includes information about the services the College provides and the resources available to the campus community. We encourage our faculty, staff, and students to ask questions and share ideas with staff and faculty, so that everyone can work together to help maintain a safe, secure, five-star educational and work environment.

As safety is a shared responsibility across all campus locations of LIT, we continuously work together with faculty, staff, students, and the community on how to actively watch, listen, and observe within their surroundings. This will help to continuously ensure a safe educational environment as everyone is participating in the same goal of safety first.

In the coming year, LIT will continue to solicit feedback from faculty, staff, students, and the community to help expand our safety and security practices across all campus locations. We encourage all LIT stakeholders (students, faculty, staff, and the community) to reach out to us with the concerns and ideas at any time.

Sidney Valentine, Ph.D.

President

Lamar Institute of Technology

Lamar Institute of Technology 2023 Annual Security Report

In 1998, Congress passed amendments to the Crime Awareness and Campus Security Act of 1990, which had amended the earlier Higher Education Act of 1965 (HEA), renaming the law to the Jeanne Clery Disclosure of Campus Security Policy and Campus Crime Statistics Act, also known as the Clery Act. This law requires institutions of higher education that are receiving federal funds to do several things, including:

- Publish an annual report disclosing campus security policies and programs and three years of selected crime and fire statistics;
- Provide warnings and notifications to the campus community about incidents that pose an immediate, serious, or continuing threat; and
- Create, maintain, and make available a daily crime log.

The purpose of the Clery Act is to provide current and prospective students, as well as current and prospective employees, with accurate and important information about crimes and campus safety so they can make informed decisions. The 2023 report includes crime statistics that were reported in 2020, 2021, and 2022. Statistics for the 2023 calendar year will appear in next year's report.

In addition to annual crime statistics, this report provides information and institutional policy statements related to campus security and personal safety in several specific areas. These include how to report crimes and other emergencies, campus and community resources, emergency response and evacuation procedures, security of institutional facilities, campus crime prevention awareness programs, sexual assault prevention and resources, drug and alcohol abuse prevention and fire safety.

Lamar Institute of Technology (LIT) is a member of the Texas State University System (TSUS)

Accessibility to Information and Non-Discrimination Statement

LIT is committed to providing equal access and opportunity for all persons regardless of race, sex, color, religion, national origin or ancestry, age, marital status, disability, sexual orientation, gender identity, or veteran status, in employment, educational programs, and activities and admissions.

LIT complies with the following:

- Title IX of the Higher Education Amendments of 1972, which prohibits discrimination on the basis of sex in educational programs or activities at institutions that receive federal financial funding;
- Title VII of the Civil Rights Act of 1964 (Title VII), which prohibits sex discrimination in employment;
- Section 504 of the Rehabilitation Act of 1973, which prohibits discrimination based on disability,
- Age Discrimination Act of 1975, which prohibits discrimination based on age, and
- Campus Sexual Violence Elimination Act, which increases transparency on campus about incidents of sexual violence, guarantees victims enhanced rights, set standards for disciplinary proceedings and requires campus-wide prevention educational programs.

Sexual misconduct, as defined in the [TSUS Sexual Misconduct Policy](#), constitutes a form of sex discrimination prohibited by Title IX and Title VII. For any complaints or questions related to sexual misconduct or sex discrimination, you may contact:

Title IX Coordinator & Compliance Officer:
titleix@lit.edu
409-247-4838

Preparation of the Annual Security Report and Disclosure of Crime Statistics

Each year, Lamar Institute of Technology (LIT) collects, compiles, and publishes the Annual Security Report (ASR) in compliance with the Clery Act. The ASR provides statistics for the previous three years concerning reported crimes that occurred on campus, in certain off-campus buildings or property owned, leased or controlled by LIT. The data is obtained from reports made to Lamar University Police Department (LUPD), the Beaumont Police Department, Silsbee Police Department, Campus Security Authorities (CSA), and the Title IX Coordinator. Crime statistics reported to any of these sources are recorded in the calendar year the crime was reported. A written request for statistical information is made on an annual basis to all Campus Security Authorities (CSA) and to all Institute Deans, Directors, and Department Heads. This report also includes important information concerning campus safety and security, such as policies regarding sexual assault, alcohol and other drugs. The resulting data is used to prepare the annual crime statistics report.

LIT submits the annual crime statistics published in this brochure to the Department of Education (ED). The statistical information gathered by the ED is available to the public through this website. <https://ope.ed.gov/campussafety/#/>

The ASR is published by October 1st and then disseminated to the LIT community via email. Notifications of the ASR are also provided through Human Resources for prospective employees and through LIT's Admissions Office for prospective students. It is also available online at [2022 Annual Security Report](#) and a paper copy may be requested at any time by contacting:

Title IX Coordinator & Compliance Officer
titleix@lit.edu
(409) 247-4838



Campus Security & Local Law Enforcement

LIT takes great pride in our campus community by offering students and employees many advantages. This community is a great place to live, learn, work and study. However, this does not mean that the campus community is immune from all of the other unfortunate circumstances that arise in other communities. With that in mind, LIT has taken progressive measures to create and maintain a reasonably safe environment on campus. LIT is progressive with its policies, programs, and education, it is up to each one of us to live with a sense of awareness and use reasonable judgment when living, working or visiting on campus.

Lamar University Police Department (LUPD)

LUPD protects and serves the campus community 24 hours a day, 365 days a year. The department is responsible for a number of campus safety and security programs, including emergency management, community safety and security education, physical security, including security technology, behavioral threat assessment, and special event management.

The Department is comprised of officers employed through Lamar University with the following qualifications:

- Are certified Texas Peace Officers with statewide jurisdiction to enforce local, state, and federal laws and LIT Policies per the Texas Education Code Section 51.203.
- Have the power to make arrests.
- The LUPD Officers have jurisdiction to operate on LIT owned or controlled property. LUPD Officers are license peace officers in the State of Texas. They have countywide jurisdiction per the Texas Education Code Section 51.203.
- All of LUPD's commissioned officers have successfully completed law enforcement training at a state certified police academy.
- All officers are required to attend annual in-service as well as on-the-job training.

LUPD's Mission Statement: "Primary goals are to protect faculty, staff, students, and visitors against criminal attack, to preserve peace and to protect the property of the University and college community. Additionally, the Police Department manages law enforcement and security operations, and engages in long term planning to assure maximum effectiveness."

Local Law Enforcement Authorities and Interagency Relations

The LUPD maintains a strong working relationship with state and local police agencies, including the Texas Department of Public Safety, the City of Beaumont Police Department, and Jefferson County Sheriff's Department. LUPD participates in an Inter-municipal Mutual Aid Agreement with the City of Beaumont Police Department and Jefferson County Sheriff's Department. This agreement authorizes LUPD officers and supervisors of the participating agencies to request mutual aid for incidents based upon a reasonable belief that such aid will enhance the public's and/or officer safety and efficiency including the investigation of criminal incidents. The agreement also allows for joint training and cooperation on other matters, such as preplanned large-scale special events. It includes inter-operative radio capability, a joint police records computer system, and investigation of serious incidents.

Local Law Enforcement Authorities

All incidents occurring within the Main Campus may contact:

LIT 855 E Lavaca Beaumont, TX 77710

Lamar University Police Department

Emergency Phone: 409 880 7777

Non-Emergency Phone: 409 880 8307

Address: 211 Red Bird Lane Beaumont, TX 77710

All incidents occurring within these locations may contact:

Gateway Campus- 3871 Stagg Drive Beaumont, TX 77701

Truck Driving Academy-1105 Laurel Ave Beaumont, TX 77706

Fire Grounds Training Center-600 Marina Drive Beaumont, TX 77706

Beaumont Police Department

Emergency Phone: 911

Non-Emergency Phone: 409 832 1234

Address: 255 College Street Beaumont, TX 77701

Jefferson County Sheriff's Department

Emergency Phone: 911

Non-Emergency: 409 835 8411

Address: 1001 Pearl St#103 Beaumont, TX 77701

Texas Department of Public Safety

Emergency Phone: 911

Non-Emergency (business hours only): 409 924 5400

Address: 7200 Eastex Fwy, Beaumont, TX 77708

All incidents occurring within the Frank Robinson Center may contact:

1355 W Martin Luther King Jr. Drive Silsbee, TX 77656

Silsbee Police Department

Emergency Phone: 911

Non-Emergency: 409 385 3714

Address: 1104 N 5th Street Silsbee, TX 77656

Hardin County Sheriff's Department

Emergency Phone: 911

Non-Emergency: 409 246 5100

Address: 300 West Monroe St Kountze, TX 77625

Reporting Crimes and Other Emergencies

LIT has a number of ways for campus community members and visitors to report crimes, serious incidents, and other emergencies to appropriate LIT officials. Regardless of how and where you decide to report these incidents, it is critical for the safety of the entire LIT community that you immediately report all incidents to LUPD by dialing 911 or (409) 838-7777 for non-emergency help. This ensures an effective investigation and appropriate follow-up, including issuing a Timely Warning or other Emergency notifications. We also recommend that you participate in and support crime prevention efforts. The LIT community will be much safer when all community members participate in safety and security initiatives.

Accurately and Promptly Reporting

We encourage all members of the LIT community and visitors to accurately and promptly report all criminal activity, suspicious activity and any emergencies on campus, on public property running through or immediately adjacent to the campus, or in other property that is owned by LIT to LUPD as soon as safely possible, including when the victim elects to, or is unable to, make such a report.

Remember to stay on the line with the emergency operator until they hang up. LUPD has a dispatch center that is available twenty-four hours a day. In response to a call, LUPD will take the required action, either dispatching an officer or asking the victim to report to LUPD to file an incident report. All reported crimes will be investigated by LUPD and may become a matter of public record. All LUPD incident reports are forwarded to the [Associate VP for Student Services](#) for review and referral to the Title IX Coordinator for potential action, as appropriate.

Members of the community are helpful when they immediately report crimes or other emergencies to the Lamar University Police Department and/or Campus Security Authorities (see chart below for list of campus CSAs) for the purposes of including them in the annual statistical disclosure and assessing them for issuing Timely Warning Notices, when deemed necessary.

Campus Security Authorities (CSA)

While LIT prefers that community members promptly report all crimes and other emergencies directly to LUPD, we also recognize that some may prefer to report to other individuals. The Clery Act recognizes certain LIT officials and offices as Campus Security Authorities (CSA). The Clery Act defines these individuals as an official of an institution who has significant responsibility for student and campus activities, including, but not limited to, student discipline and campus judicial proceedings. CSA's are a more defined group of employees who have received special training. Students are informed that CSA's are individuals to speak with when reporting concerns. CSA's must report immediately to LUPD all crimes or reports of criminal activity that are brought to their attention for purposes of including them in the annual statistical disclosure and assessing them for issuing a Timely Warning Notices, when deemed necessary. While LIT has identified several CSA's, see chart below for contact information.

Lamar Institute of Technology Campus Security Authorities 2023				
Campus Security Authorities 2023				
Name	Department	Title	Email Address	Reason For Designation
Tasha Morales	Student Services	Associate VP of Student Services	tmorales@lit.edu	Individual that serve as a member in an office or of a committee to whom students are instructed and informed to report or discuss crimes, allegations of crimes, and other troubling situations.
Brenda McKay	Student Services	Title IX Coordinator & Compliance officer	bmckay1@lit.edu	Individual that serve as a member in an office or of a committee to whom students are instructed and informed to report or discuss crimes, allegations of crimes, and other troubling situations.
Beth Knappe	Human Resources	Director of Human Resources	bknappe1@lit.edu	Groups of individuals and organizations specified in the Clery Act and associated with the campus, including:
Andrea Stephenson	Student Services	Registrar	aostephenson@lit.edu	Individual with official job responsibility that involve significant interaction with students and/or campus activities.
Ana Pereda	Workforce Training & Continuing Education	Executive Director of Workforce	apereda@lit.edu	Individual that also serve as informal or unofficial mentors to students. (Camp Director)
Shawn Gray	Student Health Center	Assistant Vice President of Health, Wellness, and Accessibility	shawn.gray@lamar.edu	Individual with official job responsibility that involve significant interaction with students and/or campus activities.
Melinda Davis	Academics	Gateway Coordinator	mwdavis@lit.edu	Individual with official job responsibility that involve significant interaction with students and/or campus activities.
Barbetta Womack	Workforce Training & Continuing Education	Coordinator of Continuing Education	bwomack@lit.edu	Individual with official job responsibility that involve significant interaction with students and/or campus activities.
Leigh Burks	Technology	Silsbee Coordinator	lburks@lit.edu	Individual with official job responsibility that involve significant interaction with students and/or campus activities.
Ken Mason	Workforce Training & Continuing Education	Dean of Strategic Initiatives	kjmason@lit.edu	Individual with official job responsibility that involve significant interaction with students and/or campus activities.
Gary Rash	Campus Safety	Executive Director of Campus Safety	wgash@lit.edu	Individual with official job responsibility that involve significant interaction with students and/or campus activities.
Rebecca "Becky" Gentry	Campus Safety	Director of Safety	rgentry@lit.edu	Individual with official job responsibility that involve significant interaction with students and/or campus activities.
Trazarra Stelly	Public Service & Safety	Instructor	tnstelly@lit.edu	Individual with official job responsibility that involve significant interaction with students and/or campus activities: *** Training Completed 6/16/23

CSA Reporting Process

The CSA's must provide guidance on what should be discussed with the victim or reporter. Below are the requirements for CSA's.

- **Safety**-Ensuring the reporter or the survivor is in a safe environment to make the report.
- **Offer Law Enforcement**-Providing the option on behalf of the reporter or survivor to assist in contacting the law enforcement agency related to the jurisdiction where the crime occurred. It is not the CSA's duty to persuade the reporter or survivor to call law enforcement. As a CSA you must advise the reporter prior to taking the report that the report is private but not confidential, and that a CSA may forward the information with a request for anonymity.
- **Be Clear**-The CSA duties include explaining the LIT requirements for reporting in compliance with the Clery Act. If the report involves a crime that also falls under the Texas State University System Sexual Misconduct Policy and under article 4.2.5 Campus Security Authority, the report may be shared with the LIT Title IX Coordinator. These crimes include a report of sexual assault, dating violence, domestic violence, or stalking. In these cases, CSAs should direct the reporter [to click here for Rights and Resources](#) and to view their rights, policies, and procedures. For all other rights, CSAs can direct reporters to the LUPD website at [Lamar University Police Department](#).

- **Information**-Listening to the reporter and demonstrating empathy is vitally important to both obtaining the information and lending support to the victim.
- **Submit the Report via the CSA Crime Report Form**-To submit the report, CSAs will locate the reporting page on the LIT website. The reporting page also includes Clery Act definitions for all Clery reportable crimes. [CSA Sexual Misconduct Reporting Form](#)

CSA Training

The Compliance Officer, in accordance with Human Resources, will maintain the list of current personnel who have been assigned the position of CSA. The Compliance Officers work with Human Resources to ensure training for all CSAs is assigned and completed annually. HR will notify the Compliance Officer of any additions or deletions of a CSA. If a CSA fails to complete training within 30 days of assignment, the Compliance Officer and HR will notify the CSA and their supervisor. Training will be reassigned on an annual basis.

Pastoral and Professional Counselors

According to the Clery Act, LIT does not consider appropriately credentialed pastoral and professional counselors serving in a counseling role as Campus Security Authorities. As a matter of policy, LIT encourages pastoral and professional counselors to notify those whom they are counseling of the voluntary, confidential reporting options available to them.

Pastoral Counselor

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

Professional Counselor

An employee of an institution whose official responsibilities include providing psychological counseling to members of the institution's community, and who is functioning within the scope of his or her license or certification. The LUPD encourages pastoral and professional counselors, if and when they deem it appropriate, to inform the persons they are counseling to voluntarily report the incident to the LUPD on a confidential basis for inclusion of the annual disclosure of crime statistics.

A LIT individual who is counseling students and/or employees, but who does not meet the Clery Act definition of a pastoral or professional counselor, is not exempt from being a CSA if they otherwise have significant responsibility for student and campus activities.

Reporting Sexual Misconduct and Harassment

Anyone who has witnessed, knows about, or has experienced discrimination or harassment, including sexual harassment or other sex or gender-based discrimination, violence or harassment is encouraged to seek support and report the concern with the Title IX Coordinator. If you are the victim of a crime and do not want to pursue action within the criminal justice system, you may still want to consider making a confidential or anonymous report in accordance with the [TSUS Sexual Misconduct Policy](#). Whether an incident occurred recently or in the past, help is still available. Resources are available even if an individual chooses not to file a formal complaint to law enforcement or to LIT.

Here are two important links:

- LUPD website at [Lamar University Police Department](#).
- Sexual Misconduct Reporting Form [CSA Sexual Misconduct Reporting Form](#)

Crimes Involving Student Organizations at Non-Campus Locations

LIT relies on its close working relationships with local law enforcement agencies to receive information about incidents involving LIT students and recognized student organizations, on and off campus. In coordination with local law enforcement agencies, LUPD will actively investigate certain crimes occurring on or near campus. If LUPD learns of criminal activity involving students or student organizations, it will coordinate with the appropriate external law enforcement agency to forward information about the situation to the Associate Dean of Student Services/Registrar, as appropriate.

LIT requires all recognized student organizations to abide by federal, state, local laws, and regulations. LIT may become involved in the off campus conduct of recognized student organizations when such conduct is determined to affect a substantial Institution interest.

LIT recognizes the right of college-affiliated groups and organizations to sponsor and hold off-campus events. LIT assumes no responsibility for the conduct of participants nor for the financial and/or contractual obligations associated with off-campus events; however, LIT does hold each group/organization and its officers responsible for abiding by all state and local laws and college policies.

Sponsoring groups or organizations and their officers are responsible for conducting off-campus events in a manner that reflects favorably upon themselves and LIT, and for arrangements for adequate safeguards at these events.

Sponsoring groups or organizations and their officers are responsible for fulfilling all financial and contractual obligations entered into in conjunction with off-campus events.

Violations of law, unacceptable conduct, and/or failure to meet financial or contractual responsibilities may subject a group or organization to disciplinary action by the college. Monitoring and recording of criminal activity at non-campus locations of student organizations officially recognized by LIT will be done through local police agencies. Regular contact between Campus Security and local law enforcement is maintained to aid in the tracking of criminal activities. For purposes of reporting the data, the term “non-campus buildings” includes areas off campus owned or controlled by registered student organizations. However, the Campus Security Office has no responsibility for security policies, procedures, or safety at these locations.

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

Other Methods for Reporting

Confidential or Voluntary Reporting

LIT does allow individuals to report crimes on a confidential or voluntary basis without including personally identifying information and encourages all victims or witnesses of a crime to file a report with the LUPD. If you want to report a crime, but do not want to pursue action within LIT or the criminal justice system, consider selecting the voluntary or confidential report in accordance with the TSUS Sexual Misconduct Policy, specifically, sections 4.2.8 and 4.7 and 4. Depending upon the circumstances of the crime you are reporting, you may be able to file a report while maintaining your confidentiality. The purpose of a confidential report is to allow any personally identifying information to be confidential, while taking steps to ensure your safety and the safety of others. The confidential report allows LIT to compile accurate records on the number and types of incidents occurring on campus. LIT counts and discloses reports filed in this way in the ASR. In limited circumstances, the Department may not be able to assure confidentiality and will inform you in those cases.

Victims may request that directory information on file with the University be withheld by request to the admissions office.

Regardless of whether a victim has opted-out of allowing the Institution to share directory information, any personal identifiable information about the victim and other necessary parties will be treated as confidential. By only sharing personally identifiable information with individuals on a need-to know basis, the institution will maintain as confidential, any accommodations or protective measures provided to the victim to the extent that maintaining such confidentiality would not impair the ability of the institution to provide the accommodations or protective measures.

LIT will not release names in the issuance of Timely Warnings or Emergency Notifications, nor in the Daily Crime Log, or in the annual crime statistics that are disclosed in compliance with the Jeanne Clery Disclosure of Campus Security Policy and Campus Crime Statistics Act each of which are required by the Clery Act, and any accommodation or protective measure will be confidential.

LIT will keep reports made to officials confidential, and identifying information about the victim shall not be made public. LIT will not share information from reports made to medical professionals, licensed mental health counselors, and with third parties except in cases of imminent danger to the victim or a third Party.

Anonymous Reporting

Anonymous reports may also be made to Campus Security Authorities (CSAs). CSAs who are submitting reports of Clery crimes to LUPD are not required to identify the victim by name if the victim wishes to remain anonymous. Victims of sexual assault, dating violence, domestic violence, stalking, and other types of sexual misconduct that wish to remain anonymous can select confidential on the initial reporting form to be directed to Confidential reporting resources. Anonymous reports of criminal activity will be included in the statistics presented in the Annual Security Report if they meet Clery Act definitions. Anyone may call LUPD at (409) 880-7777 to report concerning information. Callers may remain anonymous. If you are interested in reporting a crime anonymously, you can also utilize LIT's reporting form that can be accessed at <https://www.lit.edu/title-ix/file-report>.

A link to the form is conveniently located on the LIT webpage, titled Title IX Reporting.

Emergency Phones

LIT has installed 3 emergency phones throughout LIT campus. Phones are located in public areas of buildings including parking lots, and outdoor locations. Emergency phones provide direct voice communications to the LUPD dispatch center. In response to a call, the LUPD will send a security officer immediately to the location reported. All reported crimes will be investigated by the LUPD and may become a matter of public record. All LUPD incident reports are forwarded to the Associate VP of Student Services for review and potential action, as appropriate.

Geography

The definitions for the LIT Clery geography provided by Federal law are as follows: for the purposes of collecting statistics on the crimes listed in Clery for submission to the Department and inclusion in an institution's Annual Security Report, Clery geography includes:

- Buildings and property that are part of LIT's campus
- LIT's non-campus buildings and property
- Public property within or immediately adjacent to and accessible from the LIT campus.
- Student Housing Facilities - However, LIT does not own or control any student housing facilities

The proper identification of LIT's property ensures that the statistical reporting to the LIT Community is accurate and dependable.

The Director of Facilities and Compliance Officer will maintain a repository for all geography maps or documentation received by LIT Finance and Operations or through LIT Facility Management. Additional geography reporting obligations will be communicated by the Manager of Student Engagement/Retention for non-campus travel under departmental procedures, with the information forwarded to the compliance officer upon request.

Separate Campus Policy Application

All policy statements contained in this report apply to all campuses unless otherwise indicated.

A separate map is provided in this report for all LIT campuses.

Reporting is compiled separately for each of the Lamar Institute of Technology campuses:

- Main Campus- 855 East Lavaca, Beaumont, TX 77710
- Trahan Center-1025 Woodrow Avenue, Beaumont, TX 77705
- Gateway Campus- 3871 Stagg Drive, Beaumont, TX 77701
- Frank Robinson Center-1355 W Martin Luther King Jr. Drive, Silsbee, TX 77656
- Truck Driving Academy-1105 Laurel Avenue, Beaumont, TX 77706
- Fire Grounds Training Center- 600 Marina Drive, Beaumont, TX 77706

LIT Campus Geography Definitions

Campus geography is defined by the U.S. Department of Education and for purposes on the charts and maps included in this report the definitions below describe specific geography.

On Campus:

On-campus is defined as property owned or controlled by the institution within the same reasonably contiguous geographic area and used by the institution for its educational purposes. It specifically includes residence halls. It also includes property that is within or reasonably contiguous to the area

identified above, that is owned by the institution but controlled by another person, is frequently used by students, and supports institutional purposes, such as food establishments or other retail vendors.

Non-Campus Buildings or Property:

Non-Campus is defined as (1) any building or property owned or controlled by a student organization that is officially recognized by the institution, or (2) buildings or property owned or controlled by the institution that are used in direct support of, or in relation to, the institutions educational purposes, are frequently used by students, and are not within the same reasonably contiguous geographic area of the institution.

Public Property:

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

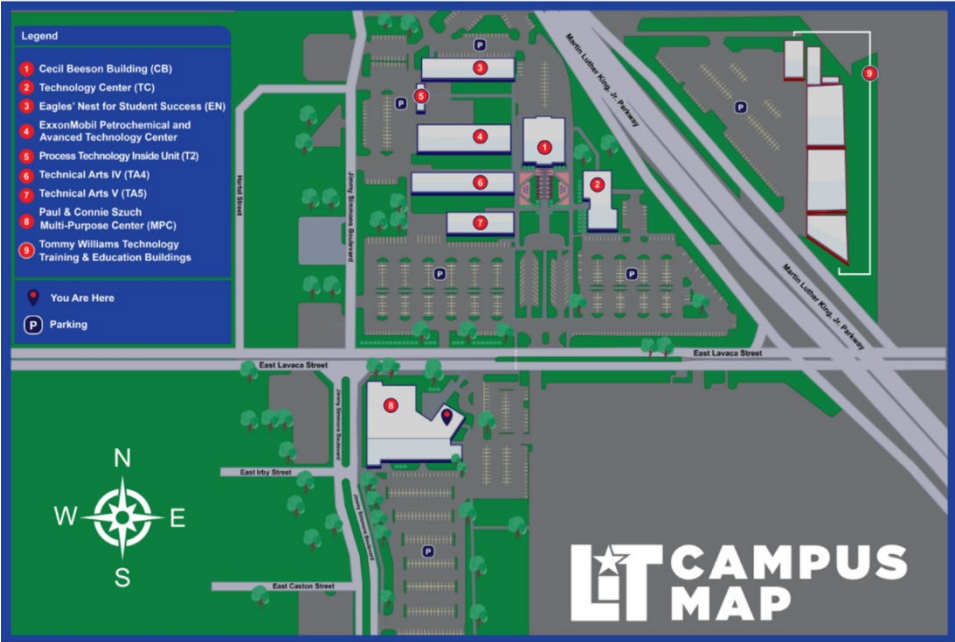
On Campus Student Housing:

Under the Clery Act, an institution that has on-campus student housing facilities must separately disclose two sets of on campus statistics: 1. The total number of crimes that occurred on-campus, including crimes that occurred in student housing facilities, and 2. The number of crimes that occurred in on-campus student housing facilities as a subset of the total On-campus student housing is defined as any student housing facility that is owned or controlled by the institution ,or is located on property that is owned or controlled by the institution ,and is within the reasonably contiguous geographic area that makes up the campus is considered a non-campus student housing facility. LIT does not have any On-Campus Student Housing facilities.

Maps

Lamar Institute of Technology

Main Campus Map—855 E Lavaca Beaumont, TX





Lamar Institute of Technology

Trahan Center

1025 Woodrow Avenue

Beaumont, Texas 77705

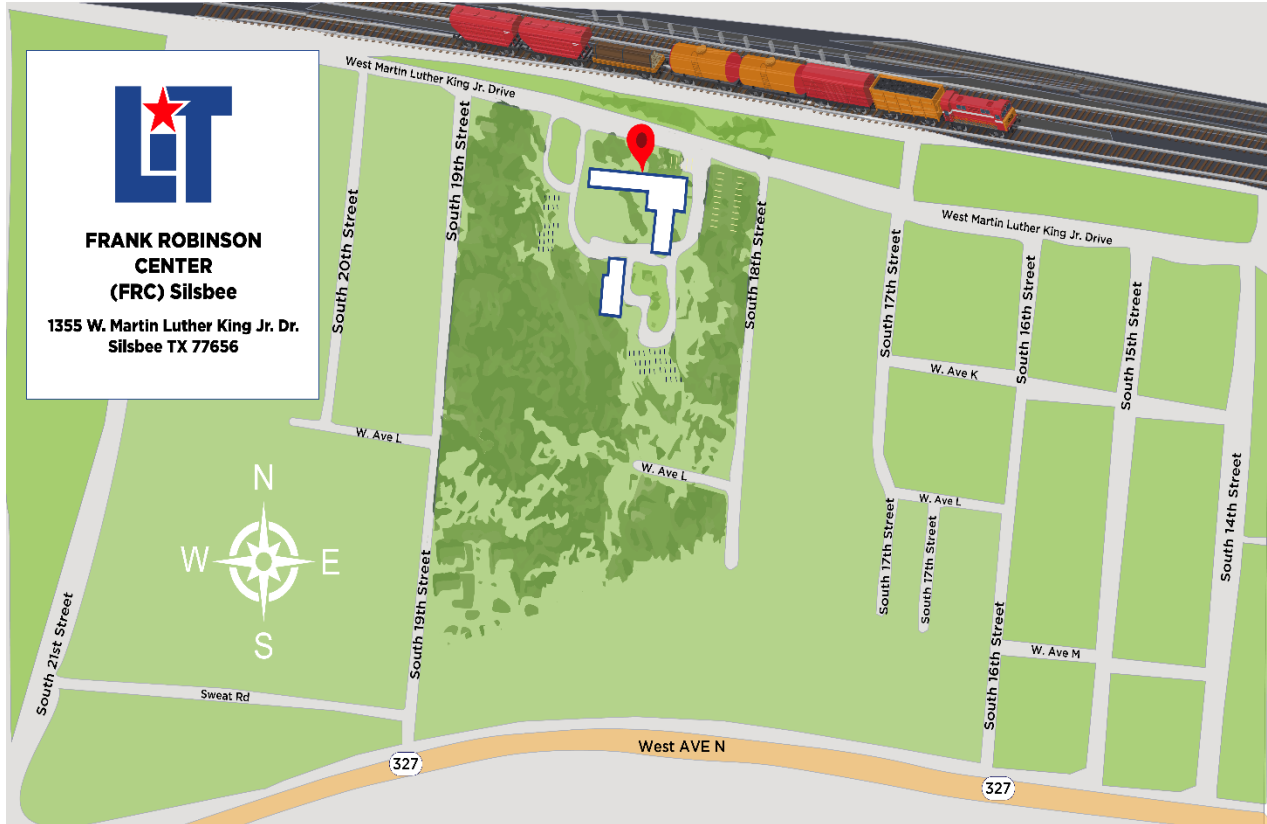


Lamar Institute of Technology

Gateway Campus

3871 Stagg Drive

Beaumont, Texas 77701



Lamar Institute of Technology

Frank Robinson Center (FRC) Silsbee

1355 W. Martin Luther King Jr. Dr.

Silsbee, Texas 77656



Lamar Institute of Technology

Truck Driving Academy

1105 Laurel Avenue

Beaumont, Texas 77706



Lamar Institute of Technology

Fire Grounds Training Center

600 Marina Drive

Beaumont, Texas 77706

All crime prevention and security awareness programs encourage students and employees are encouraged to be responsible for their own security and the security of others. Participants in these programs are asked to be alert, security-conscious and involved and advised to call LUPD to report suspicious behavior. For additional questions regarding crime prevention, contact the department directly at (409) 880-8307.

As part of the department's community-oriented policing philosophy, LUPD offers crime prevention presentations each semester to classrooms, campus clubs and student groups as requested. Topics of these presentations include personal safety awareness, Rape Aggression Defense (R.A.D.) and property protection strategies.

Effective crime prevention is often a matter of common sense and being aware of one's surroundings. The following tips and information are available: Organization and LIT sponsored programs on such topics as acquaintance rape, crime prevention, and alcohol and drug education. These programs are available by calling LUPD at 880-8305.

Timely Warnings and Emergency Notifications

Campus Procedures for Timely Warning

The purpose of timely warnings is to notify the campus community of any incidents and to provide information that may enable community members to protect themselves from similar incidents. The considerations used in determining the issuance of a timely warning include the nature of the crime and the continuing danger to the campus community.

The Clery Act requires LIT to issue a timely warning when a Clery Act crime occurs on LIT geography (on Campus, Non-Campus or Public property) or property that is considered by LIT to represent a serious or continuing threat to the campus community, a campus wide “timely warning” will be issued and is determined in most instances on a case-by-case basis.

Such crimes include, but are not limited to:

- Clery Act crimes that are reported to any Campus Security Authority (CSA) or the LUPD; and
- LIT determines that the incident represents an on-going or serious threat to the campus community.

Timely Warning Notices are usually distributed for the following Uniformed Crime Reporting Program (UCR)/National Incident Based Reporting System (NIBRS) classifications, and includes the following crimes:

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

All initial timely warning messages will begin with “LIT Timely Warning” to indicate the severity of the message and will provide, at a minimum, a brief description of the incident. The following information may also be included, if known and applicable to the incident:

- Type of crime
- Date, time and location of the crime
- Available suspect information
- Safety tips to help with the risk of being involved in a similar incident.

Decisions concerning whether to issue a timely warning will be made on a case-by-case basis using the following criteria:

- Nature of the crime
- Danger and continuing danger to the campus
- Risk of compromising law enforcement efforts

The Timely Warning Notices are typically written by the Director of Communication, or designee and submitted to the Executive Team for final approval. A designated Executive Team member will authorize the Director of Communication to distribute the Timely Warning. Timely warnings will contain information about the nature of the threat and allow members of the community to take protective action. LIT may include, in appropriate circumstances, personally identifiable information generally protected from disclosure under the Family Educational Rights and Privacy Act (FERPA) in an emergency using identifying information. Please see FERPA and Timely Warning citation 34 CFR 99.31(b)(6) and 99.36. Timely Warning Notices will be distributed as soon as pertinent information is available, in a manner that withholds the names of victims as confidential, and with the goal of aiding in the prevention of similar occurrences.

Timely Warning Notices will be issued to the campus community via E-mail blast to all MyLIT email accounts sent through the BlackboardConnect system. LIT is not required to issue a Timely Warning with respect to crimes reported to a pastoral or professional counselor by the Counseling policy and Campus Security Authority exemptions citation 34 CFR 668.46(a).

Timely warnings and emergency notifications are automatically documented and retained to ensure accurate reporting for the LIT Annual Security Report.

Emergency Response and Evacuation Procedures

The [Emergency Management and Business Continuity Plan](#) (EMBCP) is intended to establish policies, procedures, and organizational structure for mitigation, preparedness, response, and recovery to emergencies that are of sufficient magnitude to cause a significant disruption of the functioning of all or portions of LIT. 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 LIT 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 various types and magnitudes.

This EMBCP addresses each type of emergency on an individual basis, providing guidelines for the containment of the incident. Section 5 provides emergency instructions for the LIT Incident Commander. This document also provides emergency response information primarily for use by Staff, Faculty and other on-site personnel who may be initial responders to an emergency.

This plan is a campus-level plan that guides the emergency response of LIT personnel and resources. It is the official emergency response plan of LIT 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. The EMBCP 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.

LIT will cooperate with the Office of Emergency Management, State, County, local law enforcement agencies, and other responders in the development of emergency response plans and participate in multijurisdictional emergency planning exercises.

A summary of LIT's emergency response procedures is located at page 68 at [LIT Policies and Procedures](#)

Types of Emergencies

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

- Active Shooter
- Bomb Threat
- Explosion
- Fire
- Flooding
- Fumes and Vapors
- Hazardous Substance Spills
- Mechanical Failures
- Utility Failures
- Medical Emergencies and Community Health Issues
- Public Relations Emergencies
- Severe Weather (other than tropical weather)
- Student Crisis (suicide, assault, etc.)
- Technology, Telecommunications, and Information Services
- Violent or Criminal Behavior (Campus shooting, rape, assault, etc.)
- Hurricane and Tropical Weather Preparations

Individuals can report emergencies by calling 911 or LUPD at (409) 880-7777.

Given the potential day-to-day and large-scale hazards that may affect the LIT campus, a tiered approach has been established to define the appropriate response to any campus emergency. Each of the response levels is relative to the magnitude of the emergency. The approach is flexible enough to be used in an emergency response situation regardless of the size, type, or complexity of the emergency.

Levels of Emergency

Routine Response

Routine incidents occur on campus daily and are often handled by LUPD. These incidents can be handled through normal response procedures and do not require additional resources from other campus units. The scope of the incident is well-defined, and it can be resolved within a short time period. Policies and

procedures relating to routine responses are developed and maintained by the responding units. A routine response does not require activation of the Emergency Operations Plan or the Crisis Management Team.

Limited Emergency

Limited emergencies are those incidents that significantly impact one or multiple campus units; are complex, or require interaction with outside response organizations; and/or require a longer or more intense response than the affected unit(s) can effectively manage. These incidents include extended power outages affecting single or multiple buildings, localized flooding, and hazardous material releases. Limited emergencies may be handled by the responding departments with support from local first responders such as Port Arthur Police and/or Fire Departments. The Director of Security will notify the President and/or Crisis Management Team members who will provide leadership and coordination support. The Emergency Operations Plan may be partially activated to support a limited emergency.

Major Emergency

Major emergencies include those incidents where many, if not all, campus units are impacted; normal campus operations are interrupted; response and recovery activities will continue for an extended period of time; and routine response procedures and resources are overwhelmed. Procedures for responding to a major emergency are contained within this plan. Major emergencies will likely require partial or full Emergency Operations Plan activation and full Crisis Management Team participation.

Emergency Notification

LIT is committed to ensuring the campus community receives timely, accurate, and useful information in the event of a significant emergency or dangerous situation on campus or in the local area that poses an immediate threat to the health and safety of campus community members. LIT uses the emergency notification system activated by the communication command center. The command center initiates an emergency notification via the service available to students, staff, and anyone in the campus community. LIT uses Blackboard Connect Ed to send emergency messages within minutes of the occurrence of an incident. All the campuses have full access to Blackboard Connect Ed for posting local emergency alerts. Additional notification systems may include: email, fire alarms, posted advisory messages on Blackboard and/or our social media channels; and notifications from city, county, or state officials emergency systems. LIT performs a campus-wide annual test of the system.

The following procedures outline the process LIT uses when issuing emergency notifications.

Notifying the Campus Community

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

In the event of a situation that poses an immediate threat to the health or safety of students, employees and visitors. LIT has various systems in place for communicating information quickly. Notification will be made by using some or all these methods depending on the type of emergency. These methods of communication include the mass notification system Blackboard Connect Ed, (which contains email, cell phone text, voice message alert); fire alarm (where available), LIT's e-mail system, and verbal announcements within a building. LIT will post updates during a critical incident on its homepage. If the situation warrants, LIT will establish a telephone call-in center to communicate with the campus community during an emergency.

Confirming the need to Initiate the Emergency Notification System

The LUPD and/or other campus first responders may become aware of a critical incident or other emergency that potentially affects the health and/or safety of the campus community. Generally, campus first responders become aware of these situations when the LUPD Dispatch Recorder receives reports or upon discovery during LUPD patrol or other assignments.

Once first responders confirm that there is, in fact, an emergency or dangerous situation that poses an immediate threat to the health or safety of the campus community, first responders will notify supervisors in the Department of LUPD and Public Safety or other authorized LIT office to issue an emergency notification.

If the Chief of LUPD, or designee, in conjunction with other LIT administrators, local first responders, Public Health Officials and/or the National Weather Service, confirms that there is an emergency or dangerous situation that poses an immediate threat to the health or safety of some or all members of the LIT community, the LUPD and Media Relations will collaborate to determine the content of the message and will use some or all of the systems described below to communicate the threat to the LIT Community or to the appropriate segment of the community, if the threat is limited to a particular building or segment of the population.

LIT's authorized representatives will without delay and considering the safety of the community, determine the content of the notification and initiate the notification system unless in the professional judgment of first responders, issuing a notification potentially compromises efforts to assist a victim or to contain, respond to, or otherwise mitigate the emergency.

Contents of Emergency Notification

LIT and/or local first responders on the scene of a critical incident or dangerous situation will assist those preparing the emergency notification and will distribute the notification to the entire campus in the event of an emergency. LIT will also post applicable messages about the dangerous condition on the LIT website homepage to ensure the rest of the campus is aware of the situation and the steps they should take to maintain personal and campus safety.

The Executive Team will notify the Director of Communication to compose an emergency notification. After the Director of Communication has approval from the Executive team designee, the emergency notification will be distributed. LIT has developed a wide range of template messages addressing several different emergencies. The individual authorizing the alert will select the template message most appropriate to the on-going situation and modify it to address the specifics of the present incident. In those cases where there are no pre-determined template messages in the system, the individual authorizing the alert will develop the most succinct message to convey the appropriate initial information to the community. The goal is to ensure individuals are aware of the situation and that they know the steps to take to safeguard their personal and community safety. Follow-up information will be distributed using some or all of the identified communication systems, with the exception of fire alarms.

LIT will notify the larger community through the local media outlets, working with the local public safety agencies' public information officers, and by providing information on social media sites, as well as LIT's website. LIT has a notification system to reach individuals via e-mail, voice mail, and text messages.

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

Evacuation Procedures

Emergency Evacuation Procedures

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

A summary of LIT's emergency response procedures is located at page 68 at <https://www.lit.edu/pdf/5443/policies-and-procedures>. pdf. This website includes detailed information regarding LIT's emergency notification policy.

General Evacuation Procedures

At the sound of a fire alarm or if you are instructed to evacuate, leave your work area immediately and proceed to the nearest exit, and leave the building. If you are the first to recognize a fire situation, activate the alarm, evacuate to a safe location using the nearest exit, and notify LUPD (409) 880-7777 Police Emergency or dial 911.

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

Shelter-in-Place Procedures

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

Basic “Shelter-in-Place” Guidance

If an incident occurs and the building you are in is not damaged, stay inside an interior room until you are told it is safe to come out. If your building is damaged, take your personal belongings (purse, wallet, access card, etc.) and follow the evacuation procedures for your building (close your door, proceed to the nearest exit, and use the stairs instead of the elevators). Once you have evacuated, seek

shelter at the nearest Institution building quickly. If police or fire department personnel are on the scene, follow their directions.

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

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

How to “Shelter-in-Place”

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

If you are inside, stay where you are. Collect any emergency shelter-in-place supplies and a telephone to be used in case of emergency. If you are outdoors, proceed into the closest building quickly or follow instructions from emergency personnel on the scene.

Locate a room to shelter inside. It should be:

- An interior room;
- Above ground level; and
- Without windows or with the least number of windows. If there is a large group of people inside a particular building, several rooms may be necessary.
- Shut and lock all windows (tighter seal) and close exterior doors.
- Turn off air conditioners, heaters, and fans.
- Close vents to ventilation systems as you are able. LIT staff will turn off the ventilation as quickly as possible.)
- Make a list of the people with you and ask someone (hall staff, faculty, or other staff) to call the list in to LUPD so they know where you are sheltering. If only students are present, one of the students should call-in the list.
- Turn on a radio or TV and listen for further instructions.
- Make yourself comfortable.

Drills, Exercises and Training

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

To ensure LIT’s emergency management plans remain current and actionable, LIT in conjunction with other emergency agencies, will conduct emergency response drills and exercises, at a minimum once a year. These exercises may include tabletop drills, emergency operations center exercises, or full-scale emergency response exercises, and tests of the emergency notification systems on campus. These tests, which may be announced or unannounced, are designed to assess and evaluate the emergency plans and capabilities of the institution. LIT conducts after-action reviews of all emergency management exercises.

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

In conjunction with at least one emergency management test (exercise and drill) each year, LIT will notify the community of the exercise and provide an email reminder of the information included in its publicly available information regarding emergency response and evacuation procedures. Refer to

[Policies and Procedures](#) manual on page 68, that meets all of the requirements of the Higher Education Opportunity Act.

Security and Access to Facilities

Access to 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.

LIT is a public and open campus. We do not make an effort to restrain the general public from entering the campus. However, LIT reserves the right to bar individuals considered a threat to the well-being of the LIT community. LIT schedules access to academic buildings so they are open on weekends only as needed. Access to individual classrooms and laboratories is limited to those enrolled in the courses meeting there. Likewise, access to most programs is limited to those enrolled in the program or otherwise authorized. LUPD provides 24-hour patrol of campus property and facilities, to monitor security related matters and designated building coordinators establish and maintain access to their respective buildings. Many cultural events held in LIT facilities are open to the public. LIT will only issue keys to a building to those who have demonstrated a need.

Residence Hall Access

There are no residence halls.

Security Considerations Used in the Maintenance of Campus Facilities

LIT maintains campus facilities in a manner that minimizes hazardous and unsafe conditions. Parking lots and pathways are illuminated with lighting. LIT will address burned out lights promptly as well as malfunctioning door locks or other physical conditions that enhance security. The Director of Facilities is responsible for all preventative maintenance including monitor all buildings and mechanical systems to ensure 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.

We encourage community members to promptly report any security concerns, including concerns about locking mechanism, lighting, or landscaping to LUPD or to Facilities Management.

Jonathon Beritieh
Director of Facilities
(409) 839-2073
jwberitieh@lit.edu

Definitions Used in Classification of Crime Statistics

The following definitions are used for crimes subject to Clery Act reporting.

- The definitions for murder, rape, robbery, aggravated assault, burglary, motor vehicle theft, weapons, law violations, drug abuse violations, and liquor law violations are from the “Summary Reporting System (SRS) User Manual” from the FBI’s UCR Program.
- The definitions of fondling, incest, and statutory rape are from the “National Incident-Based Reporting System (NIBRS) User Manual” from the FBI’s Uniform Crime Reporting (UCR) Program.
- The definitions of larceny-theft (except motor vehicle theft), simple assault, intimidation, and destruction/ damage/vandalism of property are from the “Hate Crime Data Collection Guidelines and Training Manual” from the FBI’s UCR Program.
- The definitions of dating violence, domestic violence, and stalking are from the Violence Against Women Act (VAWA) amendments to the Clery Act.

Aggravated Assault

An unlawful attack by one person upon another for the purpose of inflicting severe or aggravated bodily injury. This type of assault usually is accompanied by the use of a weapon or by means likely to produce death or great bodily harm. (It is not necessary that injury result from an aggravated assault when a gun, knife, or other weapon is used which could and probably would result in serious personal injury if the crime were successfully completed.)

Arson

Any willful or malicious burning or attempt to burn, with or without intent to defraud, a dwelling house, public building, motor vehicle or aircraft, personal property of another, etc.

Burglary

The unlawful entry of a structure to commit a felony or a theft. For reporting purposes this definition includes: unlawful entry with intent to commit a larceny or felony; breaking and entering with intent to commit a larceny; housebreaking; safecracking; and all attempts to commit any of the aforementioned.

Criminal Homicide—Manslaughter by Negligence

The killing of another person through gross negligence.

Criminal Homicide—Manslaughter by Negligence

The willful (nonnegligent) killing of one human being by another.

Dating Violence

Violence is committed by a person who is or has been in a social relationship of a romantic or intimate nature with the victim.

- (i) The existence of such a relationship shall be determined based on the reporting party’s statement and with consideration of the length of the relationship, the type of relationship, and the frequency of interaction between the persons involved in the relationship.
- (ii) For the purposes of this definition—
 - (A) Dating violence includes, but is not limited to, sexual or physical abuse or the threat of such abuse.
 - (B) Dating violence does not include acts covered under the definition of domestic violence.

Destruction/Damage/Vandalism of Property

To willfully or maliciously destroy, damage, deface, or otherwise injure real or personal property without the consent of the owner or the person having custody or control of it.

Domestic Violence

- (i) A felony or misdemeanor crime of violence committed—
 - (A) By a current or former spouse or intimate partner of the victim;
 - (B) By a person with whom the victim shares a child in common;
 - (C) By a person who is cohabitating with, or has cohabitated with, the victim as a spouse or intimate partner;
 - (D) By a person similarly situated to a spouse of the victim under the domestic or family violence laws of the jurisdiction in which the crime of violence occurred, or
 - (E) By any other person against an adult or youth victim who is protected from that person's acts under the domestic or family violence laws of the jurisdiction in which the crime of violence occurred.

Drug Abuse Violations

The violation of laws prohibiting the production, distribution, and/or use of certain controlled substances and the equipment or devices utilized in their preparation and/or use. The unlawful cultivation, manufacture, distribution, sale, purchase, use, possession, transportation, or importation of any controlled drug or narcotic substance. Arrests for violations of State and local laws, specifically those relating to the unlawful possession, sale, use, growing, manufacturing, and making of narcotic drugs.

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.

Hate Crime

A crime reported to local police agencies or to a campus security authority that manifests evidence that the victim was intentionally selected because of the perpetrator's bias against the victim. For the purposes of this section, the categories of bias include the victim's actual or perceived race, religion, gender, gender identity, sexual orientation, ethnicity, national origin, and disability.

Incest

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

Intimidation

To unlawfully place another person in reasonable fear of bodily harm through the use of threatening words and/or other conduct, but without displaying a weapon or subjecting the victim to actual physical attack.

Larceny-Theft (Except Motor Vehicle Theft)

The unlawful taking, carrying, leading, or riding away of property from the possession or constructive possession of another. Attempted larcenies are included. Embezzlement, confidence games, forgery, worthless checks, etc., are excluded.

Liquor Law Violations

The violation of State or local laws or ordinances prohibiting the manufacture, sale, purchase, transportation, possession, or use of alcoholic beverages, not including driving under the influence and drunkenness.

Motor Vehicle Theft

The theft or attempted theft of a motor vehicle. (Classify as motor vehicle theft all cases where automobiles are taken by persons not having lawful access even though the vehicles are later abandoned— including joyriding.)

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.

Robbery

The taking or attempting to take anything of value from the care, custody, or control of a person or persons by force or threat of force or violence and/or by putting the victim in fear.

Sex Offense

Any sexual act directed against another person without the consent of the victim, including instances where the victim is incapable of giving consent.

Simple Assault

An unlawful physical attack by one person upon another where neither the offender displays a weapon, nor the victim suffers obvious severe or aggravated bodily injury involving apparent broken bones, loss of teeth, possible internal injury, severe laceration, or loss of consciousness.

Stalking

- (i) Engaging in a course of conduct directed at a specific person that would cause a reasonable person to—
 - (A) Fear for the person’s safety or the safety of others; or
 - (B) Suffer substantial emotional distress.
- (ii) For the purposes of this definition—
 - (A) Course of conduct means two or more acts, including, but not limited to, acts in which the stalker directly, indirectly, or through third parties, by any action, method, device, or means, follows, monitors, observes, surveils, threatens, or communicates to or about a person, or interferes with a person’s property.
 - (B) Reasonable person means a reasonable person under similar circumstances and with similar identities to the victim.
 - (C) Substantial emotional distress means significant mental suffering or anguish that may, but does not necessarily, require medical or other professional treatment or counseling.

Statutory Rape

Sexual intercourse with a person who is under the statutory age of consent.

Weapons: Carrying, Possessing, Etc.

The violation of laws or ordinances prohibiting the manufacture, sale, purchase, transportation, possession, concealment, or use of firearms, cutting instruments, explosives, incendiary devices, or other deadly weapons.

Unfounded Crimes

LUPD may on occasion, due to investigation and the totality of information, “unfound” a crime due to it being false or baseless. If the statistic was originally reported, it may be removed from any statistics originally reported, and it would be included in the total count of unfounded crimes for the year in which it was reported. The un-founding of the crime requires changing the reported crime in the daily log or police activity report within two business days once the investigation is completed.

The Hierarchy Rule

As required by the Clery Act and under LUPD Policy, when more than one criminal offense was committed during a single incident within LIT’s Clery Act Geography, LIT will only count the most serious offense, with some exceptions. Those exceptions include when reporting arson and sexual assault along with another serious offense.

Daily Crime Log

LIT maintains a daily crime log which contains information concerning crimes that were reported to LUPD by the victim, Campus Security Authority (CSA), Title IX Coordinator or local law enforcement. Data in the report includes; date/time crime was reported, nature/classification of crime, date/time crime occurred, general location, and the disposition. The Daily Crime log is accessible in person at the main campus (address and phone listed below) during normal business hours.

Department of Campus Safety and Security

Director Rebecca Gentry

855 E Lavaca

Technology Center, Rm 114

rlgentry@lit.edu

(409) 257-0072

Lamar Institute of Technology Reported Crimes					
Primary Crimes	Year	On Campus	Non-Campus Building or Property	Public Property	Total
Murder and Non-Negligent Manslaughter	2020	0	0	0	0
	2021	0	0	0	0
	2022	0	0	0	0
Manslaughter By Negligence	2020	0	0	0	0
	2021	0	0	0	0
	2022	0	0	0	0
Rape	2020	0	0	0	0
	2021	0	0	0	0
	2022	0	0	0	0
Fondling	2020	0	0	0	0
	2021	0	0	0	0
	2022	0	0	0	0
Incest	2020	0	0	0	0
	2021	0	0	0	0
	2022	0	0	0	0
Statutory Rape	2020	0	0	0	0
	2021	0	0	0	0
	2022	0	0	0	0
Robbery	2020	0	0	0	0
	2021	0	0	0	0
	2022	1	0	1	2
Aggravated Assault	2020	0	0	0	0
	2021	0	0	2*	2*
	2022	3	0	3	6
Burglary	2020	0	0	0	0
	2021	0	0	0	0
	2022	1	0	0	1
Motor Vehicle Theft	2020	0	0	0	0
	2021	0	0	0	0
	2022	0	0	1	1
Arson	2020	0	0	0	0
	2021	0	0	0	0
	2022	0	0	0	0
VAWA Offenses					
Dating Violence	2020	0	0	0	0
	2021	0	0	0	0
	2022	0	0	0	0
Domestic Violence	2020	0	0	0	0
	2021	0	0	0	0
	2022	0	0	0	0
Stalking	2020	0	0	0	0
	2021	0	0	0	0
	2022	0	0	0	0
Arrests and Referrals for Disciplinary Action					
Liquor Law Violations Arrest	2020	0	0	0	0
	2021	0	0	0	0
	2022	1	0	0	1
Drug Law Violations Arrest	2020	0	0	0	0
	2021	0	0	0	0
	2022	7	0	0	7
Weapons Law Violations Arrest	2020	0	0	0	0
	2021	0	0	1	1
	2022	1	0	4	5
Liquor Law Violations Referrals for Disciplinary Action	2020	0	0	0	0
	2021	0	0	0	0
	2022	0	0	0	0
Drug Law Violations Referrals for Disciplinary Action	2020	0	0	0	0
	2021	0	0	0	0
	2022	0	0	0	0
Weapons Law Violations Referrals for Disciplinary Action	2020	0	0	0	0
	2021	0	0	0	0
	2022	0	0	0	0

**Upon further review of LIT's records, we updated our public property aggravated assault from 0 to 2 for the 2021 year. This change accounts for a crime report that was inadvertently omitted from the original data set. The report was identified during an internal review of 2021 reports.*

UNFOUNDED CRIMES:

There were zero (0) unfounded crimes for LIT property in 2020, 2021, or 2022.

HATE CRIME REPORTING:

There were no hate crimes reported for LIT property in 2020, 2021, or 2022.

Sexual Offenses, Domestic Violence, Dating Violence

LIT's Response to Sexual and Gender Violence

LIT is committed to providing a safe learning and working environment, and in compliance with federal law has adopted procedures to prevent and respond to incidents of sexual violence including sexual assault, domestic violence, dating violence and stalking. These guidelines apply to all students, faculty, staff, contractors, and visitors. [https://www.lit.edu/student-success/catalog-and-handbook-\(2\)](https://www.lit.edu/student-success/catalog-and-handbook-(2))[https://www.lit.edu/student-success/catalog-and-handbook-\(2\)](https://www.lit.edu/student-success/catalog-and-handbook-(2))

The TSUS Sexual Misconduct Policy classifies sexual misconduct matters as either Title IX Sexual Harassment or Non-Title IX Sexual Misconduct. Allegations of sexual misconduct shall be classified as Title IX Sexual Harassment provided:

- The sexual misconduct meets the definition of Title IX Sexual Harassment.
- The sexual misconduct occurred against a person participating in or attempting to participate in a university's education program or activity; and
- The sexual misconduct occurred against a person located within the United States.
- Sexual Misconduct that does not meet all the requirements does not constitute Title IX Sexual Harassment and shall be classified as Non-Title IX Sexual Misconduct.

Title IX Sexual Harassment refers to sexual misconduct that meets one or more of the following three behaviors:

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

Sexual Harassment under other applicable state and federal law means unwelcomed sex-based verbal or physical conduct that:

- In the employment context, unreasonably interferes with a person's work performance or creates an intimidating, hostile, or offensive work environment; or
- In the education context, is sufficiently severe, persistent, or pervasive that the conduct interferes with the student's ability to participate in or benefit from education programs or activities at a postsecondary educational institution.

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.

Prohibited Conduct

LIT prohibits the offenses of domestic violence, dating violence, sexual assault and stalking (as defined by the Clery Act) and reaffirms its commitment to maintaining a campus environment that emphasizes the dignity and worth of all members of the LIT community. Toward that end, LIT issues this statement of policy to inform the campus community of our programs to address domestic violence, dating violence, sexual assault and stalking as well as the procedures for institutional disciplinary action in cases of alleged dating violence, domestic violence, sexual assault, or stalking, which will be followed regardless of whether the incident occurs on or off campus when it is reported to a LIT official.

Dating Violence is violence committed by a person:

- who is or has been in a social relationship of a romantic or intimate nature with the Victim; and
- where the existence of such a relationship shall be determined based on a consideration of the following factors:
 - the length of the relationship
 - the type of relationship; and
 - the frequency of interaction between the persons involved in the relationship

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

Retaliation means any adverse action threatened or taken against a person because they have 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.

Sexual Assault means any form of non-consensual sexual activity representing a continuum of conduct from forcible rape to non-physical forms of pressure designed to compel individuals to engage in sexual activity against their will. Sexual Assault is defined as forcible or nonforcible sex offenses under the FBI's Uniform Crime Reporting (U.C.R) program [20 U.S.C. 1092 (f)(6)(A)(v)], which includes these two offense categories:

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

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

Forcible Sodomy: Oral or anal sexual intercourse with another person, forcibly and/or against that person's will or not forcibly or against the person's will in instances where the victim is

incapable of giving consent because of his/her youth or because of his/her temporary or permanent mental or physical incapacity.

Sexual Assault with an Object: To use an object or instrument to – Unlawfully penetrate, however slightly, the genital or anal opening of the body of another person, forcibly and/or against that person's will or not forcibly or against the person's will in instances where the victim is incapable of giving consent because of his/her youth or because of his/her temporary or permanent mental or physical incapacity.

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

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

- Incest: Nonforcible sexual intercourse between persons who are related to each other within the degrees wherein marriage is prohibited by law.
- Statutory Rape: Nonforcible sexual intercourse with a person who is under the statutory age of consent.

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

- Sexual intercourse (vaginal or anal);
- Oral sex;
- Rape or attempted rape;
- Penetration of an orifice (anal, vaginal, oral) with the penis, finger or other object;
- Unwanted touching of a sexual nature;
- Use of coercion, manipulation, or force to make someone else engage in sexual touching, including touching of breasts, chest, buttocks and genitalia;
- Engaging in sexual activity with a person who is unable to provide consent; or
- Knowingly transmitting a sexually transmitted disease to another.

Sexual Exploitation occurs when a person takes nonconsensual or abusive sexual advantage of another for their own advantage or benefit, or to benefit or advantage anyone other than the one being exploited.

Examples can include, but are not limited to, the following behaviors:

- Prostituting another;
- Non-consensual electronically recording, photographing, or transmitting intimate or sexual utterances, sounds or images without the knowledge and consent of all parties involved;
- Voyeurism (spying on others who are in intimate or sexual situations);
- Going beyond the boundaries of consent (such as letting friends hide in a closet to watch another friend having consensual sex); or
- Distributing intimate or sexual information about another person without that person's consent.

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:

- Fear for his or her safety or the safety of others; or
- Suffer substantial emotional distress

Protecting Minors on Campus

Protecting Minors on Campus Texas state law requires anyone who suspects child abuse or neglect to report those suspicions to the Texas Department of Family and Protective Services (DFPS) or to a local law enforcement agency. Any person who has reason to believe that a child's physical or mental health or welfare has been adversely affected by abuse or neglect by another person must immediately report the suspected abuse or neglect. This obligation applies to ALL members of the College community, including faculty, administrators, staff, and even students. In addition, there are special reporting obligations for certain employees defined as "professionals." Licensed professionals including, "teachers, nurses, doctors, day care employees, and employees of a clinic or health care facility that provides reproductive services" have a specific duty to make a report not later than 48 hours after suspecting that a child has been or may be abused or neglected or that the child is the victim of the offense of indecency with a child. A "child" is a person under 18 years of age. Neither Texas law nor any College policy allows individuals to delegate the duty to report child abuse or neglect.

Reporting suspicion to another individual or to an official does not satisfy the reporting requirement. All employees are required to comply with college policy (Policy and Procedure Manual, 10.6 Campus Program for Minors & Child Abuse Training Requirements); however, an employee's first obligation is to protect the child by reporting to law enforcement or the Department of Family and Protective Services. Any person who knowingly fails to report suspected child abuse or neglect commits a Class A Misdemeanor, which is punishable by up to one year in jail and/or a fine of up to \$4,000.

One can contact: • 911 to report an emergency • Local law enforcement in your area • Texas Department of Family and Protective Services at its toll-free, 24-hour Family Violence Hotline at 1-800-252-5400

LIT Related Policies

The following policies will address how LIT will proceed once reported.

[TSUS Sexual Misconduct Policy and Procedures](#) LIT policy and Procedure Manual- [Policies and Procedures](#)

- Student Rights/Responsibilities and Code of Student Conduct- <http://catalog.lit.edu/content.php?catoid=4&navoid=111#student-responsibilities>

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

The Clery Act defines the crimes of domestic violence, dating violence, sexual assault and stalking as follows: [§668.46 Institutional security policies and crime statistics:](#)

Domestic Violence:

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

Dating Violence: Violence committed by a person who is or has been in a social relationship of a romantic or intimate nature with the victim.

- i. The existence of such a relationship shall be based on the reporting party's statement and with consideration of the length of the relationship, the type of relationship, and the frequency of interaction between the people involved in the relationship.
- ii. For the purposes of this definition —
 - A) Dating Violence includes, but is not limited to, sexual or physical abuse or the threat of such abuse.
 - B) Dating violence does not include acts covered under the definition of domestic violence.
- iii. For the purposes of complying with the requirements of this section and §668.41, any incident meeting this definition is considered a crime for the purposes of Clery Act reporting.

Sexual Assault: An offense that meets the definition of rape, fondling, incest, or statutory rape as used in the FBI's Uniform Crime Reporting (UCR) program. Per the National Incident-Based Reporting System User Manual from the FBI UCR Program, a sex offense is "any sexual act directed against another person, without the consent of the victim, including instances where the victim is incapable of giving consent."

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

Stalking:

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

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

The State of Texas criminalizes domestic violence dating violence, family violence, sexual assault, and stalking. Law enforcement can investigate a reported crime.

Dating Violence. Dating Violence, as defined by the Texas Family Code, [Section 71.0021](#), states dating violence means an act, other than a defensive measure to protect oneself, by an actor that:

1. is committed against a victim or applicant for a protective order:
 - a. with whom the actor has or has had a dating relationship; or
 - b. because of the victim’s or applicant’s marriage to or dating relationship with an individual with whom the actor is or has been in a dating relationship or marriage; and
2. is intended to result in physical harm, bodily injury, assault, or sexual assault or that is a threat that reasonably places the victim or applicant in fear of imminent physical harm, bodily injury, assault, or sexual assault.

For purposes of this title, “dating relationship” means a relationship between individuals who have or have had a continuing relationship of a romantic or intimate nature. The existence of such a relationship shall be determined based on consideration of:

- Length of the relationship;
- Nature of the relationship; and
- Frequency and type of interaction between the persons involved in the relationship.

A casual acquaintanceship or ordinary fraternization in a business or social context does not constitute a “dating relationship” under Subsection (b).

Family Violence. (Domestic Violence included) Domestic Violence, Family Violence, as defined by the Texas Family Code, [Section 71.004](#), states family violence means:

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

Sexual Assault. As defined by Texas Penal Code, [Section 22.011](#). A forcible or nonforcible sex offenses under the FBI's Uniform Crime Reporting (U.C.R) program [20 U.S.C. 1092 (f)(6)(A)(v)], which includes these two offense categories:

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

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

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

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

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

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

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

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

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

- Sexual intercourse (vaginal or anal);
- Oral sex;
- Rape or attempted Rape;
- Penetration of an orifice (anal, vaginal, oral) with the penis, finger or other object;
- Unwanted touching of a sexual nature;
- Use of coercion, manipulation or force to make someone else engage in sexual touching, including touching of breasts, chest, buttocks and genitalia;
- Engaging in sexual activity with a person who is unable to provide Consent; or
- Knowingly transmitting a sexually transmitted disease to another.

Stalking

Stalking, as defined by the [Texas Penal Code, Section 42.072](#), states a person commits an offense if the person, on more than one occasion and pursuant to the same scheme or course of conduct that is directed specifically at another person, knowingly engages in conduct that:

1. Constitutes an offense under Section 42.07 (Harassment), or that the actor knows or reasonably should know the other person will regard as threatening:
 - a. Bodily injury or death for the other person;
 - b. Bodily injury or death for a member of the other person's family or household or for an individual with whom the other person has a dating relationship; or
 - c. An offense will be committed against the other person's property;
2. Causes the other person, a member of the other person's family or household, or an individual with whom the other person has a dating relationship to be placed in fear of bodily injury or death or in fear that an offense will be committed against the other person's property, or to feel harassed, annoyed, alarmed, abused, tormented, embarrassed, or offended; and
3. Would cause a reasonable person to:
 - a. Fear bodily injury or death for himself or herself;
 - b. Fear bodily injury or death for a member of the person's family or household or for an individual with whom the person has a dating relationship;
 - c. Fear that an offense will be committed against the person's property; or
 - d. Feels harassed, annoyed, alarmed, abused, tormented, embarrassed, or offended.

Related Texas Laws

Consent (State Law Definition)

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 sexual activity to ensure that he/she 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 22.011](#))

The law states a sexual assault under Section 1, is without the consent of the other person if:

1. The actor compels the other person to submit or participate by the use of physical force or violence;
2. The actor compels the other person to submit or participate by threatening to use force or violence against the other person, and the other person believes that the actor has the present ability to execute the threat;
3. The other person has not consented, and the actor knows the other person is unconscious or physically unable to resist;
4. The actor knows that as a result of mental disease or defect the other person is, at the time of the sexual assault, incapable either of appraising the nature of the act or of resisting it;
5. The other person has not consented, and the actor knows the other person is unaware that the sexual assault is occurring;
6. The actor has intentionally impaired the other person's power to appraise or control the other person's conduct by administering any substance without the other person's knowledge;
7. The actor compels the other person to submit or participate by threatening to use force or violence against any person, and the other person believes that the actor has the ability to execute the threat;
8. The actor is a public servant who coerces the other person to submit or participate;
9. The actor is a mental health services provider or a health care services provider who causes the other person, who is a patient or former patient of the actor, to submit or participate by exploiting the other;

10. Person's emotional dependency on the actor;
11. The actor is a clergyman who causes the other person to submit or participate by exploiting the other person's emotional dependency on the clergyman in the clergyman's professional character as spiritual adviser; or
12. The actor is an employee of a facility where the other person is a resident, unless the employee and resident are formally or informally married to each other under Chapter 2, Family Code.

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

- Consent is a voluntary agreement or assent to engage in sexual activity;
- Someone who is incapacitated cannot consent;
- Consent can be withdrawn at any time;
- Past consent does not imply future consent;
- Silence or an absence of resistance does not imply consent;
- Consent to engage in sexual activity with one person does not imply consent to engage in sexual activity with another;
- Coercion, force, or threat invalidates consent; and
- Being intoxicated or under the influence of alcohol, drugs, or any other substance is never an excuse for engaging in Sexual Misconduct.

Victims' Bill of Rights

The Campus Sexual Assault Victims' Bill of Rights is a federal law (part of the Clery Act) that requires all colleges and universities participating in federal student aid programs to give sexual assault Victims certain basic rights.

The following rights are provided in writing to the Victim:

- Victims shall be notified of their options to notify law enforcement.
- The accuser and accused must have the same opportunity to have others present.
- Both parties shall be simultaneously informed of the outcome of any disciplinary proceeding.
- Victims shall be notified of counseling services.
- Victims shall be notified of options for changing academic and living situations.

A victim of crime is defined by [Chapter 56A of the Code of Criminal Procedure](#) as a person who:

- is a victim of the offense of sexual assault; kidnapping; aggravated robbery; trafficking of persons;
- or injury to a child, elderly individual, or disabled individual; or
- has suffered personal injury or death as a result of the criminal conduct of another.

The law also applies to victims of juvenile crime, including victims who suffer property loss.

The State of Texas intends that victims of crime receive the following safeguards, assurances, and considerations:

- [The Texas Constitution \(Article I, Section 30\) provides](#) victims of violent crime with the right, upon their request, to receive notice about court proceedings and the conviction, sentence, imprisonment and release of the accused.
- Texas Victim Information and Notification Everyday (VINE) is a system that notifies registered persons of suspect/offender status and court event changes. Notifications are sent when a

suspect/offender is released or transferred, there is a change in custody status (e.g., death, escape), or a court event has been set or changed.

- VINE 24-hour information on jail status and court events: 1-877-894-8463
- [VINE website](#)

Victims may also be eligible for the [Texas Crime Victims Compensation Program](#)

Sexual Misconduct Policy, Prevention and Reporting Policy Statement

Policy

Excerpt from TSUS Sexual Misconduct Policy & Procedures

Texas State University System Sexual Misconduct Policy and Procedures Educational programs and campaigns citation 34 CFR 668.46(j). Procedures victims should follow citation 34 CFR 668.46(b) (11)(i) Procedure's institutions should follow citation 668.46(b)(11)(ii) Procedures for institutional disciplinary action citation 34 CFR 668.46(k).

“The Texas State University System (TSUS), its colleges, and universities (collectively referred to as “System” and/or “Components” and used interchangeably herein) are committed to creating and maintaining educational communities in which each individual is respected, appreciated, and valued. The System’s focus on tolerance, openness, and respect is key in providing every member of the TSUS community with basic human dignity free from all forms of Sexual Misconduct, including Sexual Harassment, Sexual Assault, Domestic Violence, Dating Violence, and Stalking. Any report of behavior that threatens our institutional values and breaches this Policy shall be promptly investigated and remediated in accordance with principles of law, fairness, and equity to all Parties involved.”

Purpose of Policy

The purpose of this Sexual Misconduct Policy is to ensure that:

- Sexual Misconduct is not tolerated on LIT property or in any LIT Education Program or Activity;
- LIT maintains an environment that promotes prompt reporting of all forms of Sexual Misconduct and the timely and fair resolution of Sexual Misconduct Complaints or Reports;
- LIT take prompt and appropriate action to eliminate Sexual Misconduct, prevent its recurrence, and remedy its effects;
- LIT complies with all applicable federal and state laws regarding Sexual Misconduct – including sexual discrimination – in higher education; and,
- LIT has a uniform Policy that defines and describes prohibited sexual conduct, establishes procedures for processing Complaints or Reports of Sexual Misconduct, permits appropriate sanctions, and identifies available resources.

Notice of Sexual Misconduct Violations

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

Applicability of this Policy

This Policy applies to all students, faculty, staff, and Third Parties within LIT's Education Programs or Activities and prohibits Sexual Misconduct committed by or against students, faculty, staff, or Third Parties. The Policy applies to:

- all incidents of Sexual Misconduct;
- all incidents of Sexual Misconduct occurring on or after the effective date of this Policy;
- all incidents of Title IX Sexual Harassment; and
- with the exception of incidents of Title IX Sexual Harassment, all incidents of Non-Title IX Sexual Misconduct occurring prior to the effective date of this Policy are controlled by the Policy in effect at that time.

Equal Access

LIT shall ensure, to the greatest extent practicable, equal access for Students enrolled at or Employees of LIT who are persons with disabilities. LIT shall make reasonable efforts to consult with a disability services office, advocacy groups for people with disabilities, and other relevant stakeholders to assist with complying with LIT's duties under this Policy.

First Amendment Rights

Freedom of speech and principles of academic freedom are central to the mission of institutions of higher education. Constitutionally protected expression cannot be considered Sexual Misconduct under this Policy.

Prevention

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

LIT engages in comprehensive, intentional, and integrated programming, initiatives, strategies, and campaigns intended to end dating violence, domestic violence, sexual assault and stalking that:

- Are culturally relevant, inclusive of diverse communities and identities, sustainable, responsive to community needs, and informed by research, or assessed for value, effectiveness, or outcome; and
- Consider environmental risk and protective factors as they occur on the individual, relationship, institutional, community and societal levels.

LIT is committed to increasing the awareness and preventing sexual violence. LIT provides all incoming students and new employees with ongoing awareness and prevention campaigns. We intend for these to prevent rape, acquaintance rape, sexual assault, domestic violence, dating violence, and stalking. We hope to affect a culture shift through the changing of social norms and other approaches that include;

- A clear statement that the LIT prohibits such acts of domestic violence, dating violence, sexual assault and stalking (as defined by the Clery Act);
- Their definitions of domestic violence, dating violence, sexual assault and stalking according to any applicable jurisdictional definitions of these terms;
- What behavior and actions constitute consent, in reference to sexual activity, in the State of Texas;
- The institution's definition of consent and the purposes for which that definition is used,

- A description of safe and positive options for bystander intervention, Bystander intervention means safe and positive options that may be carried out by an individual or individuals to prevent harm or intervene when there is a risk of dating violence, domestic violence, sexual assault or stalking. Bystander intervention includes recognizing situations of potential harm, understanding institutional structures and cultural conditions that facilitate violence, overcoming barriers to intervening, identifying safe and effective intervention options, and taking action to intervene;
- Information about risk reduction, Risk reduction means options designed to decrease perpetration and bystander inaction, and to increase empowerment for victims in order to promote safety and to help individuals and communities address conditions that facilitate violence.

Primary Crime Prevention and Awareness Programs

In addition to the many programs offered by LUPD and other LIT offices, the Institute has established a number of policies and procedures related to ensuring a reasonably safe campus community. This report summarizes many of these policies. In an effort to promote safety awareness, LIT safety and security officials, as well as LUPD members maintain a strong working relationship with the community.

During the 2022-2023 academic year, LIT offered TSUS Ethics training programs. Topics such as personal safety, drug and alcohol abuse awareness and sexual assault prevention are some examples of programs offered during the prior academic year.

New Hire Orientation

New Hire orientations are held at the same time of hire, and employees are given an overview of LIT's benefits which include the Employee Assistance Program. The EAP offers assistance on a range of issues including mental or substance abuse disorders, health and social issues. The Employee Handbook and Policies and Procedures are located online.

Incoming freshman and Transfer students

These students are required to complete VECTOR's Sexual Assault Prevention training online. This is a comprehensive education and training solution that fosters healthy relationships behaviors and prepares students to recognize and respond to sexual assault and harassment.

The course content includes:

- Importance of Values
- Aspects of (Un)healthy Relationships
- Gender Socialization
- Sexual Assault
- Sexual Harassment
- Stalking
- Consent
- Bystander Intervention
- Victim Support
- Reporting and Responding

Faculty and staff are required to take VECTOR's Preventing Harassment and Discrimination/Title IX/Clery Act training at hire. The course content includes:

- Preventing Harassment and Discrimination
- Developing Awareness and Recognizing Discrimination
- Cultivating Attitudes and Identifying Harassment

- Taking Action Against Retaliation
- Maintaining Positive Workplaces
- Bystander Intervention
- Aspects of (Un)healthy Relationships
- Consent
- Sexual Assault
- Stalking
- Reporting and Disclosure
- Supportive Measures
- Grievance Process

Additionally, faculty and staff are made aware of additional relevant information, such as recent legislative updates, during onboarding.

Specifically, LIT offered the following primary prevention and awareness programs for all incoming freshman and transfer students in academic year 2021-2022:

Name of Program	Date Held	Location Held	Which Prohibited Behavior* Covered?
Orientation - EVERFI Sexual Assault Prevention Training	Throughout the Year	Online	DoV, DaV, SA, S

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

LIT offered the following primary prevention and awareness programs for all new employees in academic year 2021-2022:

Name of Program	Date Held	Location Held	Which Prohibited Behavior* Covered?
Orientation - Preventing Harassment and Discrimination with Title IX/Clery Module	Employee Onboarding	Online	DoV, DaV, SA, S

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

Ongoing Prevention and Awareness Campaigns

All crime prevention and security awareness programs encourage students and employees are encouraged to be responsible for their own security and the security of others. Participants in these programs are asked to be alert, security-conscious and involved and advised to call LUPD to report suspicious behavior. For additional questions regarding crime prevention, contact the department directly at (409) 880-8307.

As part of the department’s community-oriented policing philosophy, LUPD offers crime prevention presentations each semester to classrooms, campus clubs and student groups as requested. Topics of these

presentations include personal safety awareness, Rape Aggression Defense (R.A.D.) and property protection strategies.

Effective crime prevention is often a matter of common sense and being aware of one's surroundings. The following tips and information are available: Organization and LIT sponsored programs on such topics as acquaintance rape, crime prevention, and alcohol and drug education. These programs are available by calling LUPD at 880-8305.

Student Organization host various awareness campaigns such as domestic violence awareness annually.

Education and Training:

- All incoming freshman and transfer students are required to take on-line Sexual Assault Prevention training, which includes primary prevention, bystander intervention and strategies to reduce your risk of sexual assaults.
- Faculty and staff are required to take similar on-line training during new hire orientation and every two years.
- Title IX staff are required to take specialized training

Events and Activities:

January

National Stalking Awareness Month

- To raise awareness about this serious, prevalent and dangerous crime. Topics: Human trafficking & stalking

February

Dating Awareness Month (Healthy Relationship Month)

- To amplify efforts to increase awareness regarding dating violence and promote safe, healthy relationships.

April

Sexual Assault Awareness Month

- To promote the advocacy, awareness and prevention of sexual assault.

October

National Dating & Domestic Violence Awareness Month

- To unite individuals and organizations working on domestic violence issues while raising awareness for those issues

Risk Reduction

With no intent to victim blame and recognizing that only abusers are responsible for their abuse, the following are some strategies to reduce one's risk of sexual assault or harassment (taken from [Rape, Abuse & Incent National Network](#))

- Be aware of your surroundings. Knowing where you are and who is around you may help you to find a way to get out of a bad situation.
- Try to avoid isolated areas. It is more difficult to get help if no one is around.
- Walk with purpose. Even if you don't know where you are going, act like you do.

- Trust your instincts. If a situation or location feels unsafe or uncomfortable, it probably isn't the best place to be.
- Try not to load yourself down with packages or bags as this can make you appear more vulnerable.
- Make sure your cell phone is with you and charged and that you have downloaded a rideshare app or have coordinated transportation with friends.
- Don't allow yourself to be isolated with someone you don't trust or someone you don't know.
- Avoid putting music headphones in both ears so that you can be more aware of your surroundings, especially if you are walking alone.
- When you go to a social gathering, go with a group of friends. Arrive together, check in with each other throughout the evening, and leave together. Knowing where you are and who is around you may help you to find a way out of a bad situation.
- Trust your instincts. If you feel unsafe in any situation, go with your gut. If you see something suspicious, contact law enforcement immediately (local authorities can be reached by calling 911 in most areas of the U.S.).
- Don't leave your drink unattended while talking, dancing, using the restroom, or making a phone call. If you've left your drink alone, just get a new one.
- Don't accept drinks from people you don't know or trust. If you choose to accept a drink, go with the person to the bar to order it, watch it being poured, and carry it yourself. At parties, don't drink from punch bowls or other large, common open containers.
- Watch out for your friends, and vice versa. If a friend seems out of it, is way too intoxicated for alcohol they've had, or is acting out of character, get him or her to a safe place immediately.
- If you suspect you or a friend has been drugged, contact law enforcement immediately (local authorities can be reached by calling 911 in most areas of the U.S.). Be explicit with doctors so they can give you the correct tests (you will need a urine test and possibly others).
- If you need to get out of an uncomfortable or scary situation here are some things that you can try:
 - Remember that being in this situation is not your fault. You did not do anything wrong; it is the person who is making you uncomfortable that is to blame.
 - Be true to yourself. Don't feel obligated to do anything you don't want to do. "I don't want to" is always a good enough reason. Do what feels right to you and what you are comfortable with.
 - Have a code word with your friends or family so that if you don't feel comfortable you can call them and communicate your discomfort without the person you are with knowing. Your friends or family can then come to get you or make up an excuse for you to leave.
 - Lie. If you don't want to hurt the person's feelings it is better to lie and make up a reason to leave than to stay and be uncomfortable, scared, or worse. Some excuses you could use are needing to take care of a friend or family member, not feeling well, having somewhere else that you need to be, etc.
 - Try to think of an escape route. How would you try to get out of the room? Where are the doors? Windows? Are there people around who might be able to help you? Is there an emergency phone nearby?
 - If you and/or the other person have been drinking, you can say that you would rather wait until you both have your full judgment before doing anything you may regret later. Risk reduction is defined as remedies designed to:
 - Understand and respect personal boundaries
 - Decrease perpetration

- Take affirmative responsibility for alcohol and drug consumption and acknowledge alcohol and drugs lower sexual inhibitions and make a person vulnerable to someone who views a person under the influence as a target.
- Try to think of an escape route. How would you try to get out of the room? Where are the doors? Windows? Are there people around who might be able to help you? Is there an emergency phone nearby?
- If you and/or the other person have been drinking, you can say that you would rather wait until you both have your full judgment before doing anything you may regret later.

Bystander Intervention

Bystanders have an opportunity to play a critical role in the prevention of relationship violence. They are individuals who directly or indirectly observe violence or the conditions that perpetuate it. Bystanders have the choice to intervene, speak up, and do something about the situation. At LIT, we want a culture of community accountability where bystanders actively engage in the prevention of violence without causing further harm. Bystanders may not always know what to do, even if you want to help. Below is a list of some ways to be an active bystander. If you or someone else is in immediate danger, dial 911. For example, when a person is yelling at or being physically abusive towards another and it is not safe for you to interrupt.

BE AN ACTIVE BYSTANDER

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

Sex Offender Registration/Campus Sex Crimes Prevention Act (Megan’s Law)

The Federal Campus Sex Crimes Prevention Act, enacted on October 28, 2000, requires institutions of higher education to issue a statement advising the campus community where law enforcement agency information provided by a State concerning registered sex offenders may be obtained. It also requires sex offenders already required to register in a State to provide notice, as required under State law, of each institution of higher education in that State at which the person is employed, carries on a vocation, volunteers services or is a student. In Texas, convicted sex offenders must register with the Texas Department of Public Safety (TXDPS). This information can be found on TXDPS website at <https://www.dps.texas.gov/section/crime-records-service/texas-sex-offender-registration-program>.

Reporting

Reporting Options and Protocols (TSUS Sexual Misconduct Policy section 4)

LIT 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 LIT’s website; the Student’s handbook; the Dean of Students Office; Human Resources; and Campus Security; or their equivalents. Once a

Complaint or Report of Sexual Misconduct is received by LIT, the Title IX Coordinator will determine the appropriate grievance process for resolution.

Although a victim of Sexual Misconduct may decline to report the incident, LIT supports, encourages, and will assist those who have been the victim of Sexual Misconduct to report the incident to any of the sources below. The alleged victim may use a pseudonym form when making a report to a law enforcement agency.

Title IX Coordinator

If you have been the victim of domestic violence, dating violence, sexual assault, or stalking, you should report the incident promptly to either:

LUPD

211 Redbird Lane Beaumont, Tx 77701
409-880-7777
9-1-1

Title IX Coordinator and Compliance Officer

855 E Lavaca Beaumont, TX 77701 Eagles' Nest Room 128
409-247-4838
titleix@lit.edu

Reports of all domestic violence, dating violence, sexual assault and stalking made to LUPD or a Campus Security Authority (CSA) will automatically be referred to the Title IX Coordinator for investigation regardless of if the complainant chooses to pursue criminal charges.

The Title IX Coordinator will discuss with the reporting Party the options for:

- Filing a Formal Complaint of a Title IX Sexual Harassment incident, if applicable; or,
- Filing a Report of a Non-Title IX Sexual Misconduct incident, if applicable.

Official with Authority

An individual may report alleged Sexual Misconduct to an Official with Authority. A report to an Official with Authority will impose actual knowledge of the incident, provided that the reported incident of Sexual Misconduct meets the definition of Title IX Sexual Harassment. LIT will identify and provide contact information of the Official with Authority in various locations, including but not limited to LIT's website and the applicable online handbooks.

LUPD/Local Law Enforcement

An individual may report an incident of Sexual Misconduct to Law Enforcement (including the Campus security and/or local police). Although LIT strongly encourages reporting Sexual Misconduct to the police, it is the victim's choice whether or not to make such a report. Furthermore, victims have the right to decline to notify law enforcement. However, any CSA or the Title IX Coordinator will assist any victim with notifying law enforcement if the victim so desires.

A victim may request administrative action by LIT with or without filing a police report. Filing a police report does not obligate the victim to continue with criminal proceedings or LIT's disciplinary action. LIT will provide the victim the contact information for the LUPD or local law enforcement agencies.

CSA

A Report of Sexual Misconduct may be made to a Campus Security Authority (CSA) as defined in the Annual Security Report. All CSAs will promptly inform the Title IX Coordinator of the complaint and comply with all other reporting obligations required by the Clery Act.

Electronic Reporting

LIT shall provide an option for electronic reporting of an incident of Sexual Misconduct. The electronic reporting option must:

- Enable an individual to report the alleged offense anonymously; and
- Be easily accessible through an identifiable link on the LIT's website home page.

Anonymous Reports

Individuals who chose to file anonymous reports are advised that:

- It may be very difficult, and in some cases, not possible for LIT to investigate an anonymous Report; and
- Filing a Report is not necessary in order to secure Supportive Measures.

Responsible Employee Mandatory Reporting

A Responsible Employee who has knowledge of Sexual Misconduct must report promptly to the Title IX Coordinator all relevant details known to the Employee about the alleged Sexual Misconduct shared by the Complainant or Reporting Party. A Responsible Employee must share all information relevant to the investigation, and if applicable, redress of the incident, including whether the Complainant has expressed a desire for confidentiality in reporting the incident.

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

Confidential Employees

LIT will identify and provide contact information for Confidential Employees in various locations, including but not limited to LIT's website and appropriate online handbooks. These Confidential Employees will assist in a crisis and provide information about possible resources, some of which may include law enforcement, medical assistance, psychological counseling, victim advocacy assistance, legal assistance, LIT's disciplinary action, immigration services, and criminal prosecution. Training for Confidential Employees may be through their professional organizations, if any, or through the Title IX Coordinator. A Confidential Employee who receives information about an incident of Sexual Misconduct shall report to the Title IX Coordinator only the type of incident reported and provide such information to the Compliance Officer for purposes of the Annual Security Report.

Confidential Employees have been designated as being able to take confidential reports of sexual misconduct, including sexual harassment, sexual assault (including rape and acquaintance rape), domestic violence, dating violence, relationship violence, or stalking, without having to report the victim's identity or other confidential information to the Title IX Coordinator.

LIT does not employ any confidential employees.

Termination for Failure to Report or Making a False Report

LIT shall terminate an Employee if it determines to have either:

- 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
- Knowingly made a false Report of Sexual Harassment, Sexual Assault, Dating Violence, or Stalking with intent to harm or deceive.

No Report Required

An Employee is not required to report an incident of Sexual Misconduct to the Title IX Coordinator if:

- Employee was the victim of such conduct; or,
- Employee received information due to a disclosure made at a public awareness event sponsored by LIT or by a Student organization affiliated with the LIT.

Request for Anonymity by Complainant

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

Preservation of Evidence

Preservation of evidence is critical in incidents of Sexual Misconduct. If you experience sexual violence, you are encouraged to seek immediate medical care as soon as possible at Christus St. Elizabeth Hospital, 3650 Laurel Avenue, Beaumont, TX, 409-892-7171. Also, preserving DNA evidence can be key to identifying the perpetrator in a sexual violence case.

Victims can undergo a medical exam to preserve physical evidence with or without police involvement. If possible, this should be done immediately. If an immediate medical exam is not possible, individuals who have experienced a sexual assault may have a Sexual Assault Forensic Exam (SAFE) performed by a Sexual Assault Nurse Examiner (SANE) within 4 days of the incident. With the victim's consent, the physical evidence collected during this medical exam can be used in a criminal investigation; however, a person may undergo a SAFE even without contacting, or intending to contact, the police. In Texas, evidence may be collected even if you chose not to make a report to law enforcement.

The Non-Reported Sexual Assault Evidence Program was created in HB 2626 by the 81st Legislature and went into effect June 21, 2009. The program allows survivors of a sexual assault to obtain a medical forensic exam and have evidence collected, without cost to the victims, even if they do not wish to involve law enforcement at the time of evidence collection. This allows the evidence to be secured while giving the survivor time to consider whether they want to report the assault. A patient who has requested and obtained a non-reported sexual assault medical forensic examination has up to two years to decide to report the crime. Information related to the program can be found in [Chapter 56.065 Code of Criminal Procedure](#)

Confidentiality- Texas Public Information Act

In reference to the TSUS Sexual Misconduct Policy section 3.15

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:

- An alleged victim of an incident of Sexual Misconduct;
- A person who reports an incident of Sexual Misconduct;
- A person who sought guidance from the Component concerning such an incident;
- A person who participated in the Component's investigation of such an incident; or,
- A person who is alleged to have committed or assisted in the commission of Sexual Misconduct, provided that after completion of the investigation, the Component determines the Complaint or Report to be unsubstantiated or without merit.

The identity of the individual(s) referenced in Section 3.15.1 may only be disclosed to the following:

- A Component, as necessary to conduct an investigation and resolution of the investigation;
- The person or persons alleged to have perpetrated the incident of Sexual Misconduct defined in this Policy, to the extent required by other law;
- A law enforcement officer, as necessary to conduct a criminal investigation;
- Potential witnesses to the incident, as Necessary to conduct an investigation; or,
- A health care provider in an emergency situation, as determined necessary by the Component.
- Information reported to a health care provider or other medical provider employed by a Component is confidential and may be shared by the provider only with the Complainant's consent. The provider must provide aggregate data or other non-identifying information regarding incidents of Sexual Misconduct to the Component's Title IX Coordinator.
- Breaches of confidentiality or privacy committed by Employees receiving a Complaint or Report of alleged Sexual Misconduct or investigating the Report of alleged Sexual Misconduct may result in disciplinary sanctions.

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

The Texas Public Information Act permits the identity of Victims of sexual assault to be withheld from those seeking records under the Act (Texas Attorney General Open Records Decision 339 (1982)). <https://www.texasattorneygeneral.gov/sites/default/files/ord-files/ord/2020/ord19820339.pdf>

Victims Procedures of a Crime of Domestic Violence, Dating Violence, Sexual Assault and Stalking

After an incident of sexual assault, dating violence or domestic violence, the victim should consider seeking medical attention as soon as possible at Lamar University Health Center or other local hospitals in the nearby vicinity. (Beaumont Baptist Hospital or St Elizabeth Beaumont.)

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

Procedure for Victims

The following information provides steps to follow should a sexual assault occur:

- Get to a safe place as soon as possible.
- Try to preserve all physical evidence – The victim of rape should not bathe, shower, brush teeth, douche, use the toilet, or change clothing or clean the bed/linen/area where they were assaulted if the offense occurred within the past 96 hours so that evidence may be preserved that may assist in proving that the alleged criminal offense occurred/or is occurring or may be helpful in obtaining a protection order. In circumstances of sexual assault, if victims do not opt for forensic evidence collection, health care providers can still treat injuries and take steps to address concerns of pregnancy and/or sexually transmitted infections. Victims of sexual assault, domestic violence, stalking, and dating violence are encouraged to also preserve evidence by saving text messages, instant messages, social networking pages, other communications, and keeping pictures, logs or other copies of documents, if they have any, that would be useful to Institution adjudicators/investigators or police.
- Contact a close friend or relative, if available, who can provide support and accompany the victim to the medical exam and/or LUPD department. Advocates from the Women’s Resource Center can be available to the victim to provide support.
- Get medical attention as soon as possible – An exam may reveal the presence of physical injury of which the victim is unaware. Following a sexual assault, antibiotics are typically given at the time of the exam to help prevent the victim from acquiring certain sexually transmitted diseases. Emergency contraceptive pills are offered to all victims at the time of the exam (if the victim

presents within 120 hours) to help prevent pregnancy from occurring as a result of the rape. If the victim reports memory loss, loss of consciousness or other circumstances suspicious for a drug facilitated assault, a urine test may be done if the victim presents within 96 hours. However, some of the commonly used “date rape” drugs are only detectable in the urine for 6-8 hours after ingestion.

- Contact the LUPD – Sexual assault is a crime; it is vital to report it. It is important to remember report a crime is not the same as prosecuting the crime. The decision to prosecute may be made at another time. Final decision to prosecute is determined by the District Attorney.
- Consider talking to a counselor – Seeing a counselor may be important in helping the victim understand their feelings and begin the process of recovery.

Family Services Association, Beaumont Texas (409) 833- 2668
Franklin House Women, Children, and Family (409) 896- 5911
Jefferson County Victims’ Assistant Center (409) 833-3377
Rape & Suicide Crisis Center of SE Texas 1 (800) 793-2273

Assistance for Victims

Rights and Options

Regardless of whether a Victim elects to pursue a criminal complaint or whether the offense is alleged to have occurred on or off campus, LIT will assist Victims of sexual assault, domestic violence, dating violence, relationship violence, and stalking and will provide each victim with a written explanation of their rights and options, including:

- The procedures victims should follow if a crime of dating violence, domestic violence, sexual assault or stalking has occurred;
- Information about how the institution will protect the confidentiality of victims and other necessary parties;
- A statement that the institution will provide written notification to students and employees about victim services within the institution and in the community;
- A statement regarding the institution’s provisions about options for, available assistance in, and how to request accommodations and protective measures; and
- An explanation of the procedures for institutional disciplinary action

LIT has procedures in place that are sensitive to those who report sexual assault, domestic violence, dating violence, and stalking.

On and Off Campus Resources for Victims

Upon receipt of a report of domestic violence, dating violence, sexual assault or stalking, LIT will provide written notification to students and employees about existing assistance with information about obtaining resources and services including counseling, health, mental health, victim advocacy, legal assistance, visa and immigration assistance, student financial aid and assistance in notifying appropriate local law enforcement. Both LIT and Jefferson County offer other important resources to the victims of sexual violence including medical treatment, counseling and advocacy they may wish to utilize. A victim need not make a formal report to law enforcement or the Institute to not make a formal report to law enforcement or the Institute to access these resources that include the following:

Lamar University/Student Health and Counseling

857 East Virginia/ Beaumont, TX 77705,
(409) 880-8466
(Students & employees only)

Christus Hospital
2830 Calder Street Beaumont, TX 77702
(409) 892-7171 (Public)

Baptist Hospital of Southeast TX
3080 College Beaumont, TX
(409) 212-5000 (Public)

Family Services of SE Texas,
3550 Fannin/ Beaumont, TX 77701
(409) 833-2668 (Public)

Jefferson County Victims' Assistance Center
215 Franklin Street/ 2nd Floor/ Beaumont, TX 77701
(409) 833-3377 (Public)

Other resources available to persons who report being the victim of sexual assault, domestic violence, dating violence, or stalking, include:

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

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

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

LIT Procedures for Crime of Domestic Violence, Dating Violence, Sexual Assault and Stalking

Procedures

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

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

Equitable Treatment

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

Standard of Evidence

Presumption of Non-Responsibility. Any person accused of Sexual Misconduct under this Policy is presumed not responsible for the alleged conduct until a determination regarding responsibility is made at the conclusion of the grievance process.

Preponderance of the Evidence Standard

The university's disciplinary process includes a prompt, fair, and impartial investigation and resolution process. In all instances, the process will be conducted in a manner that is consistent with the institution's policy and that is transparent to the accuser and the accused.

The Decision Maker will weigh the admissible evidence using the preponderance of the evidence standard. LIT officials involved in the investigation or adjudication of domestic violence, dating violence, sexual assault and stalking complaints are trained annually on the issues related to domestic violence, dating violence, sexual assault, and stalking as well as how to conduct an investigation and hearing process that protects the safety of the victim and promotes accountability. Furthermore, each policy provides that:

1. The Complainant and the Respondent will have timely notice for meetings at which the Complainant or Respondent, or both, may be present;
2. The Complainant, the Respondent and appropriate officials will have timely and equal access to any information that will be used during formal and informal disciplinary meeting and hearings;

Conflicts of Interest

Any individual designated by LIT as a Title IX Coordinator, Investigator, Decision Maker, Informal Resolution Facilitator, Appellate Authority, or Campus Administrator may not have a conflict of interest or bias for or against Complainants or Respondents generally, or against an individual Complainant or Respondent. The Title IX Coordinator shall not serve as Decision Maker, Informal Resolution Facilitator, or Appellate Authority.

Promptness

LIT shall make every reasonable effort to ensure that the resolution of a domestic violence, dating violence, sexual assault, stalking and Sexual Misconduct Complaint or Report occurs in as efficient a manner as possible, with an expectation that the process (exclusive of any appeal procedures) will generally be completed within one hundred and twenty (120) calendar days of the date a Complaint or Report is submitted.

Modification of Deadlines

The Title IX Coordinator may modify any deadlines contained in this Policy as necessary to accomplish the purposes stated and for good cause, with written notice to the accuser and the accused, of the delay and the reason for the delay, including, but not limited to, complexity of the investigation and to accommodate semester breaks.

Immunity/Amnesty

Reporting, investigating, and adjudicating incidents of Sexual Misconduct is of paramount importance. LIT does not condone underage drinking, illegal use of drugs, or other criminal behavior. However, LIT 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 LIT for any violation of the applicable code of conduct, provided:

- the person acts in good faith;
- the violation of the code of conduct arises out of the same facts or circumstances as a Complaint or Report of Sexual Misconduct;

- the violation of the code of conduct is not punishable by suspension or expulsion; and,
- the person is not reporting his or her own commission or assistance in the commission of Sexual Misconduct.

Accommodations and Supportive Measures available for Victims

Any student or employee, who reports an incident of sexual violence, whether the offense occurred on or off campus, shall receive a written explanation of their rights and options as well as accommodations available to make any reasonably available changes to a victim's academic, transportation and/or working situation. This written explanation identifies the availability of counseling, health, mental health, victim advocacy, legal assistance, visa and immigration assistance, student financial aid and other services on and/or off campus as well as additional remedies to prevent contact between a complainant and the respondent.

At the victim's request, the Title IX Coordinator will work cooperatively to assist the victim in obtaining accommodations, regardless of whether the victim chooses to report the crime to campus or local law enforcement.

Supportive measures are confidential to the extent allowed by law and to the extent that maintaining such confidentiality will not impair the ability to provide the measures. If reasonably available, a victim may be offered changes to academic, working, protective measures or transportation situations regardless of whether the victim chooses to report the crime to campus security or local law enforcement. The Title IX Coordinator is responsible for coordinating the effective implementation of Supportive Measures, and the duration of such measures. To request changes to academic, transportation and/or working situations or protective measures, a victim should contact the Title IX Coordinator by email at titleixcoordinator@lit.edu; by phone at 409-247-4838; or in person in the Eagles' Nest, Room 128.

Supportive Measures may include, but are not limited to: counseling provided by a counselor who does not provide counseling to any other person involved in the incident, including a person who reports an incident of Sexual Misconduct;

- extensions of deadlines or other course-related adjustments;
- without any academic penalty, modifications of work or class schedules or assignments, including the option of dropping a course in which both Parties are enrolled;
- campus escort or transportation services;
- mutual restrictions on contact between the Parties;
- changes in work locations if employed on campus;
- leaves of absence;
- restrictions from specific activities or facilities; and,
- increased security and monitoring of certain areas of the campus.

Emergency removal of an employee or student prior to a final decision in the grievance process must comply with Texas State University System Rules and Regulations.

Supportive Measures when Anonymity is Required

LIT's inability to take disciplinary action against an alleged Respondent because of a Complainant's insistence on anonymity will not restrict LIT's ability to provide appropriate measures for the reasonable safety of the LIT community.

Unreasonable Burden

Supportive Measures may not impose an unreasonable burden on the other Party.

Failure to Adhere to Supportive Measures

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

LIT's Responsibilities for Orders of Protection, "No Contact" Orders, Restraining Orders, or Similar Lawful Orders Issued by a Criminal, Civil, or Tribal Court or by the Institution

LIT complies with Texas law in recognizing orders of protection. Any person who obtains an order of protection from Texas should provide a copy to Lamar University Police Department (LUPD) and the Office of the Title IX Coordinator. A complainant may then meet with LUPD to develop a Safety Action Plan, which is a plan for campus police and the victim to reduce risk of harm while on campus or coming and going from campus. This plan may include, but is not limited to: escorts, special parking arrangements, providing a temporary cellphone, changing classroom location or allowing a student to complete assignments from home, etc.) LIT cannot apply for a legal order of protection, no contact order or restraining order for a victim from the applicable jurisdiction(s).

Type Of Order	Rights of Victims	Institution's Responsibilities
No contact orders	Prevents ongoing communication between the accuser and the accused	No contact should be made by telephone, text, email, social media, internet, in person, or through a third party (other than an attorney or police) or LIT, through the Student Conduct Office, will take immediate action. Any violations should be reported to the Office of Title IX coordinator at (409) 951-5708 or via email at jcorks@lit.edu . In the case of an emergency, please dial 9-1-1.

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

Complainant & Respondent Rights

You have the right to:

- Report sexual misconduct to the university without discouragement and have report promptly, equitably, and fairly investigated

- Be treated with respect by university officials
- Preservation of privacy, to extent possible and allowed by law
- Be informed of available resources such as counseling, medical, mental health, law enforcement, immigration, or services for victims/respondents, both on campus and in the community
- Be fully informed of the sexual misconduct policy and process as described in the sexual misconduct policy
- Petition that any investigator, coordinator, or university administrator be removed from the process on the basis of demonstrated bias
- Timely notice of any meetings
- Be provided timely access to review relevant documents or materials, subject to privacy limitations imposed by state and federal law
- Identify and ask the investigator to question relevant witnesses
- Have a representative or advisor present (although not directly participating) during any meetings with Investigator, Coordinator, or Appellate Authority
- Be informed in writing of the outcome and sanction of any investigation involving sexual misconduct
- A finding and sanction (if any) based solely on evidence presented during the investigation
- Appeal the finding and sanction of the applicable administrator, in accordance with the sexual misconduct policy
- Have university policies and procedures followed without material deviation
- Be informed in advance, when possible, of any public release of information regarding the complaint

Title IX and LIT policies protect students and employees from discrimination and sexual misconduct. If accused of such behaviors, you also have rights as a respondent.

Complainant and Respondent Rights- Know Your Nine

1. Title IX prohibits gender discrimination in education programs that receive federal funding. This means all public and charter k-12 schools, some private k-12 schools, and nearly all colleges and universities.
2. Sexual harassment, including sexual assault, is a type of gender discrimination that's banned by Title IX.
3. Title IX is not exclusive to female students. Title IX applies to and protects all students, faculty, and staff.
4. Schools must have established procedures for handling gender discrimination and sexual assault.
5. Schools must take prompt action to ensure complainants continue their education free of ongoing harassment.
6. Schools must not retaliate against someone filing a complaint and must have procedures to protect complainants from retaliation.
7. Schools can issue "No Contact" directives to prevent accused respondents from interacting with victims and other parties.
8. Sexual harassment and assault create a hostile environment that interferes with students' abilities to benefit from educational programs.
9. If a school knows (or has actual knowledge) about sexual harassment, including sexual assault, that creates a hostile environment, Title IX requires the school to eliminate the harassment, prevent its reoccurrence, and address its effects.

Types of Disciplinary Proceedings Utilized in Cases of Alleged Domestic Violence, Dating Violence, Sexual Assault, and Stalking

Whether or not criminal charges are filed, LIT or a person (student or employee) may file a complaint under the Texas State University System Sexual Misconduct Policy and Procedures. This section contains an overview of the process. Below you will find access to our sexual misconduct policy.

Sexual Misconduct Policy

We encourage all LIT faculty, staff and students, to review and familiarize themselves with the [TSUS Sexual Misconduct Policy](#) (SMP).

1. **How to File a Complaint Under this Policy**

According to the SMP Section 4, there are a few ways that a complaint can be filed.

Victim Reporting Options:

- Title IX Coordinator
- Responsible Employee
- Official with Authority
- Local Law Enforcement
- Campus Police or Security
- Electronically through LIT Website
- Anonymously
- Preservation of Evidence
- Employee Mandatory Reporting

2. **How LIT Determines Whether this Policy will be Used:**

SMP Section 5-Classifying Sexual Misconduct Matters, Possible Dismissals, and Transfers:

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

Misconduct through the Non-Title IX Sexual Misconduct provisions of this Policy.

- 5.4.2 If the allegation does not meet the definition of Sexual Misconduct, LIT may address the misconduct through the applicable code of conduct process.

3. **Steps in the Disciplinary Process:**

Under the SMP Section 7.20, we find a list of “Decision and Sanctions”. Also, under Section 8.5, Title IX Coordinator Findings and Recommended Sanction; Section 8.6 Sanction Decisions; 8.7 Administrator Responsible for Imposing Sanctions; and Section 8.8 Dispute of Findings and/or Sanctions we find the steps to follow for Disciplinary Process.

4. **Anticipated Timelines:**

System offices and Components maintain an environment that promotes prompt reporting of all forms of Sexual Misconduct and the timely and fair resolution of Sexual Misconduct Complaints or Reports

5. **Decision-Making Process:**

Each individual area under the Sexual Misconduct Policy & Procedures has a process for decision-making.

Under 7, Title IX Sexual Harassment Grievance Process 7.11.1, the decision maker determines the relevancy of all questions asked during a hearing, may ask questions of a witness or party during the hearing, and ultimately issues the written decision of responsibility and sanction after the hearing. The Title IX Coordinator or the Investigator may not serve as Decision Maker. Under 7.20 the Decision Maker issues a written determination sent out at the same time to all parties along with information about how to appeal the determination.

Under 8, Non-Title IX Grievance Process, 8.6 provides the details for decision making.

6. **Standards of Evidence:**

7.8 Investigative Report- Investigator will complete a written investigative report that includes summaries of interviews conducted along with all the documents and information gathered with relevant evidence.

8.5. Findings from investigations are submitted to the Title IX Coordinator who will compile a report with recommendations for sanctions when there is a finding or violation.

7. **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:

- 4.12.1 Students
 - 4.12.1.1. no-contact orders;
 - 4.12.1.2. probation (including disciplinary and academic probation);
 - 4.12.1.3. expulsion from campus housing;
 - 4.12.1.4. restricted access to activities or facilities; mandated counseling (this may include but not limited to education programs and batterer intervention);
 - 4.12.1.5. disqualification from student employment positions;
 - 4.12.1.6. revocation of admission and/or degree;
 - 4.12.1.7. withholding of official transcript or degree;

- 4.12.1.8. bar against readmission;
 - 4.12.1.9. monetary restitution,
- 4.12.2. Employees
 - 4.12.2.1. withholding a promotion or pay increase;
 - 4.12.2.2. reassigning employment, including, but not limited to demotion in rank;
 - 4.12.2.3. terminating employment;
 - 4.12.2.4. barring future employment from System or Component;
 - 4.12.2.5. temporary suspension without pay;
 - 4.12.2.6. compensation adjustments;
 - 4.12.2.7. no-contract orders;
 - 4.12.2.8. relevant training; or
 - 4.12.2.9. recommendation to revoke tenure.

8. Range of Protective Measures Available to a Victim Alleging Misconduct:

- 4.8.1. Generally, when an incident of Sexual Misconduct is reported, the Component will consider supportive measures while the incident is investigated and adjudicated. The determination of appropriate supportive measures in each situation must be based on the facts and circumstances of that situation. The Title IX Coordinator is responsible for coordinating the effective implementation of supportive measures, and the duration of such measures. Supportive Measures may include, but not limited to:
 - 4.8.1.1. Counseling provided by a counselor who does not provide counseling to any other person involved in the incident, including a person who reports an incident of Sexual Misconduct, as long as the Component employs a sufficient number of counselors.
 - 4.8.1.2. extensions of deadlines or other course related adjustments;
 - 4.8.1.3. without any academic penalty, modifications of work or class schedules or assignments, including the option of dropping a course in which both parties are enrolled;
 - 4.8.1.4. campus escort or transportation services;
 - 4.8.1.5. mutual restrictions on contact between both parties;
 - 4.8.1.6. changes in work or housing locations;
 - 4.8.1.7. leaves of absence;
 - 4.8.1.8. restrictions from specific activities or facilities; and,
 - 4.8.1.8. increases security and monitoring of certain areas of the campus.

In addition to those protective measures previously described, the Title IX Coordinator or their designee will determine whether interim interventions and protective measures should be implemented, and it so, take steps to implement those protective measures as soon as possible. Examples of interim protective measures include, but are not limited to: An Institutional Order of No Contact, residence hall relocation, adjustment of course schedules, a leave of absence, or reassignment to a different supervisor or position. These remedies may be applied to one, both, or multiple parties involved. (Applicable law requires that, when taking such steps to separate the complainant and the accused, the University system must minimize the burden on the complainant and thus should not, as a matter of course, remove the complainant from his or her job, classes, or housing while allowing the accused to remain.) Violations of the Title IX Coordinator's directives and/or protective measures will constitute

related violations that may lead to additional disciplinary action. Protective measures imposed may be temporary pending the results of the investigation or may become permanent as determined by Lamar Institute of Technology.

LIT will honor any order of protection, no contact order, restraining order or similar lawful order issued by any criminal, civil, or tribal court related to any domestic violence, dating violence, sexual assault and/or stalking case. Any person who has obtained such an order should provide a copy to the Title IX Coordinator. The Complainant may then meet with the Title IX Coordinator to develop a plan to reduce risk of harm while on campus or coming and going from campus. This plan may include, but is not limited to, escorts, special parking arrangements, or changing classroom or work locations.

LIT cannot apply for such orders on behalf of the Victim. The Victim is required to apply directly for these services as per the table below.

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

Title IX Sexual Harassment Grievance Process

LIT’s entire Sexual Misconduct Policy and Procedures can be found on our website at <https://www.lit.edu/human-resources/files/policies-and-procedures> .

This policy applies to all faculty, staff, and students at LIT.

Informal Resolution

Eligibility for Informal Resolution: Informal Resolution is available after a Formal Complaint has been filed in a Title IX Sexual Harassment incident or a Report has been received in a Non-Title IX Sexual Misconduct incident. Informal Resolution may be pursued if:

- Both Parties are willing to engage in Informal Resolution and consent to do so in writing;
- The Complainant and the Respondent are both Students or are both Employees of the LIT;
- The Title IX Coordinator agrees that Informal Resolution is an appropriate mechanism for resolving the Complaint; and
- LIT provides written notice to the Parties in accordance with this policy

Informal Resolution Procedures: The Title IX Coordinator shall provide written notice to the Parties of the availability of informal resolution, including:

- The allegations;
- The requirements of the informal resolution process, including the circumstances under which the Parties are precluded from resuming a Formal Complaint arising from the same allegations;
- Any consequences resulting from participating in the informal resolution process, including the records that will be maintained or could be shared; and,
- The Parties' right to withdraw consent to informal resolution at any time prior to reaching an agreement and resume the grievance process.

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

- The parties are not able to reach an agreement prior to the exhaustion of the administrative process,
- One or more of the Parties withdraws consent to informal resolution, or,
- Title IX Coordinator determines that informal resolution is no longer appropriate.

Formal Resolution

Filing a Formal Complaint: Incidents of Sexual Misconduct should be reported as per the reporting section of this Policy. A Formal Complaint may be filed with the Title IX Coordinator Brenda McKay in person at 855 E Lavaca Beaumont, TX in the Eagles' Nest, Room 128, or by electronic mail to titleixcoordinator@lit.edu.

Cases Initiated by the Title IX Coordinator: If the Title IX Coordinator signs a Formal Complaint, the Title IX Coordinator is not a Complainant or otherwise a Party.

Notice of Allegations: In response to a Formal Complaint LIT must give written notice of the allegations to the Parties. This notice must include:

- Notice of LIT's grievance process, including informal resolution;
- Sufficient details of the allegations known at the time;
- Identities of the Parties involved;
- The conduct allegedly constituting Title IX Sexual Harassment;
- The date and location of the alleged incident;

- A statement that the Respondent is presumed not responsible for the alleged conduct and that a determination regarding responsibility will be made at the conclusion of the grievance process;
- That the Parties may have an Advisor of their choice, who may be, but is not required to be, an attorney;
- That the Parties may inspect, and review evidence gathered during the process;
- That knowingly making false statements or knowingly submitting false information during the grievance process is prohibited; and,
- The availability of Supportive Measures to the Complainant and Respondent.

Right to Advisor: Each Party may be accompanied by an Advisor of their choice to any related meeting, interview, or proceeding.

- If a Party does not have an Advisor to conduct cross-examination at the live hearing, LIT will provide the Party with an Advisor, who need not be an attorney, for the limited purpose of conducting cross-examination at the live hearing.
- Each Party's Advisor is requested to meet with the Title IX Coordinator to discuss hearing procedure and protocols prior to the live hearing, if any.
- LIT will not limit the choice of advisor or presence for either the Complainant or the Respondent in any meeting or institutional disciplinary proceeding.
- The Advisor may be, but need not be, an attorney who may provide support, guidance, or advice to the Party. The Advisor may not otherwise directly participate in any meeting, interview, or proceeding except for the limited purpose of conducting cross-examination at a live hearing, if any.

Consolidation of Complaints: LIT may consolidate Formal Complaints as to allegations involving the same circumstances or involving allegations against more than one Respondent, or by more than one Complainant, where the allegations arise out of the same facts or circumstances.

Investigation

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

Complaint, including the evidence upon which LIT does not intend to rely in reaching a determination regarding responsibility and inculpatory or exculpatory evidence whether obtained from a Party or other source, so that each Party can meaningfully respond to the evidence prior to the conclusion of the investigation.

- Each Party and their Advisor will be sent such evidence in electronic format or hard copy. Each Party will have ten (10) calendar days from the date they are notified to inspect, review, and respond to the evidence.
- The written response of each Party, if any, must be considered by the Investigator prior to completion of the Investigative Report.

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 the Investigator is not the Title IX Coordinator, the Investigative Report will be submitted to the Title IX Coordinator to ensure all elements of the investigation have been completed. The Title IX Coordinator will forward the Investigative Report to the Decision Maker.

Notice of Hearing

Upon completion of the Investigative Report, the Title IX Coordinator will send the Notice of Hearing and the Investigative Report to all Parties and their Advisors. The Notice of Hearing and Investigative Report will be sent no less than ten (10) calendar days prior to the scheduled hearing to allow all Parties an opportunity for response.

Pre-Hearing Instructions

The following items should be provided to the Decision Maker no later than three (3) calendar days prior to the date of hearing and apply equally to both Parties:

- any written response to the investigative Report;
- documents, or other evidence to be used at the hearing;
- the name of each witness who is to appear on that Party's behalf (witnesses not previously interviewed or identified may be allowed to testify only at the discretion of the Decision Maker); and,
- a list of initial questions and cross-examination questions for the opposing Party and any designated witness. Each Party, through their Advisor, will be permitted to conduct cross-examination even if written questions are not previously submitted by the Party.

Live Hearings

All investigations not dismissed shall have a live hearing. The following are the participants at a live hearing:

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

- **Parties:** The Parties are the Complainant and Respondent. Each Party may give a statement, answer questions, present evidence, and witnesses, and cross-examine the other Party and witnesses through their Advisor.
- **Advisor:** Each Party is entitled to have an Advisor of their choice at the hearing. Each Party must have an Advisor to conduct cross-examination of the other Party and witnesses. An Advisor may, but is not required to be, an attorney. In addition to cross-examination, the Advisor may provide support, guidance, or advice to Complainant or Respondent, but may not otherwise directly participate in the hearing. o If a Party does not have an Advisor, LIT will appoint an Advisor of LIT's choice, without fee or cost to the Party, for the limited purpose of conducting cross-examination, including questions challenging the Party or witness's credibility. LIT is not required to appoint an attorney as an Advisor
- **Investigator:** The Investigator will be present at the hearing and may answer questions from either Party about the investigation and the summary of evidence in the Investigative Report.
- **Title IX Coordinator:** The Title IX Coordinator may be present at the live hearing.

Availability of Investigative Evidence

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

Documents

Each Party shall have the opportunity to present relevant documents to the Decision Maker for consideration at the hearing. Only documents and other evidence pre-submitted in accordance with this policy will be considered. Any assertion of fact that is contained within a document may not be considered by the Decision Maker unless the person making the assertion of fact in the document submits to cross-examination by the other Party's Advisor.

Witnesses

Each Party shall have the opportunity to present fact and/or expert witnesses to the Decision Maker for consideration at the hearing.

Determination of Relevance of Questions

Only relevant questions may be asked of a Party or witness during the hearing. Before a Party or witness answers a cross-examination or other question, the Decision Maker must first determine whether the question is relevant.

- Questions concerning a Party's prior sexual behavior are not relevant unless offered to prove that someone other than the Respondent committed the alleged misconduct or if the questions and evidence concern specific incidents of the Complainant's prior sexual behavior with respect to the Respondent and are offered to prove Consent.
- The Decision Maker will explain to the Party's Advisor why a question excluded is not relevant. The Decision Maker's relevancy decision is final and may only be challenged as a procedural defect on appeal, as provided in this Policy.

Live Cross-Examination (Directly, Orally, in real time)

The cross-examination of a Party or witness must be conducted by the other Party's Advisor, orally, and in real time. A Party may not directly question the other Party or witness.

Excluding Statements from a Party or Witness Not Subject to Cross- Examination

If a Party or witness does not submit to cross-examination at the hearing, the Decision Maker must not rely on any statement of that Party or witness in reaching a determination regarding responsibility; and the Decision Maker may not draw an inference about responsibility based solely on a Party's or witness's absence from the hearing or refusal to answer cross-examination or other questions.

Alternative Hearing Locations

The hearing may be conducted with all Parties and witnesses physically present in the same geographic location or, at LIT's discretion, any or all Parties, witnesses, or other participants may appear at the hearing virtually. At the request of either Party, LIT shall provide for the entire hearing, including cross-examination, to occur with the Parties in separate rooms with technology that enables the Parties to see and hear each other or the witness answering questions, at all times while the hearing is in session.

Recording of Hearing Proceedings

LIT shall create an audio or audiovisual recording, or transcript, of any live hearing and make such recording or transcript available to the Parties for inspection and review.

Decision and Sanctions

Once the live hearing has concluded, the Decision Maker will issue a written determination, which shall be sent simultaneously to the Parties, along with information about how to appeal the determination. The contents of the decision will include:

- identification of the allegations potentially constituting Title IX Sexual Harassment;
- a description of the procedural steps taken from the receipt of the Formal Complaint through the determination, including any notifications to the Parties, interviews with Parties and witnesses, site visits, methods used to gather other evidence, and hearings held;
- findings of fact supporting the determination;
- conclusions regarding the application of this Policy to the facts;
- a statement of, and rationale for, the result as to each allegation, including a determination regarding responsibility, any disciplinary sanctions LIT imposes on the Respondent, and whether remedies designed to restore or preserve equal access to LIT's Education Program or Activity will be provided by LIT to the Complainant;
- LIT's procedures and permissible bases for the Complainant and Respondent to appeal; and
- the identity and contact information of the appropriate Appellate Authority.

Appeals

Both Parties must be notified simultaneously in writing, of the procedures for the accused and the victim to appeal the result of the institutional disciplinary proceeding an appeal from a determination regarding responsibility, and from a dismissal of a Formal Complaint or any allegations therein.

- **Grounds for Appeal:** The only grounds for appeal are:
 - procedural irregularity, including a relevancy determination, that affected the outcome of the matter;
 - new evidence that was not reasonably available at the time the determination regarding responsibility or dismissal was made and that could affect the outcome of the matter;

- the Title IX Coordinator, Investigator, or Decision Maker had a conflict of interest or bias for or against Complainants or Respondents generally or the individual Complainant or Respondent that affected the outcome of the matter; and,
- the Sanction is substantially disproportionate to the written decision.
- **Procedure for Appeal:** Either Party may appeal a dismissal or Decision Maker’s determination by filing a written request to appeal, with supporting information, with the appropriate Appellate Authority within ten (10) calendar days of issuance of the decision. If a Complainant or Respondent appeals, LIT must:
 - notify both Parties simultaneously in writing within five (5) calendar days from when an appeal is filed and implement appeal procedures equally for both Parties;
 - give the non-appealing Party seven (7) calendar days from when LIT notifies the non-appealing Party that an appeal has been filed to submit a written statement in support of, or challenging, the outcome, a copy of which will be provided to the appealing Party; and,
 - issue a written decision of any change to the result prior to the time that it becomes final, including the rationale prior to the time that it becomes final as well as of the final result once the appeal is resolved, simultaneously to both Parties within twenty-one (21) calendar days from the date the notice is issued. The decision of the Appellate Authority is final.

Implementation of Sanction

No sanction shall be implemented until the appeal, if any, has been concluded, or until the time for either Party to submit an appeal has elapsed.

Implementation of Remedies

Upon the issuance of the written determination and the conclusion of any appeal, if the Decision Maker determines remedies will be provided, the Title IX Coordinator will communicate with Complainant separately to discuss what remedies are appropriate to restore or preserve the Complainant’s equal access to the LIT’s Education Program or Activity.

LIT-Initiated Protective Measures: In addition to those protective measures previously described the Title IX Coordinator or their designee will determine whether interim interventions and protective measure should be implemented, and, if so, take steps to implement those protective measures as soon as possible.

Examples of interim protective measures include but are not limited to: LIT’s order of no contact, adjustment of course schedules, extensions of deadlines or other course related adjustments, a leave of absence, or reassignment to a different supervisor or position. These remedies may be applied to one, both, or multiple parties involved.

Violations of the Title IX Coordinator’s directives and/or protective measures will constitute related violations that may lead to additional disciplinary action. Protective measures imposed may be temporary pending the results of an investigation or may become permanent as determined by LIT.

Remedies

Remedies for a Finding of a violation of this Policy must be designed to restore or preserve equal access to LIT’s Education Program or Activity to the Complainant. Such remedies may include the same

individualized services described in the “Supportive Measures” section of this policy; however, remedies need not be non-disciplinary or non-punitive and need not avoid burdening the Respondent.

- The Title IX Coordinator is responsible for the effective implementation of remedies.
- Any remedy that does not directly affect the Respondent must not be disclosed to the Respondent.

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 the following:

Student Sanctions	Employee Sanctions
<ul style="list-style-type: none"> • no-contact orders; • probation (including disciplinary and academic probation); • expulsion from campus housing; • restricted access to activities or facilities; • mandated counseling (this may include, but not be limited to education programs and batterer intervention); • disqualification from student employment positions; • revocation of admission and/or degree; • withholding of official transcript or degree; • bar against readmission; • monetary restitution; • withdrawing from a course with a grade of W, F, or WF; or, • relevant training. 	<ul style="list-style-type: none"> • withholding a promotion or pay increase; • reassigning employment, including, but not limited to demotion in rank; • terminating employment; • barring future employment from System or LSCPA; • temporary suspension without pay; • compensation adjustments; • no-contact orders; • relevant training; or, • recommendation to revoke tenure.

Retaliation

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

- By LIT
 - LIT may not discipline or discriminate against an employee who in good faith makes a Report of Sexual Misconduct as required by this Policy.
 - This does not apply to an employee who perpetrates or assists in perpetrating an incident of Sexual Misconduct.
- By Others
 - The exercise of rights protected under the First Amendment does not constitute retaliation prohibited under this section.

Disclosure of Disciplinary Proceeding Outcome to Victims (or Next of Kin)

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

Student Conduct

The Code of Conduct for Students

The Student Code of Conduct applies to every student enrolled at LIT. The Code is adopted according to authority granted by the Board of Regents of The Texas State University System. The Code of Student Conduct is outlined in the Student Handbook. Each student is expected to be fully acquainted with these policies [https://www.lit.edu/student-success/catalog-and-handbook-\(2\)](https://www.lit.edu/student-success/catalog-and-handbook-(2))

The Associate Dean of Student Services/Registrar is responsible for administering the Code of Conduct for Students, which articulates the behavioral standards and the equitable procedures employed by LIT to respond to allegations of student misconduct.

The Code of Conduct for Students is administered at all LIT campuses on campus property and may also address off campus student misconduct when a student's behavior affects a Substantial LIT Interest. Students found responsible for violations may be subject to sanctions ranging from Disciplinary Warning, Disciplinary Probation, up to Suspension or Expulsion from LIT. In most cases, the Associate Dean of Student Services/Registrar will also assign developmental and educational interventions designed to promote greater awareness and improve decision-making for students and to further future misconduct.

In instances where there is reasonable cause to believe a student is an immediate threat to the safety of himself/herself or other persons or property or is an immediate threat to disrupt essential campus operations, the Associate Dean of Student Services/Registrar may assign an Interim Suspension, and/or other actions, designed to protect the health and safety of the community and members therein. The Associate Dean of Student Services/Registrar is also responsible for conducting preadmission, pre-enrollment, and re-enrollment reviews for prospective students with known behavioral problems.

Any individual or entity may submit reports alleging student misconduct to the Associate Dean of Student Services/Registrar or designee at the campus where the incident occurred.

The Associate Dean of Student Services/Registrar also provides outreach programming designed to inform and educate students and to promote LIT principles. Please visit the Student Conduct homepage at <https://www.lit.edu/information/policies-and-procedures>

Additional Information Regarding the Student Code of Conduct

LIT is obligated to provide all students with LIT regulations, policies, and procedures governing student conduct. LIT publishes policies and procedures, including the Code of Conduct for Students and the Off-Campus Misconduct Policy on the Student Conduct website [https://www.lit.edu/student-success/catalog-and-handbook-\(2\)](https://www.lit.edu/student-success/catalog-and-handbook-(2))

If you have additional questions, special needs, or wish to request a hard copy of this information, please contact the Associate Dean of Student Services/Registrar at LIT.

This publication, as well as LIT regulations and policies and procedures governing student conduct, is available on the <https://www.lit.edu/pdf/5443/lamar-institute-of-technology-policies-and-procedures-manual>.

Parental Notification Policy

LIT reserves the right to report student discipline information to the parents or legal guardians of students for liquor or drug law violations whether the students are of majority age.

Federal legislation authorizes LIT to disclose disciplinary records concerning violations of the Institute's rules and regulations governing the use or possession of alcohol or controlled substances that involve students who are under the age of 21 regardless of whether the student is a dependent.

LIT may also report non-alcohol or drug related incidents to parents or legal guardians of dependent students under circumstances described in the Student Guide to General LIT Policy and Rules. See the following website for LIT Code of Conduct and additional information concerning Parental Notification [https://www.lit.edu/student-success/catalog-and-handbook-\(2\)](https://www.lit.edu/student-success/catalog-and-handbook-(2))

Campus Security Policies Governing Weapons, Alcohol and Other Drugs Drug Free Schools and Communities Act

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

LIT Alcohol and Drug Policy

The alcohol and drug policy is policy 2.6 at the following link:

<https://www.lit.edu/pdf/5443/lamar-institute-of-technology-policies-and-procedures-manual>.

LIT prohibits the unlawful possession, use, sell, manufacture or distribution of alcohol or controlled substances by students, faculty, staff, and guests in buildings, facilities, grounds or property controlled by LIT or used as part of LIT activities. In addition, smoking of any material is prohibited in all facilities of LIT at all locations. The Lamar University Police Department is responsible for the enforcement of state underage drinking laws and enforcement of Federal and State drug laws.

Policies Specific to Students

Any student who violates this policy is subject to disciplinary action including sanctions as outlined in the Student Code of Conduct in addition to any penalties resulting from violating local, state, and or federal law. Disciplinary sanctions may include Disciplinary Warning, Disciplinary Probation, up to Suspension or Expulsion from LIT. In most cases, the Associate Dean of Student Services/Registrar will also assign developmental and educational interventions designed to promote greater awareness and improved decision-making for students and to further deter future misconduct.

Texas Alcohol Laws

This information is available in policy 2.6 at:

<https://www.lit.edu/pdf/5443/lamar-institute-of-technology-policies-and-procedures-manual>.

Underage Drinking

It is illegal for anyone under 21 years of age to attempt to purchase, purchase, consume, possess, or knowingly and intentionally transport any liquor, malt or brewed beverage. It is also illegal to lie about age to obtain alcohol and to carry a false identification card.

LIT has a zero-tolerance policy for students consuming beverage alcohol under the age of twenty-one. Not only is this against the State law, but it also violates the student code of conduct.

PENALTY	1ST OFFENSE	2ND OFFENSE	SUBSEQUENT OFFENSE
Fine	0-\$500	0-\$500	\$250-\$2000
Jail	-	-	up to 180 days
Community Serv.	8-12 hours	20-40 hours	-
License suspension	30 days	60 days	180 days

Illegal Substances (Drugs)

It is a violation of state law and LIT policy to illegally possess, use, distribute, manufacture, sell or be under the influence of other drugs. Students who violate this policy will be referred to the Associate Dean of Student Services/Registrar or LUPD.

Policies Specific to Faculty and Staff

As a condition of LIT employment, every employee shall abide by the terms of this policy. Any employee who violates this policy is subject to Institute sanctions, including dismissal, as well as criminal sanctions provided by federal, state or local law. An employee may be required to participate in a drug abuse or drug rehabilitation program. An employee must notify his or her supervisor of any criminal drug conviction for a violation occurring in the LIT workplace no later than five (5) days after such conviction. Please consult Sec. 12 Policy 4, A Drug-Free Awareness Program

<https://www.lit.edu/pdf/5460/lamar-institute-of-technology-safetymanualPENAL>

Available Counseling and Treatment Program

LIT offers drug and alcohol abuse education programs through a third-party vendor, Vector Solutions. 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 Student Health Center located at 857 E Virginia Beaumont, Tx with office phone (409) 880-8466. The Student Health Center can also provide off-campus referrals to treatment programs and facilities in the local and surrounding areas.

Weapons Policy

Any person who is a concealed handgun license holder is permitted to carry a concealed handgun anywhere on the LIT campus, including buildings, unless prohibited by state or federal law, or this policy.

1. Except as stated below, LIT permits its faculty, staff, students and visitors holding a valid concealed handgun license to carry concealed handguns on campus.
2. LIT students, faculty and staff who attend classes, clinics, internships, co-ops, seminars and other Institute programs/events at off campus agencies or sites shall be subject to the laws, rules, regulations and policies addressing concealed handgun carry for those agencies or sites.
3. LIT students, faculty and staff who utilize services and programs at Lamar University shall be subject to the university's concealed handgun carry policy.
4. Designated No Handgun Areas
 1. LIT has designated No Handgun Areas as those locations that are already prohibited by law per Texas Penal Code, Section 46.03. This includes areas being utilized by Early College High Schools on the LIT's premises.
 2. A notice for 'No Handgun Areas' shall be displayed on campus.

The notice must state:

Pursuant to Section 30.06, Penal Code (trespass by license holder with a concealed handgun), a person licensed under Subchapter H, Chapter 411, Government Code (handgun licensing law), may not enter this property with a concealed handgun.

3. The notice may be provided to individuals on a card, document or sign. If notice is provided through signage, the sign must:

- Include the language italicized above
- Both English and Spanish,
- Use contrasting colors, block letters at least 1 inch in height and,
- Be displayed in a conspicuous manner and clearly visible to the public.

Missing Student Notification

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

LIT does not have any residential facilities.