

South Texas College Department of Public Safety



Annual Security Report

Campus Law Enforcement

Pursuant to Texas Education Code Section 51.203, the South Texas College Department of Public Safety has jurisdiction in all of the counties in which property is owned, leased, rented, or otherwise under the control of the college. Section 51.201 of the Code establishes that all the general and criminal laws of the state are declared to be in full force and effect within the areas under the control and jurisdiction of state institutions of higher education. South Texas College police officers are certified state peace officers by the Texas Commission on Law Enforcement (TCOLE) and possess authority granted to all state officers.

The South Texas College Department of Public Safety has entered into Memorandums of Understanding (MOUs) with the McAllen Police Department, Weslaco Police Department, and the Rio Grande City Police Department. In those MOUs, the South Texas College Department of Public Safety has primary jurisdiction on college property and the municipal departments have concurrent jurisdiction.

Major offenses reported to the South Texas Department of Public Safety may be investigated jointly with local, state, and federal agencies. The prosecution of misdemeanor criminal cases is conducted in municipal courts and felony cases may be processed by county, state or federal courts. Students who are involved in illegal acts

on-campus and areas in which the college conducts activities are subject to arrest, prosecution, and referral to the South Texas College Office of Student Rights and Responsibilities.

Reporting of Criminal Offenses

Victims and witnesses are strongly encouraged to immediately report crime to the South Texas College Department of Public Safety at 956-872-2589 or dial 911. Prompt reporting will assure a timely response and warning notices on campus.

You may also send an anonymous text message to the police department through the following steps:

1. Input 67283 in your text address box.
2. Enter stctip followed by a space and the information you want to send in your text message box.
3. The system will convert your caller ID into a code that keeps your identity anonymous and allows the dispatch office to respond or provide instructions if necessary.

In addition you may report a crime to the following Campus Security Authorities:

Title IX Coordinator – 956-872-3558

Dean of Student Affairs - 956-872-8372

Dean of Enrollment Services and Registrar - 956-872-8323

Director of Student Rights and Responsibilities - 956-872-2180

Director of Human Resources - 956-872-3816

A list of all Campus Security Authorities is available at police.southtexascollege.edu

Voluntary Confidential Reporting of Criminal Offenses

You are encouraged to report crimes if a victim elects not to do so, or is unable to make a report. If you are the victim of a crime and do not want to pursue action within the college or the criminal justice system, you may still want to consider making a confidential report. With your permission, the Chief Administrator of the Department of Public Safety or another Campus Security Authority can file a report with the details of the incident, without revealing your identity. The purpose of a confidential report is to

comply with your request to remain anonymous, while taking steps to ensure the future safety of yourself and others. With such information, the college can keep an accurate record of the number of incidents involving students, determine if there is a pattern of crime regarding a particular location, method, or assailant, and alert the college community to potential danger. Reports filed in this manner are counted and disclosed in the annual crimes statistics for the college.

College counselors will inform those that they assist of procedures to report crimes on a voluntary, confidential basis for inclusion in the annual disclosure of crime statistics. Counselors will report any threat of serious injury or death to the South Texas College Department of Public Safety.

Dating Violence, Domestic Violence, Sexual Assault, and Stalking

South Texas College views dating violence, domestic violence, sexual assault, and stalking as serious offenses and will take legal and administrative action to address these violations. The college defines these crimes as follows:

Dating Violence - Violence by a person who has been in a romantic or intimate relationship with the victim. Such relationship will be determined by its length, type, and frequency of interaction.

Domestic Violence - Violent misdemeanor and felony offenses committed by the victim's current or former spouse, current or former cohabitant, a person similarly situated under domestic or family violence law, or anyone else protected under domestic or family violence law.

Sexual Assault - Any sexual act that is perpetrated against someone's will. Sexual violence encompasses a range of offenses, including a completed nonconsensual sex act (i.e., rape), an attempted nonconsensual sex act, abusive sexual contact (i.e., unwanted touching), and noncontact sexual abuse (e.g., threatened sexual violence, exhibitionism, verbal sexual harassment).

Stalking - A course of conduct directed at a specific person that would cause a reasonable person to fear for her, his, or others' safety, or to suffer substantial emotional distress.

During student orientations, college personnel educate students on the prevention of dating violence, domestic violence, sexual assault, and stalking. Information on these crimes, prevention techniques, and response to such acts is provided via email, student training, and classroom instruction.

Sexual Harassment and Sexual Assault

South Texas College Policy 4216 “Discrimination, Harassment, Retaliation, and Sexual Misconduct” (shown later in this Annual Security Report) and the Student Code of Conduct (http://www.southtexascollege.edu/pdf/Student_Code_Of_Conduct.pdf) prohibit sexual harassment and sexually violent acts. These acts also constitute violations of Federal and State laws.

Sexual misconduct consists of non-consensual sexual intercourse, non-consensual sexual contact, sexual exploitation, interpersonal relationship violence, sex/gender-based stalking and sexual harassment. These sexual acts include crimes of rape, sexual assault, sexual harassment, stalking, dating violence, and domestic violence.

In an effort to reduce the risk of sexual misconduct including the crimes of rape, other sexual assault, sexual harassment, stalking, dating violence and domestic violence occurring among its students, South Texas College utilizes a range of campaigns, strategies and initiatives to provide awareness, risk reduction, and prevention programming. These programs are offered to raise awareness for all incoming students and employees and are conducted during new student and employee orientation and throughout the year to include strong messages regarding not just awareness, but also primary prevention (including normative messaging, environmental management, bystander intervention, and discuss college policies on sexual misconduct. Bystander engagement is encouraged through safe and positive intervention techniques, such as calling for help, using the college RAVE Eyewitness anonymous reporting application, identifying allies, and creating distractions.

Programs also offer information on risk reduction that strives to empower victims, how to recognize warning signals and how to avoid potential attacks, and do so without victim-blaming approaches. Throughout the year, ongoing awareness and prevention campaigns are directed to students and employees, including faculty, in the form of email messages, guest speakers, and mobile signage.

In the event that sexual misconduct, gender-based violence or the crimes of sexual assault, stalking, dating violence or domestic violence do occur, South Texas College takes the matter very seriously. The college employs interim protection measures such as interim suspension and/or no contact orders in any case where a student’s behavior represents a risk of violence, threat, pattern or predation. A student or employee is subject to action in accordance with the South Texas College Student Code of Conduct, Employee policies and criminal prosecution.

Anyone with knowledge about sexual misconduct or gender-based violence or the crimes of sexual assault, sexual harassment, stalking, dating violence or domestic violence should report it immediately by contacting the South Texas College Department of Public Safety, 2509 W. Pecan Blvd., McAllen, Texas (956-872-2589) or the following college officials:

Mary Elizondo – Title IX Coordinator
Telephone – 956-872-3558
Office location – Pecan Campus, Building X, Room 230

Paul Varville – Deputy Title IX Coordinator
Telephone – 956-872-2589
Office Location – Pecan Plaza, 2509 W. Pecan Blvd., McAllen, Texas

Brenda Balderaz – Deputy Title IX Coordinator
Telephone – 956-872-4448
Pecan Plaza, 2501 W. Pecan Blvd., McAllen, Texas

Paul Hernandez - Deputy Title IX Coordinator
Telephone – 956-872-2182
Pecan Campus, Building K, Room 2.22

Campus Security Authorities – A list of these employees is provided at police.southtexascollege.edu

If you are the victim of gender-based violence, sexual misconduct, including the crimes of sexual assault, sexual harassment, stalking, dating violence, or domestic violence, you should:

1. Contact the South Texas College Department of Public Safety or Title IX Coordinators identified above. You may also contact a Campus Security Authority or go to a safe place and speak with someone you trust. Tell this person what happened. If there is any immediate danger, contact the South Texas College Department of Public Safety.
2. Consider securing immediate professional support (e.g.: counseling, victim advocacy, medical services, etc.) to assist you in the crisis.
3. If you are on campus during regular business hours, you may go to the South Texas College Counseling Department, located at each campus.
4. For your safety and well-being, immediate medical attention is encouraged. Further, being examined as soon as possible, ideally within 120 hours, is important in the case of sexual assault. The South Texas College Department of Public Safety will provide free transportation to a hospital and a medical examination will be conducted at no charge. To preserve evidence, it is recommended that you do not bathe, shower, douche, eat, drink, smoke, brush your teeth, urinate, defecate or change clothes before receiving medical attention. Even if you have already taken any of these actions, you are still encouraged to have prompt medical care, and evidence may still be recoverable. Typically, if police are involved or will be involved, evidence will be obtained from the scene, and it is best to leave things undisturbed. Bedding, linens, or unlaundered clothing

and any other pertinent articles may be used for evidence. It is best to allow police to secure items in evidence containers, but if you are involved in transmission of items of evidence, such as bringing them to the hospital, secure them in a clean paper bag or clean sheet, to avoid contamination. If you have physical injuries, photograph or have them photographed, with a date stamp on the photo. Record the names of any witnesses, and their contact information. This information may be helpful to the proof of a crime, to obtain an order of protection, or for documentation of a college policy or student code of conduct violation. Attempt to memorize details (physical description, names, license plate number, vehicle description,), or write notes to remind you of details. If you obtain external orders of protection (e.g. restraining orders, injunctions, protection from abuse), please notify the South Texas College Department of Public Safety, so that those orders can be observed on campus.

5. Even after the immediate crisis has passed, consider seeking support from the college counseling department or a local rape crisis center.
6. Contact the Title IX Coordinators identified above if you need assistance with no-contact orders or other protective measures from college administrators. These college officials will also assist in any needed advocacy for students who wish to obtain protective or restraining orders from local authorities. The college is able to offer reasonable academic accommodations, transportation accommodations, escorts, no contact orders, and counseling services.

South Texas College Procedures for Addressing Sexual Violations

South Texas College procedures for addressing sexual misconduct, dating violence, domestic violence, stalking, sexual harassment and other acts of sex and gender discrimination range up to expulsion or termination.

When South Texas College receives a report of sexual misconduct, gender-based violence, or other sex or gender discrimination, the campus Title IX Coordinator is notified and will offer assistance to victims in the form of interim or long term measures, including academic accommodations, changes in working situations, and other assistance as may be appropriate and available. No contact orders, campus escorts, transportation assistance, targeted interventions, and other measures can be implemented. If the victim wishes assistance from a counselor or victim's advocate, the college will provide those services.

When appropriate upon receipt of notice, the Title IX Coordinator will initiate a prompt, fair and impartial process, commencing with an investigation that may lead to the imposition of sanctions, based upon a preponderance of evidence (More likely than not), upon a perpetrator. The Coordinator will assure that the behavior is brought to an end, prevent its recurrence, and address the effects on the victim.

The Coordinator ensures that training is conducted for Title IX investigators, hearing officers, and other personnel with a focus on sexual misconduct, domestic violence, dating violence, sexual assault, stalking, sexual harassment, retaliation and other behaviors that can be forms of sex or gender discrimination covered by Title IX and Clery Act.

Records of the investigation and resolution of the case are confidential. Information is shared internally between administrators who need to know. Where information must be shared to permit the investigation to move forward, the person bringing the accusation will be informed. Privacy of the records specific to the investigation are maintained in accordance with Texas State Law and the Federal FERPA statute. Any public release of information to comply with the open crime logs or timely warning provisions of the Clery Act will not identify the names of victims or information that could easily lead to a victim's identification. Additionally, South Texas College maintains privacy of any accommodations or protective measures afforded to a victim, except as necessary to provide those accommodations or protective measures.

In any complaint of sexual misconduct, sexual assault, stalking, dating violence, domestic violence or other sex or gender-based discrimination covered under Title IX, the person bringing the accusation and the responding party are entitled to the same opportunities for a support person or advisor of their choice throughout the process, including any meeting, conference, hearing or other procedural action. Once complete, the parties will be informed in writing of the outcome, including the finding, the sanctions and the rationale used in the determination. Delivery of this outcome to the parties will occur without undue delay. All parties will be informed of the South Texas College appeal processes, and their rights to exercise a request for appeal. Should any change in outcome occur prior to finalization, all parties will be timely informed in writing, and will be notified when the results of the resolution process become final.

Disclosures to Alleged Victims of Crimes of Violence

South Texas College will disclose to the alleged victim of a crime of violence, the results of any disciplinary hearing conducted by the college against the student who is the alleged perpetrator of the crime or offense.

Sexual Harassment

Sexual harassment in the workplace and schools is an illegal practice under Section 703 of Title VII of the 1964 Civil Rights Act, as amended, and Title IX of the Education Amendments of 1972, as amended. Sexual harassment is defined as "unwelcome sexual advances, requests for sexual favors, and other verbal or physical conduct of a sexual nature." Such conduct is a violation when:

1. The employee's or student's submission to such conduct is an explicit or implied condition of employment or academic efforts.

2. The employee's or student's response to such conduct becomes a basis for employment or academic decision.
3. The conduct produces an intimidating, hostile, or offensive work or study environment.

South Texas College assumes an affirmative posture to prevent and eliminate sexual harassment in any division, department, or any work unit by any employee. It is the policy of the college that any practice or behavior that constitutes sexual harassment will not be tolerated. Sexual harassment of employees or students at South Texas College is strictly forbidden. Any employee who is found to have engaged in such conduct shall be subject to appropriate disciplinary action, up to and including dismissal. This policy shall be applied without regard to the gender of the employee involved.

It is the policy of South Texas College that supervisors and faculty shall not enter into any type of romantic or sexual relationship with staff under their supervision or with students enrolled in their courses. Such relationships will be looked upon as potentially detrimental to the working and learning environment, considered inappropriate and unacceptable, and grounds for disciplinary action including termination for all parties involved. Nothing in this policy should be interpreted to prohibit or restrict speech that is permitted by the Texas or the U.S. Constitutions.

If you are a victim of a sexual assault at South Texas College, your first priority should be to get to a place of safety. You should then obtain necessary medical treatment. The South Texas College Department of Public Safety strongly advocates that a victim of sexual assault report the incident in a timely manner. Time is a critical factor for evidence collection and preservation. An assault should be reported directly to the South Texas College Department of Public Safety dispatch office at 956-872-2589. Filing an incident report will not obligate the victim to prosecute, nor will it subject the victim to scrutiny or judgmental opinions, but will ensure that a victim of sexual assault receives the necessary medical treatment and tests, at no expense to the victim, and provides the opportunity for collection of evidence helpful in prosecution, which cannot be obtained later.

South Texas College Policy 4216

MANUAL OF POLICY

Title Discrimination, Harassment, Retaliation, and Sexual Misconduct 4216

Legal Authority Approval of the Board of Trustees Page 1 of 11

Date Approved by Board Board Minute Order dated May 26, 2015
As Amended by Board Minute Order dated December 15, 2015
As Amended by Board Minute Order dated April 26, 2016

I. Purpose

South Texas College is committed to providing an environment that respects the dignity and worth of every member of its community. Members of the campus community are entitled to an educational, learning, and working environment free of discrimination, harassment, retaliation, and sexual misconduct. To ensure compliance with federal and state civil rights laws, the College has developed internal policies that will provide a supportive process for individuals who report discrimination, harassment, retaliation, or sexual misconduct. These laws include, but are not limited to, Title II of the Americans with Disabilities Act of 1990, Title VII of the 1964 Civil Rights Act; Title IX of the Education Amendments of 1972; Section 504 of the Rehabilitation Act of 1973, the Jeanne Clery Disclosure of Campus Security Policy and Campus Crime Statistics Act, as amended by Section 304 of the Violence Against Reauthorization Act of 2013, and H.B. 699 84th Legislature.

II. Title IX Statement

Title IX of the Education Amendments 1972 (20 U.S.C. s1681 et seq.) and it's implementing regulations, 34 C.F.R. Part 106 (Title IX),

“No person in the United States shall, on the basis of sex, be excluded from participation in, be denied the benefits of, or be subjected to discrimination under any education program or activity receiving Federal financial assistance.”

The College strives to maintain a healthy and safe environment where all members of the community, students, faculty and staff feel welcome on College campuses and classrooms. Students, faculty and staff are thus prohibited from conducting themselves in a way that results in any form of sexual harassment, sex- based harassment and/or sexual violence.

III. Prohibited Conduct

Prohibited conduct includes discrimination, harassment, retaliation and sexual misconduct as defined by this policy, even if the behavior does not rise to the level of unlawful conduct. Specific acts of prohibited conduct are described in this policy. Prohibited conduct, by any

employee or student, is subject to disciplinary action up to and including dismissal or expulsion from the College

IV. Discrimination

The College prohibits discrimination, including harassment, against any employee, applicant for employment, student or applicant for admission on the basis of any protected class. Protected classes include: race, color, national origin, religion, age, sex, sexual orientation, gender, gender identity, physical or mental disability, genetic information, veteran status, or any other basis prohibited by law.

Discrimination is defined as prohibited conduct directed at an employee or student on the basis of race, color, national origin, religion, age, sex, including pregnancy and parental status, sexual orientation, gender, gender identity, physical or mental disability, genetic information, veteran status, or any other basis prohibited by law, that adversely affects the employee's employment or that adversely affects the student.

V. Pregnancy and Parenting

The College prohibits discrimination on the basis of sex, including pregnancy and parental status, in any educational activity or program.

Employee:

The College prohibits discrimination on the basis of sex. The term 'on the basis of sex' includes, but is not limited to, because of or on the basis of pregnancy, childbirth, or related medical conditions; and women affected by pregnancy, childbirth, or related medical conditions shall be treated the same for all employment-related purposes, including receipt of benefits under fringe benefit programs, as other persons not so affected but similar in their ability or inability to work.

Student:

The College specifically prohibits discrimination against a student based on pregnancy, childbirth, false pregnancy, termination of pregnancy, or recovery from any of these conditions. The College prohibits applying any rule related to a student's parental, family, or marital status that treats students differently based on their sex.

The College prohibits excluding a pregnant student from participating in any part of an educational program. This prohibition applies to specific classes such as advanced placement or honors classes, extracurricular programs, interscholastic sports, honor societies, and opportunities for student leadership, among other activities. Pregnant students shall be allowed to participate in classes and extracurricular activities without having to present a doctor's note, unless the College requires a doctor's note from all students who have a physical or emotional condition requiring treatment by a doctor.

In addition, the College shall excuse a student's absences because of pregnancy or childbirth for as long as the student's doctor deems the absences medically necessary. When a student returns to school, she must be allowed to return to the same academic and extracurricular status as before her medical leave began.

Pregnant students shall be allowed to make up work and tests missed because of pregnancy leave.

Pregnant students shall be provided reasonable adjustments necessary because of pregnancy, such as larger desks, elevator access, and more bathroom breaks as necessary.

Any special services provided to students who have temporary medical conditions must also be provided to a pregnant student.

VI. Harassment

Employee:

Prohibited harassment of an employee is defined as physical, verbal, or nonverbal conduct based on an employee's race, color, national origin, religion, age, sex, sexual orientation, gender, gender identity, physical or mental disability, genetic information, veteran status, or any other basis prohibited by law, when the conduct is so severe, persistent, or pervasive that the conduct:

1. Has the purpose or effect of unreasonably interfering with the employee's work performance;
2. Creates an intimidating, threatening, hostile, or offensive work environment; or
3. Otherwise adversely affects the employee's performance, environment, or employment opportunities.

Student:

Prohibited harassment of a student is defined as physical, verbal, or nonverbal conduct based on the student's race, color, national origin, religion, age, sex, sexual orientation, gender, gender identity, physical or mental disability, genetic information, veteran status, or any other basis prohibited by law, when the conduct is so severe, persistent, or pervasive that the conduct:

1. Affects a student's ability to participate in or benefit from an educational program or activity, or creates an intimidating, threatening, hostile, or offensive educational environment;
2. Has the purpose or effect of substantially or unreasonably interfering with the student's academic performance; or
3. Otherwise adversely affects the student's educational opportunities

VII. Racial Harassment

Racial harassment occurring in any campus, division, department, or any work unit by any employee or student is unacceptable behavior, and any practice or behavior that constitutes racial harassment will be dealt with appropriately.

Any employee or student who is found to have engaged in such conduct shall be subject to appropriate disciplinary action, up to and including dismissal or expulsion, in accordance with procedural and applicable due process requirements.

Racial harassment in the workplace and schools is an illegal practice under Section 703 of Title VII of the 1964 Civil Rights Act, as amended, and Title IX of the Education Amendments of 1972, as amended.

Examples of conduct that constitutes racial harassment include racially derogatory remarks, racial slurs or any other racially motivated action.

Such conduct is a violation when:

1. The employee's or student's submission to such conduct is an explicit or implied condition of employment or academic efforts; or
2. The employee's or student's response to such conduct becomes a basis for employment or academic decision; or
3. The conduct produces an intimidating hostile, or offensive work or study environment.

Nothing in this policy should be interpreted to prohibit or restrict speech that is permitted by the Texas or U.S. Constitutions.

VIII. Retaliation

The College prohibits retaliation against an employee or student who makes a claim alleging to have experienced discrimination or harassment, or against another employee or student who, in good faith, makes a report, serves as a witness, or otherwise participates in an investigation.

IX. Sexual Misconduct

This policy prohibits any form of sexual misconduct. Sexual misconduct includes, but is not limited to, behaviors often described as sexual harassment, sex or gender discrimination, sexual violence, rape, stalking, and relationship violence (including domestic violence and dating violence). It is a violation of policy and the law, including Title IX, to commit these acts or attempt to commit them. Sexual misconduct can occur in any sex or gender configuration regardless of sex and gender identity whether it be an employee or student.

Any employee or student who is found to have engaged in sexual misconduct shall be subject to appropriate disciplinary action, up to and including dismissal or expulsion and may be prosecuted under State law. This policy shall be applied without regard to the gender of the person involved.

A. Sexual Harassment

South Texas College assumes an affirmative posture to prevent and eliminate sexual misconduct, including sexual harassment in any division, department, or any unit by any individual. It is the policy of South Texas College to provide an educational and working environment for its students, faculty, staff, guests and visitors that is free from sex discrimination and sexual harassment. It is the policy of the College that any practice or behavior that constitutes sexual harassment will not be tolerated. This policy has been developed to reaffirm this principle and to provide recourse for those individuals whose rights have been violated.

Sexual Harassment is unwelcome verbal or physical conduct that is,

- sufficiently severe, persistent or pervasive that it, unreasonably interferes with, denies or limits someone's ability to participate in or benefit from the College's educational program and/or activities, and is
- based on power differentials (quid pro quo), the creation of a hostile environment, or retaliation.

Physical conduct that, depending on the totality of circumstances present, including frequency and severity, may constitute sexual harassment includes, but is not limited to:

- Unwelcome intentional touching; or
- Deliberate physical interference with or restriction of movement.

Verbal conduct is defined as oral, written, or symbolic expressions that:

- Personally describe or are personally directed at a specific individual or group of identifiable individuals; and
- Are not necessary to an argument for or against the substance of any political, religious, philosophical, ideological, or academic idea.

Verbal conduct that, depending on the totality of circumstances present, may constitute sexual harassment includes, but is not limited to:

- Explicit or implicit propositions to engage in sexual activity;

- Gratuitous comments, jokes, questions, anecdotes or remarks of a sexual nature about clothing or bodies;
- Gratuitous remarks about sexual activities or speculation about sexual experiences;
- Persistent, unwanted sexual or romantic attention;
- Subtle or overt pressure for sexual favors;
- Exposure to sexually suggestive visual displays such as photographs, graffiti, posters, calendars or other materials;
- Deliberate, repeated humiliation or intimidation based upon sex.

Sexual harassment in the workplace and schools is an illegal practice under Section 703 of Title VII of the 1964 Civil Rights Act, as amended, and Title IX of the Education Amendments of 1972, as amended.

B. Consensual Relationships

It is the policy of South Texas College that supervisors and faculty shall not enter into any type of consensual romantic or sexual relationship with staff whom they supervise or with students enrolled in their courses. Employees with direct teaching, supervisory, advisory, or evaluative responsibility over other employees, students and/or student employees recognize and respect the ethical and professional boundaries that must exist in relationships with students or employees of the College.

C. Consent

Consent is:

- Permission to engage in sexual activity
- Clear, knowing and voluntary, prior to and during sexual activity
- Active, not passive. Silence, in and of itself, cannot be interpreted as consent.

Consent can be given by words or actions, as long as those words or actions create mutually understandable clear permission regarding willingness to engage in (and the conditions of) sexual activity.

- Consent to any one form of sexual activity does not automatically imply consent to any other forms of sexual activity.
- Previous relationships or prior consent does not imply consent to future sexual acts.

- In order to give effective consent, one must be of legal age. In Texas, the age of consent is 17.
- Sexual activity with someone who one should know to be -- or based on the circumstances should reasonably have known to be -- mentally or physically incapacitated (by alcohol or other drug use, unconsciousness or blackout), constitutes a violation of this policy.

D. Coercion

Coercion is unreasonable pressure for sexual activity. When someone makes clear to you that they do not want sex, that they want to stop, or that they do not want to go past a certain point of sexual interaction, continued pressure beyond that point can be coercive.

There is no requirement that a party resists the sexual advance or request, but resistance is a clear demonstration of non-consent. The presence of force is not demonstrated by the absence of resistance. Sexual activity that is forced is by definition non-consensual, but nonconsensual sexual activity is not by definition forced.

E. Incapacitation

Incapacitation is a state where someone cannot make rational, reasonable decisions because they lack the capacity to give knowing consent (e.g., to understand the “who, what, when, where, why or how” of their sexual interaction).

F. Sexual Exploitation

Defined as taking non-consensual or abusive sexual advantage of another and the conduct does not fall within the definitions of sexual harassment, non-consensual sexual intercourse, or nonconsensual sexual contact.

Examples of sexual exploitation include, but are not limited to, engaging in the following activities without the other person(s) consent:

- Sexual voyeurism (such as watching a person undressing, using the bathroom, or engaging in sexual acts without the consent of the person observed).
- Taking pictures or recording another in a sexual act, or in any other private activity (such as allowing another person to hide in a closet and observe sexual activity, or disseminating sexual pictures without the photographed person’s consent).
- Exposing one’s genitals or breasts in non-consensual circumstances or inducing another to expose his or her genitals or breasts.
- Prostitution

- Engaging in sexual activity with another person while knowingly infected with human immunodeficiency virus (HIV) or other sexually transmitted disease (STD) and without informing the other person of the infection.
- Administering alcohol or drugs (such as “date rape” drugs) to another person.

G. Dating Violence

Defined as violence by a person who has been in a romantic or intimate relationship with the victim. Whether there was such a relationship will be gauged by its length, type and frequency of interaction.

H. Domestic Violence

Domestic violence includes asserted violent misdemeanor and felony offenses committed by the victim’s current or former spouse, current or former cohabitant, person similarly situated under domestic or family violence law, or anyone else protected under domestic or family violence law.

I. Sexual Violence

Sexual violence is any unwanted physical conduct perpetrated against a person’s will or where a person is incapable of giving consent (e.g. due to the person’s use of drugs or alcohol, or because an intellectual, mental or physical disability prevents the person from having the capacity to give consent). Such conduct includes but is not limited to: sexual assault; sexual exploitation, sexual coercion; and unwanted sexual intercourse (rape).

- Prohibited sexual misconduct and sexual violence could be committed by force, intimidation, or use of victim’s incapacity (physical, mental, or through use of drugs or alcohol).
- All sexual contact between individuals must be with each person’s consent.

The sexual orientation and/or gender identity of individuals engaging in sexual violence is not relevant to allegations under this policy.

1. Non-Consensual Sexual Intercourse

Defined as any sexual penetration or intercourse (anal, oral, or vaginal), however slight, with any object by a person upon another person that is without consent and/or by force.

Sexual penetration includes vaginal or anal penetration by a penis, tongue, finger, or object, or oral copulation by mouth-to-genital contact or genital-to-mouth contact.

2. Non-Consensual Sexual Contact

Defined as any intentional sexual touching, however slight, with any object by a person upon another person that is without consent and/or by force.

Sexual touching includes any bodily contact with the breasts, groin, genitals, mouth, or other bodily orifice of another individual or any other bodily contact in a sexual manner.

J. Stalking

Defined as a course of conduct directed at a specific person that would cause a reasonable person to fear for his her, or others' safety, or to suffer substantial emotional distress.

X. Off Campus Conduct

Conduct that occurs off campus can be the subject of a complaint or report and will be evaluated to determine whether it violates this policy and if off-campus harassment has continuing effects that create a hostile environment on campus.

XI. Other Prohibited Conduct

This policy prohibits other offenses of a discriminatory, harassing, and/or retaliatory nature not included in the previous sections as follows:

- Intimidation, defined as implied threats or acts that cause a reasonable fear of harm in another on the basis of actual or perceived membership in a protected class
- Hazing, defined under this policy as acts likely to cause physical or psychological harm or social ostracism to any person within the College community when related to the admission, initiation, pledging, joining, or any other group-affiliation activity on the basis of actual or perceived membership in a protected class.
- Bullying, defined under this policy as repeated and/or severe aggressive behavior likely to intimidate or intentionally hurt, control or diminish another person, physically or mentally on the basis of actual or perceived membership in a protected class.
- Violation of any other College rule, when it is motivated by sex or gender or the actual or perceived membership of the victim in a protected class, may be pursued using this policy and process.

XII. Hostile Environment

A hostile environment may be created by oral, written, graphic or physical conduct that is sufficiently severe, persistent or pervasive and objectively offensive that interferes with, limits or denies the ability of an individual to participate in or benefit from educational programs,

services, opportunities, or activities or the individual's employment access, benefits or opportunities. Mere subjective offensiveness is not enough to create a hostile environment.

In determining whether conduct is severe, persistent or pervasive, and thus creates a hostile environment, the following factors will be considered: (a) the degree to which the conduct affected one or more individuals' education or employment; (b) the nature, scope, frequency, duration, and location of the incident(s); (c) the identity, number, and relationships of persons involved; (d) the perspective of a "reasonable person" in the same situation as the person subjected to the conduct, and (e) the nature of higher education.

XIII. Reporting

Students are encouraged to report crimes and incidents to the Conflict Resolution Center, the Office of the Dean of Student Affairs and to report any crime to the South Texas College Police Department.

Guests and visitors are encouraged to report to the Office of Human Resources or to the South Texas College Police Department.

Every College employee, except for licensed Counselors, must promptly report incidents of prohibited conduct that come to their attention to either the Office of Human Resources, the Title IX Coordinator, Deputy Title IX Coordinator, or to the South Texas College Police Department.

Incidents and crimes should be reported as soon as possible after the time of their occurrence. No person is required to report sexual misconduct to the alleged offender.

XIV. Title IX Coordinator

The Title IX Coordinator has primary responsibility for coordinating efforts related to investigation, resolution, and implementation of corrective measures and monitoring to stop, remediate, and prevent discrimination, harassment, retaliation, or sexual misconduct. The Title IX Coordinator will assign the investigation to a Deputy Title IX Coordinator or other appropriate College official.

Inquiries or complaints may be addressed to the College's Vice President of Finance and Administrative Services, 3201 W Pecan Blvd, McAllen, TX 78501 Office Location: Annex - Pecan Campus; Second Floor Phone: 956.872.3558.

Complaints may also be filed with the Office for Civil Rights, U.S. Department of Education, 1999 Bryan St., Suite 1620, Dallas, Texas 75201-6810 (214-661-9600).

XV. Filing of False Complaints

Any person who knowingly and intentionally files a false complaint under this policy is subject to disciplinary action up to and including dismissal or expulsion from the College.

XVI. Effect on Pending Personnel Actions

The filing of a sexual misconduct or retaliation complaint will not stop or delay any evaluation or disciplinary action related to the complainant who is not performing up to acceptable standards or who has violated the College's rules, regulations, or policies.

XVII. Relationship of Complaint Process to Outside Agency Time Limits

The filing of a sexual misconduct complaint under this policy does not excuse the complainant from meeting the time limits of outside agencies. II. Title IX Procedures Complaint procedures may be found at the Office of Human Resources, the Conflict Resolution Center, and College website <http://www.southtexascollege.edu/about/notices/title-ix.html>. The College's Board of Trustees will review this policy each biennium and will revise the policy as necessary.

II. Title IX Procedures

Complaint procedures may be found at the Office of Human Resources, the Conflict Resolution Center, and College website.

<http://www.southtexascollege.edu/about/notices/title-ix.html>.

The College's Board of Trustees will review this policy each biennium and will revise the policy as necessary.

South Texas College - Complaint Process

The following link depicts the process when complaints are filed.

http://www.southtexascollege.edu/about/pdf/Complaint_Process_Flowchart.pdf

Texas State Law

Under Texas State Law, an offense that formerly would have been called forcible rape is now categorized in Texas Penal Code Section 22.011 as sexual assault.

The Texas definitions of domestic violence, dating violence and stalking are covered in the Penal Code Assaultive Offenses as follows:

Sec. 22.01. ASSAULT.

(a) A person commits an offense if the person:

- (1) intentionally, knowingly, or recklessly causes bodily injury to another, including the person's spouse;

- (2) intentionally or knowingly threatens another with imminent bodily injury, including the person's spouse; or
- (3) intentionally or knowingly causes physical contact with another when the person knows or should reasonably believe that the other will regard the contact as offensive or provocative.

Sec. 22.011. SEXUAL ASSAULT.

(a) A person commits an offense if the person:

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

- (E) causes the mouth of a child to contact the anus or sexual organ of another person, including the actor.

Sec. 22.02. AGGRAVATED ASSAULT.

- (a) A person commits an offense if the person commits assault as defined in Sec. 22.01 and the person:

- (1) causes serious bodily injury to another, including the person's spouse; or
- (2) uses or exhibits a deadly weapon during the commission of the assault.

- (b) An offense under this section is a felony of the second degree, except that the offense is a felony of the first degree if:

- (1) the actor uses a deadly weapon during the commission of the assault and causes serious bodily injury to a person whose relationship to or association with the defendant is described by Section 71.0021(b), 71.003, or 71.005, Family Code;

- (2) regardless of whether the offense is committed under Subsection (a)(1) or (a)(2), the offense is committed:

- (A) by a public servant acting under color of the servant's office or employment;
- (B) against a person the actor knows is a public servant while the public servant is lawfully discharging an official duty, or in retaliation or on account of an exercise of official power or performance of an official duty as a public servant;
- (C) in retaliation against or on account of the service of another as a witness, prospective witness, informant, or person who has reported the occurrence of a crime; or

- (D) against a person the actor knows is a security officer while the officer is performing a duty as a security officer; or
 - (E) the actor is in a motor vehicle, as defined by Section 501.002, Transportation Code, and:
 - 1. knowingly discharges a firearm at or in the direction of a habitation, building, or vehicle;
 - 2. is reckless as to whether the habitation, building, or vehicle is occupied; and
 - 3. in discharging the firearm, causes serious bodily injury to any person.
- (c) The actor is presumed to have known the person assaulted was a public servant or a security officer if the person was wearing a distinctive uniform or badge indicating the person's employment as a public servant or status as a security officer.
- (d) In this section, "security officer" means a commissioned security officer as defined by Section 1702.002, Occupations Code, or a noncommissioned security officer registered under Section 1702.221, Occupations Code.

Sec. 22.021. AGGRAVATED SEXUAL ASSAULT. (a) A person commits an offense:

(1) if the person:

(A) intentionally or knowingly:

i. causes the penetration of the anus or sexual organ of another person by any means, without that person's consent;

ii. causes the penetration of the mouth of another person by the sexual organ of the actor, without that person's consent; or

iii. causes the sexual organ of another person, without that person's consent, to contact or penetrate the mouth, anus, or sexual organ of another person, including the actor; or

(B) intentionally or knowingly:

(i) causes the penetration of the anus or sexual organ of a child by any means;

(ii) causes the penetration of the mouth of a child by the sexual organ of the actor;

(iii) causes the sexual organ of a child to contact or penetrate the mouth, anus, or sexual organ of another person, including the actor;

(iv) causes the anus of a child to contact the mouth, anus, or sexual organ of another person, including the actor; or

(v) causes the mouth of a child to contact the anus or sexual organ of another person, including the actor

(C) the person:

(i) causes serious bodily injury or attempts to cause the death of the victim or another person in the course of the same criminal episode;

(ii) by acts or words places the victim in fear that any person will become the victim of an offense under Section 20A.02 (a) (3), (4), (7), or (8) or that death, serious bodily injury, or kidnapping will be imminently inflicted on any person;

(iii) by acts or words occurring in the presence of the victim threatens to cause any person to become the victim of an offense under Section 20A.02 (a) (3), (4), (7), or (8) or to cause the death, serious bodily injury, or kidnapping of any person;

(iv) uses or exhibits a deadly weapon in the course of the same criminal episode;

(v) acts in concert with another who engages in conduct described by Subdivision (1) directed toward the same victim and occurring during the course of the same criminal episode; or

(vi) administers or provides flunitrazepam, otherwise known as rohypnol, gamma hydroxybutyrate, or ketamine to the victim of the offense with the intent of facilitating the commission of the offense

Sec. 22.07. TERRORISTIC THREAT.

(a) A person commits an offense if he threatens to commit any offense involving violence to any person or property with intent to:

- (1) cause a reaction of any type to his threat by an official or volunteer agency organized to deal with emergencies;
- (2) place any person in fear of imminent serious bodily injury;
- (3) prevent or interrupt the occupation or use of a building, room, place of assembly, place to which the public has access, place of employment or occupation, aircraft, automobile, or other form of conveyance, or other public place;

- (4) cause impairment or interruption of public communications, public transportation, public water, gas, or power supply or other public service;
- (5) place the public or a substantial group of the public in fear of serious bodily injury; or
- (6) influence the conduct or activities of a branch or agency of the federal government, the state, or a political subdivision of the state.

Sec. 42.072. STALKING.

- (a) A person commits an offense if the person, on more than one occasion and pursuant to the same scheme or course of conduct that is directed specifically at another person, knowingly engages in conduct that:
 - (1) constitutes an offense under Section 42.07, or that the actor knows or reasonably should know the other person will regard as threatening:
 - (A) bodily injury or death for the other person;
 - (B) bodily injury or death for a member of the other person's family or household or for an individual with whom the other person has a dating relationship; or
 - (C) that an offense will be committed against the other person's property;
 - (2) causes the other person, a member of the other person's family or household, or an individual with whom the other person has a dating relationship to be placed in fear of bodily injury or death or in fear that an offense will be committed against the other person's property, or to feel harassed, annoyed, alarmed, abused, tormented, embarrassed, or offended; and

(3) would cause a reasonable person to:

- (A) fear bodily injury or death for himself or herself;
- (B) fear bodily injury or death for a member of the person's family or household or for an individual with whom the person has a dating relationship;
- (C) fear that an offense will be committed against the person's property; or
- (D) feel harassed, annoyed, alarmed, abused, tormented, embarrassed, or offended.

Timely Warnings

In the event that a significant threat arises, either on or off campus, the Chief Administrator, Department of Public Safety will issue a campus wide timely warning. The warning will be issued through the college e-mail system to students, faculty, and staff. In situations that could pose an immediate threat to the college community, the Chief Administrator may also issue an alert through the STC RAVE Mass Notification System. Anyone with information warranting a timely warning should report the circumstances to the South Texas College Department of Public Safety by contacting (956-872-2589).

South Texas College Disclosure of Crime Statistics

The South Texas College Department of Public Safety prepares the crime statistics report to comply with the Jeanne Clery Disclosure of Campus Security Policy and Crime Statistics Act. The full text of this report can be located on our web site at:

<http://police.southtexascollege.edu/clery-act-statistics/>

This report is prepared in cooperation with College Campus Security Authorities and the McAllen, Weslaco, and Rio Grande Police Departments. The Department of Counseling and Advising will inform their clients of the procedures to report crime to the South Texas Department of Public Safety on a voluntary or confidential basis, should they feel it is in the best interest of the client.

Each year, a post card is mailed to all enrolled students, faculty, and staff that provides the Department of Public Safety web site (<http://police.southtexascollege.edu/clery-act-statistics/>) to

access this report. You may also obtain a copy of the report at the South Texas College Department of Public Safety located at 2509 W. Pecan Blvd., McAllen.

Security and Access to South Texas College Facilities

South Texas College campuses have extensive video surveillance coverage encompassing building entrances and hallways, walkways, and parking areas. Surveillance cameras are monitored by security personnel 24/7. College police officers and security guards conduct routine patrols of facilities and respond immediately to calls for service.

During business hours from 7:00am to 10:00pm, South Texas College is open to students, parents, employees, and guests. During non-business hours, entrance to all college facilities is by key, access card, or admittance by the Department of Public Safety. In periods of extended closing, the College will admit only those with prior approval. Emergencies may necessitate changes or alterations to any posted schedules.

Programs Informing Students and Staff of Campus Security Procedures

Student orientations provide information on security practices and encourage participants to be responsible for their own security and the security of others. The South Texas College Department of Public Safety website provides information on campus security and includes the video “Shots Fired” with guidance to defend yourself, if an active shooter appears on campus. Students and employees have access to RAVE Eyewitness, a text messaging program described on the college website that uses anonymous messaging to communicate with the college police department. The STC RAVE Emergency Alert System generates voice, voice mail, text, and email messages to students and employees during a threatening situations. Each college building has employees trained as responders to assist in evacuation and other security measures. Throughout the year the South Texas College Department of Public Safety conducts Emergency Response Training, including table top exercises that provide guidance in responding to crisis situations. Students and employees are encouraged to participate in these training opportunities.

Drug and Alcohol Abuse

In compliance with the Drug-Free Schools and Communities Act Amendment of 1989 (Public Law 101-226), Texas House Resolution 2253, and Senate Resolution 645, South Texas College prohibits the unlawful manufacture, possession, sale, use or distribution of illegal drugs and alcoholic beverages at on-and off-campus college-sponsored events. Each of these statutes requires the college to clearly inform students that no illegal drugs and unlawful possession of alcohol will be allowed on campus inside buildings or on campus property. Students who are found guilty of such violations will be disciplined and be subject to criminal charges.

Each year, South Texas College provides notification to all enrolled students and current employees informing of institutional policies and other information that is available on the college website. This information is as follows:

- A. The prohibition of unlawful possession, use, or distribution of illicit drugs and alcohol by students and employees on the institution's property or as part of any of the institution's activities.
- B. The applicable legal sanctions under local, state, or federal law for the unlawful possession or distribution of illicit drugs and alcohol include imprisonment and the assessment of civil and criminal fines.
- C. The health-risks associated with the use of illicit drugs and the abuse of alcohol may result in mental disabilities and death.
- D. South Texas College provides drug or alcohol counseling to students.
- E. South Texas College will impose sanctions on students and employees consistent with local, state, and federal law up to and including expulsion or termination of employment and referral for prosecution, for violations of the standards of conduct.

Tobacco Products

South Texas College prohibits smoking and the use of tobacco products, including e-cigarettes, in all college buildings and property, except for parking lots and designated smoking areas. Violators of this policy may be subject to disciplinary action. Students seeking assistance or educational materials about alcohol, drugs, tobacco or other substances should contact the Office of Counseling and Advising.

Firearms

South Texas College Policy 6325 prohibits a person from intentionally, knowingly, or recklessly possessing a firearm, illegal knife, club, ammunition, or prohibited weapon listed in Section 46.05(a) of the Texas Penal Code, on the premises (as defined by law) or physical grounds of any campus or other property owned, leased, or controlled by the College. Texas Senate Bill 11 "Campus Carry" effective on August 1, 2017, permits License to Carry holders to bring concealed handguns on designated areas of the campus. License holders are required to observe the restricted gun free zones identified on the college website. Open carry of firearms is not permitted on college campuses.

Sex Offender Registration

The Campus Sex Crimes Prevention Act (CSCPA) of 2000 is a federal law that provides for the tracking of convicted sex offenders enrolled at or employed by institutions of higher education. The CSCPA is an amendment to the Jacob Wetterling Crimes Against Children and Sexually Violent Offender Act. This federal law requires state law enforcement agencies to provide South Texas College with a list of registered sex offenders who have indicated that they are either

enrolled, employed, or carrying on a vocation at South Texas College. A registered sex offenders list is maintained by the South Texas College Department of Public Safety. The CSCPA further amends the Family Educational Rights and Privacy Act of 1974 (FERPA) to clarify that nothing in the Act can prohibit an educational institution from disclosing information provided to the institution concerning registered sex offenders. In addition, a list of all registered sex offenders in Texas is available from The Texas Department of Public Safety Sex Offenders website at https://records.txdps.state.tx.us/DPS_WEB/Portal/index.aspx.

Emergency Response

During an emergency, the South Texas College Department of Public Safety will issue a mass notification message to students, faculty, and staff through the STC RAVE Alert Emergency Notification System. Pursuant to Texas Education Code, Section 51.218, all current students and employees are automatically enrolled in the alert system and will receive telephone, email, and text messages to provide notification of the situation and the steps to be taken for personal safety.

Notification of emergency events will be issued to the college community without delay once the event has been confirmed, unless it is determined that such notification may compromise efforts to assist victims or would adversely impact efforts to contain, respond to, or mitigate the emergency. The following college officials will determine the method of the alert and the individuals who will be notified:

Chief Administrator, Department of Public Safety
Vice President, Financial Affairs and Administrative Services
President of the College

South Texas College has identified faculty and staff who assist students and organize student activities and designated them as Campus Security Authorities (CSAs). These employees are available to receive information concerning possible crimes and reports of incidents needing an emergency response. If you are uncomfortable reporting dangerous situations to the STC Department of Public Safety you may contact a CSA to report it. A list of CSAs is available on the South Texas College website police.southtexascollege.edu.

The Emergency Notification System is tested on an annual basis. Evacuation procedures are tested during building fire drills. These drills are evaluated and documented by the Fire Departments of the cities the campuses are located in. The purpose of evacuation drills is to prepare building occupants for an organized evacuation in case of an emergency. During the drill, occupants familiarize themselves with the location of exits and the evacuation areas. In addition to educating the occupants of each building about the evacuation procedures during the drills, the process also provides the South Texas College an opportunity to test the operation of fire alarm system components. Deficiencies are corrected promptly.

Evacuation chairs are located on the upper staircases of buildings with more than one floor. During a building evacuation, elevators should not be used and persons in wheelchairs can be placed in the evacuation chairs and lowered down the stairway with the rubber tracks positioned at the bottom of these chairs. Training in the use of these evacuations chairs is available at the Operations Department.

South Texas College police officers and security guards receive training in responding to critical incidents on campus and will normally be the first responders. Depending upon the nature of the incident other local, state, or federal agencies may respond. When individuals are injured, Emergency Medical Service providers are called to the scene.

General information about emergency response and evacuation procedures is published on the South Texas College Police Department website at police.southtexascollege.edu and in Emergency Quick Reference Guides for each campus. These Guides are located on the Police Department website and are distributed at each campus.

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. 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.

If your building is damaged, take your personal belongings and follow the evacuation procedures for your building (close the door, proceed to the nearest exit, and use the stairs instead of the elevators). Once you have evacuated, seek shelter at the nearest building quickly. If police or fire department personnel are on the scene, follow their directions.

Emergency Response Training for Students and Employees

The South Texas College Department of Public Safety provides Emergency Response training periodically throughout the year. This training includes how to protect yourself during active shooter events, fire, and other crisis situations. The video "Shots Fired" provides specific instructions on defending against active shooters and is available for viewing on the Department of Public Safety website at police.southtexascollege.edu. Tabletop exercises are also conducted throughout the year, encompassing an active discussion concerning personal protection during emergency situations. The Department of Public Safety also offers CPR and First Aid training. These training sessions are announced via general email messages.