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security controls. Users should comply with appropriate information security policies, procedures, and standards.

VIII.A.6. Compliance

Compliance with this Policy is continual and unconditional. Any person within the scope of this policy that believes that a violation of information system policy is occurring is required to immediately notify their immediate manager or OTS of the policy violation.

VIII.A.7. Enforcement

Violation of this policy may result in immediate and unconditional termination of any or all access without prior notice and the user may be subject to disciplinary actions under Board Policy Sections IV and VI and prosecution under applicable statutes. (See Policy Section IV).

VIII.A.8. Policy Variance/Exception

Subject to all other Board Policy requirements and laws of the State of Texas, non-compliance with the policy statements described therein must be reviewed and approved in accordance with the Policy Variance/Exception Process defined by Lone Star's Office of Technology Services.

LSCS Policy Manual Section adopted by the Board of Trustees on May 5, 2011

SECTION IX – SEXUAL MISCONDUCT

IX.A. Sexual Misconduct

IX.A.1.1. Policy

This policy specifically covers sexual misconduct including sexual harassment, violence, discrimination, and retaliation as prohibited by applicable laws and the College. The College also prohibits unlawful discrimination based on other protected categories and discusses such prohibitions in the human resources and student policy sections. The College does not tolerate retaliation against anyone who complains about sexual misconduct or cooperates in a sexual misconduct investigation. Nothing in this policy prohibits anyone from filing a report or complaint with any other agency, including law enforcement.

The College shall review and update this policy as required by law.

IX.A.1.2. Definitions

(a) Consent: Sexual activity requires consent. Consent is defined as a voluntary and positive agreement between the participants to engage in sexual activity. Consent to sexual activity may be communicated in a variety of ways, but one should presume that consent has not been given in the absence of a clear, positive agreement between the participants. While

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verbal consent is not an absolute requirement for consensual sexual activity, verbal communication prior to engaging in sexual activity helps to clarify consent and avoid any misunderstandings.

Consent must be clear and unambiguous for each participant at every stage of a sexual encounter. A prior relationship does not indicate consent to future activity. A person who is asleep or mentally or physically incapacitated, either through the effect of drugs, alcohol, or for any other reason, is not capable of giving valid consent. The use of alcohol or drugs may seriously interfere with the participants' judgment about whether consent has been sought and given.

- (b) Dating Violence:** Dating violence is committed by a person who is or was in a social relationship of a romantic or intimate nature with the victim. The existence of such a relationship shall be determined based on the reporting party's statement and with consideration of the relationship length, the type of relationship, and the frequency of interaction between the persons involved in the relationship. Dating violence also includes, but is not limited to, sexual or physical abuse or the threat of such abuse. Finally, dating violence does not include acts covered by the definition of domestic violence.
- (c) Domestic Violence:** Domestic violence is a felony or misdemeanor crime of violence committed by: a current or former spouse or intimate partner of the victim; a person with whom the victim shares a child in common; a person who is cohabitating with or has cohabitated with the victim as a spouse or intimate partner; a person similarly situated to a victim's spouse under Texas domestic or family violence laws; or any other person against an adult or youth victim who is protected from the person's acts under Texas domestic or family violence laws.
- (d) Sexual Assault:** Sexual assault is an offense that meets the definition of rape, fondling, incest, or statutory rape as stated in the Federal Bureau of Investigation's Uniform Crime Reporting Program.
- (e) Sexual Discrimination:** Sexual discrimination, including sexual harassment, is illegal under both federal and Texas state law and is strictly prohibited by the College. Unwelcome sexual advances, requests for sexual favors, and other physical or verbal conduct of a sexual nature, including sexual violence, constitute sexual discrimination when:

 1. Requests, conduct, or submission to unwelcome advances is—explicitly or implicitly—a term or condition of an individual's employment, academic advancement, participation in College programs or activities, or is used as a basis for employment or academic decisions affecting the individual;
 2. Rejection of unwelcome advances, requests, or conduct affects a term or condition of an individual's employment, academic advancement, participation in College

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programs or activities, or is used as a basis for employment or academic decisions affecting the individual; or

3. Such conduct has the purpose or effect of creating an intimidating hostile work or academic environment that unreasonably interferes with an individual's work, academic performance, education, or participation in College programs or activities.
- (f) **Sexual Harassment** (a form of sex discrimination) includes two categories: (1) hostile work environment sexual harassment, and (2) quid pro quo sexual harassment.

Hostile work environment sexual harassment means verbal, physical, or visual forms of harassment that are sexual in nature, unwelcome, and severe, persistent, or pervasive. A hostile environment is often created by a series of incidents. However, a single severe incident, such as sexual assault, could create a hostile environment.

Quid pro quo sexual harassment means "this for that." An example of this form of sexual harassment occurs if a faculty member (or staff member) stipulates that a student's grade or performance rating (or participation on a team, in a play, etc.) will be based on whether that student submits to sexual conduct.

- (g) **Sexual Violence:** Sexual violence means a physical sexual act perpetrated without the complainant's consent. This includes situations where a person is incapable of giving consent because of drug or alcohol impairment or a mental or physical disability. A number of different acts fall into the category of sexual violence, including, but not limited to, rape, sexual assault, sexual battery, sexual coercion, and any VAWA offenses. All such acts of sexual violence are forms of sexual harassment prohibited by Title IX and this policy.
- (h) **Stalking:** Stalking is defined as engaging in a course of conduct (two or more acts), including, but not limited to, a pattern of repeated and unwanted attention, harassment, or conduct, directed at a specific person that would cause a reasonable person to fear for his or her safety, the safety of others, or suffer substantial emotional distress. Substantial emotional distress is significant mental suffering or anguish that may, but does not necessarily, require medical or other professional treatment or counseling.
- (i) **Title IX Harassment:** Acts of Title IX harassment may take many different forms. Title IX harassment includes sexual harassment, gender-based harassment, and sexual violence. The conduct must be sufficiently severe or pervasive as to unlawfully limit an individual's ability to participate in or benefit from the College's activities. Further, such conduct is evaluated from the perspective of a reasonable person in the complainant's position, taking into account the totality of the circumstances involved in a particular matter. The following types of actions serve as non-exhaustive examples of Title IX harassment prohibited by this policy if sufficiently severe or pervasive:

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1. Physical sexual acts perpetrated against a person's will or when a person is incapable of giving consent because of drug or alcohol impairment or mental or physical disability;
2. Direct or implied sexual statements or threats, demands for sexual favors, or sexual advances, accompanied by implied or actual promises of preferential treatment for submission to such demands; or implied or actual threats that failure to submit to such demands may result in adverse treatment concerning the person's admission, enrollment, employment, work status, promotion, grades, or recommendation;
3. Any of the following if persistent and unwelcome: flirtation, requests for dates, staring, advances, or sexual propositions;
4. Gratuitous displays of sexually suggestive objects or pictures, including images displayed, transferred, forwarded, or shared via the Internet, text messaging, or other electronic means;
5. A pattern of conduct unrelated to an academic course or the requirements of the workplace intended to cause discomfort or humiliation or including one or more of the following: (i) comments of a sexual nature; (ii) sexually explicit statements, questions, jokes, anecdotes, or gestures; (iii) a pattern of conduct that would cause discomfort or humiliation, or both, to a reasonable person to whom the conduct is directed and that includes one or more of the following: (1) unnecessary touching, such as patting, pinching, hugging, or repeated brushing against a person's body; (2) remarks of a sexual nature about a person's clothing or body; or (3) remarks about sexual activity or speculations about previous sexual experience;
6. Treating individuals adversely because they do not conform to stereotypical norms of feminine or masculine gender behavior.

IX.A.1.3. Sexual Misconduct Procedures

Sexual misconduct investigations are governed by the policies outlined below. Chancellor's Procedures and forms shall supplement and comply with this policy.

Parties needing reasonable accommodations due to disability during proceedings under this policy are asked to please inform the Title IX coordinator. Disability verification may be required if the information is not currently on file with the College.

(a) Reporting Sexual Misconduct. Any person who believes sexual misconduct occurred may promptly report the incident to one of the College's Responsible Employees or a Campus Security Authority (CSA) if reporting sexual violence including sexual assault, domestic violence, dating violence, or stalking. The Responsible Employees and CSAs

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include, but are not limited to: (i) the College's Police Department, (ii) Title IX Coordinator, or (iii) Chief Student Services Officer.

All individuals listed in the prior paragraph shall promptly inform the Title IX Coordinator of any such report. The Responsible Employee or CSA must inform the reporting person that the responsible employee or CSA has a duty to relay the complaint to the Title IX Coordinator and, if applicable, to the Clery Compliance Officer. The Responsible Employee or CSA must also inform the reporting person about his or her confidentiality options, available confidential advocacy, support services, the right to file a Title IX complaint with the College, and the right to report a crime to the campus or external law enforcement. Reports made through the College's EthicsPoint Hotline (see Internal Resources) will be forwarded to the Title IX Coordinator and, if applicable, the Clery Compliance Officer.

The Title IX Coordinator or designee will then perform an intake assessment within a reasonable period of receiving any sexual misconduct report. The intake assessment may include preliminary interviews and interim step recommendations. The Title IX Coordinator or designee will conduct an investigation following the intake assessment if the complaint alleges sexual misconduct.

- (b) Privacy.** The College strongly supports the parties' privacy interest in sexual misconduct cases. Except for disclosures required by local, state, or federal law, the College will disburse information regarding such cases only to the parties and to individuals responsible for preparing the College's response.

The College does not require mental-health counselors, pastoral counselors, social workers, psychologists, health center employees, or any other person with a professional license requiring confidentiality, or who is supervised by such a person, to report, without the individual's consent, incidents of sexual violence to the College in a way that identifies the individual.

The College provides an electronic reporting option via EthicsPoint. A link can be found under Internal Resources and at the bottom of the College's homepage (Report Sexual Misconduct). EthicsPoint enables anonymous reporting. Such anonymity requests, however, may limit the College's ability to respond.

- (c) Interim Steps.** The College may take interim steps to protect the complainant, respondent, and the College's community members pending the investigation or hearing of a sexual misconduct complaint depending on the nature of the complaint and the evidence. Violating interim steps may result in a non-academic misconduct charge against a student or disciplinary action up to and including employment termination for employees (independent of the initial sexual misconduct inquiry). Interim steps should be individualized for each complaint. Interim steps may include, but are not limited to: issuing a no-contact order prohibiting the parties from having contact with each other; directing

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the lateral transfer of an employee or moving a student to another classroom setting; administrative leave; or making arrangements for alternative academic and employment environments.

Interim steps that separate a student from his or her education must be approved by the applicable college president and the Chancellor.

- (d) Notice and Investigation.** The Title IX Coordinator or designee will provide written notice of the complaint to the respondent within a reasonable period of receiving it. The Title IX Coordinator or designee will impartially investigate the sexual misconduct allegations. Some cases may be resolved informally if all parties and the College agree.
- (e) Advisor.** Parties have the right to consult with an advisor of their choosing. The advisor may be any person, including an attorney, who is not otherwise a party or witness involved in the investigation. A party may be accompanied by his or her advisor to any meeting or proceeding related to a complaint under this policy. While the advisor may provide support and advice to the party at any meeting or proceeding, the advisor may not speak on the party's behalf or otherwise participate in, or in any manner delay, disrupt, or interfere with any meeting and or proceeding.
- (f) Investigation Report and Response.** The Title IX Coordinator or designee will complete an investigation report after concluding the investigation. The parties shall have the same meaningful access to the investigation report. The parties will then have a reasonable period to respond in writing to the investigation report.
- (g) Sexual Misconduct Result Proceedings.** Once the Title IX Coordinator or designee receives or should have received the parties' written response to the investigation report, he or she shall determine whether the investigation revealed allegations rising to the level of sexual violence as defined in this policy. If so, then the Title IX Coordinator shall arrange for a hearing conducted by a third party hearing officer. If the investigation did not contain allegations rising to the level of sexual violence, then the Title IX Coordinator, using the evidentiary standard, will determine whether the alleged sexual misconduct occurred.

 - 1. Evidentiary Standard.** A preponderance of the evidence standard must be used in any result proceeding under this section.
 - 2. Proceedings for Sexual Misconduct Excluding Sexual Violence.** The Title IX Coordinator will determine whether the sexual misconduct did or did not occur in cases that do not rise to the level of sexual violence. The Title IX Coordinator's result shall be delivered to the complainant, the respondent, and the Chancellor within a reasonable time of the Title IX Coordinator's receipt of the complaint. Either party may appeal the Title IX Coordinator's determination to the Chancellor. The Chancellor's decision is final.

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- 3. Proceedings for Sexual Violence.** For allegations of sexual violence, the College will hold a hearing conducted by a third party hearing officer.

The hearing will take place within a reasonable period after the Title IX Coordinator receives (or should have received) the parties' responses to the investigation report. The Title IX Coordinator shall provide the parties with notice of the hearing. The hearing officer will be an independent arbiter or mediator selected by the College at its sole discretion. The Title IX Coordinator shall provide the hearing officer with the investigation report and the parties' responses at or before the hearing.

Both the complainant and the respondent will have an opportunity to present witnesses and evidence at this hearing. The complainant and the respondent may be accompanied by an advisor, including legal counsel. Personal attendance is not required from either party.

Neither the complainant nor the respondent will have an opportunity to question the other party, whether personally or through the advisor. Each party will be limited to presenting his or her case, except that either party may submit desired cross-examination questions to the hearing officer on the date of the hearing or to the Title IX Coordinator before the hearing. The hearing officer will determine whether to ask the questions submitted during his or her questioning of either party—that decision is not appealable.

The hearing result, the result's rationale, and any recommended sanctions shall be delivered to the complainant, the respondent, and the Chancellor within a reasonable time period after the hearing. The Chancellor's decision regarding the sanctions will be final.

(h) Potential Sanctions.

- 1. Students:** If the investigation or hearing reveals that sexual misconduct was committed by a student, further action will be taken, including, but not limited to, any and all disciplinary actions set forth in Board Policy section Student Discipline for Non-Academic Misconduct. Moreover, the College will not subject students to disciplinary actions for Board Policy violations (*e.g.*, alcohol or drug consumption, academic misconduct, or non-academic misconduct) disclosed during the course of the proceedings. The absence of such disciplinary action encourages students to report sexual misconduct and participate in proceedings without fear of reprisal.
- 2. Employees:** If the investigation or hearing reveals that sexual misconduct was committed by an employee, further action will be taken up to and including

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immediate employment termination or Notice of Forthcoming Termination for contract employees.

3. **Third Parties:** If the investigation or hearing reveals that sexual misconduct was committed by a non-employee non-student, further action may be taken, including, but not limited to, immediate severance and termination of any contractual or business relationships.
- (i) **Retaliation Prohibited.** No College community member may retaliate against a person because of that person's sexual misconduct complaint, exercise of his or her right to file a formal or informal sexual misconduct complaint, use of any of the related processes the College provides, cooperation with an investigation, or testimony or other evidence offered by that person connected to a complaint. A complaint's actual or perceived truth does not excuse retaliatory conduct. Any person who observes retaliation should promptly notify the Title IX Coordinator. Individuals found to have committed retaliation may be subject to disciplinary actions.

IX.A.1.4. Available Resources

Any party may contact the following for assistance:

(a) **Internal Resources:**

1. College Police Department: (281) 290-5911
2. College Title IX Coordinators
 - a. Director of Governance and Compliance, (832) 813-6841
Student-Compliance@lonestar.edu
 - b. Chief Human Resources Officer, (832) 813-6520
HR-Compliance@lonestar.edu
3. College Office of Emergency Management: (281) 290-2891
4. Ethics Point:
<https://secure.ethicspoint.com/domain/media/en/gui/43698/index.html>

(b) **External Resources:**

1. Employee Assistance Program (EAP): (800) 346-3539
2. Family Time Crisis and Counseling Center (Humble): (281) 446-2615
3. Houston Area Women's Center Domestic Violence Hotline: (713) 528-2121 / (713) 528-3625 (TDD)
4. Houston Area Women's Center Rape Hotline: (713) 528-7273 / (713) 528-3691 (TDD)
5. Montgomery County Women's Center: (936) 441-4044
6. Montgomery County Women's Center 24-Hour Hotline: (936) 441-7273
7. The Montrose Center: (713) 526-3211

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8. Northwest Assistance Ministries: (281) 885-4673
9. Ben Taub Hospital: (713) 873-2000
10. MHMR Authority of Harris County
7011 Southwest Freeway
Houston, Texas 77074
Crisis Telephone: (866) 970-7770
Main Telephone: (713) 970-7000
Website: <http://www.mhmraharris.org/>
11. Houston Police Department (HPD) Mental Health Unit
1502 Ben Taub Loop
Houston, Texas 77030
12. Tri-County MHMR Services
1506 Old Montgomery Rd.
Conroe, Texas 77304
Crisis Phone: (800) 659-6994
Main Phone: (936) 756-8331
Website: <http://www.tcmhmrs.org/>
13. www.NotAlone.gov

Additional resources may be listed in the Chancellor's Procedures.

IX.B. Convicted Sex Offender Registration

IX.B.1.1. Policy

Texas Code of Criminal Procedure Article 62.153 mandates that each person required to register as a sex offender, and who intends to be employed, work with a contractor, or attend classes at the College, must register with the College's Police Department at least seven (7) days before reporting to any College location.

As part of this registration, the individual must submit information pertinent to his or her offenses, which will be forwarded to the College's Review Committee for a determination of eligibility for employment, vendor services, or enrollment. A person seeking to be enrolled as a student must first be approved before completing the registration process.

Failure to register and receive necessary approval under this section may result in immediate suspension, dismissal, or termination of employment.

LSCS Policy Manual Section IX adopted by the Board of Trustees on April 5, 2018