

**PROHIBITED UNLAWFUL DISCRIMINATION AND HARASSMENT
POLICY, SECTION IV.F.4; SEXUAL HARASSMENT, ASSAULT,
VIOLENCE, AND DISCRIMINATION, SECTION VI.F.1 – NOTICE AND COMMENT**

The Board of Trustees revised Section IV.F.4 and VI.F of the Lone Star College District Policy Manual on December 4, 2015. The notice and comment period for the policy was open to the public from **December 7, 2015, through January 15, 2016**. Sexual Harassment, Assault, Violence, and Discrimination procedures were last updated on **April 14, 2016**. The notice and comment period for the procedures was open to the public from **March 8, 2016, through April 7, 2016**. The policy and procedures were posted for public comment at <http://www.lonestar.edu/proposed-policies.htm>. Commenters could anonymously submit comments to LSC-ProcedureFeedback@lonestar.edu and LSC-PolicyFeedback@lonestar.edu. We received a total of four comments.

Comment 1: Commenters were concerned regarding a respondent's opportunity to confront the complainant in a sexual violence hearing. Commenters were also concerned about the respondent's opportunity to ask questions during the sexual violence hearing.

Response 1: Board Policy VI.F.1.03(e) addresses this issue. Once a sexual violence complaint is filed, the College will hold a hearing. During this hearing, the complainant and respondent will have an opportunity to present witnesses, evidence, and submit desired questions for cross-examination during the hearing directly to the hearing officer. While the respondent will not automatically get an opportunity to directly ask questions, the policy is designed to solicit information from both parties without prejudicing (or giving more weight) to either side. Specifically, each party may submit cross-examining questions directly to the hearing officer. We are confident the policy, as written, balances all the competing interests under the governing policy.

Comment 2: Commenters were concerned about the no-discipline policy, found in Board Policy VI.F.1.03(h)(1), protecting sexual assault victims from adverse consequences for admitting to consuming alcohol or drugs at the time of their sexual assault. Commenters were concerned that the no-discipline policy inadvertently encourages students to lie and say they were intoxicated in order to shield themselves or go after another individual.

Response 2: The no-discipline policy found in VI.F.1.03(h)(1) is meant to protect alleged sexual assault victims by permitting them to come forward without fear of being disciplined for consuming alcohol or drugs at the time of the alleged sexual assault. While it is possible that an individual may lie, the hearing process is designed to fully investigate the complaint. The hearing process gives each party the opportunity to present witnesses, evidence and submit questions to the hearing officer. This process permits the hearing officer to evaluate the allegations from each parties' perspective. Further, the hearing officer is an independent arbiter or mediator who will apply a preponderance of the evidence evidentiary standard. Again, the no-discipline policy is important because it encourages alleged sexual assault victims to come forward without fear of adverse consequences.

Comment 3: Commenters inquired about the meaning of the word “drug,” as used in this policy.

Response 3: As used in this policy, “drug” means any substance that alters consciousness—whether legal, illegal, prescribed, or not prescribed by a health care professional.

Comment 4: Commenters asked whether the police report completed by College Police and forwarded to the Title IX Coordinator would suffice as a report of a Title IX Complaint or whether College Police would also need complete the College’s report form.

Response 4: College Police are not required to complete the College’s report form in addition to the police report forwarded to the Title IX Coordinator.