

**LONE STAR COLLEGE SYSTEM DISTRICT
BOARD POLICY MANUAL
Fourth Edition**

The College recognizes and encourages distinct views in the learning process. Differing viewpoints, however, must be part of the learning process—not detract from it. Individual faculty members set appropriate conduct standards at the start of each class or course. Students who disrupt a classroom, and are warned by the instructor, may be asked to leave the classroom. A student refusing to leave a classroom after being asked to do so by the instructor may be removed by the College’s Police Department. The instructor must submit a written report documenting the incident to the Chief Student Services Officer. The report must include the date, time, place, and describe the circumstances of the classroom disruption.

VI.E.1.05 Off-Campus Activities

Students are not under the College’s control when not on the College’s property or when such students are not participating in a College-sponsored activity. The College assumes no responsibility for the off-campus activities or its students’ personal conduct. Students who break the law risk the related consequences of so doing. The College may, however, take disciplinary action against students whose conduct at a non-college-sponsored event poses a serious and substantial danger to any student.

VI.E.1.06 Professionalism

Students assigned to healthcare or other facilities, as part of clinical courses or serving in internships as part of a course, are expected to behave in a professional manner. Students must adhere to professional norms for the particular professional field. A student’s performance evaluation includes a professional conduct component.

LSCS Policy Manual Section VI adopted by the Board of Trustees on March 3, 2016

VI.F. Sexual Harassment, Assault, Violence, and Discrimination

VI.F.1.01 Policy

The College strives to maintain an educational environment compliant with all applicable anti-discrimination laws, including all laws outlawing discrimination arising from: sexual harassment, sexual violence, race, color, sex, age, sexual orientation, religion, ethnic or national origin, disability, veteran status, or any other protected status. Unlawful academic discrimination by officers, managers, faculty, supervisors, employees, students, advisors, vendors, clients, or contractors will not be tolerated.

Retaliating against a student who complains about discrimination as defined in this policy is also unlawful. Moreover, retaliating against a student for cooperating in an investigation initiated to discover any of the prohibited conduct identified in the prior paragraph, whether internal or external, is also unlawful and contrary to the College’s policies.

VI.F.1.02 Definitions

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- (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 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 made either 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;

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2. Rejection of unwelcome advances, requests, or conduct affects 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; 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.

Conversely, 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 unwelcome sexual conduct.

Sexual harassment also means unwelcome conduct of a sexual nature including sexual advances, requests for sexual favors, and other verbal or physical conduct of a sexual nature when:

1. Submission to such conduct is made either as an explicit or an implicit term or condition of an individual's employment, academic evaluation or advancement, or status in a course, program, or activity of the College;
2. Submission to or rejection of such conduct by an individual is used as a basis for academic or employment decisions affecting such individual; or
3. Such conduct has the purpose or effect of creating an intimidating, hostile, or offensive working or academic environment or unduly interfering with an individual's work or academic performance.

(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

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to, rape, sexual assault, sexual battery, and sexual coercion. 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:** Title IX harassment includes sexual harassment, gender-based harassment, and sexual violence. The following types of actions serve as non-exhaustive examples of Title IX harassment prohibited by this policy if sufficiently severe or pervasive:
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. Persistent and unwelcome flirtation, requests for dates, staring, advances, or propositions of a sexual nature;
 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;

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6. Treating individuals adversely because they do not conform to stereotypical norms of feminine or masculine gender behavior;
7. Acts of Title IX harassment may take many different forms. Examples include (i) direct threats and other verbal statements (ii) email or other electronic messages (iii) physical contact, (iv) jokes, (v) gestures, and (vi) pictures or other visuals. 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 victim's position, taking into account the totality of the circumstances involved in a particular matter.

VI.F.1.03 Title IX Harassment and Sexual Violence General Procedures

Title IX harassment and sexual violence investigations are governed by the policies outlined below. The Office of General Counsel will develop procedures and forms to comply with this policy subject to the approval of the Chancellor or a designee.

(a) Reporting Sexual Violence

Any person who believes sexual violence occurred may promptly report the incident to one of the College's responsible employees. A responsible employee includes any one or more of the following Campus Security Authorities: (i) the College's Police Department, (ii) the Chief Student Services Officer, or (iii) the Title IX Coordinator.

All individuals listed in the prior paragraph shall promptly inform the Title IX Coordinator of any such report. The responsible employee must inform the reporting person that the responsible employee has a duty to relay the complaint to the Title IX Coordinator. The responsible employee must also inform the reporting student about his or her confidentiality options, available confidential advocacy, counseling, and other 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.

(b) Reporting Title IX Harassment Exclusive of Sexual Violence

Any person who believes Title IX harassment (excluding sexual violence) occurred is encouraged to report it to the Title IX Coordinator as quickly as possible. Reports can also be made to any supervisor, academic dean, Vice President of Instruction, Associate Vice Chancellor, Vice Chancellor, Chief Area Officer reporting directly to the Chancellor, President, or the Chancellor. Nothing in this policy restricts a complainant from filing a charge with an applicable law enforcement agency.

(c) Investigation and Interim Steps

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The College may take interim steps to protect the complainant and the College's community members pending the investigation or hearing of a Title IX harassment or sexual violence complaint depending on the nature of the complaint and the evidence.

A non-exhaustive list of such interim steps includes: issuing a no-contact order prohibiting the parties from having contact with each other; directing the lateral transfer of an employee or moving a student to another classroom setting; or making arrangements for alternative academic and employment environments. Interim steps can also depend on the respondent's identity.

- 1. Faculty Employee:** The President or a designee may place, after consulting with the Chancellor, the faculty member on administrative leave from employment responsibilities if the President reasonably believes that: (a) the alleged harassment or sexual violence occurred and (b) the respondent would be in a position to harm the College's community members if the respondent continues to teach a class during an investigation or hearing under this section. Such leave may be with pay and all benefits.
- 2. Non-Faculty Employee:** The applicable Vice Chancellor, President, or other Chief Area Officer reporting directly to the Chancellor responsible for the unit employing the respondent may place, after consulting with the Chancellor, the employee on administrative leave from employment responsibilities if he or she reasonably believes that: (a) the alleged harassment or sexual violence occurred; and (b) the respondent would be in a position to do harm to the College's community members if the respondent continues to work in that unit or department during an investigation or hearing under this section. Such leave may be with pay and all benefits.
- 3. Student:** The Chief Student Services Officer or a designee may restrict, after consulting with the President and Chancellor, the student-respondent from attendance at one or more classes or otherwise prohibit the student-respondent's presence College-wide if the Chief Student Services Officer or a designee reasonably believes that: (a) the alleged harassment or sexual violence occurred; and (b) the respondent would be in a position to do harm to the College's community members if the student-respondent continues to attend class or visit a particular campus during an investigation or hearing under this section.
- 4. Third Party:** If the respondent is neither a student nor employee, the College, through the Office of the General Counsel, will nevertheless conduct an investigation and take steps to provide appropriate remedies for the complainant and, where appropriate, the College's broader population. Such steps might include recommending the cancellation of an agreement in the case of a vendor, or the recommendation to sever a professional relationship.

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(d) Confidentiality

The College strongly supports a student's interest in confidentiality in Title IX harassment and sexual violence cases. The College will only disburse information regarding such cases to individuals with responsibility for preparing the College's response. Disclosures required by local, state, or federal law will be the sole exception.

A complainant may request that his or her name not be disclosed to the respondent or that the College not investigate or seek action against the respondent. The College will determine whether it can honor such a request while still providing a safe and nondiscriminatory environment for all students, including the complainant. A complainant's desire for anonymity or inaction may hinder the College's investigation of a Title IX harassment or sexual violence complaint, but the College has the responsibility of providing a safe and nondiscriminatory environment for the College's community members notwithstanding the complainant's request for anonymity or inaction. The College will notify the complainant of its intention to disclose the complainant's identity if the College decides that providing a safe and nondiscriminatory environment for the College's community members outweighs the complainant's right to inaction or anonymity. The College will also notify the respondent that the complainant requested that the College not pursue disciplinary action against the respondent if the College elects to proceed.

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 complainant's consent, incidents of sexual violence to the College in a way that identifies the complainant.

(e) Proceedings in Sexual Violence Cases

The College will hold a hearing when a complainant specifically alleges sexual violence within a reasonable period of receiving the complaint or at a time by mutual consent of the parties. Both the complainant and the respondent will have an opportunity to present witnesses and evidence at this hearing. Both the complainant and the respondent may appear through a representative, including legal counsel, and 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 a representative. 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. The hearing officer will determine whether to ask the questions submitted during his or her questioning of either party—that decision is not appealable.

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The hearing officer will be an independent arbiter or mediator selected by the College at its sole discretion. The College will also conduct its own investigation led internally by the Associate Vice Chancellor of Human Resources (in the case of an employee-respondent) or the Associate Vice Chancellor for Student Services (in the case of a student-respondent) and shall submit a report to the hearing officer at the hearing.

The hearing result, along with any recommendation for corrective and disciplinary action from the hearing officer, shall be delivered simultaneously to the complainant, the respondent, and the Chancellor within a reasonable period after the hearing. The Chancellor's decision will be final.

(f) Proceedings in all Other Cases

The Title IX Coordinator will provide a copy of the complaint to the respondent within a reasonable period of receiving it from the complainant. The respondent will then have a reasonable period to respond in writing to the Title IX Coordinator. The next step will depend on the respondent's status at the time of the alleged Title IX violation:

1. The Title IX Coordinator will then, in the case of an employee-respondent, forward the complaint, the response, and all attached evidence and documentation to the Chief Human Resources Officer who functions as a hearing officer under this section;
2. The Title IX Coordinator will then, in the case of a student-respondent, forward the complaint, the response, and all attached evidence and documentation to the Associate Vice Chancellor for Student Services who functions as a hearing officer under this section; or
3. The Title IX Coordinator will then, in the case of a third-party-respondent, forward the complaint, the response, and all attached evidence and documentation to the Executive Vice Chancellor who functions as a hearing officer under this section.

The College will conduct its own investigation led internally by a designee of the Chief Human Resource Officer (in the case of an employee-respondent) or a designee of the Associate Vice Chancellor for Student Services (in the case of a student-respondent) and shall submit that report to the applicable hearing officer.

The hearing officer's investigative result, along with any recommendation for corrective and disciplinary action, shall be delivered simultaneously to the complainant, the respondent, and the Chancellor within a reasonable time of the hearing officer's receipt of the file from the Title IX Coordinator. The Chancellor's decision will be final.

(g) Evidentiary Standard

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A preponderance of evidence standard must be used in any investigation or hearing under this section.

(h) Potential Disciplinary Actions

- 1. Students:** If the investigation or hearing reveals that family or domestic violence, dating violence, sexual assault, Title IX harassment, or stalking 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 VI.G. Moreover, students who are victims of sexual assault will not be subjected to disciplinary actions if they consumed alcohol or drugs at the time of their sexual assault. The absence of such disciplinary action encourages students to report potential Title IX violations without fear of reprisal.
- 2. Employees:** If the investigation or hearing reveals that family or domestic violence, dating violence, sexual assault, Title IX harassment, or stalking was committed by an employee, further action will be taken up to and including immediate employment termination under Section IV.F.13.03 of this policy.
- 3. Third Parties:** If the investigation or hearing reveals that family or domestic violence, dating violence, sexual assault, Title IX harassment, or stalking was committed by a non-employee non-student, further action will be taken, including, but not limited to immediate severance and termination of any contractual or business relationships.

(i) Prohibition of Title IX Retaliation

Retaliation is a violation of the College's Title IX harassment policy. The College's policy prohibits any College community member from retaliating because of a person's Title IX complaint. It is against the College's policy to retaliate against any person who exercised his or her right to file a formal or informal Title IX harassment complaint, used any of the related processes the College provides, cooperated with an investigation, or testified or otherwise offered evidence 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.

VI.F.1.04 Available Reporting Resources

Complainants may contact the following agencies for assistance:

(a) Internal Resources:

Any College Office of Student Services

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College Police Department: (281) 290-5911

College Office of Emergency Management: (281) 290-2891

College Employee Title IX Coordinator:

Chief Human Resources Officer
HR-Compliance@lonestar.edu
832-813-6520

College Student Title IX Coordinator

Associate Vice Chancellor of Student Services
Student-Compliance@lonestar.edu
832-813-6841

(b) External Resources:

Family Time Crisis and Counseling Center (Humble): (281) 446-2615

Domestic Violence Hotline: (713) 528-2121 / (713) 528-3625 (TDD)

Sexual Assault Hotline: (713) 528-7273 / (713) 528-3691 (TDD)

Montgomery County Women's Center: (713) 528-7273

24-Hour Hotline: (936) 441-7273

Northwest Assistance Ministries: (281) 885-4673

Ben Taub Hospital: (713) 873-2000

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/>

Houston Police Department (HPD) Mental Health Unit
1502 Ben Taub Loop
Houston, Texas 77030

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/>

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www.NotAlone.gov

VI.F.1.05 Convicted Sex Offender Policy

The Texas Code of Criminal Procedure Article 62.153 mandates 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, to 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 adopted by the Board of Trustees on December 3, 2015

VI.G STUDENT DISCIPLINE FOR NON-ACADEMIC MISCONDUCT

VI.G.1 General Provisions

VI.G.1.01 Student Discipline Policy for Non-Academic Misconduct

The College shall maintain safety, order, and integrity by enforcing conduct standards. Non-academic misconduct subjects students to discipline under this section. The College shall respect each person's dignity and rights throughout the discipline process. When possible, members of the College community should try to resolve minor allegations of non-academic misconduct informally. Section VI.G does not apply to matters addressed by Section VI.F above.

VI.G.1.02 Definitions

- (a) **Appeal** means to request in writing that the Executive Vice Chancellor review a decision of suspension or expulsion, stating why it should be modified or reversed.
- (b) **Chief Conduct Officer** means a college Vice-President to whom the college President gives primary responsibility for student discipline for non-academic misconduct.
- (c) **Discipline Committee** means a panel appointed from each college to review suspensions and expulsions imposed by other colleges.
- (d) **Due process** means a student's procedural and substantive constitutional protections.