

Section IX: Sexual Misconduct Procedures

These procedures supplement and clarify Section IX. of the Lone Star College System District Policy Manual (“Board Policy”) last revised by the Board of Trustees on **April 5, 2018**— setting out the College’s policies regarding sexual misconduct including sexual harassment, assault, violence, discrimination, and any related retaliation.

Board Policy controls when a conflict arises between it and the procedures below. These procedures were last updated on **October 10, 2018**. The notice and comment period was open online to the public from **August 27, 2018** to **September 26, 2018**.

1. Scope of Procedures. The procedures below are intended to cover complaints arising from sexual harassment, assault, violence, discrimination, and any related retaliation. Other types of harassment, assault, violence, and discrimination are covered under different procedures.¹ For purposes of these procedures, the individual reporting the complaint is the “complainant” and the individual named as the responsible party is the “respondent.” The complainant and respondent may be jointly referred to as the “parties.”

2. Application. These procedures apply when a sexual misconduct complaint is made or the College becomes aware of a sexual misconduct incident.

3. Accommodation. Parties needing reasonable accommodations due to disability during proceedings under this policy are asked to please inform the Title IX Coordinator.² Disability verification may be required if the information is not currently on file with the College.

4. Reporting Sexual Misconduct. Any person may report sexual misconduct to a College Responsible Employee, Campus Security Authority, or through the College’s electronic reporting system. Reports may be made using Form 1 (Sexual Misconduct Report) or through www.lonestar.edu/TitleIX.htm.

a Responsible Employee is a term originating from Title IX of the Education Amendments of 1972. The Title IX Coordinator, for example, is a Responsible Employee. A Responsible Employee can also be an employee who has the authority to take action to redress the sexual misconduct, has the duty to report sexual misconduct to appropriate College officials, or who a student could reasonably believe has this authority or responsibility. The College has designated the Office of Governance, Audit, and Compliance as the department responsible for investigating sexual misconduct complaints. The College’s Responsible Employee contact information can be found in Appendix A. A Responsible Employee other than the Title IX Coordinator will forward a sexual misconduct complaint to the Title IX Coordinator

¹ For example, pregnancy discrimination that does not include sexual misconduct will be investigated under Board Policy sections IV.E.1 or VI.D.12 as applicable.

² Title IX Coordinator, Karen Miner, 832-813-6614 or karen.l.miner@lonestar.edu

for investigation and to the Clery Compliance Officer if the complaint is of a Clery crime.

b *Campus Security Authority (“CSA”)* is a term originating from the Jeanne Clery Disclosure of Campus Security Policy and Campus Crime Statistics Act (“Clery Act”). A CSA is responsible for reporting a Clery Act crime report to the Clery Compliance Officer. While there may be some overlap, College CSAs are not necessarily the same as those defined as Responsible Employees for Title IX. A CSA will forward a sexual misconduct report to the Title IX Coordinator for investigation and to the Clery Compliance Officer if the complaint is of a Clery crime.³ CSA contact information can be found in Appendix B.

c *LSC Reporting System.* Any person may make a sexual misconduct report through the College’s electronic reporting option. These reports will be forwarded to the Title IX Coordinator. Sexual misconduct reports may be made anonymously; however, anonymity requests may limit the College’s ability to respond. Please see www.lonestar.edu/TitleIX.htm.

d *CSA & Responsible Employee Duty.* The Responsible Employee or CSA who receives a sexual misconduct complaint will report it immediately to the Title IX Coordinator and notify the complainant about the employee’s duty to disclose the complaint to the Title IX Coordinator and to the Clery Compliance Officer if the complaint is of a Clery crime. The Responsible Employee or CSA receiving the complaint must inform the complainant about his or her privacy options, available confidential advocacy, available counseling or other support services, the right to file a Title IX complaint with the College, and the right to report a crime to the Lone Star College Police Department or external law enforcement.

5. Intake Assessment. The Title IX Coordinator or designee may perform an intake assessment within 10 working days of receiving a sexual misconduct complaint.

The Intake Assessment may include initial contact with the complainant to clarify: (1) the allegation if it is unclear whether it contains a sexual misconduct issue or (2) the alleged victim’s version of events and interest in the complaint if the report was submitted by another party. The intake process may include preliminary interviews with the parties and possibly applicable witnesses.

The Title IX Coordinator or designee may assess potential safety risks to the College Community during the Intake Assessment. The Title IX Coordinator may determine that the allegations are severe enough to pose a safety threat to the College’s community and

³ If a complainant requests anonymity, the CSA must still report the incident described to appropriate College officials, but the CSA should not report the complainant’s name. Anonymity may restrict the College’s ability to respond to a complaint.

continue with proceedings even if the complainant does not wish to move forward with the complaint. A determination may be reached regarding any interim step recommendations.

The option of proceeding with informal resolution may also be explored.

6. Interim Steps. Individualized interim steps may be made at any time during these procedures depending on the circumstances. Interim steps may also be adjusted or reversed.

a Student-Respondent. In certain circumstances, an appropriate College official may ask a student-respondent to leave for the day. Any interim step that separates a student from their education for more than one day requires authorization. The appropriate college official must reasonably believe that (a) the harassment or sexual violence occurred, and (b) the student-respondent would be in a position to harm the College's community members if the student-respondent continues to be present in College classes. Any such finding must be approved by the applicable college president and the Chancellor in writing before the student can be removed or told not to return. However, during periods of disruption, the procedures in Chapter 51, Subchapter E-1 of the Texas Education Code apply.

b Employee-Respondent. An employee-respondent may be asked to leave for a day. Leave beyond one day must be approved by the applicable college president or vice chancellor in writing before the employee is informed. However, during periods of disruption, the procedures in Chapter 51, Subchapter E-1 of the Texas Education Code apply.

7. Informal Resolution. Informal resolution is available at any point following the intake assessment if all parties, including the College, agree to informal resolution. Parties may re-institute proceedings if informal resolution is not achieved.

8. Effective Delivery. For purposes of these procedures and unless otherwise specified, any document under these procedures may be delivered in person or by emailing the document to the recipient's designated College email address or, if not a student or employee, the address the College has available. All College employees and students must keep current and regularly monitor their designated College email addresses.

For purposes of these procedures, working days end at 5:00 p.m. central time. Working days are all days other than Saturdays, Sundays, and any days the College is closed according to its official calendar or at the direction of the Chancellor or designee. In calculating deadlines under these procedures, the working day on which an event occurs is "day zero" and the following working day is "day one." If an event occurs on a day which is not a working day, then the next working day is "day zero." Any deadlines under these procedures may be extended with the recipient's written consent or under extraordinary circumstances.

9. Complaint Notice to Respondent. The Title IX Coordinator or designee will provide written notice of the sexual misconduct complaint to the respondent within three working

days of receiving the complaint using Form 2 (Sexual Misconduct Complaint Notice). The notice will include complaint details, Board Policy and Procedures, and the Title IX Coordinator or designee's contact information.

10. Investigation. The Title IX Coordinator or designee will investigate sexual misconduct complaints. The investigation's length depends on the circumstances. The Title IX Coordinator or designee will complete the investigation within a reasonable time.

a. Interviews. Investigation interviews will be completed by phone unless in-person contact is requested by a party. Each party should have all relevant information and evidence (copies of emails, texts, pictures, etc.) available during the interview or preferably have submitted them to the Title IX Coordinator or designee prior to the interview. Individual interviews typically do not exceed two hours. While follow-up interviews may be necessary, follow-ups will be short and narrowly focused. One interviewer (the Title IX Coordinator or designee) and one note-taker may be present in an investigation interview.

b. 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 per policy. The advisor may provide support and advice to the party at any meeting or proceeding. The advisor, however, 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.

11. Investigation Report and Response. The Title IX Coordinator or designee will complete an investigation report after concluding the investigation. The parties will have five working days to respond in writing to the investigation report. The Title IX Coordinator may add an addendum to the report to address the parties' responses.

12. Determining Proceedings. Within three working days of the date the Title IX Coordinator received or should have received the parties' responses to the investigation report, he or she will determine whether the allegations rise to the level of sexual violence. If the allegations rise to the level of sexual violence, the College will arrange for a hearing conducted by a third party hearing officer. If the allegations do not rise to the level of sexual violence, the Title IX Coordinator will make a determination.

13. Sexual Misconduct Excluding Sexual Violence Proceedings. The Title IX Coordinator will determine, using the preponderance of the evidence standard, whether the alleged sexual misconduct did or did not occur. The Title IX Coordinator will deliver the result using Form 3 within five working days of the Title IX Coordinator's proceeding determination.

Either party may appeal the Title IX Coordinator's result to the Office of the Chancellor by submitting a written request within five working days of receiving the result. The written request should include the basis of the appeal (e.g., procedural misstep, evidence that wasn't considered, etc.). The Chancellor's decision is final and will be provided within 10 working days of receipt.

14. Sexual Violence Proceedings. If the Title IX Coordinator determines that the allegations rise to the level of sexual violence, then the College will hold a hearing conducted by a third party hearing officer.

a. Hearing Officer. An independent arbiter or mediator will be chosen to serve as the hearing officer. The Title IX Coordinator will send a copy of the complaint, policy, procedures, investigation report, investigation report responses received, and any other relevant documents to the hearing officer prior to the hearing.

b. Hearing Notice. The College will schedule the hearing to occur within 15 working days of the Title IX Coordinator's proceeding determination and provide at least seven calendar days' notice to the complainant and respondent using Forms 4A and 4B (Sexual Violence Hearing Notice). To postpone a scheduled hearing, the complainant, the respondent, and the College must all agree in writing.

c. Hearing Location and Timing. The hearing will be held in the College's Training and Development Center Board Room, located at 5000 Research Forest Drive, The Woodlands, Texas, 77381-4356 during normal working hours. The Title IX Coordinator will inform the parties of an alternate hearing location if the Training and Development Center Board Room is unavailable. The hearing will take no longer than three working days within the same workweek.

d. Hearing Attendance. The complainant and respondent may personally appear and may be accompanied by an advisor. The College may appear through the Title IX Coordinator or designee(s). Failure to appear by the complainant or respondent will not foreclose the hearing officer from convening the hearing and making a determination based on what is presented or provided.

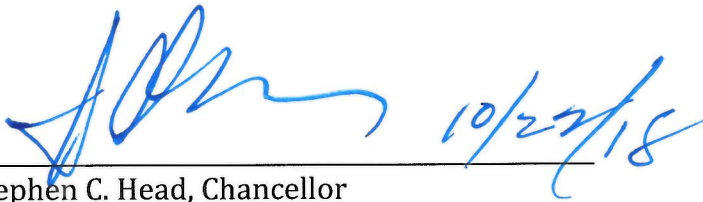
e. Hearing Presentation. Either party may request to present their case in front of the hearing officer privately. Both the complainant and the respondent may present witnesses or evidence during the hearing. The Texas and Federal Rules of Evidence will not apply to the hearing, and neither party may interrogate the other. The parties may, however, submit desired examination questions to the hearing officer on the date of the hearing or to the Title IX Coordinator prior to the hearing. The hearing officer has sole discretion as to whether or not he or she will ask the submitted examination questions during the hearing.

f. Hearing Conclusion. The hearing officer must employ a preponderance of the evidence standard, which means that the complaint is found to be true if it is more likely to be true than not true. Within 15 working days of the hearing's conclusion, the hearing officer will submit the hearing result using Form 5 (Sexual Violence Hearing Result) to the Chancellor. Within 10 working days after receiving the hearing result, the Chancellor or designee will provide the parties with the hearing result and the Chancellor's decision regarding the sanctions. The Chancellor's decision will be final.

15. Alternative Situations Involving Sexual Harassment Including Sexual Violence.

If the respondent is a College employee responsible for any part of the complaint proceedings, then the complainant should file his or her complaint with the Office of the Chancellor. The Chancellor will then designate the appropriate individuals to effectuate these procedures.

Effective Date:

A handwritten signature in blue ink, followed by the date "10/22/18" written in blue ink.

Stephen C. Head, Chancellor
Lone Star College

APPENDIX & FORMS

APPENDIX A
Responsible Employee Contact Information

Responsible Employees throughout the College, while non-exhaustive, are listed below.

Location	Key Responsible Employees
College-wide	Title IX Coordinator Karen Miner Executive Director, Compliance Education and Training 832-813-6614 karen.l.miner@lonestar.edu Lone Star College Police Department (LSCPD): 281-290-5911 832-813-0712 (TDD/TTY)
LSC-Cy-Fair	Dr. Bennie Lambert 281-290-3955 Bennie.E.Lambert@lonestar.edu VP – Student Success Dr. Claire Phillips 281-290-3967 Claire.M.Phillips@lonestar.edu Interim VP – Instruction
LSC-Houston North	Dr. Kimberly Lowry 281-260-3554 Kimberly.Lowry@lonestar.edu VP – Instruction & Student Success
LSC-Kingwood	Dr. Darrin Rankin 281-312-1674 Darrin.Q.Rankin@lonestar.edu VP – Student Success David Baty 281-312-1618 David.Baty@lonestar.edu VP – Instruction

LSC-Montgomery	<p>Cami Keitel 936-273-7250 Cami.Keitel@lonestar.edu Interim VP – Student Success</p> <p>De’Reese Reid-Hart 936-273-7076 D.Reid-Hart@lonestar.edu Interim VP – Instruction</p>
LSC-North Harris	<p>Magdalena Mendoza 281-618-5417 Magdalena.Mendoza@lonestar.edu Interim VP – Student Success</p> <p>Dr. Laura Yannuzzi 281-765-7723 Laura.Yannuzzi@lonestar.edu VP – Instruction</p>
LSC-Tomball	<p>Ann Johnson 281-351-3313 Ann.P.Johnson@lonestar.edu VP – Student Success</p> <p>Dr. Scott Stallman 281-655-3642 Scott.Stallman@lonestar.edu VP – Instruction</p>
LSC-University Park	<p>Dr. Zack Coapland 281-290-2717 Zack.T.Coapland@lonestar.edu VP – Student Success</p> <p>Dr. Kathy Cecil-Sanchez 281-655-3715 Kathy.Cecil-Sanchez@lonestar.edu VP – Instruction</p>

APPENDIX B
Campus Security Authority Contact Information

A Campus Security Authority (“CSA”) is a Clery-specific term that encompasses groups of individuals associated with an institution whose functions involve relationships with students and campus activities. CSAs can include public safety officers, law enforcement officers, academic and advising counselors, student activities personnel, athletic coaches, Vice Presidents of Student Success, Vice Presidents of Instructions, Deans, other senior administrative personnel who deal regularly with students, student orientation staff, overseers and advisors to student clubs and organizations, study abroad faculty and staff, human resource managers, and staff involved in student discipline and campus judicial proceedings. A non-exhaustive list of key CSAs employees is found below.

Location	Key CSA Employees
College-wide	Title IX Coordinator Karen Miner Executive Director, Compliance Education and Training 832-813-6614 karen.l.miner@lonestar.edu Lone Star College Police Department (LSCPD): 281-290-5911 832-813-0712 (TDD/TTY)
LSC-Cy-Fair	Dr. Bennie Lambert 281-290-3955 Bennie.E.Lambert@lonestar.edu VP – Student Success
LSC-Houston North	Dr. Kimberly Lowry 281-260-3554 Kimberly.Lowry@lonestar.edu VP – Instruction & Student Success
LSC-Kingwood	Dr. Darrin Rankin 281-312-1674 Darrin.Q.Rankin@lonestar.edu VP – Student Success
LSC-Montgomery	Cami Keitel 936-273-7250 Cami.Keitel@lonestar.edu Interim VP – Student Success
LSC-North Harris	Magdalena Mendoza 281-618-5417 Magdalena.Mendoza@lonestar.edu Interim VP – Student Success

LSC-Tomball	Ann Johnson 281-351-3313 Ann.P.Johnson@lonestar.edu VP – Student Success
LSC-University Park	Dr. Zack Coapland 281-290-2717 Zack.T.Coapland@lonestar.edu VP – Student Success

Sexual Misconduct Report (Form 1)
*This report must be forwarded to the Title IX Coordinator.
A copy of this report may be provided to the Respondent.*



Complainant: _____

Respondent: _____

Incident Date(s): _____

Date Report Made: _____

Sexual Misconduct Report – Please explain the incident you are reporting. Attach additional pages or documents if needed and any evidence supporting the report. Please note that this report will be used by the College as the basis of a sexual misconduct investigation.

Sexual Misconduct Complaint Notice (Form 2)



Respondent: _____

College Email Address: _____

Title IX Coordinator or designee: _____

Email Address: _____

Phone Number: _____

Date Notice Sent: _____

Please carefully review the attached policy, procedures, and complaint.

This Sexual Misconduct Complaint Notice is being sent to the above-named Respondent. The College received notice alleging Respondent engaged in sexual misconduct in violation of Board Policy. I, the above-named Title IX Coordinator or designee, will be investigating the allegations attached. Please be assured that the College will be investigating this matter promptly. The College expects your full cooperation during the investigation.

Please be advised that the College has a firm policy prohibiting retaliation. Any reported retaliation may result in separate disciplinary action up to and including suspension, expulsion, or employment termination. If you have been advised of any interim measures, you must abide by those measures. Interim measure violation may result in a separate disciplinary action up to and including suspension, expulsion, or employment termination.

No judgment is being made regarding culpability at this point in the process. The College has received a serious complaint and is investigating as required. Please note that you are still a College community member and should govern yourself accordingly by following applicable College Board Policy and Procedures. Throughout the procedures, each party has the right to choose and consult with an advisor. The advisor may be any person, including an attorney, who is not otherwise a party or witness involved in the investigation. Your advisor may accompany you for your meeting with me or my designee to provide support and advice. Please notify me beforehand if you are being accompanied by an advisor so I can make appropriate accommodations. I will contact you soon regarding next steps.

Please contact me directly with any questions.

Sincerely,

Sexual Misconduct (Excluding Sexual Violence) Result

(Form 3)

To be completed by the Title IX Coordinator.



Complainant: _____

Respondent: _____

Title IX Coordinator: _____

Complaint Summary:

Investigation Summary:

I find, by a preponderance of evidence, that sexual misconduct:

DID OCCUR

DID NOT OCCUR

Additional information (if any): _____

Please contact me if you have any questions.

This result will be provided to the Chancellor. Either party may appeal this result to the Chancellor by submitting a written request within five working days of receiving the result and submitting it to the Office of the Chancellor. The written request should include the basis of the appeal (e.g., procedural misstep, evidence that wasn't considered, etc.). The Chancellor's decision is final.

Title IX Coordinator

Date



Sexual Violence Hearing Notice (Form 4A)

Allegations rise to the level of sexual violence.

Respondent: _____

College Email Address: _____

Hearing Date & Time: _____ **at** _____

Location: Training and Development Center, Board Room (unless otherwise notified)
Lone Star College System Office
5000 Research Forest Drive
The Woodlands, Texas, 77381-4356

Hearing Officer: _____

Title IX Coordinator: _____

Email Address: _____

Phone Number: _____

Date Notice Sent: _____

Please carefully review the attached policy and procedures.

This Sexual Misconduct Hearing Notice is being sent to the above-named Respondent. I, the above-named Title IX Coordinator, investigated the allegations and determined that the allegations rise to the level of sexual violence. Per College Board Policy, allegations rising to the level of sexual violence require a hearing with a third party hearing officer..

Please be advised that the College has a firm policy prohibiting retaliation. Any reported retaliation may result in separate disciplinary action up to and including suspension, expulsion, or employment termination. If you have been advised of any interim measures, you must continue to abide by those measures. Interim measure violation may result in a separate disciplinary action up to and including suspension, expulsion, or employment termination.

No judgment is being made regarding culpability at this point in the process. Please note that you are still a College community member and should govern yourself accordingly by following applicable College Board Policy and Procedures. Please carefully review the attached policy and procedures. If you desire to submit cross-examination questions, please submit those to me before the hearing date or provide them directly to the hearing officer on the day of the hearing.

Please contact me directly with any questions.

Sincerely,



Sexual Violence Hearing Notice (Form 4B)

Allegations rise to the level of sexual violence.

Complainant: _____

College Email Address: _____

Hearing Date & Time: _____ **at** _____

Location: Training and Development Center, Board Room (unless otherwise notified)
Lone Star College System Office
5000 Research Forest Drive
The Woodlands, Texas, 77381-4356

Hearing Officer: _____

Title IX Coordinator: _____

Email Address: _____

Phone Number: _____

Date Notice Sent: _____

Please carefully review the attached policy and procedures.

This Sexual Misconduct Hearing Notice is being sent to the above-named Complainant. I, the above-named Title IX Coordinator, investigated the allegations and determined that the allegations rise to the level of sexual violence. Per College Board Policy, allegations rising to the level of sexual violence require a hearing with a third party hearing officer.

Please be advised that the College has a firm policy prohibiting retaliation. Any reported retaliation against Complainant or Respondent may result in separate disciplinary action up to and including suspension, expulsion, or employment termination. If you have been advised of any interim measures, you must continue to abide by those measures. Interim measure violation may result in a separate disciplinary action up to and including suspension, expulsion, or employment termination.

No judgment is being made regarding the Respondent's culpability at this point in the process. Please carefully review the attached policy and procedures. If you desire to submit cross-examination questions, please submit those to me before the hearing date or provide them directly to the hearing officer on the day of the hearing.

Please contact me directly with any questions.

Sincerely,

Sexual Violence Result (Form 5)
To be completed by the Hearing Officer



Complainant: _____

Respondent: _____

Hearing Officer: _____

Hearing Date: _____

.....
Complaint Summary:

.....
I find, by a preponderance of evidence, that sexual violence:

DID OCCUR

DID NOT OCCUR

Recommended Sanction(s) (if any): _____

This result and recommendation was provided to the Chancellor. The Chancellor's sanction decision is final.

Hearing Officer

Date