

**SOUTHWEST COLLEGE FOR THE DEAF OF HOWARD COLLEGE**  
**ANNUAL SECURITY REPORT 2019**  
 (Data for Years 2016, 2017, 2018)

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*Published October 2019*

**BRIEF HISTORY OF CAMPUS SAFETY LEGISLATION**

The Jeanne Clery Disclosure of Campus Security Policy and Campus Crime Statistics Act (1990), codified as 20 U.S.C. 1092 (f); Public Law 89-329 is required by Section 485(a) and (f) of the Higher Education Act of 1965 (HEA), as amended, and hereafter referred to as the Clery Act requires public and private colleges and universities which participate in the Federal student aid programs to disclose campus crime and fire statistics to the Secretary of the Department of Education. The publishing of annual security reports has been required since September 1992. A paper copy of this publication will be furnished upon request.

The Clery Act is named in memory of Lehigh University freshman Jeanne Clery who was assaulted and murdered on April 5, 1986, by a fellow student she did not know. The student entered her residence hall through a propped open door. Her parents, Connie and Howard, discovered that students had not been informed about 38 violent crimes on the Lehigh campus in the three years preceding her murder. The Clery's were successful in having a campus crime reporting law enacted in their home state of Pennsylvania before joining with other campus crime victims to seek congressional support for a national crime reporting law. In 1987, the Clery's founded Security on Campus a national non-profit organization dedicated to preventing violence, substance abuse, and other crimes in college and university campuses across the United States. It has since been renamed The Clery Center (<http://www.clerycenter.org>). In 2005, the Clery's founded National Campus Safety Awareness Month.

**POLICIES AND PROCEDURES FOR REPORTING CRIMINAL ACTIONS OR OTHER EMERGENCIES OCCURRING ON CAMPUS**

Howard College strives to maintain a safe and secure environment in which to work and study. Howard College is concerned about the protection of persons and property. The institution cannot, however, guarantee the absolute safety of any one individual. Personal safety must begin with the individual. Howard College provides several safety services, programs, and policies. Employees, students, and visitors can create a safe environment for the entire campus by working together.

Howard College strongly encourages employees, students, and others to report criminal actions and emergencies that occur on campus. Reports should be made to security personnel and to the appropriate judicial officer. Persons who are victims of crimes, as well as persons who are witnesses to crimes, will greatly enhance the success of the institution's actions by reporting incidents promptly.

Howard College campuses are monitored by security personnel who may or may not be commissioned as peace officers. The security department has working relationships with local law enforcement agencies whereby all disturbances, criminal activities, and suspicious activities are reported to local law enforcement authorities.

## **Timely Warning**

Timely warning is a campus-wide notification of a serious or continuing threat to the college community. Timely warning does not include identifying information about the complainant. If a report of misconduct discloses a serious or continuing threat to the Howard College community, a timely warning or crime alert will be issued through the emergency alert system, RAVE, to protect the health and safety of the college community. RAVE allows the college to distribute critical information to students and employees quickly, wherever they are located. Emergency alerts are sent to student email accounts and to student cell phones (text message). Students are automatically enrolled in the system with the contact information on file in the Registrar's Office. Students should report any changes in contact information to the Registrar's Office. The emergency alert system is used to communicate campus emergencies, crime alerts and weather closures. It is periodically activated for the purpose of testing the system. Students will not receive unsolicited messages through the system. Names and phone numbers will not be shared with anyone else through this system.

A timely warning/crime alert will be issued, as soon as pertinent information is available, for any Clery-reportable crime that is considered a serious or continuing threat to students and employees. The president or his/her designee is responsible for making the decision whether a timely warning/crime alert will be issued considering:

- Nature of the crime
- Continuing danger
- Risk of compromising law enforcement efforts

## **Determining Whether a Continuing Threat Exists (Timely Warning)**

Whether a reported crime constitutes a continuing threat must be decided on a case-by-case basis considering all the facts surrounding a crime, including factors such as the nature of the crime, the continuing danger to the campus community and the possible risk of compromising law enforcement efforts.

Examples of crimes that could constitute a continuing threat include but are not limited to:

- a serial crime that targets certain campus populations such as sex crimes or race-based crimes in which the perpetrator has not been apprehended; or
- a crime in which there is no apparent connection between perpetrator and victim and the perpetrator has not been apprehended.

Crimes that would not constitute a continuing threat include but are not limited to:

- crimes in which the perpetrator has been apprehended, thereby neutralizing the threat; or
- crimes that appear to be one-time occurrences; or
- crimes in which an identified perpetrator targets a specific individual(s) to the exclusion of others.

## **Annual Disclosure of Crime Statistics**

Howard College complies with the Jeanne Clery Disclosure of Campus Security Policy and Campus Crime Statistics Act (Clery Act). The primary requirements of this federal mandate are (1) disclosure of specific

crime statistics, (2) maintenance of a daily crime log, (3) issuance of emergency notifications and timely warnings and (4) distribution of an Annual Security Report. Howard College's Annual Security Report contains safety and security related policy statements and procedures, as well as three years' worth of crime statistics. This report is available on the college website.

### **Where to Report Crimes**

All crimes occurring on or adjacent to college property should be reported to the judicial officer or other college official. Things to report include: assaults, intimidation, vandalism, domestic violence, dating violence, stalking, sex offenses, missing persons, missing equipment or property, suspicious persons or circumstances, accidents, injuries, damaged property, etc. If you are in doubt, contact a college official.

Individuals

Reporting all crimes or suspected crimes to college authorities improves overall campus safety. Receiving prompt and accurate reports allows college officials to keep a precise record of the number of incidents; determine whether there is a pattern of crime with regard to a particular location, method, or assailant; and comply with its Clery Act obligations to initiate alerts to the campus community regarding potential danger, maintain a daily crime log, and disclose campus crime statistics via the publication of this Annual Security Report.

To report a crime, use one of more of the following means:

- Dial 911
- Students may report crimes to the judicial officer or to campus security personnel.
- Employees may report crimes to the Human Resources department or to any administrative cabinet member.

### **Reporting Crimes to Other Campus Security Authorities**

#### *Who Are Campus Security Authorities?*

The Clery Act also mandates that institutions must disclose statistics both for crimes report to local police agencies and crimes report to campus security authorities (CSA). Campus security authorities include the following:

- A member of a campus police department or a campus security department of an institution.
- Any individual or individuals who have responsibility for campus security, but who do not constitute a campus police department or a campus security department (e.g., an individual who is responsible for monitoring the entrance into institutional property).
- Any individual or organization specified in an institution's statement of campus security policy as an individual or organization to which students and employees should report criminal offenses.
- An official of an institution who has significant responsibility for student and campus activities, including, but not limited to, the following campus positions:
  - Vice President for Student Services & Enrolling Management
  - Director of Student Life

- Housing Coordinator
- All Head Coaches and Assistant Coaches for all areas in the Athletic Department
- Resident Assistants
- Student Success Coaches
- An official is defined as any person who has the authority and the duty to take action or respond to particular issues on behalf of the institution.

The intent of including non-law enforcement personnel as campus security authorities is to acknowledge that many people, students in particular, are hesitant about reporting crimes to the police, but may be more inclined to report incidents to other campus-affiliated individuals.

Examples of individuals who DO NOT meet the criteria for being campus security authorities include a faculty member who does not have any responsibility for student and campus activity beyond the classroom, clerical staff, custodians and maintenance personnel and cafeteria staff. A pastoral or professional counselor on campus does not have significant responsibility for student and campus activity and are exempt from reporting crimes to the campus police. A physician in a campus health center or a counselor in a counseling center whose only responsibility is to provide care to students is unlikely to have significant responsibility for student and campus activity.

All campus officials, counselors, faculty and staff are encouraged to report all crimes even if not required to do so. The College understands the confidential nature of certain campus officials and will respect the confidentiality of all information obtained for statistical reporting purposes. Only general information, such as general location, type of crime and date of crime are needed to report crime statistics. Complete reporting by all college members will assist in providing a secure campus environment.

### **Responsibilities of Campus Security Authorities**

Because of the law's complex reporting requirements, the most reasonable and effective way to manage the reporting is as follows: If Campus Security Authorities observe any crime listed below, or if any person reveals to a Campus Security Authority, in good faith, that he/she learned of or were the victim of, perpetrator of, or witness to any crime listed below, the Campus Security Authority must immediately notify the Howard College/SWCD Safety Security Department.

Crimes that should be reported are:

- Murder and non-negligent manslaughter
- Negligent manslaughter
- Forcible sex offenses
- Robbery
- Aggravated assault
- Burglary
- Motor vehicle theft
- Arson
- All hate crimes involving bodily injury
- All liquor, drug or weapons law violations resulting in an arrest

Definitions of these crimes may be found in the following sections.

Clery Act crimes reported to local municipal police will be included if the municipal police agency notifies Howard College and the reported crime occurred in an area for which the institution is responsible. The College contacts the City of Big Spring and makes a good faith effort to obtain information on reported Clery Act crimes.

### **Crime Reporting by Victims or Witnesses**

Victims or witnesses wishing to make confidential reports of criminal activity may do so by requesting that their identity not be disclosed. Confidentiality will be honored to the extent permitted by state law, criminal investigatory requirements, and the college's judicial process. These confidential reports are counted and disclosed in the crime statistics for the college, but, as with all other crimes included in the annual security report, no personally identifiable information is included.

## **SECURITY POLICIES**

### **Security of and Access to Campus Facilities**

Howard College operates an "open college." During business hours, the college is open to students, parents, employees, contractors, invitees, and the general public. During non-business hours and periods of extended closing, access to any Howard College facility must be approved by appropriate college officials. Access to campus facilities may be restricted or changed as necessary to meet safety and security requirements as determined by college officials.

### **Security Considerations Used in the Maintenance of Facilities**

Howard College has instituted a variety of safety and security procedures and services to enhance public safety and maintain a secure learning and working environment. Access to facilities is controlled by the use of locks, traditional key-control and electronic access control systems. Security cameras are used in some locations and are monitored by college officials. Audits are conducted to review landscaping, lighting, and the general condition of facilities. In their patrols, security personnel make note of safety and security issues which require attention.

## **CAMPUS LAW ENFORCEMENT POLICIES**

### **Law Enforcement Authority and Jurisdiction of Security Personnel**

Howard College campuses are monitored by security personnel who may or may not be commissioned as peace officers.

### **Working Relationship of Local Security Personnel and Law Enforcement Agencies**

The college does not have a written memorandum of understanding with the local law enforcement agencies. However, the security department and college officials work closely with the local law enforcement agencies in developing policies and procedures for maintaining a safe campus environment. All disturbances, criminal activities, and suspicious activities are reported to local law enforcement authorities.

### **Accurate and Prompt Reporting of Crimes when the Victim Elects to or is Unable to Make a Report**

Employees, students, and others who have knowledge of crimes on campus should report the information promptly to campus officials, regardless of the victim's decision or ability to report the crime. Reports should be made to security personnel and to the appropriate judicial officer. Accurate and prompt reporting will greatly enhance the institution's ability to solve crimes and to protect students and employees.

### **Exemption for Professional Counselors**

The professional counselor exemption is intended to ensure that these individuals can provide appropriate counseling services without an obligation to report crimes they may learn about. This exemption is intended to protect the counselor-client relationship. However, even the legally recognized privileges acknowledge some exceptions, and there may be situations in which counselors are in fact under a legal obligation to report a crime.

If an unlicensed counselor has completed his or her master's degree course work and is acting in the role of a licensed counselor under the supervision of a licensed professional in order to gain the required supervised clinical experience in a two-year period, he or she would be exempt from CSA requirements.

As a matter of policy, the professional counselors at Howard College are encouraged, if and when they deem it appropriate, to inform persons being counseled of the procedures to report crimes on a voluntary, confidential basis for inclusion into the annual crime statistics.

### **EMERGENCY RESPONSE AND EVACUATION PROCEDURES**

The Howard College emergency alert system, RAVE, allows the college to distribute critical information to students and employees quickly, wherever they are located. Emergency alerts are sent to student email accounts and to student cell phones (text message). Students are automatically enrolled in the system with the contact information on file in the Registrar's Office. Students should report any changes in contact information to the Registrar's Office. The emergency alert system is used to communicate campus emergencies, crime alerts and weather closures. It is periodically activated for the purpose of testing the system. Students will not receive unsolicited messages through the system. Names and phone numbers will not be shared with anyone else through this system.

In the case of an emergency on campus, Howard College will, without delay, and considering the safety of the community, determine the content of the notification, unless issuing a notification will, in the professional judgement of college officials, compromise efforts to assist a victim or to contain, respond to or otherwise mitigate the emergency.

In all emergencies if it is safe to do so, students and employees should take personal belongings (car keys, purse, cell phones, etc.) and put away sensitive materials if time allows. In case of building evacuation, individuals may not be allowed back into the building. Position all items so they are secure and quickly accessible.

## Evacuation Procedures

- Follow instructions from first responders.
- If it is safe to do so, assist disabled and/or non-ambulatory staff, students or visitors who may need assistance.

## **Fire Evacuation Procedures**

### *IF A FIRE ALARM SOUNDS*

- Assist disabled and/or non-ambulatory individuals who may need assistance.
- Leave the area by means of the primary evacuation route. If this exit is blocked, use the secondary route.
- Once outside the building, move to a safe location.
- Do not reenter the building until the fire department advises that it is safe to do so.

### *IF YOU DISCOVER SMOKE OR A FIRE*

#### **Remember R.A.C.E.**

- **Relocate** – If it is safe to do so, relocate or rescue people in immediate danger. Instruct others to report to one of the gathering areas as you leave the building. Be aware of persons who may need assistance.
- **Alarm** – Pull the building fire alarm to alert others. Move to a safe location. Dial 911 immediately using a cell phone.
- **Confine** – Close all doors, windows and other openings to confine the fire.
- **Evacuate** – Evacuate the building.

### *USING FIRE EXTINGUISHERS*

- Dial 911
- Use fire extinguishers only on small fires that are just starting to burn.
- Never turn your back to a fire. always Keep a clear exit between you and the fire.
- Lift the extinguisher by the bottom handle with one hand. The bottom will not activate the extinguisher.
- Most extinguishers will have a plastic tab around the handle. Grasp the tab, pull and twist to break free. Discard tab.
- Follow P.A.S.S. acronym:
  - o **Pull** – Pull the pin or ring.
  - o **Aim** – Aim the nozzle at the base of the fire. Approach the fire and stop about 8 feet away.
  - o **Squeeze** – Squeeze or press the handle together.
  - o **Sweep** – Sweep the nozzle slowly from side to side, aiming at the base of the fire.
- Continue until the extinguisher is empty.
- Exit to a safe location.

## PROGRAMMING TO INFORM STUDENTS AND EMPLOYEES ABOUT SECURITY AND SAFETY PROCEDURES AND CRIME PREVENTION

Security awareness and crime prevention programming is listed below:

Frequency	Program/Activity
Annually	<ul style="list-style-type: none"> <li>Information is provided to new employees at New Employee Orientation.</li> <li>New Student Orientation includes information on drug and alcohol abuse prevention, sexual assault prevention, and overall personal safety and security.</li> <li>New students participate in a Freshman Year Experience course which includes personal safety information.</li> <li>Online programming is offered for alcohol and drug abuse prevention and sexual assault prevention.</li> </ul>
Fall and Spring	Security awareness, crime prevention, alcohol and drug abuse prevention, and sexual assault prevention is covered in residence hall programming.
By request	Active shooter response training

## NONCAMPUS CRIME REPORTING

Howard College does not have any officially recognized student organizations with noncampus locations.

## POSSESSION, USE, AND SALE OF ALCOHOLIC BEVERAGES AND/OR ILLEGAL DRUGS

The administration of Howard College strongly believes that the abuse of alcohol and the use of illegal drugs and abuse of other drugs by faculty, staff, and students have serious effects on their ability to meet the educational goals of the college. In keeping with the requirements and meeting full compliance with the Drug-Free Schools and Campuses Regulations of the Drug-Free Schools and Communities Act of 1989, Howard College presents the following information to all its students.

### Standards of Conduct

The unlawful possession, use, consumption, distribution, sale or manufacture of controlled substances and possession of drug paraphernalia is prohibited on any premises owned or controlled by Howard College. Under no circumstance will the college tolerate unlawful possession, use, distribution, sale, or manufacture of controlled substances, possession of drug paraphernalia, or the unlawful use of alcohol on campus or at college-sponsored activities other than as specifically approved by the Howard College president. The alcohol and illegal drug policies of Howard College follow and enforce state and federal laws.

### Disciplinary Sanctions

Students who violate these Standards of Conduct will be subject to disciplinary action up to and including expulsion, in accordance with college policy as outlined in the Student Standards of Conduct and Disciplinary Process found in the Student Handbook.



### **Legal Sanctions**

Use of illicit drugs by any person is illegal under both the state and federal statutes. Use of alcohol by persons under 21 years of age is illegal under state law. Penalties for conviction under state and federal law include incarceration and fines. Property used in connection with illegal drugs may be confiscated. Federal student loans and grants may be denied to those convicted for a violation of a criminal drug statute.

### **Health Risks**

The use of drugs and alcohol can have a substantial and detrimental effect on health. These effects are often permanent and can lead to severe physical and psychological impairment, disability and premature death.

### **Programs for Students Requiring Assistance**

Any Howard College student who has a drug or alcohol related problem may call upon the college for assistance. Students have access to counseling professionals for free initial screenings concerning substance use with possible referral to local agencies or community partners. While a screening tool is not a substitute for a complete evaluation, it can help identify individuals who may have a substance use disorder or symptomatic of other disorders and how to get help. Counselors can also help students find the appropriate counseling and treatment resources if needed. All counseling services at Howard College are confidential.

## **POLICIES, PROCEDURES, AND PROGRAMS: DATING VIOLENCE, DOMESTIC VIOLENCE, SEXUAL ASSAULT, AND STALKING**

These standards apply to all Howard College students and employees, visitors, applicants, as well as Howard College affiliates and others conducting business on campus. Employees wishing to report a violation of this rule should follow procedures outlined in the Howard College Employee Handbook. In addition to incidents that occur at any Howard College campus or facility, Howard College may take disciplinary action in response to incidents that take place during official functions of Howard College or functions sponsored by registered student organizations, or incidents that have a substantial connection to the interests of the college regardless of the location in which the incident(s) occur. The standard of evidence that will be used in investigating and adjudicating complaints made under this rule is the “preponderance of the evidence” standard. This standard is met if the allegation is deemed more likely to have occurred than not. Proceedings under this rule will provide a prompt, fair, and impartial investigation and resolution of complaints.

### **Definitions**

For purposes of this rule, the definitions below apply. However, some of these terms are also defined under federal and/or Texas State law. For more information regarding state law definitions, please refer to the section below entitled “State Law Definitions”.

**Complaint:** A signed document or other report, including verbal reports alleging a violation of this rule.

**Complainant:** A person who submits a complaint alleging a violation of this rule.

**College Business Day:** Each day in which Howard College administrative offices are open and operating.

**Consent:** Consent is a clear, affirmative, unambiguous and freely given agreement to engage in a specific sexual activity. Consent is demonstrated verbally or through actions that clearly indicate a willingness to engage in the specific sexual activity. Consent for a specific activity does not imply consent for any other activity. Use of alcohol, drugs, or other intoxicants does not diminish one's responsibility to obtain consent.

Consent must be knowing and voluntary. To give consent, a person must be awake, of legal age, and have the capacity to reasonably understand the nature of his/her actions. Consent cannot be given by an individual who is mentally or physically incapacitated through the effect of drugs, alcohol or other intoxicants or for any other reason. Consent cannot be given when it is coerced, forced, or obtained by use of duress, fear, threats, or violence. Consent is not implied by the existence of a prior or current relationship or participation in prior sexual activity. Consent to engage in sexual activity may be withdrawn at any time and is automatically withdrawn by a person who is no longer capable of giving consent.

**Incapacitation:** A state of being that prevents an individual from having the capacity to give consent. For example, incapacitation could result from the use of drugs or alcohol, a person being asleep or unconscious, or because of an intellectual or other disability.

**Interpersonal Violence:** An offense that meets the definition of domestic violence or dating violence.

**Domestic Violence:** Abuse or violence committed by a current or former spouse or intimate partner of the complainant, by a person with whom the complainant shares a child in common, by a person with whom the complainant is cohabitating (or has cohabited) with a spouse or intimate partner, by a person similarly situated to a spouse of the complainant under the domestic or family violence laws of the State of Texas, or by any other person against an adult or youth victim who is protected from that person's acts under the domestic or family violence laws of the State of Texas.

**Dating Violence:** Abuse or violence committed by a person who is or has been in a social relationship of a romantic or intimate nature with the complainant. The existence of such a relationship shall be determined based on the complainant's statement and with consideration of the type and length of the relationship and the frequency of interaction between the persons involved in the relationship. Two people may be in a romantic or intimate relationship regardless of whether the relationship is sexual in nature; however, neither a casual acquaintance nor ordinary fraternization between two individuals in a business or social context shall constitute a romantic or intimate relationship. This definition does not include acts covered under domestic violence.

**Respondent:** The person designated to respond to a complaint. Generally, the respondent is the person alleged to be responsible for the prohibited conduct alleged in a complaint.

**Responsible Employee:** Pursuant to Title IX, a Responsible Employee is a College employee who has the authority to take action to redress an alleged violation of this rule who has been given the duty of reporting such allegations to Howard College's Title IX Coordinator or designee, or an employee whom an individual could reasonably believe has this authority or duty.

At Howard College, Responsible Employees include, but are not limited to:

- Administrators
- academic advisors
- faculty members, including professors, adjuncts, lecturers, and associate/assistant instructors; and
- all supervisory staff
- security personnel

Responsible Employees have a duty to promptly report incidents of sex discrimination, sexual harassment, sexual assault, sexual misconduct, interpersonal violence, and stalking to Howard College's Title IX Coordinator. Responsible Employees are not confidential reporting resources.

**Retaliation:** Any action that materially and adversely affects the academic, employment, or other institutional status of a student or employee of Howard College, visitor, applicant for admission to or employment with Howard College, because an individual has, in good faith, brought a complaint under this rule, opposed an unlawful practice, participated in an investigation, or requested accommodations. Prohibited retaliation does not include petty slights or annoyances. Examples of retaliation include, but are not limited to: denial of promotion, non-selection/refusal to hire, denial of job benefits, demotion, suspension, discharge, threats, reprimands, negative evaluations, harassment, or other adverse treatment that is likely to deter reasonable people from pursuing their rights. Retaliation is strictly prohibited and will not be tolerated.

**Sex Discrimination:** Conduct directed at a specific individual or a group of identifiable individuals that subjects the individual or group to treatment that adversely affects the individual or group's education on the basis of sex (gender). **Sexual Assault:** An offense that meets the definition of rape, fondling, incest, or statutory rape.

**Rape:** The penetration, no matter how slight, of the vagina or anus with any body part or object, or oral penetration by a sex organ of another person, without the consent of the complainant.

**Fondling:** The touching of the private body parts of another person for the purpose of sexual gratification, without the consent of the complainant, including instances where the complainant is incapable of giving consent because of his/her age or because of his/her temporary or permanent mental incapacity.

**Incest:** Sexual intercourse between persons who are related to each other within the degrees wherein marriage is prohibited by law.

**Statutory Rape:** Sexual intercourse with a person who is younger than 17 years of age and is not a spouse of the respondent.

**Sexual Harassment:** Unwelcome conduct of a sexual nature. Sexual harassment is a form of sex discrimination that can occur when

- the submission to unwelcome physical conduct of a sexual nature, or to unwelcome requests for sexual favors or other verbal conduct of a sexual nature, is made an implicit or explicit term or condition of employment or education;
- the submission to or rejection of unwelcome physical conduct of a sexual nature, or unwelcome requests for sexual favors or other verbal conduct of a sexual nature, is used as a basis for academic or employment decisions or evaluations;

- unwelcome physical acts of a sexual nature, or unwelcome requests for sexual favors or other verbal conduct of a sexual nature, that have the effect of creating an objectively hostile environment that substantially interferes with employment or education on the basis of sex; or
- such conduct is intentionally directed towards a specific individual and has the purpose or effect of unreasonably interfering with that individual's education, employment, or participation in College activities, or creating an intimidating, hostile, or offensive atmosphere.

Sexual harassment may include:

1. Sexual violence, as defined under the Texas Penal Code, which includes rape, sexual assault, sexual battery, and sexual coercion.
2. Physical conduct that, depending on the totality of the 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.
3. Verbal conduct, including oral, written, or symbolic expression, that, depending on the totality of the circumstances present, including frequency and severity, 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; or;
  - deliberate, repeated humiliation, or intimidation based upon sex. This rule applies only to verbal conduct that is not necessary to an argument for or against the substance of any political, religious, philosophical, ideological, or academic idea.

**Sexual Misconduct:** Behavior or conduct of a sexual nature that is unprofessional and/or inappropriate for the educational and/or working environment. Behaviors that may constitute sexual misconduct include, but are not limited to

- repeatedly engaging in sexually oriented conversations, comments, or horseplay, including the use of language or the telling of jokes or anecdotes of a sexual nature in the workplace, office, or classroom, even if such conduct is not objected to by those present;
- gratuitous use of sexually oriented materials not directly related to the subject matter of a class, course, or meeting, even if not objected to by those present;
- failure to observe the appropriate boundaries of the supervisor/subordinate or faculty member/student relationship, including the participation of a supervisor, teacher, advisor, or coach in a consensual romantic or sexual relationship with a current Howard College student; or
- engaging in any form of sexual exploitation. Sexual exploitation occurs when an individual takes non-consensual or abusive sexual advantage of another for his or her own benefit or to benefit anyone other than the one being exploited. Examples of sexual exploitation include, but are not limited to, engaging in voyeurism; forwarding of pornographic or other sexually inappropriate material by email, text, or other channels to non-consenting students/groups; and any activity that

goes beyond the boundaries of consent, such as recording of sexual activity, letting others watch consensual sex, or knowingly transmitting a sexually transmitted disease.

**Stalking:** A course of conduct directed at a specific person that would cause a reasonable person to fear for his/her own safety or the safety of others or would cause that person to suffer substantial emotional distress. A “course of conduct” means two or more acts in which a person directly, indirectly or through third parties, by any action, method, device or means, follows, monitors, observes, surveils, threatens or communicates to or about a person or interferes with a person’s property. “Reasonable person” means a reasonable person under similar circumstances and with similar identities to the complainant. “Substantial emotional distress” means significant mental suffering or anguish that may, but does not necessarily, require medical or other professional treatment or counseling. As used in this rule, the term “Title IX Compliance Officer” shall include any other Howard College employee designated or appointed by the Title IX Compliance Officer to perform any of the duties or functions of the Title IX Compliance officer outlined in this rule.

### **Prohibited Conduct**

In accordance with federal and state law, Howard College prohibits sex and gender discrimination, sexual harassment, sexual assault, sexual misconduct, interpersonal violence (including domestic violence and dating violence), and stalking. Retaliation against a person who reports a potential violation under this rule, assists someone with a report of a violation, or participates in any manner in an investigation or in the resolution of a complaint made under this rule is strictly prohibited and will not be tolerated. Retaliation includes, but is not limited to threats, intimidation, reprisals and/or adverse actions related to an individual’s employment or education. Howard College will take appropriate steps to assure that a person who in good faith reports, complains about, or participates in an investigation pursuant to this rule will not be subjected to retaliation. Individuals who believe they are experiencing retaliation are strongly encouraged to file a complaint with Howard College using the same procedure outlined in the section below entitled “Complaint and Investigative Process”.

### **Support Services**

If an individual believes he/she has experienced conduct prohibited under this rule, that person should contact Howard College’s Title IX Coordinator for additional assistance and information. An individual who would like to report an alleged sexual assault, interpersonal violence (including domestic violence and dating violence) and/or stalking to the police and would like a Howard College representative to accompany him/her to provide support during the reporting process, should contact Howard College’s Title IX Coordinator:

Dr. Amy Burchett  
 Vice President of Academic and Student Affairs  
 1001 Birdwell Lane  
 Big Spring, TX 79720  
 (432) 264-5063  
[aburchett@howardcollege.edu](mailto:aburchett@howardcollege.edu)

Counseling services are available for students and employees. Contact the Title IX Coordinator for assistance.

#### Additional resources:

National Domestic Violence Hotline:	1-800-799-SAFE (7233)
National Suicide Prevention Hotline:	1-800-273-TALK (8255)
Nationwide RAINN (Sexual Assault) Hotline:	1-800-656-HOPE (4679)
National Stalking Resource Center:	<a href="http://www.ncvc.org">http://www.ncvc.org</a>
Center for Domestic and Sexual Violence:	<a href="http://ncdsv.org">http://ncdsv.org</a>
Texas Council on Family Violence:	<a href="http://www.tcfv.org">http://www.tcfv.org</a>
National Coalition Against Domestic Violence:	<a href="http://www.ncadv.org">http://www.ncadv.org</a>
Texas Association Against Sexual Assault	<a href="http://www.taasa.org">http://www.taasa.org</a>

### **Reporting Prohibited Conduct**

Howard College strongly encourages the prompt reporting of prohibited conduct covered by this rule. Delays in reporting can greatly limit Howard College's ability to stop the alleged conduct, collect evidence and/or take effective action against individuals or organizations accused of violating this rule. A report of alleged violations of this rule may be made by:

- a person who believes they experienced prohibited conduct (a complainant); and/or
- a person who has information that prohibited conduct may have been committed (a reporter).

Victims of sexual violence need to know their options regarding the involvement of law enforcement and campus authorities. Victims have the option to:

- notify law enforcement authorities,
- be assisted by campus authorities in notifying law enforcement authorities if the victim so chooses, and
- decline to notify such authorities.

Howard College has procedures in place that serve to be sensitive to those who report sexual misconduct, including informing individuals about their right to file criminal charges. Information is readily available regarding counseling, health, mental health, victim advocacy, legal assistance, visa and immigration assistance, student financial aid and other services on and/or off campus. Interim steps can also be implemented to prevent contact between a complainant and an accused party. Howard College will make such accommodations, if the complainant requests them and if they are reasonably available, regardless of whether the complainant chooses to report the crime to local law enforcement or be involved in an internal investigation. Howard College will handle reports of prohibited conduct consistently with procedural guidelines developed to ensure prompt and equitable resolution of such reports. If a complainant chooses not to participate in Howard College's investigation of a report, Howard College may, at its discretion, pursue the report without the complainant's participation.

### **Medical Attention and Evidence Collection/Preservation**

An individual who experiences any form of sexual assault is strongly encouraged to seek immediate medical care. Individuals may undergo a medical exam to properly collect and preserve physical evidence of the sexual assault with or without the police's involvement. It is important to preserve forensic and other physical evidence that may assist in proving that the alleged criminal offense occurred, and such evidence

may be helpful in obtaining a protective order against the respondent. Therefore, a medical exam should be performed immediately after the event, if possible. If a medical exam is not or cannot be performed immediately after the event, individuals may still obtain a Sexual Assault Forensic Exam (SAFE) within five (5) days of the sexual assault if law enforcement is involved and within four (4) days if they are not. With the individual's consent, the physical evidence collected during this medical exam can be used as part of a criminal investigation; however, an individual may undergo a SAFE regardless of whether he/she has contacted, or intends to contact, the police.

The cost of the forensic portion of the exam is covered by the law enforcement agency that is investigating the assault or, in cases where a report will not be made to the police, the Texas Department of Public Safety. This does not include fees related to medical treatment that are not a part of the SAFE.

Reporting an assault to law enforcement does not mean that the case will automatically go to criminal trial or to a College disciplinary hearing. If the police are called, a uniformed officer will be sent to the scene to take a detailed statement. A ride to the hospital may be provided by a police department counselor. A report may be filed with the police regardless of whether or not the accused was a member of the Howard College community.

An individual who has experienced a sexual assault is strongly encouraged to seek medical and psychological care regardless of whether he/she intends to request a SAFE or report the assault to the police. He/she may be prescribed medications to prevent sexually transmitted infections and/or pregnancy regardless of whether the police were contacted or a SAFE was performed. Medical care can be provided at a local emergency room or by a private physician.

An individual who experiences any form of sexual assault may pursue any civil or criminal remedies provided by state law. An individual does not need to file a criminal police report to either use on or off-campus resources or to file a complaint with the Title IX Coordinator.

Howard College will, in a manner that is timely and that withholds as confidential the names and other identifying information of victims, report to the campus community on any crimes reported to a Responsible Employee that Howard College considers to represent a threat to students and/or employees.

### **Use of Drugs and Alcohol**

Any student who files a complaint, or who acts as a third-party witness in an investigation under this rule, will not be subject to disciplinary action by the judicial officer for using and/or consuming alcohol or drugs at or near the time of the alleged incident, provided that any such alcohol or drug use did not, and do not, place the health or safety of any other person at risk.

### **Confidentiality and Anonymity**

Individuals wishing to remain anonymous can file a complaint (by telephone or in writing) with Howard College's Title IX Coordinator. However, electing to remain anonymous may greatly limit Howard College's ability to investigate an alleged incident, collect evidence, and/or take effective action against individuals or organizations accused of violating this rule. Howard College has an obligation to maintain an environment free of sex discrimination, thus many College employees have mandatory reporting and response obligations and may not be able to honor a complainant's request for confidentiality. In the event confidentiality cannot be maintained, Howard College will share information only as necessary and only

with people who need to know to fulfill the purposes of this rule and applicable law, such as investigators, witnesses, administrators, and the respondent. Howard College will comply with the Family Educational Rights and Privacy Act (FERPA), with Texas Education Code Section 51.971 and other confidentiality laws as they apply to Title IX investigations. Finally, Howard College may have an obligation to document the complaint or incident in publicly available recordkeeping, including Clery Act reporting and disclosures, but will do so without the inclusion of personally identifying information about the victim.

### **Victim's Rights and Options**

Regardless of whether a victim elects to pursue a criminal complaint or whether the offense is alleged to have occurred on or off campus, Howard College will assist victims of prohibited conduct and will provide each victim with a written explanation of their rights and options. Individuals who report a violation pursuant to this rule are entitled to:

- An effective internal investigation of complaints (using the preponderance of the evidence standard) separate from law enforcement or criminal proceedings.
- The implementation of protective interim measures prior to the final outcome of the investigation (e.g.: schedule/room changes, parking assignment changes, safety protocols, etc.), if the complainant requests them and they are reasonably available.
- Notification of the investigatory outcome.
- Protection from retaliation.
- The right to file an appeal of any final action on a complaint under this rule.

Further, Howard College complies with Texas law in recognizing orders of protection (emergency, interim, and plenary), no contact orders or civil no contact orders. Any person who obtains an order of protection, no contact order or civil no contact order from Texas or any reciprocal state should provide a copy to the Title IX Coordinator. A complainant may then meet with the Title IX Coordinator to develop a Safety Action Plan, which is a plan to reduce risk of harm to the victim while on campus or coming and going from campus. This plan may include, but is not limited to: escorts, special parking arrangements, changing classroom location or allowing a student to complete assignments outside of the classroom, etc.). Howard College cannot apply for a legal order of protection, no contact order or civil no contact order for a victim from the applicable jurisdiction(s). The victim is required to apply directly for these services.

### **Complaint and Investigative Process**

Every student and every person against whom a complaint is made is entitled to due process. Therefore, the college's investigation will include interviews with all relevant persons including the accuser, the accused, and other potential witnesses. The results of the investigation will determine the appropriate course of action.

1. Students should report violations of this rule to the College's Title IX Compliance Officer:

Dr. Amy Burchett  
 Vice President of Academic and Student Affairs  
 1001 Birdwell Lane  
 Big Spring, TX 79720  
 (432) 264-5063  
[aburchett@howardcollege.edu](mailto:aburchett@howardcollege.edu)



The complaint should be as specific as possible and include dates, times, places, witnesses, and specifics of what was said and done. The complaint should also list any requested interim measures and any final resolution that is acceptable to the student.

2. Students may also report violations of this rule to any Responsible Employee, as defined in this rule, (for example, an administrator, faculty member, or supervisory staff). When a Responsible Employee is informed of an alleged violation of this rule, the Responsible Employee is required to immediately notify the Title IX Coordinator of the allegation.
3. Once a report of prohibited conduct is received, Howard College will respond promptly and investigate the report in a fair and impartial manner. Every Complainant and Respondent is entitled to due process, and Howard College will handle reports of prohibited conduct consistently with procedural guidelines developed to ensure prompt and equitable resolution of such reports. Therefore, the College's investigation will include interviews with all relevant persons including the complainant, the Respondent, and other potential witnesses. The results of the investigation will determine the appropriate course of action. Howard College will take steps to prevent recurrence of any prohibited conduct and to ensure the safety of the campus community. Both parties may be accompanied by an advisor of their choice. This applies to students and employees. An advisor is someone that provides the guidance and support. An advisor may be present in any meeting or disciplinary proceeding.
4. The Title IX Compliance Officer shall coordinate with the appropriate administrator and review the complaint. If the situation cannot be resolved through informal means, to the satisfaction of all parties, an investigator will be appointed by the College President. All investigators shall have appropriate and ongoing training, at least annually, regarding issues related to domestic violence, dating violence, sexual assault, sexual misconduct and stalking, as well as, on how to conduct an investigation that protects the safety of complainants and promotes accountability. Howard College shall ensure that all disciplinary proceedings, including investigations, final actions, and appeals, shall be administered by officials who do not have a conflict of interest or bias for or against the Complainant or Respondent.
5. All complaints will be promptly addressed. Based upon an initial assessment of the allegations by the Title IX Coordinator and the appropriate administrator, pre-investigation measures may be temporarily taken to insure the safety and peace of mind of the student. Such measures may include, without limitation, placing the person against whom the complaint was made on paid administrative leave pending the outcome of the investigation or separating the student and the person against whom the complaint has been made. All complaints will be confidential to the extent permitted by law and will be revealed only on a "need to know" basis (i.e. access to the information is necessary to the investigation and/or the safety of the accused and the accuser or required by law).
6. The investigator will review the written material submitted by the student and meet with the student in a private area to discuss the complaint as soon as possible but not later than ten (10) college business days after the complaint has been received. The investigator will also meet with any witnesses and secure a witness statement from each witness. The investigator may consult with the appropriate dean to identify alternative methods for resolving the complaint.
7. The investigator will meet with all persons with information relevant to the complaint. If the complaint is filed against an individual, the person(s) against whom the complaint was filed should be given at least three (3) college business days to review the complaint and any relevant supporting documents and to prepare a written response to the complaint prior to meeting with the

investigator. At the meeting, the investigator should provide the person against whom the complaint was filed an opportunity to respond verbally to the complaint. The person(s) may also respond to the complaint in writing and may identify additional witnesses the investigator should interview. The investigator will determine from this meeting whether additional witness interviews are warranted and if any additional information needs to be gathered or considered.

8. After meeting with the person(s) against whom the complaint was filed, gathering any additional information or witness statements, and concluding the investigation, the investigator will make a recommendation, in writing, to the appropriate administrator and to the Title IX Coordinator. The recommendation will set forth the following: complaint, persons interviewed, documents reviewed, findings, conclusions, and recommendations. The investigation of the complaint should be concluded within twenty (20) business days of the receipt of the complaint.
9. If additional time is needed, the investigator shall notify the complainant and respondent. The investigation is considered “open” until the written final action document is issued.
10. The appropriate administrator, in consultation with the Title IX Coordinator, will determine the final action to be taken on the complaint. The Title IX Coordinator will also sign-off on the final action document indicating approval of the final action. If the Title IX Coordinator disagrees with the final action determined by the administrator, the Title IX Coordinator may submit a written position to the Vice President of Academic and Student Affairs in the event of an appeal.
11. The person(s) against whom the complaint was filed will be advised in writing of the outcome to the extent permitted by applicable federal and state law. The investigator and/or administrator may also meet with them to discuss the outcome to the extent permitted by applicable federal and state law.
12. The student who filed the complaint will also be notified in writing of the disposition of the complaint, to the maximum extent permitted by applicable state and federal law. The investigator and/or administrator will also meet with the student who filed the complaint to discuss the outcome to the extent permitted by applicable federal and state law.
13. If during the investigation a student is found to be in violation of the Student Standards of Conduct, they are subject to disciplinary sanctions as outlined in the Student Handbook.

### **Disciplinary Proceeding Results**

*Upon written request*, Howard College will disclose to the alleged victim of a crime of violence or non-forcible sex offense (incest or statutory rape) the report on the results from any disciplinary proceeding conducted against a student who is the alleged perpetrator of such crime or offense. If the alleged victim is deceased as a result of such crime or offense, the next of kin of such victim shall be treated as the alleged victim for purposes of this paragraph.

A written request is not needed if the allegations involve dating violence, domestic violence, sexual assault or stalking, Howard College will provide both the accuser and the accused with simultaneous written notification of any result of disciplinary proceedings that arise from these cases.

### **On-going Training**

Howard College is committed to raising awareness of the harm resulting from the conduct prohibited in this rule. Ongoing education and training is provided to both students and employees. The Title IX Compliance Officers shall receive training each year about offenses, investigatory procedures, due process

requirements, conducting hearings, and policies related to this rule. Protecting the safety of complainants and the due process rights of all students is a priority.

### **State Law Definitions**

If a person would like to press criminal charges for an alleged violation of any of the below criminal laws, or would like to seek an order of protection, the definitions contained in the Texas Penal Code would apply; not the internal definitions used in this rule.

**Dating Violence:** “an act, other than a defensive measure to protect oneself, by an individual that is committed against a victim with whom the actor has or has had a dating relationship; or because of the victim’s marriage to or dating relationship with an individual with whom the actor is or has been in a dating relationship or marriage; and is intended to result in physical harm, bodily injury, assault, or sexual assault or that is a threat that reasonably places the victim in fear of imminent physical harm, bodily injury, assault, or sexual assault. ‘Dating relationship’ means a relationship between individuals who have or have had a continuing relationship of a romantic or intimate nature. The existence of such a relationship shall be determined based on consideration of the length of the relationship; the nature of the relationship; and the frequency and type of interaction between the persons involved in the relationship. A casual acquaintanceship or ordinary fraternization in a business or social context does not constitute a ‘dating relationship.’” Texas Family Code Section 71.0021.

**Domestic (Family) Violence:** “an act by a member of a family or household against another member of the family or household that is intended to result in physical harm, bodily injury, assault, or sexual assault or that is a threat that reasonably places the member in fear of imminent physical harm, bodily injury, assault, or sexual assault, but does not include defensive measures to protect oneself, or abuse by a member of a family or household toward a child of the family or household, or dating violence.” Texas Family Code Section 71.004.

**Sexual Assault:** “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; causes the penetration of the mouth of another person by the sexual organ of the actor, without that person's consent; or 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 (2) intentionally or knowingly causes the penetration of the anus or sexual organ of a child by any means; causes the penetration of the mouth of a child by the sexual organ of the actor; causes the sexual organ of a child to contact or penetrate the mouth, anus, or sexual organ of another person, including the actor; causes the anus of a child to contact the mouth, anus, or sexual organ of another person, including the actor; or causes the mouth of a child to contact the anus or sexual organ of another person, including the actor.

**Consent:** A sexual assault is without the consent of the other person if: the actor compels the other person to submit or participate by the use of physical force or violence; the actor compels the other person to submit or participate by threatening to use force or violence against the other person, and the other person believes that the actor has the present ability to execute the threat; the other person has not consented and the actor knows the other person is unconscious or physically unable to resist; the actor knows that as a result of mental disease or defect the other person is at the time of the sexual assault incapable either of appraising the nature of the act or of resisting it; the other person has not consented and the actor knows the other person is unaware that the sexual assault is occurring; the actor has

intentionally impaired the other person's power to appraise or control the other person's conduct by administering any substance without the other person's knowledge; the actor compels the other person to submit or participate by threatening to use force or violence against any person, and the other person believes that the actor has the ability to execute the threat; the actor is a public servant who coerces the other person to submit or participate; or the actor is a mental health services provider or a health care services provider who causes the other person, who is a patient or former patient of the actor, to submit or participate by exploiting the other person's emotional dependency on the actor. 'Child' means a person younger than 17 years of age. 'Spouse' means a person who is legally married to another." Texas Penal Code Section 22.011.

**Stalking:** "a person who, 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) the person knows or reasonably believes the other person will regard as threatening including bodily injury or death for the other person, 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 fear that an offense will be committed against the other person's property, and (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 fear that an offense will be committed against the other person's property, and (3) would cause a reasonable person to fear bodily injury or death for himself or herself, or 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, or fear that an offense will be committed against the person's property. A fact finder may find that different types of conduct described above, if engaged in on more than one occasion, constitute conduct that is engaged in pursuant to the same scheme or course of conduct." Texas Penal Code Section 42.072.

### **SEX OFFENDER REGISTRATION**

Sex offenders must register with the college as required by law or court order. Information is available on the [https://records.txdps.state.tx.us/DPS\\_WEB/Portal/index.aspx](https://records.txdps.state.tx.us/DPS_WEB/Portal/index.aspx) web site. This website is the official internet source for Sex Offender Registration information. The Sex Offender Registration open record information is extracted from the DPS Sex Offender Registration Database. The DPS maintains files based on registration information submitted by criminal justice agencies and represents a statewide source of information on sex offenders required by law to register. For additional information on sex offenders please contact the judicial officer.

### **MISSING STUDENTS**

It is the policy of Howard College to thoroughly investigate all reports of missing persons. This policy covers students residing in on-campus housing facilities. In addition, the college considers a missing child, and an adult that is mentally impaired, to be considered "at risk" until significant information to the contrary is confirmed.

During the housing application and contract renewal processes, students living on campus are obligated to provide at least one emergency contact. This information is kept confidential and may only be utilized by authorized officials with emergency response job responsibilities, in the case of emergencies involving students such as death, life threatening injuries or a missing person report. Residence hall students may update their emergency contact information at any time by contacting the residence hall staff.

On-campus students have the option to designate one or more contacts to be notified within 24 hours of the determination that the student is missing. This information will be kept confidential, being accessible only to authorized campus officials and disclosed only to law enforcement personnel in furtherance of a missing person investigation.

Students, employees, or other individuals receiving a missing student report should immediately contact the judicial officer with all information available regarding the missing student so that an investigation can be initiated. If the student designated a contact person, the institution will notify the contact person within 24 hours that the student is missing. Federal Law requires that the institution notify a custodial parent or guardian within 24 hours of the determination that the student is missing. The judicial officer will notify local law enforcement officials within 24 hours of the determination that a student living on-campus is missing, unless the local law enforcement agency was the entity that made the determination that the student was missing. Informing local law enforcement within 24 hours applies regardless of whether the student has identified a contact person, is above the age of 18, or is an emancipated minor.

### **CAMPUS CARRY LEGISLATION**

As a public community college, Howard College is required by law to implement the campus carry legislation beginning August 1, 2017. Howard College takes the issue of guns on campus very seriously. The safety and security of students, employees, and visitors is a top priority. Howard College has established guidelines for Campus Carry which can be found at <https://howardcollege.edu/home/about/consumer-information/>. This site also includes Frequently Asked Questions related to this issue.

### **MAINTAINING CRIME STATISTICS**

#### **Daily Crime Log**

Howard College maintains a daily crime log recording reported crimes that occur on each campus, in or on non-campus buildings or property, on public property immediately adjacent to and accessible from the campuses. This record includes details such as the date, time, nature, general location, and disposition of the complaint. Records are updated for 60 days after the initial report.

The crime log for the most recent 60-day period is open to the public, free of charge, upon request, during normal business hours. A written request is not required. Any portion of the crime log that is older than 60 days will be made available within 2 business days of the request.

The only exceptions to this rule are:

- If the disclosure is prohibited by law, or
- If disclosure would jeopardize the confidentiality of the victim

#### **Clery Crime Statistics**

The Clery Act specifies the crimes that must be disclosed in Howard College's Annual Security Report. There are four general categories of crime statistics that must be included in the report:

##### **1. Criminal Offenses**

- a. **Murder and Non-negligent Manslaughter:** The willful (non-negligent) killing of one human being by another.

- b. **Manslaughter by Negligence:** The killing of another person through gross negligence.
- c. **Sexual Assault:** Any sexual act directed against another person, without the consent of the victim, including instances where the victim is incapable of giving consent.
  - i. **Rape:** The penetration, no matter how slight, of the vagina or anus, with any body part or object, or oral penetration by a sex organ of another person, without the consent of the victim. Includes the rape of both males and females.
  - ii. **Fondling:** The touching of the private body parts of another person for the purpose of sexual gratification, without the consent of the victim, including instances where the victim is incapable of giving consent because of his/her age or because of his/her temporary or permanent mental incapacity.
  - iii. **Incest:** Sexual intercourse between persons who are related to each other within the degrees wherein marriage is prohibited by law.
  - iv. **Statutory Rape:** Sexual intercourse with a person who is under the statutory age of consent. (The Texas age of consent is 17)
- d. **Robbery:** The taking or attempting to take anything of value from the care, custody, or control of a person or persons by force or threat of force or violence and/or by putting the victim in fear.
- e. **Aggravated Assault:** An unlawful attack by one person upon another for the purpose of inflicting severe or aggravated bodily injury. This type of assault usually is accompanied by the use of a weapon or by means likely to produce death or great bodily harm.
- f. **Burglary:** Unlawful entry of a structure to commit a felony or theft.
- g. **Motor Vehicle Theft:** Theft or attempted theft of a motor vehicle.
- h. **Arson:** Any willful or malicious burning or attempt to burn, with or without intent to defraud, a dwelling, house, public building, motor vehicle or aircraft, personal property of another, etc.

## 2. Hate Crimes

A hate crime is a criminal offense that manifests evidence that the victim was intentionally selected because of the perpetrator's bias against the victim. For Clery Act purposes, hate crimes include the 8 above-mentioned offenses and any incidents listed below when they are motivated by bias: The following offenses are also counted if they are hate crimes:

- a. **Larceny-Theft:** the unlawful taking, carrying, leading or riding away of property from the possession or constructive possession of another.
- b. **Simple Assault:** An unlawful physical attack by one person upon another where neither the offender displays a weapon, nor the victim suffers obvious severe or aggravated bodily injury involving apparent broken bones, loss of teeth, possible internal injury, severe laceration, or loss of consciousness.
- c. **Intimidation:** To unlawfully place another person in reasonable fear of bodily harm through the use of threatening words and/or other conduct, but without displaying a weapon or subjecting the victim to actual physical attack.
- d. **Destruction/Damage/Vandalism of Property:** To willfully or maliciously destroy, damage, deface, or otherwise injure real or personal property without the consent of the owner or the person having custody or control of it.

Although there are many possible categories of bias, under the Clery Act, only the following categories are reported: race, religion, actual or perceived sexual orientation, actual or perceived gender, actual or perceived gender identity, ethnicity, actual or perceived national origin, and disability.

### 3. **Violence Against Women Act Offenses**

- a. **Dating Violence:** Violence committed by a person who is or has been 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 length of the relationship, the type of relationship, and the frequency of interaction between the persons involved in the relationship. For the purpose of this definition – (i) Dating violence includes, but is not limited to, sexual or physical abuse or the threat of such abuse; (ii) Dating violence does not include acts covered under the definition of domestic violence.
- b. **Domestic Violence:** A felony or misdemeanor crime of violence committed – (i) By a current or former spouse or intimate partner of the victim; (ii) By a person with whom the victim shares a child in common; (iii) By a person who is cohabitating with, or has cohabitated with, the victim as a spouse or intimate partner; (iv) By a person similarly situated to a spouse of the victim under the domestic or family violence laws of the jurisdiction in which the crime of violence occurred, or (v) By any other person against an adult or youth victim who is protected from that person's acts under the domestic or family violence laws of the jurisdiction in which the crime of violence occurred.
- c. **Stalking:** Engaging in a course of conduct directed at a specific person that would cause a reasonable person to – (i) Fear for the person's safety or the safety of others; or (ii) Suffer substantial emotional distress. For the purpose of this definition – (i) Course of conduct means two or more acts, including, but not limited to, acts in which the stalker directly, indirectly, or through third parties, by any action, method, device, or means follows, monitors, observes, surveils, threatens, or communicates to or about, a person, or interferes with a person's property; (ii) Reasonable person means a reasonable person under similar circumstances and with similar identities to the victim. (iii) Substantial emotional distress means significant mental suffering or anguish that may, but does not necessarily, require medical or other professional treatment or counseling.

### 4. **Arrests and Deferrals for Disciplinary Action**

- a. **Weapons:** The violation of laws or ordinances prohibiting the manufacture, sale, purchase, transportation, possession, concealment, or use of firearms, cutting instruments, explosives, incendiary devices, or other deadly weapons. This classification encompasses weapons offenses that are regulatory in nature.
- b. **Drug Abuse Violations:** The violation of laws prohibiting the production, distribution, and/or use of certain controlled substances and the equipment or devices utilized in their preparation and/or use. The unlawful cultivation, manufacture, distribution, sale, purchase, use, possession, transportation, or importation of any controlled drug or narcotic substance. Arrests for violations of state and local laws, specifically those related to the unlawful possession, sale, use, growing, manufacturing, and making of narcotic drugs.

- c. **Liquor Law Violations:** The violation of state or local laws or ordinances prohibiting the manufacture, sale, purchase, transportation, possession, or use of alcoholic beverages, not including driving under the influence and drunkenness.

**Referred for disciplinary action** is defined as the referral of any person to any official who initiates a disciplinary action of which a record is established, and which may result in the imposition of a sanction. The Clery Act requires that colleges disclose the number of referrals for disciplinary action for weapons, drug abuse and liquor law violations.

Reportable crimes for 2016-2018 are listed in the tables that follow.



**SOUTHWEST COLLEGE FOR THE DEAF REPORTABLE CRIMES FOR 2016-2018**

<b>Criminal Offenses</b>					
<b>Offenses</b>	<b>Year</b>	<b>On Campus Property</b>	<b>Residential Facilities</b>	<b>Non-Campus Property</b>	<b>Public Property</b>
<b>Murder and Non-negligent Manslaughter</b>	2016	0	0	0	0
	2017	0	0	0	0
	2018	0	0	0	0
<b>Manslaughter by Negligence</b>	2016	0	0	0	0
	2017	0	0	0	0
	2018	0	0	0	0
<b>Sex Offenses, Rape</b>	2016	1	0	0	0
	2017	0	0	0	0
	2018	0	0	0	0
<b>Sex Offenses, Fondling</b>	2016	0	0	0	0
	2017	0	0	0	0
	2018	0	0	0	0
<b>Sex Offenses, Incest</b>	2016	0	0	0	0
	2017	0	0	0	0
	2018	0	0	0	0
<b>Sex Offenses, Statutory Rape</b>	2016	0	0	0	0
	2017	0	0	0	0
	2018	0	0	0	0
<b>Robbery</b>	2016	0	0	0	0
	2017	0	0	0	0
	2018	0	0	0	0
<b>Aggravated Assault</b>	2016	0	0	0	0
	2017	0	0	0	0
	2018	0	0	0	0
<b>Burglary of Structure</b>	2016	0	0	0	0
	2017	1	1	0	0
	2018	0	0	0	0
<b>Motor Vehicle Theft</b>	2016	0	0	0	0
	2017	0	0	0	0
	2018	0	0	0	0
<b>Arson</b>	2016	0	0	0	0
	2017	0	0	0	0
	2018	0	0	0	0

Violence Against Women Reauthorization Act of 2013 (VAWA) Offenses					
Offenses	Year	On Campus Property	Residential Facilities	Non-Campus Property	Public Property
Domestic Violence	2016	0	0	0	0
	2017	0	0	0	0
	2018	0	0	0	0
Dating Violence	2016	0	0	0	0
	2017	0	0	0	0
	2018	0	0	0	0
Stalking	2016	0	0	0	0
	2017	0	0	0	0
	2018	1	1	0	0

Arrests and Disciplinary Referrals					
Offenses	Year	On Campus Property	Residential Facilities	Non-Campus Property	Public Property
Arrests: Weapons Carrying, Possessing, Etc.	2016	0	0	0	0
	2017	0	0	0	0
	2018	0	0	0	0
Disciplinary Referrals: Weapons Carrying, Possessing, Etc.	2016	0	0	0	0
	2017	0	0	0	0
	2018	0	0	0	0
Arrests: Drug Abuse Violations	2016	0	0	0	0
	2017	0	0	0	0
	2018	0	0	0	0
Disciplinary Referrals: Drug Abuse Violations	2016	0	0	0	0
	2017	2	0	0	0
	2018	0	0	0	0
Arrests: Liquor Law Violations	2016	0	0	0	0
	2017	0	0	0	0
	2018	0	0	0	0
Disciplinary Referrals: Liquor Law Violations	2016	5	5	0	0
	2017	0	0	0	0
	2018	6	6	0	0

**Unfounded Crimes:** There were no unfounded crimes in 2016, 2017, or 2018.

**Hate Crimes:** There were no hate crimes in 2016, 2017, or 2018.

(END OF REPORT)