

*Victoria College Campus  
Crime and Security Report  
2021*

**VICTORIA  
COLLEGE**

*Includes Crime Statistics for  
2018, 2019, 2020 Calendar Years*

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Victoria College and the Victoria College Department of Police and Campus Safety are pleased to welcome you to our campus community. Victoria College has always been committed to providing a safe and secure campus environment and does everything possible to ensure an environment that is safe for studying, working or visiting. Please familiarize yourself with the information in the Campus Crime and Security Report. Provided in the report is information about campus crime statistics, campus safety and security policies and procedures.

The Jeanne Clery Act is the landmark federal law, originally known as the Campus Security Act that requires all institutions of higher education colleges and universities throughout the United States, to disclose information about crime on and around their respective campuses. Because the law is directly tied to participation in federal student financial aid programs, it applies to most institutions of higher education, both public and private. The act is enforced by the U.S. Department of Education.

By October 1st of each year, institutions must publish and distribute their Annual Security Report to current and prospective students and employees. Institutions are also allowed to provide notice of the report, a URL if available, and how to obtain a paper copy if desired. This report is required to provide crime statistics for the prior three years, policy statements regarding various safety and security measures, campus crime prevention program descriptions, and procedures to be followed in the investigation and prosecution of alleged sex offenses.

The "Clery Act" is named in memory of 19 year-old Lehigh University freshman Jeanne Ann Clery, who was raped and murdered on April 5, 1986 while asleep in her residence hall room. Jeanne's parents, Connie and Howard discovered that students hadn't been told about 38 violent crimes on the Lehigh campus in the three years before Jeanne's murder. They joined with other campus crime victims and persuaded Congress to enact this law, which was originally known as the "Crime Awareness and Campus Security Act of 1990."

The law was amended in 1992 to add a requirement that schools afford the victims of campus sexual assault certain basic rights. It was amended again in 1998 to expand the reporting requirements. The 1998 amendments also formally named the law in memory of Jeanne Clery. Subsequent amendments in 2000 and 2008 added provisions dealing with registered sex offender notification and campus emergency response, respectively. The 2008 amendments also added a provision to protect crime victims, "whistleblowers", and others from retaliation.

For additional information regarding criminal offenses, crime prevention, or other concerns related to the Clery Act, the Annual Security Report is available online via the Victoria College website ([www.victoriacollege.edu](http://www.victoriacollege.edu)). A printed copy is available in the Campus Police office, the Emerging Technology Center and at the Gonzales Center. If you have any additional questions please contact the Vice President of Administrative Services at (361)582-2535 or the Chief of Police at (361)582-2406 ([police@victoriacollege.edu](mailto:police@victoriacollege.edu)).

## Preparing the Annual Campus Crime and Security Report

Victoria College Department of Police and Campus Safety compiles and publishes the Annual Security Report by October 1<sup>st</sup> of each year. Statistics for the report are obtained from the Victoria College Police Department, Victoria Police Department, Victoria Fire Department, Hallettsville Police Department, Cuero Police Department, Gonzales Police Department, Port Lavaca Police Department, and the Calhoun County ISD Police.

All Victoria College policies can be found at: <https://pol.tasb.org/Home/Index/1189>

## Summary of Criminal Offenses for 2020 Calendar Year

### Reportable Clery offenses for the 2020 calendar year:

- (9) arrests for Drug Law violations occurred on public property adjacent to the VC main campus.
- (1) referral was made for Drug Law Violation on the VC Main campus.
- (1) arrest for Liquor Law violations occurred on the VC Main campus.
- (6) arrests for Liquor Law violations occurred on public property adjacent to the VC Main campus
- (1) arrest for Liquor Law violation occurred on public property adjacent to Hallettsville VN campus.
- (1) Domestic Violence incident occurred on the Cuero VN campus.
- (1) incident of Aggravated Assault occurred on public property adjacent to the Main Campus.
- (2) incidents of Dating Violence occurred on public property adjacent to the Main Campus.

Complete and detailed campus crime statistics for the Victoria College Main Campus (VC Main), VC Emerging Technology Center, (VCETC) Hallettsville VN Program (VCHVN), Cuero VN Program (VCCVN), Victoria College Gonzales Center (VCGC) and the Victoria College Calhoun County Center (VCCCC) are provided in this report.

## Your Role

*Personal safety begins with personal responsibility.*

Whether you are a student or an employee, you must assume an active role in your own safety and the safety of the campus community. Learn to be observant and aware of your surroundings. If suspicious activity or behavior is observed or if a crime occurs, make mental notes of the circumstances. Attempt to obtain descriptions of individuals or vehicles involved. Do not hesitate to call Campus Security (361)220-1391 or 911 for assistance. **Do not assume someone else has reported the incident.**

*If you are a student....*

1. Try not to appear vulnerable. Think how you might respond to various situations. Think defensively.
2. Never leave purses, laptop computers, PDA devices, cell phones, books or other personal valuable property unattended.
3. If driving always lock your vehicle and never leave valuables in open view. If attending night classes try to park in lighted areas. Try to arrange to walk to your vehicle with someone or in a group and always have your keys in your hand prior to approaching your vehicle. Check the interior of the vehicle before opening the door. Be aware of vans or large trucks parked next to your vehicle that could conceal someone intent on harming you. In the event you feel uneasy about walking to your vehicle alone please contact Campus Security (361)220-1391 for an escort.
4. If walking to school, avoid hitchhiking and do not accept rides from strangers. Avoid deserted areas and walk facing traffic.
5. Be alert for breaking campus news. Check your campus e-mail account daily or more often if possible to see if any safety alerts have been issued. The Victoria College website and your campus e-mail are the primary methods by which the College communicates safety related concerns and information to students, faculty and staff.
6. If you bring children onto the campus never leave them unattended. The Victoria College does not have child care facilities or services.
7. If you have a safety concern or question please take a moment to report it to **[police@victoriacollege.edu](mailto:police@victoriacollege.edu)**.

*If you are an employee...*

1. Make an effort to get to know and recognize your co-workers and be familiar with people that should be in your area. Do not hesitate to question strangers, activity or behavior that seems unusual or odd. Campus Security can be contacted at (361)220-1391.
2. Be familiar with work safety policies and procedures.
3. Introduce yourself to Campus Police and Security personnel and know how to reach them.
4. Arrange an office alert signal that you can use to alert other employees in your area that someone is in trouble.
5. Do not loan your office keys to anyone who is not an employee and not authorized to have them.
6. Be very cautious about providing personal information, such as your SS#,

- over the phone or Internet.
7. If working late, lock your exterior office doors and be cautious about who you let in the building. Notify Campus Security that you will be working late.
  8. Leave your office blinds open so security and others can easily see inside as they make their rounds.
  9. Report safety related issues, such as burned out lighting immediately.
  10. If you are leaving late and are concerned about your safety, walk with a co-worker or contact Campus Security (361-220-1391) for an escort.
  11. Always lock up valuables, such as purses, while you are at work. Desk drawers or filing cabinets may be able to be used for this purpose.
  12. Never carry an unnecessary number of credit cards or your social security card on your person or in your wallet or purse. For the cards you carry, keep the card information in another readily accessible place.

## Campus Map

Click [here](#) to view a map of the Victoria College campus. (See Appendix A (hard copy version) for campus map)

## Reporting of Crimes

Victoria College strongly encourages students, faculty, individuals and organizations to promptly report crimes and emergency situations that occur on or off-campus to law enforcement. Crimes occurring on the Victoria College Main Campus, or any of its properties within the Victoria area should be reported to the Victoria College Police Department (361-220-1391) or 911. If the offense is occurring at a time when classes are not in session or the college is closed, the offense should be reported to the Victoria Police Department (911) or the Victoria County Sheriff's Office (911). Crimes of an emergency nature occurring on the Hallettsville VN Program campus should be reported to either the Hallettsville Police Department or Lavaca County Sheriff's Office. Crimes of an emergency nature occurring on the Cuero VN Program should be reported to either the Cuero Police Department or the Dewitt County Sheriff's Office. Crimes of an emergency nature occurring on the Victoria College Gonzales Center property should be reported to either the Gonzales Police Department or the Gonzales County Sheriff's Office. Crimes of an emergency nature occurring at the Victoria College Calhoun County Center should be reported to either the Port Lavaca Police Department or the Calhoun County Sheriff's Office. Criminal offenses of a lapsed nature that do not necessitate an immediate police presence should be reported to the Victoria College Police Department. The law enforcement agency taking the crime report will assign it a case number, prepare a police report and conduct an investigation in an attempt to identify the offender(s) and recover stolen property if applicable. If a suspect is identified, the case will be presented for prosecution. Each criminal violation is considered one offense for statistical purposes.

## Security and Access to Campus Buildings

Victoria College is a state institution of higher learning and as such, the campus is open to the public. Victoria College however reserves the right to bar or eject individuals who are considered a threat to the well-being of the campus community or who have no legitimate purpose for being on the campus. Generally, college office hours are from 8:00am – 5:00pm Monday thru Friday with some minor deviation during the summer. Evening and weekend access is limited to the Library, computer labs and other facilities open to students. Most buildings close by 9:30pm weekdays and 6:00pm on weekends. College officials, campus police and campus security have statutory authority to ask for identification from persons found on the campus. Students, visitors and employees must cooperate and present their photo I.D. when so requested. Individuals without a legitimate reason for being on the campus may be asked to leave and failure to cooperate may subject the individual to criminal trespassing charges. Campus Security locks all buildings and entrances after classes have concluded.

## Timely Warning Notice and Access to Information

Victoria College must provide timely warnings to the campus community regarding crimes that pose an ongoing threat to students and employees. When there is knowledge of an ongoing threat, an informational notice will be reported to students and employees without delay and will take into account the safety of the entire campus community. Victoria College has implemented a mass notification system which will provide notifications through cell phone, e-mail and home phone contacts. Each enrolled student, employee and faculty member of the College has an assigned Pirate Portal access page which includes a college e-mail account. On this page is an icon in the shape of an envelope entitled “My Messages”. Messages and notifications of emergency conditions and situations and campus lockdowns will be posted here should they occur. For this reason, students and employees are reminded and encouraged to check their e-mail account and Pirate Portal page daily for news and notices and to make this page their “homepage”. Additionally, local media outlets will be utilized in the event of an emergency to provide notice to students, employees and faculty members of the College. The Victoria College Marketing / Communication department will be tasked with the creation and implementation of timely warning notices. For additional information relating to the mass communication system contact the Director of Marketing and Communication (361)582-2417.

## Public Crime Log

The Victoria College Police Department maintains a Public Crime Log which contains a record of Clery reportable criminal incidents reported to Campus Police. This log may also contain references to reports of other non-criminal safety or risk related incidents and not just those required by this report. The Crime Log is required at a minimum to contain the nature, date, time and general location of each crime as well as its disposition if known. Incidents are required to be added to the Crime Log within two (2) business days but certain information may be withheld to protect victim privacy or to ensure the integrity of ongoing investigations. The Victoria College Public Crime Log is available in the Victoria College Police Department Office in the Academic Building 210A, the Victoria College Gonzales Center Main Office and the Emerging Technology Center Lobby. The log is available for viewing from 8:00am – 5:00pm weekdays.

## Emergency Response to Critical Incidents

The Victoria College and its satellite campuses in Calhoun County, Lavaca County, Gonzales County and DeWitt County are served by (3) full-time campus police officers, (4) full-time security officers and (2) part-time security officers. The college main campus is located within the overall jurisdiction of the Victoria Police Department while each of the listed satellite campus locations fall into the geographical jurisdiction of local law enforcement in their respective cities. If a critical incident is reported, a first responder from either the Victoria College Police Department or one of the agencies having jurisdiction over the location will respond and determine the exact nature of the incident. This information will then be relayed to the Victoria College president or one of the vice presidents per the standing Emergency Response Plan protocol. If the situation is deemed to warrant it, a timely warning notification or an evacuation of the campus may be implemented. Timely warning notices are handled via the Rave mass communication system whereby students, faculty and staff are given pertinent information regarding access to and evacuation from the campus, through the use of programmed e-mail, cell phone and landline messages. If an evacuation is required, members of the campus police department, possibly in conjunction with other local law enforcement agencies that may respond, will provide traffic control and directions to facilitate the evacuation.

To insure efficiency and functionality of the Emergency Response Plan, it will be tested annually. The plan will be tested using tabletop exercises, or live scripted scenarios and may be announced or unannounced. A follow-up on the test with results will be made available to the public via the media, by the Marketing and Communications Department. The Rave mass communication system is to be tested at a minimum of once each semester.

## Enforcement Authority of Campus Police and Security

Victoria College police officers are commissioned peace officers as defined by the requirements of the Texas Commission on Law Enforcement Officers and Standards. Within our peace officer's primary jurisdiction, a peace officer commissioned under Texas Education Code Chapter 51 Sec. 203 is vested with all the powers, privileges, and immunities of state peace officers. The Victoria College Police also have the authority to enforce all applicable local, state, and federal laws as well as college rules and regulations in all counties in which property is owned, leased, rented, or otherwise under the control of Victoria College.

Victoria College also employs Campus Security Officers who take an active role in parking enforcement, building access control, escorts, and enforcement of college rules and regulations. Victoria College Security Officers do not have the authority to execute an arrest, however they do have direct communication with campus police and may summon assistance as needed.

In accordance with state law, no person may refuse or fail to leave a building under control of Victoria College during those hours when the building is regularly closed to the public.

## Enforcement Authority (as cited in the Texas Education Code)

### **Refusing or Failing to Leave a Building Closed to Public – Section 51.242 TEC**

“No person may refuse or fail to leave a building under the control and management of a public agency, including a state-supported institution of higher education, during those hours of the day or night when the building is regularly closed to the public. Upon being requested to do so by a guard, watchman or other employee of a public agency, including a state-supported institution of higher education, controlling and managing the building or property, if the surrounding circumstances are such as to indicate to a reasonable person that the individual or individuals have no apparent lawful business to pursue.”

### **Unauthorized Person Refusal of Entry, Ejection, Identification – Section 51.209 TEC**

“The governing board of a state institution of higher education or its authorized representatives may refuse to allow persons having no legitimate business to enter onto property under the board’s control and may eject any undesirable person from the property on his refusal to leave peaceably on request. Identification may be required of any person on the property.”

### **Trespass, Damage, Etc. – Section 51.204 TEC**

“It is unlawful for any person to trespass on the grounds of any state institution of higher education of this state or to damage or deface any of the buildings, statues, monuments, memorials, trees, shrubs, grasses, or flowers on the grounds of any state institution of higher education.”

## Security Considerations in the Maintenance of Facilities and Grounds

The Victoria College Physical Plant is responsible for maintaining campus facilities, grounds and utilities. Students and employees are encouraged to report maintenance concerns or issues such as non-functioning lights, improperly closing or locking doors, elevator problems as well as all other safety hazards. On the Victoria College main campus maintenance concerns can be addressed several ways: (1) Submit an online Maintenance Request; (2) Contact Campus Security via phone 361-220-1391 or by e-mail [security@victoriacollege.edu](mailto:security@victoriacollege.edu).

Victoria College does not have student housing. All college buildings meet state fire code specifications and are equipped with fire alarms.

## Sexual Assault

*What to do in case of sexual assault:*

Sexual Assault is a societal problem and requires the help of everyone to prevent its occurrence. It is important to understand that there are no conditions where a person deserves to be sexually assaulted.



It is important for all Victoria College students to know where they can turn for help should they become the victim of a sexual assault. The following will assist you in getting through this traumatic experience.

- 1) As soon as you are out of the sexual assault situation, find someone you trust who can provide emotional support and help you identify the proper courses of action. It may be difficult to think coherently and objectively when greatly upset, so provide yourself this support.
- 2) Seek medical attention immediately.

Citizens Medical Center  
2701 Hospital Drive  
Victoria, Texas 77901  
(361) 573-9181

Detar Hospital  
506 E. San Antonio  
Victoria, Texas  
(361) 575-7441

- 3) Reporting an offense to law enforcement does not mean you have to follow through with filing criminal charges or take the case to criminal trial or to a college disciplinary hearing. The incident should however be reported to law enforcement immediately to minimize risks to other persons and to ensure that physical evidence related to the offense is preserved. If an offense occurs, on-campus during a time when the college is open, the report should be made to Campus Police (Victoria College Police Department – Academic Building, A210, (361)220-1391 or (361)582-2406. If the offense occurs off-campus or at a time when the college is not open, the report should be made to the Victoria Police Department, 306 S. Bridge St., (911) or the Victoria County Sheriff's Office, 101 N. Glass, (911). Prior to calling police, do not clean-up the area of the assault, do not shower, douche or change clothes as doing so may destroy or contaminate valuable evidence necessary for a successful prosecution. If by chance you have already changed clothes, place the ones worn at the time of the assault into a plastic bag and take them with you to the hospital or police agency.

All information and reports of a sexual assault can be kept confidential to the extent allowed by law. In accordance with Texas Code of Criminal Procedures, Article 57, victims may use a pseudonym to protect their identity. A pseudonym is a set of initials or fictitious name chosen by the victim, which will be used in all public files and records concerning the assault.

When making a police report to law enforcement, the victim will be required to provide specific details of the incident to the police officer taking the initial report. A medical examination by a specially trained sexual assault nurse examiner, referred to as a SANE exam, will be conducted in an attempt to recover information and document physical evidence of the assault. The cost for this part of the examination will be borne by the investigating law enforcement agency. The SANE exam may also include testing and treatment to help prevent sexually transmitted diseases. Bruising and injuries will be photographed for use in court. Arrangements will be made for the victim to be interviewed by a specially trained sexual assault investigator, generally a female, at which time an in-depth video-taped statement will be obtained.

4) Obtain counseling

On-campus counseling for sexual assault is not readily available at this time, however specialized counseling is available through the following agency:

HOPE of South Texas Sexual Assault Crisis Center  
314 E. Rio Grande  
Victoria, TX 77901  
24-Hour Hotline at (361)573-3600 or 1-800-365-7345

*If the sexual assault was committed by a fellow student at Victoria College:*

- 1) Contact the Vice President of Student Services to file a complaint if the offense was committed by a fellow Victoria College student.
- 2) The offense of sexual assault is prohibited by penal statute and by the Victoria College Student Handbook (Section 1.2 (n)) and (Section 1.3). College student offenders will face disciplinary sanctions as well as criminal charges.

The Vice President of Student Services is tasked with investigating offenses and handling disciplinary matters including the issuance of Sanctions (Section 1.7), for the violation of college rules. All disciplinary hearings will adhere to the procedures for notification, evidence, burden of proof, records, findings and appeals. In all hearings both the accuser and accused will have the same opportunities to present their version of the facts and will have the opportunity to have advisors present. They can also present evidence including witnesses and may question evidence presented. A student's right to privacy is lost when accused of sexual assault on campus and both the victim and the accused will be informed of the outcome of any disciplinary proceedings. The outcome of a hearing is Victoria College's final determination with respect to the alleged sex offense and sanctions that are imposed and does not address other civil recourse or criminal proceedings against the accused.

Sanctions include the following:

- A) Warning
  - B) Reprimand
  - C) Probation
  - D) Suspension
  - E) Dismissal
- 3) Victoria College's preferred method of assisting the victims of sexual assault is to ensure they are directed to the proper law enforcement agency, Hope of South Texas for victim's assistance and counseling and to the Victoria County District Attorney's Office for prosecution and assistance with crime victim's compensation.

## College Response to Crime Reports

If a violent crime or any other crime that poses a continuing danger to the Victoria College community occurs, efforts will be made to immediately report the appropriate information to administrators, employees and currently enrolled students. A monthly summary report of safety and risk related incidents from the Victoria College campus are reported to all employees and students through postings on the bulletin boards in each of the campus buildings.

Victoria College does not have policies or procedures regarding confidential crime reporting. The college does not dictate procedures that encourage pastoral counselors and professional counselors to inform persons that they are counseling, about procedures for confidential crime reporting (for inclusion in statistics). Victoria College defers to counselor-client privilege and counselor responsibility to report crimes that legally must be reported.

Victoria College does not have off-campus locations of student organizations officially recognized by the institution and as such does not have policy concerning the monitoring and recording through local police agencies of criminal activity.

## Educational Programs

During each year, Victoria College will offer a variety of educational sessions on topics such as Sexual Assault Prevention, Sexual Harassment, Drug and Alcohol Abuse and Identity Theft. These programs are offered at no cost. To request a program specific to the interests and needs of your department, student group or organization, please contact the Victoria College Student Activities director at (361) 573-3291 or the Victoria College Department of Police & Campus Safety (361) 582-2406.

## Drugs and Alcohol

Victoria College specifically prohibits the manufacture, sale, distribution, possession, or use of illegal drugs and alcohol. Consumption of alcohol may be permitted at certain pre-approved events in compliance with state and local laws. Violators are subject to the following actions:

- Disciplinary actions as described in the Victoria College Code of Student Conduct in the Student Handbook and the Employee Handbook.
- Prosecution as provided by state statutes. Campus Police and Security strictly enforce all laws and college regulations pertaining to illegal drugs and alcoholic beverages on campus.

## Community Partnerships

The Victoria College Police Department works closely with all local, state, and federal agencies to effectively respond to, prevent, and investigate crime and critical incidents that affect our campus and the communities we serve.

## Smoking on Campus

Victoria College is a smoke-free environment. No burning tobacco products are allowed on the campus, grounds or parking lots. Victoria College also adheres to the City of Victoria smoking ban which makes it unlawful to smoke in buildings open to the public and within (12) feet of the entrance or exit to any public building. Non-burning tobacco products are prohibited inside all buildings on the campus.

## Nationwide Statistics for Colleges & Universities

The OPE Campus Security Statistics Website (<http://ope.ed.gov/security/index.aspx>) is your direct link to reported criminal offenses for over 6000 colleges and universities in the United States. If you are considering attending college in a large urban city, a small liberal arts college, a specialized college or a community college you can find their reported crime statistics on this website.

## Crime Statistics for Non-Campus Buildings or Properties

A non-campus building or property is defined as: (1) Any building or property owned or controlled by a student organization that is officially recognized by the institution; or (2) Any building or property owned or controlled by an institution that is used in direct support of, or in relation to the institutions educational purposes, is frequently used by students and is not within the same reasonably contiguous geographic area of the institution.

## The University of Houston-Victoria Clery Act Report and Crime Statistics

Victoria College and the University of Houston – Victoria (UHV) are separate educational institutions whose campuses border with no perceptible boundary. Both entities have their own separate and distinct on-site Campus Police, and Security.

It is recommended that Victoria College employees and students review the UHV Annual Security Report and crime statistics since many of the facilities on our campus are shared with UHV students and faculty. The UHV Annual Security Report can be viewed on their website at <https://www.uhv.edu/police/annual-security-report/>

## Information on Registered Sex Offenders

Law enforcement authorities are required to inform colleges and universities when registered sex offenders indicate they plan to attend classes, live, work, or volunteer their services on a college or university campus. The law also requires that registered sex offenders personally contact and notify

campus police authorities of their impending presence. Victoria College prepares and retains an Institution of Higher Education Sex Offender Notification Form (CR-35IHE) for all registered sex offenders that notify the Victoria College Police Department of their intent to attend classes.

To determine what registered sex offenders have registered for Victoria College, click on the following link to the Texas Department of Public Safety Registered Sex Offender website.

<https://publicsite.dps.texas.gov/SexOffenderRegistry>

Click on “Search Registry”. On the next page is information explaining how the information on registered sex offenders may be used with caveats that are incumbent on the end user. At the bottom of that page you must check a box to acknowledge having read the caveats and that you agree to the terms of use to proceed to the next page. On the next page you will find a box listing several available search methods, one of which is “Institute of Higher Education”. Click on “Institute of Higher Education”. On the next page you will be presented with a drop down menu listing all colleges and universities in Texas. Highlight “Victoria College, The” to view the registered offenders that you may find on our campus. On that page you may click on any of the listed names to receive information pertaining to that person including a photograph.

For additional information about Registered Sex Offenders on campus contact the Victoria College Police Department at 2200 E. Red River – Academic Building A210, (361) 582-2406.

## Important Phone Numbers

### Victoria College Police & Campus Security:

Emergency Assistance	(361)220-1391 or 911
Campus Police & Security Office	(361)582-2406
Emerging Technology Center	(361)220-1389

### Victoria Police Department:

Emergency Assistance	911
Main Office	(361)485-3700

## Victoria College Policy Prohibiting Sexual Violence

**Purpose and Authority:** Victoria College establishes this policy and related procedures in its continuing effort to seek equity in education and employment, and consistent with its legal responsibility and authority to take measures to address and prevent sexual violence, as required by Title IX of the Higher Education Act of 1964, as amended, and the Jeanne Clery Disclosure of Campus Security Policy and Campus Crime Statistics Act (the “Clery Act”), as amended.

This policy is intended to inform students and employees of their rights if they are subjected to sexual violence, including the complaint procedures and support services that a survivor of sexual violence can access. This policy is also intended to inform students and employees of their responsibilities if they are aware that sexual violence has occurred to a Victoria College student or employee.

**Statement of Policy:** Victoria College (the “College”) will not tolerate and strictly prohibits sexual violence, including domestic violence, dating violence, sexual assault and stalking. The College will act to protect its students and employees from incidents of domestic violence, dating violence, sexual assault and stalking committed by employees, students or outside third parties.

**Scope:** This policy applies to and may be used by all students and employees, regardless of gender, sexual orientation or gender identity, to report incidents of sexual violence, including domestic violence, dating violence, sexual assault and stalking occurring on or off campus.

Student and employee grievances and complaints that do not contain allegations of sexual violence are excluded from this process. General student complaints or grievances reflecting a student’s disagreement with the application of a specific College rule, practice and/or policy are processed through the Student Complaint procedure found in the Victoria College Student Handbook. Employee complaints or grievances regarding general terms and conditions of employment are processed through Victoria College Personnel Policy 9.1. Student complaints of discrimination, retaliation, and sexual harassment, that do not contain allegations of sexual violence, are processed in accordance with the Student Harassment and Discrimination policy located in the Victoria College Student Handbook. Employee complaints discrimination, retaliation and sexual harassment that do not contain allegations of sexual violence are processed through Victoria College Personnel Policy 1.2.2.

**Definitions: The following definitions apply to terms referenced herein.**

**Complainant:** The Complainant is the student or employee who initiates a complaint of sexual violence with the Title IX Coordinator/Director of Human Resources. Complainants are not limited to those employees or students who have personally experienced the alleged act of sexual violence, but also those employees or students who may have either received notice of or witnessed the incident.

**Respondent:** The Respondent is the student, employee or outside third party named in a complaint of sexual violence, initiated pursuant to this policy, as having engaged in sexual violence against a College employee or student.

**Title IX Coordinator and Director of Human Resources:** The Title IX Coordinator/Director of Human Resources is the person designated by the College to receive any complaint of sexual violence; assist the Complainant in the use of the complaint form and procedures provided herein; investigate the complaint or identify a designee to conduct the investigation; provide information regarding law enforcement, medical, sexual trauma and counseling resources; provide assistance regarding various internal and external mechanisms through which the complaint may be filed, including applicable time limits, if any, for filing with external agencies and law enforcement agencies.

**Sexual Violence:** As referenced in this policy, sexual violence is defined as an act of sexual assault, stalking, domestic violence or dating violence.

**Sexual Assault:** A person commits a sexual assault if he or she intentionally or knowingly:

- a) causes the penetration of the anus or sexual organ of another person, by any means without the person’s consent;
- b) causes the penetration of the mouth of another person by the sexual organ of the actor without the person’s consent;

- c) causes the sexual organ of another person, without the other person's consent, to contact or penetrate the mouth, anus, or sexual organ of another person;
- d) causes the penetration of the anus or sexual organ of a child (a person younger than 17 years of age) by any means;
- e) causes the penetration of the mouth of a child (a person younger than 17 years of age) by the sexual organ of the actor;
- f) causes the sexual organ, mouth or anus of a child (a person younger than 17 years of age) to contact or penetrate the mouth, anus, or sexual organ of another person, including the actor.

**Consent:** A sexual act or assault is without the consent of the other person if:

- a) the actor compels the other person to submit or participate by the use of physical force or violence;
- b) the actor threatens physical force or violence against the other person or any person and the other person believes the actor has the present ability to execute the threat;
- c) the actor knows the other person is unconscious or physically unable to resist;
- d) 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;
- e) the other person has not consented and the actor knows the other person is unaware that the sexual assault is occurring;
- f) the actor has intentionally impaired the other person's ability to appraise or control the other person's conduct by administering any substance without the other person's knowledge;
- g) the actor is a public servant who coerces the other person to submit or participate;
- h) the actor is a mental health services provider, health care services provider or member of the clergy who coerces the other person to submit or participate by exploiting the other person's emotional dependency on the actor.

**Stalking:** Stalking occurs where, on more than one occasion and pursuant to the same scheme or course of conduct that is directed specifically at another person, an actor engages in conduct, including following, where:

- a) the actor knows or reasonably believes the other person will regard the conduct as threatening bodily injury or death for the other person or a member of the other person's family or household, or the commission of an offense against the other person's property;
- b) the actor's conduct causes the other person or a member of the other person's family or household to be in fear of bodily injury, death or the commission of an offense against the other person's property;
- c) the actor's conduct would cause a reasonable person to fear bodily injury or death for himself or herself, or for member of the person's family or household, or the commission of an offense against the other person's property.

**Domestic Violence:** Domestic violence is any act by a member of a family or household against another member of the family or household, including children, that is intended to result in physical harm, bodily injury, assault or sexual assault, or that is a threat that reasonably places the other member in fear of imminent physical harm, bodily, assault or sexual assault.

**Dating Violence:** Dating violence is any act by an individual that is against another individual with whom that person has or has had a dating relationship and that is intended to result in physical harm, bodily injury, assault or sexual assault. A “dating relationship” is a relationship between individuals who have or have had a continuing relationship of a romantic or intimate nature.

**Retaliation:** A party engages in retaliatory action when he or she engages in revenge or reprisal in response to a complaint of sexual violence. Retaliation occurs when the Respondent personally engages in an act of reprisal or allows others to engage in acts of reprisal on their behalf. Retaliation includes, but is not limited to, threats of harm or injury against the Complainant and, or witnesses; implementation of employment actions meant or designed to harm an employee, Complainant or employee witnesses or discourage them from complaining or testifying; adverse grading of student Complainants or student witnesses; or attempts to influence the testimony of witnesses by trying to discuss allegations with the witnesses during the pendency of an investigation and appeal.

### **What to Do If You Are a Victim of Sexual Violence:**

Students and employees are advised of the following courses of action in the event of an incident of sexual violence.

- a) Your immediate personal safety is of the utmost importance. As soon as possible, following an incident of sexual violence, get to a place of safety.
- b) Contact the police at 911 as soon as possible after the assault has occurred. It is the decision of the person experiencing sexual violence in determining whether or not to file charges. It is important to note that where a charge is filed with the police, the State covers the cost of medical care provided at the emergency room. If a charge is not filed, the person experiencing sexual violence will be responsible for medical costs incurred. However, when a report is filed, you are NOT obligated to continue with the police criminal justice system or the campus disciplinary action process.
- c) Contact someone you trust to be with you and help you deal with any trauma you are experiencing. If you wish, you may contact the College’s Counseling Center to assist you (361-582-2400). After business hours, contact Campus Security at 361-220-1391 – **Main Campus or 361-220-1389 - ETC.**
- d) It will be important to collect and preserve all evidence, where possible, within 24 hours of the attack of sexual violence. For example, do not change clothes or wash or dispose of clothes you were wearing at the time of the sexual violence incident. Do not wash, shower or douche. If a change of clothing is unavoidable, put all clothing you were wearing at the time of the sexual violence incidence in a paper (not a plastic) bag. Until police have investigated the area where the incident occurred and dusted for fingerprints, avoid touching any smooth surfaces that the assailant may have touched.
- e) Document any injury you suffered either by photographing or by showing your injuries to someone you trust.
- f) Seek and obtain medical attention as soon as possible to treat any physical injury and obtain preventative treatment for possible sexually transmitted disease and other health services. Medical providers can also assist with preserving evidence documenting your injuries.



- g) In addition to seeking assistance from law enforcement, you can also take steps to protect yourself from the assailant by staying with friends or family after the act of sexual violence, letting your voicemail record telephone calls and messages, notifying the College of the incident in order to insure the assailant is not allowed to have contact with you while on campus or at campus events.
- h) For assistance with filing a complaint of sexual violence through College complaint procedures, obtaining assistance with accessing law enforcement, and confidential counseling, emotional support, and immediate emergency services, if not already accessed, students should contact the Title IX Coordinator/Director of Human Resources, Terri Kurtz, at 361-572-6463, for assistance. In addition, students and employees may contact the following for campus and local advocacy, counseling, health, mental health and legal assistance services:

### **Campus Security Authorities (CSA)**

Campus Security Authorities by definition are individuals with significant responsibility for campus and student activities, such as campus police/security, resident assistants, coaches, and club advisors, among others. The intent of including non-law enforcement personnel in the role of CSA is to acknowledge that some community members and students in particular may be hesitant about reporting crime to the police, but may be more inclined to report incidents to other campus-affiliated individuals. A Clery Act crime is considered “reported” when it is brought to the attention of a CSA, campus police or local law enforcement personnel by a victim, witness, other third party or even the offender. If a CSA receives Clery Act qualifying crime information and believes it was provided in good faith, meaning that there is reasonable basis for believing that the information is not rumor or hearsay, then, the crime is Clery Act reportable. CSA’s must report all incidents of criminal incidents reported to them.

Victoria College has identified the following positions as Campus Security Authorities:

- All campus administrators and assistant administrators (includes satellite/ branch campuses)
- Student Activities Director and employees of that department.
- Counselors including the Director of Advising & Counseling
- All athletic coaches and directors
- All members of the Victoria College Department of Police & Safety

## **Bystander Intervention**

One of the most effective methods of preventing sexual assault is bystander intervention. Some people might be concerned that they are being encouraged to place themselves in jeopardy to stop crimes in progress. This is not the case. There are many situations that occur prior to sexual misconduct that are appropriate for intervention. Bystander intervention encourages people to watch for those behaviors and situations that appear to be inappropriate, coercive and harassing.

### **Methods of Intervening**

- Making up an excuse to get a person out of a potentially dangerous situation;
- Letting an individual know that his/her actions may lead to serious consequences.
- Not leaving a person's side who may be in trouble despite the efforts of someone else to get him/her alone or away from you.
- Using a group of friends to remind someone behaving inappropriately that his/her behavior should be respectful.
- Taking steps to curb someone's use of alcohol before problems occur.
- Calling the authorities when the situation warrants.

### **Victoria College Resources**

Victoria College Title IX Coordinator/Director of Human Resources  
Terri Kurtz  
Academic Building 104 B  
2200 E. Red River  
Victoria College, Texas 77901  
361-572-6463

Victoria College Advising & Counseling Office  
Student Services Building, Suite 105  
2200 E Red River  
Victoria, TX 77901  
361-582-2400

Victoria College Campus Police & Security  
Academic Building, Suite 210  
2200 E Red River  
Victoria, TX 77901  
Security Duty: 361-220-1391 or 361-220-1389 (ETC)  
Office: 361-582-2406

## **Police and Law Enforcement Departments**

Victoria College Police Department  
2200 E. Red River 210A  
Victoria, TX 77901  
361-220-1391 or 361-582-2406

Victoria Police Department (for Victoria campus locations)  
306 S. Bridge Street  
Victoria, TX 77901  
361-573-3221

Victoria County Sheriff's Office (for Victoria campus locations)  
101 N. Glass Street  
Victoria, TX 77901  
361-575-0651

Gonzales Police Department (for Gonzales Center Campus)  
716 St. Paul Street  
Gonzales, TX 78629  
830-672-8686

Port Lavaca Police Department (for Calhoun County Campus)  
202 North Virginia  
Port Lavaca, TX 77979  
361-552-3788

Cuero Police Department (Vocational Nursing Campus in Cuero)  
100 N Clinton St  
Cuero, TX 77954  
361-275-3552

Hallettsville Police Department (Vocational Nursing Campus in Hallettsville)  
104 E Fourth Street  
Hallettsville, TX 77964  
361-798-3683

## **Hospitals**

Citizens Medical Center  
2701 Hospital Drive  
Victoria, TX 77901  
361-573-9181

Detar Hospital Navarro  
506 E San Antonio Street  
Victoria, TX 77901  
361-575-7441

Cuero Community Hospital  
2550 N Esplanade  
Cuero, TX 77954  
361-572-6191

Memorial Medical Center Port Lavaca  
815 North Virginia Street  
Port Lavaca, TX 7979  
361-552-6713

### **Community Resources**

Mid-Coast Family Services and Women's Crisis Center  
120 S. Main, Suite 310  
Victoria, TX 77901  
24-Hour Hotline for Domestic Violence:  
361-573-HELP (4357) or 1-800-870-0368  
Office: 361-575-7842

Gulf Bend Center  
6502 Nursery Drive, Suite 100  
Victoria, TX 77904  
361-575-0611 or 1-800-421-8825  
24 Hour Crisis Hotline: 1-877-723-3422

The Harbor (Victims of Domestic Violence, Sexual Assault, Abuse)  
215 W. Railroad  
Port Lavaca, TX 77979  
24-Hour Crisis Hotline 361-552-4357  
Office: 361-552-1982

Sexual Assault Legal Services & Assistance  
(888)343-4414

Women's Shelter of South Texas  
813 Buford St, Corpus Christi, TX 78404  
(361) 881-8888

National Sexual Assault 24/7 Crisis Hotline (RAINN)  
1-800-656-HOPE (4673)

Stalking Resource Center/ National Center for Victims of Crime [www.ncvc.org/SRC/Main.aspx](http://www.ncvc.org/SRC/Main.aspx)

## **Filing a Complaint of Sexual Violence:**

Victoria College will investigate complaints of sexual violence initiated by College employees and students, as provided herein, pursuant to the following procedures:

### **Preliminary Considerations**

**Informal Consultation and Counseling:** The Title IX Coordinator/Director of Human Resources, on an informal basis, may receive initial inquiries, reports and requests for consultation and counseling. Assistance will be available whether or not a formal complaint is contemplated or even possible. It is the responsibility of the Title IX Coordinator/Director of Human Resources to respond to all such inquiries, reports and requests as promptly as possible and in a manner appropriate to the particular circumstances. An employee or student making an inquiry or seeking assistance need not have personally experienced the incident of sexual violence, witnesses or other parties who receive notice that an incident of sexual violence has occurred can also access assistance or make an inquiry or complaint through the Title IX Coordinator/Director of Human Resources.

Students and employees are advised that the **Title IX Coordinator/Director of Human Resources** may determine that it is necessary to initiate an investigation and take action to address incidents of sexual violence based solely on information obtained through an inquiry or informal counseling, even in the absence of a formal complaint.

**Confidentiality:** The College understands the confidential and private nature of reports of sexual violence. Upon receiving notice of an incident, or a complaint, the College will take all steps necessary to protect the privacy of the parties, but may, at some point, be required to disclose matters to certain College employees, outside parties or agencies. This section describes for students and employees, the extent to which confidentiality can be maintained.

**Responsible College Employees:** For the purposes of this policy, the College classifies the **Title IX Coordinator/Director of Human Resources**, faculty members, academic department Chairs, Deans, Vice Presidents, all Administrators with supervisory authority, and members of campus security and police as “responsible employees.” Any of these College employees who receive or become aware of an incident of sexual violence occurring to a College student or employee are considered to have received notice on behalf of the College and are required to report such information to the **Title IX Coordinator/Director of Human Resources**. As such, the incidents will be investigated and properly resolved through complaint and appeal procedures delineated herein. Once an investigation is commenced, however, the information will be tightly controlled and only people with a need to know will be told, and information will be shared only as necessary with investigators, adjudicatory decision makers, witnesses and the accused individual (Respondent).

In cases where a Complainant specifically requests that his or her name not be disclosed to the Respondent, or that the College not investigate or seek action against the alleged Respondent, the school will honor the request after discussion with the Complainant and a determination that a safe environment can still be provided for all students, including the Complainant. In these cases, the College will take steps such as increased monitoring and supervision, additional security at the locations or activities

where the alleged sexual violence occurred; additional training and disbursement of educational materials to students and employees. Specific steps will be taken to protect the student or employee, including but not limited to, on campus escorts, revised work or classroom schedules, counseling services or referral to counseling services.

**Confidential Counseling and Medical Providers:** Students and employees who wish to maintain incidents as confidential should speak with off-campus private mental health therapists and counselors, private attorneys, physicians, and members of the clergy. These individuals cannot be required or compelled to disclose confidential information provided to them by students or employees who have been subjected to sexual violence.

**Service Providers:** Students and employees who seek assistance through domestic violence shelters, sexual assault crisis agencies and similar services, whose functions are to support and protect survivors and actively promote the creation of safe environments, can expect information to be kept confidential under most circumstances. Pursuant to federal and state law, information regarding incidents of sexual violence will be kept confidential except for use in a criminal investigation or proceeding in response to a lawfully issued subpoena. However, these service providers are especially adept and trained to protect survivors even in the event that certain information must be provided as part of a criminal investigation.

**Federal Statistical Reporting Obligations:** Federal law requires that certain campus officials report incidents of sexual assault, domestic violence, dating violence and stalking solely for federal statistical reporting purposes. However, all personally identifiable information is kept confidential, but statistical information must be forwarded to campus law enforcement regarding the type of incident and the general location where it occurred for publication in the Annual Campus Security Report.

**Federal Timely Warning Reporting Obligations:** Employees and students who have been subjected to acts of sexual violence should also be aware that federal law requires College administrators issue immediate timely warnings for incidents that are confirmed to pose a substantial threat of bodily harm or danger to members of the campus community. Under these circumstances, the Complainant's name and other identifying information is not disclosed, but the campus community will still be provided with enough information so that individuals can make safety decisions in light of the immediate danger posed.

### **Initiating a Formal Complaint of Sexual Violence:**

Complainants should contact the Title IX Coordinator/Director of Human Resources, as soon as possible following the alleged incident of sexual violence, or the date on which the Complainant first knew or reasonably should have known of such act.<sup>1</sup> All such complaints may be submitted on the form provided by the College or in a personal memorandum or letter. However, the complaint need not be put in writing, it is enough for the Complainant to meet with the Title IX Coordinator/Director of Human Resources who can draft a complaint for the Complainant's review and approval. Any

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<sup>1</sup> Complainants who may have been unconscious during an act of sexual violence may not learn about the incident until days, weeks or months after the incident occurred. Under these circumstances, Complainants should not hesitate to make a complaint upon learning of the incident.

written documentation describing the incident will be attached to the College's Complaint of Sexual Violence form and will be used for the initiation of a complaint.

**Elements of a Complaint:** The written complaint shall contain:

- a) The name, local and permanent address(s), and telephone number(s) of the Complainant.
- b) A statement of facts explaining what happened and what the Complainant believes constituted the act(s) of sexual violence in sufficient detail to give each Respondent reasonable notice of what is claimed against him/her. The statement should include the date, approximate time and place where the alleged acts of unlawful sexual violence occurred. If the acts occurred on more than one date, the statement should also include the last date on which the acts occurred as well as detailed information about the prior acts.
- c) The names of any potential witnesses should be provided.
- c) The name(s), address(s) and telephone number(s) (if known) of the Respondent(s), i.e., the person(s) claimed to have committed the act(s) of sexual violence.
- d) Identification of the title and/or status of the persons charged whether student, administration, faculty, or staff.

#### **Procedures for Investigation of a Complaint of Sexual Violence**

- a) Upon receipt of a complaint, the Title IX Coordinator/Director of Human Resources, will provide an initialed, signed, date-stamped copy of the complaint to the Complainant. The complaint, together with a statement, shall be documented in a complaint file.
- b) The Title IX Coordinator/Director of Human Resources, or their designee, shall begin a review and investigation of the complaint within 3 working days from the filing of the complaint. Steps will be taken immediately to insure the safety and wellbeing of a Complainant where necessary.
- c) Within 3 working days after the date of filing of the complaint, the Title IX Coordinator/Director of Human Resources will provide notice that a complaint has been filed, as well as an explanation of the nature of the complaint to the Respondent(s). Alternatively, such notice of the complaint may be given by email or personal delivery, provided such delivery is made by the Title IX Coordinator/Director of Human Resources, and that proper proof of such delivery, including the date, time and place where such delivery occurred is documented.
- d) The Title IX Coordinator/Director of Human Resources shall review all relevant information and interview pertinent witnesses. Both the Complainant and the Respondent(s) shall be entitled to submit oral, recorded, and transcribed statements or other relevant and material evidence to the written record compiled by the Title IX Coordinator/Director of Human Resources. Evidence and, or testimony regarding the

Complainant's sexual history with anyone except the Respondent will not be considered.

- e) Victoria College reserves the right to protect individual or community safety and to act as needed on an interim manner pending the resolution of a complaint. This may include but is not limited to the interim suspension of a Respondent, the alteration of a Respondent's or Complainant's course schedule or work schedule, the alteration of a Respondent's or Complainant's work assignment, on-campus escort services by Campus Safety as deemed appropriate or the establishment of no contact/stay away orders.
- f) No later than 30 working days, from the acceptance of a complaint, the Title IX Coordinator/Director of Human Resources shall prepare a summary of findings and recommendation(s), and, where necessary, for further action to be taken with regard to the Respondent. In assessing and resolving the complaint, the Title IX Coordinator/Director of Human Resources shall utilize a preponderance of the evidence standard of review, i.e., it shall be determined whether it is more likely than not that sexual violence occurred.
- g) If the Respondent is an employee of the College, the Respondent's supervisor shall be provided with the summary of findings and recommendations for further action to be taken by the supervisor(s) of the Respondent. If the Respondent is the President, the findings and recommendations of the Title IX Coordinator/Director of Human Resources shall be submitted to the Board of Trustees for review and action. Where findings are made against the Respondent, sanctions, up to and including termination, shall be assessed by the supervisor or, where applicable, the Board of Trustees at this stage no later than 10 working days of receipt of the summary of findings.
- h) If the Respondent is a student of the College, the Vice President of Student Services shall be provided with the summary of findings and recommendations. Where findings are made against the student, the Vice President of Student Services may take such disciplinary action, up to and including expulsion, against the student as deemed appropriate. Any determination as to the appropriate disciplinary action to be taken with regard to a student Respondent shall be made within 10 working days of the Title IX Coordinator/Director of Human Resources completion of the summary of findings.
- i) No later than 5 working days following the determination of appropriate disciplinary action to be taken, a letter shall be issued by the Title IX Coordinator/Director of Human Resources to the Complainant and the Respondent(s) advising them of the findings of the investigation and the disciplinary action to be taken by the College, if necessary. The letters shall be personally delivered or mailed to the last known address of the Complainant and Respondent. For the purposes of establishing receipt by mail, receipt will be assumed to have occurred within 3 working days of the date the letter was mailed.
- j) Recommended disciplinary actions shall be executed within one working day of a Respondent's failure to file a timely notice of appeal as established by this policy.
- k) In the case of appealing student Respondents whose recommended sanction is expulsion, no final action of expulsion shall be executed until completion of the appeal



process where the original recommendation is affirmed. Employee Respondents, whose contracts have not yet expired and are appealing an adverse finding, where dismissal is the recommended sanction, shall not be dismissed until after completion of the appeal process where the original recommendation is affirmed. In those cases, where employee Respondents are at will or have contracts that are non-renewed and expire during the pendency of the appeal process, these employee Respondents will not be retained pending the outcome of the appeal, but may seek to be reinstated where an original adverse finding is reversed. Any such reinstatement will be in the discretion of the College.

### **Appeals:**

The Complainant or Respondent may appeal the findings of a complaint of sexual violence, including, where applicable, the determined disciplinary action or sanction.

- a) Within five (5) working days of receiving such notice of findings and, where applicable, disciplinary action, the Complainant or Respondent may appeal the supervisor's and, or Vice President of Student Services' decision. The appeal shall be in writing and provided to the President of Victoria College, notifying the President of the Complainant's or Respondent's request for a hearing. In those cases where the Respondent is the President, or an employee directly supervised by the President, the Board of Trustees decision as to the President, or the President's decision and adoption of findings as to that employee Respondent, shall be appealed to the Board of Trustees in writing, notifying the Board of Trustees of the Complainant's or Respondent's request for a hearing. The request to the Board of Trustees may be delivered to the Title IX Coordinator/Director of Human Resources for effectuation of service.
- b) Where the President receives the notice, the President will give prompt notice to the Title IX Coordinator/Director of Human Resources that the Complainant or Respondent has taken an appeal to the President. Title IX Coordinator/Director of Human Resources shall promptly forward to the President the complete record of the matter, including the investigative file, findings, and recommendations.
- c) Where the decision is appealed to the Board of Trustees, the Board of Trustees will give prompt notice to the Title IX Coordinator/Director of Human Resources that the Complainant or Respondent has taken an appeal to the Board of Trustees. The Title IX Coordinator/Director of Human Resources shall promptly forward to the Board of Trustees the complete record of the matter, including the investigative file, findings, and recommendations.
- d) Within 10 working days of receipt of the appeal, the President or the Board of Trustees shall appoint an independent arbitrator, licensed to practice law within the State of Texas, to review the case and conduct such hearing as specified herein. The investigative file, findings, recommendations and notices of appeal shall be forwarded to the independent arbitrator.
- e) The hearing shall be held within fifteen (15) working days after appointment of the independent arbitrator, unless the parties mutually agree to a delay for good cause. Notice of the appointment, and the date, time and location of the hearing shall be provided to the Complainant and Respondent by the independent arbitrator.

- f) Documents and identity of witnesses to be relied upon by the Complainant and Respondent(s), during the hearing, shall be provided to the independent arbitrator no later than 10 working days prior to the hearing. The independent arbitrator will forward the documents and list of witnesses of each respective party to the other party on the same day of receipt.
- g) The Complainant and Respondent may each be represented by a person designated in writing to act for them. Notice, at least five (5) working days in advance of the hearing, shall be given by each party intending to be represented, including the name of the representative, to the independent arbitrator in writing.
- h) The hearing shall be conducted privately. Only the independent arbitrator, Complainant, Respondent, their representatives and a testifying witness may be present. Witnesses shall be excluded from the hearing until it is their turn to present evidence. In the event witnesses, the Complainant and, or the Respondent feel uncomfortable being physically present in the room, accommodation shall be provided by allowing the party or witness to participate by video conferencing.
- i) The independent arbitrator shall control the conduct of the hearing, the general order of which shall be as follows:
  - 1) The Complainant or Respondent appealing the matter shall present such proof by documents and witness testimony that the appealing Complainant or Respondent desires to offer to challenge the findings and, or disciplinary action determined by the College through the investigatory process.
  - 2) Upon such offer of proof, the non-appealing Complainant or Respondent, or their representative, may cross-examine any witnesses presented by the appealing party.
  - 3) Once the Complainant or Respondent who appealed the matter has presented his or her witnesses and documentary evidence, the non-appealing Complainant or Respondent may then rebut the appealing party's arguments, documents and testimony through the presentation of witnesses and documentation of their own.
  - 4) Upon such offer of proof on rebuttal, the appealing Complainant or Respondent, or their representative, may cross-examine any witnesses presented by the non-appealing Complainant or Respondent.
  - 5) In the case where either the Complainant or Respondent is providing testimony, only the independent arbitrator may cross-examine and ask additional questions. The representatives for the Complainant or Respondent may provide the independent arbitrator with areas of knowledge or questions they believe relevant to the disposition of the matter.
  - 6) At any time during the examination or cross-examination of any witness, the independent arbitrator may ask his or her own questions in order to obtain additional information he or she believes is relevant to disposition of the case.

7) In those cases where the parties have failed to identify the Title IX Coordinator/Director of Human Resources as a witness, the independent arbitrator may ask that the Title IX Coordinator/Director of Human Resources provide testimony regarding their investigation and findings.

8) Questioning or evidence about the Complainant's sexual history with anyone except the Respondent shall not be permitted.

8) Closing arguments may be made by each party or their representatives.

- j) A transcription of the hearing shall be made.
- k) The independent arbitrator shall render a decision within ten calendar (10) days after completion of the hearing and deliver a copy to the Complainant, Respondent and either the President or Board of Trustees who appointed him or her as independent arbitrator. In rendering his or her decision, the independent arbitrator shall utilize a preponderance of the evidence standard of review, i.e., it shall be determined whether it is more likely than not that sexual violence occurred. The independent arbitrator shall deliver the decision by U.S. Mail and receipt will be assumed to have occurred three working days after the date the decision was mailed.
- l) Within 3 working days of receipt of the independent arbitrator's decision, the Complainant or Respondent may appeal the matter to the Board of Trustees who will schedule the matter for presentation at the next scheduled Board of Trustees meeting. The Board of Trustees shall be provided the record on appeal by the independent arbitrator. The presentations shall be heard in closed session and only the Board of Trustees, their attorney, and the Complainant and the Respondent, as well as their attorneys or representatives shall be present.
- m) The Board of Trustees shall issue its decision no later than 5 working days after presentation of the appeal. The Board's decision shall be final.

**Timely Notice of Appeal:** If at any time during the appeal process the Complainant or Respondent fails to provide timely notice of appeal; the decision of the supervisor, the Vice President of Student Services, or the Board of Trustees shall be final.

**Other Policies Not Applicable:** Unless expressly referenced in this policy, the requirements of any other policy or provision relating to rights or procedures for filing and hearing of a grievance or an appeal, or specifying a time within which a grievance or appeal must be filed or heard, are overruled as inapplicable to sexual violence complaints.

**Extension of Time Limits:** During the pendency of the investigation and appeal process, any party may request an extension of time limits stated herein to deal with emergent exigencies. A request for an extension of time limits shall be submitted to and approved by the College President during the investigation stage, or the independent arbitrator during the appeal stage. If the President is the Respondent, any such request must be made to the Board of Trustees. All parties must be advised of any approved request by the party granting the request.

**Filing Externally:** The Complainant is free to access assistance through appropriate state or federal agencies at any point during a complaint, investigation or appeal process. The Title IX

Coordinator/Director of Human Resources will provide general information on state and federal guidelines and laws, as well as names and addresses of such agencies who can assist with such matters as filing criminal charges and obtaining protective orders.

**Freedom from Reprisal or Retaliation:** Complaints involve sensitive student and personnel matters. All parties involved in a complaint shall take the process seriously and respect the rights of privacy of the Complainant, the Respondent, the reviewer(s), and any witnesses or parties engaged in the complaint process. There will be no retaliation, interference, or harassment toward any party to a complaint. Should a Complainant, Respondent or witness experience any reprisal or retaliation during the pendency of a complaint pursuant to this section, the party should immediately report the retaliatory action to the Title IX Coordinator/Director of Human Resources. The complaint will be investigated and action will be taken pursuant to the complaint, investigation and appeal procedures in the Victoria College Policy Prohibiting Sexual Violence.

### **Victoria College Educational Programs and Resources:**

In addition to assisting students and employees with complaints, the College continues to take steps aimed at reducing or eliminating sexual violence by offering or making available the following resources and educational program to students and employees:

Sexual Violence Awareness Prevention Workshops/Trainings (including rape, acquaintance rape, or other sex offenses, forcible or non-forcible)

Bystander Training

Alcohol and Other Drug Abuse Prevention Workshop/Trainings

Title IX Workshops/Trainings

Students and employees may also obtain written information on the topics listed above, as well as published crime statistics. Students have the opportunity for on-campus confidential counseling, and referral for treatment to off-campus, community-based counseling services.

## **\*Notes / Legend for Crime Statistics Report\***

### Definitions:

"Referrals" - Are violations handled by campus authorities and/or police that do not result in an arrest.

"Public Property" - Includes streets, sidewalks and parking facilities that are adjacent to and accessible from the campus. Local police department statistics are included for these areas.

Reporting period is January 1<sup>st</sup> through December 31<sup>st</sup>.

### **VC Main – Victoria College, 2200 E. Red River, Victoria, Texas**

(Victoria College Police Department – (361)582-2406 and Victoria Police Department – (361)485-3700

### **CVN – Victoria College Cuero Vocational Nursing Program, 103 Hospital Dr., Cuero, Texas**

(Cuero Police Department – (361)275-3552

### **HVN – Victoria College Hallettsville Vocational Nursing Program, 1410 N. Texana, Hallettsville, TX**

(Hallettsville Police Department – (361)798-3683

### **VCGC – Victoria College Gonzales Center, 424 E. Sara DeWitt Dr., Gonzales, Texas**

(Gonzales P.D. – (830)672-8686

### **VCCCC – Victoria College Calhoun County Center, 900 N. Virginia, Port Lavaca, TX**

(Port Lavaca P.D. – (361)552-3788

### **ETC – Victoria College Emerging Technology Center, 7403 Lone Tree Rd., Victoria, TX –**

(361)580-3700

(Victoria College Police Department – (361) 582-2406 and Victoria Police Department – (361)485-3700

**The next five (5) pages contain previous three year crime statistics for Victoria College properties as per Clery Act requirements.**

## Victoria College Department of Police Annual Clery Act Crime Statistics Report

Crimes Reported For: Type of Offense	Location	VC MAIN			CVN			HVN			VCGC			VCCCC			ETC		
		2018	2019	2020	2018	2019	2020	2018	2019	2020	2018	2019	2020	2018	2019	2020	2018	2019	2020
<b>Murder/ Manslaughter</b>	On Campus	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0
	Non-campus	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0
	Public Property	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0
<b>Forcible sex offenses</b>	On Campus	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0
	Non-campus	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0
	Public Property	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0
<b>Non-forcible sex off</b>	On Campus	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0
	Non-campus	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0
	Public Property	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0
<b>Robbery</b>	On Campus	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0
	Non-campus	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0
	Public Property	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0
<b>Aggravated Assault</b>	On Campus	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0
	Non-campus	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0
	Public Property	2	0	1	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0
<b>Burglary</b>	On Campus	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0
	Non-campus	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0
	Public Property	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0
<b>Motor Vehicle Theft</b>	On Campus	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0
	Non-campus	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0
	Public Property	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0
<b>Arson</b>	On Campus	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0
	Non-campus	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0
	Public Property	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0
<b>Negligent Manslaughter</b>	On Campus	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0
	Non-campus	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0
	Public Property	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0

<b>Fondling</b>	On Campus	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0
	Non Campus	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0
	Public Property	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0

<b>Incest</b>	On Campus	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0
	Non Campus	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0
	Public Property	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0

<b>Unfounded Crimes</b>	On Campus	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0
	Non Campus	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0
	Public Property	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0

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**Selected Offenses (Hate Crimes)**

Crimes Reported For:	Location	VC MAIN			CVN			HVN			VCGC			VCCCC			ETC		
		2018	2019	2020	2018	2019	2020	2018	2019	2020	2018	2019	2020	2018	2019	2020	2018	2019	2020
<b>Type of Offense</b>																			
<b>Race</b>	On Campus	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0
	Non-campus	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0
	Public Property	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0
<b>Gender</b>	On Campus	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0
	Non-campus	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0
	Public Property	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0
<b>Religion</b>	On Campus	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0
	Non-campus	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0
	Public Property	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0
<b>Sexual Orientation</b>	On Campus	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0
	Non-campus	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0
	Public Property	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0
<b>Ethnicity</b>	On Campus	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0
	Non-campus	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0
	Public Property	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0
<b>Disability</b>	On Campus	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0
	Non-campus	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0
	Public Property	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0



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Selected Offenses (Violence Against Women Act - VAWA)

Crimes Reported For:	Location	VC MAIN			CVN			HVN			VCGC			VCCCC			ETC		
		2018	2019	2020	2018	2019	2020	2018	2019	2020	2018	2019	2020	2018	2019	2020	2018	2019	2020
<b>Dating Violence</b>	On Campus	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0
	Non Campus	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0
	Public Property	0	0	<b>2</b>	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0
<b>Stalking</b>	On Campus	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0
	Non Campus	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0
	Public Property	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0
<b>Domestic Violence</b>	On Campus	<b>1</b>	0	0	0	0	<b>1</b>	0	0	0	0	0	0	0	0	0	0	0	0
	Non Campus	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0
	Public Property	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0

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Selected Offenses (Arrests/Referrals)

Crimes Reported For:	Location	VC MAIN			CVN			HVN			VCGC			VCCCC			ETC		
Type of Offense		2018	2019	2020	2018	2019	2020	2018	2019	2020	2018	2019	2020	2018	2019	2020	2018	2019	2020
<b>Liquor Law Violations</b>																			
<b>Arrests</b>	On Campus	1	0	1	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0
	Non-Campus	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0
	Public Property	2	0	6	0	0	0	0	0	1	0	0	0	0	0	0	0	0	0
<b>Referrals</b>	On Campus	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0
	Non-Campus	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0
	Public Property	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0
<b>Drug Law Violations</b>																			
<b>Arrests</b>	On Campus	2	0	0	0	0	1	0	0	0	0	0	0	0	0	0	0	0	0
	Non Campus	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0
	Public Property	7	0	9	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0
<b>Referrals</b>	On Campus	0	0	1	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0
	Non-Campus	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0
	Public Property	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0
<b>Weapons Violations</b>																			
<b>Arrests</b>	On Campus	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0
	Non Campus	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0
	Public Property	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0
<b>Referrals</b>	On Campus	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0
	Non Campus	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0
	Public Property	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0