

# RIO GRANDE VALLEY COLLEGE



## **Annual Security Report/ Drug and Alcohol Prevention Program**

## JEANNE CLERY ACT STATISTICS (Crime Statistics for the Past three years)

PRIMARY CRIMES	TOTAL OCCURRENCES					
	On Campus Property			On Public Property		
	2021	2022	2023	2021	2022	2023
Murder and Non-Negligent Manslaughter	0	0	0	0	0	0
Negligent Manslaughter	0	0	0	0	0	0
Rape	0	0	0	0	0	0
Fondling	0	0	0	0	0	0
Incest	0	0	0	0	0	0
Statutory Rape	0	0	0	0	0	0
Robbery	0	0	0	0	0	0
Aggravated Assault	0	0	0	0	0	0
Burglary	0	0	0	0	0	0
Motor vehicle theft	0	0	0	0	0	0
Robbery	0	0	0	0	0	0
Arson	0	0	0	0	0	0

ARREST	TOTAL OCCURRENCES					
	On Campus Property			On Public Property		
	2021	2022	2023	2021	2022	2023
Arrest Related to:						
Drug Abuse Violations	0	0	0	0	0	0
Liquor Law Violations	0	0	0	0	0	0
Weapons: Carrying, possession, etc.	0	0	0	0	0	0

DISCIPLINARY ACTION	TOTAL OCCURRENCES					
	On Campus Property			On Public Property		
	2021	2022	2023	2021	2022	2023
Non-Arrest/Disciplinary						
Drug Abuse Violations	0	0	0	0	0	0
Liquor Law Violations	0	0	0	0	0	0
Weapons: Carrying, possession, etc.	0	0	0	0	0	0

### VIOLENCE AGAINST WOMEN OFFENSES (VAWA)

TYPE OF VIOLENCE	TOTAL OCCURRENCES					
	On Campus Property			On Public Property		
	2021	2022	2023	2021	2022	2023
Domestic Violence	0	0	0	0	0	0
Dating Violence	0	0	0	0	0	0
Stalking	0	0	0	0	0	0

**\*On March 7, 2013, President Obama signed the Violence Against Women Reauthorization Act of 2013 (VAWA) (Pub. Law 113-4). The HEA defines the new crime categories of domestic violence, dating, violence, and stalking in accordance with section 40002(s) of the Violence Against Women Act of 1994.**

### HATE CRIMES

Hate Crime Occurrences	Total by Year			Category of Bias for Crimes Reported in 2023							
	2021	2022	2023	Race	Religion	Sexual Orientation	Gender	Gender Identity	Disability	Ethnicity	National origin
Murder/Non-negligent manslaughter	0	0	0	0	0	0	0	0	0	0	0
Rape	0	0	0	0	0	0	0	0	0	0	0
Fondling	0	0	0	0	0	0	0	0	0	0	0

Hate Crime Occurrences	Total by Year			Category of Bias for Crimes Reported in 2023							
	2021	2022	2023	Race	Religion	Sexual Orientation	Gender	Gender Identity	Disability	Ethnicity	National origin
Incest	0	0	0	0	0	0	0	0	0	0	0
Statutory rape	0	0	0	0	0	0	0	0	0	0	0
Aggravated assault	0	0	0	0	0	0	0	0	0	0	0
Burglary	0	0	0	0	0	0	0	0	0	0	0
Motor vehicle theft	0	0	0	0	0	0	0	0	0	0	0
Arson	0	0	0	0	0	0	0	0	0	0	0
Simple assault	0	0	0	0	0	0	0	0	0	0	0
Larceny-theft	0	0	0	0	0	0	0	0	0	0	0
Intimidation	0	0	0	0	0	0	0	0	0	0	0
Destruction/damage/ vandalism of property	0	0	0	0	0	0	0	0	0	0	0

## Campus Security Crime Prevention Information

The Jeanne Clery Act requires that all institutions of higher education to publish an annual report of security policies and crime statistics. Information contained in this report was also solicited from the local police department for the purpose of identifying crimes that occurred on the city streets and property adjacent to Rio Grande Valley College. The school prepares this report to comply with the Jeanne Clery Disclosure of Campus Security Policy and Crime Statistics Act (Clery Act). This report is prepared in cooperation with local law enforcement agencies. Nothing in the law shall be construed to permit a school to intimidate, threaten, coerce, or otherwise discriminate against any individual with respect to the implementation of the Clery Act.

This report is made available to all employees, current and prospective students on the institute's website [www.rgvcollege.edu](http://www.rgvcollege.edu) for a printed copy of this report visit with the Director of Compliance. The annual report is published by October 1<sup>st</sup> of each year and must contain certain crime statistics for the most recent year reporting period. In addition to the report Rio Grande Valley College reports its crime statistics to the Department of Education.

RGV College policies and procedures have been in force to comply with The Violence Against Women Act (VAWA) in compliance with the requirements set forth by The Violence Against Women Act (VAWA) of 1994, and its reauthorization in 2000, 2005, 2013, and signed into law in 2022 as part of the Omnibus appropriations package.

The Consumer Information is a Guide that provides updates on specific policies. These policies are made available to new employees and to students upon enrolling. Training is provided to current employees on an ongoing, yearly basis. Resources and contact information for organization that provide professional assistance are provided throughout this section of the Consumer Information Guide.

Our school attempts to provide students and employees with a safe and secure environment in which to study and work. The school is open during posted hours. School facilities are secured during times the school is not open.

### Personal Safety

Only students, employees and other parties having business with this institution should be on institutional property. Staff, faculty, students, and prospective students or any person entering the premises must have and display at all times a security identification badge. Those without an identification badge must sign in at the entrance and identify their purpose of visit, the person to be visited and register their time in and out of the building. The visitor must also wear a visitor's badge while on campus. All rear access doors leading to the campus are closed and locked during evening hours starting at 5:00 p.m. When the school closes for the night, the school's official or supervisor will inspect each floor to see that it is empty and then set the alarms on each floor and then lock down the campus. Other individuals present on institutional property at any time without the express permission of the appropriate institutional official(s) shall be viewed as trespassing and may as such be subject to a fine and/or arrest. In addition, students and employees present on institutional property during periods of non-



Rio Grande Valley College has two security personnel who report to the Campus Security Supervisor. Any crimes or incidents reported to the Campus Security Supervisor are documented in a Daily Crime Log and if necessary an Incident Report will be done. Any documented incidents or crimes committed are reported to the Campus Security Officer who in turn reports to the Director of Compliance for reporting purposes on an annual report to the US Department of Education. Updated stats are updated and disseminated to all students, faculty, and staff every 1<sup>st</sup> of October of each year. This information is also updated on the institute's website [www.rgvcollege.edu](http://www.rgvcollege.edu).

Campus Security Personnel have no powers of arrest other than the Citizens Arrest Law, and are required in the event of a crime or emergency to call the correct agency or dial (911) for the police and emergency services. The Citizens Arrest Law will be invoked only as a last resort, and after all other possibilities have been explored.

Employees shall contact their immediate or nearest ranking supervisor to report any criminal action or emergency to the appropriate agency by calling (911). If possible, the Campus Security Personnel shall attempt to non-violently deal with the crime or emergency with the appropriate agency on campus. Individual discretion must be used, as undue risk should not be taken.

The institute currently has no procedures for encouraging or facilitating pastoral or professional counseling (mental health or otherwise), other than the student or employee is encouraged to seek such aid.

The school works with local law enforcement agencies and refers criminal incidents to the Pharr Police Department.

The school does not have a written agreement with state or local law enforcement agencies to investigate alleged criminal offenses.

The CSO will work with local law enforcement, as appropriate, when a crime is reported. Crimes reported to the CSO are included in the annual campus crime statistics. In addition, the school requests from the local Police Department crime information not reported to the College President's Office that is appropriate for inclusion in the annual campus crime statistics. Further, if circumstances warrant, the school community will be notified in an on-going threat is posed related to a reported crime.

If you are the victim of a crime and do not want to pursue action through the school or the criminal justice system, you may still consider making a confidential report. The purpose of a confidential report is to comply with your wish to keep the matter confidential, while taking steps to ensure the future safety of yourself and others. Reports filed in this manner are included in the annual crime statistics for the school.

The school does not tolerate violence or other threatening conduct against any members of the school community. This includes criminal acts against persons or property, as well as harassment based on sex, race, ethnicity, or disability. The school will impose strict disciplinary actions and appropriately involve law enforcement officials should any acts of violence or threatening conduct occur on school facilities or at school-sponsored events. This includes acts of violence against women.

In addition to any criminal sanctions, school will impose appropriate disciplinary sanctions if the offender is a student or employee of the school. The College President's Office should be contacted should one wish to file a complaint. Also, note that, in cases of sexual assault complaints:

- Both the accuser and the accused are entitled to the same opportunities to have others present during the disciplinary hearing and
- Both the accuser and the accused shall be informed of the outcome of any disciplinary proceeding based on an allegation of sexual assault.

The school will work with the victim, should it be requested, in making such changes as can reasonably be accommodated relative to the student's academic and living situations.

# Emergency Response and Evacuation Procedures

In the event of emergencies such as health-related, threat, fire, explosion, chemical release or other related threats, the Campus Security Personnel at **RGV College** will issue an alert in a timely manner to the school community via the school emergency notification system. The Campus Security Personnel is also responsible for communicating with the local police department, ambulance, fire fighters and other response agencies by dialing **911**. Campus safety alerts can be distributed in various ways, as deemed appropriate for the situation. Most commonly, upon the confirmation of a significant emergency or dangerous situation involving an immediate threat to the health or safety of students, faculty and staff, an announcement will be sent to the school community in multi modal format (Intercom Phone System) with the

## Emergency Response Codes.

In the event of an actual or threatened safety or security incident, it is imperative that students, faculty and staff stay calm, maintain control and strive for their safety and that of other fellow students, faculty and staff.

The following **Emergency Response Codes** will be utilized at Rio Grande Valley College:

Emergency Codes	
<b>Aqua- Flood</b>	<b>Orange- External disaster</b>
<b>Black- Bomb threat/ suspicious object</b>	<b>Purple- Hostage taking</b>
<b>Blue- Cardiac arrest/ medical emergency</b>	<b>Red- Fire/ smoke</b>
<b>Brown- Hazardous spill</b>	<b>Silver- Shooting incident/ active shooter</b>
<b>Green- Evacuation</b>	<b>White- Violent situation</b>
<b>Gray- Infrastructure loss or failure</b>	<b>Yellow- Missing/ abducted person</b>

Document the exact words of the caller. Notify the Campus Security Personnel immediately.

**Emergency Response Codes will be issued to employees and students with ID badges.**

**Fire safety** protocols will be utilized to prevent endangerment of all employees and students.

### 1) R.A.C.E. Drill

- a) All students, faculty and staff should:
  - 1) be familiar with the Fire Plan and know the location of the closest fire extinguisher;
  - 2) Always remain calm;
  - 3) If you do discover a fire, utilize the R.A.C.E. Drill.  
**Rescue** – Move any visitor/student in immediate danger to the nearest safe location  
**Alarm** – Activate the nearest fire pull alarm station  
**Contain** – Confine the fire (close door of affected room/area)  
**Extinguish/Evacuate** – If a fire is small and confined to its area of origin, extinguish it.
- b) In the case of a fire in the facility, the person who finds the fire will follow the R.A.C.E and P.A.S.S. process and either call 911-Fire Department or call the receptionist to make the call.
- c) Always remain calm
- d) Ensure electrical equipment is operating correctly. An electrical spark could cause a fire.
- e) Smoking is not permitted within the school.
- f) All employees have a shared responsibility to politely inform any visitors seen smoking inside the school of our non-smoking policy.
- g) Report all fires, no matter how small.

### 2) P.A.S.S. Drill

- a) Rio Grande Valley College advocates the use of the P.A.S.S. fire extinguisher.

- b) If you discover a fire, use the P.A.S.S. Drill.
- P** Pull the pin between the two hands
  - A** Aim the nozzle at the base of the fire
  - S** Squeeze the handles together
  - S** Sweep from side-to-side

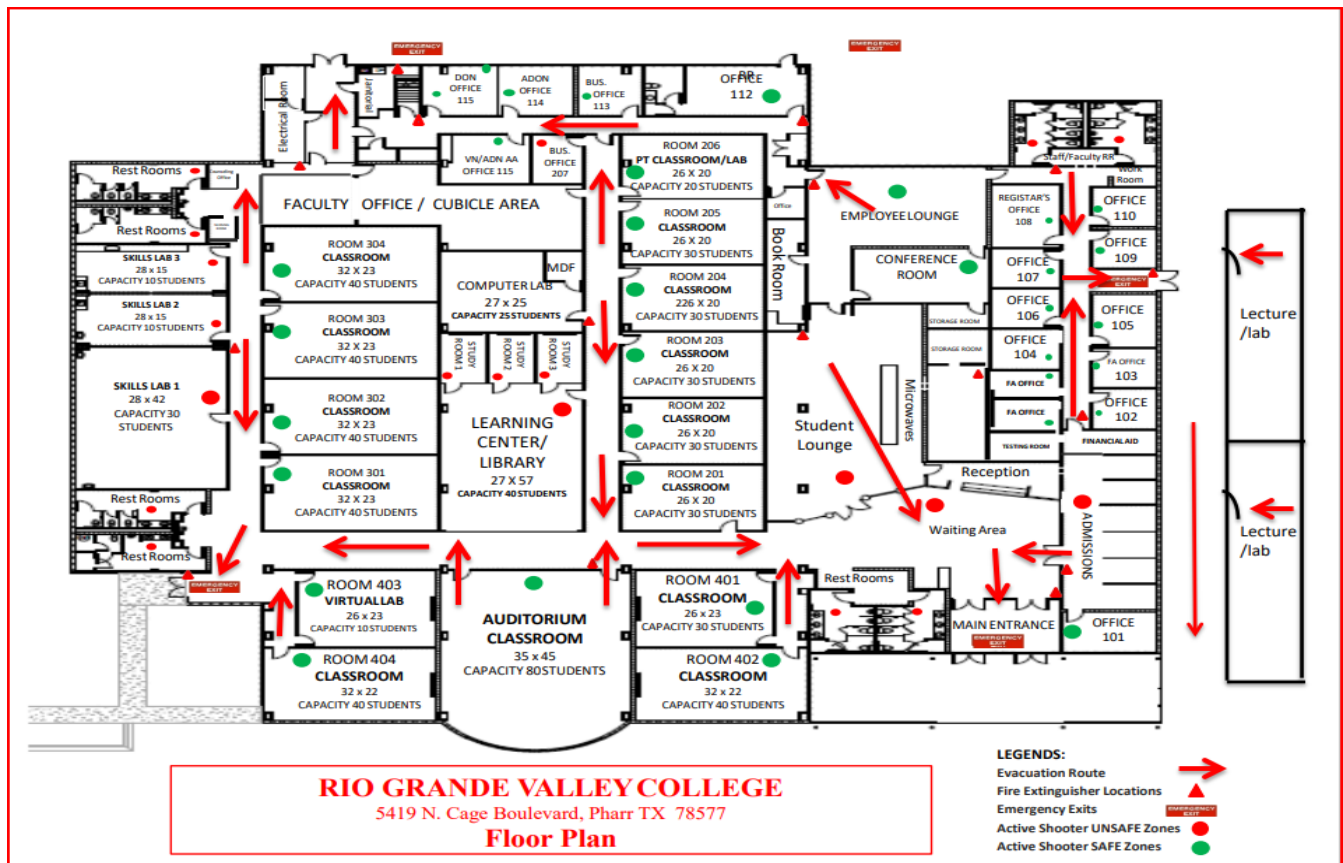
**Drill explanations will be placed on employees and students ID badges for quick reference.**

The Campus Security Supervisor will be the designated person to the following responsibilities:

- ✓ Obtain contact information of nearest relative for victim to notify them of the situation,
- ✓ Insure that all firefighting equipment is inspected on a regular basis to insure that the equipment is serviceable and ready for use,
- ✓ Insuring that first aid supplies are well stocked and available;
- ✓ Provide training to all students and employees on reporting emergency procedures
- ✓ Location and the use firefighting equipment;
- ✓ Evacuation procedures

The Campus Security Supervisor is responsible for annual review of the existing Emergency Response program to determine areas of needed improvement. This review must be documented and any changes noted will be updated on the written program. Plan updates can be made as a result of drills and tests indicating deficiencies in the program.

### 3) Evacuation Route Map of RGV College



## Sexual Assault and Related Crimes

In the event of a sexual assault or domestic violence, please be aware of the following:

- It is important to preserve any evidence of the assault (do not drink, bathe, change clothing, or comb hair, as this may destroy evidence that may be needed to prosecute the offender)
- Go to a place where it is safe from further attack and notify the police
- Obtain immediate medical attention
- Seek professional counseling

Sexual assaults (criminal offenses) on campus will be reported immediately to the Campus Security Supervisor, who will report it to (911) emergency and police units. The person who was victimized will be encouraged to seek counseling at a rape crisis center and to maintain all physical evidence until such a time as that person can be properly transported to a hospital or rape crisis center for proper treatment. This institution has zero tolerance of such assault; the violation of this policy by students or employees may result in expulsion, termination and/or arrests, while investigations are being followed. Victims of sexual assault also have the option of notifying local law enforcement. In addition, the school will provide information on off-campus agencies that provide services to victims of a sex offense. Local or state organizations that provide services to victims of sex offenses include:

- [www.city-data.com/so/Texas.html](http://www.city-data.com/so/Texas.html)
- <https://records.txdps.state.tx.us/DpsWebsite/index.aspx>
- [www.homefacts.com/offenders/Texas.html](http://www.homefacts.com/offenders/Texas.html)

The school encourages students and employees to take advantage of the materials and programs that promote awareness of rape, acquaintance rape, and other forcible and non-forcible sex offenses available through the school and/or local community agencies. Information about such materials and programs is available in our informational boards located in the student lounge and resource center.

## Registered Sex Offenders

The Jacob Wetterling Act requires states to obtain information concerning registered sex offenders' enrollment or employment at institutions of higher education. Those seeking to obtain information about registered sex offenders should visit the following website: <https://www.nsopw.gov/en-US/Search> Further, to the extent the State notifies an educational institution of information concerning registered sex offenders, the Family Educational Rights and Privacy Act (FERPA) does not prevent educational institutions from disclosing such information.

As per of the Crime Control and Law Enforcement Act of 1994, the institution is required to make the following link: <http://www.homefacts.com/offenders/Texas/Hidalgo-County.html> available to the campus community where information can be accessed regarding sex offenders.

Students and employees should refer the following person or agency when reporting or seeking help on a criminal incident. Please note that any emergency that requires immediate attention should not be waited upon on to report to the Campus Security Supervisor but rather contact the appropriate agency by calling (911).

<b>Campus Security Supervisor</b>	Rene Mendoza, Human Resource	956-781-6800
<b>Campus Security Officer</b>	Henry Lee, Director of Security	956-781-6800

## Violence Against Women Reauthorization Act (VAWA)

In compliance with the requirements set forth by The Violence Against Women Act (VAWA) of 1994, and its reauthorization in 2000, 2005, 2013, and signed into law in 2022 as part of the Omnibus appropriations package we are providing you with information of Rio Grande Valley College Violence Against Women Act policies and procedures.



This information is to provide Prevention and Awareness to Violence Against Women. This information applies to employees and incoming students. Please read over these policies carefully.

If you have any question or concerns about these policies, or if you would like to provide additional input, please contact the CEO/College President or the Director of Compliance.

RGV Career's goal is to reduce risk, by providing annual awareness of VAWA, providing you a safe working and learning environment. We hope that these policies will work towards that goal.

In 1994 Congress passed the Violence Against Women Act (VAWA) in recognition of the severity of crimes associated with domestic violence, sexual assault, and stalking. This Act emerged from the efforts of a broad, grassroots coalition of advocates and survivors who informed the work of Congress. In the two decades prior to VAWA, a movement had grown within the US to respond appropriately to violent crimes or offenses against women. Rape crisis centers and women's shelters were established in localities, state and local laws have changed. However, the progress had been uneven around the country. VAWA was born out of the need for a national solution. This Act enhances the investigation and prosecution of violent crimes against women.

Created in 1995, OVW (Office of Violence Against Women) administers financial and technical assistance to communities across the county that are developing programs, policies and practices aimed at ending domestic violence, dating violence, sexual assault and stalking.

Currently, OVW administers four formula-based and 20 discretionary grant program, established under VAWA and subsequent legislation. The four formula programs include STOP (Services, Training, Officers, Prosecutors), SASP (Sexual Assault Services Program), State Coalitions and Tribal Coalitions. The 20 discretionary programs work to support victims and hold perpetrators accountable through promoting and coordinated community response. Funding is provided to local and state and tribal governments, courts, non-profit organizations, community-based organizations, secondary schools, institutions of higher education and state and tribal coalitions. These entities work toward developing more effective responses to violence against women through activities that include direct services, crisis intervention, transitional housing, legal assistance to victims, court improvement and training for law enforcement and courts. They also work with specific populations such as elder victims, or persons with disabilities, college students, teens, culturally and linguistically specific populations. Additionally as funding allows, OVW funds special initiatives in responses to areas of special need. These initiatives dedicate resources to develop enhancement in challenging areas. They enable OVW to explore innovations in the violence against women field and share knowledge that can be replicated nationwide.

Since its inception, OVW has awarded over \$6 billion in grants and cooperative agreement, and has launched a multifaceted approach to implementing VAWA. By forgoing state, local and tribal partnerships among police, prosecutors, judges, victim advocates, health care providers, faith leaders, and other, OVW grant programs help provide victims with the protection and services they need to pursue safe and healthy lives while simultaneously enabling communities to hold offenders accountable for their violence. For more information on the Office of Violence Against Women (OVW), visit their website at <http://www.justice.gov/ovw/about-office>

## **Reporting Crime Confidentially**

Victims and/or witnesses are encouraged to speak to any staff member pertaining to incidents or potential incidents of violence/crime against women that may have occurred within or out of the school premises. Reporting of such crime is kept confidential and the school treats all reported incidents without bias towards persona involved. The names are not disclosed in the school's Annual Report Statistics disclosure, yet the reported crime will be a part of the school's Daily Incident Log records. The Daily Incident Log includes the date, time, location, incident reported and disposition of incident and the name of the person who took the report. This report must be documented within two (2) business days after it is reported to the school's official, unless that disclosure is prohibited by law, would endanger the confidentiality of the victim. Victims and/or witnesses are encouraged to promptly report the incident to **911** or local authorities.

## VAWA Definitions

1. “Domestic violence” means a “felony or misdemeanor crime of violence committed by –
  - A current or former spouse or intimate partner of the victim,
  - A person with whom the victim shares a child in common,
  - A person who is cohabitating with or has cohabitated with the victim as a spouse or intimate partner,
  - A person similarly situated to a spouse of the victim under the domestic or family violence laws of the jurisdiction receiving grant monies {under the VAWA},
  - Any other person against an adult or youth victim who is protected from the person’s acts under the domestic or family violence laws of the jurisdiction”
2. “Dating violence” means – violence committed by a person –
  - Who is or has been in a social relationship of a romantic or intimate nature with the victim; and
  - Where the existence of such a relationship shall be determined based on a consideration of the following factors:
    - a) The length of the relationship;
    - b) The type of the relationship; and
    - c) The frequency of interactions between the person involved in the relationship.”
3. “Stalking” means “engaging in a course of conduct directed at a specific person that would cause a reasonable person to –
  - Fear for his or her safety or the safety of others; or
  - Suffer substantial emotional distress.”

**If you believe you are a victim of any of these situations, you can and should seek out help and assistance from the following agencies:**

Office Responsible to provide a copy of the Campus Security information	Contact Person/Agencies
Who to contact to report an incident at the Institution	Dr. Annabelle Palomo Rodriguez, CEO/Owner
<b>Pharr Police Department</b>	1900 South Cage Blvd, Pharr, TX 78577 Phone: 956-402-4700 Fax: 956-781-9163
<b>Mujeres Unidas (Hidalgo County)</b>	National Hotline Number (24 Hour Hotline) 956-630-HURT (4878) 1-800-799-SAFE (7233) 1-800-787-3224 (ITTY) www.mujeresunidas.org
<b>Friendship of Women, Inc. (Cameron County)</b>	956-544-7412 (Crisis Hotline) 95 East Price Road, Brownsville TX 78521
<b>Family Crisis Center, Inc.</b>	1-866-423-9304 (24 Hour Hotline) 616 W. Taylor, Harlingen TX 78550 956-423-9304

### Texas Council on Family Violence

The Texas Council on Family Violence serves three main functions: to provide support to service providers, to advocate on behalf of domestic violence victims to the state government and to develop and implement prevention programs focused at ending domestic violence at its root causes.

Learn more about these three areas of focus, please visit the individual team by visiting their website at [www.tcfv.org/our-work](http://www.tcfv.org/our-work)

Our work would not be possible without the support of Texas communities, our allies in the domestic violence movement, law enforcement and legal advocates. TCFV aims to provide the most current and comprehensive information on domestic violence to programs, law enforcement, community members and educators.

Texas Council on Family Violence  
P O Box 163865  
Austin TX 78716

### **Texas Association Against Sexual Assault (TAASA)**

The Texas Association Against Sexual Assault is committed to ending sexual violence in Texas through education, prevention and advocacy. In the meantime, we desire to support survivors on their paths to hope, healing and justice. TAASA is the voice of the sexual assault movement in Texas. We are a unifying force bringing together parties involved in and affected by sexual assault as a catalyst for change. For more information visit their website at <http://taasa.org>

Texas Association Against Sexual Assault  
6200 La Calma Drive Suite 110, Austin TX 78752  
Phone: 512-474-7190  
Fax: 512-474-6490  
Hours: Monday thru Friday, 8:00 am – 5:00 pm  
For victim's assistance, please call 888-343-4414 or visit <http://www.hopelaws.org>

### **Reporting “Unfounded” Crimes to the Annual Report Statistics**

When there is no truth to the report, RGV College does not have to report it on its Annual Statistics Report, due to lack of reason or fact. If a complaint is reported, but the victim does not cooperate with school officials nor with local authorities, the investigation may be closed and considered unfounded, due to lack of support of the reported crime.

### **Updated-Definition of “Rape” as per FBI**

The new definition is more inclusive, better reflects state criminal codes and focuses on the various forms of sexual penetration understood to be rape.

The revised definition of rape is: 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. Attempts or assaults to commit rape are also included; however, statutory rape and incest are excluded.

The revised definition includes any gender of victim or perpetrator, and includes instances in which the victim is incapable of giving consent because of temporary or permanent mental or physical incapacity, including due to the influence of drugs or alcohol or because of age. The ability of the victim to give consent must be determined in accordance with state statute. Physical resistance from the victim is not required to demonstrate lack of consent. The new definition does not change federal or state criminal codes or impact charging and prosecution on the local level.

### **Bystander Intervention**

People have a responsibility not to sexually assault other people. That is absolutely certain. At the same time, as bystanders, we have a responsibility to intervene when we can in order to help de-escalate potentially violent situations. It can be an overwhelming feeling to have this responsibility. But as we make strides to teach everyone (not just men) not to rape, we have to be ok with this extra responsibility for now. In spite of (and because of) what others do, we have a responsibility to look out for others and intervene when appropriate and possible. To that end, bystander intervention is a powerful tool that empowers whole communities to help end sexual violence. RGV College encourages bystanders to intervene whenever safety possible. **Safety and reducing crime is part of everyone's duty.**

### **Sexual Harassment**

Sexual harassment is bullying or coercion of a sexual nature, or the unwelcome or inappropriate promise of rewards in exchange for sexual favors. In most modern legal contexts, sexual harassment is illegal. As defined by the US Equal Employment Opportunity Commission (EEOC), “It is unlawful to harass a person (an applicant or employee) because of that person's sex”. Harassment can include “sexual harassment” or unwelcome sexual advances, requests for sexual favors, and other verbal or physical harassment of a sexual nature. The legal definition of sexual harassment varies by jurisdiction.

Where laws surrounding sexual harassment exist, they generally do not prohibit simple teasing, offhand comments, or minor isolated incidents. In the workplace, harassment may be considered illegal when it is so frequent or severe that it creates a

hostile or offensive work environment or when it result in an adverse employment decision (such as the victim being fired or demoted, or when the victim decides to quit the job). The legal and social understanding of sexual harassment, however, varies by culture.

In the context of US employment, the harasser can be the victim's supervisor, a supervisor in another area, a co-worker, or someone who is not an employee of the employer, such as a client or customer, and harassers or victims can be of any sex or gender.

It includes a range of actions from mild transgressions to sexual abuse or sexual assault. Sexual harassment is a form of illegal employment discrimination in many countries, and is a form of abuse (sexual and psychological) and bullying. For many businesses and other organization, preventing sexual harassment, and defending employees from sexual harassment charges, has become key goals of legal decision-making.

Reference: [https://en.wikipedia.org/wiki/Sexual\\_harassment](https://en.wikipedia.org/wiki/Sexual_harassment)

**If you need immediate support, you can contact your local RAINN affiliate at any time, 24/7 by calling the National Sexual Assault Hotline at 800-656-HOPE (4673)**

## **Sexual Assault**

Sexual assault is any involuntary sexual act in which a person is coerced or physically forced to engage against their will, or any non-consensual sexual touching of a person. Sexual assault is a form of sexual violence, and it includes rape (such as forced vaginal, anal or oral penetration or drug facilitated sexual assault), groping, forced kissing, child sexual abuse, or the torture of the person in a sexual manner.

In legal term, sexual assault is a statutory offense in various jurisdictions, including the United States, Canada, England and Wales, Ireland, and Scotland. The legal definition of the crime of sexual assault is determined by each jurisdiction. Specific legal jurisdictions and research often use highly technical or detained definition of the term. In some places, such as New South Wales, the crime of sexual assault has replaced the traditional crime of rape and is being defined as non-consensual penetrative sex. By contract, in other jurisdictions, the crime deals with non-penetrative sexual contact.

Reference: [https://en.wikipedia.org/wiki/Sexual\\_assault](https://en.wikipedia.org/wiki/Sexual_assault)

**If you need immediate support, you can contact your local RAINN affiliate at any time, 24/7 by calling the National Sexual Assault Hotline at 800-656-HOPE (4673)**

**Penalties** – A sexual assault is typically a second degree felony. This carries a sentence of two to twenty years in a state prison and/or a fine of up to \$10,000. However, this crime may be elevated to a first degree felony if the victim was a person who the defendant was prohibited from marrying or was prohibited from living under the appearance of being married to the victim. A first degree felony in Texas is punishable by five to ninety-nine years in a state prison and/or a fine of up to \$10,000.

## **Domestic Violence**

**Domestic violence** (also **domestic abuse**, **spousal abuse**, **intimate partner violence**, **battering**, or **family violence**) is a pattern of behavior which involves [violence](#) or other [abuse](#) by one person against another in a domestic setting, such as in [marriage](#) or [cohabitation](#). [Intimate partner violence](#) (IPV) is violence by a [spouse](#) or partner in an [intimate relationship](#) against the other spouse or partner. Domestic violence can take place in [heterosexual](#) and [same-sex](#) family relationships, and can involve violence against children in the family or, in some U.S. states, violence against a roommate. It also includes violence committed by children toward either parent and other [siblings](#).

Domestic violence can take a number of forms, including [physical](#), [verbal](#), [emotional](#), [economic](#), [religious](#), and [sexual abuse](#), which can range from subtle, coercive forms to [marital rape](#) and to violent physical abuse such as [female genital mutilation](#) and [acid throwing](#) that results in [disfigurement](#) or death. Domestic murders include [stoning](#), [bride burning](#), [honor killings](#), and [dowry deaths](#).

Domestic violence affects men, women, and children. In the United States, 35.6% of women and 28.5% of men have experienced some form of domestic violence (including rape, physical violence, or stalking) by an intimate partner in their lifetime. Globally, however, a wife or female partner is more commonly the victim of such violence. In some countries, particularly where there has been actual, or suspected [infidelity](#) by female partners, wife-beating is seen as justified by the majority of the population, and may be codified into law. Recent research has also shown there to be a direct and significant [correlation](#) between a country's level of [gender equality](#), and actual rates of domestic violence. Both partners may also engage in abusive or violent behavior, or the victim may act in self-defense or retaliation. Whereas women who experience domestic violence, at least in the developed world, are often openly encouraged to report it to the authorities, it has been argued that [domestic violence against men](#) is most often unreported because of social norms and pressure against such reporting; those that do often face [social stigma](#) regarding their perceived lack of [machismo](#) and other denigrations of their [masculinity](#).

Domestic violence occurs when the abuser believes that abuse is acceptable, justified, or unlikely to be reported. It may produce [intergenerational cycles of abuse](#) in children and other family members, who may feel that such violence is acceptable or condoned. Awareness, perception, definition and documentation of domestic violence differs widely from country to country. In abusive relationships, there may be a [cycle of abuse](#) during which tensions rise and an act of violence is committed, followed by a period of reconciliation and calm. Victims of domestic violence may be trapped in domestic violent situations through isolation, [power and control](#), cultural acceptance, lack of financial resources, [fear](#), [shame](#), or to protect children. As a result of abuse, victims may experience physical disabilities, chronic health problems, mental illness, limited finances, and poor ability to create healthy relationships. Victims may experience psychological problems, such as [post-traumatic stress disorder](#). Children who live in a household with violence often show psychological problems from an early age, such as dysregulated aggression which may later contribute to continuing the legacy of abuse when they reach adulthood. Domestic violence often happens in the context of [forced](#) or [child marriage](#).

Reference: [https://en.wikipedia.org/wiki/domestic\\_violence](https://en.wikipedia.org/wiki/domestic_violence)

**Need Help?**

**Here's Who  
To Call or Email...**



**The National Domestic Violence**

**1-800-799-SAFE (7233) HOTLINE (24/7)**

**1-800-787-3224 (TTY)**

**All calls are anonymous and confidential.**

Reference: [https://en.wikipedia.org/wiki/Sexual\\_assault](https://en.wikipedia.org/wiki/Sexual_assault)

**Penalties** – Domestic violence crimes are punishable in Texas as follow:

Class A misdemeanor – up to one year in jail or a fine up to \$4,000 or both

3<sup>rd</sup> degree felony – from 2 to 10 years in prison and a fine up to \$10,000

2<sup>nd</sup> degree felony – from 2 to 20 years in prison and a fine of up to \$10,000 and

1<sup>st</sup> degree felony – from 5 to 99 years in prison and a fine up to \$10,000

## **Dating Violence**

Dating violence is a controlling, abusive and aggressive behavior in a romantic relationship. It can happen in straight or gay relationships. It can include verbal, emotional, physical and sexual abuse or a combination.

Anyone can be a victim of dating violence (boys and girls). Abuse between partners (boys and girls) can happen in different ways. Girls are more likely to yell, threaten to hurt themselves, pinch, slap, scratch or kick. Boys injure girls more and are more likely to punch their partner and force them to participate in unwanted sexual activity. Some teen victims experience physical violence only occasionally; other, more often.

**Controlling behavior may include:**

- ❖ The date has tried to keep him/her from seeing friends.
- ❖ He/she is restricted from contacting his/her family

- ❖ He/she is even forced to choose between the date and his/her family and friends.
- ❖ The date insists on knowing where he/she is at all times and demands that he/she justify everything he/she does.
- ❖ The date will be furious if he/she spoke with another man/woman.
- ❖ The date expects him/her to ask permission before seeking health care for himself/herself.
- ❖ The date dictates what he/she wears and how he/she appears in public.

**Type of abuse may include:**

*Emotional abuse*

- ❖ He/she is afraid of his/her date
- ❖ He/she is afraid of making the date angry and is unable to even disagree with the date.
- ❖ His/her date has publicly embarrassed and humiliated him/her.
- ❖ Calling you names
- ❖ Jealousy

*Psychological abuse*

- ❖ The date threatens to use violence against you, someone in your family, or against himself/herself if you don't do what he/she wants. (e.g., "If you leave me, I will kill myself".)

*Sexual abuse*

- ❖ The date forces his/her partner to have sex with him/her.
- ❖ He/she is afraid to say 'no' to the date's demand for a sexual act from him/her.
- ❖ The date does not respect him/her but is only interested in gratifying his/her own sexual needs.
- ❖ The date does not care about the consequences of the sexual act or how his/her partner feels about it.

*Physical abuse*

- ❖ He/she was subjected to some physical attacks by his/her partner
- ❖ The date has held him/her down, pushed him/her, or even punched, kicked or threw things at him/her.
- ❖ Hair pulling, shoving, slapping or strangling.

**If you are victim of Dating Violence, you might:**

- ❖ Thinks it's your fault
- ❖ Feel angry, sad, lonely, depressed or confused
- ❖ Feel helpless to stop the abuse
- ❖ Feel threatened or humiliated
- ❖ Feel anxious
- ❖ Not know what might happen next
- ❖ Feel like you can't talk to family and friends
- ❖ Be afraid of getting hurt more seriously
- ❖ Feel protective of your boyfriend or girlfriend

Reference: [https://en.wikipedia.org/wiki/dating\\_abuse](https://en.wikipedia.org/wiki/dating_abuse)

**Need Help?**

**Here's Who  
To Call or Email...**



**1-800-273-TALK (8255) Available 24/7**

**1-888-628-9454 (Spanish)**

**1-800-799-4889 (TTY)**

**Penalties** – Domestic violence crimes are punishable in Texas as follow:

Class A misdemeanor – up to one year in jail or a fine up to \$4,000 or both

3<sup>rd</sup> degree felony – from 2 to 10 years in prison and a fine up to \$10,000

2<sup>nd</sup> degree felony – from 2 to 20 years in prison and a fine of up to \$10,000 and

1<sup>st</sup> degree felony – from 5 to 99 years in prison and a fine up to \$10,000

## Stalking

Legal definitions for stalking differ from one jurisdiction to another; a good working definition of stalking is **a course of conduct directed at a specific person that would cause a reasonable person to feel fear.**

Stalking is serious, often violent and can escalate over time. Stalking occurrences of two or more instances are considered reportable.

A stalker can be someone you know well or not at all. Most have dated or been involved with the people they stalk. Most stalking cases involve men stalking women, but men do stalk men, women do stalk women and women do stalk men.

### How do I know if I'm being stalked?



The stalker may, on more than one occasion:

1. Follow the victim and/or victim's family or household members, or
2. Vandalize the victim's property, or
3. Inflict damage to property--perhaps by vandalizing the car, harming a pet or breaking windows at the victim's home, or
4. Make threatening calls or send unwanted gifts, letters, cards, e-mails or threatening mail, or
5. Drive by, or park near the victim's school, home, office, and other places familiar to the victim, or
6. Monitor your phone calls or computer use, or
7. Use technology, like hidden cameras or GPS to track where you go, or
8. Threaten to hurt you, your family, friends, or pets, or
9. Find out about you by using public records or online search services, hiring investigators, going through your garbage or contacting your friends, family, neighbors, or co-workers, or
10. Posting information or spreading rumors about you in social media, public places or by word of mouth, or
11. Other actions that may make you feel controlled, tracked or frightened.

**You are not to blame for a stalker's behavior.**

References:

<https://www.victimsofcrime.org/our-programs/stalking-resource-center>

<https://www.texasattorneygeneral.gov/cvs/information-on-stalking>

<http://www.safehorizon.org/page/stalking-12.html>

**Need Help?**

**Here's Who  
To Call or Email...**



**Crime Victims Hotline:**

**1-866-689-HELP (4357)**

**Penalties** – Stalking is treated as a 3<sup>rd</sup> degree felony, which means that it is often punishable with a prison sentence. If convicted of another charge of stalking, it is considered to be a 2<sup>nd</sup> degree felony.

## Hate Crimes

Hate crimes are those crimes that manifest evidence that the victim was intentionally selected because of the perpetrator's bias. There are six types of bias categories: race, religion, sexual orientation, gender, gender identity, disability, ethnicity and national origin.

Below is a table that outlines all hate crime statistics for the past three years. Additionally, hate crimes statistics are also reported separately for the following offenses: larceny-theft, simple assault, intimidation and destruction/damage/vandalism of property.

## Safety Precautions

The following suggestions are examples of things you can do to lessen your risk of being a victim of a violent crime.



### Remember:

**You are never to blame for a crime that was committed against you.**

Strategies you can use to minimize risk of sexual assault include:

- ✓ **Trust your gut instinct.** If a situation doesn't feel right, don't worry about offending someone, just leave.
- ✓ **Notice when someone doesn't respect your boundaries.** Don't be afraid to assert your right to have your boundaries respected.
- ✓ **Most perpetrators of sexual violence will look for vulnerable targets:** appear to not be aware of their surroundings, under the influence of alcohol or drugs, isolated from their friends, etc.
- ✓ **Control access to your home or car by locking your doors and closing windows if they provide easy access.**
- ✓ **Travel in groups, when possible.**
- ✓ **Don't be afraid to ask for help in situations where you feel unsafe:** ask for an escort to your car, tell your friends you want to leave the party, ask friends to stay with you, etc.

Reference: [http://sexualviolence.ucdavis.edu/risk\\_reduction.html](http://sexualviolence.ucdavis.edu/risk_reduction.html)

## Bystander Intervention Program

The mission of the Rio Grande Valley College Bystander Intervention Program is to provide education and awareness to the students, faculty and staff regarding sexual assault, domestic violence, dating violence and stalking as well as to promote active bystanders in order to prevent these crimes. RGV College is committed to fostering an environment in which all members of our community – both on campus and off, including visitors – are safe, secure, and free from sexual misconduct of any form. The RGV College Bystander Intervention Program will accomplish this by facilitating ongoing classes, workshops, trainings, presentations and events for student, faculty, and staff, regardless of ability, ethnicity, race, gender expression or identity.

### Bystander Intervention Philosophy and Strategies

Bystander Intervention is a philosophy and strategy for prevention of various types of violence, including bullying, sexual harassment, sexual assault, and intimate partner violence.

The best way bystanders can assist in creating an empowering climate free of interpersonal violence is to diffuse the problem behaviors before they escalate.

- ✓ Educate yourself about interpersonal violence AND share this information with friends
- ✓ Confront friends who make excuses for other people's abusive behavior
- ✓ Speak up against racist, sexist, and homophobic jokes or remarks

### Tips for Intervening

In a situation potentially involving sexual assault, relationship violence, or stalking:

- ✓ Approach everyone as a friend



- ✓ Do not be antagonistic
- ✓ Avoid using violence
- ✓ Be honest and direct whenever possible
- ✓ Recruit help if necessary
- ✓ Keep yourself safe
- ✓ If things get out of hand or become too serious, contact the police

**The steps listed below will provide additional guidance that are helpful to identify the different intervene stages:**

*STEP ONE: Notice when a situation can lead into violence*

While some situations are significantly violent in nature and easily noticeable, many other situations are better characterized as problematic or high-risk behaviors that are likely to escalate to violence, including: offensive comments, possessiveness, extreme jealousy and aggression. Sometimes, a person’s gut instinct or intuition can be the best cue that violence is about to occur.

*STEP TWO: Identify when it’s appropriate to intervene*

At the point when there is enough information to interpret a situation as dangerous, because it appears to be escalating, or it does not appear the behavior will stop on its own, bystanders tend to feel a sense of urgency and recognize that intervention is necessary. The actual timing for the intervention (the “when”) can vary among individuals and the seriousness of the situation.

*STEP THREE: Recognize personal responsibility for intervention*

It can be easy to assume that others will intervene so you don’t have to, particularly, if other individuals or school officials are in charge of keeping the institution safe, e.g. security guard, school official, etc. We are more likely to recognize the situation as requiring our help if: **1)** no one else is around; or **2)** we can relate to the issue on a personal level (our friend/family member is in danger, we would want to help if we were in that position; we understand impact that violence can have on survivors).

*STEP FOUR: Know how to intervene*

Knowing how to intervene safely and comfortably, improves our willingness to intervene. This step involved acquiring skills and developing strategies that lead to effective intervention.

*STEP FIVE: Take action to intervene*

Bystander intervention can take a variety of forms and techniques that are available to fit any personality style and comfort level:

- **Distract** – Create a distraction or redirect the focus of either party to ensure he/she can get out of the situation. If it is appropriate, use humor or an excuse to divert the attention of the perpetrator, creating an opportunity to free the potential victim from the situation.
- **Direct** – Confront the harmful behavior directly, so the potential victim is empowered to leave the situation or the perpetrator can make the choice to stop. This can include stepping in to separate the individuals and using assertive language.

Resources:

Step Up: <http://www.stepupprogram.org>

<http://web.uri.edu/affirmativeaction/title-ix/bystander-intervention-programs/>

<http://www.nsvrc.org/projects/engaging-bystanders-sexual-violence-prevention/bystander-intervention-resources>

## **Institution's Policy for Reporting Violence**

Rio Grande Valley College Campus Security Supervisor and/or Campus Security Officer (CSO) have been appointed to enhance the safety of students, faculty and staff. All students and employees are encouraged to report violence crimes, alleged violence crimes or activities or other security problems to the campus security personnel and/or CSO as soon as it occurs.

### **See List of Reportable Crimes**

All students and employees must follow the procedures listed below to address reports or complaints made to the Campus Security Supervisor and/or CSO:

Students and employees are encouraged to meet privately with the appropriate school official to report violence crimes at any during normal business hours. In instances where the victim requires immediate medical or counseling care, victims and witnesses are encouraged to seek medical assistance by calling 911 and/or local authorities. In all cases it is important to preserve evidence.

**Incident Forms** are available upon request from any staff member. The campus security personnel and Campus Security Supervisor do not have the authority to make arrests, but are trained to report the incident to the local authorities. The Campus Security Personnel will cooperate with local authorities to the extent as necessary. The Campus Security Personnel have the authority to enforce the school's policies and procedures outlined in this manual. The Campus Security Personnel at RGV College consist of:

- College President
- Campus Security Supervisor
- Campus Security Officer
- Campus Security Personnel
- Campus Faculty and Staff

Campus Security Personnel will make a written report, listing the following information:

- 1) Date and Time of Incident
- 2) Location
- 3) Name of Person Making the Report
- 4) Name of Person Involved
- 5) Nature of Incident/Description of Incident
- 6) Name of Witnesses, if any
- 7) Action taken by the Complainant and the School

The incident report, plus any evidence provided is kept strictly confidential at the school for the purpose of the investigation. The Victim/Witness may seek assistance from school officials to notify local authorities.

A copy of the incident report, plus any evidence gathered, may be provided to local authorities for further investigation, unless the Victim/Witness requests that the report and evidence not be provided to local authorities. The Victim/Witness may also request his/her name remain confidential.

The Campus Security Supervisor may determine, after gathering the facts and based on the severity of the offense or alleged crime and for the safety of the victim or of others to decline such request.

These records are available upon request through the Director of Compliance office.

With a student's written request: The institution must disclose to the alleged victim of any crime of violence, or a non-forcible sex offense, the result of any disciplinary proceedings conducted by the institution against a student who is the alleged

perpetrator of such crime or offense. If the alleged victim is deceased as a result of the crime or offense, the information shall be provided, upon request to the next of kin of the alleged victim. This provision applies to any disciplinary proceeding conducted by the institution on or after August 14, 2009.

### **Contact Information**

<b>Campus Security Supervisor/Title IX Coordinator</b>	Rene Mendoza, Human Resources
<b>Campus Safety Officer</b>	Henry Lee, Security Supervisor
<b>Office Responsible to provide a copy of the Campus Security information</b>	Belinda Ibarra, Director of Compliance

## **Victims/Witnesses Rights and Responsibilities after Reporting a Crime**

When a student or an employee report to the institution that he/she has been a victim of dating violence, domestic violence, sexual assault, or stalking, whether it occurred on or off-campus, RGV College will provide the student or employee a written explanation of the student's or employee's rights and responsibilities.

Victims/Witnesses must exercise the following rights and responsibilities after reporting a crime:

### **Your Rights:**

- ❖ Report the crime to local authorities
- ❖ Request/Decline Medical Assistance
- ❖ Request/Decline Counseling
- ❖ Request/Decline Protective Order
- ❖ Request/Decline an altered school/work schedule
- ❖ Request a copy of the report, resolution, proceedings and disciplinary action taken by the school towards employees or students

### **Your Responsibilities:**

- ❖ Be truthful, honest
- ❖ Maintain evidence
- ❖ Meet with the Campus Security Supervisor and Campus Security Officer
- ❖ Comply with school authorities during the investigation
- ❖ Comply with local authorities
- ❖ Notify the Campus Security Supervisor and Campus Security Office of additional crimes that have occurred

### **Your Options:**

- ❖ You may request a Leave of Absence
- ❖ You may request a Change of Schedule
- ❖ You may request to be transferred at another post- secondary institution

## **Disciplinary Proceedings**

The school has disciplinary procedures in place to address allegations of sexual assault and other sexual offense, which are detained in the catalog. Under these procedures, the alleged victim and the accused are entitled to the same opportunities to have others present during a disciplinary proceeding. The school will also disclose to both the alleged victim of a crime of violence or a non-forcible sex offense and to the accused, the results of any disciplinary hearing conducted by the school against the student who is the alleged perpetrator of the crime or offense, the school will provide the results of the disciplinary hearing to the victim's next of kin, if so requested. The school may impose sanctions, up to and including expulsion from the institution, following a final determination of a disciplinary proceeding involving alleged sexual assault or other sexual

offense. Alleged victims have the option to change their academic situations after an alleged sexual assault, if such changes are reasonably available.

Disciplinary proceedings and hearings are handled by officials who receive annual training on the issues related to domestic violence, dating violence, sexual assault, stalking and how to conduct a prompt, fair and impartial process from the initial investigation to the result and hearing process that protects the safety of victims and promotes accountability.

Both the accuser and accused have the same opportunities to have others present during an institutional disciplinary hearing, including the opportunity to be accompanied to any related meeting or proceeding by an advisor of their choice, nevertheless, one person must be appointed by both parties to speak and answer questions pertaining to the hearing.

A hearing will be scheduled within ten (10) business days. Evidence provided such as police reports, recording of the crime, text messages, social media or emails may be used to support the report of crime. Witnesses may be present at the time of the hearing.

Both the accuser and the accused shall be simultaneously informed, in writing, of the time and date of the hearing, and of the outcome of any institutional disciplinary proceeding that arises from the report. The results of the institutional hearing are final and without opportunity for an appeal. Results of final proceedings will be made available within ten (10) business days from the last day of the institutional disciplinary hearing.

Upon the final determination, any information about the accused and accuser is kept confidential, to the extent permissible by law.

Reasonable options and assistance are made available for changing academic, living, transportation and working situation, if so requested by the victim.

## **Disciplinary Actions**

Employees found violating the institution's VAWA policies and procedures are subject to disciplinary action, such as suspension without pay, while an investigation is conducted, and possible termination of employment, without an appeal, when found at fault. Employees are expected to collaborate throughout the investigation process and with local authorities. During the investigation process, the institution may alter the employee's schedule to protect the alleged victim. The school has the responsibility to report admitted, reported or alleged violation to the local authorities. Employees are prohibited from fraternizing with students, dating, student, having any sexual contact and provoking sexual insinuation to others, refrain from sexual innuendo towards students and other employees.

Students found violating the school's VAWA policies and procedures are subject to disciplinary action, suspension and possible termination from school, without appeal. The school has the responsibility to report admitted, reported or alleged violation to the local authorities. During the investigation process, the institution may alter the student's schedule to protect the alleged victim. Students are encouraged not to date other students, not to have any sexual contact with other students, not to provoke sexual insinuation to others, refrain from sexual innuendo towards other students and employees.

## **Institution's Responsibilities for Order of Protection**

Rio Grande Valley College will comply, to the extent of its capability, with orders of protection, such as "No Contact" orders, restraining orders, or similar lawful orders issued by a criminal, civil or tribal court. In addition the institution, or an officer, employee or agent of the institution may not retaliate, intimidate, threaten, coerce or otherwise discriminate against any individual for exercising their rights or responsibilities.

To the extent of its capability, and in accordance with the victim's confidentiality accommodation, the institute may provide options such as:

- Student may be moved to a different classroom

- Student may be taught separately from perpetrator
- Student may request a leave of absence
- Student may request a change of schedule
- Student may request to be transferred at another post- secondary institution

## List of Reportable Violence Crimes

The following are reportable crimes and their definitions. These crimes are strictly prohibited at Rio Grande Valley College.

- 1) **Assault (Sex Offenses)** - *Any sexual act directed against another person, without consent of the victim, including instances where the victim is incapable of giving consent.*
  - a) **Rape** is 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. This offense includes the rape of both males and females. Include the crime as Rape, regardless of the age of the victim, if the victim did not consent or if the victim was incapable of giving consent. If the victim consented, the offender did not force or threaten the victim, and the victim was under the statutory age of consent, include the crime as Statutory Rape.
  - b) **Fondling** is 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. Fondling is recognized as an element of the other sex offenses. Therefore, count Fondling only if it is the only sex offense.
  - c) **Incest** is sexual intercourse between persons who are related to each other within the degrees wherein marriage is prohibited by law.
  - d) **Statutory Rape** is sexual intercourse with a person who is under the statutory age of consent. The statutory age of consent differs by state and can get complicated. For example, in Maryland, the statutory age of consent is 16 years of age (which means the victim must be under 16); however, 14- and 15-year-olds may consent if the offender is less than four years older than the victim. In Nevada, the age of consent is 16; however, sexual intercourse with someone who is under 16 years of age is illegal only if the defendant is at least 18 years of age (the age at which the defendant can be prosecuted). We recommend that you consult your state's statutes to determine the statutory age of consent. **Remember, if force was used or threatened, or the victim was incapable of giving consent because of his/her age or temporary or permanent mental impairment, the offense is Rape, not Statutory Rape.** The ability of the victim to give consent must be a professional determination by a law enforcement agency.
  - e) **Forcible Sodomy** – is oral or anal sexual intercourse with another person, forcibly and/or against that person's will; or not forcibly and/or against the person's will where the victim is incapable of giving consent because of his/her youth or because of his/her temporary or permanent mental or physical incapacity.
  - f) **Sexual Assault With An Object** – is the use of an object or instrument to unlawfully penetrate, however, slightly, the genital or anal opening of the body of another person, forcibly and/or against that person's will; or against the person's will where the victim is incapable of giving consent because of his/her temporary or permanent mental or physical incapacity.
- 2) **Dating Violence** – is defined as violence committed by a person who is or has been in 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.
- 3) **Domestic Violence** – is defined as a felony or misdemeanor crime of violence committed. By a current or former spouse or intimate partner of the victim; by a person with whom the victim shares a child in common; by a person who is cohabitating with, or has cohabitated with, the victim as a spouse or intimate partner; 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; 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.
- 4) **Stalking** – is behavior in which a person repeatedly engages in conduct directed at a specific person that places that person in reasonable fear of his or her safety or the safety of others.
- 5) **Consent** – is an affirmative, unambiguous and conscious decision by each participant to engage in mutually agreed-upon sexual activity. Consent is voluntary. It must be given without coercion, force, threats, or

intimidation. Consent means positive cooperation in the act of expression of intent to engage in the act pursuant to an exercise of free will. Consent is revocable. Consent to some form of sexual activity does not imply consent to other forms of sexual activity. Consent to sexual activity on one occasion is not consent to engage in sexual activity on another occasion. A current or previous dating or sexual relationship, by itself, is not sufficient to constitute to engage in sexual activity. Consent must be ongoing throughout a sexual activity must stop immediately. Consent cannot be given when a person is incapacitated. A person cannot consent if he/she is unconscious or coming in and out of consciousness. A person cannot consent if he/she is not understanding of the act affected by a physical or mental impairment.

For the purpose of this Policy, the age of consent in Texas is 17 years of age. The minimum age is 14 with an age differential of three (3) years; thru, those who are at least 14 years of age can legally have sex with those less than three (3) years older.

Reference: Federal Bureau of Investigation's (FBI's) Uniform Crime Reporting Handbook (UCR)

## **Resources for Victims**

Please refer to Page 9 for a listing of resources available in Texas for victims. Among many others, the Texas Association against Sexual Assault (TAASA) is committed to ending sexual violence through education, prevention and advocacy. In the meantime, we desire to support survivors on their paths of hope, healing and justice.

## **Drug and Alcohol Abuse Prevention Information**

In accordance with the requirements of the Drug-Free Schools and Communities Act of 1989 (Public Law 101-226), and the Drug-Free Workplace Act of 1988 (Public Law 101-690), our school provides all students and employees with the following information concerning school policies and the consequences of the manufacture, distribution, possession, or use of illicit drugs or alcohol on an annual basis.

Students and employees are prohibited from the unlawfully manufacturing, distributing, possessing, or using illicit drugs or alcohol while on school property or participating in any school activity. Violation of this policy will subject students or employees to disciplinary action up to and including expulsion or termination from employment. In addition, violation may result in local, state, and and/or federal criminal charges.

Legal sanctions under local, state, and federal laws may include:

- Suspension, revocation, or denial of a driver's license
- Loss of eligibility for federal financial aid or other federal benefits
- Property seizure
- Mandated community service
- Felony conviction that may result in 20-50 years imprisonment at hard labor without benefit of parole
- Monetary fines

In addition to local and state authorities, the federal government have four agencies (the Drug Enforcement Agency, U.S. Customs Services, Federal Bureau of Investigation, and the U.S. Coast Guard) engaged in combating illicit drugs. Once should be aware that:

- It is a crime to hold someone else's illicit drugs
- It is a crime to sell fake "dope"
- It is a crime for being in a house where people are using illicit drugs, even if you are not using them
- It is a crime if drugs are in your locker, car, purse, or house which is considered "constructive possession"

Drug abuse, which can affect one's physical and emotional health and social life, is the utilization of natural and/or synthetic chemical substances for non-medical reasons to affect the body and its processes, the mind and nervous system and behavior. Drugs can be highly addictive and injurious to the body. Among the manifestations may be loss of sense of responsibility and coordination, restlessness, irritability, anxiety, paranoia, depression, acting slow-moving, inattentiveness, loss of appetite, sexual indifference, coma, convulsions, and death.

There are classic danger signals that could be indicative of drug use. These danger signals include:

- Abrupt changes in mood or attitude
- Continuing slump at work or school
- Continuing resistance to discipline at work or school
- Cannot get along with family or friends
- Unusual temper flare-ups
- Increased borrowing of money
- Heightened secrecy
- A complete new set of friends

Information regarding the effects of commonly abused drugs may be found on the internet at [www.nida.nih.gov/DrugsofAbuse.html](http://www.nida.nih.gov/DrugsofAbuse.html).

Drug and alcohol abuse education programs are offered by local community agencies. The school will post information about such education programs in the Student Lounge and Resource Area.

While care must be taken to ensure that a person is not wrongly accused of drug use, it is recommended that anyone who notes danger signals in either a student or employee contact the College President's Office. If it is determined by the College President that a student or employee needs assistance to overcome a drugs problem, he/she may be counseled on the need to seek assistance. The cost of such assistance or treatment will be the responsibility of the student or employee. Records of such counseling will remain confidential.

In certain instances, students and employees may be referred to counseling and/or a substance abuse help center. If such a referral is made, continued enrollment or employment is contingent upon attendance and successful completion of any prescribed counseling or treatment. Students or employees who are seeking treatment for a substance abuse problem may contact the College President's Office. Confidentiality will be maintained. In addition, students or employees who believe they have a substance abuse problem may find sources of treatment or advice by referring to the section of the local telephone book headed "Drug Abuse & Addiction Information and Treatment."

There are also national organizations that may be contacted for help, such as:

- The Alcoholism and Drug Abuse Hotline 1-800-ALCOHOL (1-800-252-6465)
- National Drug Abuse Helpline 1-866-874-4553
- The National Institute on Drug Abuse Treatment Referral Hotline 1-800-662-HELP (4357) or <http://findtreatment.samhsa.gov/>
- Al-Anon for Families of Alcoholics 1-800-344-2666

Student and employees must notify the College President, in writing, within five days of being convicted of a criminal drug statute at the school.