



**Annual Security and Fire Safety Report  
For 2015**

**Disclosure of Campus Security and Fire Safety Policies and  
Crime and Fire Statistics**

# Clery Act

Choosing a postsecondary institution is a major decision for students and their families. Along with academic, financial, and geographic considerations, the issue of campus safety is a vital concern.

The Jeanne Clery Disclosure of Campus Security Policy and Campus Crime Statistics Act (Clery Act) is a federal mandate requiring all institutions of higher education (IHEs) that participate in the federal student financial aid program to disclose information about crime on their campuses and in the surrounding communities. The Clery Act affects virtually all public and private IHEs and is enforced by the U.S. Department of Education. Campuses that fail to comply with the act can be penalized with large fines and may be suspended from participating in the federal financial aid program.

The Clery Act, formerly known as the Crime Awareness and Campus Security Act, was signed in 1990 and is named after 19-year-old Jeanne Clery, who was raped and murdered in her Lehigh University residence hall in 1986. Clery's parents lobbied Congress to enact the law when they discovered students at Lehigh hadn't been notified about 38 violent crimes that had occurred on campus in the three years prior to Clery's murder.

## **Compliance with the Clery Act**

The Clery Act requires Brazosport College (BC) to provide timely warnings of crimes that represent a threat to the safety of students or employees and to make their campus security policies available to the public. The act also requires BC to collect, report, and disseminate crime data to everyone on-campus and to the Department of Education annually.

When the Higher Education Opportunity Act (HEOA) was signed into law in 2008, it amended the Clery Act by adding a number of safety- and security-related requirements to the Higher Education Act of 1965. To be in full compliance with the law, BC must do the following:

1. Publish and distribute an Annual Security Report to current and prospective students and employees by October 1<sup>st</sup> of each year. The report must provide crime statistics for the past three years, detail campus and community policies about safety and security measures, describe campus crime prevention programs, and list procedures to be followed in the investigation and prosecution of alleged sex offenses.
2. Provide students and employees with timely warnings of crimes that represent a threat to their safety. The Brazosport College Police Department (BCPD) must also keep and make available to the public a detailed crime log of all crimes reported to them in the past 60 days. Crime logs must be kept for seven years, and logs older than 60 days must be made available within two business days upon request.
3. Keep the past three years of crime statistics detailing crimes that have occurred: on-campus; in university residential facilities; in public areas on or near campus; and in certain non-campus buildings, such as fraternities/sororities and remote classrooms. BC must also report liquor and drug law violations and illegal weapons possession if they result in a disciplinary referral or arrest.
4. Disclose missing student notification procedures that pertain to students residing in any on-campus student housing facilities.
5. Disclose fire safety information related to any on-campus student housing facilities. This

includes maintaining a fire log that is open to public inspection and publishing an Annual Fire Safety Report containing policy statements and fire statistics associated with each on-campus student housing facility. These statistics must include the location, cause, injuries, deaths and property damage of each fire.

6. Submit the collected crime and fire statistics to the Department of Education each fall.
7. Inform prospective students and employees about the availability of the Annual Fire Safety Report.

BC has a vested interest in campus security and the personal safety of its students and employees. The following pages contain specific information, including crime prevention, fire safety, law enforcement authority, crime reporting policies, disciplinary procedures and other matters of importance related to security and safety on campus. This report also contains information about campus crime statistics.

Members of the campus community are encouraged to use this report as a guide for safe practices on and off campus. Every member of the BC community receives an email that describes the report and provides its website address. For more information, contact the BC Campus Safety at 979-236-3959 or 979-230-3579.

### **How This Report Is Compiled**

The Brazosport College Annual Security Report is published each year to provide you with information on security-related services offered by the College in compliance with the Jeanne Clery Disclosure of Campus Security Policy and Campus Crime Statistics Act. This booklet was prepared with information provided to the Brazosport College Police Department by the Clute, Lake Jackson, and Richwood Police Departments; and the BC Office of Human Resources. It summarizes programs, policies, and procedures designed to enhance your personal safety while you are here at BC.

The commonly reported crimes, requests for service, and provisions for the safety of the BC community on a 24-hour basis are similar to those of a city. We take campus security very seriously and are committed in our efforts to maintain a safe, secure environment for our students, faculty, staff and visitors. Your personal safety is a priority at BC. Maintaining a safe campus requires a dedicated partnership between the faculty, staff, and students of BC; the neighbors in our surrounding community; and the Brazosport College Police Department. Security is everyone's responsibility. We need your cooperation and assistance to keep BC a safe place to live, work and learn.

### **BRAZOSPORT COLLEGE POLICE DEPARTMENT**

The BC Police Department was established on August 22, 2016 by the Brazosport College Board of Regents. It is an integral part of providing a safe and secure community. The Police Department, made up of police officers and security officers, provides comprehensive law enforcement and security services to all components of the College. Commissioned officers are empowered to enforce laws and make arrests through the authority of the State of Texas. BCPD commissioned officers have the same authority as Clute, Lake Jackson, or Richwood police officers, and their officers will work and communicate with campus officers on any serious incidents that occur on or near campus. The College operates no on-campus or off-campus housing or off-campus student organizations; however, many students live in communities surrounding BC. While the Clute, Lake Jackson and Richwood Police Departments have primary jurisdiction in areas off campus, the College's officers can respond to incidents that occur in close proximity to campus. The College's police officers have direct radio communications with the city police to facilitate rapid response in any emergency situation.

As the College builds its force of commissioned officers, they will have successfully completed law enforcement training at a state- certified police academy. In addition, all officers are required to attend annual in-service as well as on- the- job training. Full time police officers and security officers are assigned regular shifts across campus. Additionally, security cameras strategically located across campus are monitored and recorded.

## **CRIME REPORTING POLICY**

It is the policy of Brazosport College that all employees of the College considered to be “Campus Security Authorities” must report immediately to the BC Police Department all crimes or reports of criminal activity that are brought to their attention. BC considers all faculty members, administrators, managers, supervisors, employees of the Police Department and employees with significant contact with students, including but not limited to, contact through student campus activities, student discipline, and student life administration to be a “Campus Security Authority.”

Professional mental health, pastoral, or other licensed professionals legally bound by professional/client privileges when functioning in that capacity are not subject to this policy. The College permits anonymous reporting of crimes. All reported crimes will be investigated by the BCPD and may become a matter of public record. Brazosport College “Campus Security Authorities” include:

- President
- Vice Presidents
- Deans
- Campus Police and its employees
- Student Affairs Professionals
- Title IX Coordinator and Deputy Title IX Coordinator
- Faculty and Staff Advisors for Registered Student Organizations (RSO)

This list of Campus Security Authorities is subject to modification and is not intended to be all inclusive, due to changes in responsibilities within the College. The statistical information in this report has been compiled using information about crime and criminal activity obtained from campus security authorities, local police and others. Information is provided on a regular basis and statistics are compiled annually and disclosed as a report. Students and others are encouraged to report crimes immediately to the Brazosport College Police Department or to appropriate BC employees. Only through your help in promptly reporting criminal activity can BC take effective action to prevent crime and provide timely warnings of possible danger to the community.

## **IMPORTANT PHONE NUMBERS**

For emergencies from an on-campus telephone, contact the BC Police Department (BCPD) by calling 979-236-3959 or 911. For emergencies from an off-campus telephone, call 979-236-3959 or 911. For non-Emergency calls on-campus call the police dispatcher at 979-236-3959, or the Call Center at 979-230- 3000.

## **CAMPUS ACCESS AND SECURITY**

The Brazosport College is a small, yet open campus. No effort is made to restrain the general public from entering the campus; however, the BC Police Department reserves the right to bar individuals who are considered a threat to the well-being of the Campus community. BC police and security officers provide 24-hour patrol of campus property and facilities, and designated building coordinators establish and maintain access to their respective buildings.

The campus is routinely inspected for environmental safety hazards such as insufficient lighting and overgrown shrubbery; however, members of the Campus community are encouraged to report locations of concern to Campus Police.

## **BC ALERT**

BC has a notification system to reach students, faculty and staff via e-mail, voice messages and/or text messaging. Incoming students should verify their primary phone with the Registrar's office. New employees should verify their primary phone number with Human Resources. All employees and students can update their contact information through the BC Portal.

## **EMERGENCY PHONES**

Six emergency phones have been placed at strategic locations on campus. These phones include emergency call stations that are on white posts with blue lights on top. When an emergency phone is activated, the location of the call is automatically identified, and the caller is connected to Campus Safety. Locations of the telephones are marked on parking maps and safety brochures. Individuals with hearing impairments should remain at the phone until an officer arrives.

## **TIMELY WARNINGS**

### **Timely Warnings**

Brazosport College (BC) will issue a timely warning when it receives a report of a crime that represents a serious or continuing threat to the safety of members of the campus community. BC may also issue a warning to the campus community when other instances pose a safety concern (see Emergency Response and Evacuation section).

### **Initiating Timely Warnings**

First responders and essential personnel in cooperation with Campus Administrators are responsible for initiating timely warnings. Those responsible include, but are not limited to:

- Chief of Police or designee
- Police officer on duty
- President
- Vice Presidents
- Deans
- Title IX Coordinators

Decisions concerning whether to issue a timely warning will be made on a case-by-case basis using the following criteria:

- Nature of the crime
- Continuing danger to the campus community
- Possible risk of compromising law enforcement efforts

If the threat is sudden and serious, a warning will be issued immediately and will be continuously updated until the threat is contained or neutralized. If a threat is less immediate, the warning will be fully developed and distributed after that point in time.

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

- Serial crimes that target certain campus populations such as sex crimes or race-based crimes in which the perpetrator has not been apprehended, and

- Ongoing criminal activity in which there is no apparent connection between perpetrator and victim.

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

- Crimes in which the perpetrator has been apprehended, thereby eliminating the threat, and
- Crimes in which an identified perpetrator targets specific individuals to the exclusion of others, such as domestic violence

### **Warning Content**

The warning contains sufficient information about the nature of the threat to allow members of the campus to take protective action:

- A succinct statement of the incident
- Possible connection to previous incidents if applicable
- Date, time, and location of the warning
- Description of the suspect, if available
- Risk reduction and safety tips
- Other relevant and important information

In some cases, BCPD may need to keep some facts confidential to avoid compromising an ongoing investigation.

### **Notification Methods**

The following methods may be used to notify the campus community of various emergencies that may affect the campus community:

- Phone
- Text message
- Email
- Official BC website and BCPD webpage
- Local media

Brazosport College is committed to making timely reports to the Campus community of crimes reported to Campus Police or local law enforcement that are determined by those authorities to present a safety or security threat to students or employees. Crime Alerts will be made available to students and employees within 24 hours of the time that the incident is first reported to the Campus Police.

After determining that an incident requires a crime alert, the College will do the following:

- The Office of Marketing and Communications will distribute the crime alert via e-mail to the university community.
- No names of victims will be included in a timely warning.

### **CRIME PREVENTION AND RISK REDUCTION TIPS**

The College offers a variety of informative programs for students and employees dealing with how to report and prevent crimes. These programs are available several times a year and on request by student groups, employees or individuals. Please call 979-236-3959 for further information on these programs.

Effective crime prevention is often a matter of common sense and being aware of one's surroundings:

With no intent to victim blame and recognizing that only rapists are responsible for rape, the following

are some strategies to reduce one's risk of sexual assault or harassment.

- **Be aware** of your surroundings. Knowing where you are and who is around you may help you to find a way to get out of a bad situation.
- Try to **avoid isolated areas**. It is more difficult to get help if no one is around.
- **Walk with purpose**. Even if you don't know where you are going, act like you do.
- **Trust your instincts**. If a situation or location feels unsafe or uncomfortable, it probably isn't the best place to be.
- **Try not to load yourself down** with packages or bags as this can make you appear more vulnerable.
- **Make sure your cell phone is with you** and charged and that you have cash money.
- **Don't allow yourself to be isolated** with someone you don't trust or someone you don't know.
- **Avoid putting music headphones in both ears** so that you can be more aware of your surroundings, especially if you are walking alone.
- **When you go to a social gathering, go with a group of friends**. Arrive together, check in with each other throughout the evening and leave together. Knowing where you are and who is around you may help you to find a way out of a bad situation.
- **Trust your instincts**. If you feel unsafe in any situation, go with your gut. If you see something suspicious, contact law enforcement immediately (local authorities can be reached by calling 9-1-1 in most areas of the U.S.).
- **Don't leave your drink unattended** while talking, dancing, using the restroom or making a phone call. If you've left your drink alone, get a new one.
- **Don't accept drinks from people you don't know or trust**. If you choose to accept a drink, go with the person to the bar to order it, watch it being poured and carry it yourself. At parties, don't drink from the punch bowls or other large, common open containers.
- **Watch out for your friends, and vice versa**. If a friend seems out of it, is way too intoxicated for the amount of alcohol they've had or is acting out of character, get him or her to a safe place immediately.
- **If you suspect you or a friend has been drugged, contact law enforcement immediately (local authorities can be reached by calling 9-1-1 in most areas of the U.S.). Be explicit with doctors so they can give you the correct tests (you will need a urine test and possibly others).**

If you need to get out of an uncomfortable or scary situation here are some things that you can try:

- Remember that being in this situation is not your fault. You did not do anything wrong, it is the person who is making you uncomfortable that is to blame.
- Be true to yourself. Don't feel obligated to do anything you don't want to do. "I don't want to" is always an acceptable reason. Do what feels right to you and what you are comfortable with.
- Have a code word with your friends or family so that if you don't feel comfortable you can call them and communicate your discomfort without the person you are with knowing. Your friends or family can then come to get you or make up an excuse for you to leave.
- Try to think of an escape route. How would you try to get out of the room? Where are the doors? Windows? Are there people around who might be able to help you? Is there an emergency phone nearby?
- If you and/or the other person have been drinking, you can say that you would rather wait until you both have your full judgment before doing anything you may regret later.
- Walk with friends in well-lighted areas.
- Always lock your car. Do not leave valuables visible in your car.
- Park in well-lighted areas.
- Have your keys ready when you approach your car and check the front and back seats before entering.
- Keep your keys secure, lock your room or apartment and do not leave personal belongings unattended.
- Engrave your name or identification on personal property.
- If you are followed, cross the street, change direction and go to a well-lighted public area.
- Report the loss or theft of keys and valuables immediately to the Campus Police Department at 979-236-3959.
- Report crimes, suspicious activity and security concerns immediately to the Campus Police Department, 979-236-3959.

## **DISCIPLINARY PROCEDURES AND SANCTIONS**

All violations of federal, state and local laws and College regulations and rules are reported to the Campus Police Department. Each violation is considered one offense. Once a criminal report is filed with BCPD, it is investigated by trained criminal investigators. When a suspect is identified, the case is referred to the Brazoria County District Attorney's office for prosecution.

Aside from the criminal charges, the suspect maybe referred to the Brazosport College Dean of Student Services. All disciplinary hearings will adhere to the procedures for notification, evidence, counsel/advisors, burdens of proof, records, findings and appeals as outlined in the current edition of the Code of Student Conduct, which may be found on the BC Portal, in the Student Guide and Calendar and on the Student Services web-page. Actions may include, but are not limited to, probation, mandatory participation in specific awareness/rehabilitation programs and/or suspension or expulsion from BC. In all hearings, both the accused and accuser will have the opportunity to present their versions of the facts, to present other evidence in support of the case including witnesses and to question evidence presented.

In cases of alleged sexual assault, domestic violence, dating violence or stalking:

- Proceedings will provide a prompt, fair and impartial investigation and resolution and be conducted by officials who receive annual training on issues related to domestic violence, dating violence, sexual assault and stalking, and how to conduct an investigation and hearing process that protects the safety of victims and promotes accountability.
- The accuser and accused are entitled to the same opportunities to have a support person/advisor of their choice at any proceeding or related meeting.
- Both the accuser and accused will be informed in writing of the outcome of any disciplinary hearing, procedures for appealing the results of the proceeding, any change to the results that occurs prior to the time that such results become final and notification of final results.

For complete procedures and information involving discipline hearings, sanctions, penalties and appeals, please refer to the current edition of the Code of Student Conduct available on the BC Portal, in the Student Guide and Calendar and on the Dean of Student Services' website.

## **SEX OFFENDER REGISTRATION INFORMATION**

In 2002, the Wetterling Act (the federal law dealing with state registration of sex offenders) was amended by the Campus Sex Crimes Prevention Act (CSCPA) to require states to obtain information about enrollment or employment of registered sex offenders at institutions of higher education and to provide that information to campus police departments or other appropriate law enforcement agencies.

The CSCPA requires universities to provide notice to the campus community of where information identifying registered sex offenders who are enrolled or employed at the institution can be obtained.

A provision was added to FERPA to allow a college to disclose information provided to it under the Wetterling Act concerning registered sex offenders, including personally identifiable, non-directory information from education records disclosed without prior consent. Information identifying registered sex offenders must be provided to the campus police department or other appropriate law enforcement agency by the state. The College must advise the campus community where sex offender information can be obtained and must make the information available to members of the campus community by some means.

The Texas Department of Public Safety must obtain the information and provide it to the College. The College is not required to ask registrants or prospective employees about the information.

The Texas Department of Public Safety has adopted the following procedure:

### **Notification of Enrollment at or Employment by Institutions of Higher Education**

Any registered offender who is enrolled as a student of any university, college, community college, or other institution of higher education, or is, with or without compensation, a full-time or part-time employee of that university, college, community college, or other institution of higher education, or is carrying on a vocation at the university, college, community college, or other institution of higher education, shall report their status as an employee, student, or carrying on a vocation to their local law enforcement authority in the area for which they establish residence within this state.

For local registered sex offender information go to:  
[https://records.txdps.state.tx.us/DPS\\_WEB/SorNew/index.aspx](https://records.txdps.state.tx.us/DPS_WEB/SorNew/index.aspx)

## **SEXUAL MISCONDUCT AND SEXUAL ASSAULT**

### **INTRODUCTION**

Sexual misconduct of any kind or any form of violence is inconsistent with the College's values and incompatible with the safe, healthy environment that the College community expects. All members of this community share responsibility for creating and maintaining an environment which promotes the safety and dignity of each individual. The most egregious form of sexual harassment and misconduct is sexual assault, which is an affront to justice that will not be tolerated at Brazosport College. Federal laws view sexual misconduct, sexual assault, and related violence as forms of sexual harassment and discrimination prohibited under Title VII of the Civil Rights Act, Title IX of Education Amendments of 1972, and the Violence Against Women Reauthorization Act. Sexual misconduct, sexual assault, and related violence also violate state law as well as College policy. Employees, students, or guests found responsible for sexual misconduct, sexual assault, or related violence will ordinarily face outcomes up to and including dismissal from the College and may include criminal prosecution.

The College believes that no person should bear the effects of sexual misconduct, sexual assault, or related violence alone. When sexual misconduct, sexual assault or some form of related violence occurs, the College's paramount concern is for the safety, health and well-being of those impacted. To support and assist employees and students, the College provides a wide range of services and resources. Please see the section below on Campus and Local Resources for Medical and Counseling Care.

BC is committed to enforcing all laws and regulations that deal with sexual assault, including acquaintance rape. Whenever a victim reports an alleged sexual assault violation, the College will inform the victim of the following:

- the options to notify law enforcement authorities and the assistance to do so;
- the existing counseling, mental health, or student services for victims of sexual assault both on and off campus including BC Counseling Services and the Women's Center of Brazoria County;
- the opportunities and assistance to change academic arrangements after an alleged sexual assault, if reasonably available. The Title IX Coordinator working in conjunction with the Office of Vice President for Academic and Student Affairs should be contacted for any change in the academic arrangements.
- Each year, the Police Department and other campus organizations provide rape awareness, education and prevention programs to the campus community designed to heighten awareness of these issues and to improve education and prevention on campus. In addition to the ongoing prevention and awareness campaigns for students and faculty, education programs on sexual assault, domestic violence, dating violence, and stalking programming exist for all incoming students and new employees. Information covered includes:

- BC prohibits domestic violence, dating violence, sexual assault, and stalking;
- The definition of domestic violence, dating violence, sexual assault, and stalking according to Texas law; the definition of consent, in reference to sexual activity;
- Options for bystander intervention that may be carried out by an individual to prevent harm or intervene when there is a risk of domestic violence, dating violence, sexual assault, or stalking against another; and
- Information on risk reduction to recognize warning signs of abusive behavior and how to avoid potential attacks.

If you feel you are the victim of a sexual assault, domestic violence, dating violence or stalking, the Campus Police Department will guarantee the following:

- We will meet with you privately, at a time and place of your choice, to take your report.
- We cannot and will not notify your parents without your consent.
- Our officers will not prejudge you, and you will not be blamed for what occurred.
- We will treat you and your case with courtesy, sensitivity, dignity, understanding and professionalism.
- We will assist you in arranging for any necessary hospital treatment or other medical needs.
- If you would feel more comfortable talking with a friend or advocate of your choice present, we will do our best to accommodate your request.
- We will assist you in the process of obtaining an order of protection or campus no contact order.
- We will consider your case seriously, regardless of your gender or the gender or status of the suspect.

In proving a criminal offense, evidence is crucial. Some suggestions in safeguarding potential evidence of intimate partner violence include:

- Do not clean up the area or alter it in any way prior to police arrival.
- Do not bathe, shower, or douche.
- Do not change clothes prior to the medical examination.
- Do not delete text messages or other electronic media related to the incident.

If a victim chooses not to pursue criminal prosecution, the College can initiate disciplinary action that may result in sanctions ranging from a reprimand to expulsion. In cases of alleged sexual assault, the accuser and the accused are entitled to the same opportunities to have others present during a campus disciplinary proceeding and both the accuser and the accused shall be informed of the outcome of any campus disciplinary proceedings alleging a sexual assault. The final result includes only the name of the student, the violation committed and any sanction imposed by the institution against the student.

Brazosport College does not tolerate any retaliation against anyone who exercises rights under the Clery Act and Title IX of the Civil Rights Act.

## **SEXUAL MISCONDUCT OFFENSES**

“Sexual misconduct” collectively refers to a broad range of prohibited acts, including but not limited to, sexual assault, aggravated sexual assault, domestic violence, dating violence, stalking, and sexual harassment. Other forms of sexual misconduct include, but are not limited to:

- Sexual exploitation
- Sexual intimidation and indecent exposure
- Sexual exhibitionism
- Prostitution or the solicitation of a prostitute
- Peeping or other voyeurism
- Going beyond the boundaries of consent, e.g., by allowing others to view consensual sex or the non-consensual video, photography or audiotaping of sexual activity

- Distribution of pornographic material

Sexual misconduct offenses that are prohibited are:

### **Sexual Harassment**

Sexual harassment is physical, verbal, or nonverbal conduct that is based on the student's sex, sexual orientation, gender identity, or gender expression and that is so severe, persistent, or pervasive that:

- Submission to such conduct is explicitly or implicitly made a term or condition of instruction, participation in a College activity or College employment;
- Submission to or rejection of such conduct is used as a basis for personnel or academic decisions that affect the student who has been subjected to sexual advances; and/or
- Such conduct interferes with the student's work or academic performance or creates an intimidating, hostile, or offensive work or learning environment.

Sexual harassment is wrong regardless of whether it is perpetrated by a student or an employee. Additionally, sexual harassment is wrongful regardless of whether the parties are of the same sex or of the opposite sex.

Sexual harassment includes but is not limited to unwelcome sexual advances, unwelcome requests for sexual favors, unwelcome verbal comments of a sexual nature, and unwelcome physical contact or touching of a sexual nature.

The definition of sexual harassment includes acts of sexual violence, which are physical acts perpetrated against a person's will or where a person is incapable of giving consent due to the victim's use of drugs or alcohol or due to an intellectual or other disability. The definition of sexual harassment shall also encompass gender-based harassment, such as actions or comments that target the student's failure to conform to stereotypical notions of masculinity or femininity.

### **EXAMPLES**

Examples of prohibited sexual harassment may include sexually offensive comments and gestures; requests for sexual favors accompanied by implied or overt promises of preferential treatment; requests for sexual favors accompanied by implied or overt threats of adverse consequences if the recipient does not comply; repeated unwanted flirtation or requests for social/sexual encounters or favors the recipient deems unwelcome; slurs and name-calling based on the student's perceived sexual orientation; unwelcome or suggestive physical contact, such as grabbing, touching, or patting; and acts of sexual violence, including sexual assault, sexual coercion, and rape.

**Retaliation** refers to materially adverse actions or decisions that would dissuade a reasonable person from exercising their right to file a complaint or to participate in an investigation. Examples of retaliation may include unwarranted punishment, e.g., a grade reduction, exclusion from a school activity, destruction of property, or cyberbullying.

Not all workplace or educational conduct that may be described as "harassment" affects the terms, conditions or privileges of employment or education. For example, a mere utterance of an ethnic, gender-based or racial epithet that creates offensive feelings in an employee or student would not normally affect the terms and conditions of their employment or education.

Contact the Title IX Coordinators regarding allegations of sexual harassment.

## **Sexual Assault**

Sexual assault is defined as intentionally or knowingly causing physical sexual contact or sexual penetration of another person without that person's consent. Sexual assault is without consent of the other person if the actor compels the other person to submit or participate by the use of physical force or violence, or threat of force or violence, and the other person believes the actor has the present ability to execute the threat; or the other person cannot consent. [Texas Penal Code 22.011]

Sexual assault may include any intentional sexual touching, however slight, including with any object. It may also include intentional contact with the breasts, groin, genitals, mouth, or touching another with any of these body parts, or making another touch the accused or themselves with or on any of these body parts.

### **The following is the definition of Sexual Assault under Texas Penal Code 22.011:**

#### Sec. 22.011. SEXUAL ASSAULT.

- (a) A person commits an offense if the person:
- (1) intentionally or knowingly:
    - (A) causes the penetration of the anus or sexual organ of another person by any means, without that person's consent;
    - (B) causes the penetration of the mouth of another person by the sexual organ of the actor, without that person's consent; or
    - (C) causes the sexual organ of another person, without that person's consent, to contact or penetrate the mouth, anus, or sexual organ of another person, including the actor.
  - (2) A sexual assault under Subsection (a)(1) is without the consent of the other person if:
  - (3) the actor compels the other person to submit or participate by the use of physical force or violence;
  - (4) the actor compels the other person to submit or participate by threatening to use force or violence against the other person, and the other person believes that the actor has the present ability to execute the threat;
  - (5) the other person has not consented and the actor knows the other person is unconscious or physically unable to resist;
  - (6) 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;
  - (7) the other person has not consented and the actor knows the other person is unaware that the sexual assault is occurring;
  - (8) the actor has intentionally impaired the other person's power to appraise or control the other person's conduct by administering any substance without the other person's knowledge;
  - (9) the actor compels the other person to submit or participate by threatening to use force or violence against any person, and the other person believes that the actor has the ability to execute the threat;
  - (10) the actor is a public servant who coerces the other person to submit or participate;
  - (11) the actor is a mental health services provider or a health care services provider who causes the other person, who is a patient or former patient of the actor, to submit or participate by exploiting the other person's emotional dependency on the actor.

## **Aggravated Sexual Assault**

**The following is the definition of Aggravated Sexual Assault under Texas Penal Code 22.011:**

Sec. 22.011. AGGRAVATED SEXUAL ASSAULT.

Aggravated sexual assault is defined under Texas law as encompassing the above situations and including: where the perpetrator causes serious bodily injury or attempts to cause the death of the victim or another in the course of the same criminal episode; the perpetrator, by acts or words, places the victim in fear that the victim or any person will become the victim of a human trafficking offense or that death, serious bodily injury or kidnapping will be immediately inflicted on any person; the perpetrator uses or exhibits a deadly weapon during the criminal episode; the accused acts in concert with another who engages in the conduct described above toward the same victim and occurring during the course of the same criminal episode; the perpetrator administers or provides flunitrazepam (known as rohypnol), gamma hydroxybutyrate or ketamine to the victim of the offense with the intent of facilitating the commission of the offense; where the victim is younger than 14 years of age; where the victim is an elderly individual or a disabled individual; or the actor is presumed to have known the person assaulted was a public servant or a security officer if the person was wearing a distinctive uniform or badge indicating the person's employment as a public servant or status as a security officer.

## **Sexual Exploitation**

Sexual exploitation is when someone takes non-consensual or abusive sexual advantage of another for his/her own advantage or benefit or to benefit anyone other than the one being exploited. Examples include non-consensual electronically recording, photographing or transmitting intimate or sexual utterances, sounds or images without the knowledge and consent of all parties involved and voyeurism (spying on others who are in intimate or sexual situations).

## **Domestic Violence**

A person is guilty of domestic assault in Texas if they commit an assault against a family member, household member, or a current or past dating partner. An assault consists of:

1. Intentionally, knowingly, or recklessly causing bodily injury to another person;
2. Intentionally or knowingly threatening another person with imminent bodily injury; or
3. Intentionally or knowingly causing physical contact with another that the offender knows or reasonably should know the victim will find provocative or offensive.

A person commits aggravated domestic assault if they intentionally, knowingly, or recklessly causes serious bodily injury to a family member, household member, or a current or past dating partner, or uses or exhibits a deadly weapon in the course of committing the assault crime.

[Texas Penal Code 22.01]

"Domestic violence" requires more than just two people living together. The individuals must be family members, former spouses, a parent of a child in common, or in a romantic relationship.

## **Dating Violence**

Dating violence is a violent act committed by a person who is or has been in a social relationship of a romantic or intimate nature with the victim.

**The following is the definition of Dating Violence under Texas Penal Code 71.0021:**

Sec. 71.0021. DATING VIOLENCE.

(a) "Dating violence" means an act, other than a defensive measure to protect oneself, by an actor that:

- (1) is committed against a victim:
  - (A) with whom the actor has or has had a dating relationship; or

- (B) because of the victim's marriage to or dating relationship with an individual with whom the actor is or has been in a dating relationship or marriage; and
  - (2) is intended to result in physical harm, bodily injury, assault, or sexual assault or that is a threat that reasonably places the victim in fear of imminent physical harm, bodily injury, assault, or sexual assault.
- (b) For purposes of this title, "dating relationship" means a relationship between individuals who have or have had a continuing relationship of a romantic or intimate nature. The existence of such a relationship shall be determined based on consideration of:
- (1) the length of the relationship;
  - (2) the nature of the relationship; and
  - (3) the frequency and type of interaction between the persons involved in the relationship.
- (c) A casual acquaintanceship or ordinary fraternization in a business or social context does not constitute a "dating relationship" under Subsection (b).

### **Stalking**

Stalking is a pattern of repeated and unwanted attention, harassment, contact or any other course of conduct directed at a specific person that would cause a reasonable person to feel fear.

1. No person may intentionally stalk another person.
2. It is not a defense that the actor was not given actual notice that the person did not want the actor to contact or follow the person; nor is it a defense that the actor did not intend to frighten, intimidate, or harass the person. An attempt to contact or follow a person after being given actual notice that the person does not want to be contacted or followed is prima facie evidence that the actor intends to stalk that person.

### **The following is the definition of Stalking under Texas Penal Code 42.072:**

#### **Sec. 42.072. STALKING.**

- (A) A person commits an offense if the person, on more than one occasion and pursuant to the same scheme or course of conduct that is directed specifically at another person, knowingly engages in conduct that:
1. constitutes an offense under Section 42.07, or that the actor knows or reasonably should know the other person will regard as threatening:
    - a. bodily injury or death for the other person;
    - b. bodily injury or death for a member of the other person's family or household or for an individual with whom the other person has a dating relationship; or
    - c. that an offense will be committed against the other person's property;
  2. causes the other person, a member of the other person's family or household, or an individual with whom the other person has a dating relationship to be placed in fear of bodily injury or death or in fear that an offense will be committed against the other person's property, or to feel harassed, annoyed, alarmed, abused, tormented, embarrassed, or offended; and
  3. would cause a reasonable person to:
    - a. fear bodily injury or death for himself or herself;
    - b. fear bodily injury or death for a member of the person's family or household or for an individual with whom the person has a dating relationship;
    - c. fear that an offense will be committed against the person's property; or
    - d. feel harassed, annoyed, alarmed, abused, tormented, embarrassed, or offended.
- (B) An offense under this section is a felony of the third degree, except that the offense is a felony of the second degree if the actor has previously been convicted of an offense under this section or of an offense under any of the following laws that contains elements that are substantially similar to the elements of an offense under this section:
1. the laws of another state;
  2. the laws of a federally recognized Indian tribe;
  3. the laws of a territory of the United States; or
  4. federal law

## **CONSENT**

Affirmative consent is a clear, unambiguous, knowing, informed, and voluntary agreement between all participants to engage in sexual activity. Silence or lack of resistance does not constitute consent. Obtaining consent is the responsibility of the person(s) initiating each specific sexual act regardless of whether the person initiating the act is under the influence of drugs and/or alcohol. Consent to any sexual act or prior consensual sexual activity between or with any party does not constitute consent to any other sexual act. The definition of consent does not vary based on a participant's sex, sexual orientation, gender identity, or gender expression. Consent may be initially given but withdrawn at any time.

Consent cannot be given when a person is mentally disabled or incapacitated. Incapacitation occurs when an individual lacks the ability to fully, knowingly choose to participate in sexual activity. Incapacitation includes impairment due to drugs or alcohol (whether such use is voluntary or involuntary), the lack of consciousness, being asleep, or being involuntarily restrained. Consent does not exist when it is the result of any coercion, intimidation, force, or threat of harm. Consent does not exist when the accused misrepresents his or her true identity to the victim.

Under the Texas Penal Code, victims under the age of 17 cannot give consent as a matter of law. However, it is an affirmative defense to criminal prosecution that the offender was not more than three years older than the victim and of the opposite sex; did not use duress, force, or a threat against the victim at the time of the offense; and was not a registered sex offender.

## **PRIVACY AND CONFIDENTIALITY**

### Confidential Resources

Full-time Employees may access confidential, professional mental health counseling assistance through the College's Health Care Provider. Confidential support for students and part-time employees is offered by off-campus community health providers and/or off-campus rape crisis resources. Students may obtain information about confidential, professional mental health counseling assistance through the College's Title IX Coordinators. Such assistance will remain confidential except within the following limiting circumstances:

- Risk of probable imminent physical or emotional harm to self or physical harm to another;
- Having cause to believe that a child, elderly individual or an individual with a disability has been or may be abused, neglected or exploited physically, emotionally or sexually;
- If there is a report by a patient/client or former patient/client of sexual exploitation by a mental health service provider;
- If a court-ordered subpoena demands release of information.

### Parameters of Confidentiality and Mandated Title IX Investigations

In all instances and to the extent possible, the College will protect the privacy of all parties to a report of sexual misconduct or sexual assault. That said, under federal law, College officials (unless they are considered a Confidential Resource) who receive a report of sexual assault, whether from the employee or student involved or a third party, must share that information with the appropriate College authorities for investigation and follow-up. The College is obligated under the law to investigate the complaint, to take action to eliminate sexual misconduct, sexual harassment, and sexual assault, prevent its recurrence and address its effects. An administrative investigation under Title IX must be initiated if the College has enough information to reasonably determine key facts, e.g., time, date, location and names of parties involved in an alleged incident. This administrative investigation will be conducted by the Title IX Coordinator or designee, and will include a review of obtained statements, interviews with both parties,

interviews with witnesses as appropriate, and review of relevant documentary evidence. Depending on the circumstances alleged, the College may be obligated to conduct this investigation regardless of the complainant's requests that there be no investigation.

## REPORTING SEXUAL MISCONDUCT AND SEXUAL ASSAULT

To report an incident of sexual misconduct or sexual assault, please call the Brazosport College Police Department at 979-236-3959 or call 911. BCPD is available 24 hours a day, 7 days a week. During business hours, you may also call or email the Title IX Coordinator at 979-230-3355; [kelli.fordespiers@brazosport.edu](mailto:kelli.fordespiers@brazosport.edu) or [titleix@brazosport.edu](mailto:titleix@brazosport.edu).

### Additional College Steps in Responding to a Complaint of Sexual Misconduct or Sexual Assault

- 1) No Contact Orders Issued to the Complainant and the Respondent and other remedial measures: Upon receipt of a report of alleged sexual harassment, sexual misconduct, or sexual assault in which the respondent is a current Brazosport College employee or student, the Title IX Coordinator may issue remedial measures to the complainant and respondent. These remedial measures may include issuing a "no-contact" order to the accused, temporarily suspending the accused, allowing the complainant to change academic and extracurricular activities or their on-campus working situation as appropriate, or providing a campus escort between classes. When necessary, interim actions may also include providing increased monitoring, supervision, or security at locations or activities where the complainant states the misconduct occurred.

### Intimidation or Threats to Inhibit Reporting

The College strongly encourages employees and students to report any incident of sexual harassment, sexual misconduct or sexual assault. Brazosport College takes such reports very seriously. Any actual or threatened retaliation or any act of intimidation to prevent or otherwise obstruct the reporting of sexual harassment, misconduct or sexual assault or the participation in proceedings relating to sexual harassment, misconduct or sexual assault by a respondent or third party is itself prohibited and will result in immediate action by the Title IX Coordinator or designee. A complainant or witness who is threatened in any way should immediately report these concerns to the Title IX Coordinators or the Dean of Student Services or the Vice President of Human Resources.

### Reporting Options

An employee or student has the option to pursue a criminal complaint with the appropriate law enforcement agency, to pursue a complaint through the College Title IX Coordinator, or to pursue both processes consecutively or concurrently. Regardless of the option chosen, the College will initiate an administrative investigation under Title IX.

#### *Option 1: Criminal Complaint*

The College encourages employees and students to report all incidents of sexual harassment, sexual misconduct or sexual assault to the police. If the incident occurred on Brazosport College property, Brazosport College Police Department is the appropriate agency with which to file a report. Off-campus incidents will likely fall in the jurisdiction of another police department. The College's Police Department can assist in contacting the appropriate law enforcement agency. Incidents of sexual harassment, sexual misconduct or sexual assault involving employees or students that are reported to the Brazosport College Police Department will also be referred to the Title IX Coordinator.

The administrative investigation conducted by the Title IX Coordinator or designee is distinct from the criminal investigation and flows from the College's obligation under Title IX or the Violence Against Women Reauthorization Act to ensure that it is providing a safe environment for all employees and students. If a complainant wishes to pursue a criminal complaint exclusively, the complainant may request that the College defer the administrative investigation by making a formal written request to the Title IX Coordinator, which may delay the administrative investigation and the College's ability to respond. The College may continue its administrative investigation where it has reason to believe that the alleged harasser may be an imminent threat to the safety of the complainant and/or other employees or students. At any time, the complainant may choose to rescind the deferral by making a formal written request to the Title IX Coordinator, electing to resume the administrative investigation. The College will maintain documentation of the date of deferral. Information obtained through the criminal investigation may be used for consideration in the College's investigation.

If an employee or student pursues a criminal complaint, a member of the Police Department will request that the Brazoria County District Attorney's Office keep the College informed and immediately advise of its decision whether to prosecute the complaint. The College will maintain documentation of the date of the request to the District Attorney's Office. In cases where the District Attorney's Office declines prosecution, a member of the Police Department will provide written notice to the complainant and Title IX Coordinator of the decision.

#### *Option 2: College Conduct Process*

Sexual harassment or sexual misconduct involving employees and students, including sexual assaults, whether or not they have been reported to a police agency, should also be reported to the College for investigation and resolution through College's Title IX processes.

If an employee or student reports an incident of sexual harassment, sexual misconduct or sexual assault to the College, the Title IX Coordinator, or designee will conduct an administrative investigation. An administrative investigation will include a review of obtained statements, interviews with both parties, interviews with witnesses as appropriate, and a review of relevant documentary evidence. Once the investigation is complete, the College will follow its procedures in Board Policies FFD (LOCAL) and FMA (LOCAL) to make a determination based on the merits of the investigation.

#### *Option 3: Simultaneous Processes*

An employee or student has the option to pursue a criminal complaint with the appropriate law enforcement agency and to pursue a Title IX investigation by the College simultaneously.

#### Written Notice of Reporting Options

Employees and students who report alleged sexual harassment, sexual misconduct or sexual assault will be provided with written notice of the above referenced reporting options.

#### Other Potential Policy Violations

At times, employees or students are hesitant to report the occurrence of a sexual assault to College officials because they are concerned that they themselves, or witnesses to the misconduct, may be found responsible with other policy violations, e.g., drug or alcohol violations. Students or employees who have been subjected to sexual misconduct who, in good faith, report the incident to College law enforcement will not be disciplined for the use, abuse and/or misuse of alcohol and other drugs occurring at or immediately prior to the incident of sexual misconduct. Additionally, bystanders who are witnesses to an incident of sexual misconduct also are eligible for amnesty from discipline when

they report sexual misconduct.

### Sanctions

The College reserves the right to take whatever measures it deems necessary in response to an allegation of sexual harassment, misconduct or assault in order to protect employees' and students' rights and personal safety. Such measures include, but are not limited to, modification of work and educational arrangements, interim suspension from campus pending a hearing, and report to law enforcement. More details on sanctions can be found in Board Policy FFD (LOCAL). Not all forms of sexual misconduct will be deemed to be equally serious offenses, although all allegations are taken seriously, and the College reserves the right to impose differing sanctions ranging from oral warnings to, in the case of employees, termination, or in the case of students, expulsion, depending on the severity of the offense. The College will consider the concerns and rights of both the complainant and the person accused of sexual harassment, misconduct, or assault.

### Campus and Local Resources for Medical and Counseling Care

The College is staffed by trained law enforcement, Title IX coordinators, and student services and human resources professionals who can provide specialized support and assistance to employees and students who have been assaulted. These services are available at any time, whether it is days, months, or years after the incident.

It is especially important for employees and students who have been sexually assaulted to seek immediate and appropriate medical treatment. Individuals who have been sexually assaulted can secure immediate help by going to a local hospital emergency room or contacting an off-campus rape crisis hotline. Texas law allows an individual to go directly to a medical facility for a sexual assault exam without police involvement.

Referrals to professional mental health counselors can be obtained by contacting the Title IX Coordinator at 979-230-3355 or the Police Department at 979-236-3959.

While the College's staff is unable to perform procedures related to the collection of evidence for the purposes of pursuing criminal prosecution, they can provide assistance and support when a student requests or requires transportation to the hospital. Emergency Room staff may ask if the employee or student wishes to speak to the police or other law enforcement personnel; this decision is up to the employee or student.

### Bystander Intervention

One of the most effective methods of preventing sexual assault is through 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 may be observable signs that occur prior to sexual misconduct that would lead a witness to suspect an employee or student could be in an unsafe situation. Bystander intervention encourages people to watch for those behaviors and situations that appear to be inappropriate, coercive and/or harassing.

### Ways to Intervene

There are steps one can take if you observe or suspect an employee or student is in an unsafe situation. Having the courage to intervene may prevent an assault from occurring. Possible steps for a bystander to take are listed below to include:

- Making up an excuse to get the person out of a potentially dangerous situation;

- Letting an individual know that his/her actions may lead to serious consequences;
- Remaining with a person who may be in trouble, despite another individual's efforts to isolate or entice that person;
- Employing a group dynamic to alert an individual that his/her behavior is inappropriate;
- Taking steps to curb someone's use of alcohol before problems occur;
- Calling the authorities when the situation warrants.

### Title IX Coordinators

The designated Title IX Coordinator for the College is Kelli Forde Spiers, located in J-117D. Her telephone number is 979-230-3355. The Deputy Title IX Coordinator is Victoria Young, located in C-114. Her telephone number is 979-230-3303. They can also be reached at [titleix@brazosport.edu](mailto:titleix@brazosport.edu).

## **HATE CRIME REPORTING**

This section of the Annual Security Report is designed to assist students and employees in identifying crimes motivated by bias toward an individual's race, religion, ethnic background/national origin, gender, disability, and sexual orientation and to define appropriate steps for assisting victims and apprehending suspects.

It is the objective of this police department to safeguard the state and federal rights of all individuals irrespective of their race, religion, ethnic background/national origin, gender, disability or sexual orientation. Any acts or threats of violence, property damage, harassment, intimidation or other Clery reportable crimes motivated by bias and designed to infringe upon these rights are viewed very seriously by Brazosport College and will be given high priority. Brazosport College will use every necessary resource rapidly and decisively to identify the perpetrators, arrest them and take vigorous enforcement action.

Also, recognizing the particular fears and distress typically suffered by victims of these crimes, the potential for reprisal and escalation of violence and the possible far-reaching negative consequences of these acts on the Brazosport College community, particular attention shall be given to addressing the security and related concerns of the immediate victims as well as their families and others affected by the crime.

### **1. HATE CRIME DEFINITIONS**

A. Hate Crime: Any criminal offense listed hereafter that was designed to frighten, harm, injure, intimidate or harass, against an individual or property, which is motivated, in whole or in part, because of the offender's bias. The following criminal offenses may be the basis for a hate crime: criminal homicide, including murder and non-negligent manslaughter, and manslaughter by negligence; sexual assault, including rape, fondling, incest and statutory rape; robbery; aggravated assault; burglary; motor vehicle theft; arson; larceny-theft, simple assault, intimidation, or destruction/damage/vandalism of property

B. Bias: A pre-formed negative opinion or attitude toward a group of persons based on their race, religion, disability, ethnic background/nationality origin, sexual orientation or gender.

- C. Race: A group of persons who possess common physical characteristics (e.g., color of skin, eyes and/or hair, facial features; etc.) genetically transmitted by descent and heredity that distinguish them as a distinct division of humankind (e.g., Asians, blacks, whites, etc.).
- D. Ethnic Group: A group of persons of the same race or national origin who share common or similar traits, languages, customs and traditions (e.g., Arabs, Hispanics, etc.).
- E. Religious Group: Any persons who share the same religious beliefs regarding the origin and purpose of the universe and the existence or nonexistence of a supreme being (e.g., Catholics, Jews, Protestants, atheists, etc.).
- F. Sexual Orientation: A sexual attraction toward, and responsiveness to, members of one's own sex or members of the opposite sex (e.g., gays, lesbians, heterosexuals, etc.).
- G. Gender Discrimination: A preformed negative opinion or attitude toward a person or group of persons because they are male or female.
- H. Gender Identity: A person's internal sense of being male, female, some combination of male and female, or neither male or female.
- I. Disability Discrimination: A preformed negative opinion or attitude toward a group of persons based on their physical or mental impairments/challenges, whether such disability is temporary or permanent, congenital or acquired by heredity, accident, injury, advanced age or illness.

## **ALCOHOL, DRUGS AND WEAPONS STATEMENTS**

### **Alcohol Statement**

The possession, sale or the furnishing of alcohol on the Brazosport College campus is governed by the Brazosport College Board Policies FLBE (regarding students), DH (regarding employees) and GF (LOCAL) (regarding community use of the facilities). Only in certain circumstances is the consumption of alcohol permitted. The possession, sale, manufacture or distribution of any controlled substance is illegal under both state and federal laws. Such laws are strictly enforced by Brazosport College Police. Violators are subject to Brazosport College disciplinary action, criminal prosecution, fine and imprisonment. It is unlawful to sell, furnish or provide alcohol to a person under the age of 21. The possession of alcohol by anyone under 21 years of age in a public place or a place open to the public is illegal. It is also a violation of the Brazosport College Board Policies for anyone to consume or possess alcohol in any public or private area of campus without Brazosport College approval.

### **Drug Statement**

It is the policy of the College that the unlawful manufacture, distribution, dispensation, sale, possession or use of a controlled substance (as defined in 21 U.S.C. 812 and 21 CFR 1300.15) by employees and students in the workplace, on the campus, or as part of any College sponsored business activities and/or student activities off College premises, is prohibited. Brazosport College Campus Police enforces all federal and state drug laws pertaining to the possession, use and sale of illegal drugs. Statement: The possession, sale, manufacture or distribution of any controlled substance is illegal under both state and federal laws. Such laws are strictly enforced by the Brazosport College Police Department. Violators are subject to Brazosport College disciplinary action, criminal prosecution, fine and imprisonment.

## **Weapons Statement**

Brazosport College is committed to maintaining a safe and secure environment that supports the academic mission of the College. Except as allowed under Texas' Concealed Carry Law in Texas Government Code, Section 411.2031, employees, students and visitors are prohibited from possessing firearms, explosives, weapons, or any item that may be construed as such, of the College. Texas Government Code, Section 411.2031 entitles license holders (individuals licensed to carry a handgun) to carry concealed handguns on the campus of an institution of higher education. Texas Government Code Section 411.2031 also authorizes the president of a college to enact reasonable rules and regulations regarding the concealed carry of handguns on campus, so long as the rules do not generally prohibit or have the effect of generally prohibiting license holders from carrying concealed handguns on campus. Texas Penal Code, Section 46.03, strictly forbids the open carry of a handgun at institutions of higher education. Law enforcement personnel who are authorized to carry a firearm are permitted to do so while on Brazosport College property. Other state laws may provide exceptions as well.

Anyone found violating this College policy shall be subject to the disciplinary procedures applicable to students or employees and/or criminal prosecution by the appropriate jurisdiction.

## **EVACUATION AND LOCKDOWN NOTIFICATIONS**

If a life threatening situation has occurred or is known to be in progress or there are strong indications of probable immediate life-threatening situation on or near campus, there may be a call for individuals to evacuate from campus or possible shelter in place. Therefore, every member of the campus community is encouraged to sign up for the emergency notification system (BC Alert). Members of the Brazosport College community are automatically signed up for access to the emergency notification system.

BC Alert is capable of contacting individuals on cellular, home or office phones, PDAs, voice mail, and by text message, e-mail and TTY/TTD.

The emergency notification system is tested with a small user group, and a full test of the system occurs during the fall and spring semesters. Test messages to the campus community may or may not be announced. Unannounced test messages will indicate that the activation is a test.

## **EMERGENCY WARNING ACTIVATION POLICY**

It is the explicit policy of the Brazosport College that it is FAR BETTER TO ACTIVATE WARNINGS, which later prove to be unfounded, THAN NOT TO WARN. False alarms may reduce the effectiveness of subsequent well-founded warnings, but the failure to warn the College community of imminent danger may have far more tragic consequences. When in doubt, Brazosport College will issue a warning appropriate to achieve the following goals:

1. To preserve life and protect the lives of all involved in hazardous incident(s).
2. To provide prompt warning of circumstances and suggested defensive actions to persons in or around the campuses so as to minimize risk to innocent bystanders.
3. To include the apprehension of criminal actors, neutralization of weaponry, protection of property, enforcement of applicable laws, and resumption of normal College activities.

## **MISSING STUDENTS**

Brazosport College does not have any on-campus student housing facilities. The Brazosport College Police Department will initiate an investigation if a student is reported missing.

## CRIME STATISTICS

Brazosport College's crime statistics are determined according to the Federal Bureau of Investigation's uniform crime reporting standards without regard to guilt or innocence. Statistics reflect reports made to campus officials as well as University and local police departments. No crimes addressed in the below chart or other crimes reported involved bodily injury to any person in which the victim was intentionally selected because of actual or perceived race, gender, religion, sexual orientation, ethnicity or disability of the victim.

For more information about BCPD guidelines and procedures, request a copy of the Annual Security Report from the Brazosport College Police Department and the Student Rights and Student Code from the Office of Student Services.

Information on financial aid, College retention rates, graduation rates, etc. that an institution is required to disclose or provide to an individual on a one-to-one basis through an appropriate mailing or publication, including direct mailing through the U.S. Postal Service, campus mail, or electronic mail is available upon request by any interested party. Contact the Office of the Vice President for Academic and Student Affairs at 979-230-3255.

Information about crime statistics and crime-prevention programs is available on the College's web site at: <http://www.brazosport.edu/Security/Pages/default.aspx>. It can also be found on the College's web site at <http://www.brazosport.edu/HR/Pages/default.aspx>; <http://www.brazosport.edu/StudentLife/Pages/default.aspx> and <http://www.brazosport.edu/Admissions/Pages/default.aspx>.

Information on the Texas Sex Offender Registration Program is available at: <https://secure.txdps.state.tx.us> (select "Public Site")

## CLERY ACT REPORTABLE OFFENSES

The Clery Act requires Brazosport College to report certain crimes that have occurred on and near the Brazosport College campus and certain other non-campus properties using the Federal Bureau of Investigation's ("FBI") Uniform Crime Reporting/National Incident-Based Reporting System Crime definitions, which are listed in 34 CFR sec. 668.46. The definitions for criminal homicide, robbery, aggravated assault, burglary, motor vehicle theft, weapon law violations, drug abuse violations and liquor law violations are excerpted from the FBI's *Uniform Crime Reporting Handbook* and the definitions of forcible and non-forcible sex offenses are excerpted from the FBI's National Incident-Based Reporting System Edition of the Uniform Crime Reporting Handbook.

In addition, the Clery Act requires separate reporting for certain weapons, drug and alcohol violations (defined below) and for certain hate crimes (defined below).

### A. REPORTABLE OFFENSES: DEFINITIONS

1. *Criminal Homicide -- Murder and Non-negligent Manslaughter*  
The willful (non-negligent) killing of one human being by another.
2. *Criminal Homicide -- Negligent Manslaughter*  
The killing of another person through gross negligence.
3. *Sex Offenses -- Forcible*  
Any sexual act directed against another person, forcibly and/or against that person's will, or not forcibly or against the person's will where the victim is incapable of giving consent.

*Forcible Rape:* The carnal knowledge of a person, forcibly and/or against that person's will; or not forcibly 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 (or because of his/her youth).

*Forcible Sodomy:* Oral or anal sexual intercourse with another person, forcibly and/or against that person's will; or not forcibly 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.

*Sexual Assault With An Object:* 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 not forcibly 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.

*Forcible Fondling:* The touching of the private body parts of another person for the purpose of sexual gratification, forcibly and/or against that person's will; or, not forcibly 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 incapacity.

4. *Sex Offenses -- Non-forcible*

Unlawful, non-forcible sexual intercourse.

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

*Statutory Rape:* Non-forcible sexual intercourse with a person who is under the statutory age of consent.

5. *Aggravated Assault*

An unlawful attack by one person upon another for the purpose of inflicting severe or aggravated bodily injury. This type of assault usually is accompanied by the use of a weapon or by means likely to produce death or great bodily harm. It is not necessary that injury result from an aggravated assault when a gun, knife, or other weapon is used which could and probably would result in serious personal injury if the crime were successfully completed.

6. *Robbery*

The taking or attempting to take anything of value from the care, custody, or control of a person or persons by force or threat of force or violence and/or by putting the victim in fear.

7. *Burglary*

The unlawful entry (trespass) of a structure having four walls, a roof and a door with the intent to commit a felony or a theft. The unlawful entry may be either forcible or not involve force.

8. *Motor Vehicle Theft*

The theft or attempted theft of a motor vehicle, including all cases where automobiles are taken by persons not having lawful access even though the automobiles are later abandoned, including joyriding.

9. *Arson*

Any willful or malicious burning or attempt to burn, with or without intent to defraud, a dwelling house, public building, motor vehicle or aircraft, personal property of another, etc.

## B. WEAPONS, DRUG AND ALCOHOL VIOLATIONS: DEFINITIONS

The Clery Act requires Brazosport College to separately report statistics for arrests and, if an arrest is not made, for referrals to a Brazosport College official for disciplinary action (an action for which a record is kept and may result in a sanction), with respect to the following violations:

### 1. Weapon Law Violations

The violation of laws or ordinances dealing with weapon offenses, regulatory in nature, such as, but not limited to: the manufacture, sale, possession or use of deadly weapons; carrying deadly weapons, concealed or openly; furnishing deadly weapons to minors; aliens possessing deadly weapons; and all attempts to commit any of the aforementioned.

### 2. Drug Law Violations

Violations of, but not limited to, federal, state or local laws or ordinances relating to the unlawful possession, sale, production, distribution, and the equipment or devices utilized in their preparation or use, use, growing, manufacturing, transportation, importation, or making of any controlled drug or narcotic substance. The relevant substances include, but not limited to: opium or cocaine and their derivatives (morphine, heroin, codeine); marijuana; synthetic narcotics (Demerol, methadone); and dangerous non-narcotic drugs (barbiturates, Benzedrine).

### 3. Liquor Law Violations

The violation of state or local laws or ordinances prohibiting: the manufacture, sale, transporting, furnishing, possessing or use of alcoholic beverages, which includes the following: maintaining unlawful drinking places; bootlegging; operating a still; furnishing liquor to a minor or intemperate person; using a vehicle for illegal transportation of liquor; drinking on a train or public conveyance; and all attempts to commit any of the aforementioned (drunkenness and driving under the influence are not included in this definition).

## C. HATE CRIMES: DEFINITION

A “hate crime” is the violation of any of the reportable offenses listed above or any other crime involving bodily injury that manifests evidence that the victim was intentionally selected, in whole or in part, because of the perpetrator’s bias. Bias is a preformed negative opinion or attitude toward a group of persons based on their “race, gender, disability, sexual orientation, ethnicity or national origin”. The Clery Act requires that hate crimes be separately reported by category of prejudice and requires the separate reporting of statistics for the following categories if the crime is classified as a hate crime:

### 1. Larceny-Thefts

The unlawful taking, carrying, leading, or riding away of property from the possession or constructive possession of another.

### 2. Simple Assault

An unlawful physical attack by one person upon another where neither the offender displays a weapon, nor the victim suffers obvious severe or aggravated bodily injury involving apparent broken bones, loss of teeth, possible internal injury, severe laceration, or loss of consciousness.

### 3. Intimidation

To unlawfully place another person in reasonable fear of bodily harm through the use of threatening words and/or other conduct, but without displaying a weapon or subjecting the victim to actual physical attack.

4. Destruction/Damage/Vandalism of Property

To willfully or maliciously destroy, injure, disfigure, or deface any public or private property, real or personal, without the consent of the owner or person having custody or control by cutting, tearing, breaking, marking, painting, drawing, covering with filth, or any other such means as may be specified by local law.

**BRAZOSPORT COLLEGE CAMPUS CRIME  
2013-2015**

The crime statistics for Brazosport College during the periods January – December 2013, January – December 2014 and January – December 2015 as reported by local law enforcement departments are as follows:

<b><i>CRIMES AND ARRESTS AT 500 COLLEGE DRIVE CAMPUS:</i></b>	<b><u>Jan.-Dec.</u></b> <b><u>2013</u></b>	<b><u>Jan.-Dec.</u></b> <b><u>2014</u></b>	<b><u>Jan.-Dec.</u></b> <b><u>2015</u></b>
<b><u>Criminal Offenses</u></b>			
Robbery	0	0	0
Burglary	0	0	0
Theft	0	0	0
Motor Vehicle Theft	0	0	1
Arson	0	0	0
Negligent manslaughter	0	0	0
<b><u>Sex Offenses</u></b>			
Forcible sex offenses	0	0	0
Non-forcible offenses (i.e., incest or statutory rape)	0	0	0
Domestic Violence (reported after 2013)		0	0
Dating Violence (reported after 2013)		0	0
Stalking (reported after 2013)		0	0
<b><u>Hate Offenses</u></b>			
Murder/Non-negligent manslaughter	0	0	0
Aggravated assault	0	0	0
Assault	0	0	0
Intimidation	0	0	0
Destruction, damage, or vandalism of property	0	0	0
Any other bodily injury crime	0	0	0
<b><u>Arrests</u></b>			
Drug law violations	2	0	0
Liquor law violations	0	1	2
Illegal weapons possession	0	0	0
<b><u>Disciplinary Actions/Judicial Referrals</u></b>			
Drug abuse violations	2	0	0
<b><u>Unfounded crime reports (reported after 2013)</u></b>			
		0	0

***CRIMES AND ARRESTS ON PROPERTY CONTIGUOUS TO  
BRAZOSPORT COLLEGE LOCATIONS:***

<b><u>Criminal Offenses</u></b>			
Robbery	0	0	0
Burglary	1	1	4
Theft	0	1	0

Motor Vehicle Theft	1	0	2
Arson	0	0	0
Negligent manslaughter	0	0	0
<b><u>Sex Offenses</u></b>			
Forcible sex offenses	0	0	0
Non-forcible offenses (i.e., incest or statutory rape)	0	1	1
Domestic Violence (reported after 2013)		0	1
Dating Violence (reported after 2013)		0	1
Stalking (reported after 2013)		0	0
<b><u>Hate Offenses</u></b>			
Murder/Non-negligent manslaughter	0	0	0
Aggravated assault	0	0	2
Assault	0	9	0
Intimidation	0	0	0
Destruction, damage, or vandalism of property	0	7	7
Any other bodily injury crime	0	0	1
<b><u>Arrests</u></b>			
Drug law violations	4	5	5
Liquor law violations	0	1	1
Illegal weapons possession	0	2	3
<b><u>Disciplinary Actions/Judicial Referrals</u></b>			
Drug abuse violations	1	3	1
<b><u>Unfounded crime reports (reported after 2013)</u></b>		1	3

***CRIMES AND ARRESTS ON BRAZOSPORT COLLEGE  
SATELLITE LOCATIONS:***

<b><u>Criminal Offenses</u></b>			
Robbery	0	0	0
Burglary	2	0	0
Theft	0	0	0
Motor Vehicle Theft	0	0	0
Arson	0	0	0
Negligent manslaughter	0	0	0
<b><u>Sex Offenses</u></b>			
Forcible sex offenses	1	0	0
Non-forcible offenses (i.e., incest or statutory rape)	0	0	0
Domestic Violence (reported after 2013)		0	0
Dating Violence (reported after 2013)		0	0
Stalking (reported after 2013)		0	0
<b><u>Hate Offenses</u></b>			
Murder/Non-negligent manslaughter	0	0	0
Aggravated assault	0	0	0
Assault	0	0	0
Intimidation	0	0	0
Destruction, damage, or vandalism of property	0	0	0
Any other bodily injury crime	0	0	0
<b><u>Arrests</u></b>			
Drug law violations	27	0	1
Liquor law violations	0	0	1
Illegal weapons possession	1	0	0

**Disciplinary Actions/Judicial Referrals**

Drug abuse violations	3	3	1
Illegal weapons violations	1	0	1
<b><u>Unfounded crime reports (reported after 2013)</u></b>		2	1

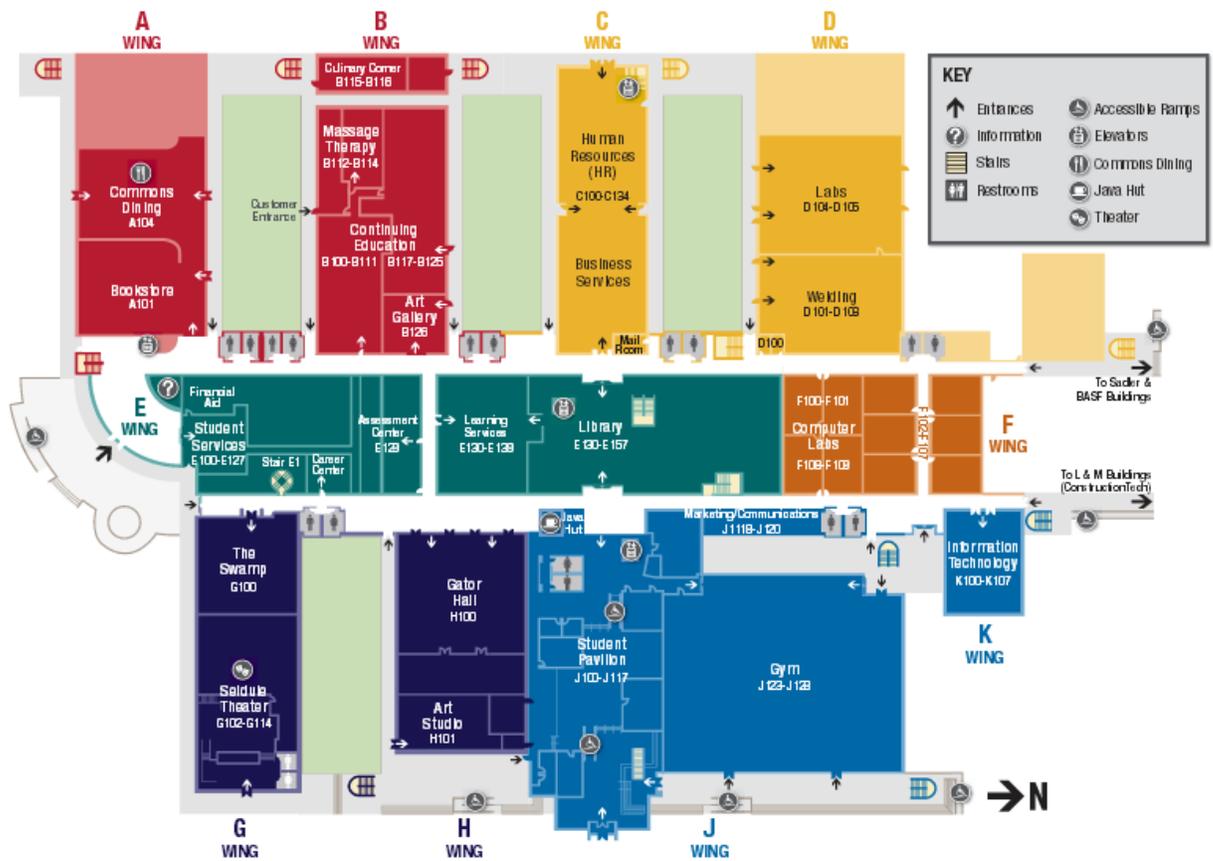
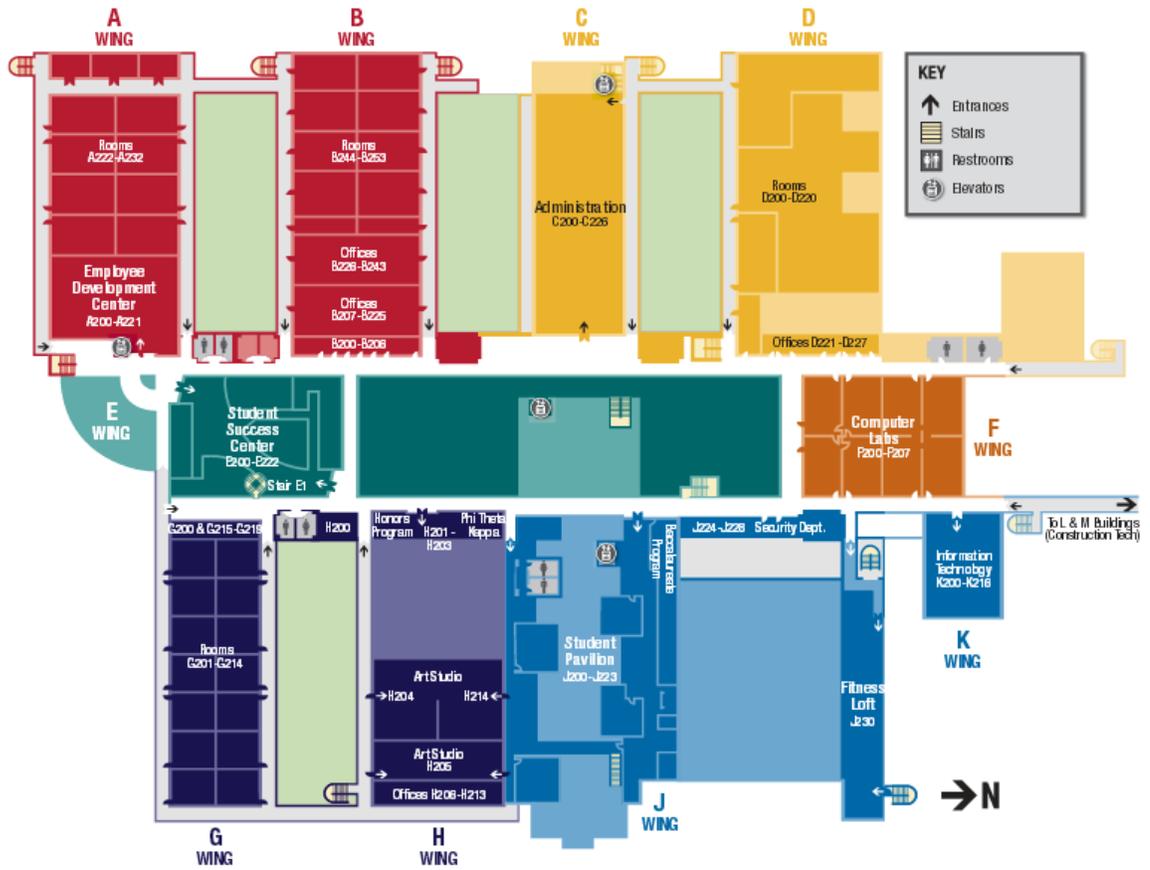
Information for this report was furnished by Police Departments from Angleton, Clute, Freeport, Richwood, Sweeny, West Columbia, Lake Jackson, and the police departments of Angleton ISD, Brazosport ISD, Columbia-Brazoria ISD, and Sweeny ISD. Copies of the reports are located in Human Resources located at 500 College Drive in Lake Jackson, Texas.

**CAMPUS RESOURCE INFORMATION**

Brazosport College Police Department  
Chief of Police: Daryl Bissett; Telephone: 979-236-3959 and 979-230-3579  
Physical Address: Room J-119, 500 College Dr., Lake Jackson, TX 77566.

**COMMUNITY RESOURCES/OTHER ASSISTANCE NEAR CAMPUS**

<http://www.brazosport.edu/Sexual Misconduct/Pages/Resources.aspx>





- KEY**
- Parking Lots
  - Entrances
  - Transit Hub
  - BC Central: Commons, Dining
  - Student Commons: Courtyard Grill
  - Information Desk
  - Java Hut
  - Library
  - Seldin Theater
- BEST PLACES**
- Art Gallery.....
  - Bookstore.....
  - Gator Hall.....
  - Adult Education.....
  - Continuing Education.....
  - Student Pavilion.....
  - The Swamp.....

