



2022 Annual Security and Safety Report

Crime Security Awareness, Safety and Prevention

- Jeanne Clery Disclosure of Campus Security Policy
- Campus Crime Statistics 2019-2021
- Safety Programs and Services - including sexual assault and sexual violence
- Drug-Free Schools and Communities Act
- Violence Against Women Act

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Del Mar College is an Equal Opportunity/Affirmative Action Employer and Educational Institution.

The College takes affirmative action to endeavor that no person shall be denied the benefits of equal employment or be subjected to discrimination in employment or educational programs and activities of Del Mar College on the basis of race, color, sex (including pregnancy, gender identity/transgender status, sexual orientation), age, national origin, religion, disability, or any other constitutionally or statutorily impermissible reason.

This report and other documents can be found online at delmar.edu

A Message from the Del Mar College Clery Compliance Committee

We are pleased to distribute the-2022 Annual Security and Safety Report (ASR) for Del Mar College (DMC). The ASR is prepared annually to be in compliance with the Jeanne Clery Disclosure of Campus Security Policy and Campus Crime Statistics Act (Clery Act) and subsequent amendments specified in the Higher Education Opportunity Act (HEOA) and the reauthorization of the Violence Against Women Act (VAWA).

The ASR was prepared by the DMC Compliance Committee whose members are the Chief of Police, the Director of Environmental Health and Safety Office, the Executive Vice President and Chief Operating Officer, the Dean of Student Engagement and Retention, the Associate Vice President for Student Affairs, the Vice President of Administration and Human Resources, the Director of Risk Management, and General Counsel. The ASR is an overall guide for many safety and security policies at DMC and provides information about education and prevention programs in which all community members are invited to participate. The ASR also provides crime statistics for the 2019-2021 calendar years for review.

The safety and well-being of our students, staff, faculty, and visitors are of the utmost importance and are continually at the forefront of what we do. Del Mar College consistently works to reduce the risk and potential for crime and other hazardous situations. However, despite our best efforts, crimes and hazardous situations may still occur. Safety and Security is a shared responsibility, and we expect all DMC community members to contribute to the safety and security of our campuses. If you see something that needs to be addressed, contact DMC Security at (361) 698-1946.

If you have any questions or suggestions regarding this publication, please contact the Interim Chief of Police at (361) 698-1641, Environmental Health and Safety at (361) 698-1641, or the Dean of Student Engagement and Retention at (361) 698-1277.

DMC Compliance Committee

Lenora Keas
Executive Vice President and Chief Operating Officer

Tammy McDonald
Vice President of Administration and Human Resources

Cheryl G. Sanders
Associate Vice President for Student Affairs

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Dean of Student Engagement and Retention

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Interim Chief of Police

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General Counsel

Campus Resources

Counseling Center Harvin Student Center, Heritage Campus Room 233A www.delmar.edu/counsel	(361) 698-1586
Dean of Student Engagement and Retention Harvin Student Center, Heritage Campus Room 204 www.delmar.edu/engage	(361) 698-1277
Campus Security and Environmental Health and Safety Emerging Technology, Windward Campus, Room-106 www.delmar.edu/safety	(361) 698-1641
Financial Aid Services Harvin Student Center, Heritage Campus, Room 263 www.delmar.edu/finaid	(361) 698-1293
Disability Services Office Harvin Student Center, Heritage Campus, Room 188 www.delmar.edu/disability	(361) 698-1292
Student Leadership and Campus Life Harvin Student Center, Room 105 www.delmar.edu/leadership_campus_life	(361) 698-1279
Vice President for Student Affairs MUSB, Heritage Campus, Room 312 www.delmar.edu/offices/student-affairs	(361) 698-2250
Student Veterans Services Harvin Student Center, Heritage Campus Room 271 www.delmar.edu/veteran	(361) 698-1250
Campus Security Emergency	(361) 698-1199
Non-emergency	(361) 698-1946

Title IX Coordinators

Title IX Coordinator

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Community Resources

City of Corpus Christi Police Department

Emergency

911

Non-Emergency

(361) 886-2600

MHMR 24-Hour Crisis Line

1-800-762-0157

The Clery Act

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 that participate in the federal student financial aid program to make known crimes occurring on their campus and in the surrounding community. The Clery Act is enforced by the U.S. Department of Education, and institutions that fail to comply are penalized with hefty fines and may be suspended from participating in federal financial aid programs.

The Clery Act was signed in 1990 and is named after Jeanne Clery. She was a student who was raped and murdered in a residence hall at Lehigh University in 1986. Clery's parents lobbied Congress to enact the law so that parents, students and faculty know about crimes on campus.

Compliance with the Clery Act

The Clery Act requires Del Mar College (DMC) to provide timely warnings of crimes that represent a threat to the safety of students and employees. The campus security policies are made available to the public on the DMC website. The act requires DMC to collect, report, and make the Annual Security and Safety Report available to everyone on campus as well as to the Department of Education.

To be in full compliance, DMC must do the following:

- Publish and distribute the Annual Security and Safety Report to current students, prospective students, and employees by October 1 of each year. The report must include crime statistics for the past three years, campus policies about safety and security measures, campus crime prevention programs, and list procedures to be followed in the investigation of alleged sex offenses.
- Provide students and employees with timely warnings of crimes that represent a threat to their safety.
- DMC Security must keep and make available a crime log of all crimes reported to them in the past 60 days.

In addition to the items above, the Annual Security and Safety Report addresses the Violence Against Women Act (VAWA) amendments to the Clery Act. VAWA expanded the rights afforded to campus survivors of sexual assault, domestic violence, dating violence, and stalking.

The safety and security of all members of the College community are paramount issues of concern.

The pages in the report contain detailed information regarding crime prevention, fire safety, law enforcement authority, crime reporting policies, disciplinary procedures, and other areas of 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. The report is available at www.delmar.edu/Disclosure.aspx. Every member of DMC receives an email that describes the report and provides its website address. For more information or to request a paper copy of this report, contact the Dean of Student Engagement and Retention at (361) 698-1277.

Preparing the Annual Disclosure of Crime Statistics

The College coordinates the collection and reporting of crime statistics as specified in the Jeanne Clery Disclosure of Campus Security Policy and Crime Statistics Act (Clery Act). Each year, the institution notifies all enrolled students and employees, via email, that they can view the report at www.delmar.edu/Disclosure.aspx.

Prospective employees and students are notified about the availability and location of the report via the online employee and student application process. This report is prepared in cooperation with DMC security, the office of Environmental Health and Safety, local law enforcement agencies, and the office of Student Affairs. Each entity provides current information about its Safety and Security Educational efforts and programs. DMC does allow individuals to report crimes on a confidential, voluntary basis for inclusion in the annual disclosure of crime statistics.

“Campus Security Authority” (CSA) means an individual with responsibility for campus safety and security. This includes campus security, individuals who are responsible for monitoring buildings or college grounds or with similar security responsibilities who are not part of campus security, individuals or organizations specifically identified to receive reports of criminal offenses and college officials, including all deans, directors, department chairs, student conduct officers, advisors to student organizations and human resources.

Reports of criminal activity given to CSAs and reports of crimes made to local law enforcement agencies are collected and included in the Annual Security and Safety Report as required by the Clery Act.

Campus Security and Crime Awareness

Through the teamwork of the College and campus community, DMC consistently strives to be among the safest large community college campuses in Texas. We work to achieve this by developing a partnership with students, administrators, faculty, and staff. With a campus population of more than 12,000, DMC campus reflects the communities it serves and is not immune to societal problems.

Preventing or reducing crime in any community is a tough task. Success in crime prevention and safety at DMC depends largely on the education and participation of the campus community. The campus community is provided information about safety programs and services, but individuals should be advised that they are responsible for their own security and safety.

The College must publish this annual report concerning campus security and crime statistics to comply with the Clery Act. The report includes information for reporting crimes, important college policies, and procedures.

It is the policy of DMC to provide an environment conducive to an educational mission; thus, any conduct that is prohibited by state, federal or local law is subject to discipline under the provisions of policies stated in the *Del Mar College Policy Manual and Student Handbook* as appropriate. The College monitors and reports to law enforcement agencies illegal conduct of students, faculty or staff on College premises or off- campus locations. In addition, College officials may refer any evidence of illegal activities to the proper local, state or federal authorities for review and potential prosecution.

Campus Security and Law Enforcement Authority

DMC has a contract with a licensed security company to provide commissioned security guards who provide services 24 hours a day, 7 days a week.

DMC employs off-duty Corpus Christi Police Department (CCPD) police officers who are trained and certified under the guidelines of the State of Texas. Officers are sworn with the full powers of arrest and mandated to enforce all applicable federal and state laws as well as local ordinances. Reports of offenses occurring on campus are generally investigated by the off-duty CCPD officers and forwarded to the police department for any follow-up investigation. DMC also maintains formal and informal liaisons with various local, state, and federal law enforcement agencies in support of campus security and safety efforts.

Accurate and Timely Reporting of Criminal Offenses

DMC community members are encouraged to accurately and promptly report all crimes to DMC Security and local police agencies. Reporting of criminal offenses aids the College in informing the community when necessary and assists in the accurate reporting of crimes statistics. Any alleged criminal actions (including sex offenses) involving DMC students or employees that occur on or off campus can be reported in any of the following ways:

For Emergencies

- Dial 911
- Dial (361) 698-1199 to report any emergency to DMC Security.

For Non-Emergencies

- Call DMC Security at (361) 698-1946
- Request that any campus official assist with reporting the event.
- TTY callers: (800) RELAY TX

Timely Warnings

DMC provides timely warning to the campus community when a crime is reported to have occurred on DMC's property and is considered to represent a serious or continuing threat to students or employees.

The College will distribute timely warning announcements when there appears to be a threat to the safety and security of persons on campus for the following crimes:

- Aggravated assault
- Arson
- Burglary
- Negligent manslaughter
- Motor vehicle theft
- Murder/Non-negligent manslaughter
- Robbery
- Sex offenses
- Domestic violence/ dating violence/ stalking
- Violations of liquor laws, drug law or weapons possession law
- Any crimes where victim was based solely on their race, gender, gender identity, religion, disability, sexual orientation, ethnicity or national origin

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
- Danger and continuing danger to the campus
- Risk of compromising law enforcement efforts

Criminal reports are considered on a case-by-case basis, depending on the facts and the information known by campus security. For example, if an assault occurs between two students who have a disagreement, there may be no ongoing threat to other DMC community members and a timely warning may not be distributed. Cases involving sexual assault are often reported long after the incident occurred, thus there is no ability to distribute a “timely” warning notice to the community. The DMC Chief of Police or designee reviews all reports to determine if there is an on-going threat to the community and if the distribution of a timely warning is warranted. Timely warnings may also be posted for other crime classifications and locations, as deemed necessary. These crimes are normally reported directly to campus security. However, sometimes they are reported to a local law enforcement agencies or Campus Security Authorities (CSAs). Campus security has requested CSAs notify campus security about crimes reported to them that may require a timely warning.

Timely warnings are primarily distributed through the College’s email system but may also be posted on campus bulletin boards or other appropriate locations and sent to campus and local newspapers.

Timely warning notices are usually written by the Chief of Police or designee and distributed by the College Relations Office. Warnings will contain information about the nature of the threat and allow members of the community to take protective action.

Emergency Response and Evacuation/Closing Procedures on Campus

DMC regularly develops and updates plans and procedures for emergency response and evacuation for the campus community.

Possible emergencies that may occur include, but are not limited to, the following:

- Bomb threat
- Campus violence
- Civil unrest
- Explosion
- Fire (localized building fire or wildfire)
- Gas leak
- Hazardous material spill
- Public health crisis
- Severe weather
- Terrorist incident

Environmental Health and Safety Office (EHSO) is responsible for conducting tests of emergency response and evacuation procedures on an annual basis through a variety of drills and exercises designed to assess and evaluate emergency plans and capabilities. Emergency notification systems are tested at least once annually. Exercises may include tabletop, functional, full-scale or any combination thereof. Tests may be announced or unannounced in advance to the campus community. Each test is documented, including a description of the test, the date and time, and whether it was announced or unannounced.

Various campus units, including EHSO and Security, utilize outreach programs to train and educate the campus community, providing the knowledge needed to respond appropriately to various types of hazards.

Emergency Notification System

Upon confirmation of a significant emergency or dangerous situation involving an immediate threat to the life, safety or security of the campus community, DMC will determine the content of emergency notification messages and initiate the notification system, unless issuing a notification compromises efforts to assist a victim or the response to the emergency.

The following campus officials have been designated to serve as authorized officials who are empowered to approve the content and issuance of emergency notifications:

- President/CEO or designee
- Executive Vice President and Chief Operating Officer or designee
- Vice President of Administration and Human Resources
- Chief of Police or designee
- Vice President for Student Affairs or designee
- Director of Environmental Health and Safety Office or designee
- Executive Director of Communication and Marketing or designee

When an authorized official receives a report of an imminent or occurring situation that poses an immediate threat to life, safety or security on campus, the official will confirm the report.

Depending on the situation, confirmation may be achieved through one or more of the following sources:

- Investigation by campus security, including off-duty CCPD officers
- Investigation by other DMC campus unit, including but not limited to, the Director of Environmental Health and Safety, Vice President for Student Affairs, and Director of Physical Facilities
- Investigation by City of Corpus Christi Fire Department and/or Police Department
- Nueces County Emergency Services and/or Health Department
- Texas Department of State Health Services
- Media reports originating from the incident scene

The authorized official will determine, consulting with other campus officials as appropriate, how much information is appropriate to disseminate at different points in time. This determination will be based on the following:

- Nature of incident or threat
- Segment to be notified
- Location of the incident or threat

Depending on the circumstances, DMC may send emergency notification messages to the entire campus community or only a segment of the population. If a confirmed emergency situation appears likely to affect a limited segment of the campus community, emergency notification messages may be limited to that group. If the potential exists for a very large segment of the campus community to be affected by a situation or when a situation threatens the operation of the campus as a whole, then the entire campus will be notified.

In any case, there will be a continuing assessment of the situation and additional segments of the campus community may be notified if the situation warrants such action. The authorized official will, considering the nature of the threat and the population to be notified, choose the appropriate communication tool(s) to utilize.

DMC has at its disposal a number of tools that may be used to disseminate emergency notifications to the campus community.

Emergency notification will typically be sent through:

- DMCAAlert! (Powered by Rave Mobile Safety)
- Email
- Information posted on the DMC website and/or social media

- Additional notification methods may include:
 - Fire alarms
 - Public address systems
 - Posted advisory messages
 - Emergency responder announcements

The nature of the emergency will determine the types and extent of the notification. The authorized official will approve the issuance of notification and contact College Relations which will issue the notification message as soon as possible. The authorized official will notify Administration.

Security Awareness and Crime Prevention

Security/Safety Awareness

Del Mar College is concerned about the safety and security of all students, faculty, staff, and visitors to our campuses. Throughout the year, the Security Office, along with the Environmental Health and Safety Office, provides training for individuals on various security and safety issues.

The trainings include:

- Active Shooter (available online)
- CRASE (Civilian Response to Active Shooter Events)
- Campus Threat (online video)
- New Student Orientation
- Blood Borne Pathogens
- Hazard Communication (online)
- Fire Alarm and Portable Fire Extinguisher
- Back Safety and Injury Prevention
- Forklift Safety
- Pallet Stand Safety

The Campus Security Office and the Environmental Health and Safety Office provide general safety and security information to the College community. These offices collaborate with local authorities and the College's Crisis Management Team to send out mass notification announcements regarding potential campus threats, severe weather conditions, and public health issues affecting the Del Mar community.

Crime Prevention

Education and Prevention Programs

Title IX Events on Campus 2021

January 2021

- Welcome Back to Campus (Heritage and Windward) 1/19, 20- tables set up with informational water bottles labels showing healthy relationships and dating violence information
- Online Orientation- Title IX presentation video

February 2021

- Black History Month Online Event; Dr. Jodi Meriday 2/4 (discrimination/Harassment)
- Black History Month Online Event; Brandon Brown 2/8 (discrimination/Harassment)
- Valdar's Share the Love Party 2/11- tables with safe sex information and healthy relationship tips
- RSO Club Workshops- Virtual through TEAMS meetings. (Available all month to accommodate our 36 RSOs)
- Online Orientation- Title IX presentation video

March 2021

- Spring Break Bash (Heritage and Windward Campuses) 3/4- tables with safe sex information and healthy relationship tips
- TJCSGA Region VI Conference Online Event; 3/26- Code of Conduct presentation
- Women's History Month Online Event; Dr. Jodi Meriday (discrimination/Harassment)
- Online Orientation- Title IX presentation video

- ‘Virtual Wellness To-Go’ student wellness workshop focused on healthy relationships.

April 2021

- Denim Day Video and posts- virtual through social media
- Online Orientation- Title IX presentation video
- Sexual Assault Awareness and Prevention Month campaign. Provided information on statistics, consent, campus resources, and community resources.
- Denim Day virtual event to promote sexual assault awareness, education, prevention, and resources.

May 2021

- Online Orientation- Title IX presentation video

June 2021

- New Student Orientations 6/10, 24- Title IX in person presentation and video
- Online Orientation- Title IX presentation video

July 2021

- New Student Orientation 7/15, 22, 31- Title IX in person presentation and video
- Online Orientation- Title IX presentation video

August 2021

- Online Orientation- Title IX presentation video
- Welcome Back to Campus (Heritage, Windward and Northwest Campuses) 8/30, 31 tables set up with informational water bottles label showing healthy relationships and dating violence information

September 2021

- Dr Shuey Stress Bingo 9/29 10:00am, 7:00pm 75 tips and tricks for reducing stress. It provides inspiration and practical action steps to participants think and act differently with strategies to help face fears, eliminate toxic relationships, consent, improve mood, stop worrying overcome daily obstacles, and be more productive
- Classroom Civility Video Online- Civility is defined primarily as the demonstration of respect for others, basic courtesy, reciprocity (treating others as we wish to be treated), and behaviors that create a positive environment in which to learn and work. Virtual through Canvas Page
- RSO Club Workshops- Virtual through TEAMS meetings. (Available all month to accommodate our 52 RSOs)
- Online Orientation- Title IX presentation video

October 2021

- Safe Zone Virtual Certification 10/19, 22
- RSO Club Workshops- Virtual through TEAMS meetings. (Available all month to accommodate our 52 RSOs)
- Domestic Violence Prevention and Awareness Month campaign. Provided information on statistics, awareness of abusive relationships, campus resources, and community resources.
- ‘Community and Awareness’ tabling event focused on healthy relationships and domestic violence awareness.

November 2021

- Sexpert Bingo 11/11- Sexologist Dr. Shuey hosts a casual discussion about dating and sex with an interactive bingo game as part of a Title IX event
- Online Orientation- Title IX presentation video
- Suicide Prevention Training

December 2021

- Valdar’s Finals Fuel Stop 12/9, 15- tables set up with informational water bottles label showing healthy relationships and dating violence information
- Online Orientation- Title IX presentation video

Crime Stoppers

Anyone with information on criminal activity can call (361) 888-TIPS (8477) and may receive a cash award if the tip leads to the arrest and indictment of the criminal offender. The cash award comes from the Corpus Christi Crime Stoppers, a non-profit organization. Callers may remain anonymous when reporting crime tips. Students and employees are urged to use this reporting option when anonymity is a primary concern.

If an individual does not want to report a crime to the police, the individual may also report crimes to a designated Campus Security Authority (CSA). These designated individuals have significant responsibility for student and campus activities, and as such are provided notice by DMC as to the extent of their responsibility and how to report crimes to DMC.

An anonymous reporting system is available on the DMC webpage at www.delmar.edu/etips for information about crimes not in progress. This site is not monitored 24/7. For a more timely response, please contact Campus Security at (361) 698-1946 or call 911.

Security Services

Campus security is responsible for ensuring all exterior doors at DMC facilities are secured after hours.

Electronic Alarm Security

DMC has a contract with an off-site monitoring company for fire and security alarms.

Environmental Health and Safety

The Environmental Health and Safety Office (EHSO) establishes, implements and maintains comprehensive environmental health, safety, emergency and fire prevention and training programs for the College. This is accomplished in three ways. First, the EHSO inspects facilities, operations, equipment, and work areas to ensure safe working conditions. Second, the EHSO prepares and maintains emergency preparedness plans and training. Finally, the office ensures compliance with federal, state, and local laws and safety regulations.

Fire Safety

The EHSO conducts safety inspections of facilities and enforces fire safety regulations on DMC property. This includes inspecting College property and facilities for fire hazards, code violations, and the adequacy of fire protection systems and equipment. The EHSO also provides periodic training on the proper use of fire extinguishers and conducts campus fire drills specifically for on-campus childcare facilities. Firefighting services are provided 24 hours a day by the Corpus Christi Fire Department.

The Higher Education Act fire safety regulations apply only to institutions with on-campus student housing facilities. Because DMC does not provide on-campus student housing facilities, the Higher Education Act requirement to maintain fire statistics and a daily fire log does not apply.

Fire Statistics and Fire Safety Reporting Procedures

In the event of a fire:

- Dial 911
- Provide location, and cause of the fire, if known
- Report any injuries, if known

All fires, no matter how small, must be reported regardless of emergency response. Please contact DMC Security at 698-1199 to report the fire and any possible property damage.

Firefighting services for the college locations are provided by the Corpus Christi Fire Department. The EHSO is responsible for the management, contractor supervision, service, inspection, and testing of the fire sprinkler systems, special hazard systems, kitchen suppression systems, and fire extinguishers for all College-owned facilities.

Fire alarm systems are inspected and maintained by EHSO and contract personnel. Fire alarm systems are monitored 24/7 by a third (3rd) party monitoring company that is UL listed.

EHSO conducts life safety inspections of facilities and enforces city and state fire safety regulations in all college-owned facilities.

False Alarm or Report

Texas Penal Code Section 42.06 provides that “a person commits an offense if he knowingly initiates, communicates or circulates a report of a present, past, or future bombing, fire, offense, or other emergency that he knows is false or baseless.” A false report made to a college or university is a state jail felony.

2021 Fire Log

EHSO maintains a fire log which details any fires that occurred on campus. The following is a summary of fire occurrences at DMC locations:

Location	Date	Fire(s)	Cause of Fire	# Injuries that Required Treatment @ Medical Facility	# of Deaths Related to a Fire	Value of Property Damage Caused by Fire
East Campus	N/A	0	N/A	0	0	0
West Campus	N/A	0	N/A	0	0	0
Center for Economic Development	N/A	0	N/A	0	0	0
Northwest Center	N/A	0	N/A	0	0	0
DMC CCIA Airport Hanger	N/A	0	N/A	0	0	0

2021 Fire Safety Education and Drills

The following is a summary of monthly fire drills conducted at DMC locations:

Collegiate High School

The Collegiate High School (CHS) located on Del Mar College Heritage Campus performs fire evacuation drills and other drills according to Corpus Christi Independent School District standards. Records are maintained in the CHS Administrative Office.

Residential Facilities

Federal law requires colleges having residential facilities to report fire related statistics. DMC does not have residential facilities and therefore does not meet this reporting requirement.

Center for Early Learning

Date	Description	Announced / Unannounced	Time
01/27/2021	Fire Drill / CO and Smoke Detector Test	Unannounced	3:00 PM
02/26/2021	Fire Drill / CO and Smoke Detector Test	Unannounced	10:00 AM
03/24/2021	Fire Drill / CO and Smoke Detector Test	Unannounced	4:15 PM
04/20/2021	Fire Drill / CO and Smoke Detector Test	Unannounced	2:15 PM
05/28/2021	Fire Drill / CO and Smoke Detector Test	Unannounced	11:15 AM
06/21/2021	Fire Drill / CO and Smoke Detector Test	Unannounced	3:45 PM
07/26/2021	Fire Drill / CO and Smoke Detector Test	Unannounced	9:15 AM
08/30/2021	Fire Drill / CO and Smoke Detector Test	Unannounced	4:49 PM
09/30/2021	Fire Drill / CO and Smoke Detector Test	Unannounced	8:45 AM
10/05/2021	Fire Drill / CO and Smoke Detector Test	Unannounced	3:15 PM
11/11/2021	Fire Drill / CO and Smoke Detector Test	Unannounced	9:45 AM
12/14/2021	Fire Drill / CO and Smoke Detector Test	Unannounced	4:56 PM

Fire Related Policies, Procedures and Programs

DMC EHSO is responsible for managing programs to enhance the safety of the campus community while also maintaining compliance with applicable fire and life safety codes. These programs include:

- Conducting fire and life safety inspections of college buildings.
- Assessing campus events to identify risks, implement control measures, mitigate potential injury to personnel, and protect property.
- Inspecting fire detection and fire suppression systems in buildings throughout the college campus to reduce the potential for fire loss.
- Correcting unsafe conditions or deficiencies to eliminate hazards that pose a risk to the campus community.

Fire Safety: General Fire Safety Standards

- Where allowed, small Personal Heaters must be approved by DMC EHSO.
- Extension cords are only for temporary use.
- Multi-outlet surge protectors with in-line fuse, circuit breaker or overload protection must be used when needed.
- Do not run electrical cords under rugs, over nails or in high traffic areas.
- Do not staple electrical cords to walls or otherwise pierce the cord.
- Keep flammable objects away from heat producing items such as coffee makers.
- Place rugs in a location that does not hinder the opening and closing of doors.
- Do not hang objects from sprinkler heads.
- Do not tamper with or disable smoke detectors.
- Do not store or stack items within 18 inches of sprinkler heads.
- Do not cover more than 20 percent of office/classroom with paper or other decorative items.

Fire Equipment

Fire and safety equipment must function properly when it is needed; therefore, the following acts are prohibited:

- Tampering or playing with fire extinguishers, smoke detectors, exit lights or emergency lights;
- Tampering with or pulling a fire alarm under false pretenses;
- Blocking fire alarm pull station with trashcans, furniture, signs and/or other items;
- Removing or rendering a smoke detector inoperative;
- Propping open stairwell fire doors or tampering with corridor fire doors (fire doors inhibit the travel of smoke, toxic gases, heat and fire from the area of origin); and
- Obstructing halls and stairwells with furniture, debris and/or other items.

Appliances

Electrical appliances must be used and maintained in accordance with manufacturer's specifications in safe working conditions and should require no more than 1000 watts.

Open Flames

Individuals may not ignite any substance inside classrooms or offices at any time unless it is required and in laboratory setting. This includes but is not limited to decorative candles and incense. Heated elements that could be left unattended for long periods of time and which require heat to release scent are prohibited.

Smoking

Individuals may not ignite any substance, including cigarettes, e-cigarettes (vaping), cigars, pipes or hookahs, on the DMC campus. DMC is a smoke-free campus.

DMC Policy B5.39 Smoke & Tobacco Free Environment

B5.39.1 Purpose: In order to protect and promote the health, safety, and welfare of employees, students, and the public, Del Mar College will provide a smoke and tobacco free environment.

A5.39.2 Scope: The College District prohibits the use of tobacco, E-cigarettes, vaping pens and any other related products and devices by any employee, student, or visitor on all premises owned, rented, leased, or supervised by the College District, including all College District facilities, buildings, and grounds. This prohibition applies to property owned by others that the College District uses by agreement, and further applies to all District vehicles.

A5.39.2.1: Exceptions to this total prohibition shall be:

- In those circumstances where the College District is party to a contract or other agreement relating to the property that limits its authority in this matter.
- All research projects, artistic productions or other College sponsored activities involving the act of smoking must have prior approval from the Office of the Chief Academic Officer (CAO).

Explosives/flammable fluids

The unauthorized possession of explosives, fireworks, flammable materials or pyrotechnics of any nature is prohibited on College premises.

Safety Education and Training Programs

DMC EHSO provides annual fire safety training to Restaurant Management/Culinary Arts and Process Technology students covering procedures and the operation of fire extinguishers and fire alarm systems. EHSO also provides fire extinguisher and fire alarm systems training to Physical Facilities, Campus Dining, and other faculty and staff.

Clery Act Statistics - Heritage Campus 2019-2021

Primary Crimes	2019				2020				2021			
	Campus	Non-Campus Property	Public Property	Total	Campus	Non-Campus Property	Public Property	Total	Campus	Non-Campus Property	Public Property	Total
Murder/ Non-negligent manslaughter	0	0	0	0	0	0	0	0	0	0	0	0
Negligent manslaughter	0	0	0	0	0	0	0	0	0	0	0	0
Rape	0	0	0	0	0	0	0	0	0	0	0	0
Fondling	0	0	0	0	0	0	0	0	0	0	0	0
Incest	0	0	0	0	0	0	0	0	0	0	0	0
Statutory Rape	0	0	0	0	0	0	0	0	0	0	0	0
Robbery	0	0	0	0	0	0	0	0	0	0	0	0
Aggravated Assault	1	0	0	1	0	0	0	0	0	0	0	0
Burglary	1	0	0	1	1	0	0	1	0	0	0	0
Motor Vehicle Theft	1	0	0	1	0	0	0	0	0	0	0	0
Arson	0	0	0	0	0	0	0	0	0	0	0	0
Total	3	0	0	3	1	0	0	1	0	0	0	0
Arrests	Campus	Non-Campus Property	Public Property	Total	Campus	Non-Campus Property	Public Property	Total	Campus	Non-Campus Property	Public Property	Total
Weapons Violations	0	0	0	0	0	0	0	0	0	0	0	0
Drug Law Violations	1	0	0	1	0	0	0	0	2	0	0	2
Liquor Law Violations	1	0	0	1	1	0	0	1	1	0	0	1
Total	2	0	0	2	1	0	0	1	3	0	0	3
Disciplinary Actions	Campus	Non-Campus Property	Public Property	Total	Campus	Non-Campus Property	Public Property	Total	Campus	Non-Campus Property	Public Property	Total
Weapons Violations	0	0	0	0	0	0	0	0	0	0	0	0
Drug Law Violations	0	0	0	0	0	0	0	0	1	0	0	1
Liquor Law Violations	0	0	0	0	0	0	0	0	0	0	0	0
Total	0	0	0	0	0	0	0	0	1	0	0	1
Bias Crimes	Campus	Non-Campus Property	Public Property	Total	Campus	Non-Campus Property	Public Property	Total	Campus	Non-Campus Property	Public Property	Total
Primary Crimes	0	0	0	0	0	0	0	0	0	0	0	0
Larceny Theft	0	0	0	0	0	0	0	0	0	0	0	0
Simple Assault	0	0	0	0	0	0	0	0	0	0	0	0
Intimidation	0	0	0	0	0	0	0	0	0	0	0	0
Destruction Damage	0	0	0	0	0	0	0	0	0	0	0	0
Other Bodily Injury	0	0	0	0	0	0	0	0	0	0	0	0
Total	0	0	0	0	0	0	0	0	0	0	0	0
VAWA Crimes	Campus	Non-Campus Property	Public Property	Total	Campus	Non-Campus Property	Public Property	Total	Campus	Non-Campus Property	Public Property	Total
Dating Violence	0	0	0	0	0	0	0	0	0	0	0	0
Domestic Violence	0	0	0	0	1	0	0	1	0	0	1	1
Stalking	0	0	0	0	0	0	0	0	0	0	0	0
Total	0	0	0	0	1	0	0	1	0	0	1	1

Unfounded Reports:
Unfounded Reports: None

Clery Act Statistics - Windward Campus 2019-2021

	2019				2020				2021			
Primary Crimes	Campus	Non-Campus Property	Public Property	Total	Campus	Non-Campus Property	Public Property	Total	Campus	Non-Campus Property	Public Property	Total
Murder/ Non-negligent manslaughter	0	0	1	1	0	0	0	0	0	0	0	0
Negligent manslaughter	0	0	0	0	0	0	0	0	0	0	0	0
Rape	0	0	0	0	0	0	0	0	0	0	0	0
Fondling	0	0	0	0	0	0	0	0	1	0	0	1
Incest	0	0	0	0	0	0	0	0	0	0	0	0
Statutory Rape	0	0	0	0	0	0	0	0	0	0	0	0
Robbery	0	0	0	0	0	0	0	0	0	0	0	0
Aggravated Assault	0	0	0	0	0	0	0	0	0	0	0	0
Burglary	1	0	0	1	0	0	0	0	0	0	0	0
Motor Vehicle Theft	1	0	0	1	1	0	0	1	0	0	0	0
Arson	0	0	0	0	0	0	0	0	0	0	0	0
Total	2	0	1	3	1	0	0	1	1	0	0	1
Arrests	Campus	Non-Campus Property	Public Property	Total	Campus	Non-Campus Property	Public Property	Total	Campus	Non-Campus Property	Public Property	Total
Weapons Violations	0	0	0	0	0	0	0	0	0	0	0	0
Drug Law Violations	0	0	0	0	2	0	0	2	1	0	0	1
Liquor Law Violations	0	0	0	0	0	0	0	0	1	0	0	1
Total	0	0	0	0	2	0	0	2	2	0	0	2
Disciplinary Actions	Campus	Non-Campus Property	Public Property	Total	Campus	Non-Campus Property	Public Property	Total	Campus	Non-Campus Property	Public Property	Total
Weapons Violations	0	0	0	0	1	0	0	1	0	0	0	0
Drug Law Violations	0	0	0	0	0	0	0	0	0	0	0	0
Liquor Law Violations	0	0	0	0	0	0	0	0	0	0	0	0
Total	0	0	0	0	1	0	0	1	0	0	0	0
Bias Crimes	Campus	Non-Campus Property	Public Property	Total	Campus	Non-Campus Property	Public Property	Total	Campus	Non-Campus Property	Public Property	Total
Primary Crimes	0	0	0	0	0	0	0	0	0	0	0	0
Larceny Theft	0	0	0	0	0	0	0	0	0	0	0	0
Simple Assault	0	0	0	0	0	0	0	0	0	0	0	0
Intimidation	0	0	0	0	0	0	0	0	0	0	0	0
Destruction Damage	0	0	0	0	0	0	0	0	0	0	0	0
Other Bodily Injury	0	0	0	0	0	0	0	0	0	0	0	0
Total	0	0	0	0	0	0	0	0	0	0	0	0
VAWA Crimes	Campus	Non-Campus Property	Public Property	Total	Campus	Non-Campus Property	Public Property	Total	Campus	Non-Campus Property	Public Property	Total
Dating Violence	0	0	0	0	0	0	0	0	0	0	0	0
Domestic Violence	0	0	0	0	0	0	0	0	0	0	0	0
Stalking	0	0	0	0	0	0	0	0	0	0	0	0
Total	0	0	0	0	0	0	0	0	0	0	0	0

Unfounded reports: None

Clery Act Statistics – Center for Economic Development 2019-2021

	2019				2020				2021			
Primary Crimes	Campus	Non-Campus Property	Public Property	Total	Campus	Non-Campus Property	Public Property	Total	Campus	Non-Campus Property	Public Property	Total
Murder/ Non-negligent manslaughter	0	0	0	0	0	0	0	0	0	0	0	0
Negligent manslaughter	0	0	0	0	0	0	0	0	0	0	0	0
Rape	0	0	0	0	0	0	0	0	0	0	0	0
Fondling	0	0	0	0	0	0	0	0	0	0	0	0
Incest	0	0	0	0	0	0	0	0	0	0	0	0
Statutory Rape	0	0	0	0	0	0	0	0	0	0	0	0
Robbery	0	0	0	0	0	0	0	0	0	0	0	0
Aggravated Assault	0	0	0	0	0	0	0	0	0	0	0	0
Burglary	0	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	0
Arson	0	0	0	0	0	0	0	0	0	0	0	0
Total	0	0	0	0	0	0	0	0	0	0	0	0
Arrests	Campus	Non-Campus Property	Public Property	Total	Campus	Non-Campus Property	Public Property	Total	Campus	Non-Campus Property	Public Property	Total
Weapons Violations	0	0	0	0	0	0	0	0	0	0	0	0
Drug Law Violations	0	0	0	0	0	0	0	0	0	0	0	0
Liquor Law Violations	0	0	0	0	0	0	0	0	0	0	0	0
Total	0	0	0	0	0	0	0	0	0	0	0	0
Disciplinary Actions	Campus	Non-Campus Property	Public Property	Total	Campus	Non-Campus Property	Public Property	Total	Campus	Non-Campus Property	Public Property	Total
Weapons Violations	0	0	0	0	0	0	0	0	0	0	0	0
Drug Law Violations	0	0	0	0	0	0	0	0	0	0	0	0
Liquor Law Violations	0	0	0	0	0	0	0	0	0	0	0	0
Total	0	0	0	0	0	0	0	0	0	0	0	0
Bias Crimes	Campus	Non-Campus Property	Public Property	Total	Campus	Non-Campus Property	Public Property	Total	Campus	Non-Campus Property	Public Property	Total
Primary Crimes	0	0	0	0	0	0	0	0	0	0	0	0
Larceny Theft	0	0	0	0	0	0	0	0	0	0	0	0
Simple Assault	0	0	0	0	0	0	0	0	0	0	0	0
Intimidation	0	0	0	0	0	0	0	0	0	0	0	0
Destruction Damage	0	0	0	0	0	0	0	0	0	0	0	0
Other Bodily Injury	0	0	0	0	0	0	0	0	0	0	0	0
Total	0	0	0	0	0	0	0	0	0	0	0	0
VAWA Crimes	Campus	Non-Campus Property	Public Property	Total	Campus	Non-Campus Property	Public Property	Total	Campus	Non-Campus Property	Public Property	Total
Dating Violence	0	0	0	0	0	0	0	0	0	0	0	0
Domestic Violence	1	0	0	1	0	0	0	0	0	0	0	0
Stalking	0	0	0	0	1	0	0	1	0	0	0	0
Total	1	0	0	1	1	0	0	1	0	0	0	0

Unfounded reports: None

Clery Act Statistics – Northwest Center 2019-2021

	2019				2020				2021			
Primary Crimes	Campus	Non-Campus Property	Public Property	Total	Campus	Non-Campus Property	Public Property	Total	Campus	Non-Campus Property	Public Property	Total
Murder/ Non-negligent manslaughter	0	0	0	0	0	0	0	0	0	0	0	0
Negligent manslaughter	0	0	0	0	0	0	0	0	0	0	0	0
Rape	0	0	0	0	0	0	0	0	0	0	0	0
Fondling	0	0	0	0	0	0	0	0	0	0	0	0
Incest	0	0	0	0	0	0	0	0	0	0	0	0
Statutory Rape	0	0	0	0	0	0	0	0	0	0	0	0
Robbery	0	0	0	0	0	0	0	0	0	0	0	0
Aggravated Assault	0	0	0	0	0	0	0	0	0	0	0	0
Burglary	0	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	0
Arson	0	0	0	0	0	0	0	0	0	0	0	0
Total	0	0	0	0	0	0	0	0	0	0	0	0
Arrests	Campus	Non-Campus Property	Public Property	Total	Campus	Non-Campus Property	Public Property	Total	Campus	Non-Campus Property	Public Property	Total
Weapons Violations	0	0	0	0	0	0	0	0	0	0	0	0
Drug Law Violations	0	0	0	0	0	0	0	0	0	0	0	0
Liquor Law Violations	0	0	0	0	0	0	0	0	0	0	0	0
Total	0	0	0	0	0	0	0	0	0	0	0	0
Disciplinary Actions	Campus	Non-Campus Property	Public Property	Total	Campus	Non-Campus Property	Public Property	Total	Campus	Non-Campus Property	Public Property	Total
Weapons Violations	0	0	0	0	0	0	0	0	0	0	0	0
Drug Law Violations	0	0	0	0	0	0	0	0	0	0	0	0
Liquor Law Violations	0	0	0	0	0	0	0	0	0	0	0	0
Total	0	0	0	0	0	0	0	0	0	0	0	0
Bias Crimes	Campus	Non-Campus Property	Public Property	Total	Campus	Non-Campus Property	Public Property	Total	Campus	Non-Campus Property	Public Property	Total
Primary Crimes	0	0	0	0	0	0	0	0	0	0	0	0
Larceny Theft	0	0	0	0	0	0	0	0	0	0	0	0
Simple Assault	0	0	0	0	0	0	0	0	0	0	0	0
Intimidation	0	0	0	0	0	0	0	0	0	0	0	0
Destruction Damage	0	0	0	0	0	0	0	0	0	0	0	0
Other Bodily Injury	0	0	0	0	0	0	0	0	0	0	0	0
Total	0	0	0	0	0	0	0	0	0	0	0	0
VAWA Crimes	Campus	Non-Campus Property	Public Property	Total	Campus	Non-Campus Property	Public Property	Total	Campus	Non-Campus Property	Public Property	Total
Dating Violence	0	0	0	0	0	0	0	0	0	0	0	0
Domestic Violence	0	0	0	0	0	0	0	0	0	0	0	0
Stalking	0	0	0	0	0	0	0	0	0	0	0	0
Total	0	0	0	0	0	0	0	0	0	0	0	0

Unfounded reports: None

Clery Act Statistics – Aviation at CCIA 2019-2021

	2019				2020				2021			
Primary Crimes	Campus	Non-Campus Property	Public Property	Total	Campus	Non-Campus Property	Public Property	Total	Campus	Non-Campus Property	Public Property	Total
Murder/ Non-negligent manslaughter	0	0	0	0	0	0	0	0	0	0	0	0
Negligent manslaughter	0	0	0	0	0	0	0	0	0	0	0	0
Rape	0	0	0	0	0	0	0	0	0	0	0	0
Fondling	0	0	0	0	0	0	0	0	0	0	0	0
Incest	0	0	0	0	0	0	0	0	0	0	0	0
Statutory Rape	0	0	0	0	0	0	0	0	0	0	0	0
Robbery	0	0	0	0	0	0	0	0	0	0	0	0
Aggravated Assault	0	0	0	0	0	0	0	0	0	0	0	0
Burglary	0	0	0	0	0	0	0	0	0	0	0	0
Motor Vehicle Theft	0	0	5	5	0	0	0	0	0	0	5	5
Arson	0	0	0	0	0	0	0	0	0	0	0	0
Total	0	0	5	5	0	0	0	0	0	0	5	5
Arrests	Campus	Non-Campus Property	Public Property	Total	Campus	Non-Campus Property	Public Property	Total	Campus	Non-Campus Property	Public Property	Total
Weapons Violations	0	0	7	7	0	0	0	0	0	0	5	5
Drug Law Violations	0	0	1	1	0	0	0	0	0	0	0	0
Liquor Law Violations	0	0	4	4	0	0	0	0	0	0	4	4
Total	0	0	12	12	0	0	0	0	0	0	9	9
Disciplinary Actions	Campus	Non-Campus Property	Public Property	Total	Campus	Non-Campus Property	Public Property	Total	Campus	Non-Campus Property	Public Property	Total
Weapons Violations	0	0	0	0	0	0	0	0	0	0	0	0
Drug Law Violations	0	0	0	0	0	0	0	0	0	0	0	0
Liquor Law Violations	0	0	0	0	0	0	0	0	0	0	0	0
Total	0	0	0	0	0	0	0	0	0	0	0	0
Bias Crimes	Campus	Non-Campus Property	Public Property	Total	Campus	Non-Campus Property	Public Property	Total	Campus	Non-Campus Property	Public Property	Total
Primary Crimes	0	0	0	0	0	0	0	0	0	0	0	0
Larceny Theft	0	0	0	0	0	0	0	0	0	0	0	0
Simple Assault	0	0	0	0	0	0	0	0	0	0	0	0
Intimidation	0	0	0	0	0	0	0	0	0	0	0	0
Destruction Damage	0	0	0	0	0	0	0	0	0	0	0	0
Other Bodily Injury	0	0	0	0	0	0	0	0	0	0	0	0
Total	0	0	0	0	0	0	0	0	0	0	0	0
VAWA Crimes	Campus	Non-Campus Property	Public Property	Total	Campus	Non-Campus Property	Public Property	Total	Campus	Non-Campus Property	Public Property	Total
Dating Violence	0	0	0	0	0	0	0	0	0	0	0	0
Domestic Violence	0	0	0	0	0	0	0	0	0	0	0	0
Stalking	0	0	0	0	0	0	0	0	0	0	0	0
Total	0	0	0	0	0	0	0	0	0	0	0	0

Unfounded reports: None

Drug and Alcohol Policies

Del Mar College is committed to working to maintain a safe, healthy, lawful, and productive working and educational environment for all employees and students. Studies have shown that use of illegal drugs and abuse of alcohol increases the potential for accidents, absenteeism, tardiness, unsatisfactory performance, inefficiency, poor employee morale, and damage to the College's reputation.

The intent of this policy is to make Del Mar College a better place to study and work through upgrading the mental and physical health of the total College community. It acknowledges the freedom of choice for those individuals who require or seek information relative to drug/alcohol abuse.

Definition of Legal Drugs

A "legal drug" is a prescribed drug or over-the-counter drug which has been legally obtained and is being legally used for the purpose for which it was prescribed or manufactured.

Definition of Illegal Drugs

An "illegal drug" is any drug or controlled substance which is (1) not legally obtainable or (2) is legally obtainable but was not legally obtained. The term "illegal drug" includes all illegal drugs, dangerous drugs and controlled substances defined and listed in Articles 4476-14 and 4476-15 (Texas Controlled Substances Act) Vernon's Texas Civil Statutes. Marijuana, hashish, cocaine, PCP, LSD, heroin, dilaudid, quaaludes, steroids and methamphetamine are only a few of the dangerous drugs or controlled substances which are included within such terms.

This policy applies to all students and employees of Del Mar College, as well as College visitors, contractors, and all other persons occupying space in/on conveyances, offices, buildings, facilities, or grounds over which Del Mar College has custody and control, including, but not limited to, rentals and leasing of auditorium and classroom spaces.

This policy does not cancel or supersede other laws, orders, instructions, or regulations which make the use, possession and/or distribution of dangerous drugs and controlled substances illegal.

When personal or behavioral problems begin to affect an employee's work or student's academic performance, and this appears to be the result of drug or alcohol abuse, the individual may be referred to the College Counseling Center for information on drugs/alcohol and/or to local community professionals. The student shall be responsible for any cost and/or fees incurred for professional services. Information concerning diagnosis, treatment, and medical records will be kept strictly confidential.

It is recognized that a person's job performance or academic studies may be affected by persons in the employee's or student's family who have alcohol, drug, or other emotional or behavioral problems. Therefore, the College will offer information services to these family members but accepts no further responsibility.

Use, distribution, or possession of alcoholic beverages, dangerous drugs, or controlled substances while on College property or at any authorized activity sponsored by or for any College-related organization, whether on or off campus, is subject to disciplinary action.

Services Offered on Campus

Counseling Center
(361) 698-1586

Disability Services
(361) 698-1292

Dean of Student Engagement and Retention
(361) 698-1277

Compliance with Policies and Laws

Each DMC student should be familiar with all published College policies. DMC holds each student responsible for compliance with these published policies. A violation that occurs off campus during a college-sponsored program or activity may be treated the same as if it occurred on campus.

Students are also expected to comply with all federal, state, and local laws; any student who violates any provision of those laws is subject to disciplinary action in addition to any action taken by civil authorities because of the violation. This principle extends to conduct off campus that is likely to have an adverse effect on the College or the educational process.

All sanctions are cumulative. Students who have previous Code of Conduct violations, including alcohol policy violations, may receive increased sanctions. Sanctions may also be increased based on the severity of the behavior.

Title IV Consumer Information Disclosure

Drug and Alcohol Abuse Prevention/Policy

B5.40 Policy on Drugs and Alcohol: The purpose of this policy is to inform the Del Mar College Community of its intent to comply with the "Drug Free Schools and Communities Act of 1986" (PL 99-570).

B5.40.1 General Statement: Del Mar College is committed to working to maintain a safe, healthy, lawful, and productive working and educational environment for all employees and students. Studies have shown that use of illegal drugs and abuse of alcohol increases the potential for accidents, absenteeism, tardiness, unsatisfactory performance, inefficiency, poor employee morale, and damage to the College's reputation. The intent of this policy is to make Del Mar College a better place to study and work through upgrading the mental and physical health of the total College community. It acknowledges the freedom of choice of those individuals who require or seek information relative to drug/alcohol abuse.

B5.40.1.1 Definition of Legal Drugs: A "legal drug" is a prescribed drug or over-the-counter drug which has been legally obtained and is being legally used for the purpose for which it was prescribed or manufactured.

B5.40.1.2 Definition of Illegal Drugs: An "illegal drug" is any drug or controlled substance which is (1) not legally obtainable or (2) is legally obtainable but was not legally obtained. The term "illegal drug" includes all illegal drugs, dangerous drugs, and controlled substances defined and listed in Articles 4476-14 and 4476-15 (Texas Controlled Substances Act) Vernon's Texas Civil Statutes. Marijuana, hashish, cocaine, PCP, LSD, heroin, dilaudid, Quaaludes, steroids, and methamphetamine are only a few of the dangerous drugs or controlled substances which are included within such terms.

B5.40.2 Educational Objectives:

B5.40.2.1 To include the subject of illegal drug and alcohol abuse in future College-sponsored student and employee training programs.

B5.40.2.2 To inform employees of the College's informational service and of this policy through various means, such as divisional and departmental meetings, and new employee orientation processes.

B5.40.2.3 To inform students of the College of this policy and informational services through various means, such as the campus newspaper *Foghorn*, Counseling Office, club meetings, "drug free"- related activities each semester, and the College's electronic data board located in the campus student centers.

B5.40.3 Applicability and Scope:

B5.40.3.1 This policy applies to all students and employees of Del Mar College, as well as College visitors, contractors, and all other persons occupying space in/on conveyances, offices, buildings, facilities, or grounds over which Del Mar College has custody and control, including but not limited to rentals and leasing of auditorium and classroom spaces.

B5.40.3.2 This policy does not cancel or supersede other laws, orders, instructions, or regulations which make the use, possession, and/or distribution of dangerous drugs, and controlled substances illegal.

Drug and Alcohol Information Services

B5.40.4 Drug and Alcohol Information Services: The College recognizes that alcoholism and drug dependency are "illnesses" or "disorders" and the College will provide information to any employee or student seeking assistance.

B5.40.5 Prohibition of Anabolic Steroid or Human Growth Hormone: Section 7, Section 4.11, Texas Controlled Substances Act (Article 44.76, Vernon's Texas Civil Statutes), requires that the following notice be posted in a conspicuous place in the gymnasium:

- Anabolic steroids and growth hormones are for medical use only. State law prohibits the possession, dispensing, delivery, or administering of an anabolic steroid or growth hormone in any manner not allowed by State law. State law provides that body building, muscle enhancement, or increasing muscle bulk or strength through the use of an anabolic steroid by a person who is in good health is not a valid medical purpose. Only a medical doctor may prescribe an anabolic steroid or human growth hormone for a person. A violation of state law concerning anabolic steroids or human growth hormones is a criminal offense punishable by confinement in jail or imprisonment in the Texas Department of Corrections.

B5.40.6 Prohibition (Drugs and/or Alcohol): The College prohibits the unlawful manufacture, sale, distribution, dispensation, possession, or use of controlled substances and/or alcohol in the workplace. The College further prohibits the consumption of any alcoholic beverage or being under the influence of alcohol or any controlled substances within the workplace or in College-owned vehicles. An individual need not be legally intoxicated to be considered "under the influence of a controlled substance or alcohol."

B5.40.6.1 Exemptions (CEO Approval Required): The College Chief Executive Officer (CEO) is authorized to approve exemptions to B5.40.6 to allow the serving of alcoholic beverages, as provided by law, at various Foundation, Alumni, and community events sponsored or approved by the College. Exemption requests shall be made on a form provided by the College.

B5.40.7 Condition of Employment: As a condition of employment with the College or as a condition of receiving or continuing to receive a federal grant, each person affected shall abide by the terms of the requirements and prohibitions set out in this policy and shall notify the College CEO, in writing, of any criminal drug statute conviction for a violation occurring in the workplace no later than five (5) days after such conviction.

B5.40.7.1 Within thirty (30) days of receiving notice from an employee or grant recipient, or otherwise receiving actual notice of a conviction for criminal drug statute violation occurring in the workplace, the College shall either (1) take appropriate personnel action against the employee up to and possibly including termination, or (2) require the employee to participate satisfactorily in a drug abuse assistance or rehabilitation program approved for such purposes by a federal, State or local health agency, law enforcement agency or other appropriate agency.

B5.40.8 Notice: Each employee, full-time or part-time, as well as student workers and grant recipients, shall be given a copy of the College's policy on drugs and alcohol and must sign a statement attesting to the receipt of the policy.

B5.40.8.1 A copy of this policy shall be printed in the College Student Handbook.

A5.40.9 Drug Prevention Program: The Administration hereby adopts and implements a program to prevent the illicit use of drugs and the abuse of alcohol by employees and students in the workplace. This policy will be maintained in compliance with federal regulations on behalf of the Drug-Free Schools and Communities legislation.

A5.40.9.1 Annually the College will distribute copies of this policy and others related to it to each employee and to each student enrolled in a credit course or courses.

A5.40.9.2 For all of the above persons, the College prohibits the unlawful possession, use, or distribution of illicit drugs or alcohol on College property or as part of College activities.

A5.40.9.3 All students and staff are reminded that local, State, and federal laws provide legal sanctions for unlawful possession of illicit drugs and alcohol. These sanctions may include probation and/or imprisonment.

A5.40.9.4 Numerous health risks are associated with the use of alcohol, tobacco, and illicit drugs. These include fetal alcohol syndrome, cancer, heart problems, cirrhosis of the liver, AIDS, and mental and other health problems.

A5.40.9.5 The College provides limited counseling services for students and employees who desire them, but prefers to refer those in need of treatment and rehabilitation to local community professionals. Current employee health benefits include insurance coverage for treatment of illnesses associated with the use of illicit drugs and the abuse of alcohol.

A5.40.9.6 The College will impose disciplinary sanctions on students and employees which are consistent with law and other policies which have been or will be established. These sanctions may extend up to, and include, expulsion from the College or termination of employment and referral for prosecution. A disciplinary sanction may include the completion of an appropriate rehabilitation program.

Sexual Misconduct-Programs and Reporting Procedures

B9.1 Policy Prohibiting Sexual Misconduct:

B9.1.1 Purpose and Authority: Del Mar College establishes this policy and related procedures and processes in its continuing effort to seek equity in education and employment, and consistent with its legal responsibility and authority to take measures to address, report, investigate, and prevent sexual misconduct, as required by Title IX of the Education Amendments of 1972, as amended, 20 U.S.C. § 1681, et. seq.; Title VII of the Civil Rights Act of 1964, 42 U.S.C. § 2000e; Jeanne Clery Disclosure of Campus Security Policy and Campus Crime Statistics Act of 1990, 20 U.S.C. § 1092(f), including the Campus Sexual Violence Elimination Act (Campus SaVE) amendment to the Clery Act (2013); Violence Against Women Reauthorization Act of 2013 (VAWA), as amended; and, Texas Education Code § 51.252 (Tex. SB 212)."

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

Sexual misconduct includes sexual violence, sexual harassment, domestic violence, dating violence, sexual assault, stalking, and sex discrimination.

B9.1.2 Statement of Policy: Del Mar College (the "College") will not tolerate and strictly prohibits sexual misconduct. The College will act to protect its students and employees from incidents of sexual misconduct committed by employees, students, or outside third parties. Conduct prohibited under this policy will not be tolerated and will be subject to disciplinary action, up to and including dismissal from employment and/or from the College, in accordance with Federal and State regulations and College policy.

B9.1.3 Scope: This policy applies to and may be used by all students and employees, regardless of gender, sexual orientation, or gender identity, to report incidents of sexual misconduct occurring on or off campus. Procedures and processes under this policy will distinguish between reporting sexual misconduct incidents and Filing Formal Complaints.

Student and employee grievances and complaints that do not contain allegations of sexual misconduct are excluded from this process. General student complaints or grievances reflecting a student's disagreement with the application of a specific College rule, practice and/or policy are processed through Board Policy **B7.12**. Employee complaints or grievances regarding general terms and conditions of employment are processed through Board Policy **B5.43**. Student complaints of discrimination, retaliation, and harassment, that do not contain allegations of sexual misconduct, are processed in accordance with Board Policy **B7.19**. Employee complaints of discrimination, retaliation and harassment that do not contain allegations of sexual misconduct are processed through Board Policy **B5.50**.

A9.1.4 Definitions: The following definitions apply to terms referenced herein.

Actual Knowledge: Actual knowledge means notice of dating violence, domestic violence, gender-based harassment, sex discrimination, retaliation, sexual assault, sexual harassment, or stalking (i.e., "sexual misconduct") or allegations of sexual misconduct to the appropriate Title IX coordinator or designee who has authority to institute corrective measures on behalf of Del Mar College. This standard is not met when the only individual with actual knowledge of sexual misconduct is the respondent. The term "notice," as used in this paragraph, includes, but is not limited to, a report of sexual misconduct to the appropriate Title IX coordinator or designee.

Coercion: The use of pressure to compel another individual to initiate or continue sexual activity against an individual's will. Coercion can include a wide range of behaviors, including psychological or emotional pressure, physical or emotional threats, intimidation, manipulation, or blackmail that causes the person to engage in unwelcome sexual activity. A person's words or conduct are sufficient to constitute coercion if they eliminate a reasonable person's freedom of will and ability to choose whether or not to engage in sexual activity. Examples of coercion include but are not limited to threatening to "out" someone based on sexual orientation, gender identity, or gender expression; threatening to harm oneself if the other party does not engage in the sexual activity; and threatening to expose someone's prior sexual activity to another person.

Complainant: The Complainant is the student or employee who initiates a complaint of sexual misconduct with either the District Student Complaint Coordinator or the District Complaint Coordinator. Complainants are not limited to those employees or students who have personally experienced the alleged act of sexual misconduct, but also those employees or students who may have either received notice of or witnessed the incident.

Confidential Employees: Confidential Employees include counselors in Counseling Services. Additionally, employees who receive information regarding an incident of sexual misconduct under circumstances that render the employee's communications confidential or privileged under other law (such as attorneys) are also considered "Confidential Employees."

Note: Under state law, Confidential Employees who receive information regarding incidents of sexual harassment, sexual assault, dating violence or stalking committed by or against a student or an employee of the College, are required to report the type of incident to the Title IX Coordinator (or Deputy Coordinators). Confidential Employees may not include any information that would violate a student's expectation of privacy. The Confidential Employee's duty to report an incident under any other law also applies.

Consent to Sexual Activity: Sexual activity requires consent, which is defined as an informed, voluntary, affirmative, and mutual agreement between the participants to engage in a specific sexual act. The following guidelines will be used to determine whether consent was obtained when investigating a complaint of sexual assault against a Del Mar College student or employee:

- Consent to sexual activity can be communicated in a variety of ways, but one should not presume consent has been given in the absence of a clear, positive agreement.
- Consent can only be accurately gauged through direct communication about the decision to engage in sexual activity. The absence of the word "no" or the like (e.g., "stop") does not imply

- consent.
- Although consent can be non-verbal, verbal communication is the most reliable form of asking for and obtaining consent. Discussing desires, needs, and limitations with sexual partners provides a basis for positive sexual experiences shaped by mutual willingness and respect.
- Presumptions based upon contextual factors (e.g., provocative clothing or dancing, etc.) are unwarranted, and should not be considered grounds for consent.
- As defined in the *State of Texas Penal Code §22.011 Sexual Assault*, the age of sexual consent is 17. Therefore, consent cannot be obtained from someone who is under the age of 17, as that person is legally considered to be a minor.
- Consent cannot be obtained from someone who is asleep, unconscious, or otherwise mentally or physically incapacitated, whether due to alcohol, drugs, or some other condition (e.g., an intellectual or other disability). A person is mentally or physically incapacitated when that person lacks the ability to make or act on considered decisions to engage in sexual activity. Engaging in sexual activity with a person whom you know – or reasonably should know – to be incapacitated constitutes sexual assault.
- Consent to some sexual acts does not constitute consent to other sexual acts.
- Consent must be ongoing throughout a sexual encounter and can be revoked at any time. If you proceed despite your partner’s verbal and/or non-verbal communication to stop, you have committed sexual assault.
- Consent cannot be obtained by threat, coercion, or force. Agreement under such circumstances does not constitute consent.
- A prior sexual encounter or pre-existing relationship does not indicate consent to current or future sexual activity.

Complainant: A complainant is an individual who is alleged to be the victim of conduct that could constitute dating violence, domestic violence, gender-based harassment, retaliation, sex discrimination, sexual assault, sexual harassment, or stalking.

Dating Violence: Violence committed by a person who is or has been in a social relationship of a romantic or intimate nature with the victim. The existence of such a relationship shall be determined based on the consideration of the following factors:

- The length of the relationship;
- The type of relationship; and
- The frequency of interaction between the persons involved in the relationship.

Dating violence includes, but is not limited to, sexual or physical abuse or the threat of such abuse. It does not include acts covered under the definition of domestic violence.

Deliberate Indifference: Deliberate indifference occurs when an institution of higher education with actual knowledge of dating violence, domestic violence, gender-based harassment, retaliation, sex discrimination, sexual assault, sexual harassment, or stalking (i.e., sexual misconduct) in the institution’s education program or activity against a person in the United States responds in a manner that is clearly unreasonable in light of the known circumstances. When an institution of higher education responds in a clearly unreasonable manner, that response constitutes intentional discrimination. Failing to promptly respond once an institution of higher education has actual knowledge of sexual misconduct can also be considered deliberate indifference.

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

District Student Complaint Coordinator: The District Student Complaint Coordinator, who is the Dean of Student Engagement and Retention, is the person designated by the College to receive any complaint of sexual misconduct against or by students; assist the Complainant in the use of the complaint form and procedures provided herein; identify a designee to conduct the investigation; provide information regarding law

enforcement, medical, sexual trauma and counseling resources; provide assistance regarding various internal and external mechanisms through which the complaint may be filed, including applicable time limits, if any, for filing with external agencies and law enforcement agencies.

Domestic (Family) Violence: In accordance with the [*Violence Against Women Reauthorization Act of 2013 \(VAWA\)*](#), the term “domestic violence” means 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; or by any other person against an adult or youth victim who is protected from that person’s actions under the domestic or family violence laws of the jurisdiction in which the violence occurred.

Education Program or Activity: Education program or activity includes locations, events, or circumstances over which Del Mar College exercised substantial control over both the respondent and the context in which the dating violence, domestic violence, gender-based harassment, retaliation, sex discrimination, sexual assault, sexual harassment, or stalking (i.e., sexual misconduct) occurred; and also includes any building owned or controlled by a student organization that is officially recognized by Del Mar College.

Formal Complaint: Formal complaint means a document filed by a complainant or signed by the appropriate Title IX coordinator or designee alleging dating violence, domestic violence, gender-based harassment, retaliation, sex discrimination, sexual assault, sexual harassment, or stalking against a respondent and requesting that Del Mar College investigate the allegation. At the time of filing a formal complaint, the complainant must be participating in or attempting to participate in Del Mar College’s education program or activity. A formal complaint may be filed with the appropriate Title IX coordinator or designee in person, by mail, email, using the contact information listed in this procedure for the appropriate Title IX coordinator or designee, or completing the online form available at [Student Complaint of Sexual Misconduct Incident Form](#). The formal complaint must contain the complainant’s physical or digital signature, or otherwise indicate that the complainant is the person filing the formal complaint. If the complainant is not able or willing to sign the complaint, the appropriate Title IX coordinator or designee may sign the complaint in the complainant’s stead; however, when the appropriate Title IX coordinator or designee signs a formal complaint, they are not a complainant or otherwise a party and must comply with all Title IX requirements.

Gender-Based Harassment: Gender-based harassment includes physical, verbal, or non-verbal conduct based on the student’s or employee’s gender, the student’s or employee’s expression of characteristics perceived as stereotypical for the student’s or employee’s gender, or the student’s or employee’s failure to conform to stereotypical notions of masculinity or femininity. For purposes of this policy, gender-based harassment is considered prohibited harassment if the conduct is so severe, pervasive, or objectively offensive that the conduct limits or denies a student’s ability to participate in or benefit from Del Mar College’s education program or activity.

Examples of gender-based harassment directed against a student or employee, regardless of the student’s or employee’s or the harasser’s actual or perceived sexual orientation or gender identity, may include offensive jokes, name-calling, slurs, or rumors; physical aggression or assault; threatening or intimidating conduct; or other kinds of aggressive conduct such as theft or damage to property.

Hostile Environment: exists when sexual misconduct is sufficiently severe or pervasive to deny or limit the individual’s ability to participate in or benefit from an education program or activity or an employee’s terms and conditions of employment. A hostile environment can be created by anyone (e.g., administrators, faculty members, employees, students, and College visitors) involved in an education program or activity or work environment.

In determining whether sexual misconduct has created a hostile environment, the College considers the conduct in question from both a subjective and objective perspective. It will be necessary, but not adequate, that the conduct was unwelcome to the individual who was mistreated. To conclude that conduct created or contributed to a hostile environment, the College must also find that a reasonable person in the individual’s position would have perceived the conduct as undesirable or offensive.

To ultimately determine whether a hostile environment exists for an individual or individuals, the College may consider a variety of factors related to the severity, persistence, or pervasiveness of the sexual misconduct, including: (1) the type, frequency, and duration of the conduct; (2) the identity and relationships of the persons involved; (3) the number of individuals involved; (4) the location of the conduct and the context in which it occurred; and (5) the degree to which the conduct affected an individual's education or employment.

The more severe the sexual misconduct, the less need there is to show a repetitive series of incidents to find a hostile environment. Indeed, a single instance of sexual assault may be sufficient to create a hostile environment. Likewise, a series of incidents may be sufficient even if the sexual misconduct is not particularly severe.

Incapacitation: Incapacitation is the inability, temporarily or permanently, to give consent because the individual is mentally and/or physically helpless, either voluntarily or involuntarily, or the individual is unconscious, asleep, or otherwise unaware that the sexual activity is occurring. An individual may be incapacitated if they are unaware at the time of the incident of where they are, how they got there, or why or how they became engaged in a sexual interaction.

When alcohol is involved, incapacitation is a state beyond drunkenness or intoxication. When drug use is involved, incapacitation is a state beyond being under the influence or impaired by use of the drug. Alcohol and other drugs impact each individual differently and determining whether an individual is incapacitated requires an individualized determination.

After establishing that a person is in fact incapacitated, the College asks two questions:

- Did the person initiating sexual activity know that the other party was incapacitated? and if not,
- Should a sober, reasonable person in the same situation have known that the other party was incapacitated?

If the answer to either of these questions is "YES," consent was absent, and the conduct is likely a violation of this Policy.

A Respondent will be found to have violated policy only if the Respondent knew or should have known that the person was incapacitated.

Intimidation: Unlawfully placing 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.

Official with Authority: An "official with authority" is any Del Mar College employee to whom notice of an incident of dating violence, domestic violence, gender-based harassment, retaliation, sex discrimination, sexual assault, sexual harassment, or stalking triggers Del Mar College's response obligations under Title IX; and who have authority to institute corrective measures on behalf of Del Mar College. Del Mar College's officials with authority include, but are not limited to, the Title IX coordinators, deputy Title IX coordinators, dean of students, associate deans of students, and student conduct officers.

Other Inappropriate Sexual Conduct: Conduct on the basis of sex that does not meet the definition of "sexual harassment" under this Policy, but is:

If verbal conduct (including through electronic means), unwanted statements of a sexual nature intentionally stated to a person or group of people, that are objectively offensive to a reasonable person and also so severe or pervasive that they created a Hostile Environment, as defined in this Policy. The type of verbal conduct (if all other elements are met) may include:

- Unwelcome sexual advances (including explicit or implicit proposition(s) of sexual contact or activity);
- Requests for sexual favors (including overt or subtle pressure);
- Gratuitous comments about an individual's sexual activities or speculation about an individual's sexual experiences;
- Gratuitous comments, jokes, questions, anecdotes, or remarks of a sexual nature about clothing or bodies;

- Persistent, unwanted sexual or romantic attention;
- Exposure to sexually suggestive visual displays such as photographs, graffiti, posters, calendars or other materials; or
- Deliberate, repeated humiliation or intimidation.

If physical conduct, either:

Sexual exploitation, as defined in this Policy;

- Unwelcome intentional touching of a sexual nature
- Deliberate physical interference with or restriction of movement; or
- Sexual violence as defined in this Policy.

Participants: The term “participants” includes the Complainant, Respondent, and any witnesses.

Parties: The term “parties” refers to the “Complainant” and the “Respondent” under this Policy.

Preponderance of the Evidence: The greater weight of the credible evidence. Preponderance of the evidence is the standard for determining allegations of prohibited conduct under this Policy. This standard is satisfied if the action is deemed more likely to have occurred than not.

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

Responsible Employee: A College employee who has the duty to report incidents of and information reasonably believed to be Sexual Misconduct to the Title IX Coordinator. All employees are Responsible Employees except Confidential Employees. Responsible Employees include all administrators, faculty, staff, and advisors. Responsible Employees must report all known information concerning the incident to the Title IX Office and must include whether a Complainant has expressed a desire for confidentiality in reporting the incident.

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

Sex Discrimination: Occurs when an individual is treated less favorably on the basis of that person’s sex (including gender), which may also include on the basis of sexual orientation, gender identity, or expression, pregnancy or pregnancy-related condition, or a sex stereotype. Sexual harassment, as defined in this Policy, is a form of sex discrimination.

Sexual Assault: Sexual assault is a form of sexual harassment. Sexual assault includes physical sexual 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. In accordance with the Clery Act, sexual assault is any sexual act directed at another person, without consent of the victim, including instances where the victim is incapable of giving consent; and includes attempted sexual acts, fondling, incest, rape, and statutory rape.

Sexual Exploitation: Conduct where an individual takes non-consensual or abusive sexual advantage of another for their own benefit, or to benefit anyone other than the one being exploited. Examples of sexual exploitation include, but are not limited to, engaging in voyeurism; forwarding of pornographic or other sexually inappropriate material by email, text, or other channels to non-consenting students/groups; the intentional removal of a condom or other contraceptive barrier during sexual activity without the consent of a sexual partner; and any activity that goes beyond the boundaries of consent, such as recording of sexual

activity, letting others watch consensual sex, or knowingly transmitting a sexually transmitted disease (STD) to another.

Sexual Harassment: In accordance with Title IX, sexual harassment means conduct on the basis of sex that satisfies one (1) or more of the following:

- A Del Mar College employee conditioning the provision of an aid, benefit, or service of Del Mar College on an individual's participation in unwelcome sexual conduct (i.e., quid pro quo sexual harassment);
- Unwelcome conduct determined by a reasonable person to be so severe, pervasive, and objectively offensive that it effectively denies a person equal access to Del Mar College's education program or activity; or sexual assault, as defined in the Jeanne Clery Disclosure of Campus Security Policy and Campus Crime Statistics Act (Clery Act); and dating violence, domestic violence, or stalking as defined in the Violence Against Women Reauthorization Act of 2013 (VAWA).

Note: Quid pro quo sexual harassment, Clery Act, and VAWA offenses are not evaluated for severity, pervasiveness, offensiveness, or denial of equal educational access because prohibiting such conduct presents no First Amendment concerns and such serious misconduct causes denial of equal educational access.

Examples of sexual harassment may include unwelcome sexual advances, requests for sexual favors, and other verbal, non-verbal, or physical conduct of a sexual nature by an employee, a student, or a third (3rd) party; touching intimate body parts or coercing physical contact that is sexual in nature; jokes or conversations of a sexual nature; rape; sexual assault; sexual battery; sexual coercion; dating violence, domestic violence, or stalking; and other sexually motivated conduct, communications, or contact.

Physical contact not reasonably construed as sexual in nature is not sexual harassment.

Sexual Misconduct: This term is broadly defined to encompass sex discrimination, sexual harassment, sexual assault, domestic violence, dating violence, stalking, and other Inappropriate Sexual Conduct.

Stalking: In accordance with the Violence Against Women Reauthorization Act of 2013 (VAWA), the term "stalking" means engaging in a course of conduct directed at a specific person that would cause a reasonable person to fear for the person's safety or the safety of others; or suffer substantial emotional distress. "Course of conduct" means two (2) or more acts including, but not limited to, acts in which the stalker directly, indirectly, or through third (3rd) parties, by any action, method, device, or means, follows, monitors, observes, surveils, threatens, or communicates to or about a person, or interferes with a person's property. "Reasonable person" means a reasonable person under similar circumstances and with similar identities to the victim. "Substantial emotional distress" means significant mental suffering or anguish that may, but does not necessarily, require medical or other professional treatment or counseling.

Supportive Measures: Supportive measures are non-disciplinary, non-punitive individualized services offered as appropriate, as reasonably available, and without fee or charge to the complainant or respondent before or after the filing of a formal complaint or where no formal complaint has been filed. Supportive measures are designed to restore or preserve equal access to Del Mar College's education program or activity without unreasonably burdening the other party, including measures designed to protect the safety of all parties or Del Mar College's educational environment, or deter sexual misconduct. Supportive measures may include, but are not limited to, counseling, extensions of deadlines or other course-related adjustments, modifications of work or class schedules, campus escort services, mutual restrictions on contact between the parties, changes in work or housing locations, leaves of absence, increased security and monitoring of certain areas of the campus, and other similar measures. Del Mar College must maintain as confidential any supportive measures provided to the complainant or respondent, to the extent that maintaining such confidentiality will not impair Del Mar College's ability to provide the supportive measures. The appropriate Title IX coordinator or designee is responsible for coordinating the effective implementation of supportive measures.

A9.1.5 Reporting Incidents of Sexual Misconduct: Revised August 14, 2020 Students and employees are advised of the following courses of action in the event of an incident of sexual misconduct.

- a. Your immediate personal safety is of the utmost importance. As soon as possible, following an incident of sexual violence, get to a place of safety.

- b. Contact the police at 911 as soon as possible after the assault has occurred. It is the decision of the person experiencing sexual violence in determining whether or not to file charges. It is important to note that where a charge is filed with the police, the State covers the cost of medical care provided at the emergency room. If a charge is not filed, the person experiencing sexual violence will be responsible for medical costs incurred. However, when a report is filed, you are NOT obligated to continue with the police criminal justice system or the campus disciplinary action process.
- c. Contact someone you trust to be with you and help you deal with any trauma you are experiencing. If you wish, you may contact the College's Counseling Center to assist you (361-698-1586). After business hours, contact Campus Security at (361) 698-1199. Your situation will be handled with confidentiality.
- d. It will be important to collect and preserve all evidence, where possible, within 24 hours of the attack of sexual violence. For example, do not change clothes or wash or dispose of clothes you were wearing at the time of the sexual violence incident. Do not wash, shower, or douche. If a change of clothing is unavoidable, put all clothing you were wearing at the time of the sexual violence incidence in a paper (not a plastic) bag. Until police have investigated the area where the incident occurred and dusted for fingerprints, avoid touching any smooth surfaces that the assailant may have touched.
- e. Document any injury you suffered either by photographing or by showing your injuries to someone you trust.
- f. Seek and obtain medical attention as soon as possible to treat any physical injury and obtain preventative treatment for possible sexually transmitted disease and other health services. Medical providers can also assist with preserving evidence documenting your injuries.
- g. In addition to seeking assistance from law enforcement, you can also take steps to protect yourself from the assailant by staying with friends or family after the act of sexual violence, letting your voicemail record telephone calls and messages, notifying the College of the incident in order to ensure the assailant is not allowed to have contact with you while on campus or at campus event.

A9.1.5.1 Reporting to the Appropriate Title IX Coordinator or Deputy Title IX Coordinator

Del Mar College students and employees can contact the appropriate Title IX coordinator or deputy Title IX coordinator to report incidents of dating violence, domestic violence, gender-based harassment, retaliation, sex discrimination, sexual assault, sexual harassment, and stalking (hereafter referred to as "sexual misconduct").

Note: Reporting to any individual other than the appropriate Title IX coordinator or deputy Title IX coordinator does not constitute filing a formal complaint for the purposes of initiating the Title IX complaint resolution process. To initiate the Title IX complaint resolution process, the complainant must submit a formal complaint to the appropriate Title IX coordinator or deputy Title IX coordinator listed below. Additionally, to initiate the Title IX complaint resolution process, complainants cannot remain anonymous.

Del Mar College designates the following persons as Title IX coordinators and deputy Title IX coordinators:

Title IX Coordinator:

Tammy F. McDonald
 Vice President for Administration and Human Resources
 101 Baldwin Blvd.
 Heldenfels Administration Bldg.
 Corpus Christi, TX 78404
 Tmcdonal1@delmar.edu
 Phone: (361) 698-2177

Deputy Title IX Coordinators:

District Employee Complaint Coordinator
 Jerry Henry, SPHR, SHRM-SCP
 Director of Human Resources
 101 Baldwin Blvd.
 Heldenfels Administration Bldg.
 Corpus Christi, TX 78404
 Jhenry12@delmar.edu
 Phone: (361) 698-1088

District Student Complaint Coordinator
 Rita Hernandez
 Dean of Student Engagement and Retention
 101 Baldwin Blvd.
 Harvin Student Center
 Corpus Christi, TX 78404
 Rhernandez18@delmar.edu
 Phone: (361) 698-1277

A9.1.5.2 Online Reporting Form: To file a complaint with the appropriate Title IX coordinator or deputy Title IX coordinator electronically, Del Mar College students and employees can submit the online form available at [Student Complaint of Sexual Misconduct Incident Form](#).

A9.1.5.3 Reporting to the Appropriate Official(s)

A9.1.5.3.1 Law Enforcement: For immediate notification to local law enforcement, dial 911. Contact information for local law enforcement agencies is also listed below.

Note: Reporting to the appropriate law enforcement official(s) does not constitute filing a formal complaint for the purposes of initiating the Title IX complaint resolution process. To initiate the Title IX complaint resolution process, the complainant must submit a formal complaint to the appropriate Title IX coordinator or deputy Title IX coordinator, as outlined in the “Reporting to the Appropriate Title IX Coordinator or Deputy Title IX Coordinator” (See A9.1.5.1).

If a complainant requests assistance with reporting to law enforcement, a Del Mar College official will help the complainant with that process. Additionally, complainants have the right not to report a crime or to decline to notify authorities, including law enforcement, if they so choose.

Corpus Christi Police Department 321 John Sartain St. Corpus Christi, TX 78401 Phone: (361) 886-2600 https://www.cctexas.com/police	San Patricio Sheriff’s Office 300 N. Rachal Ave. Sinton, TX 78387 Phone: (361) 364-9600 www.co.san-patricio.tx.us/page/sanpatricio.sheriff
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Nueces County Sheriff’s Office
901 Leopard St.
Corpus Christi, TX 78401
Phone: (361) 887-2222
www.nuecesco.com/law-enforcement/sheriff

A9.1.5.3.2 Report to Internal Entities: To report an incident that occurred on a Del Mar College campus or property owned or controlled by Del Mar College, you may contact Campus Security as follows:

Campus Security
Heritage Campus
101 Baldwin Blvd.
Corpus Christi, TX 78404
Office: (361) 698-1641
Security: (361) 698-1946
Extension: 1946 on any campus phone
<https://delmar.edu/offices/safety/>

A9.1.5.3.3 Reporting to Outside Entities

You may also contact the following external agencies:

For students:

Office for Civil Rights
U.S. Department of Education
1999 Bryan Street, Suite 1620
Dallas, TX 75201-6810
Phone: (214) 661-9600
Fax: (214) 661-9587

Office for Civil Rights
U.S. Department of Health and Human Services
1301 Young Street, Suite 1169
Dallas, TX 75202
Phone: (800) 537-7697
Fax: (214) 767-0432

For employees:

U.S. Equal Employment Opportunity Commission Dallas District Office
207 S. Houston Street, 3rd Floor
Dallas, TX 75202
Phone: (800) 669-4000
Fax: (214) 253-2720

Texas Workforce Commission Civil Rights Division
101 E. 15th Street Room 144-T
Austin, TX 78778-0001
Phone: (512) 463-2642

A9.1.5.4 Counseling and Supportive Services

A9.1.5.4.1 Del Mar College Counseling Office and Human Resources Office (HR)

Note: Reporting to the Counseling Services Office or Human Resources Office (HR) does not constitute filing a formal complaint for the purposes of initiating the Title IX complaint resolution process. To initiate the Title IX complaint resolution process, the complainant must submit a formal complaint to the appropriate Title IX coordinator or deputy Title IX coordinator, as outlined in the “Reporting to the Appropriate Title IX Coordinator or Deputy Title IX Coordinator” section above.

Personal and group counseling sessions are offered free of charge to all currently enrolled Del Mar College students. Counseling sessions are confidential and conducted by licensed mental health professionals. Additionally, the Counseling Services Office can provide appropriate referrals to on- and off-campus resources for Del Mar College students. For more information, contact:

Del Mar College Counseling Center
101 Baldwin Blvd.
Harvin Student Center, 2nd floor
Corpus Christi, TX 78404
Phone: (361) 698-1586
Fax (361) 698-1649

Del Mar College employees can contact the Human Resources Office (HR) for advocacy and support. HR can assist employees with appropriate accommodations and reporting to law enforcement. Additionally, HR provides appropriate resource information for off-campus resources. For more information, contact:

Office of Human Resources
101 Baldwin Blvd.
Heldenfels Admin Building, Suite 107

Corpus Christi, TX 78404
Phone: (361) 698-1088

A9.1.5.4.2 External Confidential Support and Resources. Students may discuss an incident with Confidential Employees or an off-campus resource (e.g. rape crisis center, doctor, psychologist, clergyperson, etc.) without concern that the person's identity will be reported to the Title IX Officers. Employees may also seek assistance from their own personal health care provider, the clergyperson of their choice, or an off-campus rape crisis resource without concern that the person's identity will be reported to the Title IX Officers.

The community resources that provide confidential services are:

Behavioral Health Center of Nueces County
1233 Agnes Street
Corpus Christi, TX
24/7 psychiatric crisis hotline: 1-888-767-4493

Bayview Behavioral Hospital
6629 Wooldridge Road
Corpus Christi, TX
Crisis Line: (361) 986-8200

Christus Spohn Hospital
600 Elizabeth
Corpus Christi, TX
24/7 Crisis Line: 1-888-767-4493

Coastal Plains Community Center
Locations in Rockport, Beeville, Falfurrias, Alice, Kingsville, and Portland
24/7 Crisis Line: 1-800-841-6467

Crime Victim Services
3833 S. Staples St. #203
Corpus Christi, TX 78411
(361) 852-7540

Corpus Christi Hope House
658 Robinson St.
Corpus Christi, TX 78404-2521
(361) 852-2273

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

Purple Door
813 Buford St, Corpus Christi, TX 78404
(361) 881-8888 or (800)-580-4878

National Sexual Assault
24/7 Crisis Hotline (RAINN)
1-800-656-HOPE (4673)
Stalking Resource Center/ National Center for Victims of Crime

A9.1.5.5 Anonymous Reports: In accordance with the Texas Education Code § 51.9365, Del Mar College students and employees can report sexual misconduct anonymously by submitting the online form available at [Student Compliant of Sexual Misconduct Incident Form](#). However, the submission of an anonymous electronic report may impair Del Mar College's ability to investigate and address the sexual misconduct. Additionally, to initiate the Title IX complaint resolution process, complainants cannot remain anonymous.

A9.1.5.6 Alternative Reporting Procedures: A student or employee will not be required to report sexual misconduct to the person alleged to have committed the conduct. Reports concerning sexual misconduct, including reports against the Title IX coordinators, may be directed to the College CEO.

A report against the College CEO may be made directly to the Board of Regents (Board). If a report is made directly to the Board, the Board will appoint an appropriate person to conduct the investigation.

A9.1.5.7 Timely Reporting: Reports of sexual misconduct should be made as soon as possible after the alleged act or knowledge of the alleged act. A failure to immediately report may impair Del Mar College's ability to investigate and address the sexual misconduct.

A9.1.5.8 Federal Statistical Reporting Obligations: Federal law requires that certain campus officials report incidents of sexual assault, domestic violence, dating violence and stalking solely for federal statistical reporting purposes. However, all personally identifiable information is kept confidential, but statistical information must be forwarded to campus law enforcement regarding the type of incident and the general location where it occurred for publication in the Campus Security Report.

A9.1.5.9 Federal Timely Warning Reporting Obligations: Employees and students who have been subjected to acts of sexual violence should also be aware that federal law requires College administrators issue immediate timely warnings for incidents that are confirmed to pose a substantial threat of bodily harm or danger to members of the campus community. Under these circumstances, the Complainant's name and other identifying information is not disclosed, but the campus community will still be provided with enough information so that individuals can make safety decisions considering the immediate danger posed.

A9.1.5.10 Amnesty Policy for Del Mar College Students: In accordance with the Texas Education Code §51.284, Del Mar College will give amnesty to (i.e., not take disciplinary action against) a student who reports, in good faith, that the student was the victim of or a witness to an incident of sexual misconduct as defined by this policy. This amnesty policy applies regardless of the location at which the incident occurred or the outcome of Del Mar College's disciplinary process regarding the incident, if any. This amnesty policy does not apply to a student who reports their own commission or assistance in the commission of sexual misconduct as defined by this policy.

A9.1.5.11 Privacy and Confidentiality: To the greatest extent possible, Del Mar College will respect the privacy of the complainant, respondent, and witnesses. Limited disclosures may be necessary in order to conduct a thorough investigation and comply with applicable law. Del Mar College will complete publicly available recordkeeping, including Clery Act reporting and disclosures, without inclusion of personally identifying information about the complainant. Additionally, Del Mar College must maintain as confidential any accommodations or supportive measures provided to the complainant or respondent, to the extent that maintaining such confidentiality will not impair Del Mar College's ability to provide the accommodations or supportive measures.

A9.1.5.12 False Reports and Claims: A Del Mar College student who intentionally submits a false report, makes a false claim, or offers false statements will be subject to appropriate disciplinary action.

A Del Mar College employee who intentionally submits a false report, makes a false claim, offers false statements, or refuses to cooperate with a Del Mar College investigation regarding sexual misconduct will be subject to appropriate disciplinary action.

Charging an individual with a violation(s) for making a materially false statement in bad faith in the course of a complaint resolution proceeding does not constitute prohibited retaliation. However, a determination regarding responsibility, alone, is not sufficient to conclude that any party made a materially false statement in bad faith.

A9.1.6 Informal Resolution Process

Del Mar College's Title IX complaint process is initiated by the alleged victim (hereafter referred to as the "complainant"), appropriate Title IX coordinator, or an official with authority to institute corrective measures on behalf of Del Mar College.

A9.1.6.1 To file a complaint, the complainant can contact the appropriate Title IX coordinator or deputy Title IX coordinator listed in the Reporting to the Appropriate Title IX Coordinator or Deputy Title IX Coordinator section of this procedure, or submit the online form available at [Student Complaint of Sexual Misconduct Incident Form](#).

If reported orally, the complaint will be reduced to writing by the appropriate Title IX coordinator or designee. The complaint must be signed. If the complainant is not able or willing to sign the complaint, the appropriate Title IX coordinator or designee may sign the complaint in the complainant's stead.

A9.1.6.2 Supportive Measures: Once Del Mar College has actual knowledge of an allegation of dating violence, domestic violence, gender-based harassment, retaliation, sex discrimination, sexual assault, sexual harassment, and/or stalking (hereafter referred to as "sexual misconduct"), the appropriate Title IX coordinator or designee will promptly contact the complainant and offer supportive measures (i.e., appropriate advocacy resources on and off campus).

These supportive measures and resources are available to the complainant whether or not they choose to file a formal complaint.

In the event a complaint is filed, and the appropriate Title IX coordinator or designee determines an investigation should be initiated, supportive measures will also be offered to the respondent.

A9.1.6.3 Initiation of Informal Resolution Process: Title IX permits the voluntary use of an informal resolution process after a formal complaint is filed at any time prior to a final determination being reached in the case. The parties must provide their voluntary consent in writing to participate in an informal resolution process.

Informal resolution is prohibited in any case where an employee is accused of engaging in sexual misconduct against a student.

Del Mar College will not require the parties to waive their rights to a formal process and agree to informal resolution as a condition of enrollment or employment.

Prior to initiating the informal resolution process, the appropriate Title IX coordinator will provide the parties with the required written notice of the allegations and a description of the parameters of the informal resolution

process. This written notice will include a statement that either party is permitted to withdraw from the informal resolution process and resume the formal resolution process at any time prior to a final determination being reached in the case.

A9.1.6.4 Anticipated Time Frame for Informal Resolution Process: Del Mar College will endeavor to expedite all informal resolutions. Absent extenuating circumstances, such as a request by a law enforcement or regulatory agency for Del Mar College to delay its investigation, the informal resolution process should be completed within a reasonably prompt time frame. However, Del Mar College may temporarily delay or grant a limited extension of the time frame for good cause as long as both parties are notified in writing of the delay or extension and the reason(s) for the action.

The anticipated time frame from receipt of the formal complaint through the informal resolution process, culminating with both parties signing the Informal Resolution Agreement Form, is thirty (30) days.

A9.1.6.5 Phase 1 of the Informal Resolution Process:

A9.1.6.5.1 Meeting with Informal Resolution Facilitator: The appropriate Title IX coordinator or designee will assign an informal resolution facilitator to coordinate the informal resolution process. Del Mar College may outsource the facilitator at their discretion.

A9.1.6.5.2 The informal resolution facilitator will meet separately with both parties and their respective advisors (if the parties elect to provide their own advisors during the informal resolution process) and explain the Title IX complaint and informal resolution processes. The informal resolution facilitator will inform the parties that an informal resolution is permissible if both parties choose to participate in and willingly consent to this type of resolution in writing. The informal resolution facilitator will notify both parties that either party is permitted to withdraw from the informal resolution process and resume the formal complaint process at any time prior to a final determination being reached in the case.

A9.1.6.5.3 Both parties will have to agree in writing indicating they are voluntarily and willingly consenting to pursue the informal resolution process at this time. This form serves as written notice to both parties that they are permitted to withdraw from the informal resolution process and resume the formal complaint process at any time prior to a final determination being reached in the case. Additionally, this form stipulates that the matter will be closed once a final determination is reached and informs the parties that the formal process will not be re-initiated once both parties agree to the final determination in writing.

A9.1.6.5.4 If either party chooses to withdraw from the informal resolution process, they will be required to do so in writing. This process must be completed prior to a final determination being reached and both parties signing the Informal Resolution Agreement Form.

A9.1.6.6 Phase 2 of the Informal Resolution Process: Informal Resolution Agreement

A9.1.6.6.1 After meeting with both parties and their respective advisors (if the parties elect to provide their own advisors during the informal resolution process) separately to ascertain the parameters for an informal resolution agreement, the informal resolution facilitator will present the Informal Resolution Agreement Form to both parties and clearly explain the informal resolution terms.

A9.1.6.6.2 Both parties and their respective advisors (if the parties elect to provide their own advisors during the informal resolution process) will be notified simultaneously in writing of the completed Informal Resolution Agreement Form and allowed ten (10) days to review and respond to the document.

A9.1.6.6.3 Any edits made to the Informal Resolution Agreement Form by either party and/or the informal resolution facilitator will be simultaneously sent in writing to both parties and their respective advisors (if the parties elect to provide their own advisors during the informal resolution process).

A9.1.6.6.4 If, after ten (10) days, both parties agree to the informal resolution terms, including any edits made by either party and/or the informal resolution facilitator during the review period, they will sign the final Informal Resolution Agreement Form. Both parties and their respective advisors (if the parties elect to provide their own advisors during the informal resolution process) will be provided an electronic and hard copy of the signed Informal Resolution Agreement Form for their respective records by the informal resolution facilitator

or appropriate Title IX coordinator or designee.

A9.1.6.6.5 Once the final Informal Resolution Agreement Form is signed, the matter will be closed, the resolution will be non-appealable, and the formal complaint process will not be re-initiated.

A9.1.7 Formal Resolution Process

A9.1.7.1 Receipt of Complaint: Del Mar College's Title IX complaint process is initiated by the alleged victim (hereafter referred to as the "complainant"), appropriate Title IX coordinator, or an official with authority to institute corrective measures on behalf of Del Mar College.

A9.1.7.2 To file a complaint, the complainant can contact the appropriate Title IX coordinator or deputy Title IX coordinator listed in the Reporting to the Appropriate Title IX Coordinator or Deputy Title IX Coordinator section of this handbook, or submit the online form available at [Student Complaint of Sexual Misconduct Incident Form](#).

If reported orally, the complaint will be reduced to writing by the appropriate Title IX coordinator or designee. The complaint must be signed. If the complainant is not able or willing to sign the complaint, the appropriate Title IX coordinator or designee may sign the complaint in the complainant's stead.

A9.1.7.3 Supportive Measures: Once Del Mar College has actual knowledge of an allegation of dating violence, domestic violence, gender-based harassment, retaliation, sex discrimination, sexual assault, sexual harassment, and/or stalking (hereafter referred to as "sexual misconduct"), the appropriate Title IX coordinator or designee will promptly contact the complainant and offer supportive measures (i.e., appropriate advocacy resources on and off campus).

These supportive measures and resources are available to the complainant whether or not they choose to file a formal complaint.

In the event a complaint is filed, and the appropriate Title IX coordinator or designee determines an investigation should be initiated, supportive measures will also be offered to the respondent.

A9.1.7.4 Anticipated Time Frame for Formal Resolution Process

A9.1.7.4.1 Del Mar College will endeavor to expedite all formal complaint investigations and resolutions. Absent extenuating circumstances, such as a request by a law enforcement or regulatory agency for Del Mar College to delay its investigation, the formal complaint process should be completed within a reasonably prompt time frame. However, Del Mar College may temporarily delay or grant a limited extension of the time frame for good cause as long as both parties are notified in writing of the delay or extension and the reason(s) for the action.

A9.1.7.4.2 The anticipated time frame from receipt of the formal complaint through the investigation and live hearing phases, culminating with the hearing officer's Written Determination of Responsibility, is 60 days.

A9.1.7.4.3 The anticipated time frame for the appeal process phase, culminating with the appeal decision-maker's Appeal Determination or the CEO or designee's decision (in cases where expulsion of a student or termination of an employee is recommended), is 45 days.

A9.1.7.5 Phase 1 of the Formal Resolution Process: Determination to Proceed with an Investigation

A9.1.7.5.1 The appropriate Title IX coordinator or designee will determine whether the allegation(s):

- occurred while participating in or attempting to participate in Del Mar College's education program or activity;
- impacted a person in the United States; and/or
- if proven, would meet the definition of sexual misconduct.

A9.1.7.5.2 The alleged conduct must be so severe, pervasive, or objectively offensive that it limits or denies a student's ability to participate in or benefit from an educational program or activity.

Note: Quid pro quo harassment, Clery Act, and VAWA offenses are not evaluated for severity, pervasiveness, or offensiveness, or denial of equal educational access because such misconduct is sufficiently serious to deprive a student of equal access.

A9.1.7.5.3 If the allegations in the complaint meet the criteria defined above, the appropriate Title IX coordinator or designee will assign an appropriate individual(s) to investigate the complaint.

A9.1.7.5.4 If the allegation(s) should be addressed through another Del Mar College process, the Title IX coordinator or designee will forward the complaint to the appropriate party.

A9.1.7.5.5 Dismissal of Complaint: If the allegations in the formal complaint do not meet one (1) or more of the criteria listed above, the complaint will be dismissed. Additionally, Del Mar College may dismiss a complaint at any time if:

- the complainant would like to withdraw the complaint;
- the respondent is no longer enrolled at or employed by Del Mar College; or
- specific circumstances prevent Del Mar College from gathering evidence sufficient to reach a determination.

If a complaint is dismissed for any of the reasons above, the appropriate Title IX coordinator or designee will notify the parties in writing of the reason(s) for the dismissal.

Even if a formal complaint is dismissed for any of the reasons above, the appropriate Title IX coordinator or designee may refer the alleged incident to the student disciplinary process or employee general complaint process for appropriate investigation and resolution. For more information on the student disciplinary process, contact the Dean of Student Engagement and Retention Office at (361) 698-1277. For more information on the employee general complaint process, contact the Human Resources Office (HR) at (361) 698-1088 or hr@delmar.edu.

A9.1.7.5.5.1 Appealing the Complaint Dismissal: Either the complainant or respondent may appeal any dismissal of the complaint on the following grounds by submitting a written request to the appropriate Title IX coordinator or designee:

- procedural irregularity that affected the outcome;
- new evidence not reasonably available that could affect the outcome; and/or
- conflict of interest or bias by Del Mar College's participants that affected the outcome.

The non-appealing party will be notified the other party has appealed and will be allowed to submit a written statement in response.

A9.1.7.5.5.2 Dismissal of Complaint Appeal Procedures: The appropriate Title IX coordinator or designee will assign an individual(s) from the pool of hearing officers to conduct the dismissal of complaint appeal. For more information on hearing officers, see the Hearing Officer section under A9.1.7.7 of the Formal Complaint Process: Live Hearing below.

The hearing officer will be free from conflicts of interest or bias for or against the parties.

The hearing officer will conduct a prompt, fair, impartial, unbiased, and equitable process from receipt of the dismissal of complaint appeal to the submission of the Decision Regarding Dismissal of Complaint Appeal.

The appropriate Title IX coordinator or designee will forward all information regarding the formal complaint, reason(s) for dismissal, appeal of the dismissal, and the non-appealing party's written statement to the hearing officer.

The hearing officer will review the documentation and may, at their discretion, meet separately with the complainant and/or respondent.

The hearing officer will consider whether the dismissal of the complaint is appropriate and will write a rationale explaining their decision. The hearing officer will then notify the parties and appropriate Title IX coordinator or designee in writing whether the dismissal of the complaint is upheld or overturned.

If the dismissal of the complaint is overturned, the appropriate Title IX coordinator or designee will re-initiate the Title IX complaint resolution process at the appropriate level. The Title IX complaint resolution process will resume at the same point it ended when the complaint was dismissed.

If the dismissal of the complaint is upheld, the hearing officer's determination is final and non-appealable. However, the appropriate Title IX coordinator or designee may still refer the alleged incident to the student disciplinary process or employee general complaint process for appropriate investigation and resolution. For more information on the student disciplinary process, contact the Dean of Student Engagement and Retention Office at (361) 698-1277. For more information on the employee general complaint process, contact the Human Resources Office (HR) at (361) 698-1088 or hr@delmar.edu.

A9.1.7.6 Phase 2 of the Formal Resolution Process: The Investigation

A9.1.7.6.1 Investigator: Del Mar College will maintain a pool of investigators consisting of members of the Dean of Student Engagement and Retention Office and any other appropriately trained investigators designated by Del Mar College. The appropriate Title IX coordinator or designee will assign an individual(s) from the pool of investigators to investigate the complaint.

All investigators will receive appropriate training on at least an annual basis to function in this role.

The investigator will be free from conflicts of interest or bias for or against the complainant or respondent (hereafter referred to as "the parties").

The investigator will conduct a prompt, fair, impartial, unbiased, and equitable process from the initial investigation to the submission of the Investigation Report.

Throughout the investigation, the burden of gathering evidence and burden of proof will fall on Del Mar College and the investigator, not the parties.

A9.1.7.6.2 Initiating the Investigation: The investigator will send an initial written notice containing details of the complaint and allegation(s) to both parties at the onset of the investigation.

The respondent will be presumed to be not responsible for the alleged sexual misconduct until a written determination is made at the conclusion of the Title IX complaint process. This presumption will be stated in the initial written notice provided to both parties at the onset of the investigation.

A9.1.7.6.3 Advisors' Roles During the Investigation Phase: In accordance with Title IX, both parties will have equal right to be accompanied by an advisor of their choice to interviews, meetings, and hearings with the investigator. Del Mar College will not provide an advisor for either party during this phase of the Title IX complaint process. Del Mar College retains the right to limit the role of both parties' advisors in interviews, meetings, and hearings with the investigator.

A9.1.7.6.4 Interim Action(s) and Temporary Removal(s): If, after engaging in an individualized safety and risk analysis, the investigator determines that an immediate threat to the physical health or safety of any student or other individual arising from the allegation of sexual misconduct justifies the temporary removal of the respondent, the investigator may recommend interim action(s) to the appropriate Title IX coordinator or designee. If the appropriate Title IX coordinator or designee approves the interim action(s), the investigator will provide the respondent with written notice of the interim action(s).

The investigator will meet with the respondent to discuss and explain the interim action(s). If the interim action(s) include a temporary removal (e.g., temporary immediate suspension, temporary removal from Del Mar College, temporary employee administrative leave):

The investigator will explain to the respondent their right to challenge the interim action(s) immediately after the temporary removal.

If the respondent chooses to challenge the temporary removal and submits a challenge in writing, the investigator will submit it to the Title IX Coordinator or Title IX Deputy Coordinator along with a brief

rationale explaining the individualized safety and risk analysis utilized to arrive at the interim action(s). The Title IX Coordinator or Title IX Deputy Coordinator will review the documentation, consider whether the removal is appropriate, and write a rationale explaining their decision. The Title IX Coordinator or Title IX Deputy Coordinator will then notify the parties and investigator in writing whether the removal is upheld or overturned.

A9.1.7.6.5 Investigative Interviews, Meetings, or Hearings: The investigator will meet separately with the parties, their respective advisors (if the parties elect to provide their own advisors during this phase), and witnesses.

The investigator will send written notice of any investigative interviews, meetings, or hearings to both parties and afford them sufficient time to prepare for these events.

During the initial interview, meeting, or hearing, with the parties and their respective advisors (if the parties elect to provide their own advisors during this phase), the investigator will:

- notify the parties and their respective advisors (if the parties elect to provide their own advisors during this phase) of their rights and options, including their right to file a complaint with the U.S. Department of Education Office for Civil Rights (OCR);
- explain the preponderance of the evidence standard (i.e., more likely than not to have occurred);
- provide a list of potential disciplinary sanctions and remedies. The investigator will review and explain this document and answer any questions regarding the potential disciplinary sanctions and remedies; and
- explain the informal resolution provisions outlined in the Informal Resolution section of this handbook.

The parties will have equal opportunity to present witnesses (including both fact and expert witnesses), inculpatory evidence (i.e., evidence that can establish an individual's involvement in an act or guilt), and exculpatory evidence (i.e., evidence that can exonerate an individual).

The investigator will not restrict the ability of either party or their respective advisors (if the parties elect to provide their own advisors during this phase) to discuss the allegations and gather or present relevant evidence.

A9.1.7.6.6 Authorization to Obtain Treatment Records: The investigator will not access, consider, disclose, or otherwise use a party's records that are made or maintained by a physician, psychiatrist, psychologist, or other recognized professional or paraprofessional acting in the professional or paraprofessional's capacity, or assisting in that capacity, and which are made and maintained in connection with the provision of treatment to the party, unless the investigator first obtains the party's voluntary, written consent to do so.

A9.1.7.6.7 Investigation Report: At the conclusion of the investigation, the investigator will write an Investigation Report that fairly summarizes the investigation and includes all evidence. The investigator will send the parties and their respective advisors (if the parties elect to provide their own advisors during this phase) the Investigation Report in electronic format or hard copy, and will give them 10 days to respond to the document prior to finalizing it.

The investigator will complete the finalized Investigation Report at least 10 days prior to the live hearing. The parties and their respective advisors (if the parties elect to provide their own advisors during this phase) will be notified simultaneously in writing of the final investigation findings, and a copy of the finalized Investigation Report will be sent to them in electronic format or hard copy by the investigator or appropriate Title IX coordinator or designee.

A9.1.7.7 Phase 3 of the Formal Resolution Process: Live Hearing

The investigation will be followed by a live hearing.

The parties and their respective advisors will be notified simultaneously in writing of the date, time, and place of the live hearing.

If a party is unable to obtain an advisor for the live hearing, Del Mar College will provide one (1) free of charge for the purpose of conducting cross-examination for the party. The appropriate Title IX coordinator or

designee will assign an appropriate advisor to the party for the live hearing.

A9.1.7.7.1 Hearing Officer: The hearing officer will serve as the first (1st) decision-maker in the formal Title IX complaint process.

Del Mar College will maintain a pool appointed hearing officers. The hearing officers will not be the Title IX coordinators, deputy Title IX coordinators, investigators, or hearing officer who made a determination in the complaint dismissal appeal, if applicable.

The appropriate Title IX coordinator or designee will assign an individual(s) from the pool of hearing officers to conduct the live hearing. Del Mar College may utilize outside resources as the hearing officer.

All hearing officers will receive appropriate training on at least an annual basis to function in this role. The hearing officer will be free from conflicts of interest or bias for or against the parties.

The hearing officer will conduct a prompt, fair, impartial, unbiased, and equitable process from the live hearing to the submission of the Written Determination of Responsibility.

A9.1.7.7.2 Live Hearing Procedures: The Title IX Coordinator or Title IX Deputy Coordinator can determine to conduct the live hearing in person or by video conference.

Specific procedures for the live hearing, including time limits for statements, rebuttal, and cross-examination, will be provided to the complainant, respondent, and their respective advisors prior to the live hearing.

The live hearing will be conducted by the hearing officer on the specified date and time to hear from the complainant, respondent, their respective advisors, and witnesses. Live hearings will be conducted in a designated room at the Del Mar College East Campus.

At either party's request, the hearing officer will provide the parties with separate rooms and the use of appropriate technology so the hearing officer, the parties, and their respective advisors can simultaneously see and hear all questions.

The hearing officer must make an audio recording, video recording, or transcript of the live hearing. The hearing officer will make the audio recording, video recording, or transcript available to the parties for inspection and review after the conclusion of the live hearing.

The hearing officer will permit each party's advisor to ask the other party and all witnesses any relevant questions and follow-up questions, including those bearing on credibility. Cross-examination will be conducted directly, orally, and in real time by the parties' respective advisors and never by the parties personally.

Advisors' roles will not be limited when cross-examination is permitted during the live hearing. However, the hearing officer has the responsibility to determine the relevancy of questions and explain in real time any decision not to permit a question. Questions and evidence concerning a complainant's sexual predisposition or prior sexual behavior are irrelevant and not permitted, unless these questions are offered to prove that someone other than the respondent committed the alleged misconduct or to prove consent.

If a party or witness refuses to submit to cross-examination, the hearing officer is required to ignore that individual's statement and reach a decision based on the remaining body of relevant evidence. However, the hearing officer is not permitted to draw an adverse inference based on the mere fact that an individual refused to submit to cross-examination.

A9.1.7.7.3 Written Determination of Responsibility: After the live hearing, the hearing officer will deliberate on the evidence provided and determine responsibility using the preponderance of the evidence standard (i.e., more likely than not to have occurred). The hearing officer will compose a Written Determination of Responsibility which will:

- identify the allegation(s) at issue;
- describe the procedural steps taken throughout the case;

- detail the findings of fact supporting the hearing officer’s determination;
- enumerate the conclusions regarding application of Del Mar College’s Title IX policy;
- contain a detailed a statement and rationale as to the determination for each allegation;
- clearly state any disciplinary sanctions being imposed (or recommended in the case of expulsion of a student or termination of an employee) on the respondent and any remedies that must be provided to the complainant; and
- describe the procedures and permissible grounds for appeal.

The hearing officer or appropriate Title IX coordinator or designee will send the Written Determination of Responsibility simultaneously to the parties and their respective advisors in electronic format or hard copy along with information about how to file an appeal.

The Written Determination of Responsibility will become final when:

- the stated time period to file an appeal has passed for both parties and neither party appeals, or
- the parties are notified that the hearing officer’s determination was upheld after the appeal process has been exhausted for both parties.

A9.1.7.7.4 Potential Penalties Imposed on a Respondent: The hearing officer may impose the following penalties on a student respondent or other penalties, as appropriate:

- Reprimand;
- Loss of privileges
- Removal from elected or appointed office;
- Loss of privileges which may be consistent with the offense committed and the rehabilitation of the student.
- Restriction from specific college buildings, areas, or facilities;
- No contact with designated person;
- Academic registration block; or
- Loss of college privileges, including social or co-curricular privileges.
 - Disciplinary probation with or without loss of designated privileges for a specified period of time. The violation of the terms of disciplinary probation or the infraction of any College rule during the disciplinary action will result in automatic suspension.
- Suspension for a definite period of time; and
- Recommendation for Expulsion.

The hearing officer may impose the following penalties on an employee respondent or other penalties, as appropriate:

- Coaching and Counseling,
- Written Disciplinary Action,
- Unpaid Administrative Leave, and
- Recommendation for Termination.

A9.1.7.7.5 Potential Remedies Provided to Complainants: If a respondent is found to be responsible for committing sexual misconduct, Del Mar College must effectively implement remedies for the complainant that are designed to restore or preserve the complainant’s right to equal access to education.

Remedies the hearing officer can offer to a student complainant include, but are not limited to:

- Campus Change if course work is available at a different Del Mar College location;
- Class Schedule Change;
- Drop a Course Without an Academic Penalty;
- Increased Security and Staff Monitoring of Certain Areas of the Campus;
- Information Regarding and Referrals to the Appropriate Agency for a No-Contact Order, Order of Protection,
- Restraining Order, or Similar Lawful Order through a Civil, Criminal, or Tribal Court;
- Late Withdrawal from a Course;
- No Contact Directive Issued by Del Mar College;
- Referral to Appropriate Medical Facility;

- Referral to Appropriate Off-Campus Resources;
- Referral to Del Mar College Campus Security Department and/or Local Law Enforcement Agency;
- Referral to Counseling Services;
- Specific Educational Programming for an Individual or Group;
- Student Employment Assignment Change; and

Remedies the hearing officer can offer to an employee complainant include, but are not limited to:

- Increased Security and Staff Monitoring of Certain Areas of the Campus;
- Information Regarding and Referrals to the Appropriate Agency for a No-Contact Order, Order of Protection,
- Restraining Order, or Similar Lawful Order through a Civil, Criminal, or Tribal Court;
- No Contact Directive Issued by Del Mar College;
- Referral to Appropriate Medical Facility;
- Referral to Appropriate Off-Campus Resources;
- Referral to Del Mar College Security Department and/or Local Law Enforcement Agency;
- Specific Educational Programming for an Individual or Group; and
- Work Schedule Reassignment.

A9.1.7.8 Phase 4 of the Formal Resolution Process: Appeal

Either the complainant or respondent may appeal the hearing officer's determination on the following grounds by submitting a written request to the appropriate Title IX coordinator within ten (10) College District business days of the hearing officer's decision:

- procedural irregularity that affected the outcome;
- new evidence not reasonably available that could affect the outcome; and/or
- conflict of interest or bias by Del Mar College's participants that affected the outcome.

The non-appealing party will be notified the other party has appealed and will be allowed to submit a written statement in response.

A9.1.7.8.1 Appeal Decision-Maker: The appeal decision-maker will be an appropriate college official. The appeal decision-maker will not be the same individual who served as the hearing officer during the live hearing. Additionally, the appeal decision-maker(s) will not be the Title IX coordinators, deputy Title IX coordinators, or investigators.

All appeal decision-makers will receive appropriate training on at least an annual basis to function in this role.

The appeal decision-maker will be free from conflicts of interest or bias for or against the parties.

The appeal decision-maker will conduct a prompt, fair, impartial, unbiased, and equitable process from the appeal to the submission of the Appeal Determination.

A9.1.7.8.2 Appeal Procedures: The appropriate Title IX coordinator or designee will forward all information regarding the investigation, Investigation Report, and hearing officer's Written Determination of Responsibility to the appeal decision-maker.

The appeal decision-maker will review the records and evidence and may, at their discretion, meet separately with the complainant and their advisor, the respondent, and their advisor, and/or witnesses.

A9.1.7.8.3 Appeal Determination: After the appeal, the appeal decision-maker will deliberate on the evidence provided and make a determination using the preponderance of the evidence standard (i.e., more likely than not to have occurred). The appeal decision-maker will compose an Appeal Determination, which will describe the:

- appeal and rationale for the determination, and
- procedures and permissible grounds for appeal.

The appeal decision-maker or appropriate Title IX coordinator or designee will send the Appeal Determination

simultaneously to the parties and their respective advisors in electronic format or hard copy along with information about how to file an appeal, if applicable.

The appeal decision-maker's determination is final and non-appealable except when expulsion of a student or termination of an employee is recommended.

A9.1.7.8.4 Expulsion and Termination Appeals to the Chief Executive Officer (CEO) or Designee: In cases where expulsion of a student or termination of an employee is recommended, either the complainant or respondent may appeal the appeal decision-maker's determination by submitting a written request to the appropriate Title IX coordinator or designee within ten (10) College District business days of the appeal decision-maker's determination.

The non-appealing party will be notified the other party has appealed and will be allowed to submit a written statement in response.

The appropriate Title IX coordinator or designee will forward all information regarding the investigation, Investigation Report, hearing officer's Written Determination of Responsibility, and appeal decision-maker's Appeal Determination to the CEO or designee.

The CEO or designee will review the records and evidence and may, at their discretion, meet separately with the complainant and their advisor, the respondent, and their advisor, and/or witnesses.

The CEO or designee will deliberate on the evidence provided and make a determination to affirm, modify, or reverse the recommendation for expulsion or termination.

The CEO or designee or appropriate Title IX coordinator or designee will simultaneously notify the parties and their respective advisors in writing of the CEO or designee's decision within ten (10) College District business days.

The CEO or designee's decision is final and non-appealable.

A9.1.7.8.5 Appeals to the Board of Regents: In cases where the complainant or respondent is the Chief Executive Officer (CEO), either the complainant or respondent may appeal the appeal decision-maker's determination by submitting a written request to the Chair of the Board of Regents within ten (10) College District business days of the appeal decision-maker's determination.

A9.1.7.8.6 Disclosure of Results of Disciplinary Proceeding: Upon written request, Del Mar College will disclose to the alleged victim of a crime of violence, as defined in Title 18, § 16, United States Code, or non-forcible sex offense (i.e., incest or statutory rape) the report on the results of any disciplinary proceeding conducted by Del Mar College against a student or employee who is the alleged perpetrator of such crime or offense. If the alleged victim is deceased as a result of such crime or offense, Del Mar College will treat the victim's next of kin as the alleged victim.

A9.1.7.8.7 Other Policies Not Applicable: Unless expressly referenced in this policy, the requirements of any other policy or provision relating to rights or procedures for filing and hearing of a grievance or an appeal, or specifying a time within which a grievance or appeal must be filed or heard, are overruled as inapplicable to sexual violence complaints.

A9.1.7.8.8 Extension of Time Limits: During the pendency of the investigation and appeal process, any party may request an extension of time limits stated herein to deal with emergent exigencies. A request for an extension of time limits shall be submitted to and approved by the College CEO during the investigation stage, or the independent arbitrator during the appeal stage. If the CEO is the Respondent, any such request must be made to the Board of Regents. All parties must be advised of any approved request by the party granting the request.

A9.1.8 Information for Del Mar College Employees

A9.1.8.1 Employees' Duty to Report: Note: Submitting a mandatory report for incidents of sexual misconduct does not constitute filing a formal complaint for the purposes of initiating the Title IX complaint resolution process. To initiate the Title IX complaint resolution process, the complainant must submit a formal complaint

to the appropriate Title IX coordinator or deputy Title IX coordinator, as outlined in the “Reporting to the Appropriate Title IX Coordinator or Deputy Title IX Coordinator” section in this document.

A9.1.8.1.1 In accordance with the Texas Education Code §51.252, a Del Mar College employee who, in the course and scope of employment, witnesses or has knowledge of information regarding the occurrence of an incident that the employee reasonably believes constitutes dating violence, sexual assault, sexual harassment, or stalking and is alleged to have been committed by or against a person who was a student enrolled at or an employee of Del Mar College at the time of the incident will promptly report the incident to Del Mar College’s Title IX coordinator or deputy Title IX coordinator. The report must include all information concerning the incident known to the reporting person that is relevant to the investigation and, if applicable, redress of the incident, including whether an alleged victim has expressed a desire for confidentiality in reporting the incident.

A9.1.8.1.2 In accordance with the Texas Education Code §51.252, an employee of Del Mar College who is designated by Del Mar College as a person with whom students may speak confidentially concerning dating violence, sexual assault, sexual harassment, or stalking, or who receives information regarding such an incident under circumstances that render the employee’s communications confidential or privileged under other law will, in making a report under this section, state only the type of incident reported and may not include any information that would violate a student’s expectation of privacy. This subsection does not affect the employee’s duty to report an incident under any other law.

A9.1.8.2 Filing a Report: Del Mar College employees can report in writing or via email to following:

Title IX Coordinator

Tammy F. McDonald
Vice President for Administration and Human Resources
101 Baldwin Blvd.
Heldenfels Administration Bldg.
Corpus Christi, TX 78404
Tmcdonal1@delmar.edu
Phone: (361) 698-2177

Deputy Title IX Coordinators:

District Employee Complaint Coordinator
Jerry Henry, SPHR, SHRM-SCP
Director of Human Resources
101 Baldwin Blvd.
Heldenfels Administration Bldg.
Corpus Christi, TX 78404
Jhenry12@delmar.edu
Phone: (361) 698-1088

District Student Complaint Coordinator
Rita Hernandez
Dean of Student Engagement and Retention
101 Baldwin Blvd.
Harvin Student Center
Corpus Christi, TX 78404
rhernandez18@delmar.edu
Phone: (361) 698-1277

A9.1.8.3 Failure to Report: An employee that fails to report an act of sexual misconduct or knowingly makes a false report under Texas Education Code § 51.252, could be subject to termination.

A9.1.8.4 Exceptions: A Del Mar College employee is not required to make a report under this section concerning:

- an incident in which the employee was a victim of dating violence, sexual assault, sexual harassment, or stalking; or
- an incident in which the employee received information due to a disclosure made at a dating violence, sexual assault, sexual harassment, or stalking public awareness event sponsored by the Del Mar College or by a student organization affiliated with Del Mar College.

Discrimination/Harassment

B7.19 Discrimination and Harassment Complaint Policy for Students: Del Mar College, in its continuing effort to seek equity in education and act in compliance with federal and state law, provides a complaint procedure for the prompt and equitable investigation and resolution of complaints of unlawful retaliation, or discrimination and/or harassment of students based on their race, color, age, national origin, religion, disability, veteran or military status.

This complaint procedure excludes complaints that are covered in the District's Policy B9.1 Prohibiting Sexual Misconduct that constitute the grievance procedures for complaints alleging unlawful sex discrimination and sexual misconduct as required under Title IX of the Education Amendments of 1972.

As used herein, "complaint" is synonymous with "grievance." This procedure may be used by any student of the College.

A7.19.2 Exclusion: Student grievances and general complaints that do not contain allegations of retaliation, discrimination, or harassment based on the student's race, color, sex (including pregnancy, gender identity/transgender status, sexual orientation), age, national origin, religion, disability, veteran or military status are excluded from this process. Such complaints will be addressed under B7.12 for student issues that do not contain complaints of retaliation, discrimination or sexual harassment. Complaints of sexual violence will be addressed under the District's Policy Prohibiting Sexual Violence (B9.1).

A7.19.3 District Student Complaint Coordinator: The District Student Complaint Coordinator, who is the Dean of Student Engagement and Retention, shall receive any complaint of alleged retaliation, discrimination or harassment as identified herein, assist the Complainant in the use of the complaint form and provide the Complainant with information about various internal and external mechanisms through which the complaint may be filed, including applicable time limits, if any, for filing with external agencies. The District Student Complaint Coordinator may identify a designee to receive, and, or assist with the investigation of complaints. If any Del Mar College employee receives a complaint of retaliation, discrimination or harassment from a student, he or she will immediately notify the District Student Complaint Coordinator of the complaint.

A7.19.4 Complainant's Rights: The Complainant is always free to file a complaint with any appropriate state or federal agency at any point during the complaint process.

A7.20 Confidentiality and Freedom from Reprisal or Retaliation: Complaints involve sensitive student matters and potential personnel matters. All parties involved in a complaint shall take the process seriously and respect the rights of privacy of the Complainant, the Respondent, the reviewer(s) and any witnesses or parties engaged

in the complaint process. Del Mar College will endeavor to maintain confidentiality to the extent permitted by law. There will be no retaliation, interference, or harassment toward any party to a complaint. Should a Complainant or witness experience any reprisal or retaliation as a result of filing a complaint pursuant to this section, the Complainant should immediately report the retaliatory action to the District Student Complaint Coordinator for intake, investigation and resolution as provided herein.

A7.21 Definitions

A7.21.1 Discrimination on the Basis of Protected Characteristic(s): Discrimination occurs where action adversely affecting the student's education is taken against a student by another student or Del Mar College employee, including Del Mar College administration, faculty or staff, or third parties participating in activities, work or programs of Del Mar College based on the student's race, color, sex (including pregnancy, gender identity/transgender status, sexual orientation), age, national origin, religion, disability, veteran or military status.

A7.21.2 Harassment on the Basis of Protected Characteristic(s): Harassment is conduct of an oral, written, graphic or physical nature directed towards a student by another student or Del Mar College employee, including Del Mar College administration, faculty or staff, or third parties participating in activities, work or programs of Del Mar College based on the student's race, color, sex (including pregnancy, gender identity/transgender status, sexual orientation), age, national origin, religion, disability, veteran or military status that is sufficiently severe, pervasive, or persistent so as to unreasonably interfere with the student's education such that an intimidating, hostile, or offensive environment is created.

Policy Carrying Handguns On Campus by License Holder

B10.1.1 Purpose and Authority: Del Mar College recognizes and enforces state law regulating firearms on campus.

Senate Bill 11 was passed by the Texas Legislature and signed into law on June 16, 2015, and made **effective for Community Colleges August 1, 2017**. This bill added Section 411.2031 to Chapter 411 of the Texas Government Code.

This policy is designed to be in compliance with Senate Bill 11 (Chapter 411 Section 411.2031 of the Texas Government Code) and to inform faculty, staff, students, and visitors of policy regarding the carrying of concealed handguns on campus by individuals who are licensed to carry a handgun and to address the safety, security, health and welfare of the college community. Individuals who do not have a valid license to carry a handgun are currently and will continue to be prohibited from carrying a handgun on campus.

The chief executive officer (CEO) of the Del Mar College District shall establish reasonable rules, regulations, or other provisions regarding the carrying of concealed handguns by license holders on the campus or on premises located on campus. The CEO may amend the provisions as necessary for campus security. The provisions take effect as determined by the CEO unless subsequently amended by the Board of Regents. No other College employee, student, council, committee, or student group may declare areas as prohibited campus locations.

B10.1.2 Scope: This policy applies to all individuals who attend classes, work, conduct business, or visit any Del Mar College campus, including but not limited to students, employees, consultants, visitors, patients, clients, volunteers, contractors, commercial tenants, or vendors. This policy does not apply to peace officers as defined in Article 2.12 of the Texas Code of Criminal Procedure, and does not apply to military service members or officers, inspectors, or investigators employed by a federal agency who are carrying a weapon in the discharge of official duties.

B10.1.3 Statement of Policy and Policy Violation: A handgun license holder under Chapter 411, Texas Government Code, may carry a concealed handgun on or about the license holder's person while the license holder is on the College campus or in a College vehicle, unless prohibited by state or federal law, or this policy.

The College enforces state law regulating firearms on campus. This enforcement occurs in two ways. First, College security or applicable law enforcement agencies will investigate and take appropriate action, including referral for criminal prosecution when violations occur. Second, the College will consider any violation of state law regulating firearms to be a violation of College policy.

Intentional reveal of a handgun on campus is prohibited. Any such incident is a criminal offense under Texas law and will be grounds for disciplinary action under DMC policy applicable to faculty, staff, and students. Texas Penal Code Section 30.06.

Failure to comply with this policy may result in disciplinary action up to and including termination or dismissal from the College under policy applicable to students, staff, and faculty.

The open carrying of a handgun on campus is prohibited by law.

The CEO or the CEO's designee is responsible for maintaining a comprehensive list of prohibited campus locations.

A10.1.4 Enforcement and Reporting: The primary responsibility for enforcement of this policy lies with Del Mar College Security. To report a concern or potential violation, immediately contact DMC Security at (361) 698-1946 or in an emergency call 911.

A10.1.5 Definitions: The following definitions apply to terms referenced herein.

1. **Adjudicatory** - Locations used for formal proceedings conducted for student and employee matters.
2. **Campus** - Means all land and buildings owned or leased by Del Mar College.
3. **Concealed Handgun** - A handgun, the presence of which is not openly discernible to the ordinary observation of a reasonable person.
4. **Interscholastic event** - Means a function or program existing or conducted among schools.
5. **License to Carry a Handgun (License Holder)** - A License to Carry a handgun (LTC) issued by the Texas Department of Public Safety (TXDPS), under Texas Government Code Chapter 411, Subchapter H. Also includes valid Concealed Handgun Licenses issued by the TXDPS, as well as licenses from other states, the validity of which is recognized by the State of Texas.

6. **Location** - Means a building, portion of a building, or a specific room or area in a building. The term does not include any public or private driveway, street, sidewalk or walkway, parking lot or other parking area.
7. **Open carry** - Visible possession of a handgun in public.
8. **Prohibited Campus Location** - An area of campus, building, portion of a building, or a specific room or area in a building in which the possession of handguns is prohibited as provided in (prohibited campus locations). The term does not include any public or private driveway, street, sidewalk or walkway, parking lot or other parking area.
9. **Sporting Event** - High school, collegiate, or professional sporting event or interscholastic (UIL) or similarly sponsored interscholastic events. (This provision does not apply to intramural games, club sports, or impromptu “pickup” games.)

A10.1.6 Prohibited Campus Locations: A license holder is prohibited from carrying a concealed handgun on the following prohibited campus locations.

1. Lichtenstein Center for Early Childhood Development building and school play yard.
2. Labs, storage rooms, mechanical rooms or IT server rooms {those with dangerous chemicals/combustible gas/toxic biologic agents or where equipment failure would cause a catastrophic event resulting in the college’s inability to operate}.
3. Physical activity courses and events such as: swimming, tennis, basketball, racquetball, dance, intramural sports, club sports.
4. Locations used for formal adjudicatory proceedings (student or employees).
5. Locations used for counseling by Licensed Professional Counselors employed by the Counseling Center {TPC §46.03;§46.035}.
6. Testing centers administering nationally sanctioned tests (ACT, SAT, TOEFL, CLEP, IBT) prohibit the carrying of a firearm under the rules of the testing organization.
7. In College owned or leased passenger transportation unless granted written permission from the CEO or CEO’s designee.
8. Classrooms and other locations that are specified for exclusive use by Collegiate High School.
9. Locations where a high school, collegiate, or professional sporting event or interscholastic (UIL) or similarly sponsored interscholastic events are occurring. (This provision does not apply to intramural games or impromptu “pickup” games.)
10. Any campus locations where Pre-K through Grade 12 youth camps, academies, and UIL competitions are occurring.
11. Any room used by a government entity for a duly-posted meeting in accordance with the Texas Open Meetings Act.
12. Locations used as a polling place during early voting or on the day of election.

Other areas where handguns are not permitted:

1. Where alcohol is served at events held on DMC property.
2. Any DMC property that is rented on a temporary basis by outside entities.
3. Any locations where the college, as directed or approved by the president as necessary for campus safety, gives effective notice on a temporary basis pursuant to Section 30.06, Penal Code. For this rule, the term “owner of the property” in Section 30.06(b), Penal Code, means the president of the college. No college employee is “someone with apparent authority to act for the owner” for purposes of Section 30.06(b), Penal Code. All notices under Section 30.06, Penal Code, will be institutional notice, conform to Sections 46.03 and 46.035, Penal Code, and apply equally to all handgun license holders.

A listing of identified campus locations can be found here: [Prohibited Campus Locations](#)

A10.1.7 Other Possible Prohibited Campus Locations: The College leases locations to certain entities. The lessor of the leased facilities determines the restrictions on possession of weapons in those locations. The lessor of the leased facilities will notify the College of those restrictions as determined by the lease agreement.

A10.1.8 Effective Notice: At all locations where concealed carry is prohibited, the College must give effective notice under Section 30.06, Penal Code. The College Security Department is to be contacted for questions about signage or to acquire signs.

A10.1.9 Carrying of Concealed Handguns by Employee: Any employee who is a license holder may carry a concealed handgun into his or her work area, unless prohibited under this policy. However, if the employee is not authorized by Del Mar College district to use the handgun in the course and scope of performing his or her duties, the possession, storage, or use of a handgun which results in personal injury or property damage may make the employee personally liable for the injury or damage. Furthermore, the employee may not be entitled to immunity under Section 411.208 of the Texas Government code or any other immunity or indemnity the individual may otherwise be entitled as a Del Mar College district employee.

A10.1.10 Storage and Safeguarding of Handguns: The College will not provide general storage, secured storage or storage of

any kind for handguns for license to carry holders. License to Carry Holders are solely responsible for safeguarding their handguns at all times. License to Carry Holders who fail to use reasonable care in securing handguns or properly concealing handguns are subject to disciplinary actions up to and including termination or dismissal from the College as applicable to students, faculty and staff or termination of a business relationship.

A10.1.11 Disclosure by License to Carry Holder: License to Carry Holders are not required to disclose their license status to anyone on campus other than a law enforcement officer. The College will not maintain a list of license to carry holders.

A10.1.12 Permitted Concealed Carry by a License Holder: Concealed carry is permitted on campus in areas that are not on the prohibited campus location list and in public or private driveway, street, sidewalk or walkway, parking lot, or other parking area.

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DISCLAIMER

The provisions and information set forth in this publication are intended to be informational and not contractual in nature. Thus, this publication is not intended, and shall not be construed, to constitute a contract between the Del Mar College District and any student, prospective student, agency of the local, state, or federal government, or any other person or legal entity of any and every nature whatsoever. Del Mar College hereby reserves and retains the right to amend, alter, change, delete, or modify any of the provisions of this publication at any time, and from time to time, without notice, in any manner that the Administration or the Board of Regents of Del Mar College deems to be in the best interest of Del Mar College.

EQUAL OPPORTUNITY/AFFIRMATIVE ACTION

Del Mar College is an Equal Opportunity/Affirmative Action Employer and Educational Institution. The College takes affirmative action to endeavor that no person shall be denied the benefits of equal employment or be subjected to discrimination in employment or educational programs and activities of Del Mar College on the basis of race, color, sex (including pregnancy, gender identity/transgender status, sexual orientation), age, national origin, religion, disability, or any other constitutionally or statutorily impermissible reason.

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