### Appendix A-1

**EDUCATION CODE CHAPTER 95, SUBTITLE E**

**ADMINISTRATION OF THE TEXAS STATE UNIVERSITY SYSTEM**

**SUBCHAPTER A. ADMINISTRATIVE PROVISIONS**

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<td>§ 95.02. <strong>BOARD MEMBERS: APPOINTMENT, QUALIFICATIONS, TERMS.</strong> The board is composed of nine members appointed by the governor with the advice and consent of the senate. The members hold office for terms of six years, with the terms of three members expiring February 1 of odd-numbered years. Each member of the board shall be a qualified voter; and the members shall be selected from different portions of the state. Acts 1971, 62nd Leg., p. 3218, ch. 1024, art. 1, § 1, eff. Sept. 1, 1971. Amended by Acts 1983, 68th Leg., p. 2837, ch. 484, art. III, § 3, eff. June 19, 1983.</td>
<td>Board terms expire February 1 of odd-numbered years.</td>
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<td>§ 95.03. <strong>BOARD MEETINGS.</strong> The board shall provide for regular meetings for the transaction of business pertaining to the affairs of the state university system. The chairman or a majority of the members of the board by petition may at any time call a special meeting of the board and fix the time and place thereof. Acts 1971, 62nd Leg., p. 3219, ch. 1024, art. 1, § 1, eff. Sept. 1, 1971. Amended by Acts 1975, 64th Leg., p. 1160, ch. 434, § 3, eff. June 19, 1975; Acts 1983, 68th Leg., p. 3050, ch. 524, § 1, eff. Sept. 1, 1983.</td>
<td>Regular Meetings: Required. Special Meetings: Either chair or board majority may call.</td>
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<td>§ 95.04. <strong>PER DIEM; EXPENSES.</strong> Members of the board shall receive a per diem payment as provided by the legislature and shall in addition be reimbursed for the actual expenses incurred by them in the performance of their duties. Payment shall be made out of the appropriation for the support and maintenance of the state university system as the board may direct. Acts 1971, 62nd Leg., p. 3219, ch. 1024, art. 1, § 1, eff. Sept. 1, 1971. Amended by Acts 1975, 64th Leg., p. 1160, ch. 434, § 3, eff. June 19, 1975; Acts 1983, 68th Leg., p. 3050, ch. 524, § 1, eff. Sept. 1, 1983.</td>
<td>Board members receive per diem plus expenses.</td>
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<td>§ 95.05. <strong>QUORUM.</strong> Five members of the board shall be a quorum for the transaction of business at any meeting and, unless a greater number is required by the board’s rules, the act of a majority of the members present at any meeting shall be the act of the board. Added by Acts 1983, 68th Leg., p. 3053, ch. 524, § 2, eff. Sept. 1, 1983.</td>
<td>Quorum is five members. Majority of those present acts for the board.</td>
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### § 95.06 SYSTEM CENTRAL ADMINISTRATION OFFICE; EXECUTIVE OFFICER
(a) The central administration office of the university system shall provide oversight and coordination of the activities of each component institution within the system. (b) The board shall appoint an executive officer of the university system and determine the executive officer's term of office, salary, and duties. (c) The executive officer shall recommend a plan for the organization of the university system and the appointment of a president for each component institution within the system. (d) The executive officer is responsible to the board for the general management and success of the university system, and the board shall cooperate with the executive officer to carry out that responsibility. (e) In addition to other powers and duties provided by this code or other law, the central administration office of the system shall recommend necessary policies and rules to the governing board of the system to ensure conformity with all laws and rules and to provide uniformity in data collection and financial reporting procedures. Added by Acts 1989, 71st Leg., ch. 464, § 3, eff. June 14, 1989.

### Board granted. Plenary authority over system institutions, including rule-making power.

### § 95.21 GENERAL RESPONSIBILITIES AND AUTHORITY OF BOARD
(a) The board is responsible for the general control and management of the universities in the system and may erect, equip, and repair buildings; purchase libraries, furniture, apparatus, fuel, and other necessary supplies; employ and discharge presidents or principals, teachers, treasurers, and other employees; fix the salaries of the persons employed; and perform such other acts as in the judgment of the board contribute to the development of the universities in the system or the welfare of their students. (b) The board has authority to promulgate and enforce such rules, regulations, and orders for the operation, control, and management of the university system and its institutions as the board may deem either necessary or desirable. When a power is vested in the board, the board may adopt a rule, regulation, or order delegating such power to any officer, employee, or committee as the board may designate. Acts 1971, 62nd Leg., p. 3219, ch. 1024, art. 1, § 1, eff. Sept. 1, 1971. Amended by Acts 1975, 64th Leg., p. 1160, ch. 434, § 3, eff. June 19, 1975; Acts 1983, 68th Leg., p. 3050, ch. 524, § 1, eff. Sept. 1, 1983.

### By committee or as a whole, Board must visit each university annually.

### § 95.22 INSPECTION OF UNIVERSITIES. The board as a whole or by committee shall visit each university under its control and management at least once during each scholastic year, inspect its work, and gather information which will enable the board to perform its duties intelligently and effectively. Acts 1971, 62nd Leg., p. 3219, ch. 1024, art. 1, § 1, eff. Sept. 1, 1971. Amended by Acts 1975, 64th Leg., p. 1160, ch. 434, § 3, eff. June 19, 1975; Acts 1983, 68th Leg., p. 3050, ch. 524, § 1, eff. Sept. 1, 1983.

### Each institution has a local committee that must meet annually with campus officials.

### § 95.23 LOCAL COMMITTEES OF BOARD. At least once a year each local committee of the board shall meet on the campus of the institution for which the local committee is responsible for reporting to the board. At the meeting, the local committee shall confer with the institution's officials and carefully examine all phases of the operations of the institution. Acts 1971, 62nd Leg., p. 3219, ch. 1024, art. 1, § 1, eff. Sept. 1, 1971.

### Board determines conditions of admissions and graduation.

### § 95.24 ADMISSION; DIPLOMAS AND CERTIFICATES. The board may determine the conditions on which students may be admitted to the universities, the grades of certificates issued, the conditions for the award of certificates and diplomas, and the authority by which certificates and diplomas are signed. Acts 1971, 62nd Leg., p. 3219, ch. 1024, art. 1, § 1, eff. Sept. 1, 1971. Amended by Acts 1975, 64th Leg., p. 1160, ch. 434, § 3, eff. June 19, 1975.

Graduates “authorized” to teach in public schools. Probably obsolete in view of state certification.

§ 95.27. **ANNUAL REPORT TO GOVERNOR.** The board shall make an annual report to the governor showing the general condition of the affairs of each university in the system and making recommendations for its future management and welfare. Acts 1971, 62nd Leg., p. 3220, ch. 1024, art. 1, § 1, eff. Sept. 1, 1971. Amended by Acts 1975, 64th Leg., p. 1160, ch. 434, § 3, eff. June 19, 1975. 

Board must submit annual report to governor, including recommendations.

§ 95.28. **DISBURSEMENT OF FUNDS.** All appropriations made by the legislature for the support and maintenance of the system universities, for the purchase of land or buildings for the universities, for the erection or repair of buildings, for the purchase of apparatus, libraries, or equipment of any kind, or for any other improvement of any kind shall be disbursed under the direction and authority of the board. The board may formulate rules for the general control and management of the universities, for the auditing and approving of accounts, and for the issuance of vouchers and warrants which are necessary for the efficient administration of the universities. Acts 1971, 62nd Leg., p. 3220, ch. 1024, art. 1, § 1, eff. Sept. 1, 1971. Amended by Acts 1975, 64th Leg., p. 1160, ch. 434, § 3, eff. June 19, 1975. 

Board disburses all legislative appropriations and may create structure to accomplish this.

**COMMENT:** § 95.29 Suggests that central, fiscal and legislative functions were intended.

§ 95.29. **FINANCIAL STATEMENTS AND RECOMMENDATIONS.** The board shall file in each house of the legislature at each of its regular biennial sessions a statement of the receipts and expenditures of each of the system universities, showing the amount of salaries paid to the various teachers, contingent expenses, expenditures for improvements, and other items of expense. The board shall also file its recommendations for appropriations for the universities. Acts 1971, 62nd Leg., p. 3220, ch. 1024, art. 1, § 1, eff. Sept. 1, 1971. Amended by Acts 1975, 64th Leg., p. 1160, ch. 434, § 3, eff. June 19, 1975. 

Board must account biennially to legislature as to financial operations and make recommendations.

§ 95.30. **EMINENT DOMAIN.** The board has the power of eminent domain to acquire for the use of the system universities the lands necessary and proper for carrying out their purposes, in the manner prescribed in Title 4, Chapter 21, of the Property Code. The taking of the land is for the use of the state. The board shall not be required to deposit a bond or the amount equal to the award of damages by the commissioners as provided in Section 21.021 of the Property Code. Acts 1971, 62nd Leg., p. 3220, ch. 1024, art. 1, § 1, eff. Sept. 1, 1971. Amended by Acts 1975, 64th Leg., p. 1160, ch. 434, § 3, eff. June 19, 1975; Acts 1987, 70th Leg., ch. 403, § 1, eff. Sept. 1, 1987. 

Board has power of eminent domain in order to fulfill a public purpose.

§ 95.31. **ACQUISITION OF LAND; PROCEDURES.** The board may acquire land, including the improvements thereupon, needed for the proper operation of a system university. The acquisition may be by grant, purchase, lease, exchange, gift, devise, or by condemnation. If the board and the landowner cannot agree on the sale and purchase of the land, the board may request the attorney general to proceed to condemn the land as provided by law. Acts 1971, 62nd Leg., p. 3220, ch. 1024, art. 1, § 1, eff. Sept. 1, 1971. Amended by Acts 1975, 64th Leg., p. 1161, ch. 434, § 4, eff. June 19, 1975; Acts 1983, 68th Leg., p. 3050, ch. 524, § 1, eff. Sept. 1, 1983; Acts 1987, 70th Leg., ch. 403, § 1, eff. Sept. 1, 1987. 

Board may acquire land by any lawful means, including condemnation, i.e., by eminent domain.
§ 95.32. **DORMITORIES.** (a) The board may enter into contracts with persons, firms, or corporations for the erection of dormitories at a university, and may purchase or lease lands and other appurtenances for the construction of the dormitories, provided that the state incurs no liability for the buildings or the sites. (b) The board may make contracts with reference to the collection and disposition of the revenue derived from the dormitories in the acquisition, management, and maintenance of the buildings. (c) The board may adopt rules and regulations it deems reasonable requiring any class or classes of students to reside in the dormitories or other buildings. Absolute management and control of the dormitories constructed is vested in the board. Acts 1971, 62nd Leg., p. 3221, art. 1, § 1, eff. Sept. 1, 1971. Amended by Acts 1975, 64th Leg., p. 1162, ch. 434, § 5, eff. June 19, 1975.

| Board has broad powers to erect and pay for dormitories and to require students to live in them. |

§ 95.33. **MANAGEMENT OF PROPERTY.** The board of regents of the Texas State University System has the sole and exclusive management and control of the lands set aside and appropriated to, or acquired by, the Texas State University System. The board may sell, lease, and otherwise manage, control, and use the lands in any manner and at prices and under terms and conditions the board deems best for the interest of the Texas State University System, not in conflict with the constitution. However, the land shall not be sold at a price less per acre than that at which the same class of other public land may be sold under the statutes. No grazing lease shall be made for a period of more than 10 years. Added by Acts 1979, 66th Leg., p. 1447, ch. 636, § 1, eff. June 13, 1979. Amended by Acts 1983, 68th Leg., p. 3050, ch. 524, § 1, eff. Sept. 1, 1983.

| Board alone owns, manages and controls system property. Can sell land at fair market value. May grant grazing leases not to exceed 10 years. |

§ 95.34. **DONATIONS, GIFTS, GRANTS, AND ENDOWMENTS.** (a) The board may accept donations, gifts, grants, and endowments for the universities under its control to be held in trust and administered by the board for the purposes and under the directions, limitations, and provisions declared in writing in the donation, gift, grant, or endowment, not inconsistent with the laws of the state or with the objectives and proper management of the universities. All money accepted under the authority of this section shall be deposited to the credit of one or more special funds created by the board for the university system or universities in the system. The board shall designate one or more depositories for the money received and shall accord money deposited in them the same protection by the pledging of assets of a depository as is required for the protection of public funds. (b) The board may deposit in one or more appropriate accounts created by the board all funds received as administrative fees or charges for services rendered in the management and administration of any trust estate under the control of the board. The funds so received as administrative fees or charges may be expended by the board for any educational purpose of the university system or universities in the system. Added by Acts 1979, 66th Leg., p. 1447, ch. 636, § 1, eff. June 13, 1979. Amended by Acts 1983, 68th Leg., p. 3050, ch. 524, § 1, eff. Sept. 1, 1983.

| Board may accept and manage gifts, grants, and endowments. |
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| § 95.36. MANAGEMENT AND LEASE OF LAND. (a) The board may lease for oil, gas, sulphur, ore, and other mineral development all land under its control. The board may make and enter into pooling agreements, division orders, or other contracts necessary in the management and development of its land. All leases, pooling agreements, division orders, or other contracts entered into shall be on terms which the board deems in the best interest of the system and the system universities. No lease shall be sold for less than the royalty and rental terms demanded at that time by the General Land Office in the sale of oil, gas, and other mineral leases of the public lands of the State of Texas. (b) Except as provided in Subsection (c) of this section, any money received by virtue of this section and the income from the investment of such money shall be deposited in the State Treasury to the credit of a special fund to be known as the Texas State University System special mineral fund, to be used exclusively for the university system and the universities in the system. However, no money shall ever be expended from this fund except as authorized by the General Appropriations Act. (c) All money received by virtue of the lease of land given to the board by a will, instrument in writing, or other means shall be deposited to the credit of one or more special funds created by the board for the university system or universities in the system. The board shall designate one or more depositories for the money received and shall accord money deposited in them the same protection by the pledging of assets of a depository as is required for the protection of public funds. Money deposited in a special fund may be used by the board for payment of principal and interest on revenue bonds or notes issued by the board and for any other use or purpose which in the judgment of the board may be for the good of the university system or the universities in the system. Added by Acts 1983, 68th Leg., p. 3053, ch. 524, § 2, eff. Sept. 1, 1983. |
| Board has plenary authority to lease land, including oil, gas, and other mineral interests. Texas GLO approval not required but Board instructed not to sell for less than GLO rate. Monies to be deposited into special, earmarked funds in state treasury. Board has broad discretion in expending non-earmarked funds. |

| § 95.37. DELINQUENT STUDENT LOAN ACCOUNTS, VENUE. A suit by the Texas State University System on its own behalf or on behalf of a component institution of the Texas State University System to recover a delinquent student loan, account, or debt owed to the Texas State University System or a component institution of the Texas State University System shall be brought in Travis County. Added by Acts 1987, 70th Leg., ch. 403, § 2, eff. Sept. 1, 1987. |
| Lawsuits to collect delinquent loans are filed in Travis County. |
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EDUCATION CODE CHAPTER 96, SUBTITLE E

INSTITUTIONS OF THE TEXAS STATE UNIVERSITY SYSTEM

SUBCHAPTER A. SUL ROSS STATE UNIVERSITY


Sul Ross State University and Rio Grande College (RGC) are created.


Probably obsolete provision, clarifying that Uvalde Study Center and RGC are the same entity.

SUBCHAPTER B. VACANT SUBCHAPTER

SUBCHAPTER C. TEXAS STATE UNIVERSITY

§ 96.41. TEXAS STATE UNIVERSITY. Texas State University is a coeducational institution of higher education located in the city of San Marcos. It is under the management and control of the Board of Regents, Texas State University System. Acts 1971, 62nd Leg., p. 3223, ch. 1024, art. 1, § 1, eff. Sept. 1, 1971. Amended by Acts 1975, 64th Leg., p. 1160, ch. 434, § 3, eff. June 19, 1975; Acts 2003, 78th Leg., ch. 386, § 2, eff. Sept. 1, 2003; Acts 2013, 83rd Leg., R.S., Ch. 30 (S.B. 974), Sec. 2, eff. Sept. 1, 2013.

TXST is created.

SUBCHAPTER D. SAM HOUSTON STATE UNIVERSITY

§ 96.61. SAM HOUSTON STATE UNIVERSITY. Sam Houston State University is a coeducational institution of higher education located in the city of Huntsville. It is under the management and control of the Board of Regents, Texas State University System. Acts 1971, 62nd Leg., p. 3223, ch. 1024, art. 1, § 1, eff. Sept. 1, 1971. Amended by Acts 1975, 64th Leg., p. 1160, ch. 434, § 3, eff. June 19, 1975.

SHSU is created.
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<td>§ 96.62. UNIVERSITY AIRPORT.</td>
<td>(a) The board may construct or otherwise acquire without cost to the state or the university an airport for purposes of cooperation with the national defense program and for instruction in aeronautics. (b) The board may acquire by purchase, lease, gift, or by any other means, and may maintain, use, and operate any and all property of any kind, real, personal, or mixed, or any interest in property, necessary or convenient to the exercise of the powers conferred by this section. The board has the power of eminent domain for the purpose of acquiring by condemnation any real property, or any interest in real property, necessary or convenient to the exercise of the powers conferred by this section. The board shall exercise the power of eminent domain in the manner provided by general law, including Title 52, Revised Civil Statutes of Texas, 1925, except that it shall not be required to give bond for appeal or bond for costs. Acts 1971, 62nd Leg., p. 3223, ch. 1024, art. 1, § 1, eff. Sept. 1, 1971.</td>
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<td>§ 96.63. JOSEY SCHOOL OF VOCATIONAL EDUCATION.</td>
<td>(a) The Josey School of Vocational Education is a division of Sam Houston State University and is under the direction and control of the Board of Regents, State Senior Colleges. (b) The administration of the school is under the direction of the president of Sam Houston State University. (c) The school shall provide vocational training for individuals over the age of 18 who cannot qualify scholastically for college entrance and for other persons who desire to avail themselves of short intensive courses in vocational education in the following fields: agriculture, home management, distributive education, photography, plumbing, sheet metal work, machine shop, auto mechanics, furniture, electrical appliances, air conditioning and refrigeration, printing, radio, garment making, interior decorating, light construction contracting, photogravure, watchmaking, and other trades of like nature. The training in these subjects shall be organized so that the courses may be completed in from 9 to 24 months. Courses may also be offered in English and mathematics and other subjects which will contribute to the vocational training of the student. Vocational courses in government, designed to prepare workers in various county, city, and state offices, may also be offered. (d) The rate of tuition charged students shall be the actual cost of teaching service, not to exceed $500 per scholastic year of nine months. Scholarships may be awarded by the board to worthy indigent students who might greatly benefit from the training offered. The amount of the scholarships may vary according to the needs of the individuals, but in no case may it reduce the tuition payment by the student to a point less than the tuition fee regularly charged students at the state senior colleges. Acts 1971, 62nd Leg., p. 3224, ch. 1024, art. 1, § 1, eff. Sept. 1, 1971.</td>
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Board may acquire or construct an airport if at no cost to the state.

Airport to be used for national defense programs and for aeronautics instruction.

Creates a junior college at SHSU to provide vocational training to persons age 18 who do not qualify scholastically for college.
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| § 96.64. BILL BLACKWOOD LAW ENFORCEMENT MANAGEMENT INSTITUTE OF TEXAS. (a) The Bill Blackwood Law Enforcement Management Institute of Texas is created for the training of police management personnel. The headquarters of the institute are at Sam Houston State University. The institute is under the supervision and direction of the president of Sam Houston State University and shall be operated and managed as a joint program between Sam Houston State University, Texas A&M University, and Texas Woman's University. (b) The president may establish rules relating to the institute. (c) The president shall establish reasonable charges for participation in institute training programs by participants who are not residents of this state. The participation costs of participants who are residents, including tuition, books, room, board, and travel costs, shall be paid from the Bill Blackwood Law Enforcement Management Institute of Texas fund. Participation in the institute training programs is open to every eligible resident of this state, whether or not the person is sponsored by an employing law enforcement agency. (d) The Bill Blackwood Law Enforcement Management Institute of Texas fund is in the state treasury. The president shall use the fund in administering the institute. (e) The board of regents of the Texas State University System may acquire, purchase, construct, improve, renovate, enlarge, or equip property, buildings, structures, facilities, roads, or related infrastructure for the institute to be financed by the issuance of bonds in accordance with Subchapter B, Chapter 55. The board of regents may pledge irrevocably to the payment of those bonds a portion of the proceeds of the Bill Blackwood Law Enforcement Management Institute of Texas fund. The amount of a pledge made under this subsection may not be reduced or abrogated while the bonds for which the pledge is made, or bonds issued to refund those bonds, are outstanding. Added by Acts 1989, 71st Leg., ch. 4, § 2.39(a), eff. Sept. 1, 1989. Amended by Acts 1991, 72nd Leg., ch. 19, § 1, eff. April 11, 1991; Acts 1991, 72nd Leg., ch. 361, § 26, eff. Aug. 26, 1991. Renumbered from V.T.C.A. Government Code, § 415.091 to 415.099 and amended by Acts 1993, 73rd Leg., ch. 1047, § 1, eff. Sept. 1, 1993. Amended by Acts 1995, 74th Leg., ch. 876, § 1.02, eff. Sept. 1, 1995; Acts 1997, 75th Leg., ch. 895, § 2, eff. Sept. 1, 1997. |
| § 96.641. INITIAL TRAINING AND CONTINUING EDUCATION FOR POLICE CHIEFS. (a) The Bill Blackwood Law Enforcement Management Institute of Texas shall establish and offer a program of initial training and a program of continuing education for police chiefs. The curriculum for each program must relate to law enforcement management issues. The institute shall develop the curriculum for the programs. The curriculum must be approved by the Commission on Law Enforcement Officer Standards and Education. (b) Each police chief must receive at least 40 hours of continuing education provided by the institute under this section each 24-month period. (c) An individual appointed or elected to that individual's first position as chief must receive not fewer than 80 hours of initial training for new chiefs in accordance with Subsections (d) and (e). (d) A newly appointed or elected police chief shall complete the initial training program for new chiefs not later than the second anniversary of that individual's appointment or election as chief. The initial training program for new chiefs is in addition to the initial training and continuing education required by Chapter 415, Government Code. The first 24-month period begins under Subsection (b) for an individual who completes the initial training program for new chiefs on the first anniversary of the date the individual completed the initial training program. (e) The institute by rule may provide for the waiver of: (1) the requirement of all or part of the 80 hours of initial training for new chiefs to the extent the new chief has satisfactorily completed equivalent training in the 24 months preceding the individual's appointment or election; or (2) the continuing education requirements of Subsection (b) for an individual who has satisfactorily completed equivalent continuing education in the preceding 24 months. |
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<th>(f) An individual who is subject to the continuing education requirements of Subsection (b) is exempt from other continuing education requirements under Subchapter H, Chapter 1701, Occupations Code. (g) In this section, &quot;police chief&quot; or &quot;chief&quot; means the head of a police department. (h) The chief of a municipal police department must be licensed as a peace officer by the commission no later than one year after the date that the chief is appointed to the position of police chief. The commission shall establish requirements for licensing and for revocation, suspension, cancellation, or denial of peace officer license for a police chief. (i) A police chief who does not comply with this section cannot continue to be the chief. (j) As part of the initial training and continuing education for police chiefs required under this section, the institute shall establish a program on asset forfeiture under Chapter 59, Code of Criminal Procedure. The program must include an examination of the best practices for educating peace officers about asset forfeiture and monitoring peace officers' compliance with laws relating to asset forfeiture. (k) As part of the initial training and continuing education for police chiefs required under this section, the institute shall establish a program on racial profiling. The program must include an examination of the best practices for: (1) monitoring peace officers' compliance with laws and internal agency policies relating to racial profiling; (2) implementing laws and internal agency policies relating to preventing racial profiling; and (3) analyzing and reporting collected information. Added by Acts 1997, 75th Leg., ch. 770, § 1, eff. Sept. 1, 1997. Amended by Acts 2001, 77th Leg., ch. 929, § 4, eff. Sept. 1, 2001; Acts 2001, 77th Leg., ch. 947, § 3, eff. Sept. 1, 2001; Acts 2001, 77th Leg., ch. 1420, § 14.740, eff. Sept. 1, 2001; Acts 2003, 78th Leg., ch. 1275, § 2(47), eff. Sept. 1, 2003.</th>
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<td>State requirements for continuing education for police chiefs are detailed.</td>
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96.65. Crime Victims’ Institute. (a) In this section: (1) "Close relative of a deceased victim" has the meaning assigned by Article 56.01, Code of Criminal Procedure. (2) "Guardian of a victim" has the meaning assigned by Article 56.01, Code of Criminal Procedure. (3) "Institute" means the Crime Victims’ Institute. (4) "Victim" has the meaning assigned by Article 56.01, Code of Criminal Procedure. (b) It is the intent of the legislature to create an institute to: (1) compile and study information concerning the impact of crime on: (A) victims; (B) close relatives of deceased victims; (C) guardians of victims; and (D) society; (2) use information compiled by the institute to evaluate the effectiveness of criminal justice policy and juvenile justice policy in preventing the victimization of society by crime; (3) develop policies to assist the criminal justice system and the juvenile justice system in preventing the victimization of society by crime; and (4) provide information related to the studies of the institute. (c) The headquarters of the institute are at Sam Houston State University in Huntsville, Texas. The institute is under the supervision and direction of the president of Sam Houston State University. (d) The institute shall: (1) conduct an in-depth analysis of the impact of crime on: (A) victims; (B) close relatives of deceased victims; (C) guardians of victims; and (D) society; (2) evaluate the effectiveness of and deficiencies in the criminal justice system and the juvenile justice system in addressing the needs of victims, close relatives of deceased victims, and guardians of victims and recommend strategies to address the deficiencies of each system; (3) determine the long-range needs of victims, close relatives of deceased victims, and guardians of victims as the needs relate to the criminal justice system and the juvenile justice system and recommend changes for each system; (4) assess the cost-effectiveness of existing policies and programs in the criminal justice system and the juvenile justice system relating to victims, close relatives of deceased victims, and guardians of victims; (5) make general recommendations for improving the service delivery systems for victims in the State of Texas; (6) advise and assist the legislature in developing plans, programs, and

Creates Crime Victims’ Institute to study effects of crime on victims, their families and society and to assist the state criminal justice system in formulating policy in this area.
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legislation for improving the effectiveness of the criminal justice system and juvenile justice system in addressing the needs of victims, close relatives of deceased victims, and guardians of victims; (7) make computations of daily costs and compare interagency costs on victims' services provided by agencies that are a part of the criminal justice system and the juvenile justice system; (8) determine the costs to attorneys representing the state of performing statutory and constitutional duties relating to victims, close relatives of deceased victims, or guardians of victims; (9) make statistical computations for use in planning for the long-range needs of the criminal justice system and the juvenile justice system as those needs relate to victims, close relatives of deceased victims, and guardians of victims; (10) determine the long-range information needs of the criminal justice system and the juvenile justice system as those needs relate to victims, close relatives of deceased victims, and guardians of victims; (11) enter into a memorandum of understanding with the Texas Crime Victim Clearinghouse to provide training and education related to the outcome of research and duties as conducted under Subdivisions (1)-(10); (12) issue periodic reports to the attorney general and the legislature on the progress toward accomplishing the duties of the institute; and (13) engage in other research activities consistent with the duties of the institute. (e) The institute shall cooperate with the Criminal Justice Policy Council in performing the duties of the institute. (f) The institute may enter into memoranda of understanding with state agencies in performing the duties of the institute. (g) Local law enforcement agencies shall cooperate with the institute by providing to the institute access to information that is necessary for the performance of the duties of the institute. (h) The president of Sam Houston State University may employ personnel as necessary to perform the duties of the institute. (i) The institute may contract with public or private entities in the performance of the duties of the institute. (j) The institute may accept gifts, grants, donations, or matching funds from a public or private source for the performance of the duties of the institute. The legislature may appropriate money to the institute to finance the performance of the duties of the institute. Money and appropriations received by the institute under this subsection shall be deposited as provided by Section 96.652. Added by Acts 1995, 74th Leg., ch. 485, § 1, eff. Sept. 1, 1995. Redesignated and amended from V.T.C.A., Government Code § 412.001, 412.002, 412.011 to 412.016 by Acts 2003, 78th Leg., ch. 927, § 1, eff. Sept. 1, 2003.

§ 96.651. CRIME VICTIMS' INSTITUTE ADVISORY COUNCIL. (a) In this section: (1) "Advisory council" means the Crime Victims' Institute Advisory Council. (2) "Victim" has the meaning assigned by Article 56.01, Code of Criminal Procedure. (b) The Crime Victims' Institute Advisory Council is created as an advisory council to the Crime Victims' Institute. (c) The advisory council is composed of the attorney general and the following individuals, each of whom is appointed by the governor: (1) a victim; (2) a member of the house of representatives; (3) a member of the senate; (4) a county judge or district judge whose primary responsibility is to preside over criminal cases; (5) a district attorney, criminal district attorney, county attorney who prosecutes felony offenses, or county attorney who prosecutes mostly criminal cases; (6) a law enforcement officer; (7) a crime victims' assistance coordinator; (8) a crime victims' liaison; (9) a mental health professional with substantial experience in the care and treatment of victims; (10) a person with broad knowledge of sexual assault issues; (11) a person with broad knowledge of domestic violence issues; (12) a person with broad knowledge of child abuse issues; (13) a person with broad knowledge of issues relating to the intoxication offenses described by Chapter 49, Penal Code; (14) a person with broad knowledge of homicide issues; (15) a person with broad knowledge of research methods; and (16) a designee of the governor. Creates an advisory panel to the Crimes Victims' Institute.
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| **(d)** The advisory council shall select a presiding officer from among the council members and other officers that the council considers necessary. | **(e)** The advisory council shall meet at the call of the presiding officer. **(f)** Appointed members of the advisory council serve for staggered two-year terms, with the terms of eight of the members expiring on January 31 of each even-numbered year and the terms of eight members expiring on January 31 of each odd-numbered year. **(g)** Service on the advisory council by a public officer or employee is an additional duty of the office or employment. **(h)** A member of the advisory council serves without compensation for service on the council but may be reimbursed for actual and necessary expenses incurred while performing council duties. **(i)** The advisory council may establish advisory task forces or committees that the council considers necessary to accomplish the purposes of this section and Sections 96.65 and 96.652. **(j)** The advisory council shall advise the Crime Victims' Institute on issues relating directly to the duties of the institute as set forth under Section 96.65(d). Added by Acts 1995, 74th Leg., ch. 485, § 1, eff. Sept. 1, 1995. Redesignated and amended from V.T.C.A., Government Code § 412.051 to 412.057 by Acts 2003, 78th Leg., ch. 927, § 1, eff. Sept. 1, 2003. |

### § 96.652. CRIME VICTIMS’ INSTITUTE ACCOUNT; AUDIT; REPORT

- **(a)** The Crime Victims' Institute account is an account in the general revenue fund.
- **(b)** The Crime Victims' Institute may use funds from the Crime Victims' Institute account to carry out the purposes of this section and Sections 96.65 and 96.651.
- **(c)** The comptroller shall deposit the funds received under Section 96.65 to the credit of the Crime Victims' Institute account.
- **(d)** Funds spent are subject to audit by the state auditor.
- **(e)** The Crime Victims' Institute shall file annually with the governor and the presiding officer of each house of the legislature a complete and detailed written report accounting for all funds received and disbursed by the institute during the preceding year. The form of the annual report and the reporting time shall be as provided by the General Appropriations Act. The Crime Victims' Institute shall determine the format and contents of the report and may have copies of the report printed for distribution as the institute considers appropriate. Added by Acts 1995, 74th Leg., ch. 485, § 1, eff. Sept. 1, 1995. Redesignated and amended from V.T.C.A., Government Code § 412.081, 412.082 by Acts 2003, 78th Leg., ch. 927, § 1, eff. Sept. 1, 2003.

### SUBCHAPTER E. LAMAR UNIVERSITY AND RELATED INSTITUTIONS

| **§ 96.701. LAMAR UNIVERSITY.** Lamar University is a coeducational institution of higher education located in the city of Beaumont. The university is under the management and control of the board of regents, Texas State University System. Added by Acts 1995, 74th Leg., ch. 1061, § 7, eff. Sept. 1, 1995. |
| **§ 96.702. SPINDLETOP MEMORIAL MUSEUM.** The board may create the Spindletop Memorial Museum at Lamar University and may administer the museum as the board considers appropriate. Added by Acts 1995, 74th Leg., ch. 1061, § 7, eff. Sept. 1, 1995. |
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#### § 96.703. LAMAR INSTITUTE OF TECHNOLOGY

(a) The board shall establish and maintain an educational center of Lamar University as a separate degree-granting institution to be known as Lamar Institute of Technology. (b) The primary purpose of the institute is to teach technical and vocational courses and related supporting courses. The board may confer degrees appropriate to the institute's curriculum. (c) For Lamar Institute of Technology, the board may expend funds allocated to Lamar University under Chapter 62 for any of the purposes listed in Section 17, Article VII, Texas Constitution, in the same manner and under the same circumstances as expenditures for those purposes for other separate degree-granting institutions. Added by Acts 1995, 74th Leg., ch. 1061, § 7, eff. Sept. 1, 1995. Amended by Acts 1999, 76th Leg., ch. 767, § 1, eff. June 18, 1999; Acts 2001, 77th Leg., ch. 1212, § 2, eff. June 15, 2001.

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#### § 96.704. LAMAR STATE COLLEGE--PORT ARTHUR AND LAMAR STATE COLLEGE--ORANGE

(a) The board shall establish and maintain coeducational lower-division institutions of higher education as separate accredited degree-granting institutions in the counties of Jefferson and Orange, to be known as Lamar State College--Port Arthur and Lamar State College--Orange, to teach only freshman- and sophomore-level courses. (b) The board may acquire, construct, or otherwise make provision for adequate physical facilities for use by Lamar State College--Port Arthur and Lamar State College--Orange and may accept and administer, on terms and conditions satisfactory to the board, grants or gifts of money or property tendered by any reason for the use and benefit of the school. (c) The board with approval of the Texas Higher Education Coordinating Board may prescribe courses leading to customary degrees. The board may make other rules and regulations for the operation, control, and management of Lamar State College--Port Arthur and Lamar State College--Orange as are necessary for each institution to be a first-class institution for freshman and sophomore students. (d) Nothing in this section shall be construed to limit the powers of the board as conferred by law. (e) For Lamar State College--Port Arthur and Lamar State College--Orange, the board may expend funds allocated to Lamar University under Chapter 62 for any of the purposes listed in Section 17, Article VII, Texas Constitution, in the same manner and under the same circumstances as expenditures for those purposes for other separate degree-granting institutions. (f) A reference in state law to Lamar University at Port Arthur means Lamar State College--Port Arthur. A reference in state law to Lamar University at Orange means Lamar State College--Orange. Added by Acts 1995, 74th Leg., ch. 1061, § 7, eff. Sept. 1, 1995. Amended by Acts 1999, 76th Leg., ch. 767, § 2, eff. June 18, 1999.

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#### § 96.705. APPLICATION OF OTHER LAW

All other provisions of law, including provisions for student fees, applicable to institutions of the Texas State University System apply to Lamar University and its educational centers. Added by Acts 1995, 74th Leg., ch. 1061, § 7, eff. Sept. 1, 1995.
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| $ 96.706.   HAZARDOUS WASTE RESEARCH CENTER. (a) The Hazardous Waste Research Center is established at Lamar University at Beaumont. The center is under the authority of the board of regents of the Texas State University System. The center may employ such personnel as are necessary. (b) The center shall carry out a program of research, evaluation, testing, development, and demonstration of alternative or innovative technologies that may be used in minimization, destruction, or handling of hazardous wastes to achieve better protection of human health and the environment. (c) The center shall provide coordination of the activities of a consortium of Texas universities initially consisting of the Texas Engineering Experiment Station of The Texas A&M University System, the University of Houston, The University of Texas at Austin, and Lamar University at Beaumont, and other entities that may become affiliated. (d) The center shall develop and maintain a database relevant to the programs of the center. (e) The programs of the center may include: (1) primary and secondary research; (2) collection, analysis, and dissemination of information; (3) the development of public policy recommendations; (4) training related to the handling and management of hazardous waste; (5) evaluation of technologies for the treatment and disposal of hazardous wastes; (6) demonstration projects and pilot studies of processing, storage, and destruction technologies; and (7) other services consistent with the purposes of the program. (f) In carrying out its established programs, the center may enter into agreements with: (1) the members of the Texas Consortium; (2) other universities in Texas, Louisiana, Mississippi, Alabama, Florida, and other states; (3) private research organizations; and (4) industry. (g) A policy board is created to determine the policies for program research, evaluation, testing, development, demonstration, intellectual property rights, and peer review. The policy board consists of each member of the consortium. The governing board of each institution of higher education belonging to the consortium shall appoint an individual to serve as a member of the policy board. (h) The institutions of higher education that are members of the policy board shall appoint an advisory council to develop recommendations on the priorities for research and to serve as a resource group on the projects. Each institution shall appoint two members from private industry and two other members to serve for terms to be set by the policy board. (i) The center shall seek grant and contract support from federal and other sources to the extent possible and accept gifts and donations to support its purposes and programs. (j) The center may receive state-appropriated funds as considered appropriate by the legislature. (k) Disbursement of funds received by the center on behalf of the consortium shall be on an equitable basis and in accordance with policy determined by the policy board subject to laws of the state and policies of member institutions. Disbursement policy shall recognize the need for core program support at each consortium institution, matching requirements for federal grants and contracts, general administration, and new initiatives. Disbursement of funds received in response to specific proposals shall be in accordance with those proposals. Added by Acts 1995, 74th Leg., ch. 1061, § 7, eff. Sept. 1, 1995. |
| Center for research and study of hazardous waste is created at LU. |
| Center coordinates activities of consortium of Texas universities, including UT-Austin, A&M and UH. |
| Each policy board member, in turn, appoints four members (two from private industry) to serve as the member's delegates on the board. |

Each participating university's board of regents appoints a delegate to the center's policy board.
§ 96.707. TEXAS ACADEMY OF LEADERSHIP IN THE HUMANITIES. (a) The Texas Academy of Leadership in the Humanities is established as a two-year program at Lamar University at Beaumont for secondary school students selected under this section. The academy is under the management and control of the board of regents of the Texas State University System. (b) The goals of the academy are to: (1) provide gifted and talented secondary school students with accelerated academic experiences to ensure success as undergraduates with advanced standing; (2) encourage those students to develop their full leadership potential and their ethical decision-making capabilities; (3) provide those students with academic and social role models and mentors to motivate them to pursue academic excellence and self-direction; (4) provide a model setting for the training of teachers in the educational materials and methods appropriate for gifted learners; (5) encourage the cooperation of business leaders and Lamar University staff to provide practical settings and experiences for those students through independent study, shadowing, and mentorship; (6) establish a setting to support necessary research to determine the academy's effectiveness and to disseminate results of that research; and (7) promote the active involvement of parents in all educational programs of the academy. (c) To be eligible for admission to the academy, a student must: (1) complete and file with the board, on a form prescribed by the board, an application for admission and a written essay on a topic selected by the board; (2) have successfully completed 10th grade in school; (3) be nominated by a teacher, school administrator, parent, community leader, or another secondary school student; (4) submit to the board two written recommendations from teachers; (5) have a composite score on an assessment test that is equal to or greater than the equivalent of 1,000 on the Scholastic Aptitude Test; (6) have a language score on an assessment test that is equal to or greater than the equivalent of 550 on the Scholastic Aptitude Test; and (7) have complied with any other requirements adopted by the board under this subchapter. (d) The board shall recruit minority secondary school students to apply for admission to the academy. (e) The board shall select for admission to the academy eligible students based on additional testing required by the board and on a personal interview by a selection committee appointed by the board. If the board selects an eligible student for admission to the academy, the board shall send written notice to the student and the student's school district. (f) The board shall establish a tuition and fee scholarship for each student who enrolls in the academy. A student who enrolls in the academy is responsible for room, board, and book costs and must live in a residence determined by board rule. (g) The academy courses are taught by the faculty members of Lamar University. The board may employ additional staff for the academy. (h) The board shall provide each student enrolled in the academy with a mentor who is a faculty member at Lamar University to assist the student in completing the student's course of study in the academy. (i) A student of the academy may attend a college course offered by Lamar University and receive college credit for that course. (j) The board may accept gifts and grants from a public or private source for the academy. (k) For each student enrolled in the academy, the academy is entitled to allotments from the Foundation School Program under Chapter 42 as if the academy were a school district, except that the academy has a local share applied that is equivalent to the local fund assignment of the Beaumont Independent School District. Added by Acts 1995, 74th Leg., ch. 1061, § 7, eff. Sept. 1, 1995. Amended by Acts 1997, 75th Leg., ch. 1071, § 25, eff. Sept. 1, 1997.

A two-year accelerated program for gifted high school juniors and seniors is created on campus; upon completion, these students will have earned two years of college credit.
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TSUS Policy Guidelines

TSUS Policy Guideline: Appropriate Use of Information Technology Resources
Policy Guideline ID: TSUS IT.01.03
Approval Authority: TSUS Board of Regents
Initial ITTF Approval Date: October 19, 2007
Effective BOR Date: May 16, 2008
Last Revised: August 13, 2015

Purpose/Reason
The Texas State University System (TSUS) considers information technology as a critical enabler in meeting its mission and has made significant investments in information technology assets and capabilities. Likewise, Texas Administrative Code, Chapter 202, Subchapter C, describes the information technology resources that support the operations of Texas public higher education institutions as "strategic and vital assets belonging to the people of Texas" and that these resources must be managed "commensurate with their value" in a fashion that assures their protection and availability for appropriate use by authorized individuals. Compliance with this policy contributes to the availability, protection, and appropriate use of the information technology resources of the Texas State University System and its component institutions.

Policy Statement
It is the policy of the Texas State University System to afford broad access to information technology resources by each institution's students, faculty and staff for activities that are related to, and in fulfillment of, institutional missions. To guide the policies related to appropriate use of Information Technology, the Texas State University System has set forth the following specific topics to be addressed in each institution's specific policy statement on appropriate use of information technology resources. Each component institution is charged with establishing and disseminating an institutional appropriate use policy statement that complies with the guidelines articulated in this TSUS policy statement.

Policy Specifics

1. Institutional vs. Individual Purpose
Access to information technology resources carries with it the responsibility for ensuring that the use of these resources is primarily for institutional purposes and institution-related activities, and for maintaining the integrity and security of the institution's computing facilities. In the interest of making the use of information technology resources a natural part of the day-to-day work of all members of the institutional community, incidental personal use is tolerated. However, one should not use any information technology resources in an extensive or regularly recurring manner for activities that are unrelated to institutional purposes. Individuals with authorized access to information technology resources must ensure that their access permissions are not accessible to or usable by any other individuals.

2. Personal vs. Official Representation
Information technology resources are a dynamic mechanism for the free exchange of knowledge. It is desirable for the institution to foster the robust dialogue that results from the use of the resources and to encourage students, faculty and staff to participate in that dialogue. Those exchanges that reflect the ideas, comments and opinions of individual members of the institutional community must, however, be distinguished from those that represent the official positions, programs and activities of the institution. Students, faculty and staff using information technology resources for purposes of exchanging, publishing or circulating official institutional documents must follow institutional requirements concerning appropriate content and style. The institution is not responsible for the content of documents, exchanges or messages, including links to other information locations on the internet or world wide web, that reflect only the personal ideas, comments and opinions of individual members of the institutional community, even where they are published or otherwise circulated to the public at large by means of institutional information technology resources.
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TSUS Policy Guidelines

3. Limitations on the Availability of Information Technology Resources
   The institution's information technology resources are finite by nature. All members of the institutional community must recognize that certain uses of institutional information technology resources may be limited or regulated as required to fulfill the institution's primary teaching, research and public service missions. Examples of these limitations include those related to capacity management, performance optimization, or security of the institution's information technology systems.

4. Privacy and Confidentiality of Electronic Documents
   No information technology system can absolutely guarantee the privacy or confidentiality of electronic documents. More importantly, information technology resources provided by the TSUS and its component institutions are essentially owned by the State of Texas and subject to state oversight. Consequently, persons that use these state-owned resources, or any personally owned or third party device that may be connected to a state-owned resource, have no right to privacy in their use of these resources and devices. TSUS institutions should, however, take reasonable precautions to protect the privacy and confidentiality of electronic documents and to assure persons using institutional information technology resources that the institution will not seek access to their electronic messages or documents without their prior consent except where necessary to:
   - Satisfy the requirements of the Texas Public Information Act, or other statutes, laws or regulations;
   - Allow institutional officials to fulfill their responsibilities when acting in their assigned capacity;
   - Protect the integrity of the institution's information technology resources, and the rights and other property of the institution;
   - Allow system administrators to perform routine maintenance and operations, security reviews and respond to emergency situations; or
   - Protect the rights of individuals working in collaborative situations where information and files are shared.
   TSUS institutions should establish more detailed procedures for appropriately preserving the privacy of electronic documents and for determining the methodology by which non-consensual access to electronic documents will be pursued by the institution.

5. TSUS Institutional Responsibilities
   In order to assist members of the institutional community in fulfilling their responsibilities with respect to use of information technology resources, each component institution shall establish and disseminate an institutional appropriate use policy statement that complies with the guidelines articulated in this TSUS policy statement. Each institution shall also provide appropriate guidance with regard to other specific institutional policies affecting the use of information technology resources. These specific policies should at a minimum cover topics detailed in the Texas Administrative Code, Title 1, Part 10, Chapter 202, Subchapter C related to security standards for institutions of higher education.

6. Failure to Comply with Information Technology Resource Policies
   Failure to adhere to the provisions of this TSUS policy statement or the appropriate use policy statement of any component institution may result in:
   - suspension or loss of access to institutional information technology resources
   - appropriate disciplinary action under existing procedures applicable to students, faculty and staff, and
   - civil or criminal prosecution
   To preserve and protect the integrity of information technology resources, there may be circumstances where the institution must immediately suspend or deny access to the resources. Should an individual's access be suspended under these circumstances, the institution shall strive to inform the individual in a timely manner and afford the individual an opportunity to respond. The institution shall then determine what disciplinary action is warranted and shall follow the procedures established for such cases.

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Scope and Applicability
This policy statement applies to all persons and organizations that manage or utilize information technology resources belonging to the TSUS or any of its component institutions.

Definitions
Information Technology Resources include any of the following that are owned, operated, or supplied by the TSUS or one of its component institutions: usernames or computer accounts, hardware, software, communication networks and devices connected thereto, electronic storage media, related documentation in all forms, and professional and technical support services. Also included are data files resident on hardware or media owned or supplied by the TSUS or a component, regardless of their size, source, author, or type of recording media, including e-mail messages, system logs, web pages and software.

Institution refers to any of the following eight components of the Texas State University System:
• Lamar University
• Sam Houston State University
• Sul Ross State University
• Sul Ross State University Rio Grande College
• Texas State University
• Lamar Institute of Technology
• Lamar State College-Orange
• Lamar State College-Port Arthur.

Authority and Responsibility
Questions related to this policy statement or to the appropriate use policy statement at any component institution should be addressed to the Chief Information Officer at the component institution.

Additional background, Related Policies, and other References
In addition to the general principles set forth in this policy statement, the use of information technology resources may be affected by a number of other legal requirements and ethical principles. While it is not possible to list all potentially applicable laws and regulations, the most relevant to the use of institutional information technology resources are listed in TSUS Policy Guideline TSUS IT.02.01, Information Security Policy, and are included in this policy guideline by reference.

Students, faculty and staff are responsible for understanding and observing these and all other applicable policies, regulations and laws in connection with their use of the institution’s information technology resources.
Appendix A-3
TSUS Policy Guidelines

TSUS Policy Guideline: Information Security Policy
Policy Guideline ID: TSUS IT.02.03
Approval Authority: TSUS Board of Regents
Initial ITTF Approval Date: October 19, 2007
Effective BOR Date: May 16, 2008
Last Revised: August 13, 2015

Purpose/Reason
The Texas State University System (TSUS) considers information technology to be a critical enabler in meeting its mission and has made significant investments in information technology assets and capabilities. The Texas State University System recognizes the inherent value of these information technology resources to the state, the System, and their constituents. Likewise, Texas Administrative Code, Title 1, Part 10, Chapter 202, Subchapter C (TAC 202) underlines the importance of information technology resources that support the operations of Texas public higher education institutions by requiring state institutions “to protect these assets against unauthorized access, disclosure, modification or destruction,” and “to assure the availability, integrity, utility, authenticity, and confidentiality of information.” Compliance with this policy contributes to the availability, protection, and appropriate use of the information technology resources of the Texas State University System and its component institutions.

Policy Statement
The Texas State University System and its component institutions must ensure the confidentiality, integrity, and availability of their information technology resources to fulfill their institutional missions and to assure compliance with the security standards for public institutions of higher education described in TAC 202. Thus, each component institution shall develop and disseminate an institutional policy statement on information security consistent with TAC 202 and utilizing the following additional resources as guidelines:

- ISO/IEC 27002:2005 standards jointly published by the International Organization for Standardization (ISO) and the International Electrotechnical Commission (IEC);
- Information Security Guide published by the EDUCAUSE Higher Education Information Security Council; and

Policy Specifics
The specific topics and objectives to be addressed by institutional information security policies are outlined below.

1. Information Security Policy
   Objective: To have management provide clear direction and strong support for the institution’s information security program. Management should affirm its support for the information security policies, roles, practices and other program components necessary to achieve security, consistent with business requirements, relevant laws, and regulations.

2. Information Security Organization:
   Objective: To effectively manage and execute the institution’s information security program. A management framework should be defined that clearly delineates the roles and responsibilities for management of information security within the institution.

3. Risk Assessment
   Objective: To identify, quantify, and prioritize risks to the organization and its information assets. Risk assessment results should guide and determine the appropriate management action and priorities for managing information security risks and for implementing controls to protect against these risks.
4. Information Asset Management
Objective: To achieve and maintain appropriate protection of campus information assets. Assets should be classified according to their need for security protection. Owners should be identified for all assets, and the responsibility for the maintenance of appropriate controls should be assigned.

5. Human Resources Security
Objective: To ensure that employees, contractors, and other users understand their information security responsibilities and to reduce the risk of theft, fraud, or misuse of information resources. Employees, contractors, and other users should be fully apprised of their security responsibilities. Their access to information assets should be managed consistent with their current institutional status, roles, and qualifications. Information security training should be provided to employees at new employee orientation and annually thereafter.

6. Physical and Environmental Security
Objective: To prevent unauthorized physical access, damage, and interference to the institution’s information infrastructure, premises, and information. Critical or sensitive information processing facilities should be housed in secure areas and protected from unauthorized physical access by defined security barriers and entry controls. They should be protected against loss from environmental threats commensurate with the identified risks and their importance to the institution’s mission critical business processes.

7. Communications and Operations Management
Objective: To ensure the correct and secure operation of information processing facilities. Responsibilities and procedures for the management and operation of all information processing facilities should be defined. This includes the development and documentation of appropriate operating procedures.

8. Identity and Access Management
Objective: To ensure proper control over virtual access to the institution’s information resources consistent with business and security requirements. Rules, responsibilities, and procedures should be defined for determining the initial and ongoing eligibility of persons to access information resources based on their respective affiliations and roles (e.g., students, employees, contractors, guests, etc.). Responsibilities should be ascribed to the institutional entities charged with validating the identities of eligible persons and managing the user accounts assigned to the eligible persons. Conditions and restrictions applicable to acquisition, retention, and loss of access should be clearly documented. Responsibilities for managing user accounts and authentication credentials should be clearly stated, including rules governing suspension of user account access and non-consensual access to account content.

9. Information Systems Acquisition, Development, and Maintenance
Objective: To ensure that security is an integral part of information systems management. Security requirements should be identified, agreed upon, and addressed in all phases of information systems administration, from procurement and development through implementation and ongoing maintenance.

10. Information Security Incident Management
Objective: To ensure information security events and weaknesses associated with information systems are managed in a manner allowing timely corrective action to be taken. Formal event reporting and escalation procedures should be established and documented.

Objective: To protect critical business processes and activities from the effects of major information system failures or environmental disruptions and to ensure their timely resumption. A business impact analysis and continuity management process should be developed to minimize the impact on the organization and to assure an acceptable level of recoverability.
Appendix A-3
TSUS Policy Guidelines

12. Compliance
Objective: To avoid breaches of any law, regulation, contractual obligation, or institutional policy.
Information resources should be regularly tested and audited to assure adherence with both external and internal standards.

Scope and Applicability
This policy statement applies to all persons and organizations that manage or utilize information technology resources belonging to the TSUS or any of its component institutions.

Definitions
Information Technology Resources include any of the following that are owned, operated or supplied by the TSUS or one of its component institutions: usernames or computer accounts, hardware, software, communication networks and devices connected thereto, electronic storage media, related documentation in all forms, and professional and technical support services. Also included are data files resident on hardware or media owned or supplied by the TSUS or a component, regardless of their size, source, author, or type of recording media, including e-mail messages, system logs, web pages and software.

Institution refers to any of the following eight components of the Texas State University System:
- Lamar University
- Sam Houston State University
- Sul Ross State University
- Sul Ross State University Rio Grande College
- Texas State University
- Lamar Institute of Technology
- Lamar State College-Orange
- Lamar State College-Port Arthur.

Authority and Responsibility
Questions related to this policy statement or to the appropriate use policy statement at any component institution should be addressed to the Chief Information Officer at the component institution.

Additional background, Related Policies, and other References
In addition to the general guidelines set forth in this policy statement, information security policies may be affected by a number of other legal requirements and ethical principles. While it is not possible to list all potentially applicable laws and regulations, the following are particularly likely to have implications for information security policies:

1. The federal Family Educational Rights and Privacy Act (commonly known as FERPA) - restricts access to personally identifiable information from students' education records.

2. Texas Government Code, Title 5, Subtitle A, Chapter 552: The Texas Public Information Act (formerly known as the Texas Open Records Act) - provides that all information collected, assembled, or maintained by governmental bodies is public information and available to the public during normal business hours, unless the information falls within certain exceptions specified in the Act.

3. Texas Administrative Code, Title 1, Part 10, Chapter 202 - Regulations from the Department of Information Resources establishing information resources security requirements for Texas state agencies and higher education institutions.

4. Texas Penal Code, Chapter 33: Computer Crimes - Texas law pertaining to computer crimes. This statute specifically prohibits unauthorized use of University computers, unauthorized access to stored data, or dissemination of passwords or other confidential information to facilitate unauthorized access to the University's computer system or data.
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TSUS Policy Guidelines

5. Texas Penal Code, § 37.10: Tampering with Governmental Record - Prohibits any alteration, destruction, or false entry of data that impairs the validity, legibility or availability of any record maintained by the University.

6. United States Code, Title 18, § 1030: Fraud and Related Activity in Connection with Computers - Federal law specifically pertaining to computer crimes. Among other stipulations, prohibits unauthorized and fraudulent access to information resources, accessing a computer to obtain restricted information without authorization; altering, damaging, or destroying information on a government computer without authorization; trafficking in passwords or similar information used to gain unauthorized access to a government computer, and transmitting viruses and other malicious software.

7. Copyright Act of 1976 - Federal law that forms the primary basis of copyright law in the United States, as amended by subsequent legislation. The Act spells out the basic rights of copyright holders, codifies the doctrine of "fair use," and for most new copyrights adopts a unitary ownership period based on the date of the author's death rather than the prior scheme of fixed initial and renewal terms.

8. Digital Millennium Copyright Act - Signed into law on October 20, 1998, as Public Law 105-304. Created to address the digitally networked environment, the DMCA implements the WIPO Internet Treaties; establishes safe harbors for online service providers; permits temporary copies of programs during the performance of computer maintenance; and makes miscellaneous amendments to the Copyright Act, including amendments that facilitate Internet broadcasting.

9. Electronic Communications Privacy Act of 1986 - Prohibits the interception or disclosure of electronic communication and defines those situations in which disclosure is legal.

10. Computer Software Rental Amendments Act of 1990 - Deals with the unauthorized rental, lease, or lending of copyrighted software.

11. Texas Government Code § 556.004 - Prohibits using state resources or programs to influence elections or to achieve any other political purpose.

12. Health Insurance Portability and Accountability Act – Public Law 104-191, August 21, 1996. The final standards were published in February, 2003 and emphasize security management principles and broad management controls as primary vehicles for protecting patient health information. Subsequently enhanced by the HITECH Act to extend HIPAA provisions to the business associates of covered entities and to impose new notification requirements on covered entities, their business associates, and the vendors of personal health records for breaches of protected health information.


Students, faculty and staff are responsible for understanding and observing these and all other applicable policies, regulations and laws in connection with their use of the institution’s information technology resources.
Appendix A-4
TSUS Policy Guidelines

TSUS Policy Guideline: Network Management Policy
Policy Guideline ID: TSUS IT.03.03
Approval Authority: TSUS Board of Regents
Initial ITTF Approval Date: January 11, 2008
Effective BOR Date: May 16, 2008
Last Revised: August 13, 2015

Purpose/Reason
The Texas State University System (TSUS) considers information technology to be a critical enabler in meeting its mission and has made significant investments in information technology assets and capabilities. The Texas State University System recognizes the inherent value of these information technology resources to the state, the TSUS, and their constituents. Likewise, Texas Administrative Code, Title 1, Part 10, Chapter 202, Subchapter C (TAC 202) underlines the importance of information technology resources residing in Texas public higher education institutions by requiring state institutions "to protect these assets against unauthorized access, disclosure, modification or destruction," and "to assure the availability, integrity, utility, authenticity, and confidentiality of information." TAC 202 also stipulates that "access to state information resources must be appropriately managed." Compliance with this policy guideline contributes to the availability, protection, management and appropriate use of the data, voice, and video networks of the Texas State University System and its component institutions.

Policy Statement
The Texas State University System and its component institutions must ensure the confidentiality, integrity, reliability, and availability of their data, voice, and video networks to fulfill their institutional missions and to assure compliance with the management and security standards for public institutions of higher education described in TAC 202. To guide institutional policies related to the management and use of institutional networks, the Texas State University System has set forth the following specific topics and provisions to be incorporated into each institution's specific policy statement on network management. Thus, each component institution shall develop and disseminate an institutional policy statement on network management that is consistent with TAC 202 and the specific topics and provisions described below.

Policy Specifics
The following specific topics and objectives must be addressed by institutional network management policies:

1. Network Purpose
   Objective: To affirm the purpose of the institutional network. The institutional network is a state information resource that exists to achieve the mission, goals, and objectives of the institution. Utilization of the network must be consistent with and in support of institutional initiatives.

2. Network Address and Device Management
   Objective: To assure appropriate oversight over the connection of devices to the institutional network. The integrity, security, and proper operation of the network require an orderly assignment of network addresses and the correct configuration of devices attached to the network. Network access, performance and security are put at risk when devices are introduced into the network environment without appropriate planning and coordination. All devices acting in the role of a server (regardless of their specific function, hardware, or software) must have a designated device administrator and must be registered in a network device registry administered by the institution's Information Resource Manager (IRM) or designee.

3. Network Management Roles and Responsibilities
   Objective: To assign responsibility and accountability for management of the institutional network. A management framework should be defined that clearly delineates the roles and responsibilities for management of the institutional network. Institutional networks should be centrally administered by the institutional IRM (or designee) to assure consistency and compliance with the state's network administration standards and best practices.
Appendix A-4
TSUS Policy Guidelines

4. Network Usage Responsibilities
Objective: To delineate the responsibilities of network users and device administrators. Users and administrators of network-connected devices must understand their accountability for device management practices that might result in damage or harm to network operations, performance, or other network-connected devices.

5. Threat and Incident Response
Objective: To set expectations regarding the disconnection or isolation of threatening devices or networks. Devices or network addresses that pose an immediate threat to network operations, performance, or other network-connected devices must be disconnected or quarantined to minimize risk until the threat is removed. Sources of repeated threats should be isolated for longer periods of time as required to permanently eliminate the threat.

Scope and Applicability
This policy guideline applies to all persons and organizations that manage or utilize information technology resources belonging to the TSUS or any of its component institutions.

Definitions
Device - Any hardware component involved with the processing, storage, or forwarding of information making use of the institutional information technology infrastructure or attached to the institutional network. These devices include, but are not limited to, laptop computers, desktop computers, servers, and network devices such as routers, switches, wireless access points, and printers.

Device Administrator - An individual with principal responsibility for the installation, configuration, registration, security, and ongoing maintenance of a network-connected device.

Device Owner - The department head charged with overall responsibility for the networking component in the university's inventory records. The device owner must designate an individual to serve as the primary device administrator and may designate a backup device administrator. All network infrastructure devices, (e.g., network cabling, routers, switches, wireless access points, and in general, any non-endpoint device) shall be centrally owned and administered.

Information Technology Resources - any of the following that are owned, operated or supplied by the TSUS or one of its component institutions: usernames or computer accounts, hardware, software, communication networks and devices connected thereto, electronic storage media, related documentation in all forms, and professional and technical support services. Also included are data files resident on hardware or media owned or supplied by the TSUS or a component, regardless of their size, source, author, or type of recording media, including e-mail messages, system logs, web pages and software.

Institution refers to any of the following eight components of the Texas State University System:
- Lamar University
- Sam Houston State University
- Sul Ross State University
- Sul Ross State University Rio Grande College
- Texas State University
- Lamar Institute of Technology
- Lamar State College-Orange
- Lamar State College-Port Arthur.

Institutional Network - the data transport and communications infrastructure at the institution. It includes the campus backbone, local area networks, and all equipment connected to those networks (independent of ownership).

Network Address - A unique number associated with a device's network connection used for the routing of traffic across the Internet or another network. Also known as Internet Protocol Address or IP Address.
Appendix A-4
TSUS Policy Guidelines

User - An individual who uses an information technology resource, such as the institutional network or any network-connected device.

Authority and Responsibility
Questions related to this policy guideline or to the network management policy statement at any component institution should be addressed to the Chief Information Officer at the component institution.

Additional background, Related Policies, and other References
In addition to the general guidelines set forth in this document, network management policies may be affected by a number of other legal requirements and ethical principles. While it is not possible to list all potentially applicable laws and regulations, the most relevant to network management policies are listed in TSUS Policy Guideline TSUS IT.02.02, Information Security Policy, and are included in this policy guideline by reference.

Students, faculty and staff are responsible for understanding and observing these and all other applicable policies, regulations and laws in connection with their use of the institution’s information technology resources.
Appendix A-5
TSUS Policy Guideline

TSUS Policy Guideline: Server Management Policy
Policy Guideline ID: TSUS IT.04.03
Approval Authority: TSUS Board of Regents
Initial ITTF Approval Date: January 11, 2008
Effective BOR Date: May 16, 2008
Last Revised: August 13, 2015

Purpose/Reason
The Texas State University System (TSUS) considers information technology to be a critical enabler in meeting its mission and has made significant investments in information technology assets and capabilities. The Texas State University System recognizes the inherent value of these information technology resources to the state, the System, and their constituents. Likewise, Texas Administrative Code, Title 1, Part 10, Chapter 202, Subchapter C (TAC 202) underlines the importance of information technology resources residing in Texas public higher education institutions by requiring state institutions “to protect these assets against unauthorized access, disclosure, modification or destruction,” and “to assure the availability, integrity, utility, authenticity, and confidentiality of information.” Compliance with this policy contributes to the availability, protection, and appropriate use of the information technology resources of the Texas State University System and its component institutions.

Policy Statement
The Texas State University System and its component institutions must ensure the confidentiality, integrity, reliability, and availability of their server hardware and software to fulfill their institutional missions and to assure compliance with the management and security standards for public institutions of higher education described in TAC 202. To guide institutional policies related to the management and use of institutional servers, the Texas State University System has set forth the following specific topics and provisions to be incorporated into each institution’s specific policy statement on server management. Thus, each component institution shall develop and disseminate an institutional policy statement on server management that is consistent with TAC 202 and the specific topics and provisions described below.

Policy Specifics
The following specific topics and objectives must be addressed by institutional server management policies.

1. Server Purpose and Function
   Objective: To assure the suitability of the server and its connection to the institutional network. The institutional network is a state information resource that exists to achieve the mission, goals, and objectives of the institution. The purpose and function of any server connected to the institutional network must also be consistent with and in support of institutional initiatives.

2. Server Management Roles and Responsibilities
   Objective: To assign responsibility and accountability for management of the server hardware, software, and data. A management framework should be defined that clearly delineates the roles and responsibilities for management of the server. At a minimum, distinct roles should be delineated for a server owner and a server administrator. Owners are typically responsible for establishing server usage policies, specifying server access controls (both physical and electronic), and assuring compliance with state and institutional server management standards. Administrators are typically responsible for enforcing the owner’s usage policies, implementing the owner-specified access controls, and configuring the server according to the required standards.

3. Conformance with Server Management Best Practices
   Objective: To assure that all server owners and administrators adhere to documented standards and best practices for server management. An institutional guide to server management standards and best practices should be made available to all server owners and administrators. Compliance review procedures should be established and exceptions should be justified by documented risk management decisions. At a minimum, the guide should address the following topics:
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TSUS Policy Guideline

A. Licensing, support, and update management for the operating system and all hosted services and applications
B. Automated threat mitigation (e.g., anti-virus software, host-based firewall)
C. Protection for any sensitive and confidential data accessible via the server
D. Disablement of prohibited, unauthorized, and unnecessary services
E. Disablement and/or modification of default and unnecessary accounts and passwords
F. Physical and electronic access controls that support role-based access, appropriate separation of duties, and the principle of "least privilege"
G. Backup and recovery
H. User authentication
I. Activity and event logging
J. Network connection requirements and standards (e.g., server registration)

4. Threat and Incident Response
   Objective: To set expectations regarding the disconnection or isolation of threatening servers. Servers that pose an immediate threat to network operations, performance, or other network-connected devices must be disconnected or quarantined to minimize risk until the threat is removed. Incident response best practices must be followed to assure appropriate preservation and treatment of forensic data.

Scope and Applicability
This policy guideline applies to all persons and organizations that manage or utilize information technology resources belonging to the TSUS or any of its component institutions.

Definitions
Information Technology Resources - any of the following that are owned, operated or supplied by the TSUS or one of its component institutions: usernames or computer accounts, hardware, software, communication networks and devices connected thereto, electronic storage media, related documentation in all forms, and professional and technical support services. Also included are data files resident on hardware or media owned or supplied by the TSUS or a component, regardless of their size, source, author, or type of recording media, including e-mail messages, system logs, web pages and software.

Institution refers to any of the following eight components of the Texas State University System:
• Lamar University
• Sam Houston State University
• Sul Ross State University
• Sul Ross State University Rio Grande College
• Texas State University
• Lamar Institute of Technology
• Lamar State College-Orange
• Lamar State College-Port Arthur.

Server - A network device that performs a specific service or function on behalf of other network devices or users.

Server Administrator - The individual designated by the server owner as responsible for performing server management functions.

Server Management - Functions associated with the oversight of server operations. These include controlling user access, establishing/maintaining security measures, monitoring server configuration and performance, and risk assessment and mitigation.

Server Owner - The department head charged with overall responsibility for the server asset in the university’s inventory records. The server owner must designate an individual to serve as the primary system administrator and may designate a backup system administrator.
Appendix A-5
TSUS Policy Guideline

Authority and Responsibility
Questions related to this policy guideline or to the server management policy statement at any component institution should be addressed to the Chief Information Officer at the component institution.

Additional background, Related Policies, and other References
In addition to the general guidelines set forth in this document, server management policies may be affected by a number of other legal requirements and ethical principles. While it is not possible to list all potentially applicable laws and regulations, the most relevant to server management are listed in TSUS Policy Guideline TSUS IT.02.02, Information Security Policy, and are included in this policy guideline by reference.

Students, faculty and staff are responsible for understanding and observing these and all other applicable policies, regulations and laws in connection with their use of the institution’s information technology resources.
TEXAS STATE UNIVERSITY SYSTEM
SEXUAL MISCONDUCT POLICY AND PROCEDURES

1. Introduction

1.1 Institutional Values. The Texas State University System, its colleges, and universities (collectively referred to as “System” and/or “Components” and used interchangeably herein) are committed to creating and maintaining educational communities in which each individual is respected, appreciated and valued. The System diligently strives to foster an environment that permits and encourages everyone to perform at their highest levels in academia. The System’s focus on tolerance, openness, and respect is key in providing every member of the TSUS community with basic human dignity free from harassment, exploitation, intimidation or other sexual misconduct. Any report of behavior that threatens our institutional values, and breaches this Policy shall be promptly investigated and remediated in accordance with principles of law, fairness and equity to all parties involved.

1.2 Purpose of Policy. The Texas State University System and its Components are firmly committed to maintaining an educational environment free from all forms of sex discrimination. Sexual Misconduct, as defined in this Policy, is a form of sex discrimination and will not be tolerated. The System and Components will maintain an environment that promotes prompt reporting of all types of Sexual Misconduct and timely and fair resolution of Sexual Misconduct complaints. The Components will take prompt and appropriate action to eliminate Sexual Misconduct when such is committed, prevent its recurrence, and remedy its effects. This Policy defines and describes prohibited sexual conduct, establishes procedures for processing complaints of sexual misconduct, permits appropriate sanctions, and identifies available resources.

1.3 Notice of Nondiscrimination. The System complies with Title IX of the Higher Education Amendments of 1972 (Title IX), which prohibits discrimination on the basis of sex in educational programs or activities; Title VII of the Civil Rights Act of 1964 (Title VII), which prohibits sex discrimination in employment; and the Campus Sexual Violence Elimination Act. Sexual misconduct, as defined in this
Policy, constitutes a form of sex discrimination prohibited by Title IX and Title VII.

1.4 Applicability of this Policy. This Policy applies to all students, faculty, staff, and third parties within the System’s or its Components’ control. This Policy prohibits sexual misconduct committed by or against a student, faculty, staff, or third parties. This Policy applies to sexual misconduct:
1.41 on Component premises;
1.42 at Component-affiliated educational, athletic, or extracurricular programs or activities;
1.43 that has an adverse impact on the education or employment of a member of the Component community; or
1.44 that otherwise threatens the health and/or safety of a member of the Component community.

1.5 Extent of Authority. While the Texas State University System is committed to investigating all complaints of sexual misconduct and there is no geographical limitation to invoking this Policy, sexual misconduct that is alleged to have occurred at a significant distance from the Component and/or outside the Component property may be difficult for the Component to investigate. Additionally, the Component’s disciplinary authority may not extend to third parties who are not students or employees of the Component.

1.6 Effect of Criminal Prosecution. Proceedings under this Policy will not be dismissed or delayed because criminal investigation or prosecution is pending or charges have been reduced or dismissed. Proceedings may also continue if a party is no longer employed with or currently enrolled as a student of the Component.

1.7 Supersedes Existing Policies. In the case of allegations of sexual misconduct, this Policy supersedes any conflicting procedures and policies set forth in other Component documents.

1.8 Campus Sexual Assault Policy. This Policy Shall be adopted by each Component as its campus sexual assault policy. It shall be made available to students, faculty and staff by including it in the Component’s student, faculty and personnel handbooks and by
creating and maintaining a web page on the Component’s website dedicated solely to the Policy.

2. DEFINITIONS

2.1 Complainant refers to the person making a complaint of sexual misconduct, and shall be referred to herein as either Complainant, Survivor, or Victim, and these terms may be used interchangeably throughout this Policy.

2.2 Component refers to all member institutions of the Texas State University System, including but not limited to, Lamar University, Lamar Institute of Technology, Lamar State College - Orange, Lamar State College - Port Arthur, Sam Houston State University, Sul Ross State University, Sul Ross State University Rio Grande College and Texas State University.

2.3 Component Affiliated Program or Activity refers to any program or activity, on or off campus, that is initiated, aided, authorized or supervised by the Component or by an officially-recognized organization of, or within, the Component.

2.4 Component Premises. Buildings or grounds owned, leased, operated, controlled or supervised by the Component including property that is within or reasonably contiguous to the premises owned by the Component but controlled by another person, is frequently used by students, and supports institutional purposes (such as a food or other retail vendor).

2.5 Consent is an informed and freely and affirmatively communicated willingness to participate in a particular sexual activity. Consent can be expressed either by words or by clear and unambiguous actions, as long as those words or actions create mutually understandable permission regarding the conditions of each instance of sexual activity. It is the responsibility of the person who wants to engage in the sexual activity to ensure that s/he has the consent of the other to engage in each instance of sexual activity. (The definition of consent for the crime of sexual assault in Texas can be found at Texas Penal Code Section 22.011.)

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2.51 The Component will consider the following factors in determining whether consent was provided:
2.511 consent is a voluntary agreement or assent to engage in sexual activity;
2.512 someone who is incapacitated cannot consent;
2.513 consent can be withdrawn at any time;
2.514 past consent does not imply future consent;
2.515 silence or an absence of resistance does not imply consent;
2.516 consent to engage in sexual activity with one person does not imply consent to engage in sexual activity with another;
2.517 coercion, force, or threat invalidates consent; and,
2.518 being intoxicated or under the influence of alcohol, drugs, or any other substance is never an excuse for engaging in sexual misconduct.

2.6 Dating Violence is violence committed by a person:
2.61 who is or has been in a social relationship of a romantic or intimate nature with the Victim; and
2.62 where the existence of such a relationship shall be determined by the Victim with consideration of the following factors:
2.621 the length of the relationship;
2.622 the type of relationship; and
2.623 the frequency of interaction between the persons involved in the relationship (Texas Family Code Section 71.0021).

http://www.statutes.legis.state.tx.us/Docs/FA/htm/FA.71.htm#71.0021

2.7 Dean of Student’s Office includes the Student Affairs Office, the Student Services Office and the Dean of Student Life Office.

2.8 Family (Domestic) Violence includes felony or misdemeanor crimes 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 or roommate, by a person similarly situated to a spouse of the Victim under the domestic or family violence laws of the State of Texas, or
by any other person against an adult or youth Victim who is protected from that person’s acts under the domestic or family violence laws of the State of Texas (Texas Family Code Section 71.004).
http://www.statutes.legis.state.tx.us/Docs/FA/htm/FA.71.htm#71.004

2.9 **Incoming Student** refers to a student in their first semester of enrollment.

2.10 **New Employee** refers to a faculty or staff member who has not been previously employed by the Component or whose previous employment with the Component was more than one year from his or her latest date of hire with the Component.

2.11 **Parties** refers to the Complainant and Respondent.

2.12 **Preponderance of the Evidence** means the greater weight and degree of credible evidence. Preponderance of the evidence is the standard for determining allegations of sexual misconduct under this Policy. Preponderance of the evidence is satisfied if the action is more likely to have occurred than not.

2.13 **Respondent** refers to the person accused of sexual misconduct and shall be referred to herein as either Respondent, Alleged Perpetrator, Accused, or Perpetrator, and these terms may be used interchangeably throughout this Policy.

2.14 **Responsible Employee** refers to a campus employee who has the authority to redress sexual misconduct; who has the duty to report incidents of sexual misconduct to the Title IX Coordinator or other appropriate designee, or whom a student could reasonably believe has this authority or duty. Responsible employees shall include all administrators, faculty, staff, student workers, except:

2.141 any employee with confidentiality obligations as described in Section 3 below;
2.142 cafeteria staff who are not assigned administrative duties;
2.143 custodial staff who are not assigned administrative duties;
2.144 groundskeeper staff who are not assigned administrative duties;
2.145 maintenance staff who are not assigned administrative duties; 
2.146 ranch/agricultural staff who are not assigned administrative 
duties; or 
2.147 staff of campus physical plant who are not assigned 
administrative duties.

2.15 **Retaliation** means any adverse action threatened or taken against a 
person because he or she has filed, supported, or provided information 
in connection with a Complaint of Sexual Misconduct, including but 
not limited to direct and indirect intimidation, threats, and harassment.

2.16 **Sexual Assault** means any form of non-consensual sexual activity 
representing a continuum of conduct from forcible rape to non-
physical forms of pressure designed to compel individuals to engage 
in sexual activity against their will (Texas Penal Code Section 
22.011).


2.161 Examples of sexual assault include, but are not limited to, 
the following non-consensual sexual activity: 
2.1611 sexual intercourse (vaginal or anal); 
2.1612 oral sex; 
2.1613 rape or attempted rape; 
2.1614 penetration of an orifice (anal, vaginal, oral) with the 
penis, finger or other object; 
2.1615 unwanted touching of a sexual nature; 
2.1616 use of coercion, manipulation or force to make 
someone else engage in sexual touching, including 
touching of breasts, chest, buttocks and genitalia; 
2.1617 engaging in sexual activity with a person who is 
unable to provide consent; or 
2.1618 knowingly transmitting a sexually-transmitted disease 
to another.

2.17 **Sexual Exploitation** occurs when a person takes non-consensual or 
abusive sexual advantage of another for his or her own advantage or 
benefit, or to benefit or advantage anyone other than the one being 
exploited.
2.171 Examples can include, but are not limited to, the following behaviors:

2.1711 prostituting another;
2.1712 non-consensual electronically recording, photographing, or transmitting intimate or sexual utterances, sounds or images without the knowledge and consent of all parties involved;
2.1713 voyeurism (Spying on others who are in intimate or sexual situations);
2.1714 going beyond the boundaries of consent (such as letting friends hide in a closet to watch another friend having consensual sex); or
2.1715 distributing intimate or sexual information about another person without that person’s consent.

2.18 Sexual Harassment is any unwelcome verbal, nonverbal, written, electronic or physical behavior of a sexual nature directed at someone, or against a particular group, because of that person’s or group’s sex, or based on gender stereotypes, severe or pervasive, and where it meets either of the following criteria:

2.181 Submission, consent, or rejection of the behavior is believed to carry consequences for the individual’s education, employment, on-campus living environment or participation in a Component affiliated activity.

2.1811 Examples of this type of sexual harassment include, but are not limited to:

2.18111 pressuring another to engage in sexual behavior for some educational or employment benefit; or

2.18112 making a real or perceived threat that rejecting sexual behavior will result in a negative tangible employment or academic consequence.

2.182 The behavior has the purpose or effect of substantially interfering with another’s work or educational performance by
creating an intimidating or hostile environment for employment, education, on-campus living or participation in a Component affiliated activity.

Examples of this type of sexual harassment can include, but are not limited to:

2.1821 persistent unwelcome efforts to develop a romantic or sexual relationship;
2.1822 unwelcome commentary about an individual’s body or sexual activities;
2.1823 unwanted sexual attention;
2.1824 repeatedly engaging in sexually-oriented conversations, comments or horseplay, including the use of language or the telling of jokes or anecdotes of a sexual nature in the workplace, office or classroom, even if such conduct is not objected to by those present; or
2.1825 gratuitous use of sexually-oriented materials not directly related to the subject matter of a class, course or meeting even if not objected to by those present.

2.19 Sexual Intimidation includes but is not limited to:

2.191 threatening another with a non-consensual sex act;
2.192 stalking or cyber-stalking; or
2.193 engaging in indecent exposure as defined in Texas Penal Code 21.08.
http://www.statutes.legis.state.tx.us/docs/pe/htm/pe.21.htm#21.08

2.20 Sexual Misconduct is a broad term encompassing a range of non-consensual sexual activity or unwelcome behavior of a sexual nature. The term includes but is not limited to sexual assault, sexual exploitation, sexual intimidation, sexual harassment, domestic violence, dating violence, and stalking. Sexual misconduct can be committed by men or women, strangers or acquaintances, and can occur between or among people of the same or opposite sex.

2.21 Sexual Violence Sexual violence refers to physical sexual acts perpetrated against a person’s will or where a person is incapable of giving consent. All such acts are forms of Sexual Misconduct.
2.22 **Stalking** means engaging in a course of conduct directed at a specific person that would cause a reasonable person to:

2.221 fear for his or her safety or the safety of others; or
2.222 suffer substantial emotional distress (Texas Penal Code Section 42.072).

http://www.statutes.legis.state.tx.us/Docs/PE/htm/PE.42.htm#42.072

2.23 **Student** refers to any person who has been accepted for admission, or who is currently or was previously enrolled in the Component on either a full-time or part-time basis.

2.24 **Third party** refers to any person who is not a current student or employee of the Component, including but not limited to vendors and invited and uninvited visitors.

2.25 **Third-Party Reporting** refers to the submission of a complaint of sexual misconduct by a person on behalf of another person.

2.26 **Title IX Coordinator** is the person who has been designated by each Component to coordinate efforts to comply with and implement this Policy. The Title IX Coordinator is responsible for conducting the administrative investigation of reports of sexual misconduct and is available to discuss options, provide support, explain Component policies and procedures, and provide education on relevant issues. The Title IX Coordinator may designate one or more Deputy Title IX Coordinators. Each Component will identify and provide complete contact information for their Title IX Coordinator and all Deputy Coordinators in various locations, including but not limited to the Component’s website; the student’s handbook; the Dean of Student’s Office; Human Resources; and Campus Police or Security; or their equivalents.

2.27 **Title IX Investigator** refers to the person who conducts the Title IX investigation.

3. **Confidentiality**

3.1 **Limited Confidentiality of Reports to Employees**. When considering reporting options, Victims should be aware that certain Component personnel can maintain strict confidentiality, while others have mandatory reporting and response obligations. Component
personnel that are not confidential reporters as described in 3.4 and who receive a report of alleged sexual misconduct are required to share the information with appropriate administrative authorities for investigation and follow up. The Component will protect a Complainant’s confidentiality by refusing to disclose his or her information to anyone outside the Component to the maximum extent permitted by law. As for confidentiality of information within the Component, the Component must balance a Victim’s request for confidentiality with its responsibility to provide a safe and non-discriminatory environment for the Component community.

3.2 Confidentiality Requests and Interim Measures. The Component’s inability to take disciplinary action against an alleged discriminator or harasser because of a Complainant’s insistence of confidentiality, will not restrict the Component’s ability to provide appropriate measures for the reasonable safety of the Component community. The Complaint may also be used as an anonymous report for data collection purposes under the Clery Act.

3.3 Victim Identity Protected from Open Records. The Texas Public Information Act permits the identity of Victims of sexual assault to be withheld from those seeking records under the Act (Texas Attorney General Open Records Decision 339 (1982)).

3.4 Employees Required to Maintain Confidentiality. The following individuals are required to maintain confidentiality and shall not report any information about an incident to the Title IX Coordinator without a Victim’s permission:

3.41 physical and mental health professionals, including licensed counselors who provide mental health counseling to members of the school community, and those who act under the supervision of a health care employee; and

3.42 individuals whose scope of employment include confidentiality requirements under Texas law.

3.43 Each Component will identify and provide complete contact information of such individuals in various locations, including but not limited to the Component’s website; the student’s
handbook; the Dean of Student’s Office; and Campus Police or Security.

3.44 These individuals will maintain confidentiality in accordance with the law and their professional rules of conduct. They will assist in a crisis situation and provide information about possible resources, some of which may include law enforcement, medical assistance, psychological counseling, victim advocacy assistance, legal assistance, Component disciplinary action, immigration services and criminal prosecution. They will not reveal the Victim’s identity to anyone without the Victim’s permission except under very limited exceptions (e.g., if an immediate threat to the Victim or others is present, or if the Victim is a minor). Victims need not reveal their names if calling these individuals for information.

3.5 Employees Who Must Report - Responsible Employees. A responsible employee who receives a report of sexual misconduct must report to the Title IX Coordinator all relevant details about the alleged sexual misconduct shared by the Victim. A responsible employee should not share information with law enforcement without the Victim’s consent, or unless the Victim has also reported the incident to law enforcement.

3.51 Before a Victim reveals any information to a responsible employee, the employee should ensure that the Victim understands the employee’s reporting obligations - and, if the Victim wants to maintain confidentiality, direct the Victim to confidential resources.

3.52 If the Victim chooses to tell the responsible employee what happened but also states that she or he wants to maintain confidentiality or does not want the matter investigated, the employee should tell the Victim that the Component will consider the request but cannot guarantee that the Component will be able to honor it. In reporting the details of the incident to the Title IX Coordinator, the responsible employee will also inform the Title IX Coordinator of the Victim’s request for confidentiality.
3.53 When weighing a Victim’s request for confidentiality or that no investigation or discipline be pursued, the Component will consider a range of factors, including the following:

3.531 the increased risk that the Alleged Perpetrator will commit additional acts of sexual or other violence, such as:

3.532 whether there have been other sexual misconduct complaints about the same Alleged Perpetrator;

3.533 whether the Alleged Perpetrator has a history of arrests or records from a prior school indicating a history of violence;

3.534 whether the Alleged Perpetrator threatened further sexual misconduct or other violence against the Victim or others;

3.535 whether the alleged sexual misconduct was committed by multiple Perpetrators;

3.536 whether the alleged sexual misconduct was perpetrated with a weapon;

3.537 whether the Victim was a minor at the time of the alleged conduct;

3.538 whether the Component possesses other means to obtain relevant evidence of the alleged sexual misconduct (e.g., security cameras or personnel, physical evidence); or

3.539 whether the Victim’s report reveals a pattern of conduct (e.g., via illicit use of drugs or alcohol) at a given location or by a particular group.

3.6 Breaches of Confidentiality. Breaches of confidentiality or privacy committed by anyone receiving a report of alleged sexual misconduct or investigating the report of alleged sexual misconduct, may be considered a separate violation of this Policy and may result in disciplinary sanctions.

4. Reporting Policies and Protocols

4.1 Reporting Options. A Victim of sexual misconduct is encouraged to report to any of the sources below. Although the Victim of sexual misconduct may decline to report the incident, the Component supports, encourages and will assist those who have been the Victim
of sexual misconduct to report the incident to any individual or entity listed in 3.4, 3.5 above and/or in this Section.

4.11 Local Law Enforcement. An individual may report an incident of sexual misconduct directly with local law enforcement agencies by dialing 911. Individuals who make a criminal complaint may also choose to pursue a complaint through the Title IX Coordinator.

4.12 A criminal investigation into the matter does not preclude the Component from conducting its own investigation. The result of a criminal investigation does not determine whether sexual misconduct, for purposes of this Policy, has occurred.

4.13 Component Police or Security. An individual may also report an incident of sexual misconduct to the Component police or security. Reporting to such officials helps protect others from future victimization; apprehend the alleged assailant; and maintain future options regarding criminal prosecution, Component disciplinary action and/or civil action against the alleged wrongdoer. For Components that employ sworn peace officers, a Victim may request that his or her identity be kept confidential when reporting sexual misconduct to a sworn peace officer. Filing a police report does not obligate the Victim to continue with criminal proceedings or Component disciplinary action. Components shall provide the Victim contact information for their campus police or security personnel.

4.14 Title IX Coordinator. Any incident of sexual misconduct can be brought to the attention of the Title IX Coordinator. Although the Component strongly encourages reporting sexual misconduct to the police, a Victim may request administrative action by the Component with or without filing a police report.

4.15 Dean of Student’s Office. Any incident of sexual misconduct can be brought to the attention of the Dean of Student’s Office. Although the Component strongly encourages reporting sexual misconduct to the police, a Victim may request administrative action by the Component with or without filing a police report. The Dean of Students Office will promptly inform the Title IX Coordinator of the complaint.

4.16 Campus Security Authority. A complaint of sexual misconduct can be brought to a Campus Security Authority (CSA) as
defined in each Component’s Annual Security Report. The CSA will promptly inform the Title IX Coordinator of the complaint. Each Component will identify and provide complete contact information for their CSA in various locations, including but not limited to the Component’s web page; the student’s handbook; the annual security report; and the Dean of Student’s Office.

4.17 Human Resources. A complaint of sexual misconduct may be brought to the Human Resources Department, which will promptly inform the Title IX Coordinator of the complaint.

4.18 Responsible Employee. An individual may report alleged sexual misconduct to a Responsible Employee, as that term is defined in 2.14 above. A faculty or staff member with any knowledge (including firsthand observation) about a known or suspected incident of sexual misconduct (other than those individuals identified in section 3.4 above) must report the incident to the Component police or security or the Component’s Title IX Coordinator. No employee is authorized to investigate or resolve Complaints without the involvement of the Component’s Title IX Coordinator.

4.19 Individuals may also file anonymous reports. Each Component shall provide the phone number and web address available for anonymous reports. Individuals who choose to file anonymous reports are advised that it may be very difficult for the Component to follow up and/or take action on anonymous reports, where corroborating information is limited. Anonymous reports may be used for Clery Act data collection purposes.

4.2 Preservation of Evidence. Preservation of evidence is critical in instances of sexual misconduct. Prompt reporting may preserve options that delayed reporting does not, including the preservation of physical evidence (which may be necessary to prove sexual misconduct or to obtain a judicial order of protection), the support of crisis counseling, and immediate police response.

4.3 Interim Measures. When an incident of sexual misconduct is formally reported, the Component will consider interim measures to protect the Alleged Victim while the incident is investigated and
adjudicated through this Policy. The Title IX Coordinator and other appropriate Component administrators cooperate together to identify alternative arrangements to preserve the rights of both the Alleged Victim and the Accused, as well as provide a safe overall educational or working environment until (and perhaps after) the conclusion of the process.

4.31 Interim measures may include changing academic, living, transportation or working situations; and, any interim disciplinary action must comply with System Rules and Regulations Chapters IV § 2.2(14), V § 2.141, and VI § 5.(14).

4.32 Failure to adhere to the parameters of any interim measures may be considered a separate violation of this Policy and may result in disciplinary sanctions.

4.33 Component will honor any order of protection, no contact order, restraining order or similar lawful order issued by any criminal, civil or tribal court.

5. Retaliation
The Component takes reports of sexual misconduct very seriously and will not tolerate retaliation against those who make such reports or participate in the investigatory or adjudicatory process. Retaliation includes, but is not limited to, any adverse employment or educational action taken for making a report of sexual misconduct, or otherwise participating under this Policy. Any actual or threatened retaliation, or any act of intimidation to prevent or otherwise obstruct the reporting of sexual misconduct, or the participation in proceedings relating to sexual misconduct may be considered a separate violation of this Policy and may result in disciplinary sanctions. Any person who believes that she or he has been subjected to retaliation should immediately report this concern to their Title IX Coordinator.

6. Immunity
The Component considers the reporting and adjudication of sexual misconduct cases of paramount importance. The Component does not condone underage drinking, illegal use of drugs or other criminal behavior; however, the Component may extend limited immunity from punitive sanctions when appropriate for those reporting incidents and/or assisting Victims of sexual misconduct, provided they are acting in good faith in reporting or participating in an investigation.
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7. **Prohibition on Providing False Information**
   Any individual who knowingly files a false Complaint under this Policy, or knowingly provides false information to Component officials, or who intentionally misleads Component officials who are involved in the investigation or resolution of a Complaint shall be subject to disciplinary action.

8. **Risk Reduction Strategies**
   8.1 **Purpose.** The Component will engage in the risk reduction strategies outlined below to limit the risk of sexual misconduct for the campus community.

   8.2 **Training.**
   8.2.1 **Primary Prevention Training.** Every incoming student, including undergraduate transfer student, and new employee shall attend prevention and education training or orientation regarding sexual misconduct and the campus sexual assault policy during the first semester or term of enrollment or employment. The Component shall establish the format and content of the training or orientation. Primary prevention training programs shall be designed to promote awareness of sexual offenses and to incorporate risk reduction strategies to enable community members to take a role in preventing and interrupting incidents of sexual misconduct. The Component training will be based upon research and will be assessed periodically for effectiveness. Specifically, training will include:
   8.2.11 awareness and prevention of rape, acquaintance rape, domestic violence, dating violence, sexual assault, and stalking;
   8.2.12 definitions of sexual misconduct offenses which are prohibited by the Component as defined by Texas law;
   8.2.13 definition of consent as defined by Texas law;
   8.2.14 risk reduction, such as recognition of warning signs of possible sexual misconduct, situational awareness and safety planning;
   8.2.15 bystander intervention to encourage identification of situations that might lead to sexual misconduct and promote safe intervention as a means to prevent the misconduct - bystander intervention includes
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recognizing situations of potential harm, understanding institutional structures and cultural conditions that facilitate violence, overcoming barriers to intervening, identifying safe and effective intervention options, and taking action to intervene;

8.216 procedures for reporting, investigating, and accessing possible sanctions for sexual misconduct as described in this Policy;

8.217 options for reporting sexual misconduct and the confidentiality that may attach to such reporting;

8.218 campus and community resources available to Complainants or Respondents;

8.219 interim safety measures available for Complainants; and,

8.21(10) descriptions of additional and ongoing sexual misconduct training.

8.3 Ongoing Sexual Misconduct Training. The Component’s commitment to raising awareness of the dangers of sexual misconduct includes offering ongoing education in the form of annual training, lectures by faculty, staff, mental health professionals, and/or trained non-Component personnel. Ongoing training may include dissemination of informational materials regarding the awareness and prevention of sexual misconduct.

8.4 Training of Coordinators, Investigators, Hearing and Appellate Authorities. All Title IX Coordinators, Deputy Coordinators, Investigators, and those with authority over sexual misconduct hearings and appeals shall receive training each academic year including, knowledge of offenses, investigatory procedures, due process, and Component policy and procedures related to sexual misconduct.

9. Informal Resolution (Mediation)

9.1 Eligibility for Mediation. Informal resolution is available and appropriate for claims of Sexual Harassment, only if:

9.12 both parties are both willing to engage in mediation and consent to do so in writing;
9.13 the Complainant and the Respondent are both students or are both employees of the Component;
9.14 the Title IX Coordinator agrees that informal resolution is an appropriate mechanism for resolving the Complaint; and
9.15 the Complaint involves only Sexual Harassment as described in this Policy and does not involve any other sexual offense.

9.2 Mediation and Agreements. When the Title IX Coordinator determines informal resolution is appropriate and the parties consent in writing, the Title IX Coordinator will arrange or facilitate mediation in attempt to resolve the complaint. Agreements reached in mediation will be reduced to writing and signed by both parties. Agreements will be maintained by the Coordinator and shared only as necessary to implement the agreed resolution or as required by law.

9.3 Referral for Investigation. When mediation is not successful, or, if in the course of facilitating informal resolution the Title IX Coordinator learns of sexual offenses beyond sexual harassment, the informal resolution process will immediately terminate. The matter will then be referred for investigation in accordance with the procedures outlined below.

10. Investigation Procedures and Protocols
10.1 Actions Upon Receiving Report. Upon Component’s receipt of a report of sexual misconduct:

10.11 Assignment. The Title IX Coordinator will review the complaint and investigate the matter. Alternatively, the Title IX Coordinator may assign the investigation to a Deputy Coordinator or Investigator and advise the Complainant of the name and contact information of the individual assigned. Subsequent references to Investigator in this section refers to the individual investigating the complaint, whether a Title IX Coordinator, Deputy Coordinator, or Investigator.

10.12 Initial Meeting with Complainant. As soon as is practicable, the Investigator shall contact the Complainant (subsequent
references to Complainant in this section include the Alleged Victim if the original Complainant was not the Victim) and schedule an initial meeting. At the initial meeting the Investigator will:

10.121 provide an electronic and/or hard copy of this Policy which explains the process and rights of all parties;
10.122 request additional information regarding the reported incident;
10.123 explain the investigatory process;
10.124 explain the options for reporting to law enforcement authorities, whether on campus or local police;
10.125 discuss confidentiality standards and concerns with the Complainant and advise that confidentiality may impact the Component’s ability to investigate fully;
10.126 determine whether the Complainant wishes to pursue a resolution (formal or informal) through the Component or seeks no resolution;
10.127 refer the Complainant, as appropriate, to the Counseling Center or other resources which may include law enforcement, medical assistance, psychological counseling, victim advocacy resources, legal resources, Component disciplinary action, immigration services, and criminal prosecution; and
10.128 discuss with the Complainant, as appropriate, possible interim measures as described herein.

10.13 Interim Measures. The Investigator will determine and implement interim measures as appropriate and necessary for the Complainant’s safety and to limit potential retaliation. Such measures may include, but are not limited to:
10.131 campus no-contact orders;
10.132 reassignment of housing or work assignments;
10.133 temporary withdrawal or suspension from the Component, in accordance with System Rules and Regulations Chapters IV § 2.2(14), V § 2.141, and VI § 5.14;
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10.134 escort or transportation assistance;
10.135 modification of class schedules; or
10.136 restrictions from specific activities or facilities.

The Component shall maintain as confidential any measures provided to the Victim, to the extent allowed by law and to the extent that maintaining such confidentiality will not impair the ability to provide the measures. Failure of any party to adhere to the parameters of any interim measure may be considered a separate violation of this Policy and may result in disciplinary sanctions.

10.2 Prompt, Fair, and Equitable Investigation.

10.21 Timing of Investigation and Resolution. The Component shall make every reasonable effort to ensure that the investigation and resolution of a Complaint occurs in as efficient a manner as possible, with an expectation that the process (exclusive of any appeal procedures) will generally be completed within sixty (60) calendar days of the Complaint, absent extenuating circumstances. The Title IX Coordinator may modify this and any other deadlines contained in this Policy as necessary to accomplish the purposes stated and for good cause, including, but not limited to, the complexity of the investigation and semester breaks.

10.22 Notice of Allegations to Respondent. At the outset of an investigation, the Investigator will provide the Respondent prompt notice of the allegations against him or her in writing together with a copy of this Policy. Written Notice of Allegations will be provided to the Complainant concurrently with Respondent.

10.23 Equitable Treatment.
10.231 Investigator will remain neutral throughout the investigation and provide both the Complainant and Respondent opportunities to respond in person and in
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writing, to submit relevant documents, and to produce relevant witnesses.

10.232 The Complainant and Respondent will receive a minimum of forty-eight hours’ notice of any sanction meeting, due process hearing, or appellate meeting, if any.

10.233 Both Complainant and Respondent may have one representative and/or one advisor present at all meetings a party has with the Investigator, Title IX Coordinator, Deputy Coordinator or other Component administrator related to a complaint. The representative or advisor may provide support, guidance or advice to the Complainant or Respondent, but may not otherwise directly participate in the meetings.

10.234 The Complainant, Respondent, and appropriate officials will, at least forty-eight hours’ in advance, be provided access to any information that will be used after the investigation but during disciplinary meetings.

10.24 Investigation Activities. Investigator will gather and review information from Complainant, Respondent, and Witnesses. Investigator shall conduct site inspection, if necessary, and obtain other information from sources as appropriate given the nature of the complaint.

10.25 Report of Investigation. The Investigator will complete a written Investigative Report that includes summaries of interviews conducted; photographs, if any; documents and materials received; descriptions of relevant evidence; summaries of relevant electronic records; and a detailed report of the events related to the incident. When the Investigator is not the Title IX Coordinator the Investigative Report will be submitted to the Title IX Coordinator for review and finding.

11. Standard of Review and Finding

11.1 Review. The Title IX Coordinator will review the Report of Investigation under the “preponderance of the evidence” standard as defined in Section 2.12 of this Policy.
11.2 Finding. The Title IX Coordinator will make a written finding as to whether:
11.21 no reasonable grounds exist that the Sexual Misconduct Policy was violated and the matter is closed, or
11.22 it is more likely than not that Respondent violated the Sexual Misconduct Policy, and which specific sections of the Policy were violated.

11.3 Rationale and Recommended Sanctions. The finding shall include the Title IX Coordinator’s basis for the decision and recommended sanctions, if any. The Title IX Coordinator will communicate the Finding in writing simultaneously to the Complainant, Respondent, and Component Administrator (as defined in 12.2 below) with authority to determine and issue appropriate sanctions, if any.

12. Sanctions
12.1 Possible Sanctions. Sanctions for a Finding of a Policy violation will depend upon the nature and gravity of the misconduct and/or any record of prior discipline for sexual misconduct. Sanctions may include:
12.11 withholding a promotion or pay increase;
12.12 reassigning employment;
12.13 terminating employment;
12.14 barring future employment;
12.15 temporary suspension without pay;
12.16 compensation adjustments;
12.17 expulsion or suspension from the Component and/or System;
12.18 no-contact orders,
12.19 probation (including disciplinary and academic probation);
12.20 expulsion from campus housing;
12.21 restricted access to activities or facilities;
12.22 mandated counseling (e.g. educational programs such as batterer’s intervention);
12.23 disqualification from student employment positions;
12.24 revocation of admission and/or degree;
12.25 withholding of official transcript or degree;
12.26 bar against readmission;
12.27 monetary restitution; or
12.28 withdrawing from a course with a grade of $W$, $F$, or $WF$. 
12.2 Sanction Decision. The responsible Component Administrator will issue a decision regarding sanctions simultaneously to the Complainant, Respondent, and Title IX Coordinator in writing within seven (7) class days of receipt of the Finding. Administrators responsible for imposing sanctions are:

12.21 Student Respondent Sanctions. The Dean of Students will issue sanctions for students.

12.211 Student Employees. Where the Respondent is both a student and an employee, the Title IX Coordinator will determine whether the Respondent’s status is that of student, staff, or faculty for disciplinary purposes. When the Respondent’s status is determined to be that of a student employed by the Component, the Dean of Students will consult with the AVP of Human Resources or their equivalent prior to issuing sanctions.

12.212 Due Process Hearing. Complainant or Student Respondent may elect to dispute the Finding and/or the sanction through a due process hearing. Procedures for the hearing are outlined in the System Rules and Regulations, Chapter VI §§ 5.7-5.9 and the Component’s Student Discipline Procedures, with exceptions as follows:

12.2121 The Component Representative for student due process hearings related to Sexual Misconduct shall be the Component’s Title IX Coordinator or his or her designee;

12.2122 The role of the hearing adjudicator(s) is to review the investigation and the appropriateness of the sanction for significant procedural errors or omissions;

12.2123 Parties may question their own witnesses, but they shall not ask questions of each other or the other party’s witnesses;

12.2124 Each party shall receive notice of the hearing and has a right to be present; however, neither party shall be compelled to attend any hearing; and
12.2125 When a finding of sexual misconduct is upheld, sanctions listed in section 12.1 of this policy shall be imposed.

12.213 Staff Employee Respondents. The Respondent’s supervisor, or other authority within the Respondent’s chain of command, will issue sanctions in consultation with Human Resources.

12.214 Faculty Employee Respondents. The Dean, who may consult with the Department Chair as appropriate, will issue sanctions in consultation with the Provost.

12.2141 Tenured Faculty Due Process Hearing. Tenured faculty receiving a sanction that impacts the faculty member’s continued employment, full-time salary (not including administrative positions or summer teaching) or demotion in rank may elect to dispute the Finding and the sanction through a due process hearing.

12.2142 Non-Tenured Faculty Due Process Hearing. A non-tenured faculty member receiving a sanction impacting the faculty member’s continued employment, full-time salary (not including possible summer teaching) or demotion in rank termination sanction before the expiration of the stated period of his or her appointment may elect to dispute the Finding and sanction through a due process hearing.

12.2143 Procedures for Faculty Due Process Hearing. Hearing procedures are outlined in the System Rules and Regulations, Chapter V, § 4.54 and the Component’s Faculty Grievance Procedures or its equivalent with the following exceptions:

12.21431 The role of the hearing adjudicator(s) is to review the investigations and the appropriateness of the sanction for
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significant procedural errors or omissions; and

12.214 Complainant shall receive notice of the hearing and has a right to be present. Complainant shall neither be compelled to attend any hearing, nor be questioned by the Respondent.

12.215 In any situation where the responsible administrator has a conflict, the employee next in line in authority will impose sanctions.

13. Appeal of Finding or Sanctions

13.1 Right to Appeal. If either Complainant or the Respondent is dissatisfied with the Title IX Coordinator’s Finding, sanction, and/or determination of a due process hearing, either party may appeal to the appropriate Component Appellate Authority as indicated below. References to “parties” in this section and in the System Rules and Regulations refer to the Respondent, Component Representative (Title IX Coordinator or designee), Component Administrator who imposed sanctions, and Complainant.

13.2 Grounds for Appeal. The grounds for any appeal are limited to the following:

13.21 previously unavailable relevant evidence;
13.22 substantive procedural error in the investigation or hearing; or
13.23 sanction is substantially disproportionate to the Finding;
13.24 the finding was not supported by the evidence.

13.3 Procedure for Appeal.

13.31 An administrator receiving notice of appeal will provide a copy of the notice to the parties concurrently with receipt.

13.32 Students. Any appeal of the finding, sanction or determination of a due process hearing is governed by the procedures outlined in the Student Conduct and Discipline Procedures in the System Rules and Regulations, Chapter VI, § 5.(10) and the Component’s Student Code of Conduct. However, the appeal officer (Component Appellate Authority) may only approve,
reject, or modify the decision and the appeal officer’s decision is final.

13.33 Staff Employees. Any appeal of the Finding or sanction against a staff employee is governed by the procedures outlined in the System Rules and Regulations, Chapter V, § 2.15 and the Component’s Staff/Employee Grievance Procedures or its equivalent.

13.34 Non-Tenured Faculty.

13.341 Should the sanction against a non-tenured faculty member result in the termination of the faculty member during his/her contract period, the faculty member is entitled to a due process hearing pursuant to section 12.2152, and the faculty member may appeal the findings and/or sanctions resulting from such due process hearing. Such appeal is governed by the System Rules and Regulations, Chapter V, § 4.5.

13.342 Should the sanction against a non-tenured faculty member result in the non-reappointment or termination of the faculty member after expiration of his/her contract period, the faculty member is not entitled to a due process hearing pursuant to section 12.2152. However, the faculty member may appeal the findings and/or sanctions and such appeal is governed by the System Rules and Regulations, Chapter V, § 4.4.

13.343 All other appeals of the finding or sanction against a non-tenured faculty member is governed by the procedures outlined in the System Rules and Regulations, Chapter V, § 2.15 and the Component’s Staff/Employee Grievance Procedures or its equivalent.

13.35 Tenured Faculty

13.351 Should the sanction against a tenured faculty member result in revocation of tenure, termination of employment, and/or reduction of his/her academic
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year base salary (not including possible administrative roles or summer teaching) or demotion in rank, the faculty member shall be entitled to a due process hearing under the System Rules and Regulations, Chapter V, § 4.5.

13.352 All other appeals of a finding or sanction against a tenured faculty member are governed by the procedures outlined in the System Rules and Regulations, Chapter V, § 2.15 and the Component’s Staff/Employee Grievance Procedures or its equivalent.

13.4 Sanctions Pending Appeal. Any sanction(s) imposed will remain in place while any appeal is pending, unless, in the discretion of the Component Administrator imposing the sanction, good cause exists to stay the sanction.

14. Final Decision

14.1 No Appeal. Decisions and sanctions imposed under this Policy are final when the period for appeal under the rules and policies referenced in paragraph 13 above have expired without initiation of an appeal by either party.

14.2 Conclusion of Appeal. An appealed decision is final as outlined in the rules and policies referenced in section 13 above.


14.31 The Title IX Coordinator will simultaneously notify the Complainant and the Respondent in writing of the outcome of the following stages of the process:

14.311 the Finding;
14.312 the sanction;
14.313 the outcome of a due process hearing, if any; and
14.314 the outcome of due process appeal, if any.

14.32 Any notice of outcome must include:

14.321 whether the alleged conduct occurred;
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14.322 any sanctions imposed on the respondent that directly relate to the complainant,
14.323 and other steps the school has taken to eliminate the hostile environment, if the school finds one to exist, and prevent recurrence.

14.33 The Respondent should not be notified of the individual remedies offered or provided to the Complainant.

15. **Biennial Policy Review**
Each biennium, this Policy shall be reviewed. Any revisions determined necessary shall be brought before the System’s Board of Regents for approval.
Lamar Institute of Technology
Campus Carry Policy

Changes enacted by Senate Bill 11 (Campus Carry), 84th Texas Legislative, are effective August 1, 2016.

Current Law

Type of License, Concealed Handgun License (CHL)

A CHL holder can carry a concealed handgun on a university campus on public or private driveway, street, sidewalk, parking lot, parking garage or other parking area.

August 1, 2016

Type of License: Handgun License

The handgun license holder can now also carry a concealed handgun anywhere on a university campus, including buildings, unless prohibited by state or federal law, or university rule associated with changes in the law.

1. Lamar Institute of Technology permits their faculty, staff, students and visitors holding a valid Concealed Handgun License (CHL) or Handgun License to carry a concealed handgun anywhere on the Lamar Institute of Technology campus.

2. Students, faculty, staff and visitors from Lamar Institute of Technology attending classes, clinics, internships, co-ops, seminars and other Lamar Institute of Technology programs/events shall be subject to the laws, rules, regulations and policies addressing concealed handgun carry for that agency or site.

3. Students, faculty, staff and visitors from Lamar Institute of Technology utilizing services and programs at Lamar University shall be subject to the policy of the university addressing concealed handgun carry at the university.
1. Introduction

In 2015, the Texas Legislature approved and the governor signed legislation permitting individuals who possess a concealed handgun license to carry a concealed handgun on a college campus. The legislation becomes effective on August 1, 2016. Lamar State College – Orange has developed this policy pursuant to the requirements of Texas Government Code, Title 4, Subtitle B, Chapter 411, Subchapter H, Section 411.2031.

2. Definitions

a. “Campus” means all land and buildings owned or leased by Lamar State College – Orange.
b. “Premises” is any building or portion of a building.
c. “Handgun” is any firearm that is designed, made, or adapted to be fired with one hand.
d. “Concealed handgun” is any handgun, the presence of which is not openly noticeable to the ordinary observation of a reasonable person.
e. “Concealed handgun license” is a license issued by the Texas Department of Public Safety pursuant to Texas Government Code, Title 4, Subtitle B, Chapter 411, Subchapter H.
f. “Prohibited Concealed Carry Location” is any location and/or event where the president of Lamar State College – Orange has determined that the carrying of a concealed handgun poses an undue risk to campus safety or any location and/or event that is exempt by virtue of other statutory requirements.

3. Right to Carry

a. An individual possessing a valid concealed handgun license is entitled to carry a concealed handgun on the campus and premises of Lamar State College – Orange.
b. License holders who carry a handgun on campus must carry it on or about their persons, concealed at all times, or secured in a locked, privately-owned or leased motor vehicle.
c. A license holder may not carry a handgun that is partially or wholly visible on the campus of Lamar State College – Orange.
d. Students who expose or otherwise reveal the presence of a concealed handgun are subject to disciplinary action up to and including suspension or expulsion.
e. Members of the faculty and staff who expose or otherwise reveal the presence of a concealed handgun are subject to disciplinary action up to and including termination of employment.
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f. Any individual who fails to meet the responsibilities required of a concealed handgun license holder may be reported to state authorities and may be subject to penalties that result in the revocation of their license.
g. Concealed Handgun License holders are not required to disclose their status to anyone other than a law enforcement officer. Lamar State College -- Orange employees may not, under any circumstances, require faculty, staff, students, or visitors to disclose their concealed handgun status.

4. Prohibited Concealed Carry Locations

a. Any premise where a high school interscholastic event is taking place.

b. Any premise where a governmental meeting is taking place.

c. Any premise where a formal hearing such as student disciplinary hearing, student grade appeal hearing, or employee disciplinary hearing is being held.

d. Any and all Prohibited Concealed Carry Locations must be clearly identified and the campus community must be given advance notice of when and where the restrictions will be imposed. Written notices must include the following language:

Pursuant to Section 30.06, Penal Code (trespass by license holder with a concealed handgun), a person licensed under Subchapter H, Chapter 411, Government Code (handgun licensing law), may not enter this property with a concealed handgun.

e. Any signage designating a Prohibited Concealed Carry Location must meet these minimum requirements: include the above italicized language in both English and Spanish; use contrasting colors with block lettering at least one inch in height; and be displayed in a conspicuous manner clearly visible to the public.

5. Review

a. The president will appoint a Concealed Carry Committee that will in each even numbered year review the policy and its effectiveness. The committee may recommend changes to the Prohibited Concealed Carry Locations and address any other concerns of the campus community.

b. Any changes to this policy shall be submitted to the TSUS Board of Regents for approval in accord with the timeline provided in Section 411.2031 of the Texas Government Code.

c. The president shall submit a report to the Texas Legislature by September 1st of each even numbered year describing Lamar State College – Orange’s policies, rules, regulations, and/or provision relating to the carrying of concealed handguns on campus. The Texas State University System Chancellor and the Board of Regents shall each be provided copies of the report.
1.0 Introduction

1.1 Background: Senate Bill 11, commonly referred to as the “campus carry” law, was passed by the Texas Legislature and signed into law by Governor Greg Abbott in 2015. The law states that, beginning on August 1, 2016, a person who holds a Texas License to Carry a Concealed Handgun may carry a concealed handgun on the grounds and in the buildings of an institution of higher education. While the President of Lamar State College Port Arthur may not generally prohibit license holders from carrying concealed handguns on the campus, the law gives public colleges and universities some discretion to regulate campus carry including designating certain areas on campus where concealed handguns are prohibited. The law requires the College to receive approval of its campus carry policy from the Board of Regents and implement the same by August 1, 2016.

Lamar State College Port Arthur recognizes that a safe and secure environment is critical to maintaining a climate that is conducive to learning. The College’s Campus Carry Policy is consistent with the State of Texas Law and the governing policies and procedures of the Texas State University System Board of Regents.

1.2 Purpose: The purpose of the Campus Carry or Concealed Handgun Policy is to set forth the College’s Policy on concealed handguns on campus and to provide the consequences of violation of this Policy including College disciplinary action and possible criminal penalties.

1.3 Application: The Campus Carry or Concealed Handgun Policy applies to all faculty, staff, students, and visitors; and individuals and organizations doing business on or on behalf of Lamar State College Port Arthur.

1.4 Effective Date: The Campus Carry or Concealed Handgun Policy will become effective on August 1, 2016.

2.0 Definitions

2.1 Concealed Carry is defined as carrying a firearm in a fashion so that the firearm is not discernible by ordinary observation, and is in such close proximity to the person that it is readily accessible for prompt use.

2.2 Campus is defined as all land and buildings owned or leased by Lamar State College Port Arthur.

2.3 Premises is defined by Section 46.035 of the Penal Code as a “building or a portion of a building”. The term does not include any public or private driveway, street, sidewalk or walkway, parking lot, parking garage, or other parking area.
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2.4 Open Carry or Texas House Bill 910 became law on January 1, 2016 and makes it legal for concealed handgun license (CHL) holders to carry visible handguns in the state of Texas. However, open carry does not apply to public colleges and universities, including LSCPA.

2.5 Handgun is defined by the Texas Penal Code 46.01 as “any firearm that is designed, made, or adapted to be fired with one hand.”

2.6 Concealed handgun is defined as a handgun, the presence of which is not openly noticeable to the ordinary observation by a reasonable person.

2.7 Concealed Handgun License is defined as a current Concealed Handgun License issued by the Texas Department of Public Safety under the authority of the Texas Government Code, Chapter 411, Subchapter I.

3.0 Carrying of Concealed Handgun by a License Holder

3.1 Right to Carry. A Licensed Holder may carry a concealed handgun while on the campus premises (including public driveways, streets, sidewalks or walkways, parking lots, and other parking areas) and in Lamar State College Port Arthur passenger transportation vehicles, unless prohibited by state or federal law, or by this policy.

3.2 Intoxication. A Concealed Handgun License Holder may not carry a concealed handgun while intoxicated.

3.3 Display of Concealed Handgun. A Concealed Handgun License Holder may not carry a partially or wholly visible handgun, or intentionally or knowingly display a handgun in plain view of another person, even if holstered, on the campus premises, including public driveways, streets, sidewalks, walkways, parking lots, or other parking areas on the premises of Lamar State College Port Arthur.

3.4 Requirement to Display License. A Concealed Handgun License Holder must display his/her License to Carry a Concealed Handgun issued by the Texas Department of Public Safety when directed by a law enforcement officer in accordance with Section 411.205 of the Texas Government Code. Otherwise, an individual is not required to disclose whether he/she is a Concealed Handgun License Holder in order to participate in any program or service offered by Lamar State College Port Arthur, except as required by law.

4.0 Designated No Handgun Areas

4.1 Lamar State College Port Arthur has designated No Handgun Areas as those areas that are already prohibited by law per Texas Penal Code 46.035. This would include, but is not limited to, all collegiate level competitive sporting events and any UIL sanctioned event hosted on the campus of Lamar State College Port Arthur.
4.2 Notice. A notice for ‘No Handgun Areas’ will be displayed on campus. The notice must state:

Pursuant to Section 30.06, Penal Code (trespass by license holder with a concealed handgun), a person licensed under Subchapter H, Chapter 411, Government Code (handgun licensing law), may not enter this property with a concealed handgun.

4.3 The notice may be provided to individuals on a card, document or sign. If notice is provided through signage, it must:

- Include the language italicized above in both English and Spanish,
- Use contrasting colors, block letters at least 1 inch in height; and,
- Be displayed in a conspicuous manner clearly visible to the public.

5.0 Handgun Storage

5.1 Lamar State College Port Arthur will not provide storage for handguns on the campus. It is the responsibility of the Concealed Handgun License Holder to properly store their handgun in a location allowable by law.

6.0 Concealed Handgun License Status

6.1 Authorized Concealed Handgun License Holders are not required to disclose their status to anyone other than a law enforcement officer. Lamar State College Port Arthur employees may not, under any circumstances, require faculty, staff, students, visitors or third parties to disclose their concealed handgun license status.

7.0 Employees

7.1 Employees with a Concealed Handgun License may exercise their right to carry a concealed handgun; however, under no circumstances is the concealed handgun to be shown or used within the scope of their employment. If found in violation of this provision and/or this policy, an employee may be subject to disciplinary actions that include written or verbal reprimands and/or termination.

8.0 Others on Campus

8.1 Others on campus such as vendors, contractors, and visitors must comply with this policy.

8.2 Anybody that does not comply with this policy may be subject to disciplinary and/or legal action. Disciplinary action may include removal from the campus while legal action may include criminal prosecution.
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9.0 Closing

9.1 Lamar State College Port Arthur is obliged to follow Senate Bill 11, commonly referred to as the “campus carry” law and may not enact policies or provisions that violate the law. Any changes to the law must be initiated by the Texas legislature.
Appendix A-10

Sul Ross State University
Sul Ross State University Rio Grande College
Campus Carry Policy

I. Policy Statement

Sul Ross State University (University) is committed to providing a safe environment for students, faculty, staff and visitors while respecting the rights of individuals licensed to carry concealed handguns where permitted by law. Licensed individuals may carry licensed handguns on campus premises except in locations and at activities prohibited by law and regulation.

II. Purpose

The purpose of this policy is to set forth the University’s guidelines on firearms on university property as outlined by Senate Bill 11 of the Texas Legislature and State and Federal Laws. This policy does not apply to commissioned peace officers as defined in the Texas Code of Criminal Procedures.

III. Scope

A. Right to Carry: A Licensed Holder may carry a concealed handgun while on the university grounds and in University transportation vehicles, unless prohibited by state or federal law, or prohibited by signage posted by the University.

B. Open Carry Prohibited: All persons, including license holders, are prohibited from openly carrying a handgun on University grounds.

C. Display of Concealed Handgun: A License Holder may not carry a partially or fully visible handgun, holstered or otherwise, or intentionally display a handgun in plain view of another person on the university grounds.

D. License: A License Holder must carry his or her Concealed Handgun License as required by law and display said license to law enforcement officials in accordance with 411.205 of the Texas Government Code. License Holders are not required to disclose their status as a concealed handgun licensee in order to participate in any program or service offered by the University, except as required by law.

E. Storage of Firearms: It is the responsibility of the license holder to properly store their concealed handgun in accordance with the Texas Government Code Subchapter H Section 411.188.4. In addition, the University does not provide gun storage at any of the university campuses for concealed handguns or other firearms.
IV. REFERENCES

State Laws & Other Regulations
1. Senate Bill 11 – Campus Carry
2. Texas Government Code Section 411.205 – Requirement to Display License
3. Texas Government Code Subchapter H, Section 411.188.4 – Law Enforcement and Public Protection
I. Statement of Purpose:

Lamar University, a component of the Texas State University System, hereby establishes the Concealed Handgun Policy pursuant to Senate Bill 11 (also known as "Campus Carry") [84th Texas Legislature].

II. Scope:

This policy applies to all students, employees, and visitors licensed to carry a handgun under Texas law on the Lamar University campus or premises.

III. Definitions

About the Person: A license holder may carry a handgun in a manner such that it must be close enough to the license holder that he or she can grasp it without materially changing position.

Athletic Event: An athletic event taking place between or among different high school, collegiate, and professional teams or university-sponsored sporting clubs.

Board of Regents: The ten member Board of Regents for The Texas State University System.

Campus: All land and buildings owned or leased by Lamar University [Texas Government Code §411.2031(a)(1)]

Concealed Handgun: A handgun, the presence of which is not openly discernible to the ordinary observation of a reasonable person.

Handgun: Any firearm designed, made, or adapted to be fired with one hand. [Texas Penal Code, §46.01]

License Holder: A person licensed to carry a handgun under Texas law. [Texas Government Code, Ch. 411, Subchapter H]

Premises: A building or portion of a building owned or leased by Lamar University. The term does not include any public or private driveway, street, sidewalk or walkway, parking lot, parking garage, or other parking area. [Texas Penal Code §46.035(f)(3)]

Texas Academy of Leadership in the Humanities: A residential honors program on the campus of Lamar University for gifted and talented Texas high-school aged students.
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IV. Policy Statement:

Lamar University is committed to maintaining a welcoming and safe educational environment for students, employees, and visitors and adopts this policy in compliance with Senate Bill 11 (84th Texas Legislature) which authorizes license holders to possess concealed handguns on university campuses or premises.

Effective August 1, 2016, a license holder may carry a concealed handgun on or about the license holder’s person while on Lamar University’s campus, except in areas specifically restricted by this policy and law. The “open carry” of handguns on Lamar University’s campus or premises is against the law.

V. Places and Events Where Concealed Handguns Are Prohibited (Gun-Free Zones):

Lamar University prohibits students, employees, visitors and guests from carrying concealed handguns on the following premises and at the following events:

1) Cardinal Village residence hall rooms housing students enrolled in the Texas Academy for Leadership in the Humanities (currently in Morris Hall), and related Academy offices and meeting rooms located in Cardinal Village and the Center for College Readiness Building. License holders who reside in other Cardinal Village Residence Halls, including non-Academy students residing in Morris Hall rooms, are allowed to possess concealed handguns; however, a gun safe, approved by Lamar University Police Department, must be provided by the resident in rooms leased to and occupied by those licensed to carry a handgun. If the handgun is not on or about the person, it must be stored in the gun safe.

2) University-designated health and mental health counseling facilities to include the Lamar University Student Health Center and the Psychology Department Counseling Clinic.

3) University-designated disciplinary/personnel facilities to include the Student Disciplinary Hearing Office and Employee Hearing Office.

4) Lamar University premises associated with high school, collegiate, professional, and interscholastic athletic events.

5) Lamar University premises associated with governmental meetings, as well as the Lamar University’s Police Department.

6) At the discretion of the President, other Lamar University premises associated with temporary events involving safety considerations (e.g., election sites) and/or areas in which federal or state law, licensing or contract requirements prohibit the carry of handguns.

VI. Notice:

Oral or written notice must be given as to where license holders may not carry a concealed handgun. Notice that is given on a card or document must contain the following language:
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Pursuant to Section 30.06, Penal Code (trespass by license holder with a concealed handgun), a person licensed under Subchapter H, Chapter 411, Government Code (handgun licensing law), may not enter this property with a concealed handgun.

Alternatively, notice may be posted on a sign at the entrance of an area in which the carrying of a concealed handgun is forbidden ("gun-free zone"). The sign must conform to the requirements of the Penal Code, in format and content, as follows:

1) Include the above italicized language in both English and Spanish;
2) Use contrasting colors, block letters, at least 1 inch in height; and
3) Be displayed in a conspicuous manner clearly visible to the public.

VII. Enforcement:

A license holder commits a criminal offense if the licensee carries a partially or wholly visible handgun, regardless of whether the handgun is holstered, on or about the licensee's person, and intentionally or knowingly displays the handgun in plain view of another person:

1) On the campus or premises of Lamar University
2) On any public or private driveway, street, sidewalk or walkway, parking lot, parking garage, or other parking area of Lamar University

Any individual who observes violations of this policy should report the matter to the Lamar University Police (or call 409-880-8311). Violation of this policy may result in one or more of the following:

1) Individuals (including students, employees, or visitors) may be excluded from Lamar's campus and premises.
2) Individuals (including students, employees, or visitors) may be referred to law enforcement for arrest and prosecution.
3) Students may be subject to discipline up to and including expulsion.
4) Employees may be subject to discipline up to and including termination.

VIII. Amendment:

In accordance with SB 11, the President or officer may amend the provisions of this policy as necessary for campus safety. Such amendment shall be subject to review by the Board of Regents in accordance with the Texas State University System Rules and Regulations.

IX. Effective Date:

This policy is effective August 1, 2016.
X. **Responsible Parties:**

Office of the President  
Lamar University Police
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Sam Houston State University
Concealed Carry Campus Policy

1. General

Sam Houston State University ("SHSU") is committed to developing and implementing a Concealed Carry Policy to meet Texas Law to be implemented under Texas Government Code Section 411.2031 (Carrying of Handguns by License Holders on Certain Campus) and Texas Penal Code 46.035.

2. Purpose

2.01 This Policy articulates the reasonable rules, regulations and provisions regarding carrying of concealed handguns by license holders on all SHSU campuses.

   a. In accordance with Government Code Section 411.2031 and Texas Penal Code 46.035, Sam Houston State University recognizes the right of individuals licensed to carry concealed handguns to do so on campus land and in buildings owned or leased by SHSU, unless otherwise provided herein.

   b. Individuals who possess a valid handgun license from the State of Texas or an approved reciprocating state may legally carry a concealed handgun on or about their person.

   c. Campus housing resident license holders may carry their weapon on or about their person in the residence halls. License holders residing in campus housing are responsible for the safe storage of their handgun whenever it is not on or about their person by use of secure storage devices as required by the Department of Residence Life. All other weapons (to include long guns) remain prohibited in campus housing units.

3. Areas that are Prohibited Concealed Carry Locations (PCCL).

3.01 Official Athletic Events (Collegiate or University Interscholastic League) held in Bowers Stadium, Don Sanders Baseball Complex, Bearkat Softball Complex, Meredith and Miriam York Field Events Center, the McAdams Tennis Center, the Johnson Coliseum, and Pritchett Field Stadium.

3.02 Any governmental meeting that takes place on the campuses of SHSU will be a PCCL.

3.03 Powell Health & Counseling Center (1608 Avenue J), Jack Staggs Counseling Center (1932 Bobby K. Marks Drive), Psychological Services Center (919 Bearkat Boulevard), Services for Students with Disabilities Office (Lee Drain ...
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Annex 1916 Avenue J, & Counseling Clinic at the Woodlands Campus Suite 151 (3380 College Park Drive; The Woodlands, Texas 77384).

3.04 Official University Student/Employee Disciplinary/Grievance Hearings. (See also § 4 below).

3.05 Nuclear Magnetic Resonance Lab (Chemistry & Forensic Science Building, Room 302 & 323).

3.06 Department of Public Safety Services (Secure Areas of Building Only in the Charles W. Tackett University Police Building 2424 Sam Houston Avenue; Huntsville, Texas 77340).

3.07 Buildings, grounds, or other University venues hosting a University Interscholastic League Event (Official, Sanctioned Competitions).

4. Student and Employee Discipline or Grievance Hearings and Appeals Procedures

It is recognized that student discipline and employee grievance proceedings are held in multi-use venues. During the period a venue is used for such proceedings, the venue shall be a PCCL. The Dean of Students’ or the Director of Human Resources may designate a room to be used for a proceeding that will be a PCCL. Prior to the proceeding, the student, employee and any additional proceeding participants shall be notified that the disciplinary, grievance, or appeal hearing location is a PCCL. Signage shall be placed at the designated hearing venue at least thirty minutes prior to the proceeding. Proceeding participants may also be given notice through a written document prior to entering the room. At the conclusion of the proceeding, signage shall be removed from the location.

5. University Signage for PCCL Areas

5.01 Signage that is clearly visible, noting that the premise in question is a PCCL, shall be placed in conspicuous areas (entrances). Notice that is given on a card, document, or sign must contain the following language:

Pursuant to Section 30.06, Penal Code (trespass by license holder with a concealed handgun), a person licensed under Subchapter H, Chapter 411, Government Code (handgun licensing law), may not enter this property with a concealed handgun.

De conformidad con la Sección 30.06, Código Penal (violación por el titular de la licencia con una pistola oculta), una persona con licencia bajo el Subcapítulo H, Capítulo 411, Código de Gobierno (ley de licencias arma de mano), no puede entrar en esta propiedad con una pistola oculta.
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a. PCCL signs must meet the minimum requirements:
   i. Include the above italicized language in both English and Spanish;
   ii. Use contrasting colors, block letters, at least 1 inch in height; and
   iii. Be displayed in a conspicuous manner clearly visible to the public.

b. All signage and other documentation used to indicate a PCCL shall be approved by the President.

6. Review of Policy

6.01 Each even numbered year, SHSU shall review this policy as follows:

a. The committee for Concealed Carry on Campus shall,
   i. Review PCCL on campus; and
   ii. Provide recommendations on new locations designated as PCCL or any updates to the President.

b. Any changes to this Policy, shall be submitted to Board of Regents in accordance with provisions stated in the Board’s Rules and Regulations for approval in accord with the timelines provided in Texas Government Code Section 411.2031; and

c. The President shall submit a report to the Texas Legislature by September 1st of each even numbered year describing SHSU rules, regulations, or other provisions and justifications on carrying of concealed weapons on campus. A copy of the report shall be provided to the Chancellor and the Board of Regents.

References

Texas Government Code Section 411.2031
Texas Government Code Section 422.207
Texas Penal Code 46.035
BACKGROUND AND PURPOSE

1. Effective August 1, 2016, as authorized by Texas Government Code Section 411.2031, individuals who hold a valid license to carry a concealed handgun ("license holder") will be allowed to carry a concealed handgun on or about their person on the campus or on the premises located on the campus of a public institution of higher education. The law defines a campus to include all land and buildings owned or leased by the institution of higher education. The law does not allow the institution of higher education to establish provisions that generally prohibit or have the effect of generally prohibiting the carrying of concealed handguns by license holders on the campus. However, it does state that the president or other chief executive officer shall establish reasonable rules, regulations, or other provisions regarding the carrying of concealed handguns by license holders on the campus of the institution or on premises located on the campus of the institution.

2. Consistent with the legislative mandates contained in Texas Government Code Section 411.2031 and Texas Penal Code Section 46.035, effective August 1, 2016, Texas State University (Texas State) will allow individuals that hold a valid license to carry a concealed handgun (Concealed Handgun License and/or License to Carry) to carry a concealed handgun on land and in buildings owned or leased by Texas State, subject to the reasonable, rules, regulations, and other provisions regarding the carrying of concealed handguns by license holders as established by the President of Texas State and approved by The Texas State University System Board of Regents.

3. The purpose of this Policy is to set forth the reasonable rules, regulations, and provisions regarding the carrying of concealed handguns by license holders on all Texas State Campuses.

RULES REGARDING THE CARRYING OF CONCEALED HANDGUNS BY LICENSE HOLDERS ON TEXAS STATE UNIVERSITY CAMPUSES

4. General Rules Regarding the Carrying of Concealed Handguns by License Holders on Texas State University Campuses

4.01 A license holder has the individual responsibility to safely carry and store a handgun. Texas State will not provide storage for handguns on the San Marcos Campus or on the Round Rock Campus.

4.02 At the discretion of the President, concealed carry of a handgun by a license holder may be prohibited on other Texas State premises associated with temporary events involving safety considerations.

4.03 Texas State will provide appropriate notice and signage as required by Texas law.
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4.04 A license holder must carry a concealed handgun on or about the license holder’s person. For the purpose of these rules, the phrase “on or about the license holder’s person” is defined as carrying a handgun in a manner such that it must be close enough to the license holder that he or she can grasp it without materially changing position.

5. Rules That Prohibit the Carrying of Concealed Handguns by License Holders (Concealed Carry) in Certain Locations on Texas State University Campuses

5.01 Concealed Carry is Prohibited in Premises Providing Services or Events for Minor Children as described below:

a. Child Development Center on San Marcos Campus
b. Clinic for Autism Research Evaluation and Support (CARES) – 1st floor, Education Building on San Marcos Campus
c. Assessment and Counseling Clinic (ACC) – Rooms 111 and 112, Avery Building on Round Rock Campus
d. Speech-Language-Hearing and Physical Therapy Clinics, Rooms 101, 104, 111, 110A, 112-128 in Health Professions Building on San Marcos Campus
e. Locations used for Pre-K through Grade 12 Summer Activities and Camps on the San Marcos Campus and the Round Rock Campus including, but not limited to the following locations: Residence Halls used for summer camps, the Music Building on San Marcos Campus during summer terms and Avery Building on Round Rock Campus during summer I term

5.02 Concealed Carry is Prohibited in Premises Providing Health Services

a. Student Health Center on San Marcos Campus
b. Student Health Center in Room 116, Nursing Building on Round Rock Campus

5.03 Concealed Carry is Prohibited in Premises Used for Disciplinary, Legal Compliance, and Counseling

a. 5th Floor of the LBJ Student Center on San Marcos Campus
b. Room 116, Nursing Building on Round Rock Campus
c. Premises when used for disciplinary action

5.04 Concealed Carry is Prohibited in Premises When Used for Competitive Sporting, NCAA, and UIL Events

a. Bobcat Stadium
b. Strahan Coliseum
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c. Bobcat Baseball and Softball Complex
d. Track and Field Stadium
e. Other locations on San Marcos Campus and Round Rock Campus where and when said location is used for competitive sporting, NCAA, and UIL events

5.05 Concealed Carry is Prohibited in Premises Used for Official Residence or Governmental Events

a. President’s House and surrounding grounds on San Marcos Campus
b. Locations when used for governmental meetings on San Marcos Campus and Round Rock Campus
c. Polling Location on the 3rd floor, LBJ Student Center on San Marcos Campus

CERTIFICATION STATEMENT

6. This PPPS has been approved by the reviewer listed below and represents President’s policy and procedure from the date of this document until superseded.

Review Cycle: June 1, EY
Review Date: 6/1/17
Reviewer: President
Date:

Approved: Denise M. Trauth
Date: 6/1/16

Denise M. Trauth
Texas State University
Supplement

Justifications for Rules Regarding the Carrying of Concealed Handguns by License Holders on Texas State University Campuses

1. Effective August 1, 2016, consistent with Texas law, the President of Texas State University will implement Presidential Policy and Procedure Statement 10.01, which sets forth the rules regarding the carrying of concealed handguns by license holders on Texas State University Campuses.

2. As in set forth in Texas Government Code Section 411.2031, the Texas Legislature required the president or other chief executive officer of an institution of higher education, prior to establishing rules regarding the carrying of concealed handguns by license holders on their campuses, to consult with students, staff, and faculty regarding the following three factors: the nature of the student population, specific safety concerns, and the uniqueness of the campus environment.

3. This supplement provides justifications for each rule based on one or more of the three factors that the legislature deemed relevant for consideration by the president of the institution of higher education in establishing the rules.

4. Justifications for General Rules Regarding the Carrying of Concealed Handguns on Texas State University Campuses

4.01 No Gun Storage Will Be Provided by the University on Campus

a. Background for the Rule:
Texas law does not require the university to provide handgun storage for license holders. Under Texas Government Code Section 411.188, license holders must take a training class and license holders are taught proper handgun storage principles. It is the responsibility of a license holder to properly carry and store the handgun in a safe manner.

b. Justification Based on the Nature of the Student Population:
The student population of license holders does not differ from those in the general population in that both must meet the same requirements to obtain a license and safely store their weapons.

c. Justification Based on Specific Safety Concerns:
Texas Government Code Section 411.188 requires that license holders are taught proper handgun storage. Providing handgun storage on campus would raise issues regarding cost, availability, security, privacy, and liability.

d. Justification Based on Unique Campus Environment:
Since the University's campuses are expansive and have many separated areas and buildings, one centralized storage area is not feasible. Multiple storage locations would be needed and would be very expensive to establish and maintain.

4.02 Discretionary Authority

a. Background for Rule:
There may be unique, temporary, or unforeseen circumstances wherein the carrying of a concealed handgun would pose safety concerns. Other universities, in states that allow the concealed carry of a handgun on the campus of a public university, have incorporated language in their policies that allow the appropriate authorities to establish areas on campus where concealed carry is prohibited when the nature of a particular academic setting or event would create a safety concern relative to the presence of a concealed handgun. This discretionary authority is consistent with Texas Government Code Section 411.2031 (d-1), that allows the president or other officer to amend the provisions as necessary for campus safety, on a temporary basis.

b. Justification Based on Unique Campus Environment:
Texas State offers a broad curriculum that requires unique classroom and lab environments. The campuses host events that allow interactions with the broader community and many guests come on each campus daily.

4.03 Notice and Signage

Texas law specifies required notice and signage.

4.04 Definition of Phrase “On or About a License Holder’s Person”

Texas law requires that a license holder carry a concealed handgun on or about the license holder’s person. For the purpose of these rules, the phrase “on or about the person” is defined as carrying a handgun in a manner such that it must be close enough to the license holder that he or she can grasp it without materially changing position.

5. Justifications for Rules that Prohibit the Carrying of Concealed Handguns (Concealed Carry) by License Holders in Certain Locations on Texas State University Campuses

5.01 Concealed Carry is Prohibited in Premises Providing Services or Events for Minor Children

a. Child Development Center (CDC) on San Marcos Campus

(1) Background for Rule:
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CDC provides a model early education and child care program for students, staff, faculty, and the community. It serves infants, toddlers, and preschoolers. Currently, there are 90 children enrolled. Each year, 500-600 University students visit as "lab students." The Texas Department of Family and Protective Services prohibits firearms on the premises of a licensed child care facility.

(2) Justification Based on the Nature of the Student Population:
Although enrolled students are not CDC clients, the client population consists of infants, toddlers, and pre-school age children. This population presents unique safety concerns.

(3) Justification Based on Specific Safety Concerns:
Young children may exhibit behaviors that are unpredictable and aggressive. Armed adults in the CDC will increase the risk of an accidental discharge.

(4) Justifications Based on Unique Campus Environment:
Not all universities operate a Child Development Center. Moreover, the state recognizes the uniqueness of the environment and state licensure regulations prohibit weapons in licensed child care facilities. (Texas Department of Family and Protective Services Child Care Licensing Division: Minimum Standards for Child-Care Centers, Section 746.3707, Subchapter S, Division 1)

b. Clinic for Autism Research Evaluation and Support (CARES) on 1st floor, Education Building on San Marcos Campus

(1) Background for Rule:
CARES provides assessment and treatment to people with intellectual and developmental disabilities (e.g. autism). More than a dozen such individuals between the ages of 2 and adulthood (18+ years old) are in CARES rooms, moving through the hallways between CARES rooms, or near the front doors located on the 1st floor of the education building.

(2) Justification Based on the Nature of the Student Population:
Although enrolled students are not CARES clients, the clinical population that includes children from 2 to 18 years presents unique safety concerns.

(3) Justification Based on Specific Safety Concerns:
CARES provides treatment to reduce aggressive behaviors. Grabbing someone who is armed could lead to an accidental discharge. CARES' adult clients with milder intellectual disabilities or mental illnesses, if a license holder, would be able to bring a gun into the clinic. Children and adults with intellectual disabilities may not know how to behave upon seeing a gun, and would likely not behave in predictable ways.
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(4) Justification Based on Unique Campus Environment:
Not all universities operate a clinic that serves individuals with autism and intellectual disabilities.

c. Assessment and Counseling Clinic (ACC) – Rooms 111 and 112, Avery Building on Round Rock Campus

(1) Background for Rule:
ACC houses several programs/departments and serves diverse client populations including members of the general public. The focus is on children and family counseling. Among the clients served, children are the most vulnerable, as are adults with mental illness, and individuals in abusive relationships seeking support.

(2) Justification Based on the Nature of the Student Population:
Although enrolled students are not ACC clients, the clinical population that includes children from 2 to 18 years presents unique safety concerns.

(3) Justification Based on Specific Safety Concerns:
ACC serves families in crisis who often exhibit problematic behavior including conflict, aggression, abuse, and/or violence. ACC also serves clients who are in the process of leaving abusive relationships. Providing mental health services to potentially volatile clientele creates safety concerns.

(4) Justification Based on Unique Campus Environment:
Not all universities operate clinics that provide counseling services to children and families in crisis.

d. Speech-Language-Hearing and Physical Therapy Clinics, Rooms 101, 104, 111, 110A, 112-128, Health Professions Building on San Marcos Campus

(1) Background for Rule:
The Speech-Language-Hearing Clinic is a training facility for undergraduate and graduate students in the Department of Communication Disorders. An on-campus clinic is required for the program’s national accreditation. Disorders range from hearing loss and problems expressing wants and needs, to understanding others. The causes of these speech and hearing problems range from autism to developmental delays, reduced cognitive abilities, neurological problems, dementia, stroke, learning disabilities, and prenatal/birth defects. Aggression, tantrums, impulsivity, and agitation are common in these populations.

The Physical Therapy Clinic is a clinical training facility for Doctor of Physical Therapy graduate students. About 70 patients are seen by these...
students under faculty supervision. Clientele include children and adults, many with neurological, developmental, and cognitive disorders. The mobility of all patients is compromised or reduced in some way. In certain cases, cognition may be compromised or reduced.

(2) Justification Based on the Nature of the Student Population:
Although enrolled students are not clients, the clinical population that includes children in pre-K through grades 12, presents unique safety concerns.

(3) Justification Based on Specific Safety Concerns:
Behavioral, cognitive, emotional/affective, and communicative issues in the populations served by these clinics may cause situations wherein a patient does not understand the implications of playing with or touching a gun. Many younger patients cannot delineate between a toy and a real gun. Due to limited understanding, specifically through talking and hearing, many patients cannot follow directions, tell others what they saw, or hear a communicated warning. The safety of the patients would be jeopardized in the case of an accidental discharge or a found handgun. Additionally, in the Physical Therapy Clinic a concealed handgun may restrict the prescribed therapeutic program especially in situations where clothing must be removed and/or where body manipulations and treatments would make the requirement that all weapons remain "concealed" impossible.

(4) Justification Based on Unique Campus Environment:
Few public universities have a degree in Communications Disorders and/or Physical Therapy. Therefore, few have an on-campus Speech-Language-Hearing Clinic or Physical Therapy Clinic.

e. Locations used for Pre-K through Grade 12 Summer Activities and Camps on the San Marcos Campus and on the Round Rock Campus including, but not limited to the following locations: Residence Halls used for summer camps; the Music Building on San Marcos Campus during summer terms and Avery Building on Round Rock Campus during summer I term.

(1) Background for Rule:
During the summer months (June and July), the Department of Housing and Residential Life offers on-campus housing to over 50 camps and conference groups serving pre-K through grade 12 attendees. The School of Music offers summer camps in the Music Building and additional locations on the San Marcos Campus offer such programs. The Avery Building on the Round Rock Campus is used for these events during the summer I session.

(2) Justification Based on the Nature of the Student Population:
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The majority of attendees are school-aged students. Typically, one adult supervises groups of roughly 30 participants.

(3) Justification Based on Unique Campus Environment:
Not all universities offer summer programs on-campus for pre-K through grade 12 participants.

5.02 Concealed Carry is Prohibited in Premises Providing Health Services

a. Background for Rule:
Texas State University Student Health Centers on the San Marcos Campus and in Room 116 in the Nursing Building on the Round Rock Campus provide primary, women's, and psychiatric healthcare services to university students. The Student Health Centers have experienced healthcare providers, including physicians and nurse practitioners. Medical, laboratory, digital radiography, and pharmacological services and prescription drugs are available on-site.

b. Justification Based on the Nature of the Student Population:
All undergraduate and graduate students are eligible to receive services at the Student Health Centers.

c. Justification Based on Specific Safety Concerns:
The nature of the student population served and diversity of services provided raise concerns about the fear of injury to self and others in the Student Health Centers. The combination of mental health services and the ability to prescribe and dispense pharmaceutical medications, creates additional concerns. The law does not provide a mechanism, nor would it be safe or appropriate, for a mental health provider to require that a handgun be relinquished after a diagnosis is made.

d. Justification Based on Unique Campus Environment:
The Student Health Centers serve students suffering from psychological, as well as alcohol and other drug abuse disorders, which can lead to threatening behaviors and violence.

5.03 Concealed Carry is Prohibited in Premises Used for Disciplinary, Legal Compliance, and Counseling

a. Background for Rule:
The 5th floor of the LBJ Student Center on the San Marcos Campus contains Student Affairs offices that provide sensitive services to vulnerable and potentially volatile populations. The majority of distressed students served in this area have an immediate need for assistance and there is a high density of vulnerable and potentially volatile students served in this area. Distressed students are frequently walked between offices on this floor. It is not unusual
for University Police Department officers to respond to situations involving safety concerns for students and/or staff. On the Round Rock Campus the Counseling Center, located in Room 116 in the Nursing Building, provides clinical services to individuals, groups, and couples. It engages in crisis intervention and consultation. Concerns addressed include stress, anxiety, depression, relationship challenges, substance abuse, and adjustment to college. The center also trains new mental health professionals.

Various locations are used for disciplinary action as defined by official UPPS on both the San Marcos and Round Rock Campuses. Disciplinary action can be taken against students, staff, organizations, and faculty members. Adjudication of a disputed matter is done in accordance with the processes and procedures required by the applicable University policies. Processes often include quasi-judicial, administrative hearings and dispositions. Disciplinary sanctions vary from verbal warnings to employment termination or student expulsion.

b. Justification Based on the Nature of the Student Population:
Services accessible to students on the 5th floor of the LBJ Student Center on the San Marcos Campus, include the Dean of Students Office (which includes Student Justice), Alcohol and Drug Compliance Services, and the Counseling Center. The Counseling Centers on both the San Marcos and Round Rock Campuses provide counseling and crisis intervention services to students, including students in crisis with an immediate need for said services. Texas Government Code Section 411.172 makes a chemically dependent person, or a person diagnosed by a licensed physician as suffering from a psychiatric condition, ineligible to be a license holder. A disciplinary action may be brought against an undergraduate or graduate student, an organization, a staff member or a faculty member. Disciplinary action involves adjudicatory processes that can include individual and/or group meetings, hearings, mediations, quasi-judicial proceedings, and appellate proceedings.

c. Justification Based on Specific Safety Concerns:
At Student Justice, violations of the code of student conduct are adjudicated. Students often demonstrate high levels of anger and frustration at adjudicatory proceedings. Additionally, populations prone to substance and alcohol abuse can be present at the Alcohol and Drug Compliance Services. Students with mental illness who might present a danger to themselves or others attend the counseling centers. The law does not provide a mechanism, nor would it be safe or appropriate, for a mental health provider to require that a handgun be relinquished after a diagnosis is made. Premises of the University wherein formal disciplinary actions are being conducted are comparable to governmental courts. The Texas Penal Code Section 46.03 prohibits carrying weapons into a court. That same rationale provides justification to disallow weapons in matters involving adjudication at the university level.
d. Justification Based on Unique Campus Environment:
The 5th floor of the LBJ Student Center and the Counseling Center on the Round Rock Campus are unique because there is a density of vulnerable, volatile, and distressed students seeking services for which they have an immediate need. The majority of the offices on the San Marcos Campus that deal with disciplinary matters, quasi-judicial and administrative hearings, legal compliance issues, as well as substance abuse, mental health and disability issues are on the 5th floor. University Police Department officers are often required to assist in many of these situations. Disciplinary matters, hearings, and legal compliance of faculty, staff, organizations, and students may occur in a variety of locations.

5.04 Concealed Carry is Prohibited in Premises When Used for Competitive Sporting, NCAA, and UIL Events

a. Background for Rule:
Texas State hosts a number of competitive sporting events where guns are prohibited by Texas law, and NCAA and UIL rules and regulations. (Texas Penal Code Sections 46.03 and 46.035; Texas State’s Safety and Security Plan, approved by the NCAA; NCAA rules; and UIL Rules and Regulations.)

b. Justification Based on the Nature of the Student Population:
Students and the general public, including children, attend these competitive sporting events. UIL events are specifically held for middle and high school aged participants and guests.

c. Justification Based on Specific Safety Concerns:
Texas Penal Code Section 46.035, NCAA rules, and UIL rules prohibit weapons at athletic and interscholastic events.

d. Justification Based on Unique Campus Environment:
Large capacity sporting events and UIL events, are hosted on both the San Marcos and Round Rock Campuses. Said events require that safety and security plans are in place in order to provide a safe environment.

5.05 Concealed Carry is Prohibited in Premises Used for Official Residence or Governmental Events

a. President’s House and Surrounding Grounds

(1) Background for Rule:
The President’s House is both a private residence and a location where the President hosts official University events. The President is required to reside in the President’s House that is located on the San Marcos Campus.

(2) Justification Based on the Nature of the Student Population:
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Guests include individuals from the University community, community-at-large, minors, elected and/or appointed public officials, donors, prospective donors, University Presidents, the System's Board of Regents, Chancellor, staff, and invited speakers.

(3) Justification Based on Specific Safety Concerns:
The President is the Chief Executive Officer of the University and is required to reside in the President's House. Specific safety concerns can suddenly arise when uninvited individuals arrive at the residence and/or when unanticipated intrusions occur at the residence.

(4) Justification Based on Unique Campus Environment:
The President's House is located on University property and is owned and maintained by the University.

b. Locations used for governmental meetings on San Marcos Campus or Round Rock Campus

(1) Background for Rule:
Texas law does not allow a license holder to carry a handgun in governmental meeting venues [Texas Penal Code Section 46.035 Subsection (c)].

(2) Justification Based on Specific Safety Concerns:
At various times, in various locations, on both the San Marcos and Round Rock Campuses governmental meetings are held. Under Texas Penal Code Section 46.035, concealed carry of handguns are not permitted in those locations during the time governmental meetings are held.

c. Polling Location on 3rd Floor, LBJ Student Center on San Marcos Campus

(1) Background for Rule:
During governmental elections, citizens are allowed to cast ballots on the 3rd floor of the LBJ Student Center located on the San Marcos Campus. Pursuant to Texas Penal Code Section 46.03, license holders are not permitted to carry concealed weapons at polling sites.

(2) Justification Based on Specific Safety Concerns:
When the 3rd floor of the LBJ Student Center is used as an official polling site in a governmental election, under these rules and under state law, a license holder is prohibited from carrying a concealed weapon in that location.