

McLennan

C O M M U N I T Y

COLLEGE

Biennial Review

Alcohol and Other Drug Prevention Drug Free Schools and Communities Act

September 2016 - May 2018
November 28, 2018

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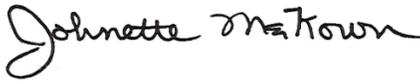
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President's Review and Approval

The Board of Trustees and our executive team are well aware of the negative effects that alcohol and drug use may pose on the welfare and productivity of our students and employees. In an effort to foster a positive campus climate, McLennan Community College has adopted and implemented policies and practices that “prevent the unlawful possession, use, distribution of illicit drugs and alcohol by students and employees” in compliance with Drug-Free Schools and Campuses Regulations (EDGAR Part 86.100, Subpart B). The 2016 - 2018 Biennial Review and Drug and Alcohol Abuse Prevention Plan have been reviewed according to College policy and Drug-Free Schools and Community Act (DFSCA) requirements.

I am confident that McLennan Community College continues to benefit from this biennial review process and that having policies and procedures in place will enhance our already purposeful and successful efforts to serve our students and employees well. We look forward to continuous enhancement of our programs through recurring assessment and improvement efforts.



12/01/2018

Dr. Johnette McKown, President

Date

Introduction to the Drug Free Schools and Communities Act (DFSCA) Biennial Review

Background on Drug Free Schools

The Drug-Free Schools and Campuses Regulations (34 CFR Part 86) of the Drug-Free Schools and Communities Act (DFSCA) require each institution of higher education (IHE) to certify that it has adopted and implemented a program to prevent the unlawful possession, use, or distribution of illicit drugs and alcohol by students and employees on the institution's premises and as part of any of its activities.

In accordance with the Drug-Free School and Communities Act of 1989, McLennan Community College is required to establish a drug and alcohol prevention program for students and employees. McLennan Community College is also required to provide this information annually.

Purpose for Conducting Biennial Review

The Drug-Free Schools and Campuses Regulations require IHEs to conduct a biennial review of their Alcohol and Other Drug (AOD) programs and policies to determine program effectiveness and consistency of policy enforcement. The Drug-Free Schools and Campuses Regulations also requires IHEs to identify and implement any changes needed to any and all AOD programs and policies.

The Biennial Review has two objectives:

To determine the effectiveness of, and to implement any needed changes to the AOD prevention program; and to ensure that campuses enforce the disciplinary sanctions for violating standards of conduct consistently.

Time frame of the Biennial Review

The Biennial Review was last provided in August 2016. The time period for this current report is September 2016 to May 2018.

Biennial Review Process

The biennial review process followed guidelines outlined in the *Drug and Alcohol Abuse Prevention Program* policy (E-XXV-a). The biennial review committee, appointed by the President, is composed of representatives from Student Development, Student Engagement, Human Resources, the division of Physical Education and Health, and the Athletic Director. This committee performs its duties under the direction of the Vice President for Research, Effectiveness, and Information Technology. The committee members include:

Dr. Claudette Jackson, Director, Student Engagement & Compliance Education
Ms. Melissa (Missy) Kittner, Director, Human Resources
Ms. Tina Lyles, Associate Director, Advising and Career Services
Mr. Ted Robles, Associate Professor, Mental Health/Social Work
Ms. Shawn Trochim, Athletic Director

McLennan Community College will conduct a biennial review of the Drug and Alcohol Abuse Prevention Program to occur in even-numbered years. Programmatic activity related to AOD prevention has been ongoing

prior to and since the last biennial review in 2016. The current review process began in September 2016 and concluded in May 2018.

Data was collected and assessed through collaboration with campus stakeholders. The biennial review committee conducted departmental interviews with the following departments, committees, and teams:

Campus Awareness Response and Evaluation (CARE) Team
Completion Center: Success Coaches
Education
Mental Health/Social Work
Psychology
Student Development
Student Engagement

Inquiries conducted with departments, committees, and teams resulted in information regarding:

- services, workshops, programs, and/or events offered that addressed the use of alcohol or other drugs;
- when these activities were offered;
- whether assistance was provided for alcohol or drug related issues; and
- whether departments, committees, or teams participated in a police related alcohol or drug related investigation.

The Director of Institutional Research and the McLennan Community College Police department provided additional data.

Location of Biennial Review Report(s)

The biennial review is available as a digital copy at <http://www.mclennan.edu/campus-safety/> or as a hard copy in the Office of Student Engagement, located on the third floor of the Student Services Center. This review is also available at the Office of Human Resources on the first floor of the Administration Building.

Requesting or Receiving Current and Past Biennial Reports

Requests for information about the Drug Free Schools and Campuses Act, McLennan Community College's drug and alcohol prevention program, and DFSCA Biennial Reviews can be made by contacting Student Engagement at (254) 299-8443 or Human Resources at (254) 299-8605.

Reports are archived for a period of three years and are also available online at <http://www.mclennan.edu/campus-safety/>.

Annual Policy Notification Process and Behavioral Standards

Policy Distribution to Students

All students enrolled in at least one academic credit hour of McLennan Community College courses receive the DFSCA Annual Disclosure via their student email accounts. This is inclusive of dual credit and online students. Email notifications are sent following the twelfth class day of the fall and spring semesters, the first class day of the winter and spring trimesters, and the third class day of each summer session.

Additionally, the DFSCA is made available to students in two locations: (1) via student email and (2) the McLennan Community College's Student Handbook, the *Highlander Guide*, located in the Health and Safety section, and labeled "Drug and Alcohol Abuse Prevention Program." The policy statement indicates that McLennan Community College is a drug-free campus in accordance with the Federal Drug-Free Schools and Communities Act Amendment of 1989. See *Appendix G: E-XXVIII, Campus Crime and Security policy*.

Policy Distribution to Employees

All employees of McLennan Community College receive the DFSCA Annual Disclosure via their campus email accounts within the first month of the new academic year. Employees hired after the distribution of the DFSCA Annual Disclosure receive notification during new employee orientation.

Employees are also provided necessary drug-free and awareness information in the *Policy on Drug-Free Workplace* located in the Personnel Handbook under the heading of Personnel Policies and Procedures. The policy states "McLennan Community College shall maintain a drug-free work place for all employees. McLennan Community College prohibits the unlawful manufacture, distribution, dispensation, possession, or use of controlled substances, illegal drugs, inhalants, and alcohol in the workplace. 41 U.S.C. 702 (a) (1) (A); 28 TAC 169.2." See *Appendix A for full E-XXV, Drug-Free Workplace policy*.

Standards of Conduct

McLennan's *General Conduct Policy (E-VIII)* outlines conduct expectations of students and employees:

"Any person found to have committed the following misconduct while defined as a visitor, employee, or student is subject to disciplinary sanction(s), condition(s), and /or restriction(s)."

Misconduct includes, but is not limited to:

1. Alcoholic Beverages

- a. Use, possession, sale, delivery, manufacture, or distribution of alcoholic beverages, except as expressly permitted by college policy and federal, state, and/or local law.
- b. Being under the influence of alcohol and/or intoxicated as defined by federal, state, and/or local law.
- c. Persons in violation of McLennan Community College's alcohol policies will also face criminal sanctions provided by federal, state, and local law when applicable.

2. Narcotics or Drugs

- a. Use, possession, sale, delivery, manufacture, or distribution of any narcotic, drug, or medicine chemical compound, or other controlled substance prescribed to someone else, except as expressly permitted by federal, state, and/or local law.
- b. Possession of drug-related paraphernalia, except as expressly permitted by federal, state, and/or local law.
- c. Being under the influence of narcotics, drugs, medicine, chemical compound, or other controlled substance prescribed to someone else, except as expressly permitted by federal, state, and/or local law.
- d. Persons in violation of McLennan Community College's narcotics and other drugs policy will also face criminal sanctions provided by federal, state, and local law when applicable. *See Appendix C for full E-VIII, General Conduct Policy.*

The use of illegal drugs and the illegal use of alcoholic beverages is identified as conduct which adversely affects the community of McLennan Community College. Being under the influence of alcohol or any other intoxicants at any campus facility is a violation of McLennan Community College's *Drug and Alcohol Abuse Prevention Program* policy. McLennan Community College students are also prohibited from the illegal use of drugs or alcohol whether on- or off-campus. The legal age for the consumption of alcohol is 21 years of age. Any underage student consuming alcohol is violating student conduct standards. Additionally, excessive alcohol use can lead to additional violations, such as driving while intoxicated or public intoxication. *See Appendix B for full E-XXV-a, Drug and Alcohol Abuse Prevention Program.*

McLennan Community College's regulations prohibit any use, possession, sale, delivery, manufacture, or distribution of alcohol and other drugs by McLennan Community College students, faculty, staff, or guests to the campus, on college-owned property, and at all college sponsored activities, unless specifically authorized by the President in accordance with Board of Trustees. *See Appendix B for full E-XXV-a, Drug and Alcohol Abuse Prevention Program.*

Disciplinary Sanctions for Students

"Students found responsible for violating these policies will face sanctioning through McLennan Community College's conduct process. Sanctions include verbal reprimand, disciplinary probation, time-limited suspension, and expulsion. Educational conditions and campus restrictions will be enforced when appropriate." *See Appendix B for full E-XXV-a, Drug and Alcohol Abuse Prevention Program, and also see Appendix C for full, E-VIII, General Conduct Policy.*

"Students who violate state or federal law or the college's *Drug and Alcohol Abuse Prevention Program* policy on campus or at college activities off-campus are subject to prosecution by local, state, federal officials and are subject to discipline where appropriate." *See Appendix G for full E-XXVIII, Campus Crime and Security policy. See Appendix H, Texas Drug Statutes for state penalties. See Appendix I, Federal Trafficking Penalties for Schedules I, II, III, IV and V (except Marijuana) for federal penalties.*

Disciplinary Sanctions for Employees

"Faculty or Staff who violate these policies will also be subject to disciplinary sanctions. Such sanctions include referral to drug and alcohol counseling programs, termination from employment with McLennan Community College, and referral to appropriate law enforcement officials for prosecution. Educational outcomes may also be assigned." *See Appendix B for full E-XXV-a, Drug and Alcohol Abuse Prevention Program.*

“Employees who violate this policy will be subject to disciplinary sanctions. Such sanctions may include referral to drug and alcohol counseling, rehabilitation programs, employee assistance programs, termination from employment with McLennan, and referral to appropriate law enforcement officials for prosecution as necessary. 41 U.S.C. 702(a)(1)(A); 28 TAC 169.2” (see *Appendix A* for McLennan policy *E-XXV*).

“Compliance with these requirements and prohibitions is a mandatory condition of employment. As a further condition of employment, employees will notify the College President of any criminal drug statute conviction for a violation occurring in the workplace *no later than five days after such conviction*. Within ten days of receiving such notice, the President of McLennan Community College or her designee will notify the granting agency of the conviction. 41 U.S.C. 702(a)(1)(D); 41 U.S.C. 702(a)(1)(E)”

“Within thirty calendar days of receiving notice from an employee of a conviction for any drug statute violation occurring in the workplace, McLennan Community College will either (1) take appropriate personnel action against the employee, up to and including termination of employment, or (2) require the employee to participate satisfactorily in a drug abuse assistance or rehabilitation program approved for such purposes by a federal, state, or local health agency, law enforcement agency, or other appropriate agency. 41 U.S.C. 703.” See *Appendix A for full E-XXV, Policy on Drug-Free Workplace*.

Health Risks

Specific serious health risks are associated with the use of alcohol and illicit drugs. Major health risks are listed in the *Drug and Alcohol Abuse Prevention Program (E-XXV-a)*, as itemized below:

Alcohol and Other Depressants (barbiturates, sedatives, and tranquilizers)

Addiction, accidents as a result of impaired ability and judgment, alcohol poisoning, overdose when used with other depressants, damage to a developing fetus, heart, and liver damage.

Marijuana

Impaired short-term memory, thinking, and physical coordination. Can cause panic reaction and increase the risk of lung cancer and emphysema. Can interfere with judgment, attention span, concentration, and overall intellectual performance. Impairs driving ability. May cause psychological dependence and compromise the immune system.

Cocaine

Addiction, cardiovascular system damage including heart attack, brain damage, seizures, lung damage, severe depression, paranoia, and psychosis. Similar risks are associated with other stimulants (i.e., speed and uppers).

Nicotine

Tobacco smoke contains thousands of chemical compounds, many of which are known to cause cancer. Nicotine, which is a central nervous system stimulant, produces an increase in heart and respiration rates, blood pressure, adrenaline production and metabolism. People can rapidly become physically and psychologically dependent on tobacco. Compromises the immune system.

Inhalants

Inhalants are a diverse group of chemicals that easily evaporate and can cause intoxication when their vapors are inhaled. Most inhalants are central nervous system depressants. Use of these drugs slows down many body functions. High doses can cause severe breathing failure and sudden death. Chronic abuse of some of these chemicals can lead to irreversible liver damage and other health problems.

Prescription Drug Abuse

Adverse reactions, dependency, withdrawal, and overdose.

Additional drugs and their effects are provided by the National Institute on Drug Abuse (NIDA) and can be accessed at the following website: <https://www.drugabuse.gov/drugs-abuse/commonly-abused-drugs-charts>

Treatment Options

A variety of resources exist for alcohol and other drug prevention education, counseling, and referral. For detailed information concerning these resources available from McLennan Community College and other community agencies, students may contact Counseling Services located in the Wellness and Fitness Building room 101; they can be reached by phone at (254) 299-8210. Faculty and staff members are encouraged to consult their primary care provider or the campus Human Resources office with questions or information about community resource referrals. Human Resources is located in the Administration Building room 101 or by phone at (254) 299-8605.

Additional treatment options can be requested with the following community agencies:

1. **Cenikor:** 3015 Herring Avenue, Waco, Texas, 76708; (888) 236-4567
2. **Cenikor:** 4520 E. Central Texas Expy #102, Killeen, Texas 76543; (254) 299-2787
3. **Christian Farms Treehouse:** 3804 Riverside Trail, Temple, Texas, 76502; (254) 933-9400
4. **Federal Substance Abuse and Mental Health Services Administration (SAMHSA):** 1-800-662-HELP (4357)
5. **Manna House:** 1226 Washington Avenue, Waco, Texas, 76707; (254) 296-9866, Ext. 204
6. **Med-Mark:** 2210 Washington Avenue, Waco, Texas, 76701; (254) 755-6411
7. **MHMR:** 110 S 12th Street, Waco, Texas, 76701; (254) 752-9451
8. **Texas Department of State Health Services:** Dial 2-1-1 or call (877) 541-7905
9. **The Ranch at Clear Springs:** 3662 Patton Lake Road, Aquilla, Texas; (877) 843-7262
10. **West Texas Counseling and Rehab:** 2610 Exchange Pl, Temple, Texas; (254) 742-0490

AOD Prevalence Rate, Incidence Rate, Needs Assessment, and Trend Data

Drug and Alcohol-Related Incidents and Fatalities

Drug and Alcohol-Related Incidents and Fatalities Reported to Campus Officials

Drug and Alcohol-Related Incidents and Fatalities on Campus and Adjoining Properties Reported to Campus Officials: 2014-2018

	Drug Abuse Violations		Liquor Law Violations	
	Arrests	Disciplinary Actions	Arrests	Disciplinary Actions
2014	1	0	0	0
2015	0	0	0	0
2016	0	0	0	9
2017	0	0	0	0
2018*	-	-	-	-

Source McLennan Community College Annual Security Report

*Data are reported each October for the preceding year (i.e. 2017 data was reported October 2018); therefore, 2017 is the most recent data available

AOD Policy, Enforcement, and Compliance Inventory and Related Outcomes/Data

McLennan Community College is committed to enforcing all policies to ensure a campus community free of alcohol and other drugs. Policies relating to alcohol and other drug use include:

- *Policy on Drug-Free Workplace:* Appendix A
- *Drug and Alcohol Abuse Prevention Program Policy:* Appendix B
- *General Conduct Policy:* Appendix C
- *Athletic Department Alcohol and Other Drug-Use Policy:* Appendix D
- *Athletic Department Alcohol and Other Drug-Testing Procedure:* Appendix E
- *Financial Aid Drug Convictions Notice:* Appendix F
- *Campus Crime and Security:* Appendix G
- *Sexual Misconduct Policy:* Appendix J

General Oversight for Each Policy

Policy oversight occurs at the level of Vice President, Student Success, the President, and the Board of Trustees. The President or her designee monitors the policies. Discipline, sanctioning, and adjudication of the policies occur at various levels, including the Campus Police Department and Conduct Office. The Vice President of Student Success has oversight and bears final responsibility for any/all decisions made regarding disciplinary action.

Methods Used for General Enforcement

McLennan’s Campus Police Department is a seventeen-member police force. The department consists of ten commissioned Police Officers, seven Security Officers appointed by the Board of Trustees pursuant to section 51.212 of the Texas Education Code, and a dispatcher. All commissioned officers are licensed by the Texas

Commission of Law Enforcement and are recognized as peace officers under Article 2.12 of the Texas Code of Criminal Procedure.

McLennan Community College has primary responsibility for law enforcement on campus and works closely with the Waco Police Department and other law enforcement agencies necessary. Campus Police patrol campus grounds and facilities 24-hours-per-day in vehicles, on foot, or by bicycle, providing around-the-clock protection for students, faculty, staff, administrators, and guests of campus. In addition to the ten commissioned officers, the department employs seven campus Security Officers who assist in safeguarding the campus community and in the enforcement of college rules and regulations. Campus Police investigate all reported criminal activities and emergencies occurring on campus.

Additional areas monitoring alcohol and other drug policies include: Conduct, C.A.R.E. Team, and Human Resources. For the current biennial review period there were nine violations observed or reported to these areas. Sanctions administered included notice of policy violation and probation.

McLennan Community College hosts an array of community and campus events at the Northwood House, the Bosque River Stage, and the Conference Center. Requests for authorization were made and granted per policy to serve and sell alcohol at community events hosted on the McLennan Community College campus.

AOD Comprehensive Program/Intervention Inventory and Related Process and Outcomes and Data

CARE Team

McLennan Community College's Campus Assessment Response and Evaluation (CARE) Team exists to promote student success and enhance campus-wide communication regarding specific behavioral concerns that may involve threats to the safety and well-being of the individuals or the campus community. The team consists of: the Vice President for Student Success, the Chief of Campus Police or designee, the Director of Student Engagement, two faculty representatives from Social Behavioral Sciences, the Director of Counseling Services, two Advising Specialists (also in charge of student conduct), the Social Work Success Coach and is chaired by the Associate Director of the Completion Center. The CARE Team is considered McLennan Community College's Behavioral Intervention Team (BIT) and closely follows national best-practice models.

Faculty, staff, and students have the ability to report members of the campus community to the CARE Team through an online reporting form. The CARE Team serves two types of students: (1) students who are likely to hurt themselves; and (2) students who may become a threat to others. The CARE Team collects reports and utilizes the collective expertise of the team to make decisions about how to best help reported students.

CARE Team meetings occur on a bi-monthly basis. Cases are reviewed as needed to ensure issues are handled in a timely manner. If given, the intervention is NIAAA Tier One and varies by student and type of behavioral concern.

During the current biennial review period, the CARE Team did not address any cases at the tertiary level in which community referrals were made for students who disclosed substance abuse as part of their mental health diagnoses.

Education and Psychology Departments

All first-time-in-college students are required to take EDUC/PSYC 1100 (one developmental need or TSI complete per state-of-Texas TSI regulations) or EDUC/PSYC 1300 (two developmental needs per state-of-Texas TSI regulation). This course is designed to orient students to campus by providing specific, college-success strategies. Chapter eleven of the course textbook includes a discussion of substance abuse issues among college students. As an assignment option, students may write a paper on substance abuse. In addition, the faculty administer the Campus Clarity module which trains against the dangers of substance abuse as they relate to sexual misconduct.

EDUC/PSYC 1100/1300 sections are held Monday through Thursday, with class section times ranging from 7:00 A.M. to 9:00 P.M. During the current biennial review period, no reports of assistance were provided to students regarding alcohol or drug-related issues outside of regular classroom instruction.

One additional course, PSYC 2301, offered each semester includes a discussion on psychoactive substances which include alcohol and other recreational drugs.

The courses discussed substance abuse prevention at the primary level and a NIAAA Tier One effectiveness level.

Mental Health/Social Work Department

The Mental Health/Social Work department provides educational content addressing the use of alcohol or other drugs. This is included in the following courses:

- DAAC 1317 Basic Counseling Skills
- SCWK 1321 Orientation to Social Services
- SCWK 2307 Human Behavior and Social Environment
- SCWK 2361 Introduction to Social Work

From August 2016 to May 2018, the Mental Health/Social Work Department conferred 44 degrees and certificates in Substance Abuse. Program courses included Pharmacology of Addiction, Alcohol/Drug Abuse Counseling, Substance-Related and Addictive Disorders, and Assessment of Substance-Related and Addictive Disorders.

During the current biennial review period, students in the Mental Health/Social Work programs also completed internships in community agencies addressing alcohol or drug related issues.

The department addressed substance abuse at the primary and secondary levels and provided a NIAA Tier One effectiveness level.

Student Engagement

The Office of Student Engagement provides annual programs observing alcohol and drug awareness. Information is disseminated through campus emails to the students, faculty, staff, administration, alumni, and

trustees, handouts, and active programming. Activities are held in high traffic green spaces on campus to encourage participation in Alcohol Awareness Week.

In 2016, alcohol and drug awareness activities included the following:

- *Destress Fest:* Participants learned tips to relieve stress without alcohol or drugs as they approached the holidays and finals. Students were also provided with pamphlets on alcohol and drug abuse prevention.
- *Drunk driving simulator sponsored by the RED Program at Baylor Scott & White Hillcrest Medical Center:* Participants experience what it feels like to drive impaired with Fatal Vision goggles while navigating the road in the video game *Need for Speed*. The simulator can be adjusted to provide more effects of drunk driving. Students are provided with statistics and information about driving while intoxicated.
- *Risk management workshops:* Participants received training on a number of state regulated topics to include drugs and alcohol. Campus policies, campus and community resources, and sanctions for violating alcohol and drug related policies were discussed.

In 2017, alcohol and drug awareness activities included the following activities:

- *Addiction, Suicidal Ideation, and Dual Diagnosis: Recognizing Risk Factors on Campus:* Special lecture addressing mental health and addiction sponsored by University Center partner institution, Tarleton State University.
- *Risk management workshops:* Participants received training on a number of state regulated topics to include drugs and alcohol. Campus policies, campus and community resources, and sanctions for violating alcohol and drug related policies were discussed.

Additional services, workshops, programs, and events included:

- *Awareness Matters Workshops:* Talk About It: Drugs, Every 15 Minutes: Preventing the Misuse and Abuse of Prescription Medications, Talk About It: Partying Smart, Talk About It: Bystander Intervention, Talk About It: Drinking and Campus Culture
- *Displays with pamphlets placed in high-student traffic buildings including:* The Truth About Drugs; The Truth About Alcohol; Fighting Drugs and Alcohol Abuse; Alcohol; Drinking & Driving; Binge Drinking

Student Engagement's Alcohol and Drug prevention occurs throughout the academic year. Workshops are offered year round. Pamphlets remain available daily and are restocked once per month. Special events occur during observance of alcohol and drug awareness.

During the current biennial review period, Student Engagement addressed AOD prevention at the secondary level and provided a NIAA Tier One effectiveness level.

Success Coaches

As part of the Student Engagement, the Success Coaches assist students in making responsible decisions that lead toward completion of their academic and career goals. All students who are new to McLennan Community College must complete new student orientation presented in online modules. The Substance Abuse Prevention module explains campus policy regarding alcohol and other drug use, standards of conduct prohibiting drugs and alcohol, applicable sanctions, health risks, signs of substance abuse, and resources available for treatment options.

Orientation occurs each year from November to January and April to August. During the current biennial review period, Success Coaches provided online orientation to all entering students which addressed AOD prevention at the primary level and provided a NIAA Tier One effectiveness level.

Success Coaches establish an ongoing coaching-mentoring relationship to help students succeed during their time at McLennan Community College. While the subject of alcohol or drug related issues do not typically arise during a session with a Success Coach, those who do disclose the need for help with these issues may receive assistance through referrals to the McLennan Community College Counseling Center and local MHMR.

The department addressed substance abuse at the primary and secondary levels and provided a NIAA Tier One effectiveness level.

AOD Comprehensive Program Goals and Objectives

The 2016 Biennial Review offered eight recommendations for the review period. McLennan Community College worked diligently to address each of these areas following the last review.

1. Increase visibility of DFSCA on College website with other compliance related notifications and on the McLennan Community College “web spotlight” during the first two weeks of the academic year.
2. Incorporate College AIM Framework as part of review efforts.
3. Provide additional training for Biennial Review Committee.
4. The Biennial Review Committee will meet at least once a semester and conduct ongoing assessment.
5. Assess prevention efforts in general survey to the campus community.
6. Develop a campus reporting tool to capture all AOD related services, workshops, programs, events, or interventions.
7. Develop a pre- and post-test to measure change in knowledge, attitudes, beliefs, behaviors, and trend data for AOD programs/interventions.
8. Make several recommendations to the administration, including:
 - a. Reviewing the addition of an Employee Assistance Program Referral Policy;
 - b. Reviewing the need for an Alcohol Poisoning/Drunk student Protocol; and
 - c. Developing MOUs with off-campus AOD agencies.

AOD Goal Achievement and Objective Achievement

Of the preceding eight goal and objective recommendations, all but two were successfully met. Increasing the number of staff assigned to oversee the successful completion of the goals and objectives in addition to reevaluating the committee members availability to serve will help ensure these goals and objectives are met in the future. An explanation is provided for why these goals were not met.

Develop a pre- and post-test to measure change in knowledge, attitudes, beliefs, behaviors, and trend data for AOD programs/interventions.

- AOD information is primarily delivered as part of academic course content outside of special awareness activities and workshops. Each instructor may choose how to assess this information, which may only

include a final measurement and not a pre-test to measure change. The focus will be put on measuring change at the awareness activities and workshops.

Developing MOUs with of-campus AOD agencies

- This was discussed and there was some work on a formal MOU with VOICE, however, certain requirements could not be met due to *Family Educational Right to Privacy Act*. Positive relationships are maintained with area agencies.

AOD SWOT/C ANALYSIS

Strengths

- Support from Conduct, CARE team, Student Engagement and Student Development staff
- Education and Psychology faculty included AOD information as part of instruction in Learning Frameworks courses
- Integral part of Mental Health/Social Work curriculum
- Ability to refer out to community partners
- Update policies related to alcohol and drug prevention

Weaknesses

- Gathering data each semester
- Lack of student desire to participate in AOD activities unless coupled with other ‘fun’ activities
- Getting students to read DAAPP and Biennial Review

Opportunities

- Make presentations to classes not already addressing AOD as part of the curriculum
- Seek new committee members to broaden understanding of AOD and the importance for educating our campus.

Threats/Challenges

- Staffing fluctuates and all committee members may no longer be at the institution
- Diversity in age of students and getting age appropriate messages to them
- Turnover of student body from semester to semester

Recommendations for next Biennium

1. Include an additional staff member to assist with the gathering of data, review, assessment, and writing of the Biennial Review.
2. Bring back the CORE (or similar) survey to have more robust data.
3. Re-evaluate the members of the the committee and recruit new stakeholders to assist with the process.
4. Review programming efforts of colleges with similar demographics and model or build new programming.
5. Incorporate a Brightspace module to include all relevant student compliance information that can be available for all enrolled students.

Conclusion

Alcohol and drug related issues are not usually present as the initial concerns when a student seeks or is referred for help, however, when it does occur, McLennan Community College is ready to provide the needed help. The departments and teams under the Student Success Division and Mental Health/Social Work continue to be integral in educating the campus community about AOD abuse and prevention and providing access to campus and community resources. We continue to assess and address the needs of our students in hopes of helping them complete their educational goals.

The College must continue to prioritize reporting and assessment and metrics. The College must also think outside of the box as it creates programming to educate a diverse group of students. The committee will continue to address these issues and build on the programming as we move forward into the next biennium.

Appendices

Appendix A: E-XXV, Policy on Drug-Free Workplace

POLICIES AND PROCEDURES

Subject: Policy on Drug-Free Workplace Reference: E-XXV

Source: Board of Trustees Eff. Date: November 26, 2007

Approval Auth.: Board of Trustees Approved: _____

Remarks: Replaces previous policy dated June 29, 2004

Date: November 26, 2007

In order to provide a safe and healthful workplace, McLennan Community College shall maintain a drug-free workplace for all of its employees. MCC prohibits the unlawful manufacture, distribution, dispensation, possession, or use of controlled substances, illegal drugs, inhalants, and alcohol** in the workplace. 41 U.S.C. 702(a)(1)(A); 28 TAC 169.2.

MCC shall establish a drug-free awareness program to inform employees about (1) the dangers of drug abuse in the workplace; (2) MCC's policy of maintaining a drug-free workplace; (3) any available drug counseling, rehabilitation, and employee assistance abuse programs; and (4) the penalties that may be imposed upon employees for drug abuse violations. 41 U.S.C. 702(a)(1)(B); 28 TAC 169.2

Penalties for Non-Compliance

Employees who violate this policy shall be subject to disciplinary sanctions. Such sanctions may include referral to drug and alcohol counseling or rehabilitation programs or employee assistance programs, termination from employment with MCC, and referral to appropriate law enforcement officials for prosecution. 41 U.S.C. 702(a)(1)(A); 28 TAC 169.2

Compliance with these requirements and prohibitions is mandatory and is a condition of employment. As a further condition of employment, an employee shall notify the College President of any criminal drug statute conviction for a violation occurring in the workplace no later than five days after such conviction. Within ten days of receiving such notice-from the employee or any other source-MCC shall notify the granting agency of the conviction. 41 U.S.C. 702(a)(1)(D), (E)

Within 30 calendar days of receiving notice from an employee of a conviction for any drug statute violation occurring in the workplace, MCC shall either (1) take appropriate personnel action against the employee, up to and including termination of employment, or (2) require the employee to participate

satisfactorily in a drug abuse assistance or rehabilitation program approved for such purposes by a federal, state, or local health agency, law enforcement agency, or other appropriate agency. 41 U.S.C. 703

[This notice complies with notice requirements imposed by the federal Drug-Free Workplace Act (41 U.S.C. 702) and notice requirements imposed by the Texas Workers' Compensation Commission rules at 28 TAC 169.2.]

Drug-Free Awareness

The attached exhibits can be found at the corresponding websites and are required for distribution/availability to all college employees. In compliance with the Drug-Free Schools and Communities Act requirements, these exhibits include information on the legal penalties for possession and use of illicit drugs, and the associated health risks.

SOURCES FOR INFORMATION ON ILLEGAL DRUGS

Commonly Abused Drugs

<http://www.nida.nih.gov/drugsofabuse.html>

Federal Trafficking Penalties

<http://www.usdoj.gov/dea/briefingbook/page10-11.htm>

Comparative Pharmacological Profiles of Abused Drugs

<http://www.tcada.state.tx.us/research/compare98.pdf>

** Upon approval by the President, alcoholic beverages may be served at the Bosque River Stage, The Northwood House at McLennan Community College, The Conference Center at MCC, McLennan House and Gardens, Highlander Ranch and other designated areas, and subject to all Federal, State and local laws and regulations regarding possession, use and sale of alcoholic beverages. This policy does not apply to leased residential facilities and the Art Center.

Appendix B: E-XXV-a, Drug and Alcohol Abuse Prevention Program

POLICIES AND PROCEDURES

Subject: Drug and Alcohol Abuse Prevention Program Reference: E-XXV-a

Source: Vice President, Student Success Eff. Date: February 7, 2018

Approval Auth.: President Approved: _____

Remarks: Replaces previous policy dated September 15, 2014

Date: February 7, 2018

Drug Free Schools and Communities Act (DFSCA)

McLennan Community College establishes this policy to address the unlawful possession, use, or distribution of alcohol and illicit drugs. The policy is in support of The Drug-Free Schools and Communities Act (DFSCA) of 1989 - also known as the Drug-Free Schools and Campuses Act. McLennan Community College has a Drug and Alcohol Prevention Plan (DAAPP), which is available at mclennan.edu/substance-abuse-program/.

All members of McLennan Community College (faculty, staff, and students) are encouraged to review the information on the following pages as well as consult the *Highlander Guide* and *Personnel Handbook* (policies E-XXVIII & E-XXV). This information is distributed on an annual basis.

Students, faculty, and staff may request information about the Drug Free Schools and Campuses Act, McLennan Community College's drug and alcohol prevention program, and DFSCA Biennial Reviews by contacting Student Development at 254-299-8614.

Standards of Conduct

Use of illegal drugs, and the illegal use of alcoholic beverages, is identified as conduct which adversely affects the college community. College regulations prohibit any use, possession, sale, delivery, manufacture, or distribution of alcohol and other drugs by McLennan Community College students, faculty, staff, or guests to the College, on College-owned property and at all College sponsored activities, unless specifically authorized by the President in accordance with Board Policy. In addition, being under the influence of alcohol or any other intoxicants at any campus facility is also a violation of McLennan Community College

policies.

McLennan Community College students are also prohibited from the illegal use of drugs or alcohol whether on or off campus.

The legal age for the consumption of alcohol is 21 years of age. Any underage student consuming alcohol is violating student conduct standards. Additionally, excessive alcohol use can lead to additional violations, such as driving while intoxicated or public intoxication.

Disciplinary Sanctions

Students found responsible for violating these policies will face sanctioning through the College's conduct process. Sanctions include verbal reprimand, disciplinary probation, time-limited suspension, and even expulsion. Educational conditions and campus restrictions may also be appropriate.

Faculty or Staff who violate these policies will also be subject to disciplinary sanctions. Such sanctions include referral to drug and alcohol counseling programs, termination from employment with McLennan Community College, and referral to appropriate law enforcement officials for prosecution. Educational outcomes may also be assigned.

Health Risks

Specific serious health risks are associated with the use of alcohol and illicit drugs. Some of the major risks are listed below.

Alcohol and Other Depressants (barbiturates, sedatives, and tranquilizers)

Addiction, accidents as a result of impaired ability and judgment, alcohol poisoning, overdose when used with other depressants, damage to a developing fetus, heart and liver damage.

Marijuana

Impaired short-term memory, thinking, and physical coordination. Can cause panic reaction and increase the risk of lung cancer and emphysema. Can interfere with judgment, attention span, concentration, and overall intellectual performance. Impairs driving ability. May cause psychological dependence and compromise the immune system.

Cocaine

Addiction, cardiovascular system damage including heart attack, brain damage, seizures, lung damage, severe depression, paranoia, psychosis. Similar risks are associated with other stimulants, such as speed and uppers.

Nicotine

Tobacco smoke contains thousands of chemical compounds, many of which are known to cause cancer. Nicotine, which is a central nervous system stimulant, produces an increase in heart and respiration rates, blood pressure, adrenaline production and metabolism. People can rapidly become physically and psychologically dependent on tobacco. Compromises the immune system.

Inhalants

Inhalants are a diverse group of chemicals that easily evaporate and can cause intoxication when their vapors are inhaled. Most inhalants are central nervous system depressants. Use of these drugs slows down many body functions. High doses can cause severe breathing failure and sudden death. Chronic abuse of some of these chemicals can lead to irreversible liver damage and other health problems.

Prescription Drug Abuse

Adverse reactions, dependency, withdrawal, and overdose.

Treatment Options

A variety of resources exist for alcohol and other drug prevention education, counseling and referral. For detailed information concerning these resources available from College and community agencies, students may contact Counseling Services located in the Wellness and Fitness building room 101; they can be reached by phone at 254-299-8210. Faculty and staff members are encouraged to consult their primary care provider, or the campus Human Resources office, with questions or for community resource referrals. Human Resources is located in the Administration building room 101 or by phone at 254-299-8605.

Individual Assessment and Counseling for McLennan Community College Students

1. Crisis Assessment & mental health screening through Counseling Services
2. Individualized referrals based on situation
3. Educational sessions for those concerned about alcohol or other drug use
4. Conduct (mandatory) referrals

Educational Programs & Events

1. Yearly Alcohol Awareness Week

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2. *Preventing Substance Abuse* educational module available through College website
3. Alcohol impairment simulation events
4. MCC Police presentations on drugs and alcohol available upon request
5. Suicide Prevention week addresses substance abuse as a key factor

Student Development - 254-299-8614

List of community resources, advice on finding the "next step"

Counseling Services - 254-299-8210

Address substance abuse concerns through individual counseling as part of a co-occurring disorder, individualized referrals based on situation, and drug and alcohol education is available on request

McLennan Community College Police Department - 254-299-8911

Respond to immediate safety concerns regarding drugs or alcohol use, questions regarding the legalities of drugs and alcohol, available to do educational presentations

Student Conduct Office - 254-299-8520

Address General Conduct Policy, enforces policies and procedures, provide clarification on acceptable use standards

McLennan Community College Human Resources Department -

254-299-8605

List of community and campus resources available for faculty and staff, enforces policies and procedures for employees

Community Clinic @ MCC - 254-313-5800

Provide medical care including initial assessment of the impact of drug and alcohol use on the medical health of students. Students are given individual health recommendations and referred for more intensive intervention as needed

Cenikor (Community Resource) - 254-236-4567

Detox/Short-term Inpatient Facility & Outpatient Program

DePaul Center (Community Resource) - 254-776-5970

Inpatient and outpatient psychiatric and substance abuse treatment division of the Providence Healthcare Network

Heart of Texas Counseling Center (Community Resource) -

254-297-7100

Outpatient counseling clinic available to individuals who do not meet state requirements for MHMR

Mission Waco (Community Resource) - 254-753-4900

Inpatient and outpatient faith-based treatment programs for drug and alcohol abuse

The following policy guidance is established to assist with DFSCA compliance:

1. McLennan Community College must establish and implement a Drug and Alcohol Prevention Program (DAAPP). The College will make the DAAPP available via the College website, and through annual notification to the campus community.
2. Student Engagement & Compliance shall create and implement the DAAPP, and will collaborate with the Vice President of Research, Effectiveness, & Information Technology for assistance with programmatic evaluation.
3. McLennan Community College shall conduct a biennial review of the Drug and Alcohol Abuse Prevention Program (DAAPP) to occur in each even-numbered year. This review shall be conducted under the direction of the Vice President for Research, Effectiveness, & Information Technology or his or her designee. The President shall appoint a committee composed of representatives from Student Development, Student Engagement & Compliance, Human Resources, the division of Physical Education and Health, and the Athletic Director to assist in conducting the biennial review. The committee shall conduct the review with two purposes in mind. First, to determine the effectiveness of, and to implement any needed changes to, the DAAPP. Second, to ensure consistent enforcement of the disciplinary sanctions for violating standards of conduct related to drug and alcohol abuse.

The review committee shall make a complete report to the Vice President for Research, Effectiveness, & Information Technology containing the following:

- A. Descriptions of DAAPP program elements
- B. Statement of DAAPP program goals and a discussion of goal achievement
- C. Summaries of DAAPP program strengths and weaknesses
- D. Procedures for distributing annual DAAPP notification to students and employees
- E. Copies of the policies distributed to students and employees
- F. Recommendations for revising the DAAPP

The Vice President for Research, Effectiveness, & Information

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Technology shall approve the report and present it to the President of McLennan Community College for official signature.

4. McLennan Community College must develop DAAPP Disclosure Information. Disclosures must be distributed annually to students enrolled for academic credit and employees. In addition, disclosures must be made to enrolled students and new employees who attend or are hired after the initial yearly disclosure distribution. Annual disclosures must include at least the Policy language at the beginning of this document.

Appendix C: E-VIII, General Conduct Policy

POLICIES AND PROCEDURES

Subject: General Conduct Policy Reference: E-VIII
Source: Board of Trustees Eff. Date: November 27, 2018
Approval Auth.: Board of Trustees Approved: _____
Remarks: Replaces previous policy dated May 29, 2018
Date: November 27, 2018

The Board of Trustees of McLennan Community College ("MCC"), the legally constituted authority for the governance of the College, hereby adopts the following general conduct policy for the purpose of maintaining order and otherwise promoting the general interest, welfare, and purposes of the College.

Grievances or allegations related to discrimination claims shall be administered using the Discrimination Resolution Process (Policy F-V-s).

Article I: Definitions

- A. The term "student" includes all persons taking courses at MCC, both full-time and part-time, pursuing credit and non-credit courses.
- B. The term "faculty member" means any person hired by MCC to conduct classroom activities.
- C. The term "MCC official" includes any person employed by MCC performing assigned administrative, professional, or staff responsibilities.
- D. The term "member of the MCC community" includes any person who is a student, faculty member, staff member, or MCC official. A person's status in particular situations shall be determined by the President.
- E. The term "MCC premises" includes all land, buildings, facilities, and other property in the possession of, owned, used, or controlled by MCC.
- F. The term "organization" means any number of persons who have complied with the formal requirements for MCC recognition.
- G. The term "Advising Specialist" means the MCC administrator authorized by the Vice President, Student Success to determine

whether a student has violated the General Conduct Policy and to recommend imposition of sanctions.

- H. The Term "Title IX Coordinator" means the MCC official responsible for monitoring the College's implementation of Title IX, coordinating compliance, and investigating complaints of sex discrimination.
- I. The term "MCC Board of Trustees" means the legally constituted authority for the governance and orderly operation of MCC.
- J. The term "shall" is used in the imperative sense.
- K. The term "may" is used in the permissive sense.
- L. The term "policy" is defined as the written regulations of MCC as found in, but not limited to, the *Highlander Guide* (MCC Student Handbook), and the MCC General Catalog.
- M. The term "service animal" pertains to dogs (or miniature horses) that have been individually trained to do work or perform tasks for the benefit of an individual with a disability.
- N. The term "preponderance of evidence" is used to determine responsibility based on the evidence that the actions are "more likely than not" to have taken place.

Article II - Jurisdiction & Applicability

The policies herein set forth shall govern the conduct of all persons, including but not limited to, students, employees, visitors, and independent contractors, on the MCC campus or other property or facilities owned or used by the College (hereafter, "premises") for any purpose, wherever situated, or while in attendance at or engaging in college-sponsored activities, wherever occurring. McLennan Community College retains the right to adjudicate alleged violations that occur prior to students leaving the College for any reason (such as withdrawal, transfer and/or graduation).

Persons violating any of these policies are subject to immediate removal and/or exclusion from MCC premises or activities. Such removal or exclusion shall be in addition to and not in lieu of further disciplinary action as set forth herein.

Article III - Assemblies or Other Group Activities

Any assembly or other group activity to be held on college premises must be conducted in accordance with the principles and policies set forth herein.

Any assembly or group activity, other than the regularly scheduled meetings of recognized student organizations, initiated, arranged, or promoted by students of the College must be approved in writing by the Vice President, Student Success in advance of its

occurrence. A request to hold such assembly or group activity must be submitted in writing at least two (2) weeks prior to the proposed date of occurrence. Such a request shall provide any reasonable information required by the College. Any such assembly or group activity which is part of the organized program of instruction of the College shall require advanced approval by the Vice President, Instruction. Any other assembly or group activity initiated, arranged, or promoted by an employee, group of employees, or person(s) not employed by the College, shall require advanced approval by the Vice President, Student Success.

Formal approval of any assembly or group activity does not relieve its organizers or participants of any responsibilities regarding general conduct stated herein.

Article IV - Visitors and Guests

Any person who is not a student or employee of the College, while on the premises of the College is considered a visitor, and shall conduct herself/himself in a manner consistent with the principles and policies stated herein. Violators are subject to removal from the premises and/or appropriate legal proceedings.

Visitors, including but not limited to the spouse or children of students, will generally not be admitted to classrooms or laboratories. Faculty members who desire an exception to this regulation should discuss the circumstances with the appropriate division chair. In any case, where the appropriate division chair has approved an exception, the faculty member may still, at any time, remove the visitor from a classroom in the interest of the learning environment.

Students or employees of the College who bring a visitor to the College may not leave the visitor unattended on campus if the visitor is a minor.

Article V - Rights and Responsibilities

A. General Statement

Students, employees, visitors and independent contractors are expected to obey the regulations of the College and to conduct themselves in a socially acceptable manner.

B. Responsibilities for Administration of Conduct for Employees, Visitors, and Independent Contractors

The President or designee shall ensure enforcement of college conduct regulations as they relate to visitors, employees and independent contractors.

Employees shall comply with the standards of conduct set out in this policy and with any other policies, regulations, and guidelines that impose duties, requirements, or standards attendant to their status as College employees. Violations of any policies, regulations, and guidelines may result in

disciplinary action, including termination of employment or suspension with or without pay.

The *Non-Faculty Investigation Procedures* policy (F-V-c) shall be followed for non-faculty contractual personnel and the *Academic Freedom, Responsibility and Tenure* policy (F-III-a) shall be followed for faculty contractual personnel.

C. Responsibilities for Administration of Student Conduct

1. The Vice President, Student Success, in conjunction with the Office of Student Development, shall be responsible for student conduct. The Vice President, Student Success shall be responsible for (1) the disposal and referral of individual cases as may properly come before him/her and (2) recommending the formulation and revision of policies and procedures relating to student conduct.

D. Rights and Responsibilities of Students, Employees, Visitors and Independent Contractors

1. These policies are based upon the principle that the College must safeguard, on college premises and in college affairs, the basic freedoms guaranteed by the Constitution of the United States of America. Equally important is the principle that the exercise of these freedoms requires respect for the rights and freedoms of others. Interference with the lawful and orderly use or enjoyment of college premises, facilities, and programs will not be permitted.
2. Students, Employees, Visitors, and Independent Contractors have the following responsibilities:
 - a. To be familiar with published regulations and comply with them.
 - b. To act according to standards of common decency and socially acceptable behavior.
 - c. To respect the rights and property of others.

E. Family Educational Right and Privacy Act (FERPA)

FERPA protects the privacy of student education records, including personally identifiable information derived from student conduct records. Generally, schools must have written permission from a student in order to release any information from a student's education record. FERPA allows schools to disclose student records, without consent, in situations including, but not limited to school officials with legitimate educational interest, other schools to which a student is transferring, to comply with a judicial order or lawfully issued subpoena, to parents when there is a health or safety emergency involving the student, to parents when the student has committed a disciplinary violation with respect to use or possession of alcohol or a controlled substance and the

student is under 21 years of age at the time of the disclosure, to the victim of an alleged perpetrator of a crime of violence or a nonforcible sex offense concerning the final results of a disciplinary Hearing.

Article VI - Proscribed Conduct

A. General Policy

Freedom of discussion, inquiry, and expression is fostered by an environment in which the privileges of citizenship are protected, and the obligations of citizenship are understood. Accordingly, the MCC community has developed standards of behavior pertaining to students and/or student organizations. Visitors, employees, students and student organizations are subject to disciplinary action according to the provisions of the *General Conduct Policy* or the *Highlander Guide*. Conduct on or off college premises is subject to college conduct jurisdiction. MCC may enforce its own conduct policies and procedures when a person's conduct directly, seriously, or adversely impairs, interferes with, or disrupts the overall mission, programs, or other functions of the college. College conduct proceedings may be instituted against a person alleged to have violated the *General Conduct Policy* or the *Highlander Guide*. Proceedings under the *General Conduct Policy* may be carried out prior to, independent of, concurrent with or following civil or criminal proceedings. The proceedings are conducted in a manner which ensures that substantial justice is done and is not restricted by the rules of evidence governing criminal and civil proceedings. The standard of proof used in college conduct proceedings is the preponderance of evidence. College officials respect the rights and responsibilities of visitors, employees and students and shall consider each violation of college policy and each violation of federal, state, and /or local law on a "case-by-case" basis and shall further attempt to initially use educational options and subsequent intervention and /or prevention options to assist visitors, employees and students.

B. Misconduct

Any person found to have committed the following misconduct while defined as a visitor, employee, or student is subject to disciplinary sanction(s), condition(s), and /or restriction(s). Misconduct includes, but is not limited to:

1. *Alcoholic Beverages**

- a. Use, possession, sale, delivery, manufacture, or distribution of alcoholic beverages, except as expressly permitted by college policy and federal, state, and /or local law.
- b. Being under the influence of alcohol and /or intoxication as defined by federal, state, and /or local law, including but not limited to:

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- i. Public intoxication;
 - ii. Driving under the influence of alcohol or impaired;
 - iii. Actual physical control of a vehicle while under the influence of alcohol;
 - iv. Providing alcohol to individuals under the age of 21;
 - v. Social Host: Providing a location for any individual under 21 year of age to possess or consume alcohol;
 - vi. Transporting an open container of alcohol;
 - vii. Incapacitation due to alcohol;
 - viii. Possession of a fake ID;and
 - ix. Underage possession of alcohol
- c. Persons in violation of the College's alcohol policies may also face criminal sanctions provided by federal, state, and local law when applicable.

**Upon approval by the President, alcoholic beverages may be served at the Bosque River Stage, Conference Center, Northwood House, McLennan House and Gardens, Highlander Ranch, and other designated areas, and subject to all federal, state and local law and regulations regarding possession, use and sale of alcoholic beverages. This policy does not apply to leased facilities.*

2. Narcotics or Drugs

- a. Use, possession, sale, delivery, manufacture, or distribution of any narcotic, drug, medicine prescribed to someone else, chemical compound, or other controlled substance, except as expressly permitted by federal, state, and/or local law.
- b. Possession of drug-related paraphernalia, except as expressly permitted by federal, state, and /or local law.
- c. Being under the influence of narcotics, drugs, medicine prescribed to someone else, chemical compound, or other controlled substance, except as expressly permitted by federal, state, and/or local law.
- d. Persons in violation of the College's narcotics and other drugs policy will also face criminal sanctions provided by federal, state, and local law when applicable.

- e. For further information regarding MCC's drug and alcohol policy please see the *Highlander Guide* at www.mclennan.edu/highlander-guide/

3. *Academic Dishonesty*

"Academic dishonesty" includes, but is not limited to: cheating, plagiarism, collusion, falsifying academic records, misrepresenting facts, and any act designed to give an unfair academic advantage to the person.

- a. "Cheating" includes, but is not limited to:

- i. Copying from another student's work during an examination, test, or while completing an assignment;
- ii. Using unauthorized assistance, materials, or devices during a test or other assignment;
- iii. Failing to comply with instructions given by the person administering the test;
- iv. Possessing materials during a test that are not authorized by the person administering the test, such as class notes, textbooks, or other unauthorized aids;
- v. Possessing, using, buying, stealing, transporting, selling, or soliciting in whole or in part items including, but not limited to: the contents of an un-administered test, test key, homework solution, or computer program/ software. Possession, at any time, of current or previous test materials without the instructor's permission;
- vi. Collaborating with, seeking aid, or receiving assistance from another student or individual during a test or in conjunction with other assignments without the instructor's permission;
- vii. Discussing the contents of an examination with another student who has taken or will take an examination without the instructor's permission;
- viii. Substituting for another person, or permitting another person to substitute for oneself in order to take a course, a test, or complete any course-related assignment, including but not limited to, signing in/registering attendance for another student without the instructor's permission;
- ix. Paying or offering to pay money, other valuables, obtaining by any means, or coercing another person to obtain items including, but not limited to: an un-administered test, test key, homework

solution, or computer program/ software; or information about an un-administered test, test key, homework solution or computer program/software;

- x. Falsifying research data, laboratory reports, and/or other academic work offered for credit;
- xi. Taking, keeping, misplacing, damaging, or altering the property of the College, or of another, if the student knows or reasonably should know that an unfair academic advantage would be gained by such conduct;
- xii. Misrepresenting facts, including providing false grades or resumes, for the purpose of obtaining an academic or financial benefit or injuring another person academically or financially; and
- xiii. Attempting to commit or assisting with the commission of any of the foregoing listed violations.

b. "Plagiarism" includes, but not limited to:

- i. The appropriation of, buying, receiving as a gift, or obtaining by any means, material that is attributable, in whole or in part, to another source, including words, ideas, illustrations, structure, computer code, other expression and media, and presenting that material as one's own academic work being offered for credit; and
- ii. The advertisement and/or promotion of services or materials intended for the purposes of plagiarism using on or off campus forums.

c. "Collusion" includes, but is not limited to:

- i. The unauthorized collaboration with another person in preparing academic assignments offered for credit.
- ii. Collaboration with another person to commit a violation of any section of the rules on academic dishonesty.

d. "Falsifying academic records" includes, but is not limited to:

- i. Altering or assisting in the alteration of any official college record and/or submitting false information.
- ii. Omitting requested information that is required for, or related to, any academic record of

the College. Academic records include, but are not limited to: applications for admission, the awarding of a degree, grade reports, test papers, registration materials, grade change forms, and reporting forms used by the Office of Student Records.

- iii. Former students found to have engaged in such conduct are subject to a bar against readmission, revocation of a degree, and withdrawal of a diploma.
- e. "Misrepresenting facts" to the College or an agent of the College includes, but is not limited to:
 - i. Providing false grades, resumes, or other academic information.
 - ii. Providing false or misleading information in an effort to receive a postponement or an extension on a test, quiz, or other assignment to obtain an academic or financial benefit for oneself or another individual.
 - iii. Providing false or misleading information in an effort to injure another student academically or financially.

NOTE: See Academic Integrity information at <http://www.McLennan.edu/academic-integrity/>

4. *Weapons and Explosives*

- a. Use or possession of any item used as a weapon, including, but not limited to: a handgun, a firearm, ammunition, fireworks, a pellet gun, an airsoft or paintball gun, a BB gun, a knife, or explosive or noxious materials on college premises except as expressly permitted by federal, state, and/or local law.
- b. A Licensed holder may carry a concealed handgun on or about the licensed holder's person while the licensed holder is on the campus of an institution of higher education or private or independent institution of higher education in this state.
- c. The following link provides information on designated areas where the possession of a concealed handgun is prohibited:
www.mclennan.edu/employees/policy-manual/
- d. All persons, including licensed holders are prohibited from openly carrying a handgun on the campus premises.

5. *Flammable Materials/Arson*

- a. Use or possession of flammable materials, including but not limited to: incendiary devices or other dangerous materials, or substances used to ignite, spread, or intensify flames for fire, except as expressly permitted by MCC officials.
- b. Attempting to ignite and/or igniting MCC and/or personal property on fire either by intent or through reckless behavior which results, or could predictably result, in personal injury or property damage of MCC premises.

6. *Theft, Damage, or Unauthorized Use*

- a. Attempted or actual theft of property or services of the College, other college students, other members of the college community, or campus visitors.
- b. Possession of property known to be stolen or belonging to another person without the owner's permission.
- c. Attempted or actual damage to property owned or leased by the College, by other college students, other members of the college community, or campus visitors.
- d. Attempted or actual unauthorized use of a credit card, debit card, student identification card, cell phone, personal identification number, test number, WebAdvisor account information, personal check, or other unauthorized use of personal property or another's information.
- e. Alteration, forgery, or misrepresentation of any form of identification.
- f. Possession or use of any form of false identification.
- g. Disorderly behavior
 - i. Students engaged in freedom of expression activities may be subjected to discipline under the General Conduct Policy for the following actions:
 - a. Activities which are illegal;
 - b. Activities that deny the rights of other students, faculty and staff of the College;
 - c. Activities that substantially obstruct or restrict the free movement of persons on any part of the College, including the free entry or exit from College Facilities;
 - d. Activities that deny the use of office or other facilities to the students, faculty, staff or guests of the College;

- e. Activities that threaten or endanger the health or safety of any person on the College campus;
- f. Activities that include the use of obscenities, libelous statements or "fighting words", as defined by the law;
- g. Activities that result in damage to or destruction of College property;
- h. Activities that attempt to prevent a College event or other lawful assembly by the threat or use of force or violence; and
- i. Signs , Banners, posters and other displays used for freedom of expressions activities must be handheld and remain in the hands of individuals engaged in the expressive activities at all times.

7. *Actions Against Members of the College Community and Others*

- a. Conduct, intentional or reckless, which threatens or endangers the health or safety of oneself or others, including, but not limited to acts such as physical assault, physical abuse, verbal abuse, threats, intimidation, harassment, and/or coercion.
- b. Conduct, intentional or reckless, which detracts from another's ability to realize the intended benefits of the College's resources and opportunities.
- c. Substantial disruption of MCC operations including obstruction of teaching, research, administration, other college activities, and/or other authorized non-MCC activities.
- d. Recording without knowledge. Using electronic or other means to make a video, audio, or photographic record of any person in a location where there is a reasonable expectation of privacy without the person's prior knowledge, when such a recording is likely to cause injury, distress or damage to reputation. This includes, but is not limited to, taking video, audio, or photographic records in shower/locker rooms, residence hall rooms, and restrooms. The storing, sharing, and/or distributing of such unauthorized records by any means is also prohibited.

NOTE: Students are permitted to record classroom instructions and activities.

- e. Title IX of the Education Amendments of 1972 is a Federal civil rights law that prohibits discrimination on the basis of sex in educational programs and activities that receive Federal funds. Examples of discrimination

prohibited under Title IX include discrimination on the basis of sex including, gender discrimination, pregnant and parenting discrimination, sexual harassment or sexual violence such as rape, dating violence, domestic violence, stalking, sexual assault, sexual battery, and sexual coercion. Individuals aware of incidents involving sexual misconduct are encouraged to report the offense immediately to the Title IX Coordinator.

Title IX Coordinator

Concerns dealing with Title IX and other non-specified Civil Rights Issues contact:

Dr. Drew Canham
Vice President, Student Success & Title IX Coordinator
McLennan Community College
Administration Building, Room 408
1400 College Drive
Waco, TX 76708
254-299-8645
Fax: 254-299-8654
titleix@mclennan.edu

Definitions

Reference to the Texas Penal Code is made where necessary.

A. Sexual Harassment (*Texas Penal Code - PENAL § 42.07.Harrassment*)

The Department of Education's Office for Civil Rights (OCR), the Equal Employment Opportunity Commission (EEOC) and the State of Texas regard sexual harassment as a form of sex/gender discrimination and, therefore, as an unlawful discriminatory practice. McLennan Community College has adopted the following definition of sexual harassment, to address the special environment of an academic community.

Sexual harassment is:

- unwelcome,
- sexual, sex-based and/or gender-based,
- verbal, written, online and/or physical conduct.

Anyone experiencing sexual harassment in any McLennan Community College program is encouraged to report it immediately to the Title IX Coordinator. Remedies, education and/or training will be provided in response.

Sexual harassment may be disciplined when it takes the form of *quid pro quo* harassment, retaliatory harassment and/or creates a hostile environment.

A hostile environment is created when sexual harassment is:

- severe,
- persistent or pervasive, and
- objectively offensive, such that it: unreasonably interferes with, denies or limits someone's ability to participate in or benefit from the McLennan Community College's educational or employment programs.

Quid Pro Quo Sexual Harassment:

Unwelcome sexual advances, requests for sexual favors, and other verbal or physical conduct of a sexual nature by a person having power or authority over another constitutes sexual harassment when submission to such sexual conduct is made either explicitly or implicitly a term or condition of rating or evaluating an individual's educational development or performance.

B. Sexual Misconduct

Texas State law defines various violent and/or non-consensual sexual acts as crimes. While some of these acts may have parallels in criminal law, McLennan Community College has defined categories of sex/gender discrimination as sexual misconduct, as stated below, for which action under this policy may be imposed. Alleged incidents involving discrimination shall be administered using the Discrimination Resolution Process (Policy F-V-s).

McLennan Community College considers all sexual misconduct violations to be serious offenses. McLennan Community College reserves the right to impose any level of sanction, ranging from a reprimand up to and including suspension or expulsion/termination, for any act of sexual misconduct or other sex/gender-based offenses, including intimate partner (dating and/or domestic) violence, non-consensual sexual contact and/or stalking based on the facts and circumstances of the particular allegation. Acts of sexual misconduct may be committed by any person upon any other person, regardless of sex, sexual orientation and/or gender identity of those involved. Violations include:

- i. Sexual Harassment (as defined in Section B. above)
- ii. Non-Consensual Sexual Intercourse

Defined as: any sexual intercourse, however slight, with any object, by a person upon another person, which is without consent and/or by force.

Sexual intercourse includes: vaginal or anal penetration by a penis, tongue, finger or object, or oral copulation (mouth to genital contact) no matter how slight the penetration or contact.

iii. Non-Consensual Sexual Contact

Defined as: any intentional sexual touching, however slight, with any object, by a person upon another person that is without consent and/or by force.

Sexual touching includes: intentional contact with the breasts, groin, genitals or mouth or touching another with any of these body parts, or making another touch you or themselves with or on any of these body parts; or any other bodily contact in a sexual manner.

iv. Sexual Exploitation

(Texas Penal Code - PENAL § 21.15. Invasive Visual Recording, § 21.17. Voyeurism, § 21.18. Harrassment)

Sexual Exploitation refers to a situation in which a person takes non-consensual or abusive sexual advantage of another, and that behavior does not otherwise fall within the definitions of Sexual Harassment, Non-consensual Sexual Intercourse or Non-consensual Sexual Contact. Examples of Sexual Exploitation include, but are not limited to:

1. Sexual voyeurism (such as watching a person undressing, using the bathroom or engaged in sexual acts without the consent of the person observed).
2. Invasion of sexual privacy.
3. Taking pictures or video or audio recording another in a sexual act, or in any other private activity without the consent of all involved in the activity, or exceeding the boundaries of consent (such as allowing another person to hide in a closet and observe sexual activity, or disseminating sexual pictures without the photographed person's consent).
4. Prostitution.
5. Sexual exploitation also includes engaging in sexual activity with another person while knowingly infected with human immunodeficiency virus (HIV), a sexually transmitted disease (STD) or infection (STI) without informing the other person of the infection.

6. Administering alcohol or drugs (such as "date rape" drugs) to another person without his or her knowledge or consent (assuming the act is not completed).
7. Exposing one's genitals in non-consensual circumstances.
8. Sexually-based stalking and/or bullying may also be forms of sexual exploitation.

v. Force and Consent

Force: Force is the use of physical violence and/or imposing on someone physically to gain sexual access. Force also includes threats, intimidation (implied threats) and coercion that overcome resistance or produce consent ("Have sex with me or I'll hit you." "Okay, don't hit me, I'll do what you want.").

Coercion: Coercion is unreasonable pressure for sexual activity. Coercive behavior differs from seductive behavior based on the type of pressure someone uses to get consent from another. When someone makes clear to you that they do not want sex, that they want to stop, or that they do not want to go past a certain point of sexual interaction, continued pressure beyond that point can be coercive.

NOTE: Silence or the absence of resistance alone is not consent. There is no requirement on a party to resist the sexual advance or request, but resistance is a clear demonstration of non-consent. The presence of consent is not demonstrated by the absence of resistance. Sexual activity that is forced is non-consensual, but non-consensual sexual activity is not by definition forced.

Consent: Consent is knowing, voluntary, and clear permission by word or action to engage in mutually agreed upon sexual activity. Since individuals may experience the same interaction in different ways, it is the responsibility of each party to make certain that the other has consented before engaging in the activity. For consent to be valid, there must be a clear expression in words or actions that the other individual consented to that specific sexual conduct. Consent can be withdrawn once given, if the withdrawal is clearly communicated.

Consent to some sexual contact (such as kissing or fondling) cannot be presumed to be consent for other sexual activity (such as intercourse). A

current or previous dating relationship is not sufficient to constitute consent. The existence of consent is based on the totality of the circumstances, including the context in which the alleged incident occurred and any similar previous patterns that may be evidenced.

Incapacitation: A person cannot consent if they are unable to understand what is happening or is disoriented, helpless, asleep or unconscious for any reason, including due to alcohol or other drugs. An individual who engages in sexual activity when the individual knows, or should know, that the other person is physically or mentally incapacitated has violated this policy.

It is not an excuse that the responding party was intoxicated and, therefore, did not realize the incapacity of the reporting party.

Incapacitation is defined as a state where someone cannot make rational, reasonable decisions because they lack the capacity to give knowing/informed consent (e.g., to understand the "who, what, when, where, why or how" of their sexual interaction). This policy also covers a person whose incapacity results from mental disability, involuntary physical restraint and/or from the taking of incapacitating drugs.

In Texas, a minor (meaning a person under the age of 17 years) cannot consent to sexual activity. This means that sexual contact by an adult with a person younger than 17 years old may be a crime, and a potential violation of this policy, even if the minor wanted to engage in the act (*Texas Penal Code Chapter 21, Section 21.11*).

Other Civil Rights Offenses

In addition to the forms of sexual misconduct described above, the following behaviors are also prohibited as forms of discrimination when the act is based upon the reporting party's actual or perceived membership in a protected class.

1. Threatening or causing physical harm, extreme verbal abuse, or other conduct which threatens or endangers the health or safety of any person;
2. Discrimination, defined as actions that deprive, limit or deny other members of the community of educational or employment access, benefits or opportunities;

3. Intimidation, defined as implied threats or acts that cause an unreasonable fear of harm in another;
4. Hazing, defined as acts likely to cause physical or psychological harm or social ostracism to any person within the university community, when related to the admission, initiation, pledging, joining, or any other group-affiliation activity (as defined by Texas House Bill 2639, 80th Texas Legislature);
5. Intimate Partner Violence, defined as violence or abuse between those in an intimate interaction and/or relationship to each other;
6. (Texas Penal Code - PENAL § 71.003.Family, § 71.004.Family Violence, § 71.005.Household, § 71.006.Member of a Household)
7. Stalking
 - o A course of conduct directed at a specific person based on actual or perceived membership in a protected class
 - o That is unwelcome, AND
 - o Would cause a reasonable person to feel fear
 - o Repetitive and Menacing
 - o Pursuit, following, harassing and/or interfering with the peace and/or safety of another

* NOTE: For further information, see the *Sexual Misconduct Policy*, located at <http://www.mclennan.edu/employees/policy-manual/docs/E-XXVIII-A.pdf>.

8. *Gambling, Wagering, Gaming, and Bookmaking*

Gambling, wagering, gaming and/or bookmaking as defined by federal, state, and/or local laws are prohibited on MCC premises or by using college equipment or services.

9. *Hazing*

Hazing is any intentional, knowing, or reckless act, directed against a student by one person acting alone, or by more than one person, occurring on or off college premises that endangers the mental or physical health or safety of a student for the purpose of pledging, associating with, being initiated into, affiliating with, holding office in, seeking and/or maintaining membership in any organization whose membership consists of students. Consent and/or acquiescence by a student or students subjected to hazing is not a reasonable defense in a disciplinary proceeding. Hazing includes, but is not limited to:

- a. Any type of physical brutality, such as whipping, beating, use of a harmful substance on the body or

similar activity.

- b. Any type of physical activity, such as sleep deprivation, exposure to the elements, confinement in a small space, or calisthenics that subjects the student to an unreasonable risk of harm or that adversely affects the mental or physical health or safety of a student.
- c. Any activity involving consumption of a food, liquid, alcoholic beverage, liquor, drug, or other substance that subjects a student to an unreasonable risk of harm or that adversely affects the mental or physical health or safety of a student.
- d. Any activity that intimidates or threatens a student with ostracism; that subjects a student to extreme mental stress, shame or humiliation; adversely affects the mental health or dignity of a student; or discourages a student from entering or remaining enrolled at the College, or may reasonably be expected to cause a student to leave the organization or the College rather than submit to the acts described above.
- e. Any activity in which a person engages in hazing; solicits, encourages, directs, aids or attempts to aid another in engaging in hazing; intentionally, knowingly, or recklessly permits hazing to occur or has firsthand knowledge of the planning of a specific hazing incident which has occurred and knowingly fails to report the incident in writing to Student Development.
- f. Any activity in which hazing is either condoned or encouraged, or any action by an officer or combination of members, pledges, associates, or alumni of the organization committing or assisting in the commission of hazing.

NOTE: See Texas Education Code, Sections 37.151-37.155 and Section 51.936 at <http://www.statutes.legis.state.tx.us/?link=ED>.

10. *False Alarms or Terroristic Threats*

Intentional sounding of a false fire alarm, falsely reporting an emergency or terroristic threat in any form, issuing a bomb threat, constructing mock explosive devices, destruction or activation of fire sprinklers, filing false police reports, improperly possessing, tampering with or destroying fire equipment or emergency signs on college premises.

11. *Financial Irresponsibility*

Failure to meet financial obligations owed to the College, or components owned or operated by the College, including, but not limited to the writing of checks from accounts with insufficient funds.

12. *Unauthorized Entry, Possession, or Use*

- a. Unauthorized entry into or use of college premises or equipment including another student's room.
- b. Unauthorized possession, use, duplication, production, or manufacture of any key or unlocking device, college identification card or access code for use in college premises or equipment.
- c. Unauthorized use of the MCC name, logo, registered marks or symbols; however, registered student organizations are permitted to use the word "MCC" as a part of their organizational names and to use the complete statement "a registered student organization at McLennan Community College."
- d. Unauthorized use of the College name to advertise or promote events or activities in a manner that suggests sponsorship and/or recognition by the College.

13. *Failure to Comply*

- a. Failure to comply with reasonable directives and/or requests of an MCC official acting in the performance of her/his duties.
- b. Failure to present identification on request or identify oneself to any MCC official acting in the performance of her/his duties.
- c. Disruptive Behavior
 - i. Classroom Disruption. Engaging in substantial or repeated behaviors that interfere with an instructor's ability to teach and a student's ability to benefit from instruction.
 - ii. Obstructing or restraining the passage of any person at an exit or entrance on the College campus or property.
 - iii. Infringement on the rights of other members of the College community that presents danger to herself/himself or others, cause physical harm to others, or damage to property.

14. *Providing False Information or Misuse of Records*

Knowingly furnishing false information to MCC, to an MCC official in the performance of her/his duties, or to an affiliate of MCC, either verbally or through forgery, alteration, or misuse of any document, record, or instrument of identification.

15. *Abuse, Misuse or Theft of College Information Resources*

Unauthorized use of MCC information resources is prohibited, and may be subject to criminal prosecution in addition to disciplinary sanctions, conditions and/or restrictions pursuant to the *General Conduct Policy*. "Information resources" means procedures, equipment and software, regardless of location, that are employed, designed, built, operated, and maintained to collect, record, process, store, retrieve, display, and transmit college information, and associated personnel, including consultants and contractors, regardless of whether the personnel are employed by the College or retained as independent contractors. Usage of MCC information resources may be subject to security testing and monitoring, and users have no expectation of privacy except as otherwise provided by applicable privacy laws.

Abuse, misuse, or theft of college information resources includes, but is not limited to the following:

- a. Unauthorized use of MCC information resources including, but not limited to: private information and passwords, the unauthorized sharing of private information or passwords with individuals who otherwise have no authority to access MCC information resources.
- b. Use of MCC information resources for unauthorized or nonacademic purposes including, but not limited to: illegal access, attempted or actual unauthorized accessing, copying, transporting or installing programs, records, data, or software belonging to the college, another user, or another entity, and/or illegal activity (e.g., sharing copyrighted materials or media).
- c. Purposely engaging in activity that may harass, intimidate, threaten, endanger, or abuse others, or acts in a manner that impedes, interferes with, or disrupts any MCC authorized activity including but not limiting to: furnishing false information and/or withholding information, misuse of authority by virtue of one's leadership position, or falsely identifying oneself as a representative of MCC on social networking sites or other public forums.
- d. Attempted or actual breach of the security of another user's account and/or computing system, depriving another user of access to college computing and/or networking resources, compromising the privacy of another user or disrupting the intended use of computing or network resources.
- e. Attempted or actual use of MCC's computing and/or networking resources for personal, political, or commercial purposes.
- f. Access, creation, storage, or transmission of material deemed offensive, indecent, or obscene (as defined by

Chapter 43 of the State of Texas Penal Code on Public Indecency). Exceptions may be made for academic research where the aspect of the research has been explicitly approved by MCC official processes for dealing with academic ethical issues. Discovery of explicit material, including pornography, on any college-owned information resource or networks must be reported to the Campus Police immediately.

- g. Attempted or actual destruction, disruption, or modification of programs, records or data belonging to or subscribed to by the College or another user or destruction of the integrity of computer based information.
 - h. Attempted or actual use of computing and/or networking facilities that interferes with the normal operation of MCC's computing and/or networking systems; or through such actions, causing a waste of such resources (e.g., people, capacity, computer).
 - i. Intentional "spamming" of students, faculty, or staff (defined as the sending of unsolicited and unwanted emails to parties with whom one has no existing business, professional, or personal acquaintance).
 - j. Use of computing and/or network resources to engage in an activity that may harass, threaten, or abuse others.
 - k. Allowing another person, either through one's personal computer account, or by other means, to accomplish any of the above. Users who share their access with another individual shall be responsible and held liable for all usage of their account.
 - l. Per Texas Government Code, MCC information resources are strategic assets of the State of Texas that must be managed as valuable state resources. As such, use of MCC information resources is subject to college operating policies and other applicable laws. Unauthorized use is prohibited, usage may be subject to security testing and monitoring, misuse is subject to criminal prosecution, and users have no expectation of privacy except as otherwise provided by applicable privacy laws.
 - m. Engaging in acts that contravene the mission and goals of the College or acts that expose the College to liability.
16. *Vehicles, Skateboards, Rollerblades, Scooters, Bicycles or Similar Devices*
- a. Use of skateboards, rollerblades, scooters, bicycles, or other similar devices in the College's buildings or on college premises in such a manner as to constitute a safety hazard or cause damage to the College or personal property.

- b. Traffic obstruction. Obstruction of the free flow of pedestrian or vehicular traffic on College premises or at College sponsored or supervised activities.
- c. Reckless driving. Driving in a manner that recklessly endangers the health and/or safety of oneself or others. Driving includes, but is not limited to, vehicles, bicycles, skateboards, scooters, and other mobile devices.

17. *Tobacco*

Use of tobacco products in all buildings, within 30 feet of all building entrances and in all college owned vehicles as detailed in the College's *Tobacco Products Policy (E-XXIII)*. The term "tobacco products" includes all ignition based forms of tobacco, smokeless tobacco, electronic vapor devices (i.e. e-cigarette's), or any other practice that mimics the usage of tobacco products.

18. *Violation of Published College Policies, Rules or Regulations*

Violation of any published college policies, rules or regulations that govern students, student organizations, employees, visitors, and contractors.

19. *Violation of Federal, State and/or Local Law*

Misconduct which constitutes a violation of any provisions of federal, state and/or local laws.

20. *Abuse of the Discipline System*

- a. Failure of a visitor, employee or student to respond to a notification to appear before the Advising Specialist, Student Development, or any other official involved in the conduct process, during any stage of a disciplinary proceeding. Failure to comply with or respond to a notice issued as part of a disciplinary procedure and/or failure to appear will not prevent the conduct process from proceeding, to include possible disciplinary action.
- b. Falsification, distortion, or misrepresentation of information in disciplinary proceedings.
- c. Disruption or interference with the orderly conduct of a disciplinary proceeding.
- d. Filing an allegation known to be without merit or cause.
- e. Discouraging or attempting to discourage an individual's proper participation in or use of the disciplinary system.
- f. Influencing or attempting to influence the impartiality

of a member of a disciplinary committee prior to and/or during a disciplinary proceeding.

- g. Harm, threat of harm, or verbal, physical or written intimidation, of any person prior to, during and/or after disciplinary proceedings.
- h. Influencing or attempting to influence another person to commit an abuse of the discipline system.
- i. Retaliation against any person or group who files grievances or provides evidence, testimony, or allegations in accordance with the *General Conduct Policy* or the *Highlander Guide*.
- j. Failure to comply with the sanction(s), condition(s), and/or restriction(s) imposed under the *General Conduct Policy* or the *Highlander Guide* by the Associate Director, Student Development or designee.
- k. Complicity. Attempting, aiding, abetting, conspiring, hiring, or being an accessory to any act prohibited by this code shall be considered to the same extent as completed violations.

21. Animals

- a. Care. Failing to properly leash and control an animal or properly dispose of its organic waste.
- b. Cruelty. Intentionally, knowingly, or recklessly torturing or in a cruel manner killing or causing serious bodily injury to an animal, failing to provide necessary food, water or care for an animal in the person's custody, abandoning unreasonably an animal in the person's custody, transporting or confining an animal in a cruel manner, causing bodily injury to any animal without the owner's consent, causing one animal to fight with another animal, or seriously overworking an animal. Intentionally, knowingly, or recklessly attacking, injuring or killing an assistance animal or inciting another to attack, injure or kill an assistance animal.

This policy is not intended to prohibit:

- i. Killing or injuring an animal within the scope of a person's employment or furthering the goals of legitimate educational curriculum as designed and approved by the College.
- ii. Killing or injuring an animal when the actor had a reasonable fear of bodily injury to self or other person by that animal.

- c. Damage. Allowing a personal animal to damage College property.
- d. Unauthorized Location. Taking or keeping an animal in college facilities without authorization. The only exception is service animals as outlined by American with Disabilities Act.
 - i. Failure to comply with the Service/Assistance Animal Policy.

Please refer to the Service/Assistance Animal Policy (E-XXXV) for guidance on how to benefit from the use of service animals. See mclennan.edu/employees/policy-manual/docs/E-XXXV.pdf

22. Bullying/Cyberbullying

Misconduct, on- or off-campus, which is defined by hostile or repeated behaviors that would be considered intimidating and that would cause distress to another person, where the behaviors are not protected by First Amendment guarantees.

- a. Bullying. Defined as the use of repeated or severe verbal and/or non-verbal means in order to coerce or force a person to do something or to degrade a person, including, but not limited to, the use of taunting, teasing, or coercive language, pushing, punching, or creating threatening notes/letters/signs.
- b. Cyberbullying. Defined as an act of bullying that takes place using different kinds of technology and social media. Using various types of electronic devices to inflict emotional and/or mental pain, and to degrade another person.

Article VII- Conduct Policies and Procedures

A. Disciplinary Procedures *

The following process is to be used in the event of an allegation involving a student violating the campus' *General Conduct Policy*. To report an alleged *General Conduct Policy* violation, individuals may complete an incident report form, which can be found at the following website: <http://www.McLennan.edu/insight>. The Advising Specialist who coordinates student conduct will review the report received via insight as well as reports received from the MCC Police Department. To report allegations against employees and visitors, please refer to Article V of this policy.

*Note: In situations where allegations may not warrant formal allegations, but clarification and prevention efforts are wise, "policy clarification" letters may be sent to advise a person

about policy expectations at McLennan Community College.

* NOTE: Grievances or allegations related to discrimination claims shall be administered using the *Discrimination Resolution Process* (Policy F-V-s).

1. *General Procedure*

The Advising Specialist will inquire, gather, and review information about the reported student misconduct and will evaluate the accuracy, credibility, and sufficiency of this information.

If it is determined that the information does not warrant an allegation, a policy clarification letter may be issued to inform parties about the policy in question.

If the allegation is found to be substantive, the Advising Specialist will ensure that due process requirements are fulfilled in accordance with the following procedures:

- a. When a written allegation is filed, the student named in the allegation will be notified in writing and asked to appear before the Advising Specialist. The letter will be in accordance with the written notification policy found in Article VII, Section E. Through this written notification, the Advising Specialist will assign a specified date and time (outside the student's academic schedule) for a pre-hearing discussion in order to advise the student of the allegation(s) and to review the student's rights and responsibilities in conduct proceedings, unless another date and time is requested by the student. The request to meet shall specify a place and a time for the meeting at least two (2) college business days after the date of the request. The request to meet will be sent by e-mail. If a student fails to appear without good cause, as determined by the Advising Specialist, the Advising Specialist will adjudicate the case in the student's absence.
- b. During the pre-hearing discussion, the Advising Specialist will discuss the student's rights and responsibilities, including the right:
 - i. To receive notification of the alleged violation(s).
 - ii. To know the source of the allegation(s).
 - iii. To know the specific alleged violation(s).
 - iv. To know the sanctions, conditions and/or restrictions that may be imposed because of the alleged violation(s).
 - v. To be accompanied by an advisor at any student

conduct proceeding (for advisory purposes only, not for representation).

NOTE: *Advisors.* Students involved in student conduct proceedings may be assisted by advisors they choose, at their own expense. The reporting party and/or the student accused of alleged misconduct is responsible for presenting his/her own information. Advisors (including attorneys) are not permitted to speak or to participate directly in any hearing unless authorized by the Advising Specialist. Students should select an advisor whose schedule allows attendance at the scheduled date and time for the hearing, as delays will not be allowed due to the scheduling conflicts of an advisor, except at the discretion of the Advising Specialist upon written request five (5) college working days in advance of the scheduled hearing date. In the event that a student chooses an attorney for their advisor, MCC reserves the right to have its own attorney present.

- vi. To have the opportunity to respond to the allegation(s) and/or present information.
 - vii. To refrain from making any statement relevant to the allegation(s).
 - viii. To know that any statements made by the student can be used during the proceeding.
- c. After proper notice has been given to the student, the College may proceed to conduct an official conduct hearing and deliver a decision or recommendation respectively. The conduct hearing may be held and a decision or recommendation made, regardless of whether the student responds, fails to respond, attends the hearing or fails to attend the hearing. Should an absence of the student occur, the Advising Specialist or Conduct Hearing Committee may consider the information and render an administrative decision.

2. *Case Adjudication Methods*

a. Administrative Hearing

- i. The Administrative Hearing process will be completed in a timely manner based upon the specific circumstances of each case. The Administrative Hearing is conducted by the Advising Specialist (or designee as assigned by the Vice President, Student Success).
- ii. The purpose of the Administrative Hearing is to ascertain whether alleged behaviors occurred. During this time, the Advising Specialist will share information she/he has received about the incident. The student is encouraged to present information relevant to the case in an attempt to explain their

perspective. The Advising Specialist may ask questions regarding the case and enter into an exploratory dialogue with the student. A student may admit complete or partial responsibility for the alleged behavior. The student may decline to provide any information, effectively not participating in the Administrative Hearing, leaving the decision to in the discretion of the Advising Specialist.

- iii. If the Advising Specialist determines that the student is responsible for an alleged violation (or the student admits responsibility), she/he will assign appropriate sanctions, conditions and or restrictions.
- iv. After the final determination is made, the Advising Specialist will deliver written notification to the student of the decision and the sanction(s), condition(s), and/or restriction(s) assigned, if any. Notice is deemed to have been properly provided when written notification is sent via MCC student email no more than seven (7) college working days following the decision.
- v. The student may utilize the disciplinary appeal procedure outlined in Article VII, Section C of the *General Conduct Policy*.
- vi. In addition to other possible sanction(s), condition(s)and/or restriction(s), and/or in the event that a student fails to respond to written notification, a disciplinary hold may be placed on the student's records to prevent further registration and transcript receipt. The disciplinary hold will remain until such time as the Advising Specialist receives an appropriate response.
- vii. All records concerning a student or student organization related to the disciplinary process will remain on file in Student Development for a minimum of seven (7) years from the date the case is completed through an Administrative Hearing pertaining to registered student organizations will remain on file indefinitely.
 - 1) Some student conduct records may be expunged for good cause by the Vice President for Student Success and/or designee upon receipt of a written request by the student. Expulsions and suspensions will not be eligible to be expunged. Factors to be considered in the review of such petitions shall include, but are not limited to:

- The present demeanor of the student;
- The conduct of the student subsequent to the violation; and
- The nature of the violation and the severity of any damage, injury or harm resulting from it.

b. Conduct Hearing Committee

At the discretion of the Vice President, Student Success—(or designee), the adjudication of the case may be conducted by a Conduct Hearing Committee as an alternative to the Advising Specialist acting alone. The committee shall be assembled by the Vice President, Student Success (or designee) and take the availability of school officials into account in order to operate within a timely manner. The committee is to number no less than five and no more than ten and contain students, faculty, and staff.

- i. The Advising Specialist shall train committee members prior to the hearing.
- ii. The Advising Specialist shall conduct pre-hearing meetings with the accused student during which the student will be informed of the College's decision to use the committee hearing option and the process entailed.
- iii. At this time, the student(s) will have the opportunity to give the names of witnesses she/he feels are relevant to the case so that they may be scheduled to appear before the Conduct Hearing Committee. In addition, students will be provided with an opportunity to view the members of the Conduct Hearing Committee and provide reasons for the exclusion of certain members that the Vice President, Student Success may consider.
- iv. The Advising Specialist will serve as the chair of the committee and is responsible for the scheduling and administration of the Conduct Hearing Committee.
- v. The purpose of the Conduct Hearing Committee is to ascertain whether the alleged behaviors occurred. During this time, the student is allowed to present information relevant to the case in an attempt to explain their perspective. In addition, the Conduct Hearing Committee may ask questions regarding the case and enter into an exploratory dialogue with the student and potential witnesses. A student may admit complete or partial responsibility for the

alleged behavior. In addition, the student may decline to provide any information, effectively not participating in the conduct hearing, leaving the decision to the discretion of the committee.

- vi. Following the hearing, the Conduct Hearing Committee will deliberate and will render a decision in regard to the alleged misconduct as well as decide any sanctions, conditions and/or restrictions if applicable. Deliberation of the case will in private session.
- vii. If the Conduct Hearing Committee recommends that the student is responsible for the alleged violation(s), it will assign appropriate sanctions, conditions and or restrictions.
- viii. After the final determination is made, the Advising Specialist, acting as chair of the committee, will deliver written notification to the student of the decision and the sanction(s), condition(s), and/or restriction(s) to be imposed, if any. All committee decisions are to be reached via majority vote. Notice is deemed to have been properly provided when written notification is sent via MCC student email no more than seven (7) college working days following the decision.
- ix. The student may utilize the disciplinary appeal procedure outlined in Article VII, Section C of the *General Conduct Policy*. At the discretion of the Director, Student Development, in the event that an appeal is granted to a student, a new Conduct Hearing Committee may be assembled for the purpose of the appeal according to the guidelines outlined Article VII Section A-2-b above.
- x. In addition to other possible sanction(s), condition(s) and/or restriction(s), and in the event that a student fails to respond to written notification, a disciplinary hold may be placed on the student's records to prevent further registration and transcript receipt. The disciplinary hold will remain until such time as the Advising Specialist receives an appropriate response.
- xi. All records concerning a student or student organization related to the disciplinary process will remain on file in Student Development for a minimum of seven (7) years from the date the case is completed through a conduct hearing and/or disciplinary appeal procedures. Records pertaining to registered student organizations will remain on file indefinitely.

1) Some student conduct records may be expunged for good cause by the Vice President of Student Success and/or designee upon receipt of a written request by the student. Expulsions and suspensions will not be eligible to be expunged. Factors to be considered in the review of such petitions shall include, but are not limited to:

- The present demeanor of the student;
- The conduct of the student subsequent to the violation; and
- The nature of the violation and the severity of any damage, injury or harm resulting from it.

3. Immediate Temporary Suspension

A student may be temporarily suspended pending completion of disciplinary procedures if, in the judgment of the Vice President, Student Success, or on recommendation of the Director of Student Development, the Advising Specialist, or designee, the physical or emotional well-being of a student or member of the college community could be endangered or if the presence of the student would seriously disrupt the normal operations of the College. The Vice President, Student Success or designee will notify the Advising Specialist to initiate appropriate disciplinary procedures within five (5) college working days from the date of immediate temporary suspension. During the invocation of immediate temporary suspension, the student may no longer attend classes, use MCC services and/or resources, and may not be on campus until the disciplinary proceedings have been resolved. Any instances whereby the student should need to return to campus must be coordinated in advance through the Vice President, Student Success (or designee) and the MCC Police Department.

B. Disciplinary Sanctions, Conditions and/or Restrictions

The Advising Specialist, or the Conduct Hearing Committee in applicable cases, may impose sanction(s), condition(s) and/or restriction(s) when a student is found responsible for misconduct; potential sanctions, conditions and/or restrictions are not limited to those listed below in Article VII Section B, 1-4; items below serve to demonstrate typical student outcomes. Implementation of the disciplinary sanction(s), condition(s) and/or restriction(s) will not begin until either the time for a disciplinary appeal has expired or until the disciplinary appeal process is exhausted. Exceptions are made only in cases for which, in the judgment of the Vice President, Student Success, the physical or emotional well-being of the student, other

students or other members of the college community may be endangered. In the case of a student organization, a copy of the notification may be sent to the organization's advisor(s) and international or national organization headquarters.

1. Disciplinary Sanctions are defined as the primary outcome of the alleged violation. If found responsible, the range of sanctions include the following outcomes:
 - a. Disciplinary Reprimand;
 - b. Disciplinary Probation;
 - c. Deferred Disciplinary Suspension;
 - d. Disciplinary Suspension;
 - e. Disciplinary Expulsion;
 - f. Withholding grades, official transcript, or degree;
 - g. Revocation of degree, denial of degree and/or withdrawal of diploma; and
 - h. Other sanction(s) as deemed appropriate under the circumstances.

Explanation of Disciplinary Sanctions

- a. **Disciplinary Reprimand:** The disciplinary reprimand is an official written notification using the notification procedure outlined in Article VII Section E., to the student that the action in question was misconduct.
- b. **Disciplinary Probation:** Disciplinary probation is a period of time during which a student's conduct will be observed and reviewed. The student must demonstrate the ability to comply with college policies, rules, and/or standards and any other requirement stipulated for the probationary period. Further instances of misconduct under the *General Conduct Policy* or the *Highlander Guide* during this period may result in additional sanctions, conditions and/or restrictions.
- c. **Deferred Disciplinary Suspension:** Deferred disciplinary suspension is a period of time where a disciplinary suspension may be deferred for a period of observation and review, but in no case will the deferred suspension be less than the remainder of the semester. Further instances of misconduct under the *General Conduct Policy* or the *Highlander Guide* during this period may result in additional sanctions, conditions and/or restrictions.
- d. **Disciplinary Suspension:** Disciplinary suspension is a specific period of time in which a student may not

participate in classes or college-related activities. Notification of disciplinary suspension will indicate the date suspension begins and the earliest date the application for student readmission will be considered. A registration hold will be placed on the student's account in order to prevent returning to classes during this period. The Director of Student Development may deny a student's readmission, if the student's misconduct during the suspension would have warranted additional disciplinary action. If the student has failed to satisfy any sanctions, conditions and/or restrictions that have been imposed prior to application for readmission, the Director of Student Development may deny readmission to the student. On denial of a student's readmission, the Director of Student Development will set a date when another application for readmission may again be made. A student may appeal denial of readmission or reregistration in accordance with the disciplinary appeal process. (See Article VII, Section D. of the *General Conduct Policy*)

NOTE: Student organizations may also be subject to suspension of their organization's registration. Disciplinary suspension is a specific period of time in which a student organization's registration and privileges of the organization are suspended. Upon written request by the registered student organization's representative to the Director of Student Development, the notation of disciplinary suspension may be removed from the registration record of the student organization upon completion of the disciplinary suspension period. Notification of disciplinary suspension of an organization will indicate when the suspension begins and the earliest date the application for re-registration will be considered. The Director of Student Development may deny an organization's request for re-registration if the organization's misconduct during a period of suspension would have warranted additional disciplinary action. If the organization has failed to satisfy any sanction(s), condition(s), and/or restriction(s) that have been imposed prior to application for re-registration, the Director of Student Development may deny re-registration to the organization. On denial of an organization's application for re-registration, the Director of Student Development may set a date when another application for re-registration may be made. An organization may appeal denial of re-registration in accordance with the disciplinary appeal process (See Article VII, Section C).

e. **Disciplinary Expulsion:** Disciplinary expulsion and a bar against readmission occurs when the student is permanently withdrawn and separated from MCC. The status of expulsion will be permanently shown on the student's academic record, including the transcript and/or student organization's registration. An administrative hold will be placed on the student's record by the Advising Specialist to prevent future registration.

2. *Grounds for Appeal*

a. Appeals must be based on:

1. Procedural error, which fundamentally affected the decision.
2. Substantive error (*i.e.*, the outcome(s) is not consistent with the gravity of the misconduct).
3. Newly discovered, relevant information not available at the hearing and sufficient to change the decision.

b. The specific questions to be addressed on appeal are:

1. Were General Conduct procedures followed?
2. If a procedural error was committed, were the rights of the student or student organization materially violated so as to effectively deny a fair hearing?
3. If a substantive appeal, were the sanctions, conditions and/or restrictions reasonable as compared to what the student was found responsible for and the circumstances surrounding the case?
4. If relevant, would the newly discovered information presented at the hearing be sufficient to change the decision?

3. *Notification of Appeal*

Appeals must be made in writing and in sufficient detail within seven (7) college working days from date of the decision letter to inform the Director of Student Development of the grounds for appeal. The appeal is not intended to afford a rehearing of the case. This process serves to review the written content and validity of the appeal submitted by the student, the record of the case, decision-making procedures, and consideration of newly discovered information, if any.

4. *Appeal Hearing Procedures*

The Director of Student Development will review materials relevant to the case in the written appeal and may choose to do one or more of the following:

- a. Find that the written appeal submitted is not sufficient to establish grounds for appeal, and affirm the decision.
- b. Find that no substantive and/or procedural error has occurred, and affirm the decision.
- c. Refer the matter for a new hearing for which a new hearing officer may be appointed.

2. A condition is defined as a secondary component of a disciplinary sanction. A condition is usually an educational or personal element assigned in conjunction with sanctions. Examples of conditions include, but are not limited to:
 - a. Personal and/or academic counseling.
 - b. Discretionary educational conditions and/or programs of educational service to the College and/or community.
 - c. Restitution or compensation for loss, damage, or injury that may take the form of appropriate service and/or monetary or material replacement.
 - d. Monetary assessment owed to MCC.
 - e. Completion of an alcohol or drug education program.

3. A restriction is defined as a secondary component of a disciplinary sanction. A restriction usually occurs in conjunction with sanctions and will usually be time specific. Some examples of restrictions include, but are not limited to:
 - a. Revocation of parking privileges.
 - b. Denial of eligibility for holding office in registered student organizations.
 - c. Denial of participation in extracurricular activities.
 - d. Prohibited access to MCC facilities and/or prohibited direct or indirect contact with members of the College community.
 - e. Loss of privileges on a temporary or permanent basis.
 - f. Withdrawal of college funding (Student Government Association, departmental, Student Services Fees, etc.)

4. Violations involving the use of alcohol, narcotics or other drugs may result in notification of the parents/guardians of dependent students under the age of 21.

C. Disciplinary Appeal Procedures

1. Any student who has been found responsible for violating the *General Conduct Policy* may request an appeal of the disciplinary decision made by the Advising Specialist or the Conduct Hearing Committee. Students may also request an appeal of a decision denying readmission to the College (see Article VII, Section D.) or reregistration of a student organization.

d. Amend the decision.

5. *Appeal Decision*

After reviewing the appeal, the Director for Student Development will determine the appellate decision and provide the student written notification of the decision, using the written notification procedure as outlined in Article VII, Section E., within seven (7) college working days.

6. *Final Appeal*

Following the decision made by the Director of Student Development, a student may request a second appeal with the Vice President, Student Success. Appeals must be made in writing and in sufficient detail within seven (7) college working days from the date of the Director of Student Development's decision letter to inform the Vice President, Student Success of the grounds for appeal. The appeal is not intended to afford a rehearing of the case. This process serves to review the written content and validity of the appeal submitted by the student, the record of the case, decision-making procedures, and consideration of newly discovered information, if any. The appeal will follow the same guidelines outlined in section Article VII, Section C. above. The decision of the Vice President, Student Success shall remain final.

D. Readmission Procedures and Appeals

1. A student who has had a disciplinary hold placed on her/his records under this section must request readmission from the Advising Specialist at least three (3) weeks prior to any MCC Office of Admissions application deadlines for the semester or summer session in which the student wishes to re-enroll. The student may be required by the Advising Specialist to submit evidence in writing supportive of her/his present ability to function properly and effectively in the college community. The Advising Specialist will evaluate the student's request and supporting documentation with primary consideration given to satisfying all conditions specified at the time of suspension or withdrawal and give a recommendation to the Director of Student Development. If approval is granted by the Director of Student Development for the removal of the administrative hold, the student must be promptly notified in writing and then is expected to complete the regular readmission procedures.
2. If approval for readmission is denied by the Director of Student Development, the student may appeal the decision to the Vice President, Student Success. The appeal must be made, in writing, within five (5) college working days from the date the student is notified in writing by the Director of Student Development that the student's request has been denied.
3. The Vice President, Student Success, upon receiving an appeal

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request, shall review the denial decision made by the Director of Student Development. The review should be held within five (5) college working days from the date the appeal request is received. The review will be conducted by the Vice President, Student Success or designee. Following the review, the Vice President, Student Success will either uphold the decision made by the Director of Student Development or reverse the decision and allow the student to seek reenrollment at the College. The Vice President, Student Success or designee will notify all parties of this decision in writing within five (5) college working days of the review. The decision of the Vice President, Student Success shall remain final.

E. Written Notification for Conduct Proceedings

- i. Notice is deemed to have been properly provided when written notification is sent via MCC student email no less than the number of days required by the *General Conduct Policy* for the particular situation. Failure of a student to receive notice does not delay or prevent the conduct process from occurring.

NOTE: Students are advised to keep their most current local address, permanent address, email address, and local telephone number updated in WebAdvisor.

Article VIII -- *General Conduct Policy* Review Committee

A. Committee Composition

The General Conduct Policy Review Committee will conduct an annual review of the *General Conduct Policy* to begin each February and make recommendations to the Director of Student Development regarding omissions, clarifications, constructive changes, and other matters relevant to the proper interpretation and operation of the *General Conduct Policy*.

B. Committee Appointment

1. The Advising Specialist will serve as the committee chair.
2. The *General Conduct Policy* Review Committee will consist of at least one full-time faculty member, one full-time staff member, and one student to be appointed by the Director of Student Development. These appointments are in addition to the Advising Specialist, Student Development.

C. Committee Removals

The Director of Student Development may remove a member from this committee when, in her/his judgment, the member has

failed or refused to serve and perform the duties and functions of this committee.

D. Committee Meetings

The Advising Specialist will establish meeting dates and times during which the *General Conduct Policy* will be reviewed and will provide for scheduling special meetings as needed.

E. Committee Quorum

A quorum for the committee requires three members to be present at any meeting.

F. Additional Committee Members

The Director of Student Development may appoint additional members of the *General Conduct Policy* Review Committee to expedite the review process of the code. The additional members of the *General Conduct Policy* Review Committee will have the same composition of membership, the same duties and the same authority as the original *General Conduct Policy* Review Committee.

Appendix D: MCC Athletic Department Drug/Alcohol Policy

MCC ATHLETIC DEPARTMENT DRUG/ALCOHOL POLICY

The Athletic Department at McLennan Community College is committed to providing a drug and alcohol free environment for its student/athletes. This commitment includes the establishment of guidelines for the identification and treatment of those individuals found to be in violation of MCC or MCC Athletic Department Policies.

Section A of Article VII-Proscribed Conduct in the McLennan Community College Student Handbook details general conduct of MCC Students as follows.

All persons shall conduct themselves on college premises, or while engaging in college-sponsored activities, in a manner consistent with:

1. All local, state, and federal laws, and all rules, regulations, and policies of the Board of Trustees and administrative officials of MCC.
2. The lawful exercise of the rights and freedoms of others.

Section A-10 of Article VII states that the "possession", use sale, delivery to another person or being under the influence of an alcoholic beverage (as defined by Section 1.04, Alcohol Beverage Code)" is misconduct, and subject to the disciplinary sanctions outlined in **Article VII**.

Section A-11 of Article VII states that "possession, use, sale, delivery to another person or being under the influence of marijuana, a controlled substance, (as defined by Chapter 481, Health and Safety Code, or by 21 U.S.C. Section 801 et seq.) or a dangerous drug (as defined by Chapter 483, Health and Safety Code)" is misconduct and subject to the disciplinary sanctions outlined in **Article VII**.

As students of McLennan Community College, student/athletes shall adhere to published school policy while on school property, representing the school at any function, or living in school sponsored residences. Additionally, MCC student/athletes, because of the public identity their positions afford them, shall at all times conduct themselves in a manner consistent with any additional policies as outlined by the Director of Athletics.

DRUG AND ALCOHOL ABUSE GUIDELINES

Student/athletes will not possess, use, sell, deliver to another person, or be under the influence of marijuana, a controlled substance, or a dangerous drug. Misconduct will consist of a positive drug test (given at random during each semester) or evidence of use, sale, or delivery of marijuana, controlled substances, or dangerous drugs. In addition, student/athletes will not possess, use, sell, deliver to another person, or be under the influence of alcoholic beverages. Misconduct will consist of any possession or use of alcoholic beverages un MCC sponsored

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housing, citation for public intoxication, citation for DUI, citation for MIP, citation for any misdemeanor or felony that is alcohol related, or evidence of alcoholic consumption witnessed by any member of the MCC Athletic Department Staff. Any violation of the drug/alcohol/tobacco guidelines will go directly to the Rules Committee. The Rules Committee will decide the severity of the problem and the punishment.

Additional Notes:

1. Drug paraphernalia, empty alcoholic beverage containers and tobacco products in any sponsored housing will constitute a violation of the MCC Drug, Alcohol, and Tobacco Policy. In the absence of obvious blame it shall be assumed that **ALL** residents of any sponsored housing found guilty of misconduct will receive **EQUAL** sanction. It is the responsibility of each housing resident to be as aware as possible of potential misconduct and report this instance to his/her coach.
2. The MCC Drug and Alcohol Policy shall be in addition to the policies set forth in the Student Handbook and not subject to regular Student Grievance procedures.
3. Any student/athlete who feels that he/she has a substance abuse problem may ask for help, **before** any violation of the MCC Drug, Alcohol and Tobacco Policy is documented, and will be referred to professionals for help **without** fear of forfeiture of scholarship aid or termination from the MCC Athletic Program.

I have read and understand the MCC Drug, Alcohol, and Tobacco Policy and offer my signature below as acceptance of that policy.

Athlete (print name) _____

Signature _____ Date _____

Coach _____ Date _____

Director of Athletics _____ Date _____

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Appendix E: Drug Testing Procedure

Drug Testing Procedure Step-by-Step Explanation

1. The names of athletes will be placed into separate containers representing each of the 7 teams (baseball, dance, men's basketball, men's golf, softball, women's basketball, women's golf). A minimum of 2 names will be drawn from each container. The Director of Athletics will then notify the Head Coach which athletes will be tested. The Head Coach will then notify the athletes who will be tested of the time and location the drug test will take place.
2. The test will be monitored by an outside testing agency to be chosen by the MCC Athletic Department. They will be responsible for all testing paperwork and observances. A representative from the MCC Athletic Department may be present, but they will not be involved with any of the testing protocol. Their role is only to insure that all athletes subject to testing have reported to and completed the drug test.
 - The athlete will sign a consent form allowing the results to be shared with the Director of Athletics, Athletic Trainer, and any other MCC officials deemed necessary.
 - Substances tested for can include: alcohol, marijuana, cocaine, opiates, PCP, amphetamines, methamphetamines, and prescription drugs including barbiturates and benzodiazepine.
3. Upon completion of testing the results will be returned to the Director of Athletics. Any positives will result in the notification of the MCC Athletic Department Discipline Committee (Shawn Trochim, Gene Gooch, and Vince Clark). From that point the steps of notification will be:
 - Head Coach notified
 - Athlete notified
 - Parent(s) or Guardian(s) notified
4. Once all of the parties have been notified the athlete(s), which tested positive, will meet with the MCC Athletic Department Discipline Committee to discuss the results and consequences. The consequences can include: expulsion from their team, suspension from their team, treatment options, and any other disciplines deemed necessary and proper.

IF AT ANY TIME AN ATHLETE FEELS THEY HAVE A PROBLEM WITH TOBACCO, ALCOHOL, OR DRUGS AND WOULD LIKE COUNSELING OR ASSISTANCE WITH THEIR ADDICTION THEY CAN COME FORWARD WITHOUT FEAR OF DISCIPLINE.

Appendix F: Notice of Financial Penalties Associated with Drug Offenses

Notice of Financial Aid Penalties Associated with Drug Offenses

Student with criminal convictions have limited eligibility for federal student aid.

A federal or state drug conviction can disqualify a student for federal financial aid funds. The student self-certifies in applying for aid that he is eligible. Drug convictions only count if they were for an offense that occurred during a period of enrollment for which the student was receiving Title IV aid—they do not count if the offense was not during such a period. Also, a conviction that was reversed, set aside, or removed from the student's record does not count, nor does one received when she was a juvenile, unless she was tried as an adult. The chart below illustrates the period of ineligibility for federal funds, depending on whether the conviction was for sale or possession and whether the student had previous offenses. (A conviction for sale of drugs includes convictions for conspiring to sell drugs.)

	Possession of illegal drugs	Sale of illegal drugs
1st Offense	1 year from date of conviction	2 years from date of conviction
2nd Offense	2 years from date of conviction	Indefinite period
3+ Offenses	Indefinite period	

For more information about students with criminal convictions, go to <http://studentaid.ed.gov/eligibility/criminal-convictions#probation-parole>.

Appendix G: E-XXVIII, Campus Crime and Security

POLICIES AND PROCEDURES

Subject: Campus Crime and Security Reference: E-XXVIII
Source: Board of Trustees Eff. Date: August 22, 2017
Approval Auth.: Board of Trustees Approved: _____
Remarks: Replaces previous policy dated April 29, 2014
Date: August 22, 2017

WHEREAS, Congress has enacted the Jeanne Clery Disclosure of Campus Security Policy and Crime Statistics Act; and;

WHEREAS, the McLennan Community College (MCC) intends to comply with the requirements of that Act;

GENERAL POLICY

NOW THEREFORE, MCC will prepare, publish and distribute policy statements that comply with the letter and spirit of the Jeanne Clery Disclosure of Campus Security Policy and Crime Statistics Act. Policy statements will be issued covering the following areas:

- I. Procedures and facilities for students and employees to report criminal acts and other emergencies on campus and MCC's response to those reports;
- II. Security and access to campus facilities and grounds and security considerations in maintaining campus facilities;
- III. Enforcement authority of campus security and the encouragement to students and employees to report crimes to Campus Police and appropriate police agencies;
- IV. Informing students and employees about campus security procedures and practices to encourage students and employees to be responsible for their own security and the security of others;
- V. Programs to inform students and employees about the prevention of crimes; and
- VI. Possession, use, and sale of alcoholic beverages and illegal drugs, and drug abuse education programs.
- VII. Gathering crime statistics concerning crime on the campus.

FURTHER, MCC will prepare, publish and distribute statistical responses that identify the occurrence of campus crimes and the number of campus arrests for crimes specified in the Jeanne Clery Disclosure of Campus Security Policy and Crime Statistics Act.

These policy statements and statistical reports will be published in publications or mailings that are available to students and employees, as well as prospective students and the higher education community, upon request.

I. POLICY ON PROCEDURES AND FACILITIES FOR STUDENTS AND EMPLOYEES TO REPORT CRIMINAL ACTIONS OR OTHER EMERGENCIES ON CAMPUS AND MCC'S RESPONSE TO THOSE REPORTS

A. Campus Police will be primarily responsible for carrying out the mandates of the Jeanne Clery Disclosure of Campus Security Policy and Crime Statistics Act.

Campus Police will develop rules and regulations to implement these policies and to carry out its duties and responsibilities.

B. Campus Police will develop procedures and methods to respond to reports of crime and other emergencies on campus.

1. Campus Police will investigate the occurrence of on-campus murder, sexual assault, aggravated assault, burglary, motor vehicle theft, robbery, liquor law violations, drug abuse violations, weapons violations, and other emergencies occurring on the campus considered to be a threat to the safety of students and employees.

2. The reports of these occurrences will be reviewed to determine if the information gathered can assist MCC in its security program.

3. Timely reports will be made to students and employees after such occurrences. Notice of occurrences will be published to inform students and employees of criminal occurrences on the campus.

C. In the event a perpetrator of a violent crime is subject to discipline by the college, the victim of the crime will, at the discretion of the Vice President, Student Success, be permitted to obtain the results of that disciplinary proceeding.

D. Definitions of students and employees.

1. "Student" is defined as any person enrolled in one or more courses of study for academic credit or for non-credit.

2. "Employee" is defined as a part-time or full-time person with scheduled hours of employment under the direction and control of the institution and its agents.

II. POLICY ON SECURITY AND ACCESS TO CAMPUS FACILITIES AND GROUNDS AND SECURITY CONSIDERATIONS USED IN MAINTAINING CAMPUS FACILITIES

MCC seeks to provide an atmosphere of openness for the encouragement of collegiate activity on campus facilities and grounds. However, the policy of promoting openness must be balanced by controls on access to campus facilities and grounds designed to promote security in campus facilities. In accordance with this, MCC adopts the following policy:

- A. Campus Police will enforce college rules and regulations on access and security of campus facilities.
- B. Campus Police will inspect the lighting, grounds, and the college's physical plant (doors, locks, etc.) to determine what improvements if any need to be made for security on the campus.
- C. Campus Police will examine or cause to have examined all campus facilities and grounds to determine if any security concerns exist.
- D. Definitions
 1. "Campus" is defined as any building or property owned or controlled by the college and used by the college in direct support of or related to its educational purposes, or any building or property owned or controlled by student organizations recognized by the college.
 2. Campus will also include any building or property utilized by the college such as satellite facilities.
 3. "Campus Police" is defined as security guards (non-certified officers) and certified police officers.

III. POLICY ON ENFORCEMENT AUTHORITY OF THE CAMPUS POLICE AND THE ENCOURAGEMENT TO STUDENTS AND EMPLOYEES TO REPORT CRIMES TO CAMPUS POLICE AND APPROPRIATE SECURITY AGENCIES.

- A. Members of the Campus Police are conservators of the peace. They work with local, state, and federal law enforcement agencies, and they seek to protect life and property, to prevent anti-social conduct, and to preserve a secure campus environment.

1. Campus Police officers possess all powers possessed by police officers in cities and sheriffs in counties, including the power to make arrests on view or warrants of violations of state statutes, city and county ordinances of McLennan County when such is required for the protection of MCC properties and interests, its students and personnel, and when specifically requested by appropriate state or local law enforcement officials.
 2. Campus Police, including campus police officers and security guards, is located at the Student Success Center at McLennan Community College, telephone number 299-8911. The emergency number is "0" or extension 8911. Police officers and security guards are on duty 24 hours a day, 7 days a week.
 3. The local police department telephone numbers are 750-7500 or 911.
 4. MCC Campus Police will assist students in notifying off-campus security or law enforcement agencies, if the student requests the assistance of these personnel.
- B. Campus Police will develop, together with the Vice President, Finance & Administration and Vice President, Student Success procedures and methods to encourage students and employees to report criminal actions and other emergencies occurring on campus.
- C. Campus Police will report all crimes occurring on campus to appropriate police agencies; pursue cooperative relationships with municipal, county, state, and federal law enforcement agencies; and when requested, will aid in any investigations or apprehensions on the campus.
- D. Students and employees will be encouraged to report crime on campus to Campus Police and to appropriate police agencies.
1. Campus Police will periodically distribute appropriate written material to explain the importance of crime reporting and how it is to be done.
 2. Campus Police will make prevention presentations to students and employee groups.

IV. POLICY ON INFORMING STUDENTS AND EMPLOYEES ABOUT CAMPUS POLICE PROCEDURES AND PRACTICES TO ENCOURAGE STUDENTS AND EMPLOYEES TO BE RESPONSIBLE FOR THEIR OWN SECURITY AND THE SECURITY OF OTHERS

- A. Campus Police will inform students and employees about campus security measures to encourage all persons to be concerned about a secure campus environment and to be aware of security concerns on the campus.
1. Campus Police will develop programs and distribute appropriate materials about campus security procedures to students and employees. Security presentations will be conducted periodically.
 2. Campus Police will develop appropriate publications about security topics, programs, procedures, and personnel.
- B. Students and employees will be educated as to their personal responsibility for security and for the security of others.
1. Education will be through appropriate programs and booklets.
 2. The campus community will also be informed about security matters via campus media.

V. POLICY ON PROGRAMS TO INFORM STUDENTS AND EMPLOYEES ABOUT THE PREVENTION OF CRIMES

Campus Police will develop programs to inform students and employees about the prevention of crimes.

- A. Campus Police will work with the Vice President, Finance & Administration and Vice President, Student Success and appropriate employee organizations in the development of these programs.
- B. Campus Police will also work with local law enforcement officials in securing appropriate written material, presenting programs, and developing regulations to implement this responsibility.

VI. POLICY ON POSSESSION, USE, AND SALE OF ALCOHOLIC BEVERAGES AND ILLEGAL DRUGS, AND DRUG ABUSE EDUCATION PROGRAMS

MCC recognizes the dangers posed by the abuse of alcoholic beverages and illegal drugs and intends to abide by and strictly enforce all state and federal laws governing possession, use, and sale of alcoholic beverages and illegal drugs, including but not limited to, the Drug Free Workplace Act of 1989 and the Drug Free Schools and Community Act of 1989. MCC adopts the following:

- A. McLennan Community College is a drug-free campus as described by the Federal Drug-Free Schools and Communities Act Amendment of 1989. It is a violation of the General Conduct Policy to possess, attempt to possess, use, transmit or distribute (sell) drugs or alcohol on the campus or at any building, facility, grounds or other property owned, leased or controlled by the institution. Policy details are described in the *Highlander Guide*.
- B. Campus Police, in concert with Student Success, will develop appropriate materials to be distributed to all students and employees explaining state and federal laws on the use, possession, and sale of alcohol and illegal drugs on and off campus at college activities and will present educational programs on alcohol and drug abuse.
- C. Students who violate state or federal law or the college's alcohol and drug policy on campus or at college activities off-campus are subject to prosecution by local, state, federal officials and are subject to discipline where appropriate.
- D. All employees directly engaged in performance of work pursuant to the provisions of a federal grant or federal contract in excess of \$25,000 and students who are Pell Grant recipients must notify the college within five days of any criminal drug statute conviction for a violation occurring on or off college premises while conducting college business or activities. The College will within ten days after receiving such notice inform the federal agency providing the grant of such conviction. Within 30 days following the notification of the conviction, appropriate disciplinary action will be taken against such employee or students. Employees or students may be required, at their own expense, to participate satisfactorily in a substance abuse assistance or rehabilitation program.

VII. POLICY ON GATHERING CRIME STATISTICS CONCERNING CRIME ON THE CAMPUS

- A. Campus Police will be responsible for the gathering of statistics concerning the occurrence of crime on campus which has been reported to Campus Police authorities or local police agencies.
- B. Definitions
 - 1. "Reported" is defined as an official designation by a security officer, public safety official, or persons possessing authority to determine if a crime has occurred.

2. An "arrest" has occurred when a law enforcement officer has detained an individual with the intention of seeking charges against the person for a specific offense(s) and a record is made of the detention.
- C. Statistics will be compiled in accordance with the definitions used in the uniform crime reporting system of the Department of Justice, Federal Bureau of Investigation and the modification in such definitions made by the Hate Crimes Statistics Act.
- D. The following crimes and occurrences will be collected and reported:
1. Murder: intentionally or knowingly causing the death of an individual.
 2. Forcible Sex Offenses: Any sexual act directed against another person, forcibly and/or against that person's will; or not forcibly or against the person's will where the victim is incapable of giving consent.
 - a. Forcible Rape - The carnal knowledge of a person, forcibly and/or against that person's will; or not forcibly or against the person's will where the victim is incapable of giving consent because of his/her temporary or permanent mental or physical incapacity (or because of his/her youth).
 - b. Forcible Sodomy - Oral or anal sexual intercourse with another person, forcibly and/or against that person's will; or not forcibly against the person's will where the victim is incapable of giving consent because of his/her youth or because of his/her temporary or permanent mental or physical incapacity.
 - c. Sexual Assault with an Object - The use of an object or instrument to unlawfully penetrate, however slightly, the genital or anal opening of the body of another person, forcibly and/or against that person's will; or not forcibly or against the person's will where the victim is incapable of giving consent because of his/her youth or because of his/her temporary or permanent mental or physical incapacity.
 - d. Forcible Fondling - The touching of the private body parts of another person for the

purpose of sexual gratification, forcibly and/or against that person's will; or, not forcibly or against the person's will where the victim is incapable of giving consent because of his/her youth or because of his/her temporary or permanent mental incapacity.

3. Non-Forcible Sex Offenses: Unlawful, nonforcible sexual intercourse.
 - a. Incest - Nonforcible sexual intercourse between persons who are related to each other within the degrees wherein marriage is prohibited by law.
 - b. Statutory Rape - Nonforcible sexual intercourse with a person who is under the statutory age of consent.
 4. Aggravated assault: an unlawful attack by one person upon another for the purpose of inflicting severe or aggravated bodily injury. This type of assault usually is accompanied by the use of a weapon or by means likely to produce death or serious bodily harm.
 5. Burglary: the unlawful entry of a structure to commit a felony or theft.
 6. Motor vehicle theft: the theft or attempted theft of a motor vehicle.
 7. Robbery: the taking or attempting to take anything of value from the care, custody, or control of a person or persons by force or threat of force or by violence and/or by putting the victim in fear.
- E. Statistics concerning the number of arrests for the following crimes will also be reported:
1. Liquor law violations: violations of laws or ordinances prohibiting the manufacture, sale, purchase, transportation, possession or use of alcoholic beverages (with the exception of "driving under the influence").
 2. Drug abuse violations: violations of laws prohibiting the production, distribution, and/or use of certain controlled substances and the equipment of devices utilized in their preparation or use.
 3. Weapons violations: violations of laws or ordinances prohibiting the manufacture, sale,

purchase, transportation, possession, concealment, or use of firearms, cutting instruments, explosives, incendiary devices, or other deadly weapons.

- F. Statistics were gathered by Campus Police for the period beginning January 1, 1989, through December 31, 1991, and have been published. Hereafter, statistics will be annually gathered and published for the current and two preceding years by Campus Police in a document entitled "Report On Crime On The Campus."
1. The report contains summary descriptions of all policies on crime awareness and campus security and statistics concerning the crimes reported to the campus police authorities and local police agencies.
 2. The report is disseminated to students, employees, and other interested persons.
 3. The report is published in the *Highlander Guide*. The annual report will be available at the Campus Police Office for distribution to persons who inquire about that report in person, by mail, or by telephone. The annual report will be submitted upon request to the United States Secretary of Education.
 4. The first annual report was prepared September 1, 1992. It was distributed to new students and new employees by publishing same in the *Highlander Guide* and dissemination by Human Resources Office at time of hire.

Appendix H: Texas Drug Statutes

Texas Drug Statutes

Texas Health and Safety Code: Title 6 Food, Drugs, Alcohol, and Hazardous Substances

PENALTY GROUP	OFFENSES/PENALTIES	ENHANCEMENTS/BENEFIT RESTRICTIONS
<p>481.102 Penalty Group 1 (1) Opiates (2) Opium derivatives: e.g., codeine compounds, morphine compounds, heroin (3)(A) other opium and opiates not listed elsewhere; (B) chemical equivalents of opium; (C) opium poppy and poppy straws; (D) cocaine; (E) poppy straw concentrate (4) other opiates not listed in (1) or (2) (5) flunitrazepam (Rohypnol) (6) Methamphetamine (7) phenylacetone & methylamine together w/ into to manufacture meth (8) PCP; (9) GHB; (10) Ketamine</p>	<p>481.112 Manufacture or Delivery of Penalty 1 Substance</p>	<p>481.140 Use of Child in Commission of Crime: punishment increased 1 degree. If force used, degree felony</p>
	<p>(b) <1g: state jail felony; 180days-2yrs; <\$10,000</p>	<p>481.1122 Manufacture in presence of child (1) punishment increased by 1 degree</p>
	<p>(c) 1-4g: degree felony: life or 5-99yrs; <\$10,000</p>	<p>481.1122 Manufacture in presence of child (1) punishment increased by 1 degree</p>
	<p>(d) 4-200g: degree felony: life or 5-99yrs; <\$10,000</p>	
	<p>(e) 200-400g: life or 10-99yrs; <\$100,000</p>	<p>481.1122 In Presence of child (2) 15yr min; <\$150,000</p>
	<p>(f) >400g: life or 15-99yrs; <\$250,000</p>	<p>481.1122 In Presence of child (3) 20yrs min; <\$300,000</p>
	<p>481.115 Possession of Penalty 1 Substance</p>	
	<p>(b) <1g: state jail felony: 180days-2yrs; <\$10,000</p>	
	<p>(c) 1-4g: degree felony: 2-10yrs; <\$10,000</p>	
	<p>(d) 4-200g: degree felony: 2-20yrs; <\$10,000</p>	
	<p>(e) 200-400g: degree felony: life or 5-99yrs; <\$10,000</p>	
<p>(f) >400g: life or 10-99yrs; <\$100,000</p>		
<p>481.1021 Penalty Group 1A LSD</p>	<p>481.1121 Manufacture or Delivery of Penalty 1A Substance</p>	<p>481.140 Use of Child in Commission of Crime: punishment increased 1 degree. If force used, degree felony</p>
	<p>(b)(1) <20 units (u): state jail felony: 180days-2yrs; <\$10,000</p>	
	<p>(b)(2) 20-80u: degree felony: 2-20yrs; <\$10,000</p>	
	<p>(b)(3) 80-4,000u: degree felony: life or 5-99yrs; <\$10,000</p>	
	<p>(b)(4) >4,000u:</p>	

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Texas Health and Safety Code: Title 6 Food, Drugs, Alcohol, and Hazardous Substances

	life or 15-99yrs; <\$250,000 481.1151 Possession of Penalty 1A substance (1) <20u: state jail felony: 180days-2yrs; <\$10,000 (2) 20-80u: degree felony: 2-10yrs; <\$10,000 (3) 80-4,000u: degree felony: 2-20yrs; <\$10,000 (4) 4,000-8,000u: degree felony: life or 5-99yrs; <\$10,000 (5) >8,000u: life or 15-99yrs; <\$250,000	
481.103 Penalty Group 2 (1) Hallucinogenic substances: e.g., DMT, synthetic THC, MDMA, BZP, psilocybin, mescaline (2) Phenylacetone (3) depressant/stimulant compounds not listed elsewhere: e.g., amphetamine, Vyvanse, Qualuude (4) Compounds derived from 2-aminopropanal: e.g., MDPV, mephedrone	481.113 Manufacture or Deliver of Penalty 2 or 2a substance (b) <1g: state jail felony: 180days-2yrs; <\$10,000 (c) 1-4g: degree felony: 2-20yrs; <\$10,000 (d) 4-400g: degree felony: life or 5-99yrs; <\$10,000 (e) >400g: life or 10-99yrs; <\$100,000 481.116 Possession of Penalty 2 substance (b) <1g: state jail felony: 180days-2yrs; <\$10,000 (c) 1-4g: degree felony: 2-10yrs; <\$10,000 (d) 4-400g: degree felony: 2-20yrs; <\$10,000 (e) >400g: life or 5-99yrs; <\$50,000	481.140 Use of Child in Commission of Crime: punishment increased 1 degree. If force used, degree felony
481.1031 Penalty Group 2A Synthetic chemical compounds mimicking the pharmacological effect of naturally occurring cannabinoids	481.1161 Possession of Penalty 2A substance (b)(1) <2oz: Class B misdemeanor: <\$2,000 and/or <180days (b)(2) 2-4oz: Class A misdemeanor: <\$4,000 and/or <1yr (b)(3) 4oz-5lbs: state jail felony: 180days-2yrs; <\$10,000	

Texas Drug Statutes

Texas Health and Safety Code: Title 6 Food, Drugs, Alcohol, and Hazardous Substances

	<p>(b)(4) 5-50lbs: 3rd degree felony: 2-10yrs; <\$10,000</p> <p>(b)(5) 50-2,000lbs: 2nd degree felony: 2-20yrs; <\$10,000</p> <p>(b)(6) >2,000lbs: life or 5-99yrs; <\$50,000</p>	
<p>481.104 Penalty Group 3</p> <p>(1) compounds containing stimulants: e.g., Ritalin and Preludin</p> <p>(2) compounds containing depressants: e.g., Xanax, Ativan, Klonopin</p> <p>(3) Nalorphine</p> <p>(4) compounds containing limited quantities of narcotics: e.g., codeine, morphine, difenoxin</p> <p>(5) compounds containing other substances: e.g., barbiturates, chloral hydrates</p> <p>(6) peyote</p> <p>(7) compounds containing stimulants not listed elsewhere: e.g., appetite suppressants</p> <p>(8) Dextropropoxyphene</p> <p>(9) anabolic steroids not exempted</p>	<p>481.114 Manufacture or Delivery of Penalty 3 or 4 substance</p> <p>(b) <28g: state jail felony: 180days-2yrs;<\$10,000</p> <p>(c) 28-200g: degree felony: 2-20yrs; <\$10,000</p> <p>(d) 200-400g: degree felony: life or 5-99yrs; <\$10,000</p> <p>(e) >400g: life or 10-99yrs; <\$100,000</p> <p>481.117 Possession of Penalty 3 substance</p> <p>(b) <28g: Class A misdemeanor</p> <p>(c) 28-200g: degree felony</p> <p>(d) 200-400g: degree felony</p> <p>(e) >400g: life or 5-99yrs; <\$50,000</p>	<p>481.140 Use of Child in Commission of Crime: punishment increased 1 degree. If force used, degree felony</p>
<p>481.105 Penalty Group 4</p> <p>(1) compounds containing limited quantities of narcotics that include nonnarcotic active medicinal ingredients: e.g., codeine, morphine, difenoxin</p> <p>(2) compounds containing Buprenorphine or Butorphanol</p> <p>(3) compounds containing pyrovalerone</p>	<p>481.118 Possession of Penalty 4 substance</p> <p>(b) <28g: Class B misdemeanor</p> <p>(c) 28-200g: degree felony</p> <p>(d) 200-400g: degree felony</p> <p>(e) >400g: life or 5-99yrs; <\$50,000</p>	
<p>481.106 Controlled Substance Analogue to Penalty Groups 1,1A & 2</p>		<p>481.123 Affirmative defense If analogue was not intended for human consumption; if</p>

Texas Drug Statutes

Texas Health and Safety Code: Title 6 Food, Drugs, Alcohol, and Hazardous Substances

(1) substantially similar chemical structure of a controlled substance; or (2) specifically designed to produce substantially similar effect to controlled substance listed in the penalty group		there is approved new drug application; or if it was exempted for investigational use
Miscellaneous Substances	Penalties	Enhancements/ Benefit Restrictions
481.119(A) Manufacture or delivery of scheduled substance not listed in Penalty Groups	Class A misdemeanor	
481.119(b) Possession of scheduled substance not listed in Penalty Groups	Class B misdemeanor	
482.002 Unlawful delivery or manufacture w/ intent to deliver simulated controlled substance represented as a controlled substance	State jail felony	
Marihuana	Penalties	Enhancements/ Benefit Restrictions
481.120 Delivery of Marihuana	(1) <¼ oz & no remuneration Class B misdemeanor	481.140 Use of Child in Commission of Crime: punishment increased 1 degree. If force used, degree felony
	(2) < ¼ oz & remuneration Class A misdemeanor	
	(3) ¼ oz-5lbs state jail felony	
	(4) 5-50lbs: degree felony	
	(5) 50-2,000lbs: degree felon	
	(6) >2,000lbs: life or 10-99yrs; <\$100,000	
481.121 Possession of Marihuana	(1) <2oz: Class B misdemeanor	
	(2) 2-4oz: Class A misdemeanor	
	(3) 4oz-5lbs: state jail felony	
	(4) 5-50lbs: degree felony	
	(5) 50-2,000lbs: degree felony	
	(6) >2,000lbs: life or 5-99yrs; <\$50,000	
Enhancement Offenses	Penalties	
481.122 Delivery of Penalty 1, 1A, 2, 3 or marijuana to a child	degree felony; 481.140 Use of Child in Commission of Crime: punishment increased 1 degree. If force used,	

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	degree felony
481.134 Delivery of controlled substance in, on, or w/in 1,000ft of a "drug-free zone"	Either a felony 1 degree higher or an additional 5 years and doubled fine depending on the original punishment as defined by statute
481.141 Manufacture or Delivery of Controlled Substance Causing death or serious bodily injury	Punishment is increased by 1 degree
OTHER OFFENSES	
Offenses	Penalties/Enhancements/ Benefit Restrictions
481.124 Possession or Transport of anhydrous ammonia or chemical precursors w/ intent to manufacture controlled substance	(d)(1) Penalty 1/1A: degree felony (d)(2) Penalty 2: degree felony (d)(3) Penalty 3/4: state jail felony (d)(4) Scheduled substance not listed in Penalty group: Class A misdemeanor
481.1245 Possession or transport of anhydrous ammonia in improper container	(b) degree felony
481.136 Unlawful sale or receipt of chemical precursor w/o permit or in violation of requirements	(b) state jail felony; offense: degree felony
481.137 Transfer of precursor for unlawful manufacture	(b) degree felony; offense: degree
481.138 Unlawful transfer or receipt of chemical laboratory apparatus w/o permit or in violation of requirements	(b) state jail felony; offense: degree
481.139 Transfer of chemical laboratory apparatus w/ knowledge that recipient will use it to unlawfully manufacture a controlled substance/analogue	(b) degree felony
481.125(a) Possession of drug paraphernalia	(d) Class C misdemeanor
481.125(b) Delivery of drug paraphernalia	(e) Class A misdemeanor; offense: additional 90days-1yr (c) delivery to minor >3yrs younger: state jail felony
481.126(a)(2)&(4) Financial transactions derived from or intended to further drug offense	(b) degree felony
481.126(a)(1)&(3): Financial transactions derived from or intended to further drug offense punishable by life imprisonment	(b) degree felony
Prescription Drug Offense	
481.127 Unauthorized disclosure of prescription information	(b) state jail felony
481.128 Offenses of Commercial registrant	
(1) distribution of controlled substances in	(c) state jail felony

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violation of prescription program; (2) manufacture of unauthorized controlled substance; (3) refusal/failure to maintain required records; (4) possession of unauthorized official prescription form; (5) delivery/possession of counterfeit official prescription form; (6) refusal of entry into premises for inspection; (7) refusal/failure to return official prescription form; (8) refusal/failure to maintain required documentation; (9) refusal/failure to maintain required security	(d) w/o culpable mental state: <\$1,000 additional penalty (b) intentional violation of (8)&(9): <\$5,000 additional penalty
481.1285(b)(1) Conversion of controlled substance by registrant to their own use	(c) state jail felony
481.1285(b)(2) Diversion of controlled substance to unlawful use of another	(c) degree felony
481.129(a)(1) Distribution of Schedule I or II substance w/o required order form	(1) Schedule I or II: degree felony (2) Schedule III or IV: degree felony (3) Schedule V: Class A misdemeanor
481.129(a)(2) Use of an invalid registration number in course of manufacture, prescription or distribution of a controlled substance	
481.129(a)(3) Issue of a forged prescription	
481.129(a)(4) Use of Schedule II prescription issued to another person	
481.129(a)(5) Obtaining/attempting to obtain controlled substance by misrepresentation, fraudulent prescription	
481.129(a)(6) Furnishing false information in required documentation	
481.129(a-1) Obtaining/attempting to obtain from a practitioner a controlled substance not medically necessary	(1) Schedule I or II: degree felony (2) Schedule III or IV: degree felony (3) Schedule V: Class A misdemeanor
481.129(b) making, distributing or possessing a thing designed to reproduced a counterfeit substance	Class A misdemeanor
481.129(c)(1) delivery of a prescription or prescription form for invalid purpose;	(1) delivery of prescription form or prescription for Schedule II substance: degree felony (2) Schedule III, IV, or V: degree felony
481.129(c)(2) Possession of an invalid prescription or prescription form	(1) delivery of prescription form or prescription for Schedule II or III substance: state jail felony (2) Schedule IV or V prescription: Class B misdemeanor

Source: http://www.lcle.la.gov/sentencing_commission/Resources/I%20E.%20TX%20Drug%20Laws.pdf

**Appendix I: Federal Trafficking Penalties for Schedules I, II, III, IV and V (except
Marijuana)**

Federal Trafficking Penalties for Schedules I, II, III, IV, and V (except Marijuana)

Schedule	Substance/Quantity	Penalty	Substance/Quantity	Penalty
II	Cocaine 500-4999 grams mixture	First Offense: Not less than 5 yrs. and not more than 40 yrs. If death or serious bodily injury, not less than 20 yrs. or more than life. Fine of not more than \$5 million if an individual, \$25 million if not an individual. Second Offense: Not less than 10 yrs. and not more than life. If death or serious bodily injury, life imprisonment. Fine of not more than \$8 million if an individual, \$50 million if not an individual.	Cocaine 5 kilograms or more mixture	First Offense: Not less than 10 yrs. and not more than life. If death or serious bodily injury, not less than 20 yrs. or more than life. Fine of not more than \$10 million if an individual, \$50 million if not an individual. Second Offense: Not less than 20 yrs. and not more than life. If death or serious bodily injury, life imprisonment. Fine of not more than \$20 million if an individual, \$75 million if not an individual. 2 or More Prior Offenses: Life imprisonment. Fine of not more than \$20 million if an individual, \$75 million if not an individual.
II	Cocaine Base 28-279 grams mixture		Cocaine Base 280 grams or more mixture	
IV	Fentanyl 40-399 grams mixture		Fentanyl 400 grams or more mixture	
I	Fentanyl Analogue 10-99 grams mixture		Fentanyl Analogue 100 grams or more mixture	
I	Heroin 100-999 grams mixture		Heroin 1 kilogram or more mixture	
I	LSD 1-9 grams mixture		LSD 10 grams or more mixture	
II	Methamphetamine 5-49 grams pure or 50-499 grams mixture		Methamphetamine 50 grams or more pure or 500 grams or more mixture	
II	PCP 10-99 grams pure or 100-999 grams mixture		PCP 100 grams or more pure or 1 kilogram or more mixture	

Substance/Quantity	Penalty
Any Amount Of Other Schedule I & II Substances	First Offense: Not more that 20 yrs. If death or serious bodily injury, not less than 20 yrs. or more than Life. Fine \$1 million if an individual, \$5 million if not an individual.
Any Drug Product Containing Gamma Hydroxybutyric Acid	Second Offense: Not more than 30 yrs. If death or serious bodily injury, life imprisonment. Fine \$2 million if an individual, \$10 million if not an individual.
Flunitrazepam (Schedule IV) 1 Gram	
Any Amount Of Other Schedule III Drugs	First Offense: Not more than 10 yrs. If death or serious bodily injury, not more that 15 yrs. Fine not more than \$500,000 if an individual, \$2.5 million if not an individual. Second Offense: Not more than 20 yrs. If death or serious injury, not more than 30 yrs. Fine not more than \$1 million if an individual, \$5 million if not an individual.
Any Amount Of All Other Schedule IV Drugs (other than one gram or more of Flunitrazepam)	First Offense: Not more than 5 yrs. Fine not more than \$250,000 if an individual, \$1 million if not an individual. Second Offense: Not more than 10 yrs. Fine not more than \$500,000 if an individual, \$2 million if other than an individual.
Any Amount Of All Schedule V Drugs	First Offense: Not more than 1 yr. Fine not more than \$100,000 if an individual, \$250,000 if not an individual. Second Offense: Not more than 4 yrs. Fine not more than \$200,000 if an individual, \$500,000 if not an individual.

Source: <https://www.dea.gov/druginfo/ftp3.shtm>

Appendix J: E-XXVIII-a, Sexual Misconduct Policy

POLICIES AND PROCEDURES

Subject: Sexual Misconduct Policy Reference: E-XXVIII-a
Source: Board of Trustees Eff. Date: September 25, 2018
Approval Auth.: Board of Trustees Approved: _____
Remarks: Replaces previous policy dated July 25, 2015
Date: September 25, 2018

Sexual Misconduct/ Title IX Policy

Title IX of the Education Amendments of 1972 is a Federal civil rights law that prohibits discrimination on the basis of sex in educational programs and activities that receive Federal funds. Examples of discrimination prohibited under Title IX include discrimination on the basis of sex include gender discrimination, pregnant and parenting discrimination, sexual harassment, or sexual violence, such as rape, dating violence, domestic violence, stalking, sexual assault, sexual battery, and sexual coercion. Individuals aware of incidents involving sexual misconduct are encouraged to report offenses immediately to the Title IX Coordinator or the Deputy Title IX Coordinators.

Title IX Coordinator

Dr. Drew Canham, Title IX Coordinator
Vice President, Student Success
McLennan Community College
Administration Building, Room 408
1400 College Drive
Waco, TX 76708
254-299-8692
Fax: 254-299-8654
titleix@mclennan.edu

Deputy Title IX Coordinators

Dr. Staci Taylor
Director, Center for Teaching and Learning
McLennan Community College
Administration Building, Room 307
1400 College Drive
Waco, TX 76708
254-299-8363
staylor@mclennan.edu

Ms. Shawn Trochim
Director, Athletics
McLennan Community College
Math Building, Room 109
1400 College Drive
Waco, TX 76708
254-299-8811
strochim@mclennan.edu

Reporting

Students and employees wishing to report sexual misconduct, and the personnel assisting those filing reports should primarily be concerned with the health and safety of the reporting party and campus community, and getting the report filed in a timely manner.

As used in this document, the term "reporting party" refers to the person impacted by the alleged incident. The term "responding party" refers to the person who has allegedly engaged in discrimination, harassment and/or retaliation.

To make informed choices, it is important to be aware of confidentiality and mandatory reporting requirements when consulting campus resources. All McLennan Community College employees are designated as mandated reporters (except the MCC Counseling Center) and will share a report with the Title IX Coordinator promptly—within one (1) college business day.

On campus, MCC Counseling Center employees may maintain confidentiality - meaning they are not required to report actual or suspected discrimination or harassment to appropriate campus officials—thereby offering options and advice without any obligation to inform an outside agency or campus official unless a reporting party has requested information to be shared. Other resources exist for reporting parties to report crimes and policy violations and these resources will act when an incident is reported to them.

Every effort is made by McLennan Community College to preserve the privacy of reports. Such reports may also be anonymous. Anonymous reports will be investigated to determine if remedies can be provided, but the college's ability to adjudicate anonymous reports may be limited.

The following methods may be used to report sexual misconduct at McLennan Community College:

- 1) Report directly to the Title IX Coordinator, Dr. Drew Canham, at 254-299-8645 or titleix@mclennan.edu;
- 2) Confidentially to the MCC Counseling Center, 254-299-8210;
- 3) Online, using the reporting form posted at <https://www.lighthouse-services.com/mclennan/> (there is an

- option to report anonymously); or
4) For emergencies notify Campus Police, 254-299-8911

Reports of misconduct or discrimination committed by the Title IX Coordinator should be reported to McLennan Community College President, Dr. Johnette McKown, at 254-299-8601 or jmckown@mcclennan.edu.

DEFINITIONS

Reference to the Texas Penal Code is made where necessary.

A. Sexual Harassment (Texas Penal Code - PENAL § 42.07.Harrassment)

The Department of Education's Office for Civil Rights (OCR), the Equal Employment Opportunity Commission (EEOC) and the State of Texas regard sexual harassment as a form of sex/gender discrimination and, therefore, as an unlawful discriminatory practice. McLennan Community College has adopted the following definition of sexual harassment, to address the special environment of an academic community, which consists not only of employer and employees, but of students as well.

Sexual harassment is:

- unwelcome,
- sexual, sex-based and/or gender-based,
- verbal, written, online and/or physical conduct.

Anyone experiencing sexual harassment in any McLennan Community College program is encouraged to report it immediately to the Title IX Coordinator. Remedies, education and/or training will be provided in response.

Sexual harassment may be disciplined when it takes the form of *quid pro quo* harassment, retaliatory harassment and/or creates a hostile environment.

A hostile environment is created when sexual harassment is:

- severe, or
- persistent or pervasive, and
- objectively offensive, such that it:
unreasonably interferes with, denies or limits someone's ability to participate in or benefit from the McLennan Community College's educational or employment programs.

Quid Pro Quo Sexual Harassment:

Unwelcome sexual advances, requests for sexual favors, and other verbal or physical conduct of a sexual nature by a person having power or authority over another constitutes sexual harassment when submission to such sexual conduct is made either explicitly or implicitly a term or condition of rating or evaluating an individual's educational development or

performance.

B. Sexual Misconduct

Texas State law defines various violent and/or non-consensual sexual acts as crimes. While some of these acts may have parallels in criminal law, McLennan Community College has defined categories of sex/gender discrimination as sexual misconduct, as stated below, for which action under this policy may be imposed. Alleged incidents involving discrimination allegations shall be administered using the Discrimination Resolution Process (*F-V-s, Discrimination Resolution Process*).

McLennan Community College considers all sexual misconduct violations to be serious offenses. McLennan Community College reserves the right to impose any level of sanction, ranging from a reprimand up to and including suspension or expulsion/termination, for any act of sexual misconduct or other sex/gender-based offenses, including intimate partner (dating and/or domestic) violence, non-consensual sexual contact and/or stalking based on the facts and circumstances of the particular allegation. Acts of sexual misconduct may be committed by any person upon any other person, regardless of the sex, sexual orientation and/or gender identity of those involved. Violations include:

i. Sexual Harassment (as defined in Section A. above)

ii. Non-Consensual Sexual Intercourse

Defined as: any sexual intercourse, however slight, with any object, by a person upon another person, which is without consent and/or by force.

Sexual intercourse includes: Vaginal or anal penetration by a penis, tongue, finger or object, or oral copulation (mouth to genital contact) no matter how slight the penetration or contact.

iii. Non-Consensual Sexual Contact

Defined as: any intentional sexual touching, however slight, with any object, by a person upon another person, that is without consent and/or by force.

Sexual touching includes: Intentional contact with the breasts, groin, or genitals, mouth or touching another with any of these body parts, or making another touch you or themselves with or on any of these body parts; or any other bodily contact in a sexual manner.

iv. Sexual Exploitation

(Texas Penal Code - *PENAL § 21.15. Invasive Visual Recording, § 21.17. Voyeurism, § 21.18. Harassment*)

Sexual Exploitation refers to a situation in which a person takes non-consensual or abusive sexual advantage of another, and that behavior does not otherwise fall within the definitions of Sexual Harassment, Non-Consensual Sexual Intercourse or Non-Consensual Sexual Contact. Examples of Sexual Exploitation include, but are not limited to:

- Sexual voyeurism (such as watching a person undressing, using the bathroom or engaged in sexual acts without the consent of the person observed).
- Invasion of sexual privacy.
- Taking pictures or video or audio recording another in a sexual act, or in any other private activity without the consent of all involved in the activity, or exceeding the boundaries of consent (such as allowing another person to hide in a closet and observe sexual activity, or disseminating sexual pictures without the photographed person's consent).
- Prostitution.
- Sexual exploitation also includes engaging in sexual activity with another person while knowingly infected with human immunodeficiency virus (HIV), a sexually transmitted disease (STD) or infection (STI) without informing the other person of the infection.
- Administering alcohol or drugs (such as "date rape" drugs) to another person without his or her knowledge or consent (assuming the act is not completed).
- Exposing one's genitals in non-consensual circumstances.
- Sexually-based stalking and/or bullying may also be forms of sexual exploitation.

v. Force and Consent

Force: Force is the use of physical violence and/or imposing on someone physically to gain sexual access. Force also includes threats, intimidation (implied threats) and coercion that overcome resistance or produce consent ("Have sex with me or I'll hit you." "Okay, don't hit me, I'll do what you want.").

Coercion is unreasonable pressure for sexual activity. Coercive behavior differs from seductive behavior based on the type of pressure someone uses to get consent from another. When someone makes clear to you that they do not want sex, that they want to stop, or that they do not want

to go past a certain point of sexual interaction, continued pressure beyond that point can be coercive.

NOTE: Silence or the absence of resistance alone is not consent. There is no requirement on a party to resist the sexual advance or request, but resistance is a clear demonstration of non-consent. The presence of consent is not demonstrated by the absence of resistance. Sexual activity that is forced is non-consensual, but non-consensual sexual activity is not by definition forced.

Consent: Consent is knowing, voluntary, and clear permission by word or action to engage in mutually agreed upon sexual activity. Since individuals may experience the same interaction in different ways, it is the responsibility of each party to make certain that the other has consented before engaging in the activity. For consent to be valid, there must be a clear expression in words or actions that the other individual consented to that specific sexual conduct. Consent can be withdrawn once given, if the withdrawal is clearly communicated.

Consent to some sexual contact (such as kissing or fondling) cannot be presumed to be consent for other sexual activity (such as intercourse). A current or previous dating relationship is not sufficient to constitute consent. The existence of consent is based on the totality of the circumstances, including the context in which the alleged incident occurred and any similar previous patterns that may be evidenced.

Incapacitation: A person cannot consent if they are unable to understand what is happening or is disoriented, helpless, asleep or unconscious for any reason, including due to alcohol or other drugs. An individual who engages in sexual activity when the individual knows, or should know, that the other person is physically or mentally incapacitated has violated this policy.

It is not an excuse that the responding party was intoxicated and, therefore, did not realize the incapacity of the reporting party.

Incapacitation is defined as a state where someone cannot make rational, reasonable decisions because they lack the capacity to give knowing/informed consent (e.g., to understand the "who, what, when, where, why or how" of their sexual interaction). This policy also covers a person whose incapacity results from mental disability, involuntary physical restraint and/or from the taking of incapacitating drugs.

In Texas, a minor (meaning a person under the age of 17 years) cannot consent to sexual activity. This means that sexual contact by an adult with a person younger than 17

years old may be a crime, and a potential violation of this policy, even if the minor wanted to engage in the act (Texas Penal Code Chapter 21, Section 21.11).

Other Civil Rights Offenses

In addition to the forms of sexual misconduct described above, the following behaviors are also prohibited as forms of discrimination under the *Violence Against Women Act* (VAWA).

- Intimate Partner Violence, defined as violence or abuse between those in an intimate interaction and/or relationship to each other;
(Texas Penal Code - PENAL § 71.003.Family, § 71.004.Family Violence, § 71.005.Household, § 71.006.Member of a Household)
- Stalking is a course of conduct directed at a specific person based on actual or perceived membership in a protected class that is unwelcome and would cause a reasonable person to feel fear.

Stalking may also be repetitive and menacing or involve pursuit, following, harassing and/or interfering with the peace and/or safety of another.