

Annual Security Report – 2016

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Introduction

College of the Mainland (COM) strives to provide a campus safe and secure environment in an effort to promote an ideal learning environment for all. Because no college or university campus is immune to criminal activity, COM has developed policies and procedures that are geared to ensure that reasonable measures are taken to protect our COM campus and other locations where COM conducts business. To maintain a safe and secure campus, the College of the Mainland Board of Trustees entrust the College of the Mainland Police Department (COM PD) to deter criminal activity by patrolling the campus, enforcing local laws, state laws, federal laws, and college policies. The campus police department maintains a full-time chief of police who is responsible for the day-to-day operations of the police department, law enforcement, and Clery reporting.

Timely Warnings

In the event a situation arises on COM's campus or other locations, that, in the judgment of college leadership (President, Chief of Police, Emergency Management Coordinator, or designee) constitutes an ongoing, immediate, or continuing threat, a "timely warning" will be issued. The warning will be issued through the college's "Blackboard Connect" emergency notification system to students, faculty, and staff. The President can authorized an announcement to be posted on the College's web homepage at www.com.edu. Anyone with information warranting a timely warning should report the circumstances to the COM Police Department at 409-933-8599 or in person to any College Police Officer.

Students, faculty, and staff are encouraged to register to receive "Blackboard Connect" alerts through the following website, www.com.edu/campus-police, by clicking on "Emergency Notification System."

Emergency Notification

In the event of a significant emergency or dangerous situation involving an immediate threat to the health or safety of students or

employees occurring on the COM campus or other COM location, the college will, without delay and taking into account the safety of the community, determine the content of the notification message and initiate the College's emergency notification system (Blackboard Connect). If in the professional judgment of responsible authorities, there will be a compromise in efforts to assist victims, contain, respond to, or otherwise mitigate the emergency, the following procedures will be implemented.

- At the COM campus affected by the emergency, the Chief of Police, Police Command Staff, or police personnel will initiate the emergency response.
- Upon becoming aware of an emergency or dangerous situation, the Chief of Police, Emergency Management Coordinator, or designee will initiate the "Blackboard Connect" emergency notification system.
- In the event that the emergency or dangerous situation that will affect the larger community external to COM, the President or designee will determine the content of the message to be communicated to the public and the means by which to do so, e.g., college website, radio/TV, media conference, locality Emergency Operations Center, etc.

Emergency Preparedness

The Emergency Management Coordinator is responsible for conducting annual emergency response and evacuation exercises in coordination with the COM Chief of Police. The procedure to follow for an emergency situation is publicized in the COM Emergency Handbook and online at <http://www.com.edu/campus-police/security-and-emergency-procedures>. The "Blackboard Connect" emergency notification system is tested at least once per semester. Pre-announced college-wide emergency response exercises are conducted as well as campus specific tabletop exercises and emergency evacuation drills.

Annual Disclosure of Crime Statistics

The Chief of Police prepares this report to comply with the Jeanne Clery Disclosure of Campus Security Policy and Crime Statistics Act. The full text of this report can be located on COM's Police Department website at <http://www.com.edu/police>. This report is

prepared in cooperation with the local law enforcement agencies surrounding each of the College's campuses and centers.

Campus crimes, arrests, and referral statistics include those reported to the COM Police Department (COM PD). Each year, an e-mail notification is made to all enrolled students and employees providing the website to access this report. Copies of the report may be obtained at the COM Police Department located at 1200 Amburn Road, Texas City, Texas, 77591, or at the COM Police Building which is centrally located on the COM campus, or by calling 409-933-8403. Current statistics by COM PD are available at <http://www.com.edu/campus-police/jeanne-clery-act>.

Reporting of Criminal Offenses and Emergencies

In an emergency, dial 409-933-8599 or 599 from any college phone. Otherwise, to report a crime, contact a police officer on campus in person. Crime reports may also be directed to the Chief of Police at 409-933-8403 or 8403 from any college phone. Any suspicious activity or person seen in the parking lots, on college grounds, or loitering around vehicles, building entrances, or inside buildings should be reported to the campus police using the same emergency number listed above.

If a crime of murder, sex offense, robbery, aggravated assault, burglary, or motor vehicle theft occurs and there is a potential for continuation of the crime, a notice of warning will be posted in accordance with the College policy. It is the policy of the College that all criminal acts should be reported to the COM Police Department. The immediate reporting of any crime, especially sexual assaults, assists in the preservation of evidence necessary to convict a person involved in such criminal activity.

Confidential Reporting Procedures

If you are a victim of a crime and you do not wish to reveal your identity and you do not wish to pursue criminal action within the criminal justice system or disciplinary action with COM, you may file a confidential report with the Title IX coordinator. The purpose of the confidential report is to comply with an individual's wish to

keep the identity of the individual confidential while taking steps to ensure the safety of the individual and others. Reports filed in this manner are counted and disclosed in the annual crimes statistics.

COM does not employ counselors on staff whose official responsibility includes psychological or pastoral counseling. Information involving potential danger to individuals or others reported directly to campus officials by persons requesting confidentiality may be reported to law enforcement authorities by COM.

College Police

COM provides uniformed Police Officers on campus 24 hours a day, seven days a week. COM Police Officers enforce COM policies, local laws, state laws, and federal laws which includes the authority to ask persons for identification and to determine whether individuals have lawful business at COM. COM Police Officers also have the authority to arrest. The COM Police Department works with the Emergency Management Coordinator and other college officials to provide security awareness information and programs.

Building Security and Access

All COM buildings are patrolled on a regular and ongoing basis and are secured by COM Police Officers or by automated access control systems after normal hours of use. Access to secured college buildings or other college facilities is restricted to authorized individuals who are issued keys, have been assigned card access, or have been given permission by the COM Police Department. All maintenance problems discovered by or reported to COM PD are reported to the COM Facility Services Department. All maintenance problems which could cause a risk of harm or danger to individuals are reported immediately to the Director of Facility Services, supervisor, or designee for immediate action to correct the problem.

Security Awareness and Crime Prevention

COM Police Officers document security and safety incidents and concerns found during the patrols of buildings and grounds. The information is then forwarded to the Director of Facility Services

through a work order. Ongoing crime prevention information; such as, active shooter and personal safety is available upon request each semester.

Off-Campus Student Activities

COM does not have off-campus student organizations. COM students who commit criminal offenses, whether on or off campus, are subject to the jurisdiction of the campus police and local police agencies of the locality in which the offense was committed.

Students may be subject to college disciplinary action for on or off campus conduct. Disciplinary action by the College is not a criminal process, and the double jeopardy doctrine does not apply to student discipline. The College may elect to process a charge of misconduct even if the student may be or has been charged with a criminal offense arising out of the same act. The College will not delay its processing of a matter because of pending criminal charges, a trial, or an appeal.

Possession, Use, and Sale of Alcoholic Beverages

COM Police Officers actively suppress the illegal possession, use, or sale of alcoholic beverages. Violations of this nature are dealt with by arresting or summoning individuals for violations of law before the court. Violations of student alcohol policies are adjudicated by the respective Office of Student Conduct.

Possession, Use, and Sale of Illegal Drugs

Anyone found in violation of any state or federal drug law will be referred to COM Police Department for criminal action and arrest. Violations of student drug policies are adjudicated by the respective Office of Student Conduct.

Substance Abuse Education and Resources

Resources for substance abuse education and assistance are addressed in the COM policy on Alcohol and Other Drugs at www.com.edu/regulations (FA Regulation, Appendix B).

Sexual Assault

Sexual assault is a crime and a violation of college rules. It is defined by the Texas Penal Code.

(a) A person commits an offense if the person:

(1) intentionally or knowingly:

(A) causes the penetration of the anus or sexual organ of another person by any means, without that person's consent;

(B) causes the penetration of the mouth of another person by the sexual organ of the actor, without that person's consent; or

(C) causes the sexual organ of another person, without that person's consent, to contact or penetrate the mouth, anus, or sexual organ of another person, including the actor; or

(2) intentionally or knowingly:

(A) causes the penetration of the anus or sexual organ of a child by any means;

(B) causes the penetration of the mouth of a child by the sexual organ of the actor;

(C) causes the sexual organ of a child to contact or penetrate the mouth, anus, or sexual organ of another person, including the actor;

(D) causes the anus of a child to contact the mouth, anus, or sexual organ of another person, including the actor; or

(E) causes the mouth of a child to contact the anus or sexual organ of another person, including the actor.(b) A sexual assault under Subsection (a)(1) is without the consent of the other person if:

(1) the actor compels the other person to submit or participate by the use of physical force or violence;

(2) the actor compels the other person to submit or participate by threatening to use force or violence

against the other person, and the other person believes that the actor has the present ability to execute the threat;

(3) the other person has not consented and the actor knows the other person is unconscious or physically unable to resist;

(4) the actor knows that as a result of mental disease or defect the other person is at the time of the sexual assault incapable either of appraising the nature of the act or of resisting it;

(5) the other person has not consented and the actor knows the other person is unaware that the sexual assault is occurring;

(6) the actor has intentionally impaired the other person's power to appraise or control the other person's conduct by administering any substance without the other person's knowledge;

(7) the actor compels the other person to submit or participate by threatening to use force or violence against any person, and the other person believes that the actor has the ability to execute the threat;

(8) the actor is a public servant who coerces the other person to submit or participate;

(9) the actor is a mental health services provider or a health care services provider who causes the other person, who is a patient or former patient of the actor, to submit or participate by exploiting the other person's emotional dependency on the actor;

(10) the actor is a clergyman who causes the other person to submit or participate by exploiting the other person's emotional dependency on the clergyman in the clergyman's professional character as spiritual adviser; or

(11) the actor is an employee of a facility where the other person is a resident, unless the employee and resident are formally or informally married to each other under Chapter 2 of the Texas Family Code.

(See: Texas Penal Code Section 22.011)

Domestic Violence, Dating Violence, and Stalking

COM prohibits threats and acts of violence on college property and within college facilities. In addition, COM prohibits threats or acts of violence at any college-sponsored event; while engaged in college business, educational, or athletic activities; and while traveling in college vehicles. COM shall also evaluate any conduct of which it becomes aware of, that occurs on or off campus or outside the above-listed activities when that conduct may impact an employee's or student's relationship with the college community.

Domestic violence is defined by the Texas Family Code.

Family Code Chapter 1, Definitions. Sec. 71.004. FAMILY VIOLENCE. "Family violence" means:

- (1) an act by a member of a family or household against another member of the family or household that is intended to result in physical harm, bodily injury, assault, or sexual assault or that is a threat that reasonably places the member in fear of imminent physical harm, bodily injury, assault, or sexual assault, but does not include defensive measures to protect oneself;
- (2) abuse, as that term is defined by Sections [261.001\(1\)\(C\)](#), (E), and (G), by a member of a family or household toward a child of the family or household; or
- (3) dating violence, as that term is defined by Section [71.0021](#).

Dating Violence is defined by the Texas Family Code.

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

- (1) is committed against a victim:
 - (A) with whom the actor has or has had a dating relationship; or
 - (B) because of the victim's marriage to or dating relationship with an individual with whom the actor is or has been in a dating relationship or marriage; and

(2) is intended to result in physical harm, bodily injury, assault, or sexual assault or that is a threat that reasonably places the victim in fear of imminent physical harm, bodily injury, assault, or sexual assault.

(b) For purposes of this title, "dating relationship" means a relationship between individuals who have or have had a continuing relationship of a romantic or intimate nature. The existence of such a relationship shall be determined based on consideration of:

- (1) the length of the relationship;
- (2) the nature of the relationship; and
- (3) the frequency and type of interaction between the persons involved in the relationship.

(c) A casual acquaintanceship or ordinary fraternization in a business or social context does not constitute a "dating relationship" under Subsection (b).

(See Texas Family Code Section 71.0021)

Stalking is defined by the Texas Penal Code.

(a) A person commits an offense if the person, on more than one occasion and pursuant to the same scheme or course of conduct that is directed specifically at another person, knowingly engages in conduct that:

(1) constitutes an offense under Section [42.07](#), or that the actor knows or reasonably should know the other person will regard as threatening:

- (A) bodily injury or death for the other person;
- (B) bodily injury or death for a member of the other person's family or household or for an individual with whom the other person has a dating relationship; or
- (C) that an offense will be committed against the other person's property;

(2) causes the other person, a member of the other person's family or household, or an individual with whom the other person has a dating relationship to be placed in fear of bodily injury or death or in fear that an offense will be committed against the other person's property, or to feel harassed, annoyed, alarmed, abused, tormented, embarrassed, or offended; and

(3) would cause a reasonable person to:

- (A) fear bodily injury or death for himself or herself;
- (B) fear bodily injury or death for a member of the person's family or household or for an individual with whom the person has a dating relationship;
- (C) fear that an offense will be committed against the person's property; or
- (D) feel harassed, annoyed, alarmed, abused, tormented, embarrassed, or offended.

(b) An offense under this section is a felony of the third degree, except that the offense is a felony of the second degree if the actor has previously been convicted of an offense under this section or of an offense under any of the following laws that contains elements that are substantially similar to the elements of an offense under this section:

- (1) the laws of another state;
- (2) the laws of a federally recognized Indian tribe;
- (3) the laws of a territory of the United States; or
- (4) federal law.

(c) For purposes of this section, a trier of fact may find that different types of conduct described by Subsection (a), if engaged in on more than one occasion, constitute conduct that is engaged in pursuant to the same scheme or course of conduct.

(d) In this section:

- (1) "Dating relationship," "family," "household," and "member of a household" have the meanings assigned by Chapter 71, Family Code.
- (2) "Property" includes a pet, companion animal, or assistance animal, as defined by Section [121.002](#), Human Resources Code.

Court Issued Protective Orders

Faculty, staff, and students who are victims of domestic violence, dating violence, or stalking are encouraged to apply for emergency protective orders through the court having jurisdiction. This is to provide additional legal support to enable law enforcement personnel to take action if a violation occurs. Copies of protective

orders should be provided to the COM PD. When appropriate, the college may issue no trespass banning letters to perpetrators and/or for safety reasons may coordinate a student's class schedule.

Reporting Domestic Violence, Dating Violence, Sexual Assault, and Stalking

Incidents of domestic violence, dating violence, and stalking should be reported to COM PD and/or Title IX Coordinator if a student is involved or the Office of Human Resources if it involves an employee.

Domestic Violence, Dating Violence, Sexual Assault, and Stalking Prevention and Response

The education and awareness program shall be designed to promote awareness of sexual violence, domestic violence, dating violence, and stalking. Incoming students and new employees shall be offered to participate in a primary prevention and awareness program.

The College shall also conduct an ongoing prevention and awareness campaign for all students and employees. The campaign shall include, at a minimum, the information provided to incoming students and new employees.

Allegations of domestic violence, dating violence, sexual assault, and stalking that are reported to a college official for investigation and for a disciplinary hearing may result in suspension or expulsion from COM if it involves a student and disciplinary action up to the termination of employment if it involves an employee. Both the accuser and the accused will be informed of the outcome of any campus disciplinary proceeding. Information about resources available in the community for any student who is a victim of sexual assault will be provided by the Sexual Violence Review Committee. In addition, any student involved in an alleged domestic violence, dating violence, sexual assault, and stalking incident will be given assistance by the Title IX Coordinator and will be encouraged to report the incident to campus police department.

Statewide Registration of Sex Offenders

In accordance with the “Campus Sex Crimes Prevention Act” of 2000, which amends the Jacob Wetterling Crimes Against Children and Sexually Violent Offender Registration Act, the Jeanne Clery Act, and the Family Educational Rights and Privacy Act of 1974, COM PD is providing a link to the TXDPS Sex Offender Registry Website.

<http://www.com.edu/campus-police/sex-offender-information>. This act requires institutions of higher education to issue a statement advising the campus community where law enforcement information provided by a state concerning registered sex offenders may be obtained. It also requires sex offenders already required to register in a state to provide notice of and to each institution of higher education in that state at which the person is employed, carries a vocation, or is a student.

Crime Statistics

- Current Clery Statistics.
<http://www.com.edu/campus-police/jeanne-clery-act>