

College of the Mainland
Annual Security Report
2019

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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 geared to ensure that reasonable measures are taken to protect the campus community and satellite locations where COM conducts business. To maintain a safe and secure campus, the College of the Mainland Board of Trustees entrusts 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 polices. The campus police department maintains a full-time Chief of Police who is responsible for the day-to-day operations of the police department, public safety, crime prevention, compliance and Clery reporting.

TIMELY WARNINGS

In the event a situation arises on the College of the Mainland campus or satellite locations, that in the judgement of the college leadership (College 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 COM’s “Blackboard Connect” Emergency Notification System to students, faculty, and staff. The College President can authorize an announcement to be posted on COM’s web homepage at www.com.edu. Anyone with information that warrants 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, that involves an immediate threat to the health or safety of the campus community, the college immediately will take into account the safety of the community, determine the content of the notification message, and initiate COM’s Emergency Notification System (Blackboard Connect). If in the judgement of the responsible authorities that there may be a compromise in the efforts to assist victims, contain, respond to, or otherwise mitigate the emergency, the following procedures will be implemented.

1. The Chief of Police, Police Command Staff, or police personnel will initiate the emergency response to the COM Campus affected by the emergency.

2. Once an emergency or dangerous situation is noted, the Chief of Police, Emergency Management Coordinator, or designee will initiate the “Blackboard Connect” Emergency Notification System.
3. If the emergency or dangerous situation will affect the larger community external to COM, the COM President or designee will determine the content of the message to be communicated to the public and the means by which to disseminate, such as, the COM Website, radio/TV, media conference, social media, local 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 is located on the College of the Mainland’s Police Department website at <http://www.com.edu/police>. The report is prepared in cooperation with local law enforcement agencies that border the geographical areas of COM’s campuses.

Campus crimes, arrests, and referral statistics include those reported to the COM Police Department. Each year, COM PD sends an e-mail notification to all enrolled students and employees, which provides the website to access the Annual Security Report. Copies of the Annual Security Report may be obtained at the COM Police Department located at 1200 Amburn Road, Texas City, Texas, 77591, Building #16, or by calling 409-933-8403. The current statistics compiled by the 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. To report crimes or incidents, you can make the report to any campus police officer in person or at the campus police department. Crime reports may also be directed to the Chief of Police at 409-933-8403 or 8403 from any college phone. Suspicious activity in parking lots, campus buildings, or campus property should be reported to the campus police department immediately using the same emergency number listed above.

If the crime of murder, sex offense, robbery, aggravated assault, burglary, or motor vehicle theft occurs and there is potential for the continuation of the crime, a notice of warning shall be posted in accordance with the college policy. According to COM policy, all criminal acts should be reported to the COM Police Department. The immediate reporting of any crime, especially sexual assault will assist in the preservation of evidence necessary to prosecute the person who perpetrated the crime.

CONFIDENTIAL REPORTING PROCEDURES

If you are a victim of a crime and you do not wish to reveal your identity or 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 the individual's wish to keep the identity of the victim confidential while taking the steps to ensure the safety of all. Reports filed in this manner are counted and disclosed in the annual crime statistics.

COM does not employ counselors whose official duties include psychological or pastoral counseling. Information collected from an individual requesting confidentiality which involves potential danger to the campus community may be reported to law enforcement authorities by College of the Mainland in an effort to maintain public safety.

COLLEGE POLICE

College of the Mainland employs uniformed police officers who provide 24/7 service 365 days a year. COM PD is responsible for the enforcement of college policies and local/state/Federal laws. COM PD has the authority to request personal identification to determine whether individuals have lawful business at College of the Mainland and the authority to arrest when necessary. The campus police department works in conjunction with the emergency management coordinator and other college officials in an effort to provide security awareness information and safety presentations for the campus community.

BUILDING SECURITY AND ACCESS

All campus buildings are patrolled on a regular and ongoing basis and are secured by campus police officers or by automated access control systems at the close of operational hours. Access to secured college facilities during non-operational hours is restricted to authorized individuals who have been assigned card access or have been given permission and access by the campus police department.

All maintenance issues discovered or reported to the campus police are forwarded to the COM Facilities Services Department in a timely manner. All maintenance issues that could cause a risk of harm or danger are reported immediately to the Director of Facility Services, a supervisor, or designee for immediate corrective action.

SECURITY AWARENESS AND CRIME PREVENTION

Campus police officers document and report security and safety issues or concerns discovered during their patrols of buildings and property. The information collected is forwarded to the Director of Facility Services through a work order.

Ongoing crime prevention information, such as, active shooter response and personal safety is available upon request.

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 against a student if the student receives criminal charges or subject to criminal charges 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 on campus. Violation of law and college policy relating to the possession, use and sale of alcoholic beverages on campus may result in arrest, court summons, and referral to the office of student conduct for adjudication.

POSSESSION, USE, AND SALE OF ILLEGAL DRUGS

COM police officers actively suppress the illegal possession, use, or sale of illegal drugs on campus. Violation of law and college policy relating to the possession, use and sale of illegal drugs on campus may result in arrest, court summons, and referral to the office of student conduct for adjudication.

SUBSTANCE ABUSE EDUCATION AND RESOURCES

The COM Webpage provides a list for substance abuse education and substance abuse assistance resources at <https://www.com.edu/campus-safety-and-security/community-resources>.

SEXUAL ASSAULT

Sexual assault is a crime and a violation of college rules. The Texas Penal Code defines it as:

- (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 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 is 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 domestic violence, dating violence, stalking, threats, or any act of violence on any COM property or facility. This prohibition includes any college-sponsored event while engaged in college business, educational, or athletic event or while traveling in college vehicles.

COM shall also evaluate any conduct of which it becomes aware of that involves a violation of law or college policy that occurs on or off campus that may affect an employee's or student's relationship with the college community.

DOMESTIC VIOLENCE

Is defined by the Texas Family Code, Chapter 1, Definitions. Sec. 71.004. Family Violence.

- (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, 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 person 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 Cod 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 know 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 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 contain 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 may adjust student class schedules to ensure safety.

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. COM shall offer students and new employees a primary prevention and awareness program.

The college shall also conduct an ongoing prevention and awareness campaign for all student 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 the investigation involves a student and disciplinary action up to, suspension or expulsion may result. If the investigation involves an employee a disciplinary action up to, termination may result. Both the accuser and the accused will be informed of the outcome of any campus disciplinary proceeding. Victims of sexual assault will be provided information on community resources by the Title IX Coordinator staff. In addition, any student involved in any alleged domestic violence, dating violence, sexual assault, or stalking incident will be provided assistance by the Title IX Coordinator or staff and will also be encouraged to report the incident to the 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 TXDPS Sex Offender Registry Website located on the COM PD Website.

<http://www.com.edu/campus-police/sex-offender-information>.

This act requires institutions of higher education to provide the campus community with a state law enforcement resource where information regarding registered sex offenders can be obtained. It also requires registered sex offenders to provide a notice of and to each institution of higher education in that state in which the person is employed, carries a vocation, or is a student.

CRIME STATISTICS

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