

Sam Houston State University Annual 2013 Security and Fire Report

Introduction

20 U.S.C.10922(f) (1) To meet compliance for the Higher Education Act of 1965 and Jeanne Clery Disclosure of Campus Security Policy and Campus Crime Statistics Act, and the changes accompanying the addition of the Violence Against Women Act, the Sam Houston State University Police Department collects, compiles and publishes required information regarding this campus' crime statistics, policies, and services. It should be noted that policies, procedures, and services are completed by numerous departments on the campus of SHSU. The information has been assembled and it is outlined in this document. This document is produced each year and publicized to the public and university staff, students and faculty each year on or before October 1st.

This 2013 version of the Sam Houston State University Annual Security Report is available online October 1st, 2014, at <http://www.shsu.edu/dept/public-safety/upd/annual.html> and a printed version is available during the hours of 8:00 AM-5:00 PM Monday thru Friday at the Sam Houston State University Police Department, located at 2424 Sam Houston Avenue, Huntsville, Texas, 77340. The emergency phone number for the SHSU Police Department is (936) 294-1000. The regular business phone number is (936) 294-1794, with both phone numbers answered 24 hours a day, 7 days a week. The Huntsville/Walker County Dispatch Center will forward 911 calls related to the University to the Sam Houston State University dispatch center, and if necessary, dispatch additional patrol units of the Huntsville Police Department to assist the Sam Houston State University Police Department.



2013 Sam Houston State University Ring Ceremony

Sam Houston State University is located in the City of Huntsville, Texas. The main portion of campus is located approximately four blocks south of the County Courthouse. The SHSU main campus is comprised of numerous academic buildings, residential complexes (operated by the university), and is surrounded by public streets and private property. In all, the main campus covers approximately 500 acres (total property in Walker County approximately 2772.1 acres). The Sam Houston State University Physical Plant Administration maintains a list of all campus buildings, addresses, and locations or other properties owned by Sam Houston in Walker County, Montgomery County, and any other locations. Properties leased, rented, or used through written agreement are the responsibility of individual departments within the Sam Houston State University system. Class schedules are maintained for Clery reporting purposes for all sites across the state for purposes of confirming statistics submitted to the Department of Education where Sam Houston State University has a written agreement, lease, or rental agreement and has control of the property.

Photos have been added to this year's 2013 Annual Security and Fire Report in an attempt to reflect the culture and student opportunities at Sam Houston State University.



Sam Houston State University Challenge Course

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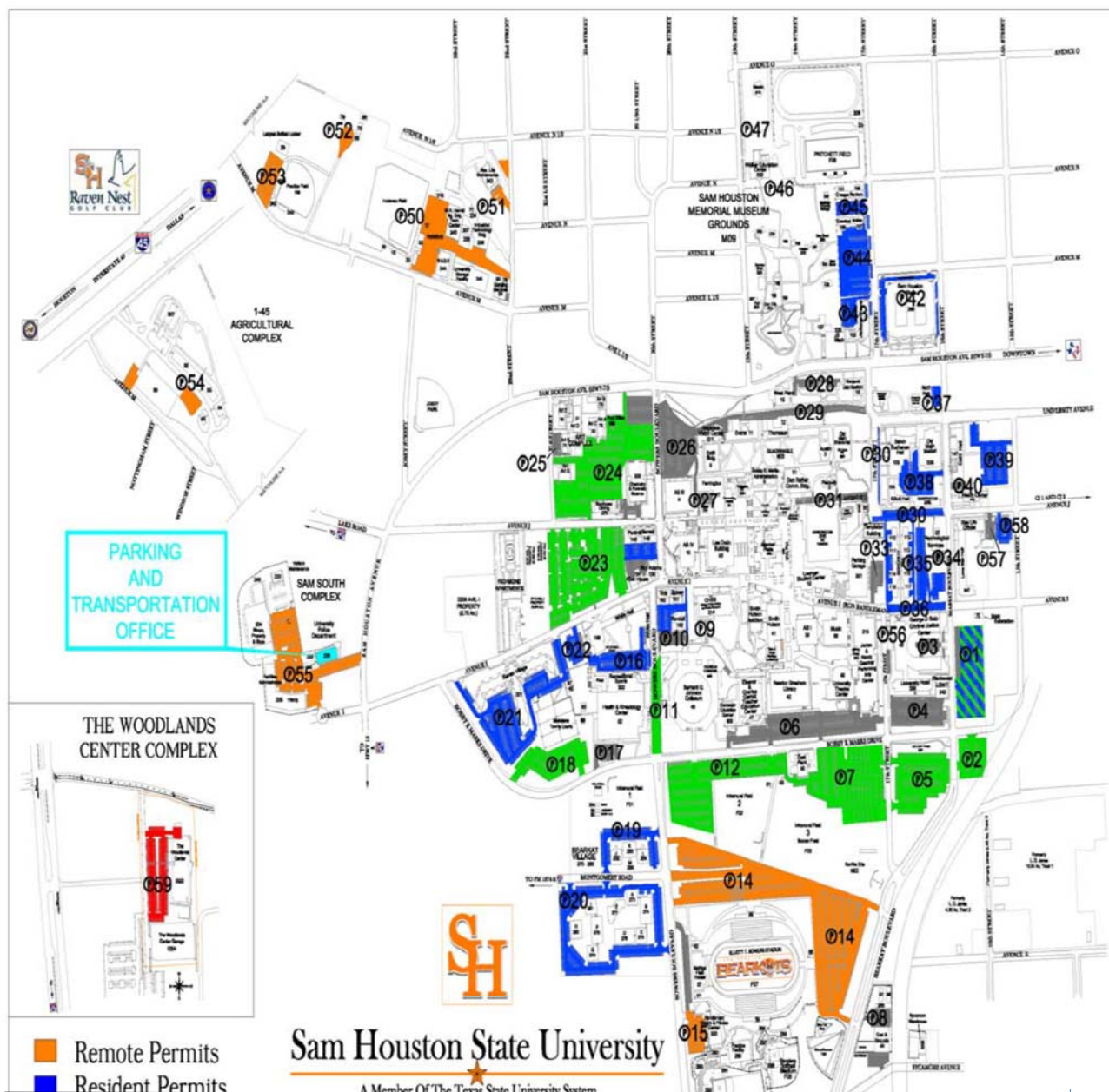
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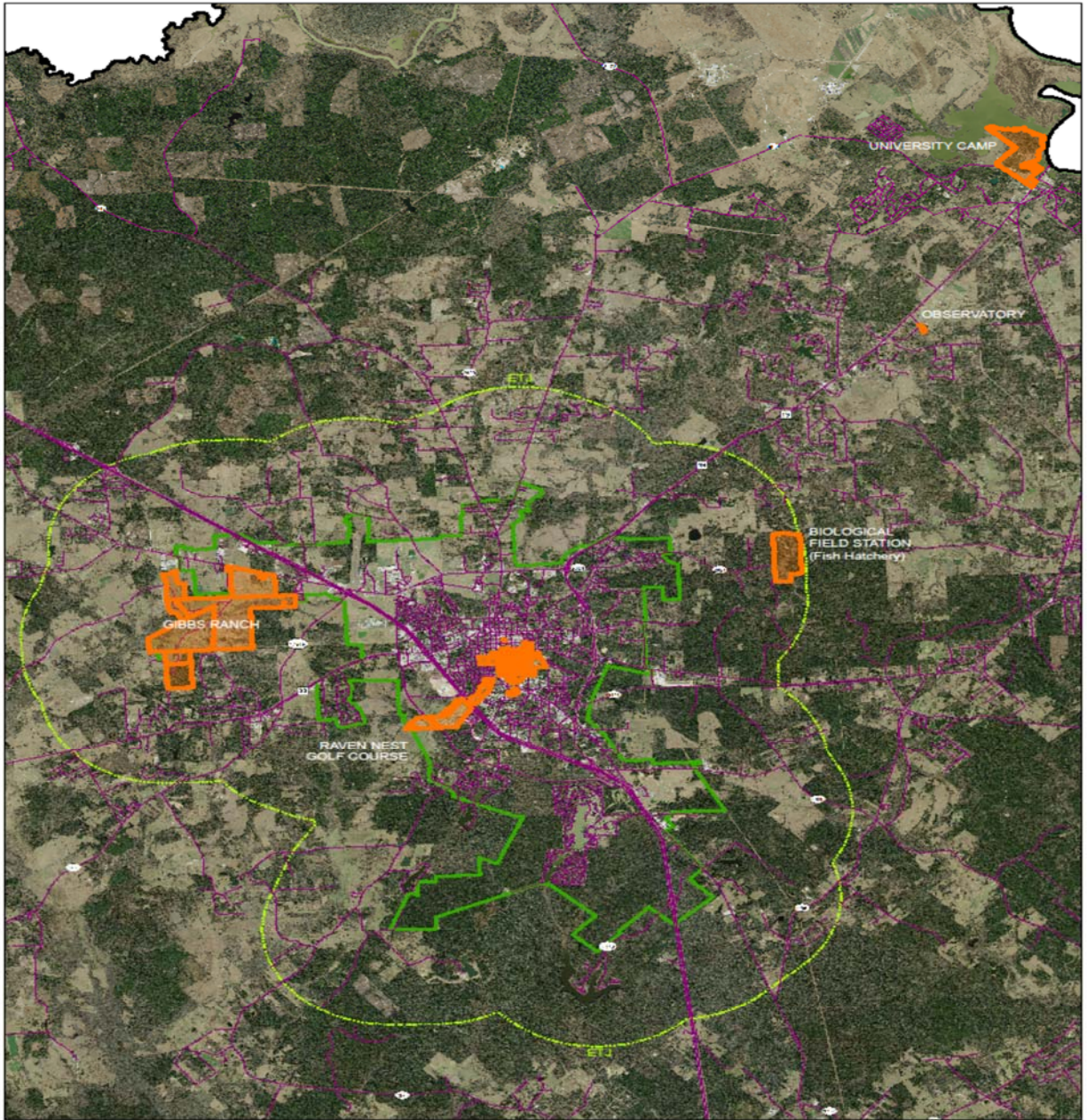


Sam Houston Village Courtside

Maps The graphics on these next pages are representative of the campus of Sam Houston State University which is located in Huntsville, Texas and The Woodlands Campus located in Montgomery County. All structures that are maintained by SHSU are recorded with the Physical Plant. The Physical Plant Department maintains all addresses for each building that is owned by the University. The Physical Plant is directed by Douglas Greening, Associate Vice President in the Finance and Operation Division.

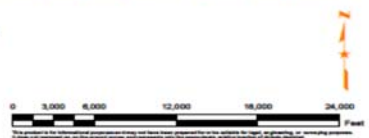


The following map will best represent Sam Houston State University property ownership within Walker County, centered on the city of Huntsville, Texas.



Legend
Walker County
ETJ
City Limits
Property_SHSU
Property_Line_SHSU
Date: 5/9/2013

SHSU PROPERTY COUNTY-WIDE



20 U.S.C. 10922 (f)(A)(i)-(iii) contains definitions of the terms “campus” “non-campus building or property” and “public property.” “Campus” is defined as (1) any building or property owned or controlled by an institution within the same reasonably contiguous geographic area and used by the institution in direct support of, or in a manner related to, the institution's educational purposes, including residence halls; and (2) any building or property that is within or reasonably contiguous to the area identified in clause (1) that is owned or controlled by another person, is frequently used by students, and supports institutional purposes (such as a food or other retail vendor). “Non-campus building or property” is defined as (1) any building or property owned or controlled by a student organization that is officially recognized by the institution; or (2) any building or property owned or controlled by an institution that is used in direct support of, or in relation to, the institution's educational purposes, is frequently used by students, and is not within the same reasonably contiguous geographic area of the institution. “Public property” is defined as all public property, including thoroughfares, streets, sidewalks, and parking facilities, that is within the campus, or immediately adjacent to and accessible from the campus. The information provided in the maps of pages five and six as well as the statistical information provided in the crime statistics best illustrate this policy.

SHSU is currently in the process of making a Clery map for ease of use for both students, staff, and faculty to determine proper statistical reporting, especially for responsible reporting parties, due in 2015.

Crime Statistics

The Sam Houston State University Police Department collects and maintains crime statistics. Crime Statistics are recorded based on the crimes that are reported to the University Police Department from different sources. The incidents that happen on public property are those incidents that the University Police Department responded to and reflect actions generated by our officers.

For the reporting year 2013, for Public Property, these also include those crimes reported by the Huntsville Police Department (936 291-5480) obtained through an MOU. The Huntsville Police Department supplies crime data from property owned by recognized student organizations within Huntsville Police Department’s jurisdiction. The current data does not include any statistics from the Walker County Sheriff’s Office, the Texas Department of Public Safety, or any Walker County Constable’s Office (Precinct One, Precinct Two, Precinct 3 & Precinct 4), with MOU’s submitted but no agreement reached for statistical submission, or agencies had trouble with fulfilling exact statistical requests. The following pages are the reported crimes on campus for 2013. The 2011 and 2012 Annual Security Reports statistics follow the 2013 report.

In ensuring statistical credibility and assistance when needed [**20 U.S.C. 10922(f)(1)(c)(ii)**], Sam Houston State University Police Department has signed a Mutual Aid Law Enforcement

Agreement in 2012 with the following agencies: Lone Star College Police Department, Oak Ridge North Police Department, Montgomery County Sheriff's Department, Shenandoah Police Department, Panorama Police Department, Magnolia Police Department, Roman Forest Police Department, Woodbranch Police Department, Patton Village Police Department and Conroe Police Department. These agreements are until the year 2017. Copies of the MOU's are available to view through the Sam Houston State University Police Department office. Additional MOU's or rewritten MOU's with all agencies possibly involved with SHSU students are pending the rulemaking decisions November 1st, 2014, involving the Violence Against Women Act.

The following are the three years of statistics required under

Three Years of Statistics Main Campus

(Does not Include Current Academic Year Statistics)

Part A Crimes						Hate Crime Category (If Applicable)					
Offense Type	Year	On-Campus	Residential Halls	Non-Campus Buildings	Public Property	Race	Gender	Religion	Sexual Orientation	Ethnicity/National Origin	Disability
Negligent Manslaughter	2013	0	0	0	0	0	0	0	0	0	0
	2012	0	0	0	0	0	0	0	0	0	0
	2011	0	0	0	0	0	0	0	0	0	0
Non- Negligent Manslaughter	2013	0	0	0	0	0	0	0	0	0	0
	2012	0	0	0	0	0	0	0	0	0	0
	2011	0	0	0	0	0	0	0	0	0	0
Sex Offenses											
Sexual Assault- Forcible	2013	4	4	0	0	0	0	0	0	0	0
	2012	4	4	0	0	0	0	0	0	0	0
	2011	2	1	0	0	0	0	0	0	0	0
Sexual Assault- Non-Forcible	2013	0	0	0	0	0	0	0	0	0	0
	2012	0	0	0	0	0	0	0	0	0	0
	2011	0	0	0	0	0	0	0	0	0	0
Robbery	2013	0	0	0	1	0	0	0	0	0	0
	2012	0	0	0	0	0	0	0	0	0	0
	2011	0	0	0	0	0	0	0	0	0	0
Aggravated Assault	2013	4	1	0	0	0	0	0	0	0	0
	2012	1	1	0	4	0	0	0	0	0	0
	2011	1	0	0	0	0	0	0	0	0	0
Burglary	2013	3	2	0	0	0	0	0	0	0	0
	2012	3	1	0	0	0	0	0	0	0	0

	2011	4	4	0	0	0	0	0	0	0	0
Motor Vehicle Theft	2013	2	1	0	0	0	0	0	0	0	0
	2012	0	0	0	0	0	0	0	0	0	0
	2011	0	0	0	0	0	0	0	0	0	0
Arson	2013	0	0	0	0	0	0	0	0	0	0
	2012	0	0	0	0	0	0	0	0	0	0
	2011	0	0	0	0	0	0	0	0	0	0

Part B Crimes						Hate Crime Category (If Applicable)					
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Offense Type	Year	On-Campus	Residential Halls	Non-Campus Buildings	Public Property	Race	Gender	Religion	Sexual Orientation	Ethnicity/National Origin	Disability
Larceny-Theft	2013	70	9	2	1	0	0	0	0	0	0
	2012	84	6	0	0	0	0	0	0	0	0
	2011	69	9	0	21	0	0	0	0	0	0
Simple Assault	2013	26	15	0	0	0	0	0	0	0	0
	2012	21	9	0	1	0	0	0	2	0	0
	2011	8	5	0	0	0	0	0	0	0	0
Intimidation	2013	1	0	0	0	0	0	0	0	0	0
	2012	1	1	0	0	0	0	0	0	0	0
	2011	1	1	0	0	0	0	0	0	0	0
Destruction/Damage/Vandalism	2013	60	9	1	0	0	0	0	0	0	0
	2012	36	3	0	0	0	0	0	0	0	0
	2011	31	8	0	1	0	0	0	0	0	0

Part C Crimes (VAWA)						Hate Crime Category (If Applicable)					
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Offense Type	Year	On-Campus	Residential Halls	Non-Campus Buildings	Public Property	Race	Gender	Religion	Sexual Orientation	Ethnicity/National Origin	Disability
Dating Violence	2013	12	8	0	0	0	0	0	0	0	0
	2012	X	X	X	X	0	0	0	0	0	0
	2011	X	X	X	X	0	0	0	0	0	0
Domestic Violence	2013	6	4	0	0	0	0	0	0	0	0
	2012	X	X	X	X	0	0	0	0	0	0
	2011	X	X	X	X	0	0	0	0	0	0
Stalking	2013	4	2	0	0	0	0	0	0	0	0
	2012	X	X	X	X	0	0	0	0	0	0
	2011	X	X	X	X	0	0	0	0	0	0

Type of Arrest	Year	On-Campus		Residential Halls		Non-Campus Buildings		Public Property	
		Number of Arrests	Judicial Referrals	Number of Arrests	Judicial Referrals	Number of Arrests	Judicial Referrals	Number of Arrests	Judicial Referrals
Liquor Law Violations	2013	9	1	6	1	0	0	4	0
	2012	15	0	12	0	0	0	21	0
	2011	14	0	13	0	0	0	13	0
Drug Abuse Violations	2013	15	4	9	3	0	0	16	1
	2012	28	4	21	0	0	0	26	0
	2011	21	1	16	1	0	0	22	1
Weapon Violations	2013	2	0	1	0	0	0	0	0
	2012	0	0	0	0	0	0	0	0
	2011	0	0	0	0	0	0	1	0

Type of Arrest	Year	Number of Arrests
Liquor Law Violations	2013	13
	2012	36
	2011	27
Drug Abuse Violations	2013	31
	2012	54
	2011	43
Weapons Violations	2013	2
	2012	0
	2011	1



The Woodlands Center

Academic Year Statistics Northwest Houston Lone Star College Campus
(Does not Include Current Academic Year Statistics)



Part A Crimes		Hate Crime Category (If Applicable)									
Offense Type	Year	On-Campus	Residential Halls	Non-Campus Buildings	Public Property	Race	Gender	Religion	Sexual Orient.	Ethnicity/ National Origin	Disability
Negligent Manslaughter	2013	0	0	0	0	0	0	0	0	0	0
	2012	0	0	0	0	0	0	0	0	0	0
	2011	0	0	0	0	0	0	0	0	0	0
Non- Negligent Manslaughter	2013	0	0	0	0	0	0	0	0	0	0
	2012	0	0	0	0	0	0	0	0	0	0
	2011	0	0	0	0	0	0	0	0	0	0
Sexual Assault-Forcible	2013	0	0	0	0	0	0	0	0	0	0
	2012	0	0	0	0	0	0	0	0	0	0
	2011	0	0	0	0	0	0	0	0	0	0
Sexual Assault-Non-Forcible	2013	0	0	0	0	0	0	0	0	0	0
	2012	0	0	0	0	0	0	0	0	0	0
	2011	0	0	0	0	0	0	0	0	0	0
Robbery	2013	0	0	0	0	0	0	0	0	0	0
	2012	0	0	0	0	0	0	0	0	0	0
	2011	0	0	0	0	0	0	0	0	0	0
Aggravated Assault	2013	0	0	0	0	0	0	0	0	0	0
	2012	0	0	0	0	0	0	0	0	0	0
	2011	0	0	0	0	0	0	0	0	0	0
Burglary	2013	0	0	0	0	0	0	0	0	0	0
	2012	0	0	0	0	0	0	0	0	0	0
	2011	0	0	0	0	0	0	0	0	0	0
	2013	0	0	0	0	0	0	0	0	0	0

Motor Vehicle Theft	2012	0	0	0	0	0	0	0	0	0	0
	2011	0	0	0	0	0	0	0	0	0	0
Arson	2013	0	0	0	0	0	0	0	0	0	0
	2012	0	0	0	0	0	0	0	0	0	0
	2011	0	0	0	0	0	0	0	0	0	0

Academic Year Statistics Northwest Houston Lone Star College Campus
(Does not Include Current Academic Year Statistics)

Part B Crimes						Hate Crime Category (If Applicable)					
Offense Type	Year	On-Campus	Residential Halls	Non-Campus Buildings	Public Property	Race	Gender	Religion	Sexual Orient.	Ethnicity/ National Origin	Disability
Larceny-Theft	2013	0	0	0	0	0	0	0	0	0	0
	2012	0	0	0	0	0	0	0	0	0	0
	2011	0	0	0	0	0	0	0	0	0	0
Simple Assault	2013	0	0	0	0	0	0	0	0	0	0
	2012	0	0	0	0	0	0	0	0	0	0
	2011	0	0	0	0	0	0	0	0	0	0
Intimidation	2013	0	0	0	0	0	0	0	0	0	0
	2012	0	0	0	0	0	0	0	0	0	0
	2011	0	0	0	0	0	0	0	0	0	0
Destruction/ Damage/ Vandalism	2013	0	0	0	0	0	0	0	0	0	0
	2012	0	0	0	0	0	0	0	0	0	0
	2011	0	0	0	0	0	0	0	0	0	0

Part C Crimes (VAWA)						Hate Crime Category (If Applicable)					
Offense Type	Year	On-Campus	Residential Halls	Non-Campus Buildings	Public Property	Race	Gender	Religion	Sexual Orient.	Ethnicity/National Origin	Disability
Dating Violence	2013	0	0	0	0	0	0	0	0	0	0

	2012	0	0	0	0	0	0	0	0	0	0
	2011	0	0	0	0	0	0	0	0	0	0
Domestic Violence	2013	0	0	0	0	0	0	0	0	0	0
	2012	0	0	0	0	0	0	0	0	0	0
	2011	0	0	0	0	0	0	0	0	0	0
Stalking	2013	0	0	0	0	0	0	0	0	0	0
	2012	0	0	0	0	0	0	0	0	0	0
	2011	0	0	0	0	0	0	0	0	0	0

Type of Arrest		Year	Number of Arrests
Liquor Law Violations		2013	0
		2012	0
		2011	0
Drug Abuse Violations		2013	0
		2012	0
		2011	0
Weapons Violations		2013	0
		2012	0
		2011	0

20 U.S.C. 1092(f)(1)(A)(IX) are arrests for persons referred for campus disciplinary action for liquor law violations, drug related violations, and weapons violations and are listed above.

Huntsville Police Department Crime Statistics

Crimes reported to the City of Huntsville Police Department as categorized by Clery. However, the geography of the reported crimes could not be determined and this is a list for crimes reported to Huntsville Police Department city wide.

2013 Reported Crimes	
Murder/Non-Negligent Manslaughter	0
Negligent Homicide	0
Sex Offenses-Forcible Rape	33
Sex Offenses-No Rape	12
Robbery	21
Burglary	238
Aggravated Assault	365
Motor Vehicle Theft	40
Arson	1
Other Requested	
Stalking	4
Domestic Violence	177
Dating Violence	No filter for this to define a number.
Liquor Law Violations	149
Drug Abuse Violations	181
Weapon Violations	15

Definitions of Clery Crimes 20 U.S.C. 1092(f)(1)(F) (i)-(VIII) &(ii)

Murder/Non-Negligent Manslaughter: the willful (non-negligent) killing of one human being by another. Note:

Negligent Manslaughter: the killing of another person through gross negligence.

Sex Offenses: Forcible: 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

Forcible Rape: Carnal knowledge of a person forcibly and/or against the person's will; or not forcibly or against that person's will where the victim is incapable of giving consent because of his or her temporary or permanent mental or physical incapacity (or because of his or her youth).

Forcible Sodomy: Oral or anal sexual intercourse with another person, forcibly or against that 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.

Sexual Assault with an Object: 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 that person's will where the victim is incapable or giving consent because of his/her youth or because of his/her temporary or permanent mental or physical incapacity.

Sex Offenses-Non-Forcible: Unlawful, non –forcible sexual intercourse.

Incest: Non-forcible sexual intercourse between persons who are related to each other within the degrees wherein marriage is prohibited by law.

Statutory Rape: Non-forcible sexual intercourse with a person who is under the age of consent.

Robbery: The taking or attempting to take anything from value of the care, custody or control of a person or persons by force or threat of force or violence and/or by putting the victim in fear.

Robbery with Firearm: Use of any firearm as a weapon or employed as a means of force to threaten the victim or put the victim in fear.

Robbery with a Knife or Cutting Instrument: Use of a knife, broken bottle, razor, ice pick or other cutting instrument as weapon or as a means of force to threaten the victim or put the victim in fear.

Robbery with Other Dangerous Weapon: Use of a club, acid, explosive, brass knuckles, mace, pepper spray or other dangerous weapon used or use is threatened.

Robbery Strong Arm: Includes muggings and similar offenses where personal weapons such as hands, arms, feet, fists, and teeth are used or use is threatened to deprive victim of possessions.

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 great bodily harm.

Aggravated Assault with Firearm: Firearm of any type is used or is threatened to be used. Includes revolvers, semi-automatic pistols, shotguns, zip guns, rifles, etc.

Aggravated Assault with a Knife or Cutting Instrument: Assaults wherein weapons such as knives, hatchets, axes, cleavers, scissors, glass, broken bottles and ice picks are used as cutting or stabbing objects or when threatened to be used.

Aggravated Assault with Other Dangerous Weapon: Use or threatened use of any object as a weapon in which serious injury does or could result. Weapons include mace, pepper spray, clubs, bricks, jack handles, tire irons, bottles or other blunt objects to club or beat victims. Includes explosives, acid, lye, poisoning, scalding, and burnings.

Aggravated Assault with Hands, Fists, Feet and Teeth: Attacks using personal weapons, (hands, fists, feet, etc.) that result in serious or aggravated injury.

Burglary: The unlawful entry of a structure to commit a felony or a theft.

Burglary Forcible Entry: All offenses where force of any kind is used to unlawfully enter a structure for the purpose of committing a theft or felony. Entry through the use of tools; breaking or forcing windows, doors, transom or ventilators, cutting screens, walls or roofs, and if known use of master keys, picks, unauthorized keys, celluloid, a mechanical contrivance such as a pass or skeleton key or any device that leaves no outward mark but forces a lock. Include concealment inside a building followed by exiting the structure.

Burglary Unlawful Entry-No Force: Entry by use of an unlocked door or window. Include thefts from open garages, open warehouses, open or unlocked dwellings, and open or unlocked common basement areas where entry is someone other than the lawful tenant.

Burglary Attempted Forcible Entry: Forcible entry is attempted but not completed.

Motor Vehicle Theft: The theft or attempted theft of a motor vehicle. There are three classes of motor vehicles: (1) autos, (2) trucks and buses, (3) and other vehicles.

Autos: Sedans, station wagons, coupes, convertibles, sport utility vehicles, minivans and other similar motor vehicles that serve the primary purpose of transporting people from one place to another. Autos used as taxis and station wagons licensed as trucks must be classified as autos.



Be Prepared.
Register your property
before loss, theft or disaster.
Now Available through MySam.

The HEA defines the following new categories in accordance with section 40002 (a) Violence Against Women Act of 1994 as follows:

Dating Violence

Violence committed by a person who is or has been in a social relationship of a romantic or intimate nature with the victim.

-who is or has been in a social relationship of a romantic or intimate nature with victim; and where the existence of such a relationship shall be determined based on a consideration of the following factors:

the length of the relationship,

the type of relationship, and,

the frequency of interaction between the persons involved in the relationship

Domestic Violence

A felony or misdemeanor crime of violence committed

(1) by a current or former spouse or intimate partner of the victim.

(2) by a person with whom the victim shares a child in common.

(3) by a person who is cohabitating with or has cohabitated with the victim as a spouse or intimate partner.

(4) by a person similarly situated to a spouse of the victim under the domestic or family violence laws of the jurisdiction in which the crime of violence occurred.

(5) By any other person against an adult or youth victim who is protected from that person's acts under the domestic or family violence laws of the jurisdiction in which the crime of violence occurred.

Stalking

Engaging in a course of conduct directed at a specific person that would cause a reasonable person to:

(1) fear for the person's safety or the safety of others; or

(2) suffer substantial emotional distress.

Larceny

The unlawful taking, carrying, leading, or riding away of property from the possession or constructive possession of another.

Vandalism

To willfully or maliciously destroy, injure, disfigure, or deface any public or private property, real or personal, without the consent of the owner or person having custody or control by cutting, tearing, breaking, marking, painting, drawing, covering with filth, or any other such means as may be specified by local law.

Intimidation

To unlawfully place another person in reasonable fear of bodily harm through the use of threatening words and/or other conduct, but without displaying a weapon or subjecting the victim to actual physical attack.

Simple Assault

An unlawful physical attack by one person upon another where neither the offender displays a weapon, nor the victim suffers obvious severe or aggravated bodily injury involving apparent broken bones, loss of teeth, possible internal injury, severe laceration or loss of consciousness.

The **Hate Crime Statistics Act, 28 U.S.C. § 534** (HCSA), passed in 1990 and modified in 2009 by the Matthew Shepard and James Byrd, Jr. Hate Crimes Prevention Act, requires the Attorney General to collect data on crimes committed because of the victim's race, religion, disability, sexual orientation, or ethnicity. This Act is followed by procedure, no policy has been established as of yet by SHSU.

Under this act,

Bias/Prejudice

For the selected crimes of larceny-theft, simple assault, intimidation and vandalism, and of other crimes involving bodily injury to any person that appears to be the result of actual or perceived bias or prejudice for race, gender, religion, national origin, sexual orientation, gender identity, ethnicity, or disability of the victim, they shall be recorded by Campus



The Sam Houston State University ROTC Color Guard

The following Sexual Misconduct Policy was the result of collaboration between member components of the Texas State University System which includes Sam Houston State University. This is a primary location for many of the Clery related required policies cited throughout the Annual Security Report. It is recommended that anyone who desires to either download or receive a copy of this report read all of the information concerning Title IX.

TEXAS STATE UNIVERSITY SYSTEM SEXUAL MISCONDUCT POLICY AND PROCEDURES

1. Introduction

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

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

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

- 1.4 Applicability of this Policy. This Policy applies to all students, faculty, staff, and third parties within the System's or its Components' control. This Policy prohibits sexual misconduct committed by or against a student, faculty, staff, or third parties. This Policy applies to sexual misconduct:
- 1.41 on Component premises;
 - 1.42 at Component-affiliated educational, athletic, or extracurricular programs or activities;
 - 1.43 that has an adverse impact on the education or employment of a member of the Component community; or
 - 1.44 that otherwise threatens the health and/or safety of a member of the Component community.
- 1.5 Extent of Authority. While the Texas State University System is committed to investigating all complaints of sexual misconduct and there is no geographical limitation to invoking this Policy, sexual misconduct that is alleged to have occurred at a significant distance from the Component and/or outside the Component property may be difficult for the Component to investigate. Additionally, the Component's disciplinary authority may not extend to third parties who are not students or employees of the Component.
- 1.6 Effect of Criminal Prosecution. Proceedings under this Policy will not be dismissed or delayed because criminal investigation or prosecution is pending or charges have been reduced or dismissed. Proceedings may also continue if a party is no longer employed with or currently enrolled as a student of the Component.
- 1.7 Supersedes Existing Policies. In the case of allegations of sexual misconduct, this Policy supersedes any conflicting procedures and policies set forth in other Component documents.

2. DEFINITIONS

- 2.1 Complainant refers to the person making a complaint of sexual misconduct, and shall be referred to herein as either Complainant, Survivor, or Victim, and these terms may be used interchangeably throughout this Policy.
- 2.2 Component refers to all member institutions of the Texas State University System, including but not limited to, Lamar University, Lamar Institute of Technology, Lamar State College - Orange, Lamar State College - Port Arthur, Sam Houston State University, Sul Ross State University, Sul Ross State University Rio Grande College and Texas State University.

- 2.3 Component Affiliated Program or Activity refers to any program or activity, on or off campus, that is initiated, aided, authorized or supervised by the Component or by an officially-recognized organization of, or within, the Component.
- 2.4 Component Premises. Buildings or grounds owned, leased, operated, controlled or supervised by the Component including property that is within or reasonably contiguous to the premises owned by the Component but controlled by another person, is frequently used by students, and supports institutional purposes (such as a food or other retail vendor.)
- 2.5 Consent is an informed and freely and affirmatively communicated willingness to participate in a particular sexual activity. Consent can be expressed either by words or by clear and unambiguous actions, as long as those words or actions create mutually understandable permission regarding the conditions of each instance of sexual activity. It is the responsibility of the person who wants to engage in the sexual activity to ensure that s/he has the consent of the other to engage in each instance of sexual activity. (The definition of consent for the crime of sexual assault in Texas can be found at Texas Penal Code Section 22.011)
<http://www.statutes.legis.state.tx.us/Docs/PE/htm/PE.22.htm#22.011>
- 2.51 The Component will consider the following factors in determining whether consent was provided:
- 2.511 consent is a voluntary agreement or assent to engage in sexual activity;
 - 2.512 someone who is incapacitated cannot consent;
 - 2.513 consent can be withdrawn at any time;
 - 2.514 past consent does not imply future consent;
 - 2.515 silence or an absence of resistance does not imply consent;



Sam Houston State University Marching Band

- 2.516 consent to engage in sexual activity with one person does not imply consent to engage in sexual activity with another;
- 2.517 coercion, force, or threat invalidates consent; and,
- 2.518 being intoxicated or under the influence of alcohol, drugs, or any other substance is never an excuse for engaging in sexual misconduct.

2.6 Dating Violence is violence committed by a person:

- 2.61 who is or has been in a social relationship of a romantic or intimate nature with the Victim; and
- 2.62 where the existence of such a relationship shall be determined by the Victim with consideration of the following factors:

- 2.621 the length of the relationship;
- 2.622 the type of relationship; and
- 2.623 the frequency of interaction between the persons involved in the relationship (Texas Family Code Section 71.0021.)

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

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

2.8 Family (Domestic) Violence includes felony or misdemeanor crimes of violence committed by a current or former spouse or intimate partner of the Victim, by a person with whom the Victim shares a child in common, by a person who is cohabitating with or has cohabitated with the Victim as a spouse or intimate partner or roommate, by a person similarly situated to a spouse of the Victim under the domestic or family violence laws of the State of Texas, or by any other person against an adult or youth Victim who is protected from that person's acts under the domestic or family violence laws of the State of Texas. (Texas Family Code Section 71.004.)

<http://www.statutes.legis.state.tx.us/Docs/FA/htm/FA.71.htm#71.004>

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

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

2.11 Parties refers to the Complainant and Respondent.

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

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

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

2.141 any employee with confidentiality obligations as described in Section 3 below;

2.142 cafeteria staff who are not assigned administrative duties;

2.143 custodial staff who are not assigned administrative duties;

2.144 groundskeeper staff who are not assigned administrative duties;

2.145 maintenance staff who are not assigned administrative duties;

2.146 ranch/agricultural staff who are not assigned administrative duties; or

2.147 staff of campus physical plant who are not assigned administrative duties.

2.15 Retaliation means any adverse action threatened or taken against a person because he or she has filed, supported, or provided information in connection with a

Complaint of Sexual Misconduct, including but not limited to direct and indirect intimidation, threats, and harassment.



The Sam Houston Museum

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

2.161 Examples of sexual assault include, but are not limited to, the following non-consensual sexual activity:

- 2.1611 sexual intercourse (vaginal or anal);
- 2.1612 oral sex;
- 2.1613 rape or attempted rape;
- 2.1614 penetration of an orifice (anal, vaginal, oral) with the penis, finger or other object;
- 2.1615 unwanted touching of a sexual nature;
- 2.1616 use of coercion, manipulation or force to make someone else engage in sexual touching, including touching of breasts, chest, buttocks and genitalia;
- 2.1617 engaging in sexual activity with a person who is unable to provide consent; or
- 2.1618 knowingly transmitting a sexually-transmitted disease to another.

2.17 Sexual Exploitation occurs when a person takes non-consensual or abusive sexual advantage of another for his or her own advantage or benefit, or to benefit or advantage anyone other than the one being exploited.

2.171 Examples can include, but are not limited to, the following behaviors:

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

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

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

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

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

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

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



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

2.1821 persistent unwelcome efforts to develop a romantic or sexual relationship;

2.1822 unwelcome commentary about an individual's body or sexual activities;

2.1823 unwanted sexual attention;

2.1824 repeatedly engaging in sexually-oriented conversations, comments or horseplay, including the use of language or the telling of jokes or anecdotes of a sexual nature in the workplace, office or classroom, even if such conduct is not objected to by those present; or

2.1825 gratuitous use of sexually-oriented materials not directly related to the subject matter of a class, course or meeting even if not objected to by those present

Dan Rather Communications Building

2.19 Sexual Intimidation includes but is not limited to:

2.191 threatening another with a non-consensual sex act;

2.192 stalking or cyber-stalking; or

2.193 engaging in indecent exposure as defined in Texas Penal Code 21.08

<http://www.statutes.legis.state.tx.us/docs/pe/htm/pe.21.htm#21.08>

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

2.21 Sexual Violence Sexual violence refers to physical sexual acts perpetrated against a person's will or where a person is incapable of giving consent. All such acts are forms of Sexual Misconduct.

2.22 Stalking means engaging in a course of conduct directed at a specific person that would cause a reasonable person to:

2.221 fear for his or her safety or the safety of others; or

2.222 suffer substantial emotional distress (Texas Penal Code Section 42.072)

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

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

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

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

2.26 Title IX Coordinator is the person who has been designated by each Component to coordinate efforts to comply with and implement this Policy. The Title IX Coordinator is responsible for conducting the administrative investigation of reports of sexual misconduct and is available to discuss options, provide support, explain Component policies and procedures, and provide education on relevant issues. The Title IX Coordinator may designate one or more Deputy Title IX Coordinators. Each Component will identify and provide complete contact information for their Title IX Coordinator and all Deputy Coordinators in various

locations, including but not limited to the Component’s website; the student’s handbook; the Dean of Student’s Office; and Campus Police or Security.

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

3. Confidentiality

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

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



SHSU Performing Arts Center

3.3 Victim Identity Protected from Open Records. The Texas Public Information Act permits the identity of Victims of sexual assault to be withheld from those seeking records under the Act. (*Attorney General Open Records Decision 339.*) <https://www.texasattorneygeneral.gov/opinions/openrecords/46white/ord/1982/pdf/ORD19820339.pdf>

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

- 3.41 physical and mental health professionals, including licensed counselors who provide mental health counseling to members of the school community, and those who act under the supervision of a health care employee; and
- 3.42 individuals whose scope of employment include confidentiality requirements under Texas law.
- 3.43 Each Component will identify and provide complete contact information of such individuals in various locations, including but not limited to the Component's website; the student's handbook; the Dean of Student's Office; and Campus Police or Security.
- 3.44 These individuals will maintain confidentiality in accordance with the law and their professional rules of conduct. They will assist in a crisis situation and provide information about possible resources, some of which may include law enforcement, medical assistance, psychological counseling, victim advocacy assistance, legal assistance, Component disciplinary action, immigration services and criminal prosecution. They will not reveal the Victim's identity to anyone without the Victim's permission except under very limited exceptions (e.g., if an immediate threat to the Victim or others is present, or if the Victim is a minor). Victims need not reveal their names if calling these individuals for information.

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

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

3.52 If the Victim chooses to tell the responsible employee what happened but also states that she or he wants to maintain confidentiality or does not want the matter investigated, the employee should tell the Victim that the Component will consider the request but cannot guarantee that the Component will be able to honor it. In reporting the details of the incident to the Title IX Coordinator, the responsible employee will also inform the Title IX Coordinator of the Victim's request for confidentiality.

3.53 When weighing a Victim's request for confidentiality or that no investigation or discipline be pursued, the Component will consider a range of factors, including the following:

- 3.531 the increased risk that the Alleged Perpetrator will commit additional acts of sexual or other violence, such as:
- 3.532 whether there have been other sexual misconduct complaints about the same Alleged Perpetrator;
- 3.533 whether the Alleged Perpetrator has a history of arrests or records from a prior school indicating a history of violence;
- 3.534 whether the Alleged Perpetrator threatened further sexual misconduct or other violence against the Victim or others;
- 3.535 whether the alleged sexual misconduct was committed by multiple Perpetrators;
- 3.536 whether the alleged sexual misconduct was perpetrated with a weapon;
- 3.537 whether the Victim was a minor at the time of the alleged conduct;
- 3.538 whether the Component possesses other means to obtain relevant evidence of the alleged sexual misconduct (e.g., security cameras or personnel, physical evidence); or
- 3.539 whether the Victim's report reveals a pattern of conduct (e.g., via illicit use of drugs or alcohol) at a given location or by a particular group.

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



SHSU Dance

4. Reporting Policies and Protocols

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

- 4.11 Local Law Enforcement. An individual may report an incident of sexual misconduct directly with local law enforcement agencies by dialing 911. Individuals who make a criminal complaint may also choose to pursue a complaint through the Title IX Coordinator.
- 4.12 A criminal investigation into the matter does not preclude the Component from conducting its own investigation. The result of a criminal investigation does not determine whether sexual misconduct, for purposes of this Policy, has occurred.
- 4.13 Component Police or Security. An individual may also report an incident of sexual misconduct to the Component police or security. Reporting to such officials helps protect others from future victimization; apprehend the alleged assailant; and maintain future options regarding criminal prosecution, Component disciplinary action and/or civil action against the alleged wrongdoer. For Components that employ sworn peace officers, a Victim may request that his or her identity be kept confidential when reporting sexual misconduct to a sworn peace officer. Filing a police report does not obligate the Victim to continue with criminal proceedings or Component disciplinary action. Components shall provide the Victim contact information for their campus police or security personnel.
- 4.14 Title IX Coordinator. Any incident of sexual misconduct can be brought to the attention of the Title IX Coordinator (See Section 2.27 for the contact information for each Title IX Coordinator). Although the Component strongly encourages reporting sexual misconduct to the police, a Victim may request administrative action by the Component with or without filing a police report.
- 4.15 Dean of Student's Office. Any incident of sexual misconduct can be brought to the attention of the Dean of Student's Office. Although the Component strongly encourages reporting sexual misconduct to the police, a Victim may request administrative action by the Component with or without filing a police report. The Dean of Students Office will promptly inform the Title IX Coordinator of the complaint.
- 4.16 Campus Security Authority. A complaint of sexual misconduct can be brought to a Campus Security Authority (CSA) as defined in

each Component's Annual Security Report. The CSA will promptly inform the Title IX Coordinator of the complaint. Each Component will identify and provide complete contact information for their CSA in various locations, including but not limited to the Component's web page; the student's handbook; the annual security report; and the Dean of Student's Office.

- 4.17 Human Resources. A complaint of sexual misconduct may be brought to the Human Resources Department, which will promptly inform the Title IX Coordinator of the complaint.
- 4.18 Responsible Employee. An individual may report alleged sexual misconduct to a Responsible Employee, as that term is defined in 2.14 above. A faculty or staff member with any knowledge (including firsthand observation) about a known or suspected incident of sexual misconduct (other than those individuals identified in section 3.4 above) must report the incident to the Component police or security or the Component's Title IX Coordinator. No employee is authorized to investigate or resolve Complaints without the involvement of the Component's Title IX Coordinator.
- 4.19 Individuals may also file anonymous reports. Each Component shall provide the phone number and web address available for anonymous reports. Individuals who choose to file anonymous reports are advised that it may be very difficult for the Component to follow up and/or take action on anonymous reports, where corroborating information is limited. Anonymous reports may be used for Clery Act data collection purposes.

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

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

- 4.31 Interim accommodations may include changing academic, living, transportation or working situations; and, any interim disciplinary action

must comply with *System Rules and Regulations Chapter VI, section 5.(14)*.

- 4.32 Failure to adhere to the parameters of any interim accommodation may be considered a separate violation of this Policy and may result in disciplinary sanctions.
- 4.33 Component will honor any order of protection, no contact order, restraining order or similar lawful order issued by any criminal, civil or tribal court.

5. Retaliation

The Component takes reports of sexual misconduct very seriously and will not tolerate retaliation against those who make such reports or participate in the investigatory or adjudicatory process. Retaliation includes, but is not limited to, any adverse employment or educational action taken for making a report of sexual misconduct, or otherwise participating under this Policy. Any actual or threatened retaliation, or any act of intimidation to prevent or otherwise obstruct the reporting of sexual misconduct, or the participation in proceedings relating to sexual misconduct may be considered a separate violation of this Policy and may result in disciplinary sanctions. Any person who believes that she or he has been subjected to retaliation should immediately report this concern to their Title IX Coordinator as identified in 2.27 above.

6. Immunity



SHSU Lone Star Hall

reporting or participating in an investigation.

The Component considers the reporting and adjudication of sexual misconduct cases of paramount importance. The Component does not condone underage drinking, illegal use of drugs or other criminal behavior; however, the Component may extend limited immunity from punitive sanctions when appropriate for those reporting incidents and/ or assisting Victims of sexual misconduct, provided they are acting in good faith in

7. Prohibition on Providing False Information

Any individual who knowingly files a false Complaint under this Policy, or knowingly provides false information to Component officials, or who intentionally misleads Component officials who are involved in the investigation or resolution of a Complaint shall be subject to disciplinary action.

8. Risk Reduction Strategies

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

8.2 Training.

8.21 Primary Prevention Training. Every incoming student and new employee shall participate in prevention and education training regarding sexual misconduct. Primary prevention training programs shall be designed to promote awareness of sexual offenses and to incorporate risk reduction strategies to enable community members to take a role in preventing and interrupting incidents of sexual misconduct. The Component training will be based upon research and will be assessed periodically for effectiveness. Specifically, training will include:

8.211 awareness and prevention of rape, acquaintance rape, domestic violence, dating violence, sexual assault, and stalking;

8.212 definitions of sexual misconduct offenses which are prohibited by the Component as defined by Texas law;

8.213 definition of consent as defined by Texas law;

8.214 risk reduction, such as recognition of warning signs of possible sexual misconduct, situational awareness and safety planning;

8.215 bystander intervention to encourage identification of situations that might lead to sexual misconduct and promote safe intervention as a means to prevent the misconduct - bystander intervention includes recognizing situations of potential harm, understanding institutional structures and cultural conditions that facilitate violence, overcoming barriers to intervening, identifying safe and effective intervention options, and taking action to intervene;

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

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

8.218 campus and community resources available to Complainants or Respondents;

8.219 interim safety measures available for Complainants; and,

8.210 descriptions of additional and ongoing sexual misconduct training.

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

include dissemination of informational materials regarding the awareness and prevention of sexual misconduct.

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

9. Informal Resolution (Mediation)



SHSU Tree Lighting

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

9.12 both parties are both willing to engage in mediation and consent to do so in writing;

9.13 the Complainant and the Respondent are both students or are both employees of the Component;

the Title IX Coordinator agrees that informal resolution is an appropriate mechanism for resolving the Complaint; and

9.14 the Complaint involves only Sexual Harassment as described in this Policy and does not involve any other sexual offense.

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

9.3 Referral for Investigation. When mediation is not successful, or, if in the course of facilitating informal resolution the Title IX Coordinator learns of sexual offenses beyond sexual harassment, the informal resolution process will

immediately terminate. The matter will then be referred for investigation in accordance with the procedures outlined below.

10. Investigation Procedures and Protocols

10.1 Actions Upon Receiving Report. Upon Component's receipt of a report of sexual misconduct:

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

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

10.121 provide a copy of this Policy which explains the process and rights of all parties;

10.122 request additional information regarding the reported incident;

10.123 explain the investigatory process;

10.124 explain the options for reporting to law enforcement authorities, whether on campus or local police;

10.125 discuss confidentiality standards and concerns with the Complainant and advise that confidentiality may impact the Component's ability to investigate fully;

10.126 determine whether the Complainant wishes to pursue a resolution (formal or informal) through the Component or seeks no resolution;

10.127 refer the Complainant, as appropriate, to the Counseling Center or other resources which may include law enforcement, medical assistance, psychological counseling, victim advocacy resources, legal resources, Component disciplinary action, immigration services, and criminal prosecution; and

10.128 discuss with the Complainant, as appropriate, possible interim accommodations/measures as described herein.

10.13 Interim Accommodations/Measures. The Investigator will determine and implement interim measures as appropriate and necessary for the Complainant's safety and to limit potential retaliation. Such measures may include, but are not limited to:

10.131 campus no-contact orders;

10.132 reassignment of housing or work assignments;

10.133 temporary withdrawal or suspension from the Component, in accordance with *System Rules and Regulations Chapter VI, § 5.(14)*; [SHSU Clock Tower](#)

10.134 escort or transportation assistance;



[SHSU Clock Tower](#)

10.135 modification of class schedules; or

10.136 restrictions from specific activities or facilities.

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

10.2 Prompt, Fair, and Equitable Investigation.

10.21 Timing of Investigation and Resolution. The Component shall make every reasonable effort to ensure that the investigation and resolution of a Complaint occurs in as efficient a manner as possible, with an expectation that the process (exclusive of any appeal procedures) will generally be completed within sixty (60) calendar days of the Complaint, absent

extenuating circumstances. The Title IX Coordinator may modify this and any other deadlines contained in this Policy as necessary to accomplish the purposes stated and for good cause, including, but not limited to, the complexity of the investigation and semester breaks.

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

10.23 Equitable Treatment.

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

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

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

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

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

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

11. Standard of Review and Finding



11.1 Review. The Title IX Coordinator will review the Report of Investigation under the “preponderance of the evidence” standard as defined in Section 2.13 of this Policy.

11.2 Finding. The Title IX Coordinator will make a written finding as to whether

SHSU Art Gallery

11.21 no reasonable grounds exist that the Sexual Misconduct Policy was violated and the matter is closed, or

11.22 it is more likely than not that Respondent violated the Sexual Misconduct Policy, and which specific sections of the Policy were violated.

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

12. Sanctions

12.1. Possible Sanctions. Sanctions for a Finding of a Policy violation will depend upon the nature and gravity of the misconduct and/or any record of prior discipline for sexual misconduct. Sanctions may include:

12.11 withholding a promotion or pay increase;

12.12 reassigning employment;

12.13 terminating employment;

12.14 barring future employment;

12.15 temporary suspension without pay;

12.16 compensation adjustments;

12.17 expulsion or suspension from the Component and/or System;

12.18 no-contact orders,

12.19 probation (including disciplinary and academic probation);

12.20 expulsion from campus housing;

12.21 restricted access to activities or facilities;

12.22 mandated counseling (e.g. educational programs such as batterer’s intervention);

12.23 disqualification from student employment positions;

12.24 revocation of admission and/or degree;

- 12.25 withholding of official transcript or degree;
- 12.26 bar against readmission;
- 12.27 monetary restitution; or
- 12.28 withdrawing from a course with a grade of *W*, *F*, or *WF*.

12.2 Sanction Decision. The responsible Component Administrator will issue a decision regarding sanctions simultaneously to the Complainant and Respondent in writing within five (5) class days of receipt of the Finding. Administrators responsible for imposing sanctions are:

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

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

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

12.2131 The Component Representative for student due process hearings related to Sexual Misconduct shall be the Component's Title IX Coordinator or his or her designee;

12.2132 The role of the hearing adjudicator(s) is to review the investigation and the appropriateness of the sanction for significant procedural errors or omissions;

12.2133 Parties may question their own witnesses, but they shall not ask questions of each other or the other party's witnesses;

12.2134 Each party shall receive notice of the hearing and has a right to be present; however, neither party shall be compelled to attend any hearing; and

12.2135 When a finding of sexual misconduct is upheld, sanctions listed in section 12.1 of this policy shall be imposed.



SHSU International Student Program

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

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

12.2151 Tenured Faculty Due Process Hearing. Tenured faculty receiving a sanction that impacts the faculty member's continued employment, full-time salary (not including summer teaching) or demotion in rank may elect to dispute the Finding and the sanction through a due process hearing.

12.2152 Non-Tenured Faculty Due Process Hearing. A non-tenured faculty member receiving a sanction impacting the faculty member's continued employment, full-time salary (not including possible summer teaching) or demotion in rank termination sanction before the expiration of the stated period of his or her appointment may elect to dispute the Finding and sanction through a due process hearing.

12.2153 Procedures for Faculty Due Process Hearing. Hearing procedures are outlined in the *System Rules and Regulations, Chapter V, § 4.54* and the Component's Faculty Grievance Procedures or its equivalent with the following exceptions:

12.21531 The role of the hearing adjudicator(s) is to review the investigations and the appropriateness of the sanction for significant procedural errors or omissions; and

12.21532 Complainant shall receive notice of the hearing and has a right to be present. Complainant shall neither be compelled to attend any hearing, nor be questioned by the Respondent.

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

13. Appeal of Finding or Sanctions

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

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

13.21 previously unavailable relevant evidence;

13.22 substantive procedural error in the investigation or hearing; or

13.23 sanction is substantially disproportionate to the Finding;

13.24 the finding was not supported by the evidence.



Sam Houston State University Students and staff visiting China

13.3 Procedure for Appeal.

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

13.32 Students. Any appeal of the finding, sanction or determination of a due

process hearing will be governed by the procedures outlined in the Student Conduct and Discipline Procedures in the *System Rules and Regulations, Chapter VI, § 5.(10)* and the Component's Student Code of Conduct. However, the appeal officer (Component Appellate Authority) may only approve, reject, or modify the decision and the appeal officer's decision is final.

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

13.34 Non-Tenured Faculty. Appeal of the Finding or sanction against a non-tenured faculty member will be governed by the procedures outlined in the *System Rules and Regulations, Chapter V, § 2.15* and the Component's Staff/Employee Grievance Procedures or its equivalent. If the sanction includes non-reappointment or termination at the conclusion of a stated contract period, the procedure for appeal will be governed by the *System Rules and Regulations, Chapter V, § 4.4*.

13.35 Tenured Faculty and Non-Tenured Faculty Terminated During Annual Contract Period. Any appeal of the Finding or sanction against a tenured faculty member or a non-tenured faculty member during the term of his or her annual contract of employment will be governed by the procedures outlined in the *System Rules and Regulations, Chapter V, § 2.15* and the Component's Staff/Employee Grievance Procedures or its equivalent. Any appeal of a determination of a faculty due process hearing, or a sanction impacting the faculty member's continued employment, full-time salary (not including possible summer teaching) or demotion in rank, is governed by the *System Rules and Regulations, Chapter V, § 4.5*.

13.4 Sanctions Pending Appeal. All sanctions imposed will remain in place while any appeal is pending, unless, in the discretion of the Component Administrator imposing the sanction, good cause exists to stay the sanction until completion of the appeal.

14. Final Decision

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

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

14.3. Notification of Outcomes.

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

14.311 the Finding;

14.312 the sanction;

14.313 the outcome of a due process hearing, if any; and

14.314 the outcome of due process appeal, if any.

14.32 Any notice of outcome must include:

14.321 whether the alleged conduct occurred;

14.322 any sanctions imposed on the respondent that directly relate to the complainant,

14.323 and other steps the school has taken to eliminate the hostile environment, if the school finds one to exist, and prevent recurrence.

14.324 the Respondent should not be notified of the individual remedies offered or provided to the complainant.



Sammy at Bearkat Camp

Victim Confidentiality

Texas State University System and Sam Houston State University's policy for victim confidentiality is found in the **Texas State University System'** and **Sam Houston State University's Title IX policy and** located in **Sections 3.3. Victim Identity Protected from Open Records**

<https://www.texasattorneygeneral.gov/opinions/openrecords/46white/ord/1982/pdf/ORD19820339.pdf>

and **3.4 Employees Required to Maintain Confidentiality**

Preservation of Evidence

Policy on procedures students should follow if a sex offense occurs including who should be contacted, the importance of preserving evidence as may be necessary to the proof of a criminal sexual assault, and to whom the alleged offense should be reported can be found in **TSUS and SHSU Sexual Misconduct policies 4.1-4.19.**

Texas State University System's' and Sam Houston State University's Sexual Misconduct Policy 4.2 illustrates the importance of preservation of evidence that was listed previously.

All incoming students and staff members receive training through the programs of the Sam Houston State University under Talent Management.

The Talent Management Program listing **Title IX, Campus SaVE, and VAWA: Preventing and Reporting Gender-Based Misconduct** is currently on-line and required for all employees as well as incoming freshmen and new employees. This program sets the pace for the ongoing programs throughout the year.

The Sam Houston State University Police Department, administers Sexual Assault Programs, Bystander Intervention, Dating Violence Programs, Domestic Violence Programs, Stalking Programs, as well as many other areas that are researched and developed by Sam Houston State University Police Officers. Program names are included in this Annual Security Report.

"Ignite the Night" is a collaborative effort involving SHSU departments in Health, Victimology, Counseling, SHSU Police Department, Crime Victims Student Alliance, SAAFE House, Crime Victims Institute, Residence Life, Gamma Sigma Kappa, ADAI, Abuse Survivors Support Group and many others. Following the program speakers' presentation, a march to the Walker County Courthouse is conducted followed by County Judge Pierce reading of a proclamation at the Courthouse Gazebo.

Registered Sex Offenders

Persons who are registered sex offenders, including faculty, staff, and students, and are on campus are required to register with their respective law enforcement agency and notify the Sam Houston State University Police Department. Sex offender information can be found on the Texas DPS Sex Offender Registry at:

<https://records.txdps.state.tx.us/SexOffender/PublicSite/Index.aspx>

Options to notify proper law enforcement authorities' policy can be found in the **Texas State University System's and Sam Houston State University's Sexual Misconduct Policy** under sections **4.1-4.19**.

Procedures for Disciplinary Action policy can be found in the **Texas State University System's and Sam Houston State University's Sexual Misconduct Policy** under sections **10.1-10.134**

"Entitled to have the same opportunities to have others present" policy can be found in the **TSUS and Sam Houston State University Sexual Misconduct Policy** under sections

Sanctions for a Finding of a Policy Violation under Sexual Misconduct Policy will depend upon the nature and gravity of the misconduct and/or any record of prior discipline for sexual misconduct. This policy can be found in the **TSUS and Sam Houston State University Sexual Misconduct Policy** under sections **12.1 to 12.28**.

Victim and Accused shall be informed of the disciplinary outcome policy can be found in the **Texas State University System's and Sam Houston State University's Sexual Misconduct Policy** under section **14.31**.

Notification of Services-notification of students of options for change in academic and living situations after an alleged sexual assault incident can be found in the **Texas State University System's and Sam Houston State University's Sexual Misconduct Policy** under section **4.3-4.33**.

Emergency Call Boxes and Telephones

The university currently has sixteen emergency free standing call boxes located in strategic locations across campus. In addition, most residence halls have emergency telephone boxes outside the main entrance to the halls. The call boxes allow direct communication with the police department and provide a rapid means for reporting emergencies and crimes, in addition to requesting police assistance. University telephones, after punching "9" for an outside line, may be used to dial 911 (i.e., 9,911).

Ongoing Programs and Security Awareness, Crime Prevention

Throughout the academic year there will be group programs and individual counseling on crime prevention presented by the Sam Houston State University Police, the Huntsville Police Department, and the Walker County Sheriff's Department. These programs cover a variety of subjects

The Sam Houston State University Police Department's "Community Out-Reach Efforts" (C.O.R.E.) group provides several presentations to continually improve the safety on the Sam Houston State University campus. C.O.R.E. officers normally engage in an "open forum" style discussion with participants and will provide relative personal past experiences. Following each presentation participants will be given the opportunity for questions and answers as well physical participation in skill related training.

To request a presentation please complete the **Program /Presentation Request** located at our department's website at: This section is mandated by procedure, and has not yet been established by policy. <http://www.shsu.edu/dept/public-safety/upd/documents/printable-information/Program%20Request%20Form.pdf>

These presentations were all researched and developed through the Sam Houston State University Police Department. There were 143 programs presented in 2013 by the Sam Houston State University Police Department. Verification of volume of programs verified through dispatch call slips, available at the Sam Houston State University Police Department.

"Campus Safety" (1 hour)

Officers will discuss topics related to safety in the Sam Houston State University community. Topics will relate to alcohol/ drug abuse, domestic violence and sexual assault. Groups will receive information pertaining to Texas state laws, statistics, prevention, and awareness tips.

"Sexual Assault /Domestic Violence" (1 hour)

Officers discuss topics about prevention and intervention of sexual assault and domestic violence. Learn about how to recognize the signs of violence, what to do if you or a person you know is a victim, and how to intervene. Groups will receive information pertaining to Texas state laws, statistics, prevention, and awareness tips.



2013 3rd Annual “Ignite the Night” Program, a community collaborative effort

“Bystander Intervention” (1 hour)

Learn various intervention techniques for Sexual Assault, Domestic Violence, Dating Violence, Roommate Violence, Stalking, and Harassment. Learn how to recognize violence and what to do to intervene. Groups will receive information pertaining to Texas state laws, statistics, prevention, and awareness tips. This is an outstanding program encouraging the attendees to take care of yourself and your fellow Barkat.

“Residence Life- Drug Recognition” (1 hour)

Residence Hall staff receive information about how to detect and identify illegal drugs and drug paraphernalia.

“Driving While Intoxicated Simulation” (2 hours)

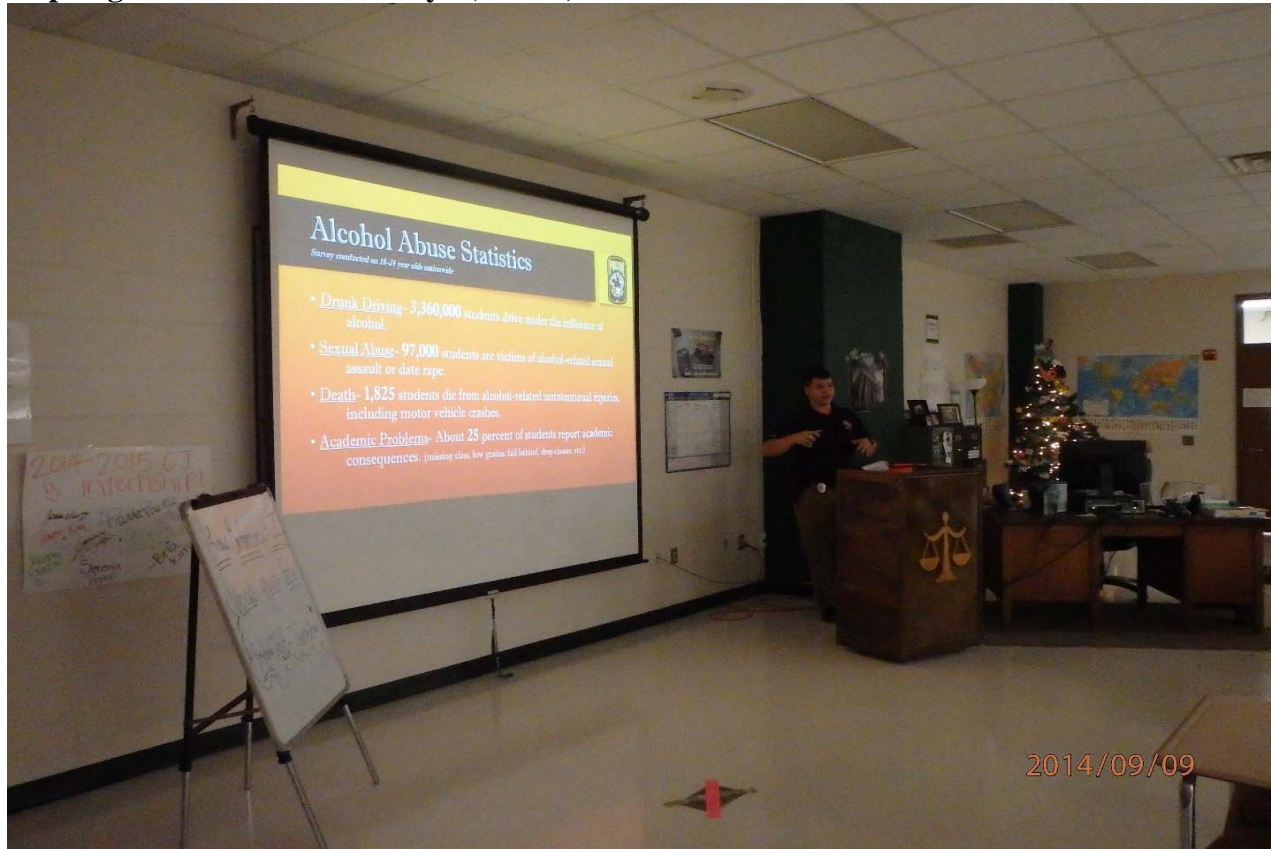
Experience some of the effects of Driving While Intoxicated first hand. Participants will have the opportunity to maneuver a peddle cart through a specified course while wearing Fatal Vision goggles. Participants will experience the effects of driving while intoxicated without suffering from the real life consequences. Also available, is a Driving While Intoxicated simulator or an impaired vision simulator. Equipment is provided by Texas A&M AgriLife Extension Service.

“BikeTexas- College Active Transportation Safety” (30 Minutes):

Presented by Parking/Transportation Assistant Director Matt McDaniel

Provides safety information and education in an effort to reduce motor vehicle accidents involving pedestrians and bicyclists. Provides information about rules and regulations regarding bicycle usage on campus.

“Spring Break/ Summer Safety” (1 hour)



Program presentation March 2013

Keep safe while traveling during spring break and summer. Learn about the keeping your property safe and making responsible decisions related to alcohol and drug use. Also learn how to protect your property as you travel. Groups will receive information pertaining to Texas state laws, statistics, prevention, and awareness tips.

“Workplace/ Classroom Violence” (1 hour)

Recognize the signs before violence may occur, and how to act when violence is occurring.

“Protect your Property” (1 hour)

Property theft is the number one reported crime at Sam Houston State University. Learn how you can keep your property safe and the importance of “Property Registration,” which is available through the University Police Department.

“College Safety for High Schools” (1 hour):

Presented by C.O.R.E. Officer Jeff Butterworth

Deemed by High Schools as an Exemplary Program through outstanding survey results, with a 92% recommendation average for all Juniors and Seniors in High School who have attended the training based on an 80% survey return rate.

Officers meet with high school Juniors and Seniors to inform them about keeping campus safety a priority as they choose their prospective university. The audience will hear firsthand experiences, be provided statistical information, learn applicable Texas state laws, and receive general safety tips and information about the major crime problems at most universities. Based on this high approval rating, we believe this information is useful for all high school students before they enter higher education at the college or university of their choice.

Additional posted information is available around campus, and is posted in most rooms, residence hall lobbies, and all on campus buildings. This includes:

Victim Assistance Information Pamphlet provided by the SHSU Police Department: This pamphlet provides resources for students, faculty, staff and guests to SHSU information on Law Enforcement Resources in both Walker County and Montgomery County (The Woodlands), Victim Assistance Resources in both the Huntsville and Woodlands Area are provided as well as Texas/National Resources. Contact and service information is provided for SAAFE House in Huntsville, Montgomery County Women’s Center, contact information on the Texas Crime Victim’s Compensation Act, Title IX information including Title IX Coordinator and investigators’ names and phone numbers, SHSU Student Rights and rights of the Victim and Respondent in addressing Complaints of Sexual Misconduct, Texas Crime Victim’s Bill of Rights, definitions, and frequently asked questions including on how to preserve evidence. This information is provided in all residence halls and buildings throughout campus and distributed to students by law enforcement in adjacent jurisdictions.



Campus Security Authorities and Law Enforcement authority

[§ (f)(1)(c) (i)] University Police officers have full law enforcement authority on property owned and controlled by the university, including streets contiguous to and running through the campus. University Police officers are licensed “Peace Officers” by the State of Texas. Sam Houston State University Police officers are authorized by

State statute to enforce federal and state laws within their jurisdiction, in addition to rules and

regulations issued by the Board of Regents of Sam Houston State University on property under the control and jurisdiction of Sam Houston State University.

Under **Section 51.203, Texas Education Code; Campus Peace Officers**, states in part, “The governing boards of each state institution of higher education and public technical institute may employ and commission peace officers for the purpose of carrying out the provisions of this subchapter. The primary jurisdiction of a peace officer commissioned under this section includes all counties in which property is owned, leased, rented, or otherwise under the control of the institution of higher education or technical institute that employs the peace officer or otherwise in the performance of their duties.”

Uniformed University Police officers patrol the campus area 24 hours each day in marked police units with a police radio and video systems. In addition, during the day, uniformed student parking control personnel are on patrol in the parking areas; each person is issued a two-way radio for contact within the university police system. In the evening and early morning hours there are uniformed student foot patrol personnel patrolling the main campus and provide escort service to anyone whom may be concerned with their safety (Escort service may be obtained at (936 294-1794).

The University Police Department enjoys a good working relationship with federal, state, local, city and county law enforcement authorities. The University Police Department’s working relationship with other area law enforcement agencies ensures that crimes and alcohol violations at these off-campus sites may be reported to the University Police and if further assistance is needed at on campus locations.

The Department of Public Safety Services reports to the Vice President for Finance and Operations, Dr. Carlos Hernandez. Within this office, direct oversight of this department’s security policies are reviewed and supervised for proper implementation. At this time the Annual Security Report is completed and maintained by the Director of the Department of Public Safety Services, Chief Kevin Morris. Policies and procedures are continuously reviewed. This is the most current publication.

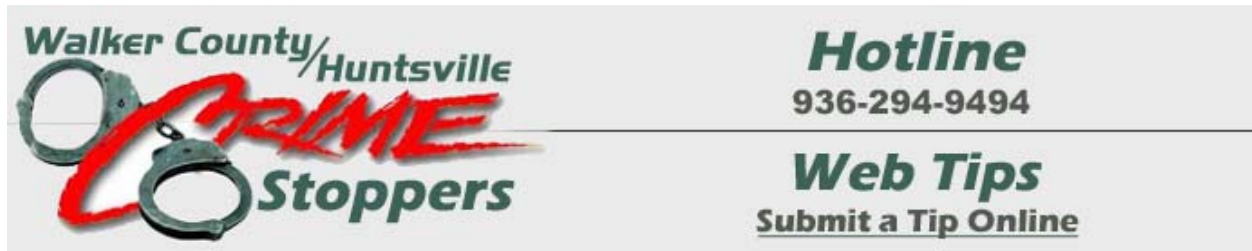
Sam Houston State University assigns housing safety personnel (Resident Advisors and Managers) who are designated as Campus Security Authorities to each housing facility to assist and manage the day-to-day operations of the residential complexes.

Crimes that occur on campus may also be reported anonymously to any campus security authority, as defined by the Jeanne Clery Disclosure of Campus Security Policy and Campus Crime Statistics Act, and they are designated and listed as follows:

There are 399 Campus Security Authorities listed, and all were notified via email to verify submission of all reports for 2013.

Any of the above Campus Security Authorities presented above have phone numbers listed through their departments or by office on the Sam Houston State University Website (<http://www.shsu.edu/>)

Anonymous reports regarding criminal activity are encouraged to be made through Crime Stoppers at 936-294-9494 or access online.



Also, anonymous reports can be made through the University Police Department's Forms Page under the title **Silent Witness** program at (<http://www.shsu.edu/dept/public-safety/upd/silent-witness.html>).

Exemption for Campus Security Authorities

According to law, the 1998 amendments to 20 U.S.C. Section 1092(f) have defined those who are considered not to be a campus security authority. Those who are acting in the capacity as a campus "Pastoral Counselor" or a campus "Professional Counselor" are not considered as a campus security authority and are not required to report crimes for inclusion into the annual disclosure of crime statistics.

Pastoral Counselor

An employee of an institution, who is associated with a religious order or denomination, recognized by that religious order or denomination as someone who provides confidential counseling and who is functioning within the scope of that recognition as a pastoral counselor.

Professional Counselor

An employee of an institution whose official responsibilities include providing psychological counseling to a member of the institution's community and who is functioning within the scope of his or her license or certification.

The Sam Houston State University Police Department Crime Log and Daily Police Activity Page

The University Police Department's **Crime Logs** (maintained by the University Police Department) shows all offenses generated by or reported to this department. These crimes listed are those that happen on and off the campus of SHSU. The crime log shows the offense, case number, date and time of offense, reported date and time of offense, location, and the disposition of the offense. The crime log can be found on the University Police Department's web site, and it is updated as reported cases are generated. The web site is open to the public, and the document is in a printable format. This section is mandated by procedure, and has not yet been established by policy.

All incidents will be entered for public inspection within two days or when disclosure of such information is prohibited by law or such disclosure would jeopardize the confidentiality of the victim. This section is mandated by procedure, and has not yet been established by policy.

If clear and convincing evidence that the release of such information would jeopardize would jeopardize either an ongoing investigation or endanger the safety of an individual, cause a suspect to flee or evade detection, or result in the destruction of evidence, such information may be withheld until that damage is no longer likely to occur from the release of such information. This section is mandated by procedure, and has not yet been established by policy.

In addition, the department maintains a **Daily Police Activity** page. This page provides a general press release regarding the incident reported to the University Police Department. The description provided will include the type of offense, the location and time of the incident, and a brief synopsis of the activity. Furthermore, when dealing with a Clery Crime, the SHSU Public Relations Office is contacted to disseminate to the general public at large. This section is mandated by procedure, and has not yet been established by policy.

These items can be found on the Sam Houston State University Police Department's webpage located at the following address: <http://www.shsu.edu/dept/public-safety/upd/dailypolice.html>

Emergency Notification and Timely Warnings

The purpose of emergency notifications or timely warnings is to provide information to students, faculty, and staff in order for them to be informed about potential threats so that the individual can make decisions about how to protect themselves. The notifications are defined below:

- **Emergency Notification** – Upon confirmation of a significant emergency or dangerous situation involving an immediate threat to the health or safety of students or employees on the campus. An “**immediate threat**” can be such incidents as an approaching forest fire, a fire raging in a building on campus, an outbreak of meningitis or other serious illness, approaching extreme weather (tornado, hurricane), earthquake, gas leak, terrorist incident, armed intruder, bomb threat, civil unrest or rioting, an explosion, and a nearby chemical or hazardous waste spill.

Examples of incidents that would not be considered an immediate threat would include a power outage, snow closure, or string of larcenies. This information was taken directly from the Campus Safety Handbook 2011.

- **Timely Warning** – A notification sent to students and employees when a Clery Crime occurs on our campus geography that has been reported to a campus security authority (CSA) and is considered by the institution to represent a serious or continuing threat to students and employees. Clery Crimes include Murder, Sexual Assault, Robbery, Aggravated Assault, Burglary, Motor Vehicle Theft, and Arson. However, SHSU will

provide warnings for other crimes to students and employees that represent a serious or continuing threat to the University community.

Emergency Response Procedures

SHSU, upon confirmation of an emergency or dangerous situation that imposes an immediate threat to the University community, will immediately make notification to students and employees. Confirmation means that an official with SHSU has verified that a legitimate emergency or dangerous situation exist (all details of the situation may not be known, but current information dictates an emergency response).

When an SHSU official becomes aware of an emergency or dangerous situation, the University Police Department or the Office of Risk Management will be contacted for verification. Upon confirmation of the emergency incident, multiple events will begin to take place. First, Information and Technology will be contacted prepare for emergency notification and the public relations department will be contacted for the appropriate message to be used.

If the situation concerns a health related emergency event (an outbreak of meningitis or other serious illness), an emergency notification consisting of emails, phone messages, text messages, the University's web page, the University's Facebook and Twitter accounts will be used to make notification to the University community. This system is official called "Katsafe".

If the situation concerns an extreme weather event and it is confirmed (hurricane, tornado), the Office of Risk Management will determine if a shelter in place/seek shelter or evacuation is necessary. Shelter in place refers to staying in a location that is considered fortified from the risk (in the case of extreme weather would be inside a building away from windows). If an evacuation from a building or portion of campus due to an emergency, law enforcement officials and University officials will direct the University campus to exit and when they would be able to return. Once again the "Katsafe" system would be used to disseminate information to the University community which could include a recorded message, mass email, text message, and notification via University Facebook account, notification via University Twitter account, siren system, and information posted on University main webpage.

If the situation concerns a high risk criminal event, and once verified as an immediate threat to the University, The University Police Department can issue the emergency notification to the University Community so that they have information to protect themselves. The University Police Department will follow protocols in contacting the Office of Risk Management and other University Officials so that additional information can be sent to the University Community. Again, the "Katsafe" emergency notification system will be used.

Since the university uses "Katsafe" for emergency notifications, it is recommended that every member of the campus community to sign up for the emergency notification system. This emergency notification system is made up of mass phone messages, mass text messages, mass email messages, postings to the University's Facebook page, postings to the University's Twitter page, postings to the University's main web page, a siren system, and a digital system that captures computer screens and some campus television sets displaying emergency information.

Access to the emergency notification system (KatSafe) sign up is located on the My Sam page under the Campus Resources Tab in the “Safety Services” channel. Only current students, faculty and staff are eligible to receive this emergency notification. If you are a current campus community member and are having difficulties registering for the emergency notification system, please contact the Information Technology Help Desk at 936-294-1950.

The University, without delay, and taking into account the safety of the community, will determine the content of the notification and initiate the KatSafe Emergency Notification System, unless the notification will, in the professional judgment of responsible authorities, compromise efforts to assist victims or to contain, respond to, or otherwise mitigate the emergency.

At this time there are multiple University officials who can initiate the KatSafe Emergency Notification System. At this time when there is a confirmed emergency that affects the University community, the University Police, after contacting the Critical Incident Management members, will notify the campus community and then the whole community through other media related outlets. It should be noted that the Office of Risk Management works closely with its counterparts associated with the Walker County Emergency Operation Center. In the event of an emergency that would require extensive assets, the office of Walker County Emergency Operations would be notified. Also, this office would be advised of emergencies that occur on the campus.

The Critical Incident Management team is comprised of the following individuals:

Oversight – President or Provost
Incident Commander – Situational Dependent
Residence Life – Heather Thielemann, Vice President
Student Welfare – Frank Parker, Vice President
Security & Intelligence – Kevin Morris, Chief of Police
Communications – Mark Adams
Public Information – Julia May
Safety – Mark Shiflet
Operations – Dick Eglsaer
Finance & Administration – Alvin Hooten, Vice President
Logistics – Doug Greening

The emergency notification system is tested bi-annually, once during the fall semester and once during the spring semester. All test messages to the campus community are unannounced. The IT Departments maintains statistics in relation to these test.

The University’s Emergency Response plan is located at the following link:

http://www.shsu.edu/safety/documents/erpfinalcopy_000.pdf

General Safety

Warning placards in residence halls and student occupied buildings



FIRE – In case of fire or when the fire alarm sounds:

1. Evacuate the building immediately
2. Do not use the elevators
3. Assist those with mobility problems
4. Contact University Police at 936-294-1000 (4-1000 on campus)
5. Report to supervisor at the designated site
6. Do not re-enter the building until instructed



SEVERE WEATHER:

1. Stay away from windows
2. Take immediate shelter
3. Monitor local radio and television stations and Today@Sam for University closings
4. Contact University Police at 936-294-1000 (4-1000 on campus)



MEDICAL EMERGENCIES:

1. Contact University Police at 936-294-1000 (4-1000 on campus)
2. Provide your name, location, number injured and description of injuries
3. Stay on the phone for instructions on what to do



DISRUPTIVE BEHAVIOR:

1. Contact University Police at 936-294-1000 (4-1000 on campus)
2. Give your name, location, what is happening and number of people involved (shooters/victims) if known
3. If possible, exit the building or area immediately
4. If exit is impossible, get to a room, lock or barricade the door, keep quiet, remain in place until all clear is given by law enforcement officials



BOMB THREATS/SUSPICIOUS ITEMS:

1. Pay close attention to the exact words the caller is using, document the call
2. Contact University Police at 936-294-1000 (4-1000 on campus)
3. Do not touch or handle suspicious items or packages
4. Keep others away from area
5. Notify your supervisor



HAZARDOUS SPILL SITUATIONS:

1. Contact University Police at 936-294-1000 (4-1000 on campus)
2. Provide information on type and size of spill (if known)
3. Evacuate the immediate area and building as directed
4. Get decontamination instructions from authorities
5. Do not re-enter area until all clear is given

Disseminating Information on Campus Crime

The University has taken measures to ensure that the university community is fully aware and or notified of campus crimes or emergency incidents. These measures include but are not limited to the following:

In Person

The University Police Department or other staff members may provide warnings by their presence, door to door notifications, or by patrol vehicle loud speaker systems in Sam Houston State University marked police vehicles.



6 SHSU Students Earning their C.E.R.T Training Certifications

Postings: The University, in conjunction with the Department of Residence Life, has sometimes used paper postings in housing units to alert students to ongoing safety issues that affect residents on campus. The postings notify campus residents of issues related to safety and where to obtain further information.

Media Relations

The Public Relations Office prepares news releases on crimes for distribution thru campus media, the Huntsville news media, and other media outlets as needed. Other outlets now being used by the University includes its main webpage (www.shsu.edu), **Facebook** and **Twitter** accounts that are owned or operated by the University.

Furthermore, the Sam Houston University Police Department prepares news releases and publishes them to the Public Safety Services web page at <http://www.shsu.edu/dept/public-safety/upd/index.html> as well as our own SHSU web page.

University Newspaper

The Houstonian (a SHSU campus newspaper) carries stories on serious criminal offenses, as well as articles on crime prevention.

Any number of systems, or all systems of notification, may be used to provide this information.

Sirens: In 2011, the University added a siren alert system to existing Orange Emergency Telephone poles located throughout central campus. The siren system is tested on the first Monday and Tuesday of each month. The IT Department maintains statistics on these tests. The siren system initiates a loud siren and then gives voice messages informing the campus community of the emergency incident.

Emergency Call Boxes and Telephones

The university currently has sixteen emergency free standing call boxes located in strategic locations across campus. In addition, most residence halls have emergency telephone boxes outside the main entrance to the halls. The call boxes allow direct communication with the police department and provide a rapid means for reporting emergencies and crimes, in addition to requesting police assistance. University telephones, after punching “9” for an outside line, may be used to dial 911 (i.e., 9,911).

Security and Access to Campus Facilities

[§ 204(B)] Section 51.209 of the Texas Educational Code states “The governing board of a state institution of higher education or its authorized representatives may refuse to allow persons having no legitimate business to enter on property under the board’s control, and may eject any unauthorized person from the property on his refusal to leave peaceably on request. Identification may be required of any person on the property.” It is advised that members of the university community should have their university issued identification card with them at all times. The Sam Houston State University Police have been vested with the above authority by the Board of Regents, Texas State University System.

Uniformed University Police officers patrol the campus area 24 hours each day in marked police units, and all vehicles and officers have a law enforcement radio assigned. In addition, during the day, uniformed student parking control personnel are on patrol in the parking areas; each person is issued a two-way radio for contact within the university police system. In the evening and early morning hours there are uniformed student foot patrol personnel patrolling the main campus that provide escort services

to anyone whom may be concerned with their safety. Residents must have use their access card, key or be admitted by the housing safety personnel on duty. Housing managers and residents assistants are on duty in the Housing Units. It should be noted that some of the housing facilities use a keyless entrance system. The BearkatOne Card (the student's ID) is used to gain access into the residential complex. Students who reside in these complexes should abide by Residence Life Policy regarding entry and exit.

The Physical Plant has an emergency after normal hours call out policy for maintenance and repair for



educational and non-residence buildings on campus. These calls are received and processed through the University Police Department dispatcher. In residence halls, the hall director will determine if the physical plant personnel should handle the emergency. The responding physical plant personnel shall sign in at the University Police Department. In most cases this should be before responding to the emergency call.

However, if this would cause an unnecessary delay resulting in further damages, injuries, losses, etc., the

Raven Call

craftsmen may log in at the University Police upon completion of the emergency work. Every craftsman who is called out will log his or her arrival and exit times with the University Police. A call-out sheet is provided to the University Police for the purpose of logging all information regarding an emergency call-out. Physical Plant personnel will at all times, while on duty wear their photo identification badge in a manner that it is plainly visible to others.

To report a safety hazard or concern, visit the following link: <http://www.shsu.edu/dept/facilities-management/>

Or, one may also visit the University Safety Office for additional information at the listed following link: <http://www.shsu.edu/safety/>

SHSU Code of Student Conduct

Sam Houston State University's Code of Student Conduct and Discipline 5.1, Acquaintance with Policies, Rules, and Regulations, states the following: Each student is expected to be fully acquainted with all published policies, rules, and regulations of the university, copies of which shall be available to each student for review in a specific place on each campus. The university will hold each student responsible for compliance with these policies, rules, and regulations. Students are also expected to

comply with all federal and state laws. THIS PRINCIPLE EXTENDS TO CONDUCT OFF CAMPUS WHICH IS LIKELY TO HAVE AN ADVERSE EFFECT ON THE UNIVERSITY OR ON THE EDUCATIONAL PROCESS.

Rights and Responsibilities on Campus

Students, faculty, staff, and visitors are expected to maintain standards of personal discipline that are in harmony with the educational goals of Sam Houston State University, to observe federal, state, and local laws, university rules and regulations, and to respect the rights, privileges, and property of others.

Students, staff, and faculty are encouraged to give accurate information to the University Police when reporting crimes, as The Texas Penal Code, Chapter 37., Section 37.08. False Report to Peace Officer, states:

(a) A person commits an offense if he: (1) reports to a peace officer an offense or incident within the officer's concern, knowing that the offense or incident did not occur; or (2) makes a report to a peace officer relating to an offense or incident within the officer's concern knowing that he has no information relating to the offense or incident. An offense under this section is a Class B misdemeanor.

Campus Awareness, Education, Counseling, & Rehabilitation Programs

AVAILABLE DRUG COUNSELING OR REHABILITATION SERVICES CAMPUS SERVICES

Students

The university Counseling Center is available to assist students in dealing with alcohol and substance abuse problems. Confidential treatment, education, and referrals are available to students at no cost. The Counseling Center may be reached by dialing (936) 294-1720.

HUMAN RESOURCES SAM HOUSTON STATE UNIVERSITY

REQUIRED NOTICE: DRUG-FREE CAMPUS AND WORKPLACE

Sam Houston State University (SHSU) is committed to ensuring the safety and health of its students and employees. This communication will serve as official notice of the Drug-Free Schools and Campuses regulations and the Drug and Alcohol Abuse Prevention regulations.

SHSU has implemented the [Drug Free Work Place Policy \(ER-8\)](#) that prohibits the unlawful manufacture, distribution, dispensation, possession, or use of illicit drugs or alcohol by students and employees on University property, at any school activities, or while employees are on official duty. All students and employees are required to obey the law and to comply with the Rules and Regulations of the Board of Regents, Texas State University System and SHSU institutional rules. The unlawful

manufacture, distribution, dispensation, possession, or use of drugs or alcohol by employees will result in disciplinary action up to and including separation of employment.

The SHSU Drug Awareness and Prevention program is a three part program to inform students and employees about:

1. Health risks involved in the use of illicit drugs and the abuse of alcohol which often result in poor health and premature death.
 2. Help available to all SHSU students and employees for drug and alcohol counseling, treatment, and rehabilitation.
- Students may contact the [SHSU Counseling Center](#) at (936) 294-1720 for help regarding substance abuse and addiction issues.
 - All Sam Houston State University faculty, staff and family members have access to the [University of Texas Employee Assistance Program \(UTEAP\)](#). One of the services an EAP provides is referral to Substance Abuse Professionals for assistance to help resolve issues related to alcohol and drug problems. Employees who need to schedule an appointment may call (800) 346-3549.

Local sanctions which include fines and/or imprisonment for violation of local, state, or federal drug laws. SHSU upholds laws which prohibit the possession, use, or distribution of controlled substances. Anyone who is found to be in violation of these laws will be referred to the appropriate legal authority for prosecution. More details about SHSU discipline and the penalties under state and federal law are included in the [SHSU Annual Security Reports](#).

[Human Resources Department](#)
Box 2356, Huntsville, TX 77341
(936) 294-1070

Drug & Alcohol Policies – Health Risks

Students

The university will impose a minimum disciplinary penalty of suspension for a specified period of time or suspension of rights and privileges, or both, for conduct related to the use, possession, or distribution of drugs that are prohibited by state, federal, or local law. Other penalties that may be imposed for conduct related to the unlawful use, possession, or distribution of drugs or alcohol include disciplinary probation, payment for damage to or misappropriation of property, suspension of rights and privileges, suspension for a specified period of time, expulsion, or such other penalty as may be deemed appropriate under the circumstances.

Employees

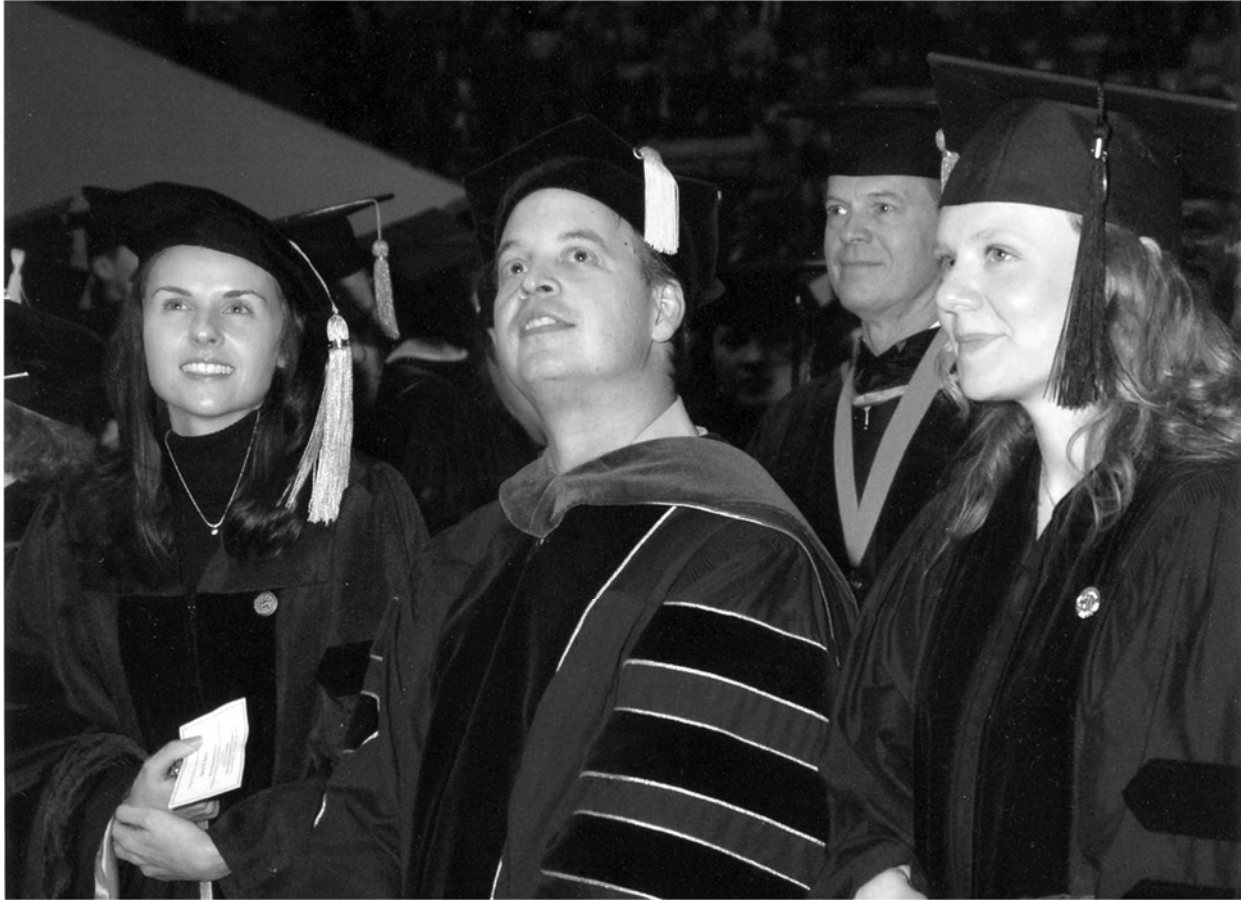
The unlawful use, possession, or distribution of drugs or alcohol will result in a disciplinary penalty of disciplinary probation, demotion, suspension without pay, or termination, depending upon the circumstances.

Alcohol

Alcohol consumption causes a number of marked changes in behavior. Even low amounts significantly impair the judgment and coordination required to drive a car safely. Low to moderate doses of alcohol also increase the incidence of a variety of aggressive acts. Moderate to high levels of alcohol cause marked impairments in higher mental functions, severely altering a person's ability to learn and remember information. Very high levels cause respiratory depression and death. If combined with other depressants of the central nervous system, much lower levels of alcohol use can lead to dependence on alcohol. Sudden cessation of alcohol intake is likely to produce withdrawal symptoms, including severe anxiety, tremors, hallucinations, and convulsions. Alcohol withdrawal can be life threatening. Long term consumption of large quantities of alcohol can lead to permanent damage to vital organs such as the brain and the liver. Prolonged alcohol abuse causes bleeding from the intestinal tract, damage to nerves and the brain, psychotic behavior, loss of memory and coordination, damage to the liver often resulting in cirrhosis, impotence, severe inflammation of the pancreas, and damage to the bone marrow, heart, testes, ovaries, and muscles. Damage to the nerves and organs is usually irreversible. Cancer is the second leading cause of death in alcoholics and is 10 times more frequent than in non-alcoholics. Females who drink during pregnancy may give birth to infants with fetal alcohol syndrome. These infants have irreversible physical abnormalities and mental retardation. In addition, research indicates that children of alcoholic parents are at a greater risk than other children of becoming alcoholics.

Tobacco (Nicotine)

The smoking of tobacco products is the chief avoidable cause of death in our society. Smokers are more likely than nonsmokers to contract heart disease. Some 30 percent of cancer deaths are linked to smoking. Chronic obstructive lung diseases such as emphysema and chronic bronchitis are 10 times more likely to occur among smokers than among nonsmokers. Smoking during pregnancy poses serious risks such as spontaneous abortion, preterm birth, low birth weights, and fetal and infant deaths.



SHSU Graduation

Because nicotine is addictive, addicts find it very difficult to stop smoking. Fewer than 20 percent of typical smokers succeed in stopping on the first try.

Designer Drugs

Illegal drugs are defined in terms of their chemical formulas. To circumvent these legal restrictions, underground chemists modify the molecular structure of certain illegal drugs to produce analogs known as designer drugs. These drugs can be several hundred times stronger than the drugs they are designed to imitate. Many of the so-called designer drugs are related to amphetamines (MDMA, X, speed). Bootleg manufacture creates overdose and contamination risks. These substances can produce severe neurochemical damage to the brain. The narcotic analogs (fentanyl, china white) can cause symptoms such as those seen in Parkinson's disease: uncontrollable tremors, drooling, impaired speech, paralysis, and irreversible brain damage. Analogs of amphetamines and methamphetamines cause nausea, blurred vision, chills or sweating, and faintness. Psychological effects include anxiety, depression and paranoia. As little as one dose can cause brain damage. The analogs of phencyclidine cause illusions, hallucinations, and impaired perception.

Cocaine

Cocaine stimulates the central nervous system. The use of cocaine can cause death by cardiac arrest or respiratory failure. Its immediate effects include dilated pupils and elevated blood pressure, heart rate, respiratory rate, and body temperature. Occasional use can cause a stuffy or runny nose, while chronic use can ulcerate the mucous membrane of the nose. Injecting cocaine with contaminated equipment can increase the risk of AIDS, hepatitis, and other diseases. Cocaine can produce psychological and physical dependency, a feeling that the user cannot function without the drug. In addition, tolerance develops rapidly. Crack or freebase rock is extremely addictive, and its effects are felt within ten seconds. The physical effects include dilated pupils, increases pulse rate, elevated blood pressure, insomnia, loss of appetite, tactile hallucinations, paranoia, and seizures.

Other Stimulants

Stimulants can cause increased heart and respiratory rates, elevated blood pressure, dilated pupils, and decreased appetite. In addition, users may experience sweating, headaches, blurred vision, dizziness sleeplessness, and anxiety. Extremely high doses can cause a rapid or irregular heartbeat, tremors, loss of coordination, and even physical collapse. An amphetamine injection creates a sudden increase in blood pressure that can result in stroke, very high fever, or heart failure. In addition to the physical effects, users reported feeling restless, anxious and moody. Higher doses intensify the effects. Persons who use large amounts of amphetamines over a long period of time can develop an amphetamine psychosis that includes hallucinations, delusions and paranoia.

Anabolic Steroids

Anabolic steroids are a group of powerful compounds closely related to the male sex hormone testosterone. Steroid users subject themselves to more than effects ranging in severity from liver cancer to acne, as well as psychological as well as physical reactions. The liver and cardiovascular and reproductive systems are most seriously affected by steroid use. In males, use can cause withered testicles, sterility, and impotence. In females, irreversible masculine traits can develop along with breast reduction and sterility. Psychological effects include very aggressive behavior known as “roid rage” and depression. While some side effects appear quickly, others, such as heart attacks and strokes, may not show up for years.



SHSU Rodeo

Hallucinogens or Psychedelics

Lysergic Acid (LSD), mescaline, peyote, and phencyclidine (PCP or “angel dust”) cause illusions and hallucinations, and their use impairs and distorts one’s perception of surroundings, causes bizarre mood changes and results in visual hallucinations that involve geometric forms, colors, and persons or objects. The physical effects may include dilated pupils, elevated body temperatures, increased heart rate and blood pressure, loss of appetite, sleeplessness, and tremors. It is common to have bad psychological reactions to LSD, mescaline, and psilocybin. The user may experience panic, persistent memory problems, and speech difficulties. Users who discontinue use experience “flashback” consisting of distortions of virtually any sensation for long periods after discontinued use. Mood disorders, such as depression, anxiety and violent behavior, also occur. In later stages of chronic use, users often exhibit paranoid and violent behavior. Large doses may produce convulsions and coma, as well as heart and lung failure. Withdrawal may require psychiatric treatment for the accompanying persistent psychotic states. Suicide is not uncommon.

Solvent Inhalants, e.g., Glue, Lacquers, Plastic Cement

The immediate negative effects of inhalants include nausea, sneezing, coughing, nosebleeds, fatigue, lack of coordination, and loss of appetite. Solvents and aerosol sprays also decrease the heart and respiratory rates and impair judgment. Amyl and butyl nitrite cause rapid pulse, headaches, and involuntary passing of urine and feces. Long term use may result in hepatitis or

brain damage. Deeply inhaling the vapors, or using large amounts over a short time, may result in disorientation, violent behavior, unconsciousness, or death. High concentrations of inhalants can cause suffocation by displacing the oxygen in the lungs or by depressing the central nervous system to the point that breathing stops. Long term use can cause weight loss, fatigue, electrolyte imbalance, and muscle fatigue. Repeating sniffing of concentrated vapors over time can permanently damage the nervous system. Fumes from these substances cause problems similar to alcohol. Incidents of hallucinations and permanent brain damage are more frequent.

Marijuana (Cannabis)

All forms of cannabis have negative physical and mental effects. Use of cannabis may impair or reduce short-term memory and comprehension, alter sense of time and reduce ability to perform tasks requiring concentration and coordination, such as driving a car. Research also shows that students do not retain knowledge when they are “high.” Motivation and cognition may be altered, making the acquisition of new information difficult. Marijuana can also produce paranoia and psychosis. Because users often inhale the unfiltered smoke deeply and then hold it in their lungs as long as possible, marijuana is damaging to the lungs and pulmonary system. Marijuana smoke contains more cancer causing agents than tobacco smoke. Long term users of cannabis may develop psychological dependence and require more of the drug to get the same effect. The drug can become the center of their lives.

Narcotics

Narcotics initially produce a feeling of euphoria that often is followed by drowsiness, nausea, and vomiting. Users may experience constricted pupils, watery eyes, and itching. An overdose may produce slow and shallow breathing, clammy skin, convulsions, coma, and possible death. Tolerance to narcotics develops rapidly and dependence is likely. The use of contaminated syringes may increase the risk of such diseases as AIDS, endocarditis, and hepatitis. Addiction in pregnant women can lead to premature, stillborn, or addicted infants who experience severe withdrawal symptoms.

STATE FEDERAL DRUG PENALTIES

The Texas Health and Safety Code sets the possession law, dividing controlled substances into five penalty groups, plus a marijuana category. While some of the substances are legal prescription drugs, it is illegal to possess them without a rightful prescription, and the Texas health code establishes the punishments for illegal possession.

Penalty Group	Examples of Drugs/Controlled Substances
1	Cocaine, heroin, methamphetamine, GHB, ketamine, oxycodone and hydrocodone.
1A	LSD

Penalty Group	Examples of Drugs/Controlled Substances
2	Ecstasy (MMDA), PCP and mescaline
3	Valium, Xanax and Ritalin.
4	Compounds containing Dionine, Motofen, Buprenorphine or Pryovalerone

PENALTIES FOR DRUG POSSESSION IN TEXAS

Whether you are charged with felony possession or misdemeanor possession depends on the penalty group and the weight or amount of the drug.

Possession of Controlled Substance

(Penalty Groups 1 and 2 (e.g. Cocaine, Methamphetamine, Heroin — Illegal / Prohibited Substances))

Amount of Controlled Substance Alleged	Offense Grade	Maximum Punishment Range
Less than one gram	State Jail Felony	a minimum punishment of 180 days and a maximum punishment of 2 years in a state jail facility and an optional fine not to exceed \$10,000.00
one gram or more but less than four grams	Third Degree Felony	a minimum of two years and a maximum of ten years in the Texas Department of Criminal Justice and an optional fine not to exceed \$10,000.00
Four grams or more but less than 200 grams	Second Degree Felony	a minimum of two years and a maximum of twenty years in the Texas Department of Criminal Justice and an optional fine not to exceed \$10,000.00
More than 200 grams but less than 400 grams	First Degree Felony	a minimum of five years and a maximum of 99 years or life in the Texas Department of Criminal Justice and an optional fine not to exceed \$10,000.00

Amount of Controlled Substance Alleged	Offense Grade	Maximum Punishment Range
400 grams or more	Enhanced First Degree Felony	a minimum of 10 years and a maximum of 99 years of life in the Texas Department of Criminal Justice and an optional fine not to exceed \$10,000.00

Possession of Controlled Substance – Legislative Punishment Ranges

(Penalty Group 1A)

Amount of Controlled Substance Alleged	Offense Grade	Maximum Punishment Range
Fewer than 20 units	State Jail Felony	a minimum punishment of 180 days and a maximum punishment of 2 years in a state jail facility and an optional fine not to exceed \$10,000.00
20 or more units, but less than 80 units	Third Degree Felony	a minimum of two years and a maximum of ten years in the Texas Department of Criminal Justice and an optional fine not to exceed \$10,000.00
80 or more units, but less than 4000 units	Second Degree Felony	a minimum of two years and a maximum of twenty years in the Texas Department of Criminal Justice and an optional fine not to exceed \$10,000.00
4000 or more units, but less than 8000 units	First Degree Felony	a minimum of five years and a maximum of 99 years or life in the Texas Department of Criminal Justice and an optional fine not to exceed \$10,000.00

Amount of Controlled Substance Alleged	Offense Grade	Maximum Punishment Range
8,000 units or more	Enhanced First Degree Felony	a minimum of fifteen years and a maximum of 99 years or life in the Texas Department of Criminal Justice and an optional fine not to exceed \$10,000.00

Possession of Controlled Substance – Legislative Punishment Ranges

(Penalty Groups 3, 4)

Amount of Controlled Substance Alleged	Offense Grade	Maximum Punishment Range
Less than 28 grams	Class A Misdemeanor	Up to 365 days in the County jail and/ or a fine of up to \$4000.00
28 grams or more but less than 200 grams	Third Degree Felony	a minimum of two years and a maximum of ten years in the Texas Department of Criminal Justice and an optional fine not to exceed \$10,000.00
200 grams or more but less than 400 grams	Second Degree Felony	a minimum of two years and a maximum of twenty years in the Texas Department of Criminal Justice and an optional fine not to exceed \$10,000.00
400 grams or more	Enhanced First Degree Felony	a minimum of five years and a maximum of 99 years or life in the Texas Department of Criminal Justice and an optional fine not to exceed \$50,000.00

ADDITIONAL PENALTIES

- The Texas Tax Code, in addition to the criminal penalties for drug possession, also sets potential civil penalties. Although the statute is not often used in minor possession cases, the code requires that taxes must be paid on illegal drugs, so that “dealers” who possess over certain amounts can be charged with tax evasion.
- The state of Texas can also suspend your license for up to six months following a conviction on any violation of the Texas Controlled Substances Act.
- The Code of Criminal Procedure also allows police to seize any property used or “intended to be used” in the commission of a drug felony. That means they can take your car, your home, or any other belonging where you are accused of carrying or hiding drugs. The asset forfeiture law is a civil action, not criminal, and you don’t have to be convicted for the state to try and take your property.

SUBCHAPTER I — CONTROL AND ENFORCEMENT

Part D — Offenses And Penalties

§841. Prohibited acts A

(a) Unlawful acts

Except as authorized by this subchapter, it shall be unlawful for any person knowingly or intentionally—

- (1) to manufacture, distribute, or dispense, or possess with intent to manufacture, distribute, or dispense, a controlled substance; or
- (2) to create, distribute, or dispense, or possess with intent to distribute or dispense, a counterfeit substance.



SHSU Football Action

(b) Penalties

Except as otherwise provided in section 849, 859, 860, or 861 of this title, any person who violates subsection (a) of this section shall be sentenced as follows:

(1)(A) In the case of a violation of subsection (a) of this section involving—

(i) 1 kilogram or more of a mixture or substance containing a detectable amount of heroin;

(ii) 5 kilograms or more of a mixture or substance containing a detectable amount of—

(I) coca leaves, except coca leaves and extracts of coca leaves from which cocaine, ecgonine, and derivatives of ecgonine or their salts have been removed;

(II) cocaine, its salts, optical and geometric isomers, and salts of isomers;

(III) ecgonine, its derivatives, their salts, isomers, and salts of isomers; or

(IV) any compound, mixture, or preparation which contains any quantity of any of the substances referred to in subclauses (I) through (III);

(iii) 280 grams or more of a mixture or substance described in clause (ii) which contains cocaine base;

(iv) 100 grams or more of phencyclidine (PCP) or 1 kilogram or more of a mixture or substance containing a detectable amount of phencyclidine (PCP);

(v) 10 grams or more of a mixture or substance containing a detectable amount of lysergic acid diethylamide (LSD);

(vi) 400 grams or more of a mixture or substance containing a detectable amount of N-phenyl-N-[1-(2-phenylethyl)-4-piperidinyl] propanamide or 100 grams or more of a mixture or substance containing a detectable amount of any analogue of N-phenyl-N-[1-(2-phenylethyl)-4-piperidinyl] propanamide;

(vii) 1000 kilograms or more of a mixture or substance containing a detectable amount of marihuana, or 1,000 or more marihuana plants regardless of weight; or

(viii) 50 grams or more of methamphetamine, its salts, isomers, and salts of its isomers or 500 grams or more of a mixture or substance containing a detectable amount of methamphetamine, its salts, isomers, or salts of its isomers;

such person shall be sentenced to a term of imprisonment which may not be less than 10 years or more than life and if death or serious bodily injury results from the use of such substance shall be not less than 20 years or more than life, a fine not to exceed the greater of that authorized in accordance with the provisions of title 18 or \$10,000,000 if the defendant is an individual or \$50,000,000 if the defendant is other than an individual, or both. If any person commits such a violation after a prior conviction for a felony drug offense has become final, such person shall be sentenced to a term of imprisonment which may not be less than 20 years and not more than life imprisonment and if death or serious bodily injury results from the use of such substance shall be sentenced to life imprisonment, a fine not to exceed the greater of twice that authorized in accordance with the provisions of title 18 or \$20,000,000 if the defendant is an individual or \$75,000,000 if the defendant is other than an individual, or both. If any person commits a violation of this subparagraph or of section 849, 859, 860, or 861 of this title after two or more prior convictions for a felony drug offense have become final, such person shall be sentenced to a mandatory term of life imprisonment without release and fined in accordance with the preceding sentence.

Notwithstanding section 3583 of title 18, any sentence under this subparagraph shall, in the absence of such a prior conviction, impose a term of supervised release of at least 5 years in addition to such term of imprisonment and shall, if there was such a prior conviction, impose a term of supervised release of at least 10 years in addition to such term of imprisonment. Notwithstanding any other provision of law, the court shall not place on probation or suspend the sentence of any person sentenced under this subparagraph. No person sentenced under this subparagraph shall be eligible for parole during the term of imprisonment imposed therein.

(B) In the case of a violation of subsection (a) of this section involving—

(i) 100 grams or more of a mixture or substance containing a detectable amount of heroin;

(ii) 500 grams or more of a mixture or substance containing a detectable amount of—

(I) coca leaves, except coca leaves and extracts of coca leaves from which cocaine, ecgonine, and derivatives of ecgonine or their salts have been removed;

(II) cocaine, its salts, optical and geometric isomers, and salts of isomers;

(III) ecgonine, its derivatives, their salts, isomers, and salts of isomers; or

(IV) any compound, mixture, or preparation which contains any quantity of any of the substances referred to in subclauses (I) through (III);

(iii) 28 grams or more of a mixture or substance described in clause (ii) which contains cocaine base;



Bearkat Golf

(iv) 10 grams or more of phencyclidine (PCP) or 100 grams or more of a mixture or substance containing a detectable amount of phencyclidine (PCP);

(v) 1 gram or more of a mixture or substance containing a detectable amount of lysergic acid diethylamide

(LSD);

(vi) 40 grams or more of a mixture or substance containing a detectable amount of N-phenyl-N- [1- (2-phenylethyl) -4-piperidiny] propanamide or 10 grams or more of a mixture or substance containing a detectable amount of any analogue of N-phenyl-N-[1-(2-phenylethyl)-4-piperidiny] propanamide;

(vii) 100 kilograms or more of a mixture or substance containing a detectable amount of marihuana, or 100 or more marihuana plants regardless of weight; or

(viii) 5 grams or more of methamphetamine, its salts, isomers, and salts of its isomers or 50 grams or more of a mixture or substance containing a detectable amount of methamphetamine, its salts, isomers, or salts of its isomers;

such person shall be sentenced to a term of imprisonment which may not be less than 5 years and not more than 40 years and if death or serious bodily injury results from the use of such substance shall be not less than 20 years or more than life, a fine not to exceed the greater of that authorized in accordance with the provisions of title 18 or \$5,000,000 if the defendant is an individual or \$25,000,000 if the defendant is other than an individual, or both. If any person commits such a violation after a prior conviction for a felony drug offense has become final, such person shall be sentenced to a term of imprisonment which may not be less than 10 years and not more than life imprisonment and if death or serious bodily injury results from the use of such substance shall be sentenced to life imprisonment, a fine not to exceed the greater of twice that authorized in accordance with the provisions of title 18 or \$8,000,000 if the defendant is an individual or \$50,000,000 if the defendant is other than an individual, or both. Notwithstanding section 3583 of title 18, any sentence imposed under this subparagraph shall, in the absence of such a prior conviction, include a term of supervised release of at least 4 years in addition to such term of imprisonment and shall, if there was such a prior conviction, include a term of supervised release of at least 8 years in addition to such term of imprisonment. Notwithstanding any other provision of law, the court shall not place on probation or suspend the sentence of any person sentenced under this subparagraph. No person sentenced under this subparagraph shall be eligible for parole during the term of imprisonment imposed therein.

(C) In the case of a controlled substance in schedule I or II, gamma hydroxybutyric acid (including when scheduled as an approved drug product for purposes of section 3(a)(1)(B) of the Hillory J. Farias and Samantha Reid Date-Rape Drug Prohibition Act of 2000), or 1 gram of flunitrazepam, except as provided in subparagraphs (A), (B), and (D), such person shall be sentenced to a term of imprisonment of not more than 20 years and if death or serious bodily injury results from the use of such substance shall be sentenced to a term of imprisonment of not less than twenty years or more than life, a fine not to exceed the greater of that authorized in accordance with the provisions of title 18 or \$1,000,000 if the defendant is an individual or \$5,000,000 if the defendant is other than an individual, or both. If any person commits such a violation after a prior conviction for a felony drug offense has become final, such person shall be sentenced to a term of imprisonment of not more than 30 years and if death or serious bodily injury results from the use of such substance shall be sentenced to life imprisonment, a fine not to exceed the greater of twice that authorized in accordance with the provisions of title 18 or \$2,000,000 if the defendant is an individual or \$10,000,000 if the defendant is other than an individual, or both. Notwithstanding section 3583 of title 18, any sentence imposing a term of imprisonment under this paragraph shall, in the absence of such a prior conviction, impose a term of supervised release of at least 3 years in addition to such term of imprisonment and shall, if there was such a prior conviction, impose a term of supervised release of at least 6 years in addition to such term of imprisonment. Notwithstanding any other provision of law, the court shall not place on probation or suspend the sentence of any person sentenced under the provisions of this subparagraph which provide for a mandatory term of imprisonment if death or serious

bodily injury results, nor shall a person so sentenced be eligible for parole during the term of such a sentence.

(D) In the case of less than 50 kilograms of marihuana, except in the case of 50 or more marihuana plants regardless of weight, 10 kilograms of hashish, or one kilogram of hashish oil, such person shall, except as provided in paragraphs (4) and (5) of this subsection, be sentenced to a term of imprisonment of not more than 5 years, a fine not to exceed the greater of that authorized in accordance with the provisions of title 18 or \$250,000 if the defendant is an individual or \$1,000,000 if the defendant is other than an individual, or both. If any person commits such a violation after a prior conviction for a felony drug offense has become final, such person shall be sentenced to a term of imprisonment of not more than 10 years, a fine not to exceed the greater of twice that authorized in accordance with the provisions of title 18 or \$500,000 if the defendant is an individual or \$2,000,000 if the defendant is other than an individual, or both. Notwithstanding section 3583 of title 18, any sentence imposing a term of imprisonment under this paragraph shall, in the absence of such a prior conviction, impose a term of supervised release of at least 2 years in addition to such term of imprisonment and shall, if there was such a prior conviction, impose a term of supervised release of at least 4 years in addition to such term of imprisonment.



Southland Conference Commissioner's Cup #4

(E)(i) Except as provided in subparagraphs (C) and (D), in the case of any controlled substance in schedule III, such person shall be sentenced to a term of imprisonment of not

more than 10 years and if death or serious bodily injury results from the use of such substance shall be sentenced to a term of imprisonment of not more than 15 years, a fine not to exceed the greater of that authorized in accordance with the provisions of title 18 or \$500,000 if the defendant is an individual or \$2,500,000 if the defendant is other than an individual, or both.

(ii) If any person commits such a violation after a prior conviction for a felony drug offense has become final, such person shall be sentenced to a term of imprisonment of not more than 20 years and if death or serious bodily injury results from the use of such substance shall be sentenced to a term of imprisonment of not more than 30 years, a fine not to exceed the greater of twice that authorized in accordance with the provisions of title 18 or \$1,000,000 if the defendant is an individual or \$5,000,000 if the defendant is other than an individual, or both.

(iii) Any sentence imposing a term of imprisonment under this subparagraph shall, in the absence of such a prior conviction, impose a term of supervised release of at least 2 years in addition to such term of imprisonment and shall, if there was such a prior conviction, impose a term of supervised release of at least 4 years in addition to such term of imprisonment.

(2) In the case of a controlled substance in schedule IV, such person shall be sentenced to a term of imprisonment of not more than 5 years, a fine not to exceed the greater of that authorized in accordance with the provisions of title 18 or \$250,000 if the defendant is an individual or \$1,000,000 if the defendant is other than an individual, or both. If any person commits such a violation after a prior conviction for a felony drug offense has become final, such person shall be sentenced to a term of imprisonment of not more than 10 years, a fine not to exceed the greater of twice that authorized in accordance with the provisions of title 18 or \$500,000 if the defendant is an individual or \$2,000,000 if the defendant is other than an individual, or both. Any sentence imposing a term of imprisonment under this paragraph shall, in the absence of such a prior conviction, impose a term of supervised release of at least one year in addition to such term of imprisonment and shall, if there was such a prior conviction, impose a term of supervised release of at least 2 years in addition to such term of imprisonment.

(3) In the case of a controlled substance in schedule V, such person shall be sentenced to a term of imprisonment of not more than one year, a fine not to exceed the greater of that authorized in accordance with the provisions of title 18 or \$100,000 if the defendant is an individual or \$250,000 if the defendant is other than an individual, or both. If any person commits such a violation after a prior conviction for a felony drug offense has become final, such person shall be sentenced to a term of imprisonment of not more than 4 years, a fine not to exceed the greater of twice that authorized in accordance with the provisions of title 18 or \$200,000 if the defendant is an individual or \$500,000 if the defendant is other than an individual, or both. Any sentence imposing a term of imprisonment under this paragraph

may, if there was a prior conviction, impose a term of supervised release of not more than 1 year, in addition to such term of imprisonment.

(4) Notwithstanding paragraph (1)(D) of this subsection, any person who violates subsection (a) of this section by distributing a small amount of marihuana for no remuneration shall be treated as provided in section 844 of this title and section 3607 of title 18.

(5) Any person who violates subsection (a) of this section by cultivating or manufacturing a controlled substance on Federal property shall be imprisoned as provided in this subsection and shall be fined any amount not to exceed—

(A) the amount authorized in accordance with this section;

(B) the amount authorized in accordance with the provisions of title 18;

(C) \$500,000 if the defendant is an individual; or

(D) \$1,000,000 if the defendant is other than an individual;

or both.

(6) Any person who violates subsection (a) of this section, or attempts to do so, and knowingly or intentionally uses a poison, chemical, or other hazardous substance on Federal land, and, by such use—

(A) creates a serious hazard to humans, wildlife, or domestic animals,

(B) degrades or harms the environment or natural resources, or

(C) pollutes an aquifer, spring, stream, river, or body of water,

shall be fined in accordance with title 18 or imprisoned not more than five years, or both.

(7) Penalties for distribution.—

(A) In general.—Whoever, with intent to commit a crime of violence, as defined in section 16 of title 18 (including rape), against an individual, violates subsection (a) of this section by distributing a controlled substance or controlled substance analogue to that individual without that individual's knowledge, shall be imprisoned not more than 20 years and fined in accordance with title 18.

(B) Definition.—For purposes of this paragraph, the term "without that individual's knowledge" means that the individual is unaware that a substance with the ability to alter

that individual's ability to appraise conduct or to decline participation in or communicate unwillingness to participate in conduct is administered to the individual.

(c) Offenses involving listed chemicals

Any person who knowingly or intentionally—

(1) possesses a listed chemical with intent to manufacture a controlled substance except as authorized by this subchapter;

(2) possesses or distributes a listed chemical knowing, or having reasonable cause to believe, that the listed chemical will be used to manufacture a controlled substance except as authorized by this subchapter; or

(3) with the intent of causing the evasion of the recordkeeping or reporting requirements of section 830 of this title, or the regulations issued under that section, receives or distributes a reportable amount of any listed chemical in units small enough so that the making of records or filing of reports under that section is not required;

shall be fined in accordance with title 18 or imprisoned not more than 20 years in the case of a violation of paragraph (1) or (2) involving a list I chemical or not more than 10 years in the case of a violation of this subsection other than a violation of paragraph (1) or (2) involving a list I chemical, or both.



SHSU Softball

(d) Boobytraps on Federal property; penalties; "boobytrap" defined

(1) Any person who assembles, maintains, places, or causes to be placed a boobytrap on Federal property where a controlled substance is being manufactured, distributed, or dispensed shall

be sentenced to a term of imprisonment for not more than 10 years or fined under title 18, or both.

(2) If any person commits such a violation after 1 or more prior convictions for an offense punishable under this subsection, such person shall be sentenced to a term of imprisonment of not more than 20 years or fined under title 18, or both.

(3) For the purposes of this subsection, the term "boobytrap" means any concealed or camouflaged device designed to cause bodily injury when triggered by any action of any unsuspecting person making contact with the device. Such term includes guns, ammunition, or explosive devices attached to trip wires or other triggering mechanisms, sharpened stakes, and lines or wires with hooks attached.

(e) Ten-year injunction as additional penalty

In addition to any other applicable penalty, any person convicted of a felony violation of this section relating to the receipt, distribution, manufacture, exportation, or importation of a listed chemical may be enjoined from engaging in any transaction involving a listed chemical for not more than ten years.

(f) Wrongful distribution or possession of listed chemicals

(1) Whoever knowingly distributes a listed chemical in violation of this subchapter (other than in violation of a recordkeeping or reporting requirement of section 830 of this title) shall, except to the extent that paragraph (12), (13), or (14) of section 842(a) of this title applies, be fined under title 18 or imprisoned not more than 5 years, or both.

(2) Whoever possesses any listed chemical, with knowledge that the recordkeeping or reporting requirements of section 830 of this title have not been adhered to, if, after such knowledge is acquired, such person does not take immediate steps to remedy the violation shall be fined under title 18 or imprisoned not more than one year, or both.

(g) Internet sales of date rape drugs

(1) Whoever knowingly uses the Internet to distribute a date rape drug to any person, knowing or with reasonable cause to believe that—

(A) the drug would be used in the commission of criminal sexual conduct; or

(B) the person is not an authorized purchaser;

shall be fined under this subchapter or imprisoned not more than 20 years, or both.

(2) As used in this subsection:

(A) The term "date rape drug" means—

(i) gamma hydroxybutyric acid (GHB) or any controlled substance analogue of GHB, including gamma butyrolactone (GBL) or 1,4-butanediol;

(ii) ketamine;

(iii) flunitrazepam; or

(iv) any substance which the Attorney General designates, pursuant to the rulemaking procedures prescribed by section 553 of title 5, to be used in committing rape or sexual assault.

The Attorney General is authorized to remove any substance from the list of date rape drugs pursuant to the same rulemaking authority.

(B) The term "authorized purchaser" means any of the following persons, provided such person has acquired the controlled substance in accordance with this chapter:

(i) A person with a valid prescription that is issued for a legitimate medical purpose in the usual course of professional practice that is based upon a qualifying medical relationship by a practitioner registered by the Attorney General. A "qualifying medical relationship" means a medical relationship that exists when the practitioner has conducted at least 1 medical evaluation with the authorized purchaser in the physical presence of the practitioner, without regard to whether portions of the evaluation are conducted by other health \1\ professionals. The preceding sentence shall not be construed to imply that 1 medical evaluation demonstrates that a prescription has been issued for a legitimate medical purpose within the usual course of professional practice.

\1\ So in original. Probably should be "health".

(ii) Any practitioner or other registrant who is otherwise authorized by their registration to dispense, procure, purchase, manufacture, transfer, distribute, import, or export the substance under this chapter.

(iii) A person or entity providing documentation that establishes the name, address, and business of the person or entity and which provides a legitimate purpose for using any "date rape drug" for which a prescription is not required.

(3) The Attorney General is authorized to promulgate regulations for record-keeping and reporting by persons handling 1,4-butanediol in order to implement and enforce the provisions of this section. Any record or report required by such regulations shall be considered a record or report required under this chapter.

(h) Offenses involving dispensing of controlled substances by means of the Internet

(1) In general

It shall be unlawful for any person to knowingly or intentionally—

(A) deliver, distribute, or dispense a controlled substance by means of the Internet, except as authorized by this subchapter; or

(B) aid or abet (as such terms are used in section 2 of title 18) any activity described in subparagraph (A) that is not authorized by this subchapter.

(2) Examples

Examples of activities that violate paragraph (1) include, but are not limited to, knowingly or intentionally—

(A) delivering, distributing, or dispensing a controlled substance by means of the Internet by an online pharmacy that is not validly registered with a modification authorizing such activity as required by section 823(f) of this title (unless exempt from such registration);

(B) writing a prescription for a controlled substance for the purpose of delivery, distribution, or dispensation by means of the Internet in violation of section 829(e) of the title;

(C) serving as an agent, intermediary, or other entity that causes the Internet to be used to bring together a buyer and seller to engage in the dispensing of a controlled substance in a manner not authorized by sections \2\ 823(f) or 829(e) of this title;



SHSU Basketball

\\2\ So in original. Probably should be "section".

(D) offering to fill a prescription for a controlled substance based solely on a consumer's completion of an online medical questionnaire; and

(E) making a material false, fictitious, or fraudulent statement or representation in a notification or declaration under subsection (d) or (e), respectively, of section 831 of this title.

(3) Inapplicability

(A) This subsection does not apply to—

(i) the delivery, distribution, or dispensation of controlled substances by nonpractitioners to the extent authorized by their registration under this subchapter;

(ii) the placement on the Internet of material that merely advocates the use of a controlled substance or includes pricing information without attempting to propose or facilitate an actual transaction involving a controlled substance; or

(iii) except as provided in subparagraph (B), any activity that is limited to—

(I) the provision of a telecommunications service, or of an Internet access service or Internet information location tool (as those terms are defined in section 231 of title 47); or

(II) the transmission, storage, retrieval, hosting, formatting, or translation (or any combination thereof) of a communication, without selection or alteration of the content of the communication, except that deletion of a particular communication or material made by another person in a manner consistent with section 230(c) of title 47 shall not constitute such selection or alteration of the content of the communication.

(B) The exceptions under subclauses (I) and (II) of subparagraph (A)(iii) shall not apply to a person acting in concert with a person who violates paragraph (1).

(4) Knowing or intentional violation

Any person who knowingly or intentionally violates this subsection shall be sentenced in accordance with subsection (b).

(Pub. L. 91–513, title II, §401, Oct. 27, 1970, 84 Stat. 1260; Pub. L. 95–633, title II, §201, Nov. 10, 1978, 92 Stat. 3774; Pub. L. 96–359, §8(c), Sept. 26, 1980, 94 Stat. 1194; Pub. L. 98–473, title II, §§224(a), 502, 503(b)(1), (2), Oct. 12, 1984, 98 Stat. 2030, 2068, 2070; Pub. L. 99–570, title I, §§1002, 1003(a), 1004(a), 1005(a), 1103, title XV, §15005, Oct. 27, 1986, 100 Stat. 3207–2, 3207–5, 3207–6, 3207–11, 3702–192; Pub. L. 100–690, title VI, §§6055, 6254(h), 6452(a), 6470(g), (h), 6479, Nov. 18, 1988, 102 Stat. 4318, 4367, 4371, 4378, 4381; Pub. L. 101–647, title X, §1002(e), title XII, §1202, title XXXV, §3599K, Nov. 29, 1990, 104 Stat. 4828, 4830, 4932; Pub. L. 103–322, title IX, §90105(a), (c), title XVIII, §180201(b)(2)(A), Sept. 13, 1994, 108 Stat. 1987, 1988, 2047; Pub. L. 104–237, title II, §206(a), title III, §302(a), Oct. 3, 1996, 110 Stat. 3103, 3105; Pub. L. 104–305, §2(a), (b)(1), Oct. 13, 1996, 110 Stat. 3807; Pub. L. 105–277, div. E, §2(a), Oct. 21, 1998, 112 Stat. 2681–759; Pub. L. 106–172, §§3(b)(1), 5(b), 9, Feb. 18, 2000, 114 Stat. 9, 10, 13; Pub. L. 107–273, div. B, title III, §3005(a), title IV, §4002(d)(2)(A), Nov. 2, 2002, 116 Stat. 1805, 1809; Pub. L. 109–177, title VII, §§711(f)(1)(B), 732, Mar. 9, 2006, 120 Stat. 262, 270; Pub. L. 109–248, title II, §201, July 27, 2006, 120 Stat. 611; Pub. L. 110–425, §3(e), (f), Oct. 15, 2008, 122 Stat. 4828, 4829; Pub. L. 111–220, §§2(a), 4(a), Aug. 3, 2010, 124 Stat. 2372.)

References in Text

This subchapter, referred to in subsecs. (a), (b)(1), (c)(1), (2), (f)(1), (g)(1), and (h)(1), (3)(A)(i), was in the original "this title", meaning title II of Pub. L. 91–513, Oct. 27, 1970, 84 Stat. 1242, and is popularly known as the "Controlled Substances Act". For complete classification of title II to the Code, see second paragraph of Short Title note set out under section 801 of this title and Tables.

Schedules I, II, III, IV, and V, referred to in subsec. (b), are set out in section 812(c) of this title.

Subchapter II of this chapter, referred to in subsec. (b)(1), was in the original "title III", meaning title III of Pub. L. 91–513, Oct. 27, 1970, 84 Stat. 1285. Part A of title III comprises subchapter II of this chapter. For classification of Part B, consisting of sections 1101 to 1105 of title III, see Tables.

Section 3(a)(1)(B) of the Hillory J. Farias and Samantha Reid Date-Rape Prohibition Act of 2000, referred to in subsec. (b)(1)(C), is section 3(a)(1)(B) of Pub. L. 106–172, which is set out in a note under section 812 of this title.

This chapter, referred to in subsec. (g)(2)(B), (3), was in the original "this Act", meaning Pub. L. 91–513, Oct. 27, 1970, 84 Stat. 1236. For complete classification of this Act to the Code, see Short Title note set out under section 801 of this title and Tables.

Amendments

2010—Subsec. (b)(1)(A). Pub. L. 111–220, §4(a)(1), in concluding provisions, substituted "\$10,000,000" for "\$4,000,000", "\$50,000,000" for "\$10,000,000", "\$20,000,000" for "\$8,000,000", and "\$75,000,000" for "\$20,000,000".

Subsec. (b)(1)(A)(iii). Pub. L. 111–220, §2(a)(1), substituted "280 grams" for "50 grams".

Subsec. (b)(1)(B). Pub. L. 111–220, §4(a)(2), in concluding provisions, substituted "\$5,000,000" for "\$2,000,000", "\$25,000,000" for "\$5,000,000", "\$8,000,000" for "\$4,000,000", and "\$50,000,000" for "\$10,000,000".

Subsec. (b)(1)(B)(iii). Pub. L. 111–220, §2(a)(2), substituted "28 grams" for "5 grams".

2008—Subsec. (b)(1)(D). Pub. L. 110–425, §3(e)(1)(A), struck out "or in the case of any controlled substance in schedule III (other than gamma hydroxybutyric acid), or 30 milligrams of flunitrazepam" after "hashish oil".



Photographic Narratives Class

Subsec. (b)(1)(E). Pub. L. 110–425, §3(e)(1)(B), added subpar. (E).

Subsec. (b)(2). Pub. L. 110–425, §3(e)(2), substituted "5 years" for "3 years", "10 years" for "6 years", and "after a prior conviction for a felony drug offense has become final," for

"after one or more prior convictions of him for an offense punishable under this paragraph, or for a felony under any other provision of this subchapter or subchapter II of this chapter or other law of a State, the United States, or a foreign country relating to narcotic drugs, marihuana, or depressant or stimulant substances, have become final,".

Subsec. (b)(3). Pub. L. 110–425, §3(e)(3), substituted "4 years" for "2 years" and "after a prior conviction for a felony drug offense has become final," for "after one or more convictions of him for an offense punishable under this paragraph, or for a crime under any other provision of this subchapter or subchapter II of this chapter or other law of a State, the United States, or a foreign country relating to narcotic drugs, marihuana, or depressant or stimulant substances, have become final," and inserted at end "Any sentence imposing a term of imprisonment under this paragraph may, if there was a prior conviction, impose a term of supervised release of not more than 1 year, in addition to such term of imprisonment."

Subsec. (h). Pub. L. 110–425, §3(f), added subsec. (h).

2006—Subsec. (b)(5). Pub. L. 109–177, §732, inserted "or manufacturing" after "cultivating" in introductory provisions.

Subsec. (f)(1). Pub. L. 109–177, §711(f)(1)(B), inserted ", except to the extent that paragraph (12), (13), or (14) of section 842(a) of this title applies," after "shall".

Subsec. (g). Pub. L. 109–248 added subsec. (g).

2002—Subsec. (b)(1)(A), (B). Pub. L. 107–273, §3005(a), substituted "Notwithstanding section 3583 of title 18, any sentence" for "Any sentence" in concluding provisions.

Subsec. (b)(1)(C), (D). Pub. L. 107–273, §3005(a), substituted "Notwithstanding section 3583 of title 18, any sentence" for "Any sentence".

Subsec. (d)(1). Pub. L. 107–273, §4002(d)(2)(A)(i), substituted "or fined under title 18, or both" for "and shall be fined not more than \$10,000".

Subsec. (d)(2). Pub. L. 107–273, §4002(d)(2)(A)(ii), substituted "or fined under title 18, or both" for "and shall be fined not more than \$20,000".

2000—Subsec. (b)(1)(C). Pub. L. 106–172, §3(b)(1)(A), inserted "gamma hydroxybutyric acid (including when scheduled as an approved drug product for purposes of section 3(a)(1)(B) of the Hillary J. Farias and Samantha Reid Date-Rape Drug Prohibition Act of 2000)," after "schedule I or II," in first sentence.

Subsec. (b)(1)(D). Pub. L. 106–172, §3(b)(1)(B), substituted "(other than gamma hydroxybutyric acid), or 30" for ", or 30".

Subsec. (b)(7)(A). Pub. L. 106–172, §5(b), inserted "or controlled substance analogue" after "distributing a controlled substance".

Subsecs. (c) to (g). Pub. L. 106–172, §9, redesignated subsecs. (d) to (g) as (c) to (f), respectively.

1998—Subsec. (b)(1). Pub. L. 105–277 in subpar. (A)(viii) substituted "50 grams" and "500 grams" for "100 grams" and "1 kilogram", respectively, and in subpar. (B)(viii) substituted "5 grams" and "50 grams" for "10 grams" and "100 grams", respectively.

1996—Subsec. (b)(1)(C). Pub. L. 104–305, §2(b)(1)(A), inserted ", or 1 gram of flunitrazepam," after "schedule I or II".

Subsec. (b)(1)(D). Pub. L. 104–305, §2(b)(1)(B), inserted "or 30 milligrams of flunitrazepam," after "schedule III,".

Subsec. (b)(7). Pub. L. 104–305, §2(a), added par. (7).

Subsec. (d). Pub. L. 104–237, §302(a), in concluding provisions, substituted "not more than 20 years in the case of a violation of paragraph (1) or (2) involving a list I chemical or not more than 10 years in the case of a violation of this subsection other than a violation of paragraph (1) or (2) involving a list I chemical," for "not more than 10 years,".

Subsec. (f). Pub. L. 104–237, §206(a), inserted "manufacture, exportation," after "distribution," and struck out "regulated" after "engaging in any".

1994—Subsec. (b). Pub. L. 103–322, §180201(b)(2)(A), inserted "849," before "859," in introductory provisions.

Subsec. (b)(1)(A). Pub. L. 103–322, §§90105(c), 180201(b)(2)(A), in concluding provisions, inserted "849," before "859," and struck out "For purposes of this subparagraph, the term 'felony drug offense' means an offense that is a felony under any provision of this subchapter or any other Federal law that prohibits or restricts conduct relating to narcotic drugs, marihuana, or depressant or stimulant substances or a felony under any law of a State or a foreign country that prohibits or restricts conduct relating to narcotic drugs, marihuana, or depressant or stimulant substances." before "Any sentence under this subparagraph".

Subsec. (b)(1)(B). Pub. L. 103–322, §90105(a), in sentence in concluding provisions beginning "If any person commits", substituted "a prior conviction for a felony drug offense has become final" for "one or more prior convictions for an offense punishable under this paragraph, or for a felony under any other provision of this subchapter or subchapter II of this chapter or other law of a State, the United States, or a foreign country relating to narcotic drugs, marihuana, or depressant or stimulant substances, have become final".

Subsec. (b)(1)(C). Pub. L. 103–322, §90105(a), in sentence beginning "If any person commits", substituted "a prior conviction for a felony drug offense has become final" for "one or more prior convictions for an offense punishable under this paragraph, or for a felony under any other provision of this subchapter or subchapter II of this chapter or other law of a State, the United States or a foreign country relating to narcotic drugs, marihuana, or depressant or stimulant substances, have become final".

Subsec. (b)(1)(D). Pub. L. 103–322, §90105(a), in sentence beginning "If any person commits", substituted "a prior conviction for a felony drug offense has become final" for "one or more prior convictions of him for an offense punishable under this paragraph, or for a felony under any other provision of this subchapter or subchapter II of this chapter or other law of a State, the United States, or a foreign country relating to narcotic drugs, marihuana, or depressant or stimulant substances, have become final".

1990—Subsec. (b). Pub. L. 101–647, §1002(e)(1), substituted "section 859, 860, or 861" for "section 845, 845a, or 845b" in introductory provisions.

Subsec. (b)(1)(A). Pub. L. 101–647, §1002(e)(1), substituted "section 859, 860, or 861" for "section 845, 845a, or 845b" in concluding provisions.

Subsec. (b)(1)(A)(ii)(IV). Pub. L. 101–647, §3599K, substituted "any of the substances" for "any of the substance".



Orange Pride Dance Team

Subsec. (b)(1)(A)(viii). Pub. L. 101–647, §1202, substituted "or 1 kilogram or more of a mixture or substance containing a detectable amount of methamphetamine" for "or 100 grams or more of a mixture or substance containing a detectable amount of methamphetamine".

Subsec. (b)(1)(B)(ii)(IV). Pub. L. 101–647, §3599K, substituted "any of the substances" for "any of the substance".

Subsec. (c). Pub. L. 101–647, §1002(e)(2), directed amendment of subsec. (c) by substituting "section 859, 860, or 861 of this title" for "section 845, 845a, or 845b of this title". Subsec. (c) was previously repealed by Pub. L. 98–473, §224(a)(2), as renumbered by Pub. L. 99–570, §1005(a), effective Nov. 1, 1987, and applicable only to offenses committed after the taking effect of such amendment. See 1984 Amendment note and Effective Date of 1984 Amendment note below.

1988—Subsec. (b)(1)(A). Pub. L. 100–690, §§6452(a), 6470(g), 6479(1), inserted ", or 1,000 or more marihuana plants regardless of weight" in cl. (vii), added cl. (viii), substituted "a prior conviction for a felony drug offense has become final" for "one or more prior convictions for an offense punishable under this paragraph, or for a felony under any other provision of this subchapter or subchapter II of this chapter or other law of a State, the United States, or a foreign country relating to narcotic drugs, marihuana, or depressant or stimulant substances, have become final" in second sentence, and added provisions relating to sentencing for a person who violates this subpar. or section 485, 485a, or 485b of this title after two or more prior convictions for a felony drug offense have become final and defining "felony drug offense".

Subsec. (b)(1)(B). Pub. L. 100–690, §§6470(h), 6479(2), inserted ", or 100 or more marihuana plants regardless of weight" in cl. (vii) and added cl. (viii).

Subsec. (b)(1)(D). Pub. L. 100–690, §6479(3), substituted "50 or more marihuana plants" for "100 or more marihuana plants".

Subsec. (b)(6). Pub. L. 100–690, §6254(h), added par. (6).

Subsec. (d). Pub. L. 100–690, §6055(a), amended subsec. (d) generally. Prior to amendment, subsec. (d) read as follows: "Any person who knowingly or intentionally—

"(1) possesses any piperidine with intent to manufacture phencyclidine except as authorized by this subchapter, or

"(2) possesses any piperidine knowing, or having reasonable cause to believe, that the piperidine will be used to manufacture phencyclidine except as authorized by this subchapter,

shall be sentenced to a term of imprisonment of not more than 5 years, a fine not to exceed the greater of that authorized in accordance with the provisions of title 18 or \$250,000 if the defendant is an individual or \$1,000,000 if the defendant is other than an individual, or both."

Subsecs. (f), (g). Pub. L. 100–690, §6055(b), added subsecs. (f) and (g).

1986—Pub. L. 99–570, §1005(a), amended Pub. L. 98–473, §224(a). See 1984 Amendment note below.

Subsec. (b). Pub. L. 99–570, §1103(a), substituted ", 845a, or 845b" for "or 845a" in introductory provisions.

Subsec. (b)(1)(A). Pub. L. 99–570, §1002(2), amended subpar. (A) generally. Prior to amendment, subpar. (A) read as follows: "In the case of a violation of subsection (a) of this section involving—

"(i) 100 grams or more of a controlled substance in schedule I or II which is a mixture or substance containing a detectable amount of a narcotic drug other than a narcotic drug consisting of—

"(I) coca leaves;

"(II) a compound, manufacture, salt, derivative, or preparation of coca leaves; or

"(III) a substance chemically identical thereto;

"(ii) a kilogram or more of any other controlled substance in schedule I or II which is a narcotic drug;

"(iii) 500 grams or more of phencyclidine (PCP); or

"(iv) 5 grams or more of lysergic acid diethylamide (LSD);

such person shall be sentenced to a term of imprisonment of not more than 20 years, a fine of not more than \$250,000, or both. If any person commits such a violation after one or more prior convictions of him for an offense punishable under this paragraph, or for a felony under any other provision of this subchapter or subchapter II of this chapter or other law of a State, the United States, or a foreign country relating to narcotic drugs, marihuana, or depressant or stimulant substances, have become final, such person shall be sentenced to a term of imprisonment of not more than 40 years, a fine of not more than \$500,000, or both".

Subsec. (b)(1)(B). Pub. L. 99–570, §1002(2), amended subpar. (B) generally. Prior to amendment, subpar. (B) read as follows: "In the case of a controlled substance in schedule I

or II except as provided in subparagraphs (A) and (C),, such person shall be sentenced to a term of imprisonment of not more than 15 years, a fine of not more than \$125,000, or both. If any person commits such a violation after one or more prior convictions of him for an offense punishable under this paragraph, or for a felony under any other provision of this subchapter or subchapter II of this chapter or other law of a State, the United States, or a foreign country relating to narcotic drugs, marihuana, or depressant or stimulant substances, have become final, such person shall be sentenced to a term of imprisonment of not more than 30 years, a fine of not more than \$250,000, or both. Any sentence imposing a term of imprisonment under this paragraph shall, in the absence of such a prior conviction, impose a special parole term of at least 3 years in addition to such term of imprisonment and shall, if there was such a prior conviction, impose a special parole term of at least 6 years in addition to such term of imprisonment."

Subsec. (b)(1)(C). Pub. L. 99-570, §1002(2), added subpar. (C). Former subpar. (C) redesignated (D).

Subsec. (b)(1)(D). Pub. L. 99-570, §1004(a), substituted "term of supervised release" for "special parole term" in two places.

Pub. L. 99-570, §§1002(1), 1003(a)(1), redesignated former subpar. (C) as (D), substituted "a fine not to exceed the greater of that authorized in accordance with the provisions of title 18 or \$250,000 if the defendant is an individual or \$1,000,000 if the defendant is other than an individual" for "a fine of not more than \$50,000" and "a fine not to exceed the greater of twice that authorized in accordance with the provisions of title 18 or \$500,000 if the defendant is an individual or \$2,000,000 if the defendant is other than an individual" for "a fine of not more than \$100,000", and inserted "except in the case of 100 or more marihuana plants regardless of weight,".

Subsec. (b)(2). Pub. L. 99-570, §1004(a), substituted "term of supervised release" for "special parole term" in two places.



SHSU Women's Bowling Team

Pub. L. 99-570, §1003(a)(2), substituted "a fine not to exceed the greater of that authorized in accordance with the provisions of title 18 or \$250,000 if the defendant is an individual or \$1,000,000 if the defendant is other than an individual" for "a fine of not more than \$25,000" and "a fine not to exceed the greater of twice that authorized in accordance with the provisions of title 18 or \$500,000 if the defendant is an individual or \$2,000,000 if the defendant is other than an individual" for "a fine of not more than \$50,000".

Subsec. (b)(3). Pub. L. 99-570, §1003(a)(3), substituted "a fine not to exceed the greater of that authorized in accordance with the provisions of title 18 or \$100,000 if the defendant is an individual or \$250,000 if the defendant is other than an individual" for "a fine of not more than \$10,000" and "a fine not to exceed the greater of twice that authorized in accordance with the provisions of title 18 or \$200,000 if the defendant is an individual or \$500,000 if the defendant is other than an individual" for "a fine of not more than \$20,000".

Subsec. (b)(4). Pub. L. 99-570, §1003(a)(4), which directed the substitution of "1(D)" for "1(C)" was executed by substituting "(1)(D)" for "(1)(C)" as the probable intent of Congress.

Subsec. (b)(5). Pub. L. 99-570, §1003(a)(5), amended par. (5) generally. Prior to amendment, par. (5) read as follows: "Notwithstanding paragraph (1), any person who violates subsection (a) of this section by cultivating a controlled substance on Federal property shall be fined not more than—

"(A) \$500,000 if such person is an individual; and

"(B) \$1,000,000 if such person is not an individual."

Subsec. (c). Pub. L. 99-570, §1004(a), substituted "term of supervised release" for "special parole term" wherever appearing, effective Nov. 1, 1987, the effective date of the repeal of subsec. (c) by Pub. L. 98-473, §224(a)(2). See 1984 Amendment note below.

Pub. L. 99-570, §1103(b), substituted ", 845a, or 845b" for "845a" in two places.

Subsec. (d). Pub. L. 99-570, §1003(a)(6), substituted "a fine not to exceed the greater of that authorized in accordance with the provisions of title 18 or \$250,000 if the defendant is an individual or \$1,000,000 if the defendant is other than an individual" for "a fine of not more than \$15,000".

Subsec. (e). Pub. L. 99-570, §15005, added subsec. (e).

1984—Subsec. (b). Pub. L. 98-473, §503(b)(1), inserted reference to section 845a of this title in provisions preceding par. (1)(A).

Pub. L. 98-473, §224(a)(1)-(3), (5), which directed amendment of this subsection effective Nov. 1, 1987 (see section 235(a)(1) of Pub. L. 98-473 set out as an Effective Date note under section 3551 of Title 18, Crimes and Criminal Procedure) was repealed by Pub. L. 99-570, §1005(a), and the remaining pars. (4) and (6) of Pub. L. 98-473, §224(a), were redesignated as pars. (1) and (2), respectively.

Subsec. (b)(1)(A). Pub. L. 98-473, §502(1)(A), added subpar. (A). Former subpar. (A) redesignated (B).

Subsec. (b)(1)(B). Pub. L. 98-473, §502(1)(A), (B), redesignated former subpar. (A) as (B), substituted "except as provided in subparagraphs (A) and (C)," for "which is a narcotic drug", "\$125,000" for "\$25,000", and "\$250,000" for "\$50,000", and inserted references to laws of a State and a foreign country. Former subpar. (B) redesignated (C).

Subsec. (b)(1)(C). Pub. L. 98-473, §502(1)(A), (C), redesignated former subpar. (B) as (C), substituted "less than 50 kilograms of marihuana, 10 kilograms of hashish, or one kilogram of hashish oil" for "a controlled substance in schedule I or II which is not a narcotic drug", "and (5)" for ", (5), and (6)", "\$50,000" for "\$15,000", and "\$100,000" for "\$30,000", and inserted references to laws of a State and a foreign country.

Subsec. (b)(2). Pub. L. 98-473, §502(2), substituted "\$25,000" for "\$10,000" and "\$50,000" for "\$20,000", and inserted references to laws of a State or of a foreign country.

Subsec. (b)(3). Pub. L. 98-473, §502(3), substituted "\$10,000" for "\$5,000" and "\$20,000" for "\$10,000", and inserted references to laws of a State or of a foreign country.

Subsec. (b)(4). Pub. L. 98–473, §502(4), substituted "(1)(C)" for "(1)(B)".

Pub. L. 98–473, §224(a)(1), as renumbered by Pub. L. 99–570, §1005(a), substituted "in section 844 of this title and section 3607 of title 18" for "in subsections (a) and (b) of section 844 of this title".

Subsec. (b)(5). Pub. L. 98–473, §502(5), (6), added par. (5) and struck out former par. (5) which related to penalties for manufacturing, etc., phencyclidine.

Subsec. (b)(6). Pub. L. 98–473, §502(5), struck out par. (6) which related to penalties for violations involving a quantity of marihuana exceeding 1,000 pounds.

Subsec. (c). Pub. L. 98–473, §224(a)(2), as renumbered by Pub. L. 99–570, §1005(a), struck out subsec. (c) which read as follows: "A special parole term imposed under this section or section 845, 845a, or 845b of this title may be revoked if its terms and conditions are violated. In such circumstances the original term of imprisonment shall be increased by the period of the special parole term and the resulting new term of imprisonment shall not be diminished by the time which was spent on special parole. A person whose special parole term has been revoked may be required to serve all or part of the remainder of the new term of imprisonment. A special parole term provided for in this section or section 845, 845a, or 845b of this title shall be in addition to, and not in lieu of, any other parole provided for by law."

Pub. L. 98–473, §503(b)(2), inserted reference to section 845a of this title in two places.

1980—Subsec. (b)(1)(B). Pub. L. 96–359, §8(c)(1), inserted reference to par. (6) of this subsection.

Subsec. (b)(6). Pub. L. 96–359, §8(c)(2), added par. (6).

1978—Subsec. (b)(1)(B). Pub. L. 95–633, §201(1), inserted ", except as provided in paragraphs (4) and (5) of this subsection," after "such person shall".

Subsec. (b)(5). Pub. L. 95–633, §201(2), added par. (5).

Subsec. (d). Pub. L. 95–633, §201(3), added subsec. (d).

Effective Date of 2008 Amendment

Amendment by Pub. L. 110–425 effective 180 days after Oct. 15, 2008, except as otherwise provided, see section 3(j) of Pub. L. 110–425, set out as a note under section 802 of this title.

Effective Date of 1988 Amendment

Amendment by section 6055 of Pub. L. 100–690 effective 120 days after Nov. 18, 1988, see section 6061 of Pub. L. 100–690, set out as a note under section 802 of this title.

Effective Date of 1986 Amendment

Pub. L. 99–570, title I, §1004(b), Oct. 27, 1986, 100 Stat. 3207–6, provided that: "The amendments made by this section [amending this section and sections 845, 845a, 960, and 962 of this title] shall take effect on the date of the taking effect of section 3583 of title 18, United States Code [Nov. 1, 1987]."

Effective Date of 1984 Amendment

Amendment by section 224(a) of Pub. L. 98–473 effective Nov. 1, 1987, and applicable only to offenses committed after the taking effect of such amendment, see section 235(a)(1) of Pub. L. 98–473, set out as an Effective Date note under section 3551 of Title 18, Crimes and Criminal Procedure.

Effective Date of 1978 Amendment

Amendment by Pub. L. 95–633 effective Nov. 10, 1978, see section 203(a) of Pub. L. 95–633 set out as an Effective Date note under section 830 of this title.

Repeals

Pub. L. 96–359, §8(b), Sept. 26, 1980, 94 Stat. 1194, repealed section 203(d) of Pub. L. 95–633, which had provided for the repeal of subsec. (d) of this section effective Jan. 1, 1981.

Texas Penalties For Narcotics/Drugs

TEX HS. CODE ANN. § 481.112 : Texas Statutes - Section 481.112: OFFENSE: MANUFACTURE OR DELIVERY OF SUBSTANCE IN PENALTY GROUP 1

Search TEX HS. CODE ANN. § 481.112 : Texas Statutes - Section 481.112: OFFENSE: MANUFACTURE OR DELIVERY OF SUBSTANCE IN PENALTY GROUP 1



Tailgating at SHSU Football

- (a) Except as authorized by this chapter, a person commits an offense if the person knowingly manufactures, delivers, or possesses with intent to deliver a controlled substance listed in Penalty Group 1.
- (b) An offense under Subsection (a) is a state jail felony if the amount of the controlled substance to which the offense applies is, by aggregate weight, including adulterants or dilutants, less than one gram.
- (c) An offense under Subsection (a) is a felony of the second degree if the amount of the controlled substance to which the offense applies is, by aggregate weight, including adulterants or dilutants, one gram or more but less than four grams.
- (d) An offense under Subsection (a) is a felony of the first degree if the amount of the controlled substance to which the offense applies is, by aggregate weight, including adulterants or dilutants, four grams or more but less than 200 grams.
- (e) An offense under Subsection (a) is punishable by imprisonment in the institutional division of the Texas Department of Criminal Justice for life or for a term of not more than 99 years or less than 10 years, and a fine not to exceed \$100,000, if the amount of the controlled substance to

which the offense applies is, by aggregate weight, including adulterants or dilutants, 200 grams or more but less than 400 grams.

(f) An offense under Subsection (a) is punishable by imprisonment in the institutional division of the Texas Department of Criminal Justice for life or for a term of not more than 99 years or less than 15 years, and a fine not to exceed \$250,000, if the amount of the controlled substance to which the offense applies is, by aggregate weight, including adulterants or dilutants, 400 grams or more.

Acts 1989, 71st Leg., ch. 678, Sec. 1, eff. Sept. 1, 1989. Amended by Acts 1993, 73rd Leg., ch. 900, Sec. 2.02, eff. Sept. 1, 1994; Acts 2001, 77th Leg., ch. 1188, Sec. 2, eff. Sept. 1, 2001.

TEX HS. CODE ANN. § 481.113 : Texas Statutes - Section 481.113: OFFENSE:

MANUFACTURE OR DELIVERY OF SUBSTANCE IN PENALTY GROUP 2

Search TEX HS. CODE ANN. § 481.113 : Texas Statutes - Section 481.113: OFFENSE:

MANUFACTURE OR DELIVERY OF SUBSTANCE IN PENALTY GROUP 2

(a) Except as authorized by this chapter, a person commits an offense if the person knowingly manufactures, delivers, or possesses with intent to deliver a controlled substance listed in Penalty

Group 2.

(b) An offense under Subsection (a) is a state jail felony if the amount of the controlled substance

to which the offense applies is, by aggregate weight, including adulterants or dilutants, less than one gram.

(c) An offense under Subsection (a) is a felony of the second degree if the amount of the controlled substance to which the offense applies is, by aggregate weight, including adulterants or dilutants, one gram or more but less than four grams.

s, repairs, and fire system upgrades, replacement, or installation as(d) An offense under Subsection (a) is a felony of the first degree if the amount of the controlled substance to which the offense applies is, by aggregate weight, including adulterants or dilutants, four grams or more but less than 400 grams.

(e) An offense under Subsection (a) is punishable by imprisonment in the institutional division of the Texas Department of Criminal Justice for life or for a term of not more than 99 years or less than 10 years, and a fine not to exceed \$100,000, if the amount of the controlled substance to which the offense applies is, by aggregate weight, including adulterants or dilutants, 400 grams or more.

Acts 1989, 71st Leg., ch. 678, Sec. 1, eff. Sept. 1, 1989. Amended by Acts 1993, 73rd Leg., ch. 900, Sec. 2.02, eff. Sept. 1, 1994; Acts 2001, 77th Leg., ch. 1188, Sec. 4, eff. Sept. 1, 2001.

- See more at:

<http://codes.lp.findlaw.com/txstatutes/HS/6/C/481/D/481.113#sthash.XyetNjkX.dpuf>

TEX HS. CODE ANN. § 481.1122 : Texas Statutes - Section 481.1122: MANUFACTURE OF SUBSTANCE IN PENALTY GROUP 1: PRESENCE OF CHILD

Search TEX HS. CODE ANN. § 481.1122 : Texas Statutes - Section 481.1122: MANUFACTURE OF SUBSTANCE IN PENALTY GROUP 1: PRESENCE OF CHILD

If it is shown at the punishment phase of a trial for the manufacture of a controlled substance listed in Penalty Group 1 that when the offense was committed a child younger than 18 years of age was present on the premises where the offense was committed:

- (1) the punishments specified by Sections 481.112(b) and (c) are increased by one degree;
- (2) the minimum term of imprisonment specified by Section 481.112(e) is increased to 15 years and the maximum fine specified by that section is increased to \$150,000; and
- (3) the minimum term of imprisonment specified by Section 481.112(f) is increased to 20 years and the maximum fine specified by that section is increased to \$300,000.



SHSU Spirit

Added by Acts 2007, 80th Leg., R.S., Ch. [840](http://www.legis.state.tx.us/tlodocs/80R/billtext/html/HB00946F.HTM), Sec. 1, eff. September 1, 2007.

- See more at: <http://codes.lp.findlaw.com/txstatutes/HS/6/C/481/D/481.1122#sthash.0KXt0qhe.dpuf>

TEX HS. CODE ANN. § 481.113 : Texas Statutes - Section 481.113: OFFENSE: MANUFACTURE OR DELIVERY OF SUBSTANCE IN PENALTY GROUP 2

**Search TEX HS. CODE ANN. § 481.113 : Texas Statutes - Section 481.113: OFFENSE:
MANUFACTURE OR DELIVERY OF SUBSTANCE IN PENALTY GROUP 2**

(a) Except as authorized by this chapter, a person commits an offense if the person knowingly manufactures, delivers, or possesses with intent to deliver a controlled substance listed in Penalty Group 2.

(b) An offense under Subsection (a) is a state jail felony if the amount of the controlled substance to which the offense applies is, by aggregate weight, including adulterants or dilutants, less than one gram.

(c) An offense under Subsection (a) is a felony of the second degree if the amount of the controlled substance to which the offense applies is, by aggregate weight, including adulterants or dilutants, one gram or more but less than four grams.

(d) An offense under Subsection (a) is a felony of the first degree if the amount of the controlled substance to which the offense applies is, by aggregate weight, including adulterants or dilutants, four grams or more but less than 400 grams.

(e) An offense under Subsection (a) is punishable by imprisonment in the institutional division of the Texas Department of Criminal Justice for life or for a term of not more than 99 years or less than 10 years, and a fine not to exceed \$100,000, if the amount of the controlled substance to which the offense applies is, by aggregate weight, including adulterants or dilutants, 400 grams or more.

Acts 1989, 71st Leg., ch. 678, Sec. 1, eff. Sept. 1, 1989. Amended by Acts 1993, 73rd Leg., ch. 900, Sec. 2.02, eff. Sept. 1, 1994; Acts 2001, 77th Leg., ch. 1188, Sec. 4, eff. Sept. 1, 2001.

- See more at:<http://codes.lp.findlaw.com/txstatutes/HS/6/C/481/D/481.113#sthash.2MGvFrcy.dpuf>

TEX HS. CODE ANN. § 481.114 : Texas Statutes - Section 481.114: OFFENSE: MANUFACTURE OR DELIVERY OF SUBSTANCE IN PENALTY GROUP 3 OR 4

**Search TEX HS. CODE ANN. § 481.114 : Texas Statutes - Section 481.114: OFFENSE:
MANUFACTURE OR DELIVERY OF SUBSTANCE IN PENALTY GROUP 3 OR 4**

(a) Except as authorized by this chapter, a person commits an offense if the person knowingly manufactures, delivers, or possesses with intent to deliver a controlled substance listed in Penalty Group 3 or 4.

(b) An offense under Subsection (a) is a state jail felony if the amount of the controlled substance to which the offense applies is, by aggregate weight, including adulterants or dilutants, less than 28 grams.

(c) An offense under Subsection (a) is a felony of the second degree if the amount of the controlled substance to which the offense applies is, by aggregate weight, including adulterants or dilutants, 28 grams or more but less than 200 grams.

(d) An offense under Subsection (a) is a felony of the first degree, if the amount of the controlled substance to which the offense applies is, by aggregate weight, including adulterants or dilutants, 200 grams or more but less than 400 grams.

(e) An offense under Subsection (a) is punishable by imprisonment in the institutional division of the Texas Department of Criminal Justice for life or for a term of not more than 99 years or less than 10 years, and a fine not to exceed \$100,000, if the amount of the controlled substance to which the offense applies is, by aggregate weight, including any adulterants or dilutants, 400 grams or more.

Acts 1989, 71st Leg., ch. 678, Sec. 1, eff. Sept. 1, 1989. Amended by Acts 1993, 73rd Leg., ch. 900, Sec. 2.02, eff. Sept. 1, 1994; Acts 2001, 77th Leg., ch. 1188, Sec. 5, eff. Sept. 1, 2001.

See more at: <http://codes.lp.findlaw.com/txstatutes/HS/6/C/481/D/481.114#sthash.Ntv5ADcI.dpuf>

THE ALCOHOLIC BEVERAGE CODE SECTIONS REFERENCING MINORS

CHAPTER 106. PROVISIONS RELATING TO AGE

SEC. 106.01. DEFINITION

In this code, "minor" means a person under 21 years of age.

SEC. 106.02. PURCHASE OF ALCOHOL BY A MINOR

(a) A minor commits an offense if the minor purchases an alcoholic beverage. A minor does not commit an offense if the minor purchases an alcoholic beverage under the immediate

supervision of a commissioned peace officer engaged in enforcing the provisions of this code.

(b) An offense under this section is punishable as provided by Section 106.071.

SEC. 106.025. ATTEMPT TO PURCHASE ALCOHOL BY A MINOR

(a) A minor commits an offense if, with specific intent to commit an offense under Section 106.02 of this code, the minor does an act amounting to more than mere preparation that tends but fails to effect the commission of the offense intended.

(b) An offense under this section is punishable as provided by Section 106.071

Miss Sam Houston



SEC. 106.03. SALE TO MINORS

- (a) A person commits an offense if with criminal negligence he sells an alcoholic beverage to a minor.
- (b) A person who sells a minor an alcoholic beverage does not commit an offense if the minor falsely represents himself to be 21 years old or older by displaying an apparently valid proof of identification that contains a physical description and photograph consistent with the minor's appearance, purports to establish that the minor is 21 years of age or older, and was issued by a governmental agency. The proof of identification may include a driver's license or identification card issued by the Department of Public Safety, a passport, or a military identification card.
- (c) An offense under this section is a Class A misdemeanor.
- (d) Subsection (b) does not apply to a person who accesses electronically readable information under Section 109.61 that identifies a driver's license or identification certificate as invalid.

SEC.106.04. CONSUMPTION OF ALCOHOL BY A MINOR

- (a) A minor commits an offense if he consumes an alcoholic beverage.
- (b) It is an affirmative defense to prosecution under this section that the alcoholic beverage was consumed in the visible presence of the minor's adult parent, guardian, or spouse.
- (c) An offense under this section is punishable as provided by Section 106.071.
- (d) A minor who commits an offense under this section and who has been previously convicted twice or more of offenses under this section is not eligible for deferred disposition. For the purposes of this subsection:
 - (1) an adjudication under Title 3, Family Code, that the minor engaged in conduct described by this section is considered a conviction of an offense under this section; and

(2) an order of deferred disposition for an offense alleged under this section is considered a conviction of an offense under this section.

SEC. 106.041. DRIVING OR OPERATING WATERCRAFT UNDER THE INFLUENCE OF ALCOHOL BY MINOR

- (a) A minor commits an offense if the minor operates a motor vehicle in a public place, or a watercraft, while having any detectable amount of alcohol in the minor's system.
- (b) Except as provided by Subsection (c), an offense under this section is a Class C misdemeanor.
- (c) If it is shown at the trial of the defendant that the defendant is a minor who is not a child and who has been previously convicted at least twice of an offense under this section, the offense is punishable by:
 - (1) a fine of not less than \$500 or more than \$2,000;
 - (2) confinement in jail for a term not to exceed 180 days; or
 - (3) both the fine and confinement.
- (d) In addition to any fine and any order issued under Section 106.115, the court shall order a minor convicted of an offense under this section to perform community service for:
 - (1) not less than 20 or more than 40 hours, if the minor has not been previously convicted of an offense under this section; or
 - (2) not less than 40 or more than 60 hours, if the minor has been previously convicted of an offense under this section.
- (e) Community service ordered under this section must be related to education about or prevention of misuse of alcohol.
- (f) A minor who commits an offense under this section and who has been previously convicted twice or more of offenses under this section is not eligible for deferred disposition or deferred adjudication.
- (g) An offense under this section is not a lesser included offense under Section 49.04, 49.045, or 49.06, Penal Code.
- (h) For the purpose of determining whether a minor has been previously convicted of an offense under this section:
 - (1) an adjudication under Title 3, Family Code, that the minor engaged in conduct described by this section is considered a conviction under this section; and
 - (2) an order of deferred disposition for an offense alleged under this section is considered a conviction of an offense under this section.
- (i) A peace officer who is charging a minor with committing an offense under this section is not required to take the minor into custody but may issue a citation to the minor that contains written notice of the time and place the minor must appear before a magistrate, the name and address of the minor charged, and the offense charged.
- (j) In this section:
 - (1) "Child" has the meaning assigned by Section 51.02, Family Code.
 - (2) "Motor vehicle" has the meaning assigned by Section 32.34(a), Penal Code.
 - (3) "Public place" has the meaning assigned by Section 1.07, Penal Code.
 - (4) "Watercraft" has the meaning assigned by Section 49.01, Penal Code.

SEC. 106.05. POSSESSION OF ALCOHOL BY A MINOR

- (a) Except as provided in Subsection (b) of this section, a minor commits an offense if he possesses an alcoholic beverage.
- (b) A minor may possess an alcoholic beverage:

- (1) while in the course and scope of the minor's employment if the minor is an employee of a licensee or permittee and the employment is not prohibited by this code;
 - (2) if the minor is in the visible presence of his adult parent, guardian, or spouse, or other adult to whom the minor has been committed by a court; or
 - (3) if the minor is under the immediate supervision of a commissioned peace officer engaged in enforcing the provisions of this code.
- (c) An offense under this section is punishable as provided by Section 106.071.

SEC. 106.06. PURCHASE OF ALCOHOL FOR A MINOR; FURNISHING ALCOHOL TO A MINOR

- (a) Except as provided in Subsection (b) of this section, a person commits an offense if he purchases an alcoholic beverage for or gives or with criminal negligence makes available an alcoholic beverage to a minor.
- (b) A person may purchase an alcoholic beverage for or give an alcoholic beverage to a minor if he is the minor's adult parent, guardian, or spouse, or an adult in whose custody the minor has been committed by a court, and he is visibly present when the minor possesses or consumes the alcoholic beverage.
- (c) An offense under this section is a Class A misdemeanor.

SEC. 106.07. MISREPRESENTATION OF AGE BY A MINOR

- (a) A minor commits an offense if he falsely states that he is 21 years of age or older or presents any document that indicates he is 21 years of age or older to a person engaged in selling or serving alcoholic beverages.
- (b) An offense under this section is punishable as provided by Section 106.071.

SEC. 106.071. PUNISHMENT FOR ALCOHOL-RELATED OFFENSE BY MINOR

- (a) This section applies to an offense under Section 106.02, 106.025, 106.04, 106.05, or 106.07.
- (b) Except as provided by Subsection (c), an offense to which this section applies is a Class C misdemeanor.
- (c) If it is shown at the trial of the defendant that the defendant is a minor who is not a child and who has been previously convicted at least twice of an offense to which this section applies, the offense is punishable by:
- (1) a fine of not less than \$250 or more than \$2,000;
 - (2) confinement in jail for a term not to exceed 180 days; or
 - (3) both the fine and confinement.
- (d) In addition to any fine and any order issued under Section 106.115:
- (1) the court shall order a minor placed on deferred disposition for or convicted of an offense to which this section applies to perform community service for:
 - (A) not less than eight or more than 12 hours, if the minor has not been previously convicted of an offense to which this section applies; or
 - (B) not less than 20 or more than 40 hours, if the minor has been previously convicted once of an offense to which this section applies; and
 - (2) the court shall order the Department of Public Safety to suspend the driver's license or permit of a minor convicted of an offense to which this section applies or, if the minor does not have a driver's license or permit, to deny the issuance of a driver's license or permit for:
 - (A) 30 days, if the minor has not been previously convicted of an offense to which this section applies;
 - (B) 60 days, if the minor has been previously convicted once of an offense to which this section applies; or

(C) 180 days, if the minor has been previously convicted twice or more of an offense to which this section applies.

(e) Community service ordered under this section must be related to education about or prevention of misuse of alcohol if programs or services providing that education are available in the community in which the court is located. If programs or services providing that education are not available, the court may order community service that it considers appropriate for rehabilitative purposes.

(f) In this section:

(1) a prior adjudication under Title 3, Family Code, that the minor engaged in conduct described by this section is considered a conviction; and

(2) a prior order of deferred disposition for an offense alleged under this section is considered a conviction.

(g) In this section, "child" has the meaning assigned by Section 51.02, Family Code.

(h) A driver's license suspension under this section takes effect on the 11th day after the date the minor is convicted.

(i) A defendant who is not a child and who has been previously convicted at least twice of an offense to which this section applies is not eligible to receive a deferred disposition or deferred adjudication.

NOTE: Sec. 106.071 (f) and (i) amended by House Bill 1575, Regular Session, 2005. Except as otherwise provided by this section, this Act applies only to conduct that occurs on or after September 1, 2005. Conduct violating the penal law of this state occurs on or after September 1, 2005, if any element of the violation occurs on or after that date. Conduct that occurs before September 1, 2005, is governed by the law in effect at the time the conduct occurred, and that law is continued in effect for that purpose.

SEC. 106.08. IMPORTATION BY A MINOR

No minor may import into this state or possess with intent to import into this state any alcoholic beverage

SEC. 106.09. EMPLOYMENT OF MINORS

(a) Except as provided in Subsections (b) and (c) of this section, no person may employ a person under 18 years of age to sell, prepare, serve, or otherwise handle liquor, or to assist in doing so.

(b) A holder of a wine only package store permit may employ a person 16 years old or older to work in any capacity.

(c) A holder of a mixed beverage permit may employ a person under 18 years of age to work in any capacity other than the actual selling, preparing, or serving of mixed beverages.

(d) The fact that a person is 18, 19, or 20 years of age is not a ground for refusal of an original or renewal permit or license issued under Chapter 35 or 73 of this code, provided that such person to whom a permit or license is issued may carry out the activities authorized by those chapters only while in the actual course and scope of the person's employment

SEC. 106.10. PLEA OF GUILTY BY MINOR

No minor may plead guilty to an offense under this chapter except in open court before a judge.

SEC. 106.115. ATTENDANCE AT ALCOHOL AWARENESS COURSE; LICENSE SUSPENSION

(a) On the placement of a minor on deferred disposition for an offense under Section 49.02, Penal Code, or under Section 106.02, 106.025, 106.04, 106.041, 106.05, or 106.07, the court shall require the defendant to attend an alcohol awareness program approved by the Texas Commission on Alcohol and Drug Abuse. On conviction of a minor of an offense under one or more of those sections, the court, in addition to assessing a fine as provided by those sections, shall require a defendant who has not been previously convicted of an offense under one of those sections to attend the alcohol awareness program. If the defendant has been previously convicted once or more of an offense under one or more of those sections, the court may require the defendant to attend the alcohol awareness program. If the defendant is younger than 18 years of age, the court may require the parent or guardian of the defendant to attend the program with the defendant. The Texas Commission on Alcohol and Drug Abuse:

- (1) is responsible for the administration of the certification of approved alcohol awareness programs;
- (2) may charge a nonrefundable application fee for:
 - (A) initial certification of the approval; or
 - (B) renewal of the certification;
- (3) shall adopt rules regarding alcohol awareness programs approved under this section; and
- (4) shall monitor, coordinate, and provide training to a person who provides an alcohol awareness program.

(b) When requested, an alcohol awareness program may be taught in languages other than English.

(c) The court shall require the defendant to present to the court, within 90 days of the date of final conviction, evidence in the form prescribed by the court that the defendant, as ordered by the court, has satisfactorily completed an alcohol awareness program or performed the required hours of community service. For good cause the court may extend this period by not more than 90 days. If the defendant presents the required evidence within the prescribed period, the court may reduce the assessed fine to an amount equal to no less than one-half of the amount of the initial fine.

(d) If the defendant does not present the required evidence within the prescribed period, the court:

- (1) shall order the Department of Public Safety to:

(A) suspend the defendant's driver's license or permit for a period not to exceed six months or, if the defendant does not have a license or permit, to deny the issuance of a license or permit to the defendant for that period; or

(B) if the defendant has been previously convicted of an offense under one or more of the sections listed in Subsection (a), suspend the defendant's driver's license or permit for a period not to exceed one year or, if the defendant does not have a license or permit, to deny the issuance of a license or permit to the defendant for that period; and

(2) may order the defendant or the parent, managing conservator, or guardian of the defendant to do any act or refrain from doing any act if the court determines that doing the act or refraining from doing the act will increase the likelihood that the defendant will present evidence to the court that the defendant has satisfactorily completed an alcohol awareness program or performed the required hours of community service.

(e) The Department of Public Safety shall send notice of the suspension or prohibition order issued under Subsection (d) by first class mail to the defendant. The notice must include the date of the suspension or prohibition order, the reason for the suspension or prohibition, and the period covered by the suspension or prohibition.

SEC. 106.116. REPORTS OF COURT TO COMMISSION

Unless the clerk is otherwise required to include the information in a report submitted under Section 101.09, the clerk of a court, including a justice court, municipal court, or juvenile court, shall furnish to the commission on request a notice of a conviction of an offense under this chapter or an adjudication under Title 3, Family Code, for conduct that constitutes an offense under this chapter. The report must be in the form prescribed by the commission.

SEC. 106.117. REPORT OF COURT TO DEPARTMENT OF PUBLIC SAFETY

(a) Each court, including a justice court, municipal court, or juvenile court, shall furnish to the Department of Public Safety a notice of each:

(1) adjudication under Title 3, Family Code, for conduct that constitutes an offense under this chapter;

(2) conviction of an offense under this chapter;

(3) order of deferred disposition for an offense alleged under this chapter; and

(4) acquittal of an offense under Section 106.041.

(b) The notice must be in a form prescribed by the Department of Public Safety and must contain the driver's license number of the defendant, if the defendant holds a driver's license.

(c) The Department of Public Safety shall maintain appropriate records of information in the notices and shall provide the information to law enforcement agencies and courts as necessary to enable those agencies and courts to carry out their official duties. The information is admissible in any action in which it is relevant. A person who holds a driver's license having the same number that is contained in a record maintained under this section is presumed to be the person to whom the record relates. The presumption may be rebutted only by evidence presented under oath.

(d) The information maintained under this section is confidential and may not be disclosed except as provided by this section. A provision of Chapter 58, Family Code, or other law limiting collection or reporting of information on a juvenile or other minor requiring destruction of that information does not apply to information reported and maintained under this section.

Sec. 106.12. EXPUNGEMENT OF CONVICTION OF A MINOR

(a) Any person convicted of not more than one violation of this code while a minor, on attaining the age of 21 years, may apply to the court in which he was convicted to have the conviction expunged.

(b) The application shall contain the applicant's sworn statement that he was not convicted of any violation of this code while a minor other than the one he seeks to have expunged.

(c) If the court finds that the applicant was not convicted of any other violation of this code while he was a minor, the court shall order the conviction, together with all complaints, verdicts, sentences, and other documents relating to the offense, to be expunged from the applicant's record. After entry of the order, the applicant shall be released from all disabilities resulting from the conviction, and the conviction may not be shown or made known for any purpose.

(d) The court shall charge an applicant a fee in the amount of \$30 for each application for expungement filed under this section to defray the cost of notifying state agencies of orders of expungement under this section.

NOTE: The changes in law made by this Act apply only to an application for expunction filed on or

after September 1, 2005. An application for expunction filed before September 1, 2005, is covered by the law in effect when the application was filed, and the former law is continued in effect for that purpose.

SEC. 106.13. SANCTIONS AGAINST RETAILER

(a) Except as provided in Subsections (b) and (c) of this section, the commission or administrator may cancel or suspend for not more than 60 days a retail license or permit or a private club registration permit if it is found, on notice and hearing, that the licensee or permittee with criminal negligence sold, served, dispensed, or delivered an alcoholic beverage to a minor or with criminal negligence permitted a minor to violate Section 106.04 or 106.05 of this code on the licensed premises.

NOTE: Sec. 106.13(a) applies to all retail licenses and permits, including private club registration permits, irrespective of whether they hold a food and beverage certificate. (b) For a second offense the commission or administrator may cancel the license or permit or suspend it for not more than three months. For a third offense within a period of 36 consecutive months the commission or administrator may cancel the permit or suspend it for not more than 12 months.

(c) The commission or administrator may relax the provisions of this section concerning suspension and cancellation and assess a sanction the commission or administrator finds just under the circumstances if, at a hearing, the licensee or permittee establishes to the satisfaction of the commission or administrator:

- (1) that the violation could not reasonably have been prevented by the permittee or licensee by the exercise of due diligence;
- (2) that the permittee or licensee was entrapped; or
- (3) that an agent, servant, or employee of the permittee or licensee violated this code without the knowledge of the permittee or licensee.

SEC. 106.14. ACTIONS OF EMPLOYEE

(a) For purposes of this chapter and any other provision of this code relating to the sales, service, dispensing, or delivery of alcoholic beverages to a minor or an intoxicated person or the consumption of alcoholic beverages by a minor or an intoxicated person, the actions of an employee shall not be attributable to the employer if:

- (1) the employer requires its employees to attend a commission-approved seller training program;
- (2) the employee has actually attended such a training program; and
- (3) the employer has not directly or indirectly encouraged the employee to violate such law.

(b) The commission shall adopt rules or policies establishing the minimum requirements for approved seller training programs. Upon application, the commission shall approve seller training programs meeting such requirements that are sponsored either privately, by public community colleges, or by public or private institutions of higher education that offer a four-year undergraduate program and a degree or certificate in hotel or motel management, restaurant management, or travel or tourism management. The commission may charge an application fee to be set by the commission in such amount as is necessary to defray the expense of processing the application.

(c) The commission may approve under this section a seller training program sponsored by a licensee or permittee for the purpose of training its employees whether or not such employees are located at the same premises. This subsection shall only apply to licensees or permittees who employ at least 150 persons at any one time during the license or permit year who sell, serve, or prepare alcoholic beverages.

(d) The commission may approve under this section a seller training program conducted by a hotel management company or a hotel operating company for the employees of five or more hotels operated or

managed by the company if:

- (1) the seller training program is administered through the corporate offices of the company; and
- (2) the hotels employ a total of at least 200 persons at one time during the license or permit year who sell, serve, or prepare alcoholic beverages.

SEC. 106.15. PROHIBITED ACTIVITIES BY PERSONS YOUNGER THAN 18

- (a) A permittee or licensee commits an offense if he employs, authorizes, permits, or induces a person younger than 18 years of age to dance with another person in exchange for a benefit, as defined by Section 1.07, Penal Code, on the premises covered by the permit or license.
- (b) An offense under Subsection (a) is a Class A misdemeanor.
- (c) In addition to a penalty imposed under Subsection (b), the commission or administrator shall:
 - (1) suspend for a period of five days the license or permit of a person convicted of a first offense under Subsection (a);
 - (2) suspend for a period of 60 days the license or permit of a person convicted of a second offense under Subsection (a); and
 - (3) cancel the license or permit of a person convicted of a third offense under Subsection (a).
- (d) This section does not apply to a gift or benefit given for a dance at a wedding, anniversary, or similar event.
- (e) A person does not commit an offense under Subsection (a) if the person younger than 18 years of age falsely represents the person's age to be at least 18 years of age by displaying an apparently valid Texas driver's license or an identification card issued by the Department of Public Safety containing a physical description consistent with the person's appearance

Alcohol & Drug Abuse Initiative: FY13 Annual Security Report

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Alcohol & Drug Abuse Initiative Overview

The Alcohol & Drug Abuse Initiative (ADAI) is a coalition of members formed under the direction of SHSU President Dr. James Gaertner in September 2004. Originally, the Initiative focused solely on alcohol abuse and worked under the name Alcohol Abuse Initiative. In the spring of 2007, the members voted to expand the scope to include drug abuse issues as well.

The mission of the Alcohol & Drug Abuse Initiative is to prevent and reduce irresponsible alcohol and drug use among Sam Houston State University students through coordinated efforts to inform, educate, and modify student's knowledge, attitudes and behaviors regarding substance abuse.

Ultimately, through this multi-faceted approach, we envision a safe, and healthy SHSU community that is free of the negative and tragic outcomes attributable to alcohol and drug use.

ATOD Education

The ADAI utilizes multiple avenues to educate the SHSU community on alcohol, drug abuse, and the associated outcomes. The avenues for alcohol and drug education are outlined below.

KIN 2115 – Lifetime Health & Wellness courses

For several years the ADAI has partnered with the SHSU Department of Health & Kinesiology to educate students about alcohol and drugs. KIN 2115 is a course that every SHSU is required to take in order to graduate; preferably during their freshman year. Each semester the ADAI delivers a guest lecture to students and provides them with comprehensive information regarding alcohol and drugs. Each semester approximately 2500 students enroll in the course. Therefore, through the Lifetime Health and Wellness courses the ADAI is able to educate 5000 students about alcohol and drugs over the course of the academic year.

Alcohol & Drug Summit

Each fall the ADAI plans and holds an Alcohol & Drug Summit to educate the student body on alcohol & drug-related issues. The Summit is an all-day event with several educational sessions held throughout the day. The event is headlined by a lunch and keynote speaker to help send the message to the SHSU of the importance of alcohol and drug awareness. Attendance at this event varies from year-to-year, but generally between 200-350 students attend the Summit every year.

SAFE Week

In collaboration with the Dean of Students Office and Greek Life, the ADAI offers a series of programs at the beginning of the academic year for SAFE Week. This series of events addresses underage drinking, impaired driving, hazing, sexual health, and general risk management.

Other on-going programs

Throughout the semester the ADAI plans, markets, and holds a variety of educational programs for the student body. Topics of these program includes:

- Alcohol & Dating
- Balancing Academics & a Social Life
- Spring Break Safety

Outreach Activities by Request

An “Outreach Request Form” has been placed on the ADAI’s webpage that enables SHSU community members to “Request” educational sessions over the course of the year. Each year the ADAI receives several requests for ATOD education for groups of 10-50 people. Requests for outreach activities have been demanded by several entities such as:

- UNIV 1301 Instructors – Intro to Collegiate Studies
- Athletics

- Fraternities
- Sororities
- Residence Life
-

Other ADAI Efforts

iDrive

Through the iDrive program the ADAI collaborates with Huntsville Bars, Clubs, and Restaurants. iDrive is a designated driver incentive program that is supported by establishments in the Huntsville area. With the program designated drivers are given free non-alcoholic beverages and a chance at prices for volunteering to be the designated driver for an evening. Management of the program over time indicates that the program is well-supported by the bars in the area, and utilized by patrons.

Good SAM Program

The Good SAM program is SHSU's Good Samaritan program. With the Good SAM program we guarantee amnesty to anyone that is acting in the best interest when there's a suspected case of alcohol-poisoning.

Evaluation

Surveillance

Through surveys conducted during KIN 2115 the ADAI is able to gather data on students alcohol use. These questions enable us to get a general idea of the prevalence of alcohol use, prevalence of heavy alcohol use, and underage use among the student body.

Efficacy of ADAI Programs

Through surveys conducted during KIN 2115 the ADAI is able to gather data on the effective of educational events. With the questions we ask students to reflect on the event. We determine whether the session was informative, whether new information was presented, and whether the information presented will help them make more responsible decisions concerning alcohol consumption.

Alcohol-related Incidents

Through strong ties with the Dean of Students Office and Residence Life, the ADAI is able to keep track of the number of violations to the University's Alcohol policy over time. Another critical source for evaluation is the Crime Report which is regularly updated by the University Police Department. The ADAI regularly uses this report to specifically track the number of alcohol and drug-related incidents that UPD addresses in the area.

Residence Life Policies Concerning Safety in Residence Halls

MISSING STUDENT NOTIFICATION POLICY

Federal law requires that the University report both to the University Police Department (UPD) and to the student's designated contact person when campus residents are determined missing for 24 hours (i.e., no one can identify where they are). If the missing student is less than 18 years of age and not emancipated, the University is also required to notify their parent or guardian. Campus residents have the opportunity to provide a contact person to the Residence Life Department during the application process. This information is confidential and only used in emergencies. UPD will always be notified if a campus resident has been determined to be missing for over 24 hours, regardless of whether the student has provided confidential contact information.

CANDLES AND INCENSE

Candles, candle/oil/wax warmers, Scentsy devices, wax sculptures, potpourri pots, paraffin baths, incense, and any open flame are prohibited in residence halls/apartments for fire safety reasons. Candles should not be used during power outages or in holiday season decorations such as jack-o-lanterns, Christmas wreaths or menorahs.

Violation of this policy will result in a fine of \$50.00 (for each candle or item) not to exceed \$250.00 for the 1st violation. Candles/Incense that are unused, have the wick removed or still in their original packaging (unopened) are also considered illegal and will be subject to the fine. The student must remove the candle or incense from the building immediately. Subsequent violations will result in a \$250.00 fine and disciplinary action which may include housing contract termination.

Rationale: Candles/Incense are considered extreme fire hazards and have been banned by the State Fire Marshal for all residence halls/apartments.

CARD ACCESS SYSTEM

The Department of Residence Life offers increased security through the use of the Bearkat One Card system. All residence halls (except White Hall and Bearkat Village) are equipped with card access. Exterior doors are locked 24 hours a day after move-in. Each of the main doors is equipped with a card reader. Sliding the magnetic stripe on the back of the ID card will give access to the assigned hall. Only the residents of your hall are coded for access to your hall; therefore, it is important not to admit non-residents without an escort. This system offers better security because once a lost card is reported, the ID card can be quickly deactivated so that no one else can use it. Some other features of this system and related security policies are:

1. Doors propped or remaining open longer than 30 seconds will trigger a local alarm at the door.
2. Entrances which do not have a card reader are labeled as emergency exits. An alarm will sound if an emergency exit door is opened at any time.
3. Should any card be used in a reader that is not authorized to access that particular hall, the system will identify the ID number, record the unauthorized attempt, and deny access.
4. Should there ever be a power outage, back-up batteries will allow the system to continue to operate for a limited time.
5. Contact hall/apartment staff if a temporary hall entry card is needed.
6. Guests should use the telephones located outside the main entrances of the residence halls to contact their host, and then must be escorted within the hall by their host.

7. Hitting, banging on, or tampering with a reader will set the alarm off. Damages to a card reader can be assessed to an individual or group-billed, and can range from \$80 -\$400.

Typically, during the check-in process at the beginning of each semester, the exterior doors will be unlocked within certain time periods to assist with students moving in. Residence hall staff will post specific schedules when exterior doors will be unlocked.

Report any problems with ID card access, or any related building entry questions, to the hall staff, or contact the Residence Life Office at 936-294-1812.

A lost Access Card requires immediate action due to building security, personal identification as well as potential meal plan and money theft. Report lost cards immediately to staff.



FAQs (Card Access)

1. What if my ID card does not work in the reader?

First, make sure your card has been activated. You may do this through the website at www.bearkatone.com. Next, make sure that you are attempting to enter the residence hall where you have been assigned. Finally, try another door into the building in case that particular reader is out of order (and then report malfunction to staff, please)!

If your card still does not work in any reader of your assigned building, please contact the residence hall staff.

2. What happens if I want to change halls?

If you are granted a hall change, you will receive immediate access to your new assignment. Your access to your old building will only continue to work for another 48 hours; therefore, you must be moved within the 48-hour period.

3. Will I be able to get into the hall during the break periods?

All students will be denied access to residence halls during any of the break periods unless they have signed up for the break and paid the appropriate break fee. Your inclusion on the break list will generate access for your building during the break period.

4. Can I loan my card to another resident or a guest?

Cards are not to be loaned to anyone for any purpose. This card is for official University identification purposes, and should be carried at all times. It is non-transferable and its use is the responsibility of the named student. Misuse of the card may subject bearer and/or student to whom it is issued to disciplinary sanctions. Students must present their ID card when requested by any official of the University, including University Police, dining hall personnel, and residence hall staff.

COOKING AND COOKING APPLIANCES

(Residence Halls Only)

Cooking and cooking appliances are not allowed in student rooms. Open-coil heating devices (for heating liquids, cooking, etc.) are not allowed in residence halls. Drip coffee, tea makers and blenders are allowed when used for their intended purpose only. The use of microwave ovens is also prohibited in all residence hall rooms (unless provided by the university).

When an illegal cooking appliance is found, the student will be charged \$25.00 (for each appliance). The student must remove the appliance from the building immediately. Rationale: A large number of appliances could overload electrical circuits in the hall. Cooking in student rooms may create fire hazards, problems with waste disposal and may contribute to pest problems. NOTE: Cooking and cooking appliances are allowed in Bearkat Village Apartments.

Combustible fluids (charcoal lighter fluid, gasoline, etc...) may not be stored in resident's room/apartment. There is a \$50.00 fine (per item) not to exceed \$250.00 for the 1st violation. A second violation will result in the housing contract being terminated and a \$250.00 fine. Additional disciplinary action may be taken. Rationale: The State Fire Marshal considers any combustible fluid a fire hazard if stored in resident rooms/apartments and has mandated that they not be permitted in the halls/apartments

DOORS (EXTERIOR)

Propping of exterior doors, as well as interior stairwell doors, laundry doors, etc. is prohibited for safety reasons. Residents who prop any door will be fined \$250.00 and may be subject to disciplinary action. If caught propping the door with an object (including any foreign objects impeding the crash bar), residents will be fined \$250.00. The rationale for this policy stems from security issues, air conditioning issues, and consistent enforcement of policies. If the building has card access security, an alarm will sound if the doors are propped. Residents are not to allow non-residents into the exterior doors of the residence halls.

Damages sustained to the card access devices will result in a minimum charge of \$80.00, not to exceed \$400.00 (vandalism/tampering).

HALOGEN LAMPS

Halogen lamps are prohibited in the residence halls/apartments. Use of these lamps in residence halls/apartments is also against the National Electrical Code and the Life Safety Code. Several universities have experienced residence hall fires due to the amount of heat these lamps produce. These lamps may also put a strain on the building's electrical wiring due to the amount of amps they require. Possession of a halogen lamp will result in a fine of \$25.00. The student must remove the lamp from the building immediately.

HEATERS

Space heaters and radiators, whether electric or kerosene powered, are not allowed in residence halls/apartments. Possession of a space heater or radiator will result in a fine of \$25.00. The student must remove the heater from the building immediately. Rationale: Space heaters and radiators become very hot and therefore can cause damage or fires.

HOLIDAY DECORATIONS No live trees or greenery are allowed in residence halls/apartments, however, artificial trees/greenery may be used. Lights and other decorations should be used with safety in mind. Ornamental/seasonal lights, typically displayed in a strand of lights, may be approved for use in student rooms. No more than 3 strands of lights may be linked together at one time. Approval from the RHD must be received prior to use. Keep flammable materials away from lights. Use of extension cords is prohibited in the student rooms/apartments by order of the State Fire Marshal. Power strips are to be used as an alternative. Excessive decorations and improper use of lights may cause extreme fire hazards, and the safety of residents must be considered at all times. (see ELECTRICAL POWER STRIPS, LIGHT BULBS)

LIGHT BULBS

The use of light bulbs must be in accordance with the rating of the light fixture. Ornamental/seasonal lights, typically displayed in a strand of lights, may be approved for use in student rooms/apartments. Approval from the RHD must be received prior to use. Rationale: Use of light bulbs of a higher wattage than the rating of the fixture can result in overheating and therefore, constitute a potential fire hazard.

LIGHT FIXTURES The use of acetate, cellophane, fabric, tissue paper, or other combustible materials over or in the light fixture is forbidden by fire safety regulations. Rationale: There are risks of personal injury or fire. Acetate may get too hot and melt onto the fixture. Even when the acetate does not melt, it holds heat rather than allowing it to diffuse, resulting in a possible short that could cause a personal injury or a fire.

SAFETY EQUIPMENT

Any student found to be responsible for the misuse of safety equipment, which includes but is not limited to: fire hoses and valves, emergency lights, exit signs, smoke/heat detectors, fire panels, security cameras, electrical panels, fire extinguishers, and public area lighting, will be assessed a \$250.00 fine and be subject to further disciplinary action. NOTE: Tampering, pulling, disabling, disconnecting, and/or dismantling a fire alarm system for any reason is both a federal and state criminal offense. Anyone found in violation of the above criminal offense will be prosecuted to the full extent of the law.

SMOKE DETECTORS

Smoke detectors should be operational at all times. Staff will perform routine checks to determine that all smoke detectors are functioning. Report all problems (beeping sounds, etc.) to the staff immediately so they can replace the battery or report the problem to Residence Life Maintenance for repair.

Tampering with a smoke detector (detaching, removing batteries, unplugging, or covering up the smoke detector with an item) is a safety violation and is subject to a fine of \$250.00 plus the cost to replace the damaged item(s).

SMOKING

Sam Houston State University is a tobacco free campus. Residents are not allowed to use or possess any tobacco related items or products on campus. The ban also includes electronic cigarettes. Violation of this policy will result in a \$100.00 fine. Subsequent violations will result in an additional \$100.00 fine and disciplinary action which may include housing contract termination. Residents will be held responsible for the actions of their guests.

WEAPONS AND EXPLOSIVES

The University has the responsibility of promoting the health, safety and welfare of students. State laws as well as institutional policies assist the University in accomplishing this. The State, as well as the University, has very firm policies on the possession of weapons. Students living in residence halls/apartments are strictly prohibited from keeping any weapons, explosives and projectiles of any kind, in their rooms/apartments including but not limited to: guns (which includes BB guns, paint and pellet guns, cap guns and starter pistols, air rifles), blow guns, stun guns, ammunition, bows, arrows, knives with blades over 5 ½ inches, nun-chucks, sling shots, and fireworks. Any resident in possession of an explosive device (fireworks, soda bottle bombs etc.) will be fined \$250.00. A resident who violates this policy/law will have their housing contract terminated and will also be subject to disciplinary action by the Dean of Students' Office.

PARAGRAPH 4.5 OF CHAPTER VII ON PAGES VII-9 AND 10

4.5 - Prohibition on Weapons. It is a violation of these *Rules and Regulations* to possess, carry or otherwise cause a firearm, handgun or other prohibited weapon, licensed or otherwise, concealed or otherwise-to be brought onto the premises of a System Component.

2.5- "Premises of a System Component" as used in this *Section* means a structure and the land (including parking lots, garages, or other appurtenances, on which the structure is situated) over which this Board has ownership or control. This prohibition extends to leased, borrowed or other facilities where a System or Component function, event, or activity takes or is taking place. But does not apply to: a) academic programs or Component sponsored or approved events in which the Component explicitly authorizes the use of handguns: b) law enforcement personnel acting in performance of their duties; or, c) the transporting of such

firearms/handguns, or other prohibited weapons for registration with and storage by the Component public safety office.



The Bill Blackwood Law Enforcement Management Institute of Texas

2.5 - "Prohibited Weapon," as defined by *Texas Penal Code, section 46.01*, includes the following:

2 - "Club," meaning an instrument that is specifically designed, made, or adapted for the purpose of inflicting serious bodily injury or death by striking a person- (for example, a blackjack, nightstick, mace, Numbchuck or tomahawk);

3 - "Explosive weapon," meaning any explosive or incendiary bomb, grenade, rocket, or mine that is designed, made, or adapted for the purpose of inflicting serious bodily injury or death, or substantial property damage, or for the principal purpose of causing such a loud report as to cause undue public alarm or terror (whether such a weapon is designed, made, or adapted for delivery shooting);

4 - "Firearm," meaning any device designed, made, adapted, or readily adaptable to expel a projectile through a barrel by using the energy generated by an explosion or burning substance (excluded are antique or curio firearms manufactured before 1899 or replicas thereof, provided they do not use rim fire or center fire ammunition) including, but not necessarily limited to handguns, machine guns, rifles, "zip guns," stun guns, and "short-barrel firearms":

5 - "Illegal knife," meaning any bladed, hand instrument that: a) has a blade over five and one-half inches; b) is capable of inflicting serious bodily injury or death on a person by cutting, stabbing, or throwing (for example, a dagger, dirk, stiletto, poniard, bowie knife, , sword, or spear):

6 - "Knuckles," meaning any instrument that consists of finger rings or guards made of a hard substance and that is designed, made, or adapted for the purpose of inflicting serious bodily injury or death by striking a person with a fist enclosed in the knuckles;

7 - "Hoax bomb," meaning a device that: a) reasonably appears to be an explosive or incendiary device; or, b) by its design causes alarm or reaction of any type by police, public safety, or other administrators at a system component, who are charged with assuring campus safety:

8 - "Chemical dispensing device," meaning a device (other than a chemical dispenser sold commercially for personal protection) that is designed, made, or adapted for the purpose of dispensing a substance capable of causing adverse psychological or physiological effect on a human being.

Explanation

The current rule speaks to firearms, handguns, or other prohibited weapons but does not define the term, "other prohibited weapons" clearly. At least one of the System campuses prohibits: a) possession or use, of any firearm, ammunition, weapon, or facsimile on university property; b) possession of any explosive device, fireworks, liquid or object that is flammable; and, c) bomb threats. Some of these particular violations are clear in the current rule while others are not as clear and have been the subject of campus debate.

Generally, the reference to the Texas

Penal Code causes people to look for the text references in other locations, and it is helpful to iterate clearly the definition of "prohibited weapon" in this rule.

Defining the term "land" as part of the "premises of a System Component" is important since we have activities sponsored by university entities, thus creating liability for the university, on land outside of an actual building. We also have jurisdiction over any university sponsored activity that might occur on property that is not owned by the university, and a duty of care may be owed to those in attendance.

The campuses have commissioned police officers that carry weapons as part of their job functions, and these officers also have formal or informal mutual aid agreements with the host

cities to assist when necessary. The proposed change codifies existing practice that the prohibition does not apply to law enforcement personnel, acting in discharge of duty.

Fire Safety Report 2013

The purpose of this report is to record all fires in on-campus student housing facilities that are reported to any official at Sam Houston State University. This report is in compliance with the Higher Education Opportunity Act (Public Law 110-315).

Fire Statistics 2013

Student Housing	Unit #	Deaths	Injuries	Damage Value	Date Time	Cause
Bearkat Village 2401 Montgomery Rd.	B107	0	0	\$7,000	7/14/11 11:03p	Grease fire while cooking on stove top.
Bearkat Village 2401 Montgomery Rd.	158	0	0	\$1,000	12/16/10 11:03p	Grease fire while cooking on stove top.
Smith-Hudson 1821 Ave. I	Mech. Rm	0	0	\$2,000	1/29/12 10:04a	Elevator motor fire.
Lee Drain 1901 Ave. I	Mech. Rm	0	0	\$2,000	11/26/12 2:32p	Elevator motor fire.
Ron Mafrige Field House 620 Bowers Blvd.		0	0	\$7,000	10/1/12 6:00p	Mechanical failure.



Description of fire safety systems in on-campus housing facilities

All on-campus student housing facilities have smoke alarms in each bedroom and fire alarm systems in the common areas. In addition, all housing constructed since 2000 are protected by automatic fire sprinkler systems.

On-Campus Housing Facility	Fire Extinguishers	Fire Alarm System	Total # Fires	Fire Suppression System
Alpha Chi Omega House	Yes	Yes	0	No
Alpha Delta Pi House	Yes	Yes	0	No
Anne Shaver House	Yes	Yes	0	No
Baldwin House	Yes	Yes	0	No
Barrett House	Yes	Yes	0	No
Bearkat Village A : 1-18	Yes	Yes	0	Sprinkler
Bearkat Village B : 19-53	Yes	Yes	0	Sprinkler
Bearkat Village C: 54-71	Yes	Yes	0	Sprinkler
Bearkat Village D: 72-107	Yes	Yes	1	Sprinkler
Bearkat Village E: Clubhouse	Yes	Yes	0	Sprinkler
Bearkat Village F: 108-143	Yes	Yes	0	Sprinkler
Bearkat Village G: 144-161	Yes	Yes	1	Sprinkler

Bearkat Village H: 162-185	Yes	Yes	0	Sprinkler
Bearkat Village I: 186-203	Yes	Yes	0	Sprinkler
Bearkat Village J: 204-221	Yes	Yes	0	Sprinkler
Bearkat Village K: 222-244	Yes	Yes	0	Sprinkler
Bearkat Village L: 245 -262	Yes	Yes	0	Sprinkler
Bearkat Village M: Laundry/Mailbox	Yes	Yes	0	Sprinkler
Belvin-Buchanan Hall	Yes	Yes	0	Sprinkler
Crawford House	Yes	Yes	0	No
Creager House	Yes	Yes	0	No
Elliott Hall	Yes	Yes	0	Sprinkler
Estill Hall	Yes	Yes	0	Sprinkler
Gibbs House	Yes	Yes	0	No
Houston House	Yes	Yes	0	No
Jackson-Shaver Hall	Yes	Yes	0	Standpipe
Lone Star Hall	Yes	Yes	0	Sprinkler, Fire Pump, Standpipe
Mallon House	Yes	Yes	0	No
Parkhill House	Yes	Yes	0	No
Rachel Jackson House	Yes	Yes	0	No
Randel House	Yes	Yes	0	No
Raven Village	Yes	Yes	0	Sprinkler, Fire Pump, Standpipe
Sam Houston Village	Yes	Yes	0	Sprinkler, Fire Pump, Standpipe
Sigma Sigma Sigma House	Yes	Yes	0	No
Spivey House	Yes	Yes	0	No
Vick House	Yes	Yes	0	No
White Hall	Yes	Yes	0	No
Zeta Tau Alpha House	Yes	Yes	0	No

Fire Drills Conducted

Building	Spring 2013		Summer 2013		Fall 2013	
	Date	Time	Date	Time	Date	Time
Alpha Chi Omega	1/29/13	3:30			9/10	3:30
Alpha Delta Pi	1/29/13	3:45			9/10	3:45
Anne Shaver	1/29/13	3:30			9/10	3:30
Baldwin	1/29/13	3:30			9/10	3:30
Barret	1/29/13	3:30			9/10	3:30
Belvin/Buchanan	1/29/13	3:30			9/10	3:30
BKV A - I	1/29/13	3:30	6/4/13 7/9/13	3:30	9/10	3:30
BKV J - M	1/29/13	4:00	6/4/13 7/9/13	3:30	9/10	4:00
Crawford	1/29/13	3:45			9/10	3:45
Creager	1/29/13	4:00			9/10	4:00
Elliot	1/29/13	3:45			9/10	3:45
Estill	1/29/13	3:30			9/10	3:30
Gibbs	1/29/13	3:45			9/10	
Houston	1/29/13	3:45			9/10	3:45
Jackson-Shaver	1/29/13	3:30			9/10	3:30
Lone Star	1/29/13	3:00			9/24	3:00
Mallon	1/29/13	4:15			9/10	4:15
Parkhill	1/29/13	3:45	6/4/13 7/9/13	3:30	9/10	
Rachael Jackson	1/29/13	3:30			9/10	3:30
Randel	1/29/13	3:30			9/10	3:30
Raven Village	1/29/13	4:00	6/4/13 7/9/13	3:30	9/10	4:00
Sam Houston Village	1/29/13	4:00			9/10	4:00
Sigma Sigma Sigma	1/29/13	3:30			9/10	3:30
Spivey	1/29/13	4:00			9/10	4:00
Vick	1/29/13	3:45			9/10	3:45
White Hall	1/29/13	3:30			9/10	3:30

University Policy: Portable Electrical Equipment, Smoking and Open Flames

Portable Electrical Appliances

Cooking and cooking appliances are not allowed in student rooms. Open-coil heating devices (for heating liquids, cooking, etc.) are not allowed in residence halls. Hot-air popcorn poppers, drip coffee and tea makers and blenders are allowed when used for their intended purpose only. The use of microwave ovens is also prohibited in all residence hall rooms (unless provided by the University). Electric potpourri simmering pots are not allowed. When an illegal cooking appliance is found, the student will be charged \$25.00 (for each appliance). The student must remove the appliance from the building, immediately.

Smoking

Smoking is prohibited in all residence halls, apartment buildings, and PanHellenic houses owned or operated by Sam Houston State University. Smoking outside of these facilities is restricted to approved areas and violators may be fined \$100. Residents will be held responsible for the actions of their guests.

Open Flames

Candle/oil warmers, wax sculptures, potpourri pots, paraffin baths, incense, and any other open flame are prohibited in residence halls for fire safety reasons. Candles should not be used during power outages or in holiday season decorations such as jack-o-lanterns, Christmas wreaths, or menorahs. Possession of candles, incense, or any item requiring an open flame to operate, may result in a fine of \$50 per item or a maximum fine of \$250. The student must remove the item from the building immediately. For any subsequent violation, the fine will be \$250 regardless of the number of items in violation of University policy.

Evacuation Procedures for All Residence Halls

Fire drills are conducted at the beginning of each semester and are used to familiarize residents with the sound of the fire alarm or air horns, the available and nearest emergency exits, and the procedure for evacuating the building. During a fire drill, every room is checked by a resident advisor to confirm that all areas have been evacuated. Failure to evacuate during a drill or alarm will result in a \$50 fine and disciplinary action.

Fire and safety policies are located on the Environmental Health and Safety Office website: <http://www.shsu.edu/safety/> , and on the Residence Life website, http://www.shsu.edu/~hou_www/index.html.

Any fire on campus should be reported to the following organizations:

- Public Safety Services (UPD).
- Residence Life Work Control for fires in dorms, houses or apartments.
- Physical Plant Work Control for all other buildings.
- Environmental Health, Safety & Risk Management Office.

Sam Houston State University is committed to the safety of its student residents through regular fire drills, training, inspection