



# **2023 Annual Security and Fire Safety Report**

Contains policy statements for the 2023-2024 academic year and  
crime and fire statistics for 2020, 2021, and 2022

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**Texas A&M University-Kingsville, Kingsville, TX**

**Texas A&M University-Kingsville Citrus Center, Weslaco, TX**

**Texas State Technical College Harlingen Campus  
Multi-Institutional Teaching Center, Harlingen, TX**

**RELLIS, Bryan, TX**

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In compliance with the Jeanne Clery Disclosure of Campus Security Policy  
and Campus Crime Statistics Act (20 USC § 1092(f), 34 CFR 668.46)

**Published: September 29, 2023  
Revised: November 15, 2023**

This report is available on the following Texas A&M University-Kingsville websites:

[https://www.tamuk.edu/dean/dean\\_files/cleryreport.pdf](https://www.tamuk.edu/dean/dean_files/cleryreport.pdf)

<https://www.tamuk.edu/dean/cleryreport.html>

Numerous website links are included in this report.

Please e-mail [upd@tamuk.edu](mailto:upd@tamuk.edu) for assistance if any link does not function.

## Updates to the Annual Security and Fire Safety Report

Any changes to statistics or policy statements after the original October 1<sup>st</sup> date of publication will be listed on this page. A campus notification will be sent regarding the statistics and/or policy changes to this document.

### November 2023 Change to Texas A&M University-Kingsville 2022 Statistics (Page 77)

Calendar year 2022 Drug Abuse Disciplinary Referrals increased from 26 to 30 in the On Campus Property category and increased from 24 to 28 in the Residential Facilities category to add four disciplinary referrals found to be missing from statistics.

## NACCOP Membership

Texas A&M University-Kingsville maintains an Institutional Membership with the National Association of Clery Compliance Officers and Professionals (NACCOP). NACCOP provides a professional association for Clery compliance officers and professionals to collaborate, share resources and best practices, and participate in professional development opportunities that support colleges and universities in their efforts to comply with the Clery Act.



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# Texas A&M University-Kingsville

## Preparation of the Annual Security and Fire Safety Report and Disclosure of Crime Statistics

Enacted in 1990, The Crime Awareness and Campus Security Act was designed to assist the campus community in making decisions which affect their personal safety by requiring institutions of higher education to provide certain campus security information to current and prospective students and employees annually. The Higher Education Act of 1998 and the subsequent amendments of the implementing regulations (34 C.F.R.668.46) significantly expanded institutions' obligations under the act. The act was also renamed the "Jeanne Clery Disclosure of Campus Security Policy and Campus Crime Statistics Act" (hereafter the Clery Act).

The Texas A&M University-Kingsville (TAMUK) Police Department (UPD) is responsible for preparing and distributing the Annual Security and Fire Safety Report to comply with the Clery Act. The Annual Security and Fire Safety Report is published every year by October 1st and contains three years of selected campus crime statistics and certain campus security policy statements in accordance with the Clery Act. The 2023 Annual Security and Fire Safety Report contains crime statistics for calendar years 2020, 2021, and 2022.

UPD composes the Annual Security and Fire Safety Report and statistical information with input from various sources such as local law enforcement agencies, the Division of Student Affairs, the Office of Compliance and other campus personnel and departments.

## Annual Security and Fire Safety Report Notifications

Each year, an e-mail notification is distributed to all current students, faculty, and staff providing the website to access this report. The report can be found at <https://www.tamuk.edu/dean/cleryreport.html>.

Prospective employees are notified of the availability of the Annual Security and Fire Safety Report through an e-mail distributed when applying for a position. Website access to the Annual Security and Fire Safety Report is provided by Human Resources through a link called "Campus Crime Statistics" under "Helpful Links" located on the Workday webpage ([https://tamus.wd1.myworkdayjobs.com/TAMUK\\_External](https://tamus.wd1.myworkdayjobs.com/TAMUK_External)) for External Applicants and on the Current Employees webpage (<https://www.tamuk.edu/employee-services/hr/employee.html>) through a link under the "Required Employee Notices" dropdown and "Safety and Security Notices" heading.

Prospective undergraduate and graduate students are notified of the availability of the Annual Security and Fire Safety Report through an e-mail distributed after submitting an online Information Request Form on the Office of Admission website (<https://www.tamuk.edu/enrollment-management/admission/index.html>) or applying for admission to TAMUK through ApplyTexas.

Prospective dual enrollment students are notified of the availability of the Annual Security and Fire Safety Report through an e-mail distributed after applying for admission to TAMUK using the Apply Now link on the Dual Enrollment website (<https://www.tamuk.edu/enrollment-management/dualenrollment/index.html>).

Printed copies of the report may be requested by contacting:

Office of the Dean of Students  
Memorial Student Union Building, Room 306  
(361) 593-3606

University Police Department  
Lewis Hall, Dispatch  
(361) 593-2611

## **Campus Law Enforcement Policies**

### **Police Department Overview**

UPD provides law enforcement services to all properties owned by TAMUK.

The department has 16 authorized full-time commissioned police positions including Director of Public Safety/Chief of Police, Lieutenant, Sergeant, Investigator, and Police Officer. Dispatch has five full-time telecommunications officers. Information technology is led by the IT Manager. Clery Act compliance and administrative assistance is led by the Clery Act Compliance Coordinator/Office Coordinator. UPD also employs students who carry out a variety of roles, including parking enforcement and assisting officers in providing campus escorts.

To provide a safe campus for our students, staff, faculty and visitors, the department has uniformed officers on patrol 24-hours a day, year-round on the TAMUK campus. To provide this around-the-clock coverage, our officers work in two shifts and may rotate three times a year to different shifts. Police officers are responsible for responding to calls for service, responding to alarms, and enforcing local, state, and federal laws.

### **Jurisdiction**

UPD is the primary police authority for TAMUK. UPD police officers are certified Texas peace officers as defined in article 2.12 of the Texas Code of Criminal Procedure. Pursuant to Section 51.203 of the Texas Education Code, police officers commissioned by a state institution of higher education have authority and jurisdiction in all counties in which property is owned, leased, rented, or otherwise under the control of the institution of higher education.

### **Arrest Authority**

As peace officers, UPD's armed police officers have the same full authority to detain and arrest as municipal police officers.

## **Enforcement Authority**

UPD is computer linked to city, state and federal criminal justice agencies, which provide access to criminal records, wanted persons, stolen property, and vehicle information. All crimes reported to UPD are investigated and referred for prosecution through the Offices of the County Attorney and District Attorney when appropriate. Criminal matters involving students, employees, or others on campus are referred to UPD. Students and employees may also be referred to university administration for disciplinary action.

## **Working Relationships and Agreements**

UPD maintains excellent working relationships with all area law enforcement agencies including the Kingsville Police Department and Kleberg County Sheriff's Office. These relationships allow for cooperation in the performance of police protection including the investigation of alleged crimes, enforcement of laws, and communication between agencies. Working relationships are also maintained through periodic communications among agency administrators and frequent contacts between line officers and investigators cooperating on specific cases. Through these relationships, UPD may be provided information regarding student non-campus criminal activity. UPD does not currently have a written memorandum of understanding with other responding agencies.

UPD also maintains excellent working relationships with many state and federal agencies on an as needed basis. These agencies include, but are not limited to, the Federal Bureau of Investigation, Department of Homeland Security, Texas Attorney General's Office, Texas Rangers, and Texas Department of Public Safety.

A request is distributed to local law enforcement agencies annually to solicit cooperation in informing the institution about crimes. The request is specific to informing UPD about situations reported to the given local law enforcement agency that may warrant an emergency response or timely warning notification.

## **Monitoring Non-Campus Locations**

When a TAMUK student is involved in an offense in a non-campus location, UPD may assist with the investigation in cooperation with local, state, or federal law enforcement agencies, but does not actively record or monitor criminal activity. TAMUK does not have any officially recognized student organizations that own or control housing facilities outside of the TAMUK campus. UPD does not provide routine law enforcement service to non-campus housing facilities or other non-campus facilities. Non-campus properties are monitored, recorded, and investigated by the police agency with jurisdiction of the specific location.

Institutional sponsored travel by a student or student organization to a location outside of Kleberg County may result in the location meeting the criteria for Clery non-campus property. UPD does not monitor or record criminal activity at these non-campus locations. The local law enforcement agency with jurisdiction at the location responds when police services are requested.



## Professional Standards

Providing excellent service and maintaining good relationships within the community is vital to achieving UPD's overall mission of keeping the campus safe and secure. All members of the TAMUK community can expect to be treated in a courteous and professional manner by members of our department.

## Campus Law Enforcement Telephone Directory

Website: <https://www.tamuk.edu/upd/index.html>

Emergencies from on-campus phones	911
University Police Department	(361) 593-2611

## Reporting Crimes

### Incident Reporting and Response

Criminal actions or any on-campus emergency should be reported immediately to UPD by dialing 911 or extension 2611 from any on-campus phone. Dialing 911 from campus using a cell phone will connect you with the Kingsville Police Department. Please advise the dispatcher of your location on the TAMUK campus. You will be assisted or forwarded to a UPD dispatcher immediately. You can reach a UPD dispatcher directly by calling (361) 593-2611 from a cell phone. Upon receipt of the call, the UPD dispatcher can supply information or dispatch officers as necessary. Electronic crime reports can be filed with UPD by e-mailing [upd@tamuk.edu](mailto:upd@tamuk.edu).

UPD calls for service are received in the UPD Communications Center where the information is entered into a Computer Aided Dispatch (CAD) system. The dispatcher will request basic information regarding the call for service and the caller's contact information as an officer may need to subsequently reach the reporting party. A police officer will either be dispatched to the scene or to the location requested by the reporting party. The police officer may then issue a case number for the call and complete an incident report. Copies of all incident reports are kept with the UPD records for a time period mandated by institutional and state records retention policies.

UPD will respond as quickly and safely as possible to requests for assistance, whether it is an emergency or not. Response time is based on current activity and severity of the call. Crimes in progress, alarms, traffic accidents with injuries, and medical assists have a higher priority than other types of calls. University police officers in vehicles, or on foot will assist and may be contacted directly. For non-campus offenses, we encourage prompt reporting to the proper local law enforcement agency.

We cannot overemphasize the importance of prompt and accurate reporting of crime. If a crime is not reported promptly, evidence can be destroyed or the potential to apprehend a suspect is lost. Without accurate reports, leads could be missed and the investigation headed in the wrong direction. If a crime or emergency is witnessed, promptly report it to UPD and be prepared to answer questions as accurately as possible. The subsequent investigation can only

be as thorough as the information received. If you are the victim of a crime, or have seen or received information of criminal activity or other emergency, please contact UPD immediately at (361) 593-2611.

### Reporting Criminal Offenses to University Officials: Campus Security Authorities

Faculty, staff, and students are encouraged to report any criminal offenses within the campus environment directly to UPD. For non-campus offenses, we encourage accurate and prompt reporting to the proper local law enforcement agency. As an option, criminal offenses of which students and employees are aware may also be reported to the following TAMUK campus security authorities:

Campus Security Authorities	Phone	Location
Assistant Vice President of Student Affairs/Dean of Students	(361) 593-3606	Memorial Student Union Building, Room 305
Director, Student Conduct & Community Standards	(361) 593-4095	Memorial Student Union Building, Room 305
Chief Ethics & Compliance Officer	(361) 593-4758	Lewis Hall, Room 130
Title IX Coordinator	(361) 593-4761	Lewis Hall, Room 130
Interim Associate Director, Human Resources	(361) 593-4998	College Hall, Room 210
Assistant Dean of Students, Student Health & Wellness	(361) 593-2382	Student Health & Wellness Building
Assistant Dean of Students, Student Engagement & Campus Life	(361) 593-2760	Javelina Student Engagement Center
Executive Director, University Housing & Residence Life	(361) 593-4648	Lucio Hall, Room 119 E
Executive Director, Athletics	(361) 593-2800	McCulley Hall
Executive Director, Citrus Center	(956) 447-3370	Citrus Center

Crime reports provided to these and other campus security authorities are used by the university to fulfill its responsibility to annually disclose accurate crime statistics and to issue or facilitate the issuance of timely warnings or emergency notifications, if necessary. Campus security authorities are required to immediately report any crimes they are aware of to UPD and should include sufficient detail such as dates and locations, and where appropriate, personally identifying information, including name and contact information, if available. Campus security authorities can submit reports to UPD by calling (361) 593-2611, e-mailing [upd@tamuk.edu](mailto:upd@tamuk.edu), visiting Lewis Hall to speak with a dispatcher or police officer in-person or completing the Report a Crime form online: <https://www.tamuk.edu/upd/crime-report.html>.

For additional information on the duties and responsibilities of the individuals and offices listed above, see the Clery Act Guidelines for A&M System Campus Security Authorities PowerPoint at: <https://upd.tamu.edu/CSA%20Reporting/CSA%20Slides.pdf>.

Students, faculty, staff, community members, and guests are encouraged to report all crimes and public safety related incidents to UPD or the appropriate police agencies in an accurate and prompt manner when the victim of such crimes elects or is unable to make such a report. UPD provides information regarding victims' rights, as well as assistance in dealing with the traumatizing consequences of crimes, to those who make a report or who may be reluctant to report. UPD and the campus security authorities listed above will assist individuals reporting crimes in notifying the proper law enforcement authorities, if the individual chooses. It is the goal of the institution to provide assistance wherever the report is made and include Clery countable crimes in the Annual Security and Fire Safety Report.

Although exempt from the reporting requirements of the Clery Act, pastoral and professionally licensed mental health counselors are encouraged, if and when they deem appropriate, to refer persons they are counseling to report crimes on a voluntary, confidential basis for inclusion in the annual statistics and crime log, especially if the incident may pose an ongoing threat to the campus community.

### **Confidential and Anonymous Reporting of Crimes**

UPD encourages anyone who is the victim or witness to any crime to promptly report the incident to the police. Because police reports are public records under state law, UPD cannot hold reports of crimes in confidence. However, victims of certain offenses are eligible for a pseudonym in which the victim's true identity will not be released. An individual who is involved in or witnesses an active or ongoing emergency should dial 911 and report the emergency immediately.

Voluntary confidential reports, for purposes of inclusion in the annual disclosure of crime statistics and crime log, can generally be made by victims, witnesses, and others to the campus security authorities listed above and all other campus security authorities. Annual crime statistics and the crime log are confidential in that personally identifiable information is not included in the disclosure. Crimes can be reported anonymously by calling UPD at (361) 593-2611 or submitting an anonymous Report a Crime form online: <https://www.tamuk.edu/upd/crime-report.html>. Reports submitted anonymously or with limited information may restrict UPD's ability to follow up on the incident.

Pastoral counselors and professional counselors are not campus security authorities under the Clery Act and are not required to report crimes they may learn about while acting in their role as pastoral or professional counselors. This exemption is intended to protect the counselor-client relationship.

### **Missing Students**

In the event that a member of the campus community has reason to believe that a TAMUK student who resides in an on-campus student housing facility is missing, he or she shall immediately notify UPD at (361) 593-2611. UPD will initiate an investigation and if it is determined that the student is missing, UPD will generate a missing person report. In addition,

UPD will report the missing person to University Housing & Residence Life, or if the student is residing off-campus, UPD will assist in contacting the appropriate law enforcement agency.

If the investigation determines that the student has been missing over 24 hours, then within the next 24 hours:

- UPD will notify the individual identified as the student's confidential missing person contact.
- If the student is under 18 years of age and not an emancipated individual, UPD will notify a custodial parent or guardian in addition to notifying any additional contact person designated by the student.
- UPD will notify local law enforcement, unless the local law enforcement agency was the entity that made the determination that the student was missing.

Students residing in campus housing will be informed annually that each student has the option to identify a person designated as a confidential missing person contact to be notified by TAMUK no later than 24 hours after the time the student is determined to be missing by the designated university officials authorized to make that determination (specifically, TAMUK UPD) or the local law enforcement agency in which the student went missing. When students are informed of their option to provide a confidential contact, they are advised that their contact information will be registered confidentially, and that this information will be accessible only to authorized campus officials and law enforcement and that it may not be disclosed outside of a missing person investigation.

In situations in which the student has failed to designate a confidential contact for missing student notification, UPD will use university records and resources to continue its investigation. Family members, including those not formally identified by the student, may be contacted during the course of the investigation to resolve a report of a missing student.

## **Timely Warning Policy**

The circumstances in which a timely warning will be generated include, but are not limited to, the receipt of a report to UPD or other campus security authority of a crime reportable under the Clery Act, that poses a serious or continuing threat to the campus community. The Director of Public Safety/Chief of Police (or university official designated by the Director of Public Safety/Chief of Police) is responsible for determining if a timely warning will be issued. Crimes that may warrant a timely warning include, but are not limited to, major incidents of arson, murder/non-negligent manslaughter, robbery, aggravated assault, sex offenses, or other crimes as determined necessary by the Director of Public Safety/Chief of Police (or university official designated by the Director of Public Safety/Chief of Police). The determination will be made on a case-by-case basis after due consideration of all available facts of the crime, such as the nature of the crime and whether a continuing danger to the campus community exists. If UPD or other campus security authorities are not notified of a crime in a manner that would allow the department to provide timely notice a timely warning may not be issued, depending on the circumstances. All situations will be evaluated on a case-by-case basis.

UPD is responsible for the writing and issuance of timely warnings. Personnel authorized to write and/or issue (send) a timely warning are the Director of Public Safety/Chief of Police (or university official designated by Director of Public Safety/Chief of Police). An internal or external review among two or more university personnel may occur if time allows. Anyone with information warranting a timely warning should report the circumstances immediately to UPD, by phone (361) 593-2611 or in person at UPD (855 N. University Blvd., Kingsville, TX 78363).

Timely warnings are issued through the university e-mail system to students, faculty, and staff in a manner that is timely, that withholds the names of victims as confidential, and that will aid in the prevention of similar occurrences. Information regarding the timely warning may be forwarded to local media outlets through a formal press release. Timely warnings contain sufficient information about the nature of an identified threat to assist members of the campus community in taking appropriate action to protect themselves or their property. Timely warnings generally include:

- A readily understandable description of the type of crime or occurrence.
- The general location, date and time of the offense.
- A physical description of the suspect(s), if available, when there is sufficient detail that would reasonably help identify a specific individual suspect or group of suspects.
- Possible connection to other incidents.
- Date and time the alert was issued.
- Suggested measures which members of the university community can take to help protect themselves.

It is important to note that in some cases law enforcement may need to withhold some facts if releasing the information would compromise an ongoing investigation or the identity of the victim. Victim names and other identifying information of victims are not included in timely warnings. An institution is not required to provide a timely warning with respect to crimes reported to a pastoral or professional counselor.

## **Emergency Response and Evacuation Policy**

The procedures disclosed in this section apply to significant emergencies or dangerous situations occurring on the campus of TAMUK, i.e. on-campus property. The institution does not have separate procedures for emergencies occurring on non-campus property.

### **Emergency Notification System**

When time is of the essence, information may be released to the university community through the Tier II mass notification system. Tier II is capable of sending alerts via telephone call, e-mail messages and text messages to registered users. Students are able to include several telephone numbers and e-mail addresses allowing notification to parents and/or spouses as well. Because Tier II uses data provided by the students, it is imperative that contact information remain up-to-date at all times.

TAMUK will use the system to provide official notification of critical emergencies (i.e., situations that pose an imminent threat to the community). It is the policy of TAMUK to immediately notify the campus community, via the Tier II emergency notification system, upon the confirmation of a significant emergency or dangerous situation involving an immediate threat to the health or safety of students, employees, and visitors occurring on the campus. TAMUK public safety personnel determine whether a significant emergency or dangerous situation exists by evaluating information received from entities which may include, but are not limited to: law enforcement, fire department, Emergency Management, National Weather Service, Enterprise Risk Management, Environmental Health and Safety and other campus officials.

The Tier II emergency notification system does not replace timely warning requirements. They differ in that the timely warning requirement applies to Clery reportable crimes, while the emergency notification system addresses a much wider range of threats (i.e. gas leaks, tornadoes, active shooter, etc.). If an emergency notification is issued, the university is not required to issue a timely warning based on the same circumstances; however, the university must provide adequate follow-up information to the community as needed.

TAMUK will, without delay, and taking into account the safety of the community, determine the content of the notification, and initiate the Tier II emergency notification system; unless issuing a notification will, in the professional judgment of responsible authorities, compromise efforts to assist victims or to contain, respond to, or otherwise mitigate the emergency.

Employees authorized to make a final determination of a significant emergency or dangerous situation and determine the content of a Tier II emergency alert and segment of the campus community to notify are: Director of Public Safety/Chief of Police, UPD Lieutenant, UPD Sergeant (or UPD officer designated by UPD Sergeant), and UPD Dispatchers. If time allows, final message content will be approved at the highest level available. Upon notification from an authorized employee listed above, a Tier II alert publisher will send the alert. Tier II alert publishers include:

- Director of Public Safety/Chief of Police,
- UPD Lieutenant,
- UPD Sergeant,
- UPD Dispatchers,
- Executive Director of Enterprise Risk Management,
- Chief Marketing & Communications Officer, and
- President of the University, or designee.

In circumstances where time is of the essence, Tier II alert publishers are authorized to make a final determination of a significant emergency or dangerous situation, compose an alert (or select and modify one of the warnings that are pre-scripted for that purpose), and send the alert. An example of such an urgent message could include a Tier II message issued for an active shooter.

Victim names and other identifying information of victims are not included in emergency notifications.

TAMUK conducts weekly pre-scheduled testing of the emergency notification system. These weekly tests are launched by the Office of Enterprise Risk Management.

### **Registering for Emergency Notifications**

As required by Texas Education Code Sec. 51.218, the emergency notification system is an opt-out system where at the time a student initially enrolls or registers for courses or a staff member begins employment, the institution shall:

- obtain a personal telephone number or e-mail address from the student or staff member to be used to notify the individual in the event of an emergency; and
- register the student or staff member in the institution's emergency alert system.

Additionally, other campus community stakeholders may opt-in to receive emergency notifications through the Emergency Notifications channel on the Campus Resources tab in JNET (<https://jnet.tamuk.edu/>).

### **Disseminating Information to the Larger Community**

In the event that a crisis occurs on university property, the Office of Marketing and Communications will be notified as soon as possible. As chief spokesperson(s) for the university, Marketing and Communications staff will be responsible for providing strategic direction and implementing protocols as outlined in the emergency communications plan. Marketing and Communications will work with UPD and the Executive Director of Enterprise Risk Management to prepare and disseminate internal and external messages, distribute news releases, alert local media, respond to media inquiries, update the university website with pertinent information, and share timely information as appropriate via digital channels such as social media. In addition, Marketing and Communications will be responsible for planning, scheduling, and providing logistical support for news conferences as well as coordinating communication efforts with relevant entities and organizations. In case of an emergency, the TAMUK website (<https://www.tamuk.edu/>) will be updated with current information pertaining to the incident. Individuals receiving the emergency notification will also be advised with updated information, as needed, using the same method(s) as the original notification.

### **Emergency Management Plan**

The TAMUK Emergency Management Plan (<https://www.tamuk.edu/finance/risk/safety/EmergencyManagement.html>) describes the responsibilities and duties of campus personnel and departments in the event of an emergency or dangerous situation involving an immediate threat. The Emergency Management Plan is designed to assist employees to respond appropriately when emergency conditions exist. To ensure emergency plans are appropriate, the university conducts emergency response exercises annually. These tests, which may be announced or unannounced, are designed to assess and evaluate the emergency plans and capabilities of the institution. Each test is

documented and includes a description of the exercise, the date and time of the exercise, and whether it was announced or unannounced. In conjunction with the tests (drill and an exercise) the university will disseminate emergency response and evacuation procedures to the campus community through the campus e-mail system as appropriate.

The university conducts tabletop, functional, and/or full-scale emergency exercises with various university departments, the university's Emergency Management Team and community partners. These exercises are designed to prepare university personnel to respond to various emergencies that may occur on campus, recover from emergencies as quickly as possible, and provide the appropriate support to students, employees, and university operations.

### **Evacuation Procedures**

An announcement of a campus-wide evacuation will come from the Office of the President managed by the Emergency Management Team. Students and employees should follow the instructions and timeline for leaving the campus and alert others to do the same. Information about returning to the campus will be provided through Tier II, the personnel recall process for employees, and press releases through news media outlets.

Building evacuations will occur when the fire alarm sounds and/or notification is made by UPD, the Emergency Management Team, Building Emergency Managers acting under the instructions of these offices, the Kingsville Fire Department, or other law enforcement agencies.

All persons (students, employees and campus visitors) are to immediately vacate the area in question, leaving by the nearest marked exit or in accordance with the posted evacuation plan and alert others to do the same. Once outside, proceed to the designated building assembly area. Personnel shall not return to an evacuated building until given the all-clear signal by UPD or authorized officials.

Annually, all occupied campus facilities are required to conduct fire drills where evacuation procedures are executed. The drill is critiqued, documented, and reported to the State Fire Marshal.

### **Shelter-in-Place Procedures**

When emergency conditions do not warrant or allow evacuation, the safest method to protect individuals may be to take shelter inside a campus building and await further instructions.

In the event of a severe weather event such as a hurricane or tornado:

- Seek appropriate shelter such as small interior rooms, interior hallways, or basements.
- Move indoors or remain there – avoid windows and areas with glass.
- If available, take a radio or television to the room to track emergency status.
- Keep telephone lines free for emergency responders. Do not call 911 for information.

If hazardous materials are involved:



- Turn off all ventilation systems and close all inlets from the outside.
- Select a room(s) which is easy to seal and, if possible, has a water supply and access to restrooms.
- If you smell gas or vapor, hold a wet cloth loosely over your nose and mouth and breathe through it in as normal a fashion as possible.

In the event of the presence of a person or persons deemed by UPD to be a threat to the campus community:

- Stay in your room/office/classroom.
- Notify those around you, and encourage others to remain in their room/office rather than to try to leave the building.
- Lock the doors, cover the door window, pull down the blinds, turn off the lights, and stay calm.
- Stay away from the windows.
- Check your e-mail or visit the TAMUK website, if a TV is available, turn it on, turn the volume off.
- Report any suspicious activity, sounds, or smells to UPD at (361) 593-2611 or 911.
- Only come out when you recognize the authority directing you to do so.

## The Daily Crime and Fire Log

UPD publishes a daily crime and fire log for TAMUK. The crime log identifies crimes occurring on campus property and includes the call/case number, date/time reported, date/time occurred, location, nature of the crime, disposition, and if the incident was unfounded. The fire log identifies fires that occur in on-campus student housing facilities and includes the call/case number, date/time reported, date/time occurred, location, nature of the incident, cause of the fire, number of deaths related to the fire, number of injuries requiring treatment at a medical facility, and value of property damage caused by the fire.

These logs are available to any member of the public, free of charge, upon request and are updated in accordance with federal regulations, within two business days of reported incidents. Any portion of the log older than 60 days will be made available within two business days of a request for public inspection. Business days are defined as Monday through Friday, excluding any day when the institution is closed.

The daily crime and fire log may be viewed via the UPD webpage at:

<https://www.tamuk.edu/upd/clery-reporting.html>. A printed copy of this report may be viewed by the public at UPD Dispatch in Lewis Hall (855 N. University Blvd, Kingsville, TX 78363) during business hours from 8 am to 5 pm Monday through Friday excluding university holidays.

## Security of and Access to Campus Facilities

### General Provisions

The Dean, Director, or Department Head is responsible for determining access to facilities under their control. UPD, upon request, will prepare a security survey of the facility to

determine security coverage and appropriate access control.

It is unlawful for any person to trespass on the grounds of any state institution of higher education of this state or to damage or deface any of the buildings, statues, monuments, memorials, trees, shrubs, grasses, or flowers on the grounds of any state institutions of higher education as indicated in *Texas Education Code Section 51.204*. *Texas Penal Code Criminal Trespass Section 30.05* and *Criminal Mischief Section 28.03* are state statutes that are similar in nature and are also widely utilized to help support *Texas Education Code Section 51.204*.

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 remove any person from the property on his or her refusal to leave peaceably on request. Identification may be required of any person on the property. (*Texas Education Code Section 51.209*)

### **Residence Halls**

Access to residence halls is restricted to residents, their guests, university personnel, and authorized visitors. Residents must accompany their guests in the residence halls at all times. Exterior doors to on-campus residence halls are equipped with electronic card access and are monitored by security cameras. Residents gain entry by swiping their ID card or using their electronic ID on the card access readers. ID cards are coded so that only students who are residents of a particular hall are authorized entry to that hall; the system denies entry to all unauthorized persons. Residents are cautioned against permitting strangers to enter the residence halls, and are urged to require individuals seeking entry to use their own ID. Interior residence hall doors are key-locked and have "peepholes". Residence hall exteriors are patrolled regularly by UPD.

### **Parking Lots**

Various campus parking lots are under video surveillance and may be monitored. Parking permits are required on-campus and visitors can purchase a visitors parking permit at the Business Office in College Hall (700 University Blvd, Kingsville, TX 78363) during business hours from 8 am to 5 pm Monday through Friday excluding university holidays. Parking and traffic regulations are enforced 24 hours a day, seven days a week.

### **Academic and Administrative Buildings**

In general, during normal business hours, the academic and administrative facilities at TAMUK are open and accessible to students, staff, faculty, and visitors of the university. Individual facilities may have specific hours of operation, which can vary depending upon factors such as the time of the year and operational requirements. Access to some buildings, or portions of buildings, may be limited to authorized personnel at various times. Card swipe systems, locks and other means may be employed to limit access. UPD conducts routine security and safety patrols of the academic and administrative buildings to monitor conditions and report any unusual circumstances.

## Maintenance of Campus Facilities

The Physical Plant provides building maintenance, custodial services, utilities, grounds, and general services for the TAMUK campus. They address maintenance, sanitation, repairs, lighting, and landscaping. The campus community is encouraged to promptly report any maintenance concerns to the Physical Plant at (361) 593-3312 or UPD at (361) 593-2611.

Campus facilities and grounds are inspected on a regular basis to ensure that broken windows, locks and other repairs are made in an expeditious manner. UPD also receives information from the campus community regarding unsafe facility conditions (including steps and handrails), damaged roadways, overgrowth of shrubbery, and other areas in need of repair. This information is forwarded to the Physical Plant in a timely manner.

UPD routinely surveys campus lighting, monitors those areas having defective fixtures, and reports the deficiencies to the Physical Plant for corrective action. Security lighting tours of campus are conducted periodically by the Physical Plant, UPD, University Housing & Residence Life, students, and other members of the university community to look for any lighting issues, obstacles, and other items that could impede someone's safety on campus. Issues concerning lighting, as well as landscaping affecting the disbursement of light, are addressed.

University Housing & Residence Life monitors the residential facility custodial and maintenance functions which are managed by a third party. The custodians are responsible for normal cleaning duties within the residence halls. The maintenance staff is responsible for making repairs in the residence halls. Additionally, facilities such as recreational areas around the halls, building renovations, furniture purchases, card access security system, and fire alarm/detection systems are all coordinated by University Housing & Residence Life. Students are encouraged to report residence hall maintenance problems via <https://www.tamuk.edu/housing/resources/ReportingMaintenance.html> and to their Resident Advisor. For after-hours emergency repairs, contact UPD at (361) 593-2611.

Residence hall staff conduct daily "on-duty rounds", and report any known maintenance items for life/safety and security. Residence hall staff will submit work orders and/or telephone UPD in cases of needed urgent after-hours responses.

UPD closely monitors any security-related maintenance problems after hours, and reports their findings to the appropriate university official. If necessary, they will stand-by until the problem is corrected.

## Alcoholic Beverages, Illegal Drugs, and Weapons

### Education Programs

In accordance with the Drug-Free Schools and Communities Act, TAMUK reviews its programs, services, and policies to prevent unlawful possession, use, or distribution of alcohol and illicit

drugs. The results of the biennial review of TAMUK's Drug and Alcohol Abuse Prevention Program (DAAPP) are published at <https://www.tamuk.edu/shw/biennial-review.html>.

## Alcohol Policy

As an institution interested in the intellectual, physical, and psychological well-being of the campus community, TAMUK deems it important to curtail the abusive or illegal use of alcoholic beverages. The Texas A&M University System strictly prohibits the unlawful manufacture, distribution (including sales), possession, or use of alcohol on Texas A&M University System property, while on official duty, and/or as part of any Texas A&M University System activities ([System Policy 34.02, Drug and Alcohol Abuse](#)). Possession or consumption of alcoholic beverages on property under control of the Texas A&M University System will not be permitted except in special use buildings and facilities that may be designated by the chief executive officer of the member, approved by the chancellor, and subsequently reported to the board on an annual basis ([System Policy 34.03, Alcoholic Beverages](#)).

The purchase, service (including sales), possession, and consumption of alcohol beverages in facilities under the control of the Texas A&M University System shall in all respects comply with state law ([System Policy 34.03, Alcoholic Beverages](#)). TAMUK prohibits the use or possession of alcoholic beverages on campus by any individual under the age of 21, including within on-campus housing facilities ([Texas A&M University-Kingsville Student Handbook, 211 Drinking or Possessing Alcohol in Public Areas or Consumption or Possession by a Minor](#); [University Housing & Residence Life Guidebook, Residence Hall Alcohol Policy](#)).

Student Health & Wellness (361) 593-3991 is committed to promoting responsible decision-making regarding alcohol and other drugs through educational programming, resources, and referrals. Counseling and assessment services are available through Student Health & Wellness. If further treatment is necessary, students may be referred to outside counselors and programs. The Work/Life Solutions Program by GuidanceResources (1-866-301-9623) manages the alcohol, drug abuse, and rehabilitation program for employees and provides licensed counseling and referral services.

## Illegal Drugs Policy

Federal law prohibits the unlawful possession, use, sale, or distribution of drugs. Texas state law prohibits the possession, use, sale, manufacture, or delivery of a controlled substance without legal authorization. A controlled substance includes any drug, substance or immediate precursor covered under the Texas Controlled Substances Act, including but not limited to opiates, barbiturates, amphetamines, marijuana, and hallucinogens. The possession of drug paraphernalia is also prohibited under Texas state law. Drug paraphernalia includes all equipment, products and material of any kind that are used to facilitate, or intended or designed to facilitate, violations of the Texas Controlled Substances Act. According to [System Policy 34.02, Drugs and Alcohol Abuse](#), the TAMUS strictly prohibits the unlawful manufacture, distribution (including sales), dispensation, possession, or use of illicit drugs on TAMUS property while on official duty and/or as part of any TAMUS activity. All students and employees are

expected to abide by federal and state laws pertaining to controlled substances and illicit drugs. More specifically, the Texas A&M University-Kingsville Student Handbook prohibits manufacturing, possessing, having under control, selling, transmitting, using or being a party to illegal drugs, drug paraphernalia and/or controlled substances on university premises or at any university sponsored activity ([Texas A&M University-Kingsville Student Handbook, 210 Manufacturing, Possessing, Selling, or Control of Illegal Drugs, Controlled Substances, or Drug Paraphernalia](#)). Alleged violations of federal and state laws may result in criminal charges. Consequences could result in criminal charges/arrest by UPD or other law enforcement agencies for law violations. University conduct charges may be pursued against those alleged to have violated university policies and/or state/federal laws concerning controlled substances.

Student Health & Wellness (361) 593-3991 is committed to promoting responsible decision making regarding alcohol and other drugs through educational programming, resources, and referrals. Counseling and assessment services are available through Student Health & Wellness. If further treatment is necessary, students may be referred to outside counselors and programs. The Work/Life Solutions Program by GuidanceResources (1-866-301-9623) manages the alcohol, drug abuse, and rehabilitation program for employees and provides licensed counseling and referral services.

### **Weapons Policy**

In accordance with [Texas Penal Code Ch. 46.03](#), it is a felony to intentionally, knowingly, or recklessly possess a firearm, location-restricted knife, club, or prohibited weapon on the physical premises of a school or educational institution, to include any grounds or buildings on which an activity sponsored by a school or educational institution is being conducted, or a passenger transportation vehicle of a school or educational institution. The following exception applies. A license to carry holder under Chapter 411, Texas Government Code, may carry a concealed handgun on or about the license holder's person while the license holder is on the campus of TAMUK (all land and buildings owned or leased by TAMUK) or in a university vehicle, unless prohibited by state law, federal law, or [University Rule 34.06.02.K1, Carrying Concealed Handguns on Campus](#). Prohibited areas include, but are not limited to, campus daycares, counseling centers, health care facilities, collegiate interscholastic events, collegiate sporting events if effective notice under 30.06 is provided, specific premises where formal administrative hearings/investigations are conducted, locations with official Texas Penal Code 30.06 signage, and certain high-hazard research areas/laboratories as approved by the President. Residents of campus housing who are license to carry holders may store a handgun in their room securely in a safe inspected and installed by University Housing & Residence Life. The open carry of handguns is prohibited everywhere on campus including all land and buildings owned or leased by TAMUK. Licensed peace officers are authorized by law to carry firearms at all times.

### **Sexual Assault, Dating Violence, Domestic Violence, and Stalking**

In accordance with federal law and [Texas A&M University System Regulation 08.01.01 Civil Rights Compliance](#) (System Regulation 08.01.01), TAMUK prohibits discrimination and

harassment including sexual assault, dating violence, domestic violence, stalking, (as those terms are defined for the purposes of the Clery Act and System Regulation 08.01.01) and/or related retaliation. The following are statements of policy that address discrimination, harassment (including, but not limited to, sexual harassment<sup>1</sup> and sex-based misconduct<sup>2</sup>), complicity, and retaliation<sup>3</sup>. The policies apply whether this conduct occurs on or off campus and when it is reported<sup>4</sup> to the university.

## Procedures for Reporting Sexual Assault, Dating Violence, Domestic Violence, Stalking, and Related Retaliation

Individuals have the option of notifying on-campus and local law enforcement authorities to report sexual assault, dating violence, domestic violence, or stalking. Below is a list of local law enforcement agencies. Reports should be filed with the agency where the incident occurred.

Agency	Phone
University Police Department	(361) 593-2611
Kingsville Police Department	(361) 592-4311
Kleberg County Sheriff's Office	(361) 595-8500

UPD is available to receive and investigate reports of sexual assault, dating violence, domestic violence, and stalking; assist in securing medical attention; participate in evidence collection and preservation; conduct criminal investigations of crimes; and inform the individual of legal

<sup>1</sup> Sexual harassment is a form of sex discrimination. Unwelcome conduct on the basis of sex (of a sexual nature or otherwise): (1) by an employee of the university who conditions the provision of an aid, benefit, or service of the university on an individual's participation in that unwelcome sexual conduct; (2) determined by a reasonable person to be so severe and pervasive and objectively offensive that it effectively denies a person equal access to the university's education program or activity; or (3) sexual assault, dating violence, domestic violence, or stalking based on sex. For the purposes of defining sexual harassment specified in (2): severe means of sufficient seriousness to interfere with the rights, privileges, and legal activities of an individual, as well as actions that would be deemed by a reasonable person to be extreme or life-threatening; pervasive means conduct existing in or spreading over a large area of an activity or program over a period of time; and objectively offensive means behavior determined by a reasonable person to be offensive (actions that cause unreasonable harm or distress to another individual or group of people). Sexual harassment also includes complaints based on sex, sexual orientation, and/or gender identity.

<sup>2</sup> Sex-based misconduct is unwelcome conduct on the basis of sex that is severe, persistent, or pervasive enough to create a work, educational, or campus living environment that a reasonable person would consider intimidating, abusive, or offensive. Sex-based misconduct is explicitly prohibited under System Regulation 08.01.01. Aiding another in the commission of sex-based misconduct is also prohibited by System Regulation 08.01.01. Sex-based includes, but is not limited to, sexual assault, sexual exploitation, dating violence, domestic violence, and stalking based on sex. Sexual exploitation is defined as a situation in which an individual(s) 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. For example, sexual exploitation could include such actions as secretly videotaping sexual activity, voyeurism, invasion of sexual privacy, exposing one's genitals or causing another to expose one's genitals, and knowingly exposing another person to a sexually transmitted infection or disease. Sexual exploitation is a form of sex-based misconduct. Sex-based misconduct includes complaints based on sex, sexual orientation, and/or gender identity.

<sup>3</sup> Retaliation is intimidation, threats, coercion, or discrimination against any individual for the purpose of interfering with any right or privilege secured under civil rights laws and regulations, or because the individual has opposed a discriminatory practice, files a report or complaint, testified, assisted, or participated or refused to participate in any manner in an investigation, proceeding, or hearing. The exercise of rights protected under the First Amendment does not constitute prohibited retaliation, nor does the filing of a mandatory report as required by System Regulation 08.01.01. In addition, a university official who files a mandatory report or charges an individual with making a materially false statement in the course of an investigation has not engaged in prohibited retaliation. Retaliation is explicitly prohibited under System Regulation 08.01.01. Aiding another in the commission of retaliation is also prohibited under this regulation.

<sup>4</sup> The university has actual knowledge when notice is provided to the Title IX Coordinator or another employee of the university who has authority to institute corrective measures on behalf of the university.

and administrative options both on and off campus. Criminal investigations may occur independent from a conduct proceeding and are handled in accordance with the Texas Penal Code, the Texas Code of Criminal Procedure, and information from the Kleberg County District Attorney's Office. Law enforcement will help individuals understand the process of obtaining protective orders, restraining orders, or similar lawful orders issued by the courts.

All TAMUK employees are mandatory reporters who must report all known information about an alleged or suspected incident of discrimination, harassment, retaliation, or complicity that is experienced by, observed by or made known to an employee in the course and scope of their employment to the designated office as soon as possible<sup>5</sup>. Student workers are not required to report conduct prohibited by this policy if the student worker experiences, observes, or becomes aware of the prohibited conduct outside the context of their employment.

An employee is also not required to report an incident where: (1) the employee was a victim of sexual harassment, sexual assault, dating violence, domestic violence, or stalking; (2) the incident about which the employee received information was due to a disclosure made at a sexual harassment, sexual assault, dating violence, domestic violence, or stalking public awareness event sponsored by the university or by a student organization affiliated with the university; or (3) the employee learned of the incident during the course of their employer's review of a prior report or has confirmed with the designated office overseeing the administrative process that the incident has been previously reported.

An employee's failure to report alleged or suspected discrimination, harassment, retaliation, or complicity may result in disciplinary action up to and including termination of employment. An employee must be dismissed if, in accordance with disciplinary processes, the employee is determined to have knowingly failed to make a required report, or that the employee, with the intent to harm or deceive, knowingly made a report that is false. Notwithstanding the above mandatory reporting requirement for employees, anyone may report matters which they believe are criminal to the appropriate law enforcement agency. Employees and students may also make reports to the designated office if they become aware of discrimination outside the course and scope of their employment.

Students and third parties are strongly encouraged, but not required, to report conduct prohibited by this policy.

At TAMUK, reports that a student, an employee, or a third party has engaged in conduct prohibited by this policy should be made to:

Chief Ethics and Compliance Officer and/or Title IX Coordinator  
Office of Compliance  
Lewis Hall, Room 130  
855 N. University Blvd.

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<sup>5</sup> Exceptions include confidential employees and are described in the "Confidentiality/Privacy" section of this report.

Kingsville, TX 78363

(361) 593-4758

[TitleIX@tamuk.edu](mailto:TitleIX@tamuk.edu)

Website Reporting Form: <https://www.tamuk.edu/finance/compliance/files/title-IX/Complaint.pdf>

The Office of Compliance's Chief Ethics and Compliance Officer and the Title IX Coordinator's responsibilities include, but are not limited to, (1) overseeing TAMUK's civil rights protections program; (2) ensuring all complaints of discrimination, harassment, retaliation, and complicity are promptly, thoroughly, and equitably reviewed, investigated, and resolved in accordance with System Regulation 08.01.01, and [Texas A&M University-Kingsville Rule 08.01.01.K1, Civil Rights Compliance](#) (Rule 08.01.01.K1); and (3) identifying and addressing any patterns or systematic problems that arise from the review of such complaints. The Chief Ethics and Compliance Officer, Title IX Coordinator, or other designee shall decide whether this policy shall be applied to such conduct on a case by case basis. Some conduct, while inappropriate and unprofessional, does not rise to the level of discrimination, harassment, retaliation, or complicity. These behaviors will be forwarded by the Office of Compliance to be addressed by the appropriate disciplinary authority, e.g., Supervisor, Dean of Students, University Housing & Residence Life, etc., under rules or regulations other than this policy.

The Office of Compliance is the department designated by the university to receive, investigate, and resolve all reports alleging discrimination, harassment, retaliation, and/or complicity. However, reports that the Texas A&M University System Chancellor; the Texas A&M President; an employee who reports directly to the Chancellor or President; the Title IX Coordinator or a Deputy Title IX Coordinator; or the Chief Ethics and Compliance Officer have engaged in conduct prohibited by this policy should be made to:

Texas A&M System Ethics and Compliance Office (SECO)

301 Tarrow, 6th floor

College Station, TX 77843

(979) 458-6120

[civilrightsreporting@tamus.edu](mailto:civilrightsreporting@tamus.edu)

Additional options for reporting to the university include:

- Submitting an anonymous report through [EthicsPoint](#).
  - Please note anonymous reporting may limit the university's ability to respond to the allegation,
  - Officials responding to an anonymous report may use the platform to ask clarifying questions so it is recommended users monitor their e-mails, and
  - EthicsPoint is not an emergency reporting option. Individuals experiencing an emergency are encouraged to call 911.
- Submitting an electronic report through <https://www.tamuk.edu/finance/compliance/files/title-IX/Complaint.pdf>.



Individuals may file a complaint at any time with any local, state or federal civil rights office, including, but not limited to, the Equal Employment Opportunity Commission, the Texas Workforce Commission's Civil Rights Division, the U.S. Department of Education's Office of Civil Rights and the U.S. Department of Justice.

The Office of Compliance has procedures in place to inform individuals of their rights to file criminal charges as well as the availability of services on and off campus. A complainant<sup>6</sup> may request assistance from and/or will be assisted by the Office of Compliance in notifying law enforcement authorities if the complainant so chooses. A report to law enforcement, even to UPD, is separate from a report to the university. An individual wishing to simultaneously pursue a law enforcement investigation and a university resolution of conduct prohibited by this policy should make a report to both entities. Individuals are notified of their right to report the incident to UPD and local police immediately, but always have the right to decline to notify such authorities. Reporting to law enforcement does not preclude an individual from pursuing disciplinary remedies with the university. UPD officers are also employees of the university and are required to report Title IX offenses to the designated office. Other law enforcement officials have no reporting requirement and individuals may need to report to a university employee to pursue remedies with the university.

Although a report of conduct prohibited by this policy may be made at any time, regardless of when the conduct occurred, a report should be filed as soon as possible after the actions that caused the report. Prompt reporting assists investigators in the collection and preservation of evidence<sup>7</sup>.

The filing of a report will not stop, delay, or affect pending personnel or disciplinary actions. This includes, but is not limited to, performance evaluations or disciplinary actions related to an employee or student who is not performing at acceptable levels or standards or who has violated System policies or regulations or university rules.

The university's response to allegations of conduct prohibited by this policy will be prompt and equitable. The response is intended to stop and prevent recurrence of any harassment and remedy discriminatory effects of the conduct, as appropriate. A substantiated allegation of prohibited conduct will result in disciplinary action, up to and including termination of employment and/or separation from the university. Third parties who commit prohibited conduct may have their relationship with the university terminated and/or their privileges of being on university premises withdrawn.

The Office of Compliance will conduct an initial review and a preliminary assessment of all reports/complaints that are received by the Office of Compliance to assess and address the

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<sup>6</sup> An individual(s) who is alleged to have been subjected to discrimination.

<sup>7</sup> For incidents of sexual assault, individuals should follow the recommended timeline discussed below for evidence collection in a Sexual Assault Nurse Examination (SANE).

safety and well-being of the complainant, respondent<sup>8</sup>, and the campus community. As part of the initial review, the Office of Compliance will take the following steps: (1) inform the individual reporting of the right to file a complaint with law enforcement (if applicable) in addition to filing a complaint with the Office of Compliance, (2) provide assistance in notifying UPD or appropriate law enforcement authorities if the individual so chooses, (3) inform the individual of the right to decline to contact law enforcement, and (4) inform the individual of the right to file a complaint with state and federal agencies. When the complainant is an employee or student, the Office of Compliance will offer the complainant reporting the incident the opportunity to request supportive measures to provide for the safety of the individual and campus community. Upon request, the Office of Compliance can review and revise supportive measures as needed.

The Office of Compliance will also take steps to advise about (1) the importance of preserving evidence, if applicable, that could assist in proving that a criminal offense occurred or may be helpful in obtaining a protective order or assist in an investigation, (2) the university's procedures for investigation and options for formal and informal resolutions, and (3) the university's prohibition against retaliation. At this time, the Office of Compliance will determine whether the complainant is a minor, elderly, or disabled and, if required, contact the appropriate agency in accordance with the Texas law.

The Office of Compliance provides a written notification of available resources, rights, and options to each individual reporting discrimination, harassment, or retaliation (whether the offense occurred on or off campus) regardless of whether the individual chooses to report the incident to local law enforcement or chooses to pursue informal or formal remedies through the university or criminal remedies through law enforcement. The written notification includes information regarding:

- the importance of preserving physical evidence that may assist in proving that the alleged criminal offense occurred or may be helpful in obtaining a protective order;
- procedures about how and to whom the alleged offense should be reported;
- the option to notify proper law enforcement authorities including on-campus and local police;
- the option to be assisted by campus authorities in notifying law enforcement if the victim chooses;
- the option to decline to notify such authorities;
- the rights of individuals and the institution's responsibilities for orders of protection, restraining orders, or similar lawful orders issued by criminal, civil, or tribal court or the institution;
- the rights of individuals and the institution's responsibilities for mutual no contact orders or one-sided no contact orders issued and enforceable by the university;

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<sup>8</sup> An individual who has been alleged to have engaged in discriminatory conduct as defined in this policy.

- information about how the institution will protect the confidentiality and/or privacy<sup>9</sup> of victims and other necessary parties;
- existing on-campus and community resources/contacts (counseling, health, mental health, victim advocacy, legal assistance, visa and immigration assistance, student financial aid, and other services available to students, faculty, and staff);
- the options for, available assistance in, and how to request changes to academic, living, transportation, and working situations or supportive/protective measures;
- protection from retaliation; and
- an explanation of procedures for institutional disciplinary action in cases of alleged sexual assault, dating violence, domestic violence, and stalking based on sex.

Student Health & Wellness and UPD are also provided with resource information issued by the Office of Compliance.

### **Guidelines or Suggestions to Follow After an Incident of Sexual Assault, Dating Violence, Domestic Violence or Stalking (as applicable to the specific incident)**

- Go to a safe place as soon as you can.
- Contact the Kingsville Police Department at 911 or UPD at (361) 593-2611 or 911 using an on-campus phone.
- Get medical attention as soon as possible to make sure you are physically well and to collect important evidence in the event you may later wish to take legal action.
  - In Texas, forensic evidence collected and used in a criminal complaint must be obtained by a Sexual Assault Nurse Examiner (SANE).
  - The SANE and a forensic unit provides detailed physical examinations, evidence collection, and expert testimony.
  - A forensic examination can also be performed for victims of domestic violence.
  - There is no cost to have a SANE collect evidence.
  - There is no requirement to have an active complaint with law enforcement and/or the university in order to have a SANE collect evidence.
  - Evidence collected by a SANE can be maintained up to five years after an exam.
  - The nearest hospitals with 24/7 access to a SANE program are:
    - Corpus Christi Medical Center Doctors Regional in Corpus Christi ((361) 761-1000, <https://ccmedicalcenter.com/locations/corpus-christi-medical-center-doctors-regional/>) and
    - Driscoll Children's Hospital in Corpus Christi ((361) 694-5000, <https://www.driscollchildrens.org/>)
  - Go to the hospital's emergency room and request to be seen by a SANE.
- Try to preserve all physical evidence. Do not wash, use the toilet, swim, brush teeth, or change clothing if you can avoid it. If you do change clothes, put all clothing you were wearing at the time of the attack in a paper, not plastic, bag.

<sup>9</sup> Depending on the nature of the report, the Office of Compliance may not be able to guarantee confidentiality but does take steps necessary to protect private information by restricting information to those with a reasonable need to know.

- If you believe you have been drugged, you should be tested within 24 hours. If drugging is not suspected, a SANE may be able to collect evidence within 5 days of the assault.
- Preserve evidence by saving text messages, instant messages, social networking pages, communications, pictures, or other documents, if any, that would be useful to police or investigators.
- On and off campus personnel are available to help explain options, give information, and provide emotional support. On campus personnel include: Office of Compliance (361) 593-4758, Student Health & Wellness (361) 593-3991, UPD (361) 593-2611, and Work/Life Solutions by GuidanceResources 1-866-301-9623. Off campus personnel include: The Purple Door (361) 516-0288 or 1-800-580-4878, Kleberg County Attorney's Office Victim's Assistance Coordinator (Protective Orders) (361) 595-8583, and National Domestic Violence Hotline 1-800-799-7233.

### **Medical Treatment (as applicable to the specific incident)**

It is important to seek immediate and follow-up medical attention for several reasons: first, to assess and treat any physical injuries sustained; second, to test for sexually transmitted infections or pregnancy and treat or take preventive measures; and third, to gather and preserve evidence that may assist in proving that the alleged criminal offense occurred or is occurring or may be helpful in obtaining a protective order. Physical evidence should be collected immediately, ideally within the first 24 hours. It may be collected later than this, but the quality and quantity of the evidence may be diminished. If victims do not opt for forensic evidence collection, health care providers can still treat injuries and take steps to address concerns of pregnancy and/or sexually transmitted infection. Victim advocacy and/or legal aid may provide assistance on how to access the Crime Victims' Compensation Program, if applicable, to help pay for costs associated with a reported incident.

### **Confidentiality/Privacy**

Students and employees have the option to disclose incidents to confidential reporters who are employees designated or permitted by the university to receive complaints of discrimination, harassment, retaliation, and complicity and maintain confidentiality. Confidential reporters include, but are not limited to, licensed health care personnel and certain mental health providers (professional psychologists/counselors) who receive reports when acting in the course and scope of their employment as part of their official employment. When an individual shares information with a confidential reporter, the confidential reporter cannot legally disclose the communication to another person or the institution except under very limited circumstances. Such information could be disclosed when: (1) the individual gives written consent for its disclosure; (2) there is a concern that the party poses an imminent danger to themselves or others; (3) the information concerns conduct involving suspected abuse or neglect of a minor under the age of 18, the disabled, or the elderly; or (4) required by law.

Confidential reporters are required to provide general non-identifying information as required to comply with the Clery Act or other applicable laws/regulations, and must report de-identified statistics to the Title IX Coordinator for any type of sex-based incident made known to them,

and may not include any information that would violate that person's expectation of privacy. Publicly available recordkeeping, including Clery Act reporting and disclosures, must not include personally identifying information<sup>10</sup>. Incidents are shared in a way that does not identify the individuals. For example, licensed healthcare providers share de-identified information regarding conduct that may be a statistic in the Clery Annual Security Report and/or disclosed in the daily crime log without identifying the individuals concerned. Additionally, researchers are deemed confidential only when the research project is federally funded and the identity of research subjects on the specific project are deemed confidential by law.

At TAMUK, the following are considered confidential reporters: mental health providers and health care personnel for students – Student Health & Wellness (361) 593-3991, and mental health provider for employees and the employee's benefits-eligible dependents - Work/Life Solutions by GuidanceResources (1-866-301-9623). Confidential reports are available to support both complainants and respondents.

All other employees informed of possible discrimination, harassment, retaliation, and/or complicity should advise the reporting party that they cannot keep the information confidential and are required to report it to the university. Employees should inform the reporting party where confidential guidance can be obtained, such as the student counseling center or employee assistance program. To the extent possible, the university will protect the privacy of all parties to the report (see definition of private<sup>11</sup>).

Employees receiving a complaint under this policy may not disclose the identity of the complainant to any law enforcement authority unless:

- expressly authorized by the complainant;
- imminent threat to health or safety exists; or
- required by law.

Requests from complainants to withhold any name, or a request not to investigate or seek action against the respondent, will be considered by the university in the context of the university's duty to provide a safe and nondiscriminatory work, educational, and campus living environment. This may require that the university take actions when the complainant requests no action, such as when violence is involved, when the threat of violence exists, or when required by law, as in the case of elderly, disabled, or child abuse. A request to withhold information or not to investigate the alleged misconduct may limit the university's ability to respond.

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<sup>10</sup> Personally identifying information is defined as individually identifying information for or about an individual, including information likely to disclose the location of a victim of domestic violence, dating violence, sexual assault, or stalking, regardless of whether the information is encoded, encrypted, hashed, or otherwise protected, including a first and last name; a home or other physical address; contact information (including a postal, e-mail, or internet protocol address, or telephone or facsimile number); a social security number, a driver's license number, passport number or student identification number; and any other information, including date of birth, racial or ethnic background, or religious affiliation that would serve to identify any individual.

<sup>11</sup> Private - that which affects, characterizes, or belongs to an individual person, as opposed to the general public. With respect to this regulation, private means restricting information to those with a reasonable need to know.

Although individuals reporting sexual assault are not required to file criminal charges, the following program is offered in the State of Texas. In accordance with the Texas Code of Criminal Procedure, Chapter 57, when reporting certain sex offenses to a Texas law enforcement agency, victims may use a pseudonym to protect their identity. The offenses applicable to this program are identified in Chapter 62 of the Texas Code of Criminal Procedure, defined by the Texas Penal Code, and include sexual assault. The pseudonym will replace the victim's name in all public files and records concerning the offense, including police records, press releases, and records of judicial proceedings.

### Resources, Rights, and Options

Following an allegation of sexual assault, dating violence, domestic violence, stalking, and/or related retaliation the complainant, the respondent, and other affected individuals have certain resources, rights, and options available to them. Parties with an inquiry or complaint are informed of resources, rights, and options in writing when the Office of Compliance receives notification of an incident whether it occurred on or off campus and regardless of whether the individual elects to pursue a criminal complaint and/or disciplinary measures. Other personnel likely to receive reports of conduct prohibited by this policy in the Division of Student Affairs, Human Resources, and UPD, may also provide resources, rights, and options in writing. Available assistance information is also shared through prevention and awareness education and can be found on the Title IX webpage at [https://www.tamuk.edu/finance/compliance/title\\_9/index.html](https://www.tamuk.edu/finance/compliance/title_9/index.html). Additional information about any of the resources, rights, and options discussed in this section can be requested from the Office of Compliance.

The following are on-campus and community resources available to complainants, respondents, and others.

#### Law Enforcement

Name	Phone	Address	Website
University Police Department	(361) 593-2611	855 N. University Blvd., Kingsville, TX 78363	<a href="https://www.tamuk.edu/upd/index.html">https://www.tamuk.edu/upd/index.html</a>
Kingsville Police Department	(361) 592-4311	1700 E. King Ave., Kingsville, TX 78363	<a href="https://www.kingsvillepd.us/">https://www.kingsvillepd.us/</a>
Kleberg County Sheriff's Office	(361) 595-8500	1500 E. King Ave., Kingsville, TX 78363	<a href="https://www.klebergcoso.org/">https://www.klebergcoso.org/</a>

#### Counseling and Mental Health

Name	Phone	Address	Website
Student Health & Wellness	(361) 593-3991	1210 N. Retama St., Kingsville, TX 78363	<a href="https://www.tamuk.edu/shw/">https://www.tamuk.edu/shw/</a>

Work/Life Solutions by GuidanceResources (for employees)	1-866-301- 9623	N/A	<a href="https://www.tamuk.edu/employee-services/hr/benefits/eap.html">https://www.tamuk.edu/employee-services/hr/benefits/eap.html</a>
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#### Medical and Health Services

Name	Phone	Address	Website
Student Health & Wellness	(361) 593-3991	Student Health & Wellness Building, 1210 N. Retama St., Kingsville, TX 78363	<a href="https://www.tamuk.edu/shw/">https://www.tamuk.edu/shw/</a>
Corpus Christi Medical Center Doctors Regional	(361) 761-1000	3315 S. Alameda St., Corpus Christi, TX 78411	<a href="https://ccmedicalcenter.com/locations/corpus-christi-medical-center-doctors-regional/">https://ccmedicalcenter.com/locations/corpus-christi-medical-center-doctors-regional/</a>
Driscoll Children's Hospital	(361) 694-5000	3533 S. Alameda St., Corpus Christi, TX 78411	<a href="https://www.driscollchildrens.org/">https://www.driscollchildrens.org/</a>

#### Support, Advocacy, Legal Assistance, and Other Resources

Name	Phone	Address	Website
Office of the Dean of Students	(361) 593-3606	Student Union Building, Room 306, 1050 W. Santa Gertrudis Ave., Kingsville, TX 78363	<a href="https://www.tamuk.edu/dean/">https://www.tamuk.edu/dean/</a>
Office of Compliance	(361) 593-4758	Lewis Hall, Room 130, 855 N. University Blvd., Kingsville, TX 78363	<a href="https://www.tamuk.edu/finance/compliance/index.html">https://www.tamuk.edu/finance/compliance/index.html</a>
Title IX Coordinator	(361) 593-4761	Lewis Hall, Room 130, 855 N. University Blvd., Kingsville, TX 78363	<a href="https://www.tamuk.edu/finance/compliance/title_9/index.html">https://www.tamuk.edu/finance/compliance/title_9/index.html</a>
Human Resources	(361) 593-3705	College Hall, Room 210, 955 N. University Blvd., Kingsville, TX 78363	<a href="https://www.tamuk.edu/employee-services/hr/employee.html">https://www.tamuk.edu/employee-services/hr/employee.html</a>
Kleberg County District Attorney (Crime Victims Compensation)	(361) 595-8544	700 E. King Ave., Kingsville, TX 78363	<a href="https://www.co.kleberg.tx.us/page/kleberg.District.Attorney">https://www.co.kleberg.tx.us/page/kleberg.District.Attorney</a>
Kleberg County Judge	(361) 595-8585	700 E. King Ave., Kingsville, TX 78363	<a href="https://www.co.kleberg.tx.us/page/kleberg.County.Judge">https://www.co.kleberg.tx.us/page/kleberg.County.Judge</a>

(Protective Orders)			
Kleberg County Indigent & Welfare (Low Income Legal Services)	(361) 595-8569	700 E. King Ave., Kingsville, TX 78363	<a href="https://www.co.kleberg.tx.us/page/kleberg.Indigent.Welfare">https://www.co.kleberg.tx.us/page/kleberg.Indigent.Welfare</a>
Texas RioGrande Legal Aid (Low Income Legal Services)	(956) 996-8752 or (833) 329-8752	3825 Agnes St., Corpus Christi, TX 78405	<a href="https://www.trla.org/">https://www.trla.org/</a>
Legal Aid for Survivors of Sexual Assault (Low Income Legal Services)	(844) 303-SAFE (7233), Option 1	N/A	<a href="https://lassatexas.org/">https://lassatexas.org/</a>
Texas Advocacy Project (Victim Advocacy/Legal Services)	800-374-HOPE (4673)	N/A	<a href="https://www.texasadvocacyproject.org/">https://www.texasadvocacyproject.org/</a>
The Purple Door (Victim Advocacy)	(361) 516-0288 or 1-800-580-4878	205 E. King Ave., Kingsville, TX 78363	<a href="https://purpledoortx.org/">https://purpledoortx.org/</a>
Texas Department of Family and Protective Services	(361) 516-0943	100 W. King Ave., Kingsville, TX 78363	<a href="https://www.dfps.texas.gov/">https://www.dfps.texas.gov/</a>
Coastal Plains Community Center	(361) 592-6481	1621 E. Corral, Kingsville, TX 78363	<a href="https://coastalplainsctr.org/">https://coastalplainsctr.org/</a>
National Sexual Assault Hotline	1-800-656-HOPE (4673)	N/A	<a href="https://rainn.org/about-national-sexual-assault-telephone-hotline">https://rainn.org/about-national-sexual-assault-telephone-hotline</a>
National Domestic Violence Hotline	1-800-799-SAFE (7233)	N/A	<a href="https://www.thehotline.org/">https://www.thehotline.org/</a>

#### Visa and Immigration Assistance

Name	Phone	Address	Website
Office of International	(361) 593-3317	Cousins Hall, Room 113A, 925 W. Santa	<a href="https://www.tamuk.edu/academicaffairssupport/oisss/index.html">https://www.tamuk.edu/academicaffairssupport/oisss/index.html</a>



Student & Scholar Services		Gertrudis Ave., Kingsville, TX 78363	
U.S. Citizenship and Immigration Services, Texas – Harlingen Field Office	1-800-375-5283	1717 Zoy Street, Harlingen, TX 78552	<a href="https://www.uscis.gov/about-us/find-a-uscis-office/field-offices">https://www.uscis.gov/about-us/find-a-uscis-office/field-offices</a>
Texas RioGrande Legal Aid (Low Income Legal Services)	(956) 996-8752 or (833) 329-8752	3825 Agnes St., Corpus Christi, TX 78405	<a href="https://www.trla.org/">https://www.trla.org/</a>
Legal Aid for Survivors of Sexual Assault (Low Income Legal Services)	(844) 303-SAFE (7233), Option 1	N/A	<a href="https://lassatexas.org/">https://lassatexas.org/</a>
Texas Advocacy Project (Victim Advocacy/Legal Services)	800-374-HOPE (4673)	N/A	<a href="https://www.texasadvocacyproject.org/">https://www.texasadvocacyproject.org/</a>

#### Student Financial Aid

Name	Phone	Address	Website
Office of Student Financial Aid	(361) 593-5372	Javelina Enrollment Services Center, Student Union Building, Room 132, 1050 W. Santa Gertrudis Ave., Kingsville, TX 78363	<a href="https://www.tamuk.edu/enrollment-management/finaid/index.html">https://www.tamuk.edu/enrollment-management/finaid/index.html</a>
Office of Veteran's Affairs	(361) 593-4421	Eckhardt Hall, Room 104, 825 N. University Blvd., Kingsville, TX 78363	<a href="https://www.tamuk.edu/enrollment-management/veterans/index.html">https://www.tamuk.edu/enrollment-management/veterans/index.html</a>
Federal Student Aid Information Center	1-800-433-3243	N/A	<a href="https://studentaid.gov/help-center/contact">https://studentaid.gov/help-center/contact</a>

#### Institutional Rights and Options (Supportive Measures)

The institution is obligated to offer and provide assistance to students, employees, and third parties in obtaining a range of supportive measures. Supportive measures are intended to restore or preserve access to the workplace and educational programs or activities without

unreasonably burdening the other party; stop and prevent the reoccurrence of discrimination, harassment, and/or retaliation; and support the complainant and respondent during the investigation and resolution process. Supportive measures are non-disciplinary, nonpunitive individualized services. Supportive measures are offered as appropriate, as reasonably available, and without fee or charge to the complainant or the respondent.

In all complaints of discrimination, harassment, and/or retaliation, the Office of Compliance promptly contacts the parties to discuss the availability of supportive measures, considers the parties' wishes with respect to supportive measures, informs the complainant of the availability of supportive measures with or without the filing of a formal complaint, and explains to the complainant the process for filing a formal complaint. The university must maintain the privacy of any supportive measures provided to the complainant or respondent to the extent that maintaining such privacy would not impair the ability of the university to provide supportive measures.

The Office of Compliance is responsible for coordinating the effective implementation of supportive measures. In addition to facilitating supportive measures, the Office of Compliance can provide parties with access to university officials with information about counseling, medical, mental health, victim advocacy, visa and immigration information, impact of a leave of absence on student financial aid, and other services available to complainants and respondents (on campus and in the community). The Office of Compliance will also notify the parties that options such as protective orders and criminal trespass warnings may be available through law enforcement agencies and the judicial system. A party may request a supportive measure through the Office of Compliance (361) 593-4758 at any time, regardless of whether a formal complaint has been filed and regardless of whether the individual chooses to report the incident to law enforcement or pursue disciplinary remedies. Upon request, the Office of Compliance may also review and revise supportive measures as appropriate.

The Office of Compliance can assist with supportive measures that may include but are not limited to changes to academic, living, transportation, and working situations or supportive measures according to the list below. In determining which supportive measures to impose and the reasonableness of the related measures, the Office of Compliance considers the request; the safety of the complainant, respondent, and the university community; the specific needs of the individuals; the severity or pervasiveness of the allegations; continuing effects; sharing of residence halls, dining halls, classes, transportation, or job locations; other judicial measures already in place; and other factors as appropriate.

Supportive measures provided by the institution vary and may include, but are not limited to, the following:

- Assistance in obtaining access to medical, mental health, legal (protective orders and criminal trespass warnings available through law enforcement and the judicial system), counseling support, victim advocacy, visa and immigration information, and financial aid guidance

- Extension of deadlines or other course-related adjustments, e.g., in cases in which a student complainant and student respondent are enrolled in the same course, either student may elect to switch selections, if available, or drop the course without any academic penalty
- Modifications of work or class schedules
- Campus escort services by UPD (361) 593-2611
- Mutual no contact restrictions between the parties as described below
- Changes in work or housing locations
- Leaves of absence
- Increased security and monitoring of certain areas of campus or workplace
- Other similar measures

*Mutual Order of No Contact:* A mutual order of no contact is a supportive measure issued by the institution that prohibits two parties from contacting one another through any means. A mutual order of no contact can be issued in addition to court ordered protection but may also serve as an alternative for those who do not want to seek a court order. A complainant or a respondent can request a mutual order of no contact through the Office of Compliance at (361) 593-4758. The Office of Compliance may issue a mutual order of no contact at any time prior to or during a conduct investigation based on information provided by the requestor. If good cause for a mutual order of no contact is determined, both parties are notified of the restrictions in writing. Requests to lift the mutual order of no contact may be made at the Office of Compliance at (361) 593-4758. The Office of Compliance will consider the length of no contact between parties, the timeline of the issuance of the order, and the severity of the reported incident in determining if a mutual order of no contact should be lifted.

Individuals should be aware that direct contact, refusal to leave a protected area, appearing at a location one reasonably knows the protected party is at, third-party contact, or even an anonymous contact are all potential violations of a mutual order of no contact. Violations should be reported to the Office of Compliance. Reported violations will be forwarded to the Office of the Dean of Students who will review the report to determine if Student Code of Conduct violations occurred and reported violations may result in further disciplinary action. Failure to comply with the terms of supportive measures such as a mutual order of no contact may be considered a separate violation of system policies and regulations and university rules and procedures.

The Office of Compliance will also consider an interim removal of the respondent from university programs or activities if the respondent is an immediate threat to the health or safety of the community or another individual. Both an interim removal for student respondents and an interim administrative action for employee respondents, such as a leave of absence, are described below.

*Interim Removal of Students:* A student may not be expelled or suspended prior to a decision of responsibility for a violation(s) of a university rule, policy, regulation, code, or system policy except as provided below.

The Dean of Students may remove a student from an education program or activity on an emergency basis only after an individualized safety and risk analysis has determined that the student is an immediate threat to the physical health or safety of any other student or individual arising from the allegations. The Dean of Students must provide the removed student with notice and opportunity to challenge the decision immediately following the removal. Upon being removed, the removed student must be granted the opportunity for a hearing within 5 business days to review whether or not the removal is warranted. The outcome of this hearing is not subject to appeal and is not a disciplinary action.

During the interim removal, a student may be denied access to campus housing and/or the campus (including classes) and/or all other university activities or privileges for which the student might otherwise be eligible.

The interim removal does not replace the investigation and resolution process. The investigation and resolution process shall proceed as outlined in this policy, except that the timelines referenced in this policy may not be followed and the allegations will be resolved as soon as possible.

*Interim Administrative Actions for Employees:* In accordance with university rules and system policies, the Office of Compliance may request that an employee be placed on leave, suspended with pay, reassigned and/or placed in another type of temporary status pending completion of the investigation and resolution process. The Office of Compliance may also issue interim restrictions to an employee, which include, but are not limited to, contact restrictions (no-contact directives); representation of the university; “no trespass” orders, etc. Such interim actions will remain in place as specified in a notification to the employee or until the allegations are resolved.

*Confidentiality/Privacy of Accommodations and Supportive Measures:* The university will maintain as confidential any accommodations or supportive measures provided to the victim, to the extent that maintaining such confidentiality would not impair the ability of the institution to provide the accommodations or supportive measures. The Office of Compliance is responsible for determining what information and to whom information will be disclosed based on the circumstances of the allegation, the individuals involved, and related safety needs. The Office of Compliance uses discretion and only discloses information to key officials at the institution who perform the tasks necessary for obtaining or providing the particular accommodation or supportive measure. The identity of an alleged victim of sexual harassment, sex-based misconduct, sexual assault, dating/domestic violence, or stalking may only be disclosed to: (a) persons employed or under contract with the institution, who are necessary to conduct an investigation of the report or any related hearings; (b) a law enforcement officer as necessary to conduct a criminal investigation of the report; (c) the person or persons alleged to

have perpetrated the incident, to the extent required by other law; or (d) potential witnesses to the incident as necessary to conduct an investigation of the report. Other areas receiving information related to supportive measures may include, but are not limited to: Offices of the Assistant Vice President/Dean of Students, University Housing & Residence Life, Athletics, Financial Aid, Human Resources, academic departments (direct supervisor, Dean, or Associate Dean), or non-academic departments (direct supervisor, Vice President, or designee). Prior to disclosure, the Office of Compliance will receive consent to disclose the identity of the alleged victim, inform the individual of the information that will be shared, with whom it will be shared, and why.

### Legal Rights and Options

The institution provides information and assistance to the complainant, the respondent, and other affected individuals in obtaining lawful orders issued by a criminal, civil, or tribal court including protective orders and criminal trespass warnings as discussed below. Failure to comply with any of the terms of lawful supportive measures may be considered a separate violation in the institutional disciplinary proceeding.

*Protective Orders:* Individuals may apply for protective orders through the Texas criminal justice system. A protective order is an interim protective measure that requires the recipient to stay away from the protected individual's home, workplace, and/or children's schools (if the children are protected persons in the order) depending on the documented circumstances. It can require the recipient to stop communicating with the protected individual in a harassing or threatening manner, attend counseling, pay child support, and/or pay spousal support. An application for a protective order may be filed by an individual, a prosecuting attorney, or the Texas Department of Family and Protective Services (1-800-252-5400) on behalf of an individual. The application is obtained through the county attorney (Kleberg County Attorney's Office (361) 595-8583), the district attorney (Kleberg County District Attorney's Office (361) 595-8544), or a private attorney. UPD (361) 593-2611 will also provide assistance in applying for protective orders. Forms associated with applying for a protective order are found on the following webpage: <https://guides.sll.texas.gov/legal-forms/protective-orders>.

The application for a protective order must be filed in either the county where the applicant lives or the county where the recipient lives. The applicant's address can be kept confidential. If the legal criteria for a protective order is met, the county or district attorney's office will prepare and file all of the paperwork necessary to request a protective order from a court. Such orders provide effective tools for law enforcement when they are called upon to protect an individual and their family. Additionally, an emergency protective order may be recommended and automatically issued by the court following the original report and arrest of the respondent. A hearing is held at a later date to determine if the order should be extended or modified.

UPD is notified of protective orders that exist in the campus and surrounding area. Local law enforcement agencies are also notified of all existing protective orders in their area. If the requestor or other institutional personnel become aware that a protective order is violated,

UPD should be contacted immediately at (361) 593-2611. Responding agencies can also be contacted for protective order violations including Kingsville Police Department (361) 592-4311 or the Kleberg County Sheriff's Office (361) 595-8500. Violating protective orders generally carry authority for the violator's immediate arrest by UPD or other law enforcement agencies.

*Criminal Trespass Warning:* A criminal trespass warning is a supportive measure issued by UPD which is directed at those who are considered a danger to the campus community or a danger to a certain individual in the campus community. The warning advises the respondent to leave the premises and forbids him/her from entering and/or remaining on certain property which can cover either the entire campus or a specific campus location. To request a criminal trespass warning, contact UPD at (361) 593-2611 and request to speak with an officer. The UPD officer issues the criminal trespass warning if the respondent is determined to pose a risk to campus safety based on information provided by the requestor as it relates to applicable state law and/or UPD policy. When the warning is issued, the officer is responsible for providing notice to the requestor and the person receiving the warning.

UPD officers are notified of criminal trespass warnings that exist in their area. If a criminal trespass warning is violated, UPD should be contacted immediately at (361) 593-2611. A violation of the criminal trespass warning occurs when the individual is issued a warning but refuses to leave campus or is subsequently found in a prohibited area based on the trespass warning. The requestor and other institutional personnel should take appropriate action by contacting UPD for a responding officer when they become aware of a potential violation of a criminal trespass warning. UPD generally enforces these warnings by charging violators with criminal trespass resulting in arrest and/or fine.

If the complainant, respondent, or member of the university community has obtained a protective order, civil no-contact order, restraining order, or similar order from a court as described in this section, against another member of the university community, a copy of the order should be provided to the Chief Ethics and Compliance Officer in the Office of Compliance. In conjunction with UPD and other university officials, the Chief Ethics and Compliance Officer will take all reasonable actions authorized by law to implement the order.

*Other Legal Options:* UPD (361) 593-2611 is available to provide information or direct victims to the proper agency about personal safety, Texas Crime Victim's Rights, Texas Crime Victims Compensation Fund and other information upon request. Or visit the Office of the Texas Attorney General's website at <https://www.texasattorneygeneral.gov/crime-victims/crime-victims-compensation-program>.

## **Investigations and Disciplinary Proceedings<sup>12</sup> for Sexual Assault, Dating Violence, Domestic Violence, Stalking, and Related Retaliation**

Proceedings from an allegation of sexual assault, dating violence, domestic violence, or stalking are provided in a prompt, fair, and impartial manner from the initial formal complaint to the final result, including any appeals. They are consistent with the institution's policies and are transparent and equitable to the complainant and respondent. The investigation provides that:

- Both the complainant(s) and the respondent(s) must receive equitable treatment in all facets of the investigation and resolution process including, but not limited to, the right to an advisor (if any), the right to present evidence and witnesses, and the right to be informed of the outcome of the investigation.
- Timely and equal access to any information (inculpatory and exculpatory) discovered during the investigation as well as any information that will be used during informal and formal disciplinary meetings and hearings will be provided to the complainant, respondent, and appropriate officials.
- During the investigation the complainant and respondent have timely notice of meetings at which the complainant or respondent, or both, may be present.
- Determinations are made by the hearing panel and/or Designated Administrator using the preponderance of the evidence standard, i.e., what is more likely than not to be true, based on the totality of the available evidence.
- If the respondent has multiple roles at the university, such as when the respondent is both a student and an employee, the Chief Ethics and Compliance Officer will consult with other relevant university officials and determine which procedure(s) to follow in the investigation and resolution of the allegations of prohibited conduct as well as other policy violations. The Chief Ethics and Compliance Officer will consider the known facts and circumstances, including which role predominates in the context of the prohibited conduct. Depending on the allegation, sanctions may impact the respondent's status as an employee and/or student.
- The university's disclosure of information related to an investigation, the Designated Administrator's decision and/or the sanctions rendered are governed by the provisions of the Family Educational Rights and Privacy Act (FERPA), the Texas Public Information Act (TPIA), the Texas Education Code Section 51.971, and other applicable confidentiality laws.

Individuals conducting investigations and other decision makers, at a minimum, receive annual training on the issues related to sexual assault, dating violence, domestic violence, and stalking and how to conduct an investigation and hearing process that protects the safety of parties and promotes accountability. All of those involved in the administration of civil rights complaints at the university (including but not limited to: reporting, administering, investigating, adjudicating, advising, and informal resolution) complete annual training specific to their roles in accordance with requirements established in [System](#)

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<sup>12</sup> For the purposes of this section, proceeding means all activities related to a non-criminal resolution of an institutional disciplinary complaint, including, but not limited to, fact-finding investigations, formal or informal meetings, and hearings. Proceeding does not include communications and meetings between officials and the complainant, respondent, and other affected individuals concerning accommodations or supportive measures.

[Regulation 08.01.01, Appendix B, Minimum Training Requirements for Civil Rights Investigations, Advisement, Adjudication, Appeals, and Informal Resolution in The Texas A&M University System](#). Minimum training requirements include university rules and procedures, applicable federal and state laws, how to conduct comprehensive civil rights investigations and prepare reports, trauma-informed investigation techniques and considerations, due process protections, how to value and weigh evidence and assess credibility, sanctioning, appellate processes, etc.

If an employee reasonably believes that an incident constitutes sexual harassment, sexual assault, dating violence, domestic violence, or stalking and that the incident is alleged to have been committed by or against a person who was a student enrolled at or an employee of the institution at the time of the incident, the employee must promptly report the incident to the Office of Compliance. Students and third parties (including, but not limited to, anyone receiving services from the university, vendors and private business associates) are strongly encouraged to report the incident(s) promptly to the Office of Compliance. An employee is not required to report an incident in which that employee was a victim of the sexual harassment, sexual assault, dating violence, domestic violence, or stalking. Once an individual discloses information to the Office of Compliance, a complaint will be considered to be made with the university, and the institution's administrative process is initiated regardless of whether the complainant chooses to pursue criminal charges.

Complaints are initially reviewed by the Office of Compliance, not only to assess and address safety, but also to determine whether a violation of the System Regulation 08.01.01 and/or Rule 08.01.01.K1 and/or any other university policy, rule, SAP, or code violation could have occurred. During the initial review and preliminary assessment, the Office of Compliance will:

- Inform the complainant about options for formal and informal resolutions and solicit the complainant's preferred method for resolving the matter. Complainants may request a formal resolution, an informal resolution, or "no resolution" of the allegations of discrimination, harassment, retaliation, and/or complicity.
- Offer assistance to the complainant in submitting a written formal complaint<sup>13</sup> that details the nature and circumstances of the allegations, including the names of the complainants and respondents, if so inclined.

### No Resolution

If the complainant requests that no resolution of the allegations occur, the university will seek to honor the request whenever possible without impeding the university's ability to enhance the safety and security of the complainant and the university community. The university may

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<sup>13</sup> A formal complaint is a document or electronic submission (such as by electronic mail or through an on-line portal provided for this purpose) filed by a complainant, or signed by the Title IX Coordinator, alleging sex-based discrimination against a respondent and requesting that the university investigate the allegation(s). The formal complaint must contain the complainant's physical or digital signature, or otherwise indicate that the complainant is the person filing the complaint. Alternatively, a Title IX Coordinator may sign a formal complaint but is not a complainant or otherwise a party to the complaint. The university may consolidate formal complaints as to allegations of sex-based violations against more than one respondent, or by more than one complainant against one or more respondents, or by one party against the other party, when the allegations of sexual harassment arise out of the same facts or circumstances.



initiate an investigation based on the seriousness of the allegation, whether or not there are multiple allegations involving the respondent, and/or whether or not a respondent poses a risk of harm to others. The Office of Compliance will consider the following factors when evaluating such requests:

- All of the known circumstances, including any corroborating evidence;
- The nature and scope of the alleged conduct, including whether the reported behavior involves the use of a weapon;
- The respective ages and roles of the complainant and respondent;
- Whether there have been other reports of prohibited conduct or other misconduct by the respondent;
- Whether the report reveals a pattern of misconduct related to prohibited conduct (e.g. via illicit use of drugs or alcohol) at a given location or by a particular group;
- Fairness considerations for both the complainant and the respondent;
- Whether the university possesses other means to obtain relevant information and evidence;
- The university's obligation to provide a safe and non-discriminatory environment;
- Admissions of responsibility by the respondent, if any; and
- The impact of honoring the request on the complainant and the university community, including the risk of additional violence.

If the university is able to honor the complainant's request for no resolution, the university may close the matter with no action taken, or the university may proceed with other appropriate steps, including investigation and disciplinary action against the respondent for violations of other policies, rules, SAPs, regulations, or codes, if applicable.

If the university determines that the complainant's request cannot be honored, the complainant will be notified of the decision, and the Office of Compliance will take appropriate actions, including but not limited to, (1) offering support services or academic adjustments and (2) initiating a formal investigation.

#### Informal Resolution

Informal resolutions do not utilize a formal hearing and may or may not involve the establishment of findings of fact and the application of sanctions.

At any time prior to the determination of a final decision, the parties may seek informal resolution to resolve the complaint. The following conditions apply to informal resolution:

- Informal resolution is a voluntary process. No party may be compelled to participate in informal resolution. The university, in consultation with the System Ethics and Compliance Office (SECO), must agree to allow an informal resolution to move forward and must obtain the parties' voluntary, written consent to the informal resolution process.
- Prior to an informal resolution, the parties will be provided with: (a) written notice of the allegations; (b) the requirements of the informal resolution process, including the

circumstances under which it precludes the parties from resuming a formal complaint arising from the same allegations; and (c) the consequences of withdrawing from the informal process and resuming the formal process, and including the records that will be maintained or could be shared.

- Once a party agrees to participate in informal resolution, they may withdraw from the process at any time prior to a final agreement and resume the formal grievance process. Information shared in the informal resolution process may not be introduced into the formal process without independent evidence.
- Once a final agreement is established through informal resolution, the complaint may not return to the formal complaint process unless one or both parties fails to abide by any conditions established in the agreement.
- Informal resolution options include mediation, restorative conferences, shuttle facilitation, and other forms of facilitated dialogue.
- Mediation may not be used to resolve complaints of rape, statutory rape, dating violence, domestic violence, or any case in which imminent threats of harm may exist.
- The university may not offer an informal resolution process in sex-based complaints unless a formal complaint is filed and may not offer or facilitate an informal resolution process to resolve allegations that an employee sexually harassed a student.

#### Formal Resolution

The allegations will be considered for investigation pursuant to the following procedures. The Office of Compliance reserves the right to resolve the complaint informally or through no resolution if the allegation does not rise to the level of conduct prohibited by System Regulation 08.01.01.

Upon receipt of a report, the Office of Compliance may consult with the Texas A&M University System Office of General Counsel (OGC) as needed and make a preliminary determination about whether to conduct a formal investigation of the allegations. The preliminary determination may include, but is not limited to, the following:

- An assessment of whether there is sufficient information known or obtainable to proceed with an investigation of the complaint;
- An assessment of whether the allegations are baseless;
- An assessment of whether the allegations, if true, would constitute a violation of System Regulation 08.01.01 and/or Rule 08.01.01.K1; and/or
- An assessment of whether a complainant's request for no resolution may be honored.

If it is determined that there is insufficient information to proceed with an investigation; or that the allegations are baseless; or that the allegations, if true, would not constitute conduct prohibited by System Regulation 08.01.01 and/or Rule 08.01.01.K1; or, that an investigation will not occur due to the complainant's request for no resolution, the Office of Compliance may, after consultation with OGC:

- dismiss the complaint,
- close the complaint for insufficient evidence to investigate or lack of jurisdiction,

- refer the report to a different office at the university (the university office may review the conduct and take appropriate action, including but not limited to, disciplinary action against the respondent for violations of other university policies, regulations, rules, SAPs, or codes, if applicable), or
- with the consent of the parties, as well as the approval of SECO, refer the complaint to informal resolution (cases involving allegations based on sex require the submission of a formal complaint before they may be referred to informal resolution).

The Office of Compliance will notify the complainant of such action in writing. Complaints that have been dismissed or referred may be appealed in accordance with the appeal procedures section of this policy.

Once a formal complaint is filed, the Office of Compliance will have 5 business days to conduct the inquiry to determine if there is sufficient information or jurisdiction to proceed to an investigation and appoint the Investigative Authority (IA)<sup>14</sup> to initiate the process of determining whether a violation of System Regulation 08.01.01 or other policy, university rule, SAP, or code occurred or dismiss the complaint in accordance with the steps outlined above.

The Chief Ethics and Compliance Officer and Title IX Coordinator (or designee) shall simultaneously notify the complainant(s) and respondent(s) in writing of the commencement of the investigation. The notice of investigation will include:

- receipt of the complaint stating the allegation of a violation of System Regulation 08.01.01, which includes:
  - identities of the parties involved in the incident, if known,
  - the conduct allegedly constituting sexual harassment and/or sex-based misconduct, and
  - the date and location of the alleged incident, if known;
- interim supportive measures, if any;
- admonishments regarding cooperation and prohibiting retaliation;
- any informal resolution process that may be available;
- notice that the parties may have an advisor of their choice who may be, but is not required to be, an attorney, and that they may inspect and review evidence;
- an unredacted version of the complaint to an employee respondent(s) and their advisor, if applicable, with admonishments regarding privacy;
- a statement that the respondent is presumed not responsible for the alleged conduct and that a determination regarding responsibility is made at the conclusion of the grievance process;
- a statement to inform the parties that they are prohibited from knowingly making false statements or knowingly submitting false information during the grievance process; and

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<sup>14</sup> The Investigative Authority is one or more trained individuals appointed to conduct a formal investigation to discover and examine the facts related to an allegation and conclude if, based on the preponderance of the evidence, the allegation is substantiated, unsubstantiated, or if there is insufficient information. In complaints involving allegations of sex-based behaviors, the IA will be limited to only reporting the evidence collected during the investigation, as well as issuing appropriate determinations surrounding credibility of parties, witnesses, and evidence.

- the appointed IA; the appointed Hearing Facilitator and Hearing Panel, Designated Administrator (DA)<sup>15</sup>, and Appellate Authority (AA).<sup>16</sup>

If in the course of an investigation the university decides to investigate allegations about the complainant or respondent that were not included in the original notice, the university must provide notice of the additional allegations to the parties.

If the respondent is an employee, the Chief Ethics and Compliance Officer and Title IX Coordinator (or designee) shall notify, in writing, the respondent's supervisor that the Office of Compliance is investigating an allegation that the respondent has engaged in conduct that may be a violation of System Regulation 08.01.01 and/or Rule 08.01.01.K1 or other university policies, rules, SAPs, or codes.

The Office of Compliance is responsible for all administrative actions required to conduct the investigation. These include, but are not limited to, informing the parties of extensions or other delays affecting the investigation, contacting supervisors or faculty regarding their employees' or students' time away from work or class to participate in the investigative process, making reports to university administrators, coordinating supportive measures, and undertaking any other tasks necessary to properly conduct the investigation.

The IA will review the complaint, conduct a prompt, fair, thorough, and impartial investigation. Abuse of the investigation and resolution process is prohibited and subject to disciplinary action up to and including dismissal and/or separation from the university. Examples of abuse of process include, but are not limited to:

- Failure to appear at a meeting, interview, hearing, or conference as set forth in a notice issued by the Office of Compliance (for university employees only);
- Falsification, distortion, destruction, or misrepresentation of evidence or information;
- Disruption or interference with the orderly conduct of an investigation, interview, meeting, hearing or conference;
- Intentionally initiating or causing a false report to be initiated;
- Attempting to discourage an individual's proper participation in, or use of, the investigation and resolution process, disciplinary process, or legal process;

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<sup>15</sup> The Hearing Panel and Designated Administrator is the decision-making entity specified in university rules. This may be an administrator or a hearing officer/panel but may not include a person with a clear conflict of interest (e.g., supervisor, subordinate, and/or family member of either party) or personal bias. The role of the Hearing Panel or DA is to determine whether or not allegations of misconduct rise to the level of a violation of System Regulation 08.01.01 based on the evidence provided and utilizing the preponderance of the evidence standard. The Hearing Panel or DA cannot have served as an investigator nor may they later serve as an AA in the same case. Title IX Coordinators may not serve as a Hearing Panel member or DA in any case involving an allegation of discrimination or harassment based on sex.

<sup>16</sup> The Appellate Authority is any individual or panel responsible for rendering appeal decisions as specified in university rules. The role of the AA is to review the process by which an original decision was reached and render an appellate decision, consistent with the grounds for appeal. Title IX Coordinators may not serve as an AA in any case involving an allegation of discrimination or harassment based on sex. All persons serving as DAs, AAs, and IAs will be impartial and free of conflicts of interest or bias for or against the complainant or the respondent. Parties who are concerned about the impartiality of an individual serving in one of these roles should submit their concerns, in writing, to the Chief Ethics and Compliance Officer (361) 593-4758 who may designate alternative individuals to fulfill any of these roles.

- Attempting to influence the impartiality of the IA, Hearing Facilitator, Hearing Panel or AA prior to, and/or during the course of the investigation and resolution process;
- Verbal or physical intimidation, and/or retaliation of any party to the investigation and resolution process prior to, during, and/or afterwards;
- Failure to abide by the terms of university administered sanctions;
- Influencing or attempting to influence another person to commit an abuse of the investigation and resolution process; and/or
- Failure to cooperate fully with the IA (applies to employees only).

Students, employees, and third parties who are found responsible for abuse of the investigation and resolution process are subject to the sanctions as described in this policy.

During the investigation, the complainant and the respondent will have an equal opportunity to be heard, submit information and corroborating evidence, identify witnesses who may have relevant information, and submit questions to be asked of the other party. Questions for the other party will be asked by and at the discretion of the IA. The IA will meet separately with the complainant, the respondent, and any witnesses, and will gather other relevant and available evidence and information. The IA may also consult medical, forensic, technological, or other experts when expertise is needed in order to achieve an understanding of the issues under investigation.

Witnesses must (1) have observed the acts in question, (2) have information related to or relevant to the incident, or (3) have information about impact, mitigation, aggravation, and/or character in order to participate in the investigation process.

Investigations provide both the complainant and respondent the same opportunities to have one advisor<sup>17</sup> present during any institutional proceeding or related meeting. The complainant and respondent can choose anyone to be their advisor. The advisor may be present at any time in which the party participates in the investigation and resolution process, including the filing of the complaint, the interview with the IA, and all other meetings related to the investigation and resolution of the complaint. A party may select any person to be an advisor, including legal counsel.

If the allegations are related to sexual harassment or sex-based misconduct, a party must have an advisor for the hearing to provide guidance and to conduct cross examination. If a party does not have an advisor for a hearing involving sexual harassment or sex-based misconduct allegations, the university will appoint an advisor for the party. In cases where a party believes the university appointed advisor is not fulfilling their obligations, the party may request another advisor to be assigned.

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<sup>17</sup> An advisor is an individual selected by each complainant and respondent to provide guidance, support, or advice during the investigation and resolution process and to conduct cross-examination when a complaint is referred to a formal hearing. An advisor may be an attorney. The university may appoint an advisor of the university's choice for a complainant or respondent for a hearing if either party does not have an advisor present. Advisors may not otherwise represent or speak for the party they are advising. Each party is allowed one advisor, although the university may establish circumstances under which a second advisor would be permitted (e.g., accommodating a party with a disability).

Restrictions regarding the extent to which the advisor will participate in the proceedings may be established and applied equally to both parties. In all instances, the advisor's participation will be limited to the role of an observer, except that the advisor will conduct the cross examination during a hearing on allegations of sexual harassment and sex-based misconduct. An advisor can be barred from being present during the investigation and resolution process if, in the judgment of the IA, Hearing Facilitator, Hearing Panel, AA, or the Chief Ethics and Compliance Officer and Title IX Coordinator, the advisor attempts to advocate on behalf of a party (other than cross-examination), or is otherwise disruptive. All parties, including advisors, are informed of participation restrictions before a proceeding is conducted so that parties understand and respect the limitations.

When the university is made aware that there is a concurrent criminal investigation, the Office of Compliance may inform the law enforcement agency that a university investigation is also in progress; ascertain the status of the criminal investigation; and determine the extent to which any evidence collected by law enforcement may be available to the university in its investigation.

At the request of law enforcement, the university may temporarily defer part or all of the investigation until after the initial evidence-gathering phase of the law enforcement investigation is complete. The IA will communicate with the parties (as appropriate) about the law enforcement agency's request to the extent allowed by law; the university's obligations and supportive measures; procedural options; anticipated timing; and the implementation of any necessary interim measures for the safety and well-being of all affected individuals.

Standards for the resolution of criminal allegations are different than the standards for resolution of a violation of System Regulation 08.01.01 and/or any other university policy, rule, SAP, or code; therefore, the university will not base its decisions on any law enforcement determination and/or the outcomes of any criminal proceedings.

Within 30 business days, the IA will prepare an initial draft investigation report at the conclusion of the investigation and provide it to OGC for review. The initial draft investigation report includes the following but does not contain speculation, opinions, findings, decisions, or recommendations for sanctions<sup>18</sup>:

- statement of the allegation
- listing of individuals interviewed including dates of the interviews
- all inculpatory evidence (evidence that would tend to support a finding that a respondent is responsible for the alleged misconduct) that is directly related to the allegations

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<sup>18</sup> The investigation report for a non-sex based civil rights complaint must also include the IA's conclusion, based on the preponderance of the evidence, whether or not the alleged behavior/conduct occurred, did not occur, or there was insufficient evidence to establish that the behavior occurred or not, but will not determine whether or not the behavior establishes a violation of system or university regulations or rules.

- all exculpatory evidence (evidence that would tend to support a finding that a respondent did not commit the alleged misconduct) that is directly related to the allegations
- credibility assessments which may not be based on an individual's status as a complainant, respondent, or witness
- listing of relevant documents attached to the report as exhibits

The IA has the sole discretion to determine the relevance of evidence and whether it should be included in or excluded from the investigation report. However, any inculpatory or exculpatory evidence received from the complainant, respondent, or witness(es) should be included. OGC will coordinate with SECO and provide its review of the initial draft investigation report to the IA within 10 business days.

The IA will have 5 business days to create a final draft investigation report and share that document electronically with both the complainant, respondent, and their advisors, if any. The university provides parties an equal opportunity to inspect and review any evidence obtained as part of the investigation that is directly related to the allegations raised in the formal complaint, including the evidence upon which the university does not intend to rely in reaching a determination regarding responsibility, and inculpatory or exculpatory evidence related to the allegations whether obtained from a party or other source, so that each party can meaningfully respond to the evidence prior to the conclusion of the investigation. This includes sending to each party and the party's advisor, if any, the final draft investigation report (with exhibits) subject to inspection and review. Both the report and the collected evidence will be unredacted to the extent allowed by law.

The complainant and the respondent will be given 10 business days to review the final draft investigation report and evidence and submit a written response to the IA for the IA to consider prior to final completion of the investigative report. A party's response may include: (1) written comment or feedback; (2) additional evidence or information; (3) the names of additional witnesses or a request for the collection of other information by the IA; and/or (4) questions to be asked (at the discretion of the IA) of the other parties or witnesses. The IA must explain to the party proposing the questions any decision to exclude a question as repetitious or not relevant. A party's written response, if any, will be shared with all other parties and incorporated in the investigation report as an exhibit.

While it is the IA's responsibility to undertake a thorough search for relevant facts and evidence and to gather evidence sufficient to reach a determination regarding responsibility, the IA must conclude the investigation within a reasonably prompt time frame and without the power of subpoena.

At the conclusion of the review and respond period, the IA will determine if any new or relevant information was provided by one or both of the parties. If necessary, the IA may pursue additional investigative steps and/or amend the final draft investigation report. The IA will have 10 business days to complete this process.

The IA will then have 5 additional business days to prepare a final report (as amended, if applicable), and forward it along with exhibits, responses from the parties, and other information directly related and relevant to the allegations, to OGC and SECO for legal review. OGC and SECO will then have 5 business days to provide feedback to IA. The latter review provided by OGC and SECO may be waived by mutual agreement between the university and OGC/SECO if no substantive changes were made following the initial review. After receiving the legal review, the IA will have 5 business days to finalize the investigation report and submit to the Hearing Facilitator who will convene a Hearing Panel for decision-making and sanctions.

Circumstances may warrant extensions to the time frames in this section. The IA should send an extension request, if needed, to the Office of Compliance. Both the complainant(s) and the respondent(s) are notified of any extensions in writing.

The respondent is presumed to not have engaged in prohibited conduct until the Hearing Panel finds that there is sufficient evidence based on a preponderance of the evidence to find that the respondent has violated System Regulation 08.01.01 and/or Rule 08.01.01.K1. If a violation(s) is found, the Hearing Panel may recommend sanctions consistent with the sanctioning requirements of the regulation.

### ***Procedures governing the resolution of all sexual harassment and sex-based misconduct allegations***

A Hearing Facilitator will be appointed to assist the Hearing Panel and facilitate the hearing process. The Hearing Panel consists of three individuals who will render decisions in cases with allegations against employees, third parties, and students<sup>19</sup> by majority vote.

The Hearing Panel will review the unredacted final investigation report, the documentary evidence, the record of the hearing (if applicable), and any other relevant information. The Hearing Facilitator or designee will provide the final investigative report and exhibits to the parties. The parties will also be provided a pre-hearing conference to review the hearing process as well as to explore any available options for informal resolution. The parties have at least 10 business days to review the final investigative report and to respond in writing to the Hearing Facilitator (if desired) prior to the hearing. The Hearing Facilitator has the sole discretion to determine the relevance of evidence and whether it should be heard at a hearing. The Rules of Evidence do not apply in hearings. At any time prior to the adjudication of a formal complaint, the parties may seek informal resolution to resolve the complaint except in complaints involving allegations that an employee sexually harassed a student.

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<sup>19</sup> Exceptions: The chancellor or designee will serve as the DA in complaints against the Texas A&M University-Kingsville President or an employee who reports directly to the Texas A&M University-Kingsville President; the Title IX Coordinator, or the Chief Ethics & Compliance Officer. The chair of the Board of Regents or designee will serve as the DA in complaints against the chancellor or an employee who reports directly to the chancellor.



Unless waived by the parties, following the pre-hearing conference the parties will be given a minimum of 5 business days notice of any formal hearing. The notice must include the date, time, and location of the hearing, as well as instructions for those participating in hearings through online means.

The Hearing Facilitator and Hearing Panel will conduct a live hearing<sup>20</sup> to allow the parties to question witnesses, submit evidence or information, and to allow the Hearing Panel, the IA, and the parties' advisors to cross-examine other parties or witnesses. The complainant and the respondent at a hearing must have an advisor with them. In cases in which a party does not have an advisor, the university will provide a trained advisor to assist them in the hearing process.

Cross-examination of the complainant, respondent, and any witnesses may not be conducted by the opposing party but must be conducted by their advisor. Questions are to be directed to the Hearing Panel Chair<sup>21</sup>, who will determine whether or not each question will be admitted into the hearing. If a question is deemed repetitious or not relevant, the decision-maker must explain the decision to exclude it. When parties are being subject to cross examination, the advisor may not answer on behalf of the party.

The Hearing Panel Chair will preside over the hearing and make final determinations on the relevance of questions and evidence asked during the cross-examination. Questions and evidence about the complainant's sexual predisposition or prior sexual behavior are not relevant, unless such questions and evidence about the complainant's prior sexual behavior are offered to prove that someone other than the respondent committed the alleged conduct, or if the questions and evidence concern specific incidents of the complainant's prior sexual behavior with respect to the respondent and are offered to prove consent. The Hearing Panel cannot draw an inference regarding responsibility based solely on a party's or witness's absence from the live hearing or refusal to answer cross examination or other questions.

Following the hearing, the Hearing Panel in consultation with the Hearing Facilitator will develop a draft result<sup>22</sup> (hereafter called decision), based on the preponderance of the evidence, as to a) whether or not the alleged conduct occurred; and b) whether each allegation is substantiated, unsubstantiated, or there is insufficient information to substantiate that the respondent violated System Regulation 08.01.01 and/or Rule 08.01.01.K1. If applicable, the Hearing Panel will also include a decision as to whether the respondent violated any other

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<sup>20</sup> Hearings will be closed to the public. The university will create an audio or audiovisual recording, or transcript, of any live hearing and make it available to the parties for inspection and review upon request by the parties. Physical access to the recording or transcript must be provided upon request for the purpose of preparing an appeal following the hearing. Attendance at a hearing may be in person or may be conducted through remote means, provided that all parties and the Hearing Facilitator, Hearing Panel, and IA can see and hear one another in real time during the course of the hearing.

<sup>21</sup> The Hearing Panel Chair is a voting member of the Hearing Panel and is responsible for making decisions regarding the admissibility of any questions asked during the hearing. If a question is inadmissible.

<sup>22</sup> Result is defined as any initial, interim and final decision by any official or entity authorized to resolve disciplinary matters within the institution. The result must include any sanction imposed by the institution.

university policy, regulation, rule, SAP, or code. If the Hearing Panel determines that any policies, regulations, rules, SAPs, or codes have been violated, the Hearing Panel will consider any information about impact, mitigation, aggravation, and the respondent's character (see factors listed in the Sanctioning Considerations section) and include a decision about sanctions. The Hearing Facilitator will submit the decision draft to SECO within 2 business days. SECO will have a maximum of 3 business days to provide feedback to the Hearing Facilitator.

Thereafter, the Hearing Facilitator will have a maximum of 3 additional business days to issue a decision letter. The decision letter must be sent simultaneously to notify the parties, in writing, of the decision on responsibility and sanctions except when to do so would violate state or federal law [e.g. Family Education Rights and Privacy Act (FERPA)]. The decision must include any sanctions imposed by the institution. Notwithstanding section 444 of the General Education Provision Act (20 U.S.C. 1232g), commonly referred to as FERPA, the decision letter must include the rationale for the decision and the sanctions<sup>23</sup>. The decision will include information about appealing the decision and/or sanctions.

Decision letters must include (1) identification of the allegations; (2) a description of the procedural steps taken from the receipt of a formal complaint through determination, including any notifications to the parties, interviews with parties and witnesses, site visits, methods used to gather other evidence, and hearings held, if any; (3) a finding for each allegation as to whether the conduct occurred and findings of fact supporting the determination; (4) conclusion regarding the application of the university's conduct standards to the facts; (5) a statement of, and rationale for, the result as to each allegation including a determination regarding responsibility (substantiated, unsubstantiated, or there is insufficient information to substantiate that the respondent violated System Regulation 08.01.01 and/or Rule 08.01.01.K1), any disciplinary sanctions the university imposes on the respondent, and whether remedies designed to restore or preserve equal access to the university's education program or activity will be provided by the university to the complainant, and; (6) the university's procedures and permissible bases for the complainant and respondent to appeal the decision and/or sanctions. If it was alleged that any other system regulations or university policies, regulations, rules, SAPs, or codes were violated, there will be a statement of responsibility as to these allegations as well. The decision on responsibility made by the Hearing Panel does not constitute an employment action with respect to faculty and non-faculty employees. Any sanction against an employee, imposed as a result of a substantiated finding, will constitute an employment action.

If for any reason there is reasonable cause for the university to delay the issuance of the decision letter, this will be communicated to the parties by the Hearing Facilitator or designee. If a student respondent withdraws or graduates from the university pending the resolution of a complaint, the process will continue and, the university will not issue a transcript on behalf of the student until the conclusion of the process.

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<sup>23</sup> The decision of the Hearing Panel will include how the university weighted the evidence and information presented during the hearing, how the evidence and information support the decision and sanctions, and how the standard of evidence was applied.

Upon request by another postsecondary educational institution, the university must provide to the requesting institution any determination that a student violated the university's code of conduct by committing sexual harassment, sexual assault, sex-based misconduct, dating violence, domestic violence, and/or stalking based on sex.

The goal is to resolve complaints in a reasonably prompt timeframe; however, extenuating circumstances requiring additional time may necessitate an extension for good cause. Written notice of the delay and the reason for the delay is provided to the complainant and the respondent by the Office of Compliance or designee.

***Procedures governing the resolution of other civil rights complaints (pay disparities and/or program inequities, excluding [hostile environment](#), and allegations other than sexual harassment and sex-based misconduct)***

Following are the resolution procedures for pay disparities and/or program inequities, excluding hostile environment, and non sex-based complaints based on race, color, religion, national origin, age, disability, genetic information, and/or veteran status. When a complaint involves allegations of misconduct that involve both sex-based allegations and allegations of other civil rights violations, the process shall be conducted under the requirements established for sex-based offenses.

The DA will review the unredacted final investigation report (see footnote 14), the documentary evidence, and any other relevant information. If the DA has substantial doubts about the thoroughness, fairness, and/or impartiality of the investigation, the DA may refer the matter back to the IA with further instructions, which could include the appointment of a different IA. At any time prior to the adjudication of a formal complaint, the parties may seek informal resolution to resolve the complaint.

The DA will develop a draft decision (see footnote 17), based on the preponderance of the evidence, as to a) a finding for each allegation as to whether conduct occurred; and b) a finding of responsibility for each allegation: substantiated, unsubstantiated, or there is insufficient information to substantiate that the respondent violated System Regulation 08.01.01 and/or Rule 08.01.01.K1. If it was alleged that any other system regulations or university policies, regulations, rules, SAPs, or codes were violated, there will be a statement of responsibility as to these allegations as well.

The DA will submit the draft decision to OGC within 5 business days after receiving the final investigation report and consult, as needed, with respect to sanctioning. OGC will coordinate with SECO and provide its review of the draft decision within 5 business days. For a complaint against a student, it may be impractical for OGC to review the intended decision prior to issuance by the DA. Universities are therefore exempt from obtaining OGC review of the decision, for student complainants, prior to issuance but may request assistance from OGC and SECO when needed.

The DA will have 5 business days to finalize the decision and simultaneously notify the parties, the IA, and any other university official with a need to know, in writing, of the decision and sanctions. In cases in which the allegations are substantiated, the final decision will also be provided to an employee respondent's supervisor. The decision must include any sanctions imposed by the institution. Notwithstanding section 444 of the General Education Provision Act (20 U.S.C. 1232g), commonly referred to as FERPA, in the decision, the DA will state the rationale for the decision and the sanctions, if any (see footnote 18). The final decision will include instructions for appealing the decision and/or sanctions.

Circumstances may warrant extensions to the time frames in this section. The DA should send an extension request, if needed, to the office or individuals who appointed them. Both the complainant(s) and the respondent(s) should be notified of any extensions in writing.

### ***Sanctioning Considerations***

In determining appropriate sanctions, many factors may be considered. Factors include, but are not limited to:

- the expressed wishes of the complainant(s),
- the nature of the conduct,
- the impact of the conduct on the complainant(s) and university community and the need to protect the safety of the university community,
- prior disciplinary history of the respondent,
- whether the respondent has accepted responsibility for the conduct,
- the necessity of any specific action in order to eliminate the discrimination, harassment, and/or retaliation and prevent its recurrence, as well as the need to remedy its effects on the complainant(s) or other university community members, and/or
- any other mitigating, aggravating, or compelling circumstances.

### ***Sanctioning for Employees***

If an employee is found to have engaged in sexual harassment or sex-based misconduct, the sanction will be termination of employment. If an employee is found to have engaged in conduct prohibited by System Regulation 08.01.01 and/or Rule 08.01.01.K1 (other than sexual harassment and/or sex-based misconduct), the DA may assign appropriate sanction(s) which may have educational, restorative, punitive, and rehabilitative components. Sanctions include written warning or reprimand, required training and/or attendance at counseling, no contact directives, probation, suspension, and termination.

If an employee is found responsible for violating any other policy, regulation, rule, SAP, or code, the DA may assign appropriate sanction(s) or may refer the sanctioning to any other appropriate university administrator.

### ***Sanctioning for Students***

If a student is found responsible for sexual harassment or sex-based misconduct, the student will be sanctioned in accordance with the [Texas A&M University-Kingsville Student Handbook](#)

(Section 11: Disciplinary Sanctions) and System Regulation 08.01.01 which is described below. If a student is found responsible for engaging in any other form of conduct prohibited by System Regulation 08.01.01 or Rule 08.01.01.K1, or if the student is found responsible for violating any other university rule or System regulation, the DA will assign appropriate sanctions which may have educational, restorative, and rehabilitative components and/or may place a student in a probationary or review status or separate the student from the university.

The sanctions identified below are not inclusive and may be levied in any combination:

- **Warning:** A notice in writing to the student/organization that the student/organization is violating or has violated institutional regulations and that the continuation of such conduct or actions could result in further disciplinary action.
- **Probation:** A written reprimand for violation of specified regulations. Probation is for a designated period of time and includes the probability of more severe disciplinary sanctions if found to violate any institutional regulations or failure to comply with the sanctions imposed by the hearing body.
- **Loss of Privileges:** Denial of specified privileges for a designated period of time.
- **Fines:** Previously established and published fines may be imposed.
- **Restitution:** Compensation for loss, damage, misappropriation or injury. This may take the form of appropriate service and/or monetary or material replacement.
- **Educational Sanctions:** A provision to complete work assignments, essays, specific educational requirement (i.e., counseling, attending an alcohol workshop, online educational workshop, etc.), service to the university or designated community agency, or other related discretionary assignments.
- **No Contact Order:** Directive to cease any and all contact with another party/parties. This includes contact initiated through any means: telephone, correspondence, personal visits, e-mail, social media (i.e., Facebook, Twitter) etc.) as well as contact initiated by any third parties on your behalf or at your request. This also includes making electronic outreaches to or statements about the other parties through blogs or other social media, 'tagging' them in comments, or through online message boards or other internet sites. This restriction applies to both on and off campus. The directive to avoid contact until such time as this order is lifted.
- **Residence Hall Suspension:** Separation of the student from university housing for a definite period of time after which the student is eligible to return. Conditions for readmission may be specified. A student has 36 hours upon notification to vacate the premises (except in the case of an interim suspension where the student may be asked to immediately vacate the premises). The student will forfeit the housing deposit and is liable for the prorated rent amount for the period the student resided in the halls as stipulated in the housing agreement. The student may not enter or visit university housing during this period.
- **Residence Hall Expulsion:** Permanent separation of the student from the residence halls. A student has 36 hours upon notification to vacate the premises (except in the case of an interim suspension where the student may be asked to immediately vacate the premises). The student will forfeit the housing deposit and is liable for the prorated

rent amount for the period the student resided in the halls as stipulated in the housing agreement. The student may not enter or visit university housing during this period.

- **University Suspension:** Separation of the student from the University for a definite period of time, after which the student is eligible to return. Conditions for readmission may be specified. The student is not entitled to a refund of tuition and/or fees for the term in which the student is suspended.
- **University Expulsion:** Permanent separation of the student from the University. The student is not entitled to a refund of tuition and/or fees for the term in which the student is expelled.
- **Revocation of Admission and/or Degree:** Admission to or a degree awarded from the University may be revoked for academic misconduct, misrepresentation, or other violation of University standards in obtaining the degree.
- **Withholding Degree:** The University may withhold awarding a degree otherwise earned until the completion of the process set forth in this Student Code of Conduct, including the completion of all sanctions imposed, if any.
- **Appropriate Grade Penalties:** In cases of academic misconduct may include issuance of a grade of "F" in a course, grade reduction, removal from an academic program or additional work assigned. For serious academic misconduct cases such as, but not limited to, those involving repeated offenses, conspiracy with other students or the theft and/or sale of examination questions, suspension or expulsion from the university is a common sanction.

### ***Appeals procedures governing the resolution of all sexual harassment and sex-based misconduct allegations***

In cases of sex-based misconduct/sexual harassment and/or related retaliation involving a student, the appeal must be made in writing to the Dean of Students or a designee within five (5) business days after notification of the initial decision. Appeal requests will be reviewed for merit and that the appeal was filed in a timely manner. Both the complainant and the respondent will be notified simultaneously in writing of the results of the appeal. The complainant and respondent are required to keep the results of the disciplinary action and appeal confidential. For further information, contact the Assistant Vice President of Student Affairs/Dean of Students at (361) 593-3606.

With respect to allegations of sex discrimination, the Hearing Panel's decision and the sanction imposed by the sanctioning authority can be appealed by the complainant and/or respondent, but only on the following basis, as applicable:

- a procedural error or omission that significantly impacted the outcome;
- new evidence, unknown or unavailable during the investigation, that could have significantly impacted the outcome;
- the appropriateness or severity of the sanctions; or
- the Title IX Coordinator, investigator, or decision-maker had a conflict of interest or bias for or against complainants or respondents generally or the individual complainant or respondent that affected the outcome of the investigation.

The appeal will be confined to a review of the written documentation and record of the investigation and/or hearing, and pertinent documentation regarding the grounds for the appeal. The appeal does not create an entitlement to a new investigation or a full re-hearing of the complaint. The appeal process for both the complainant and the respondent must be equitable, but not necessarily identical. The appeal must be filed within the time period specified in TAMUK University Rule 08.01.01.K1, Civil Rights Protections and Compliance.

Any student receiving a sanction of separation (expulsion or suspension) pursuant to System Regulation 08.01.01, Civil Rights Compliance may appeal the sanction in accordance with the member rule and/or code of conduct for student grievances.

### **Status of Students During an Appeal**

Pending final action on a disciplinary charge or appeal, the student's status should not be altered nor should his/her right to be present on the campus or his/her privilege to attend classes be suspended except for the following:

- when the university has imposed *temporary emergency removal* action;
- when a "disciplinary hold" is placed on the student's academic and/or financial records pending the outcome of disciplinary proceedings or to enforce a disciplinary sanction;
- when interim measures or restrictions are taken during a Title IX investigation and/or code of conduct disciplinary process when it is determined that they are necessary and appropriate to the safety of the community, and/or to protect the integrity of the complaint/investigation process; or
- to assist with maintaining order on campus in incidents involving serious cases of class/facility disruptions or threat of violence whereby student(s) involved may be restricted from certain areas or other accommodations made to minimize the opportunity for verbal/physical conflict or retaliation.

### ***Appeal procedures governing the resolution of other complaints (allegations other than sexual harassment and sex-based misconduct)***

Any employee disciplined pursuant to this regulation may appeal that action in accordance with [System Policy 12.01, Academic Freedom, Responsibility and Tenure](#); [System Policy 32.01, Employee Complaint and Appeal Procedures](#); [System Regulation 32.01.01, Complaint and Appeal Process for Faculty Members](#); [System Regulation 32.01.02, Complaint and Appeal Process for Nonfaculty Employees](#); and/or other system policies or regulations as appropriate.

Any student receiving a sanction of separation (expulsion or suspension) pursuant to this regulation may appeal the sanction in accordance with the [Texas A&M University-Kingsville Student Handbook \(Section 15: Student Grievance \(Formal Complaint\) Procedures\)](#).

### **Extensions**

The university will make every reasonable effort to comply with the timelines contained in this procedure. However, extensions may be obtained by the IA, Hearing Facilitator, DA, or AA, as appropriate under the circumstances. Time frames for the receipt, investigation, and adjudication of complaints may be extended for good cause. Good cause is to be determined by

the university in consultation with OGC and SECO and reasonable extensions may be granted at the discretion of the university. Circumstances that warrant an extension may include, but are not limited to:

- Temporary unavailability of the complainant(s), respondent(s) or witnesses;
- Delays in issuance and/or receipt of information to or from the IA;
- Temporary unavailability of the IA, Hearing Facilitator, DA, or AA due to illness, family needs or professional commitments;
- Holidays or other periods when the complainant, respondent, witnesses, or other university employees may be unavailable; and/or
- New allegations, new evidence, new witnesses, or any other fact or circumstance that would require further investigation.

All requests for extensions must be justified in writing and shall be sent by the IA, Hearing Facilitator, DA, or AA to the Office of Compliance for review and approval by the Chief Ethics and Compliance Officer or designee. The Office of Compliance will simultaneously notify the complainant and respondent in writing of any extensions and the reason for the extensions.

#### Dismissals under Title IX

Cases involving allegations of sexual harassment, sexual assault, and dating violence, domestic violence, and/or stalking based on sex are subject to mandatory or discretionary dismissal from the Title IX process<sup>24</sup> under federal law. However, at the discretion of the Title IX Coordinator, in consultation with OGC and SECO, cases dismissed from the Title IX process may be subject to investigation and adjudication as sex-based misconduct which provides for the same investigation and resolution process as cases meeting sexual harassment under Title IX.

#### ***Mandatory dismissals***

If the conduct alleged in the formal complaint would not constitute sexual harassment as defined even if proved, did not occur in the university's education program or activity, or did not occur against a person in the United States, then the university must dismiss the formal complaint with regard to that conduct for purposes of sexual harassment under Title IX only. Such dismissal does not preclude action under

- Sex-based Misconduct procedures or
- Another provision of the university's conduct standards.

#### ***Discretionary dismissals***

The university may dismiss a formal complaint for the purposes of sexual harassment under Title IX if the complainant notifies the Title IX Coordinator in writing that the complainant

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<sup>24</sup> Complaints will be processed under Title IX if all of the following apply: (1) The university has actual knowledge of a notice of sexual harassment or a complaint involving allegations of sexual harassment, sexual assault, and/or dating violence, domestic violence, and stalking based on sex to the Title IX Coordinator or any university official who has authority to institute corrective measures and redress harassment on behalf of the university. Imputation of knowledge based solely on vicarious liability or constructive notice is insufficient to constitute actual knowledge; (2) A formal complaint is filed by the complainant or signed by the Title IX Coordinator; (3) The alleged behavior/conduct must have occurred against a person while in the United States; (4) At the time the formal complaint was filed, the complainant was participating or attempting to participate in the university's education program or activity. This includes an enrolled student, an employee, and applicants for admission or employment at the university, and; (5) The alleged conduct meets the definition of sexual harassment as set forth in this policy.



wishes to withdraw it, if the respondent is no longer enrolled or employed by the university, or if specific circumstances prevent the university from collecting evidence sufficient to reach a determination (for example, when the complainant has ceased participating in the process; in certain fact specific cases when the passage of time precludes the collection of sufficient evidence; when complainant's identity is not known; and when the exact same allegations have already been investigated and adjudicated). Such dismissal does not preclude action under

- Sex-based Misconduct procedures or
- Another provision of the university's conduct standards.

Upon a dismissal required or permitted pursuant to the above, the university must promptly send written notice of the dismissal and the reason(s) therefore simultaneously to the parties. The parties must be given the opportunity to appeal a dismissal to the designated AA in accordance with the appeal procedures referenced above.

### **Prevention and Awareness Programs<sup>25</sup>**

The university engages in primary prevention programs that are directed at incoming students and new employees. The primary programs are defined as programming, initiatives, and strategies informed by research or assessed for value, effectiveness, or outcome that are intended to stop dating violence, domestic violence, sexual assault, and stalking before they occur through the promotion of positive and healthy behaviors that foster healthy, mutually respectful relationships and sexual interactions, encourage safe bystander intervention, and seek to change behavior and social norms in healthy and safe directions.

TAMUK provides culturally relevant, inclusive primary prevention and awareness education to incoming students and new employees to clearly define sexual assault, dating violence, domestic violence, stalking, and consent in reference to sexual activity (as defined by the institution, the purposes for which the institutional definition is used, and as defined in the applicable jurisdiction). The programs identify sexual assault, dating violence, domestic violence, and stalking as conduct prohibited by the university and provide information regarding bystander intervention, risk reduction in recognizing warning signs of abusive behavior, ways to avoid potential attacks, and individuals' rights and options. The training includes procedures individuals should follow if sexual assault, dating violence, domestic violence, or stalking occurs and procedures the institution will follow when one of these behaviors is reported. This includes, but is not limited to, the importance of preserving evidence; options for notifying law enforcement and campus authorities; procedures for institutional disciplinary action and conduct proceedings; possible sanctions following a proceeding; on-campus and community resources (existing counseling, health, mental health, advocacy, legal assistance, visa and immigration assistance, student financial aid, and other

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<sup>25</sup> For the purposes of this section awareness programs means community-wide or audience-specific programming, initiatives, and strategies that increase audience knowledge and share information and resources to prevent violence, promote safety, and reduce perpetration. Programs to prevent dating violence, domestic violence, sexual assault, and stalking means comprehensive, intentional, and integrated programming, initiatives, strategies, and campaigns intended to end dating violence, domestic violence, sexual assault, and stalking that are culturally relevant, inclusive of diverse communities and identities, sustainable, responsive to community needs, and informed by research, assessed for value, effectiveness, or outcome; and consider environmental risk and protective factors as they occur on the individual, relationship, institutional, community, and societal levels.

services); rights and options for obtaining lawful orders; options for, assistance in, and how to request changes to academic, living, transportation, and working situations or supportive measures; how the institution will protect the confidentiality of victims and other necessary parties; and protection from retaliation.

Primary prevention programs include the following:

- First-semester undergraduate and transfer students are required to take *Sexual Assault Prevention for Undergraduates* training focusing on sexual harassment, sexual assault, dating violence, domestic violence, and stalking provided through EverFi during their first semester of enrollment. The training should be completed before priority registration begins for the following semester or a registration hold will be placed on their account. Students who started during a summer session will have to complete the training during the fall semester.
- Student athletes and athletic staff are required to take annual sexual violence prevention training. Student athletes take *Sexual Assault Prevention for Student-Athletes* and athletic staff take *Harassment and Discrimination Prevention* training provided through EverFi.
- Student employees are required to take *Harassment and Discrimination Prevention* training provided through EverFi.
- The [Texas A&M University-Kingsville Student Handbook](#), available to students electronically, contains information on sexual assault, dating violence, domestic violence, and stalking; awareness; rights; resources; and options available through the Office of Compliance.
- New employees receive primary prevention information through a web-based *Creating a Discrimination Free Workplace* training mandated by The Texas A&M University System. All employees are required to complete the training every two years thereafter.

The university engages in ongoing prevention and awareness campaigns that are directed at students and employees. The ongoing campaigns are defined as programming, initiatives, and strategies that are sustained over time and focus on increasing understanding of topics relevant to and skills for addressing dating violence, domestic violence, sexual assault, and stalking using a range of strategies with audiences throughout the institution. The same information included in the institution's primary prevention and awareness programs is incorporated into ongoing prevention and awareness campaigns. Various departments on campus support ongoing campaigns for students and employees as described below.

UPD provides ongoing education available to students and employees to promote crime prevention and personal safety including sexual assault and stalking prevention and awareness, drug and alcohol awareness, and sexual harassment and rape prevention through self-defense tactics. Related materials are typically distributed at awareness events across campus and in the community during times such as National Night Out.

The Office of Compliance provides Title IX presentations to various TAMUK student, staff, and faculty groups multiple times per year and upon request. The presentations include an

explanation of the federal law and TAMUK's institutional policies, reporting procedures, responses, and disciplinary proceedings as well as primary prevention initiatives and other awareness opportunities. The Office of Compliance also offers educational awareness and prevention events including:

- Denim Day which promotes sexual assault awareness through decorating denim jeans.
- Through Their Steps allows participants to take an interactive role in navigating resources to spread awareness regarding relationship violence.
- Red Zone Week with bystander intervention and unhealthy relationship awareness tables, conversations on consent, and a campus resource panel.

The Peer Educator Program (PEP Talk) reaches out to the university community to increase awareness on health and safety issues. The goal of this program is to share, teach and empower peers to evaluate their lifestyles and make more responsible, healthier decisions. PEP Talk and Student Health & Wellness join the Office of Compliance and other university departments (Student Activities, University Housing & Residence Life, and UPD) in conducting outreach education efforts related to Title IX. The programs and events include:

- STEP UP Javelinas – Bystander Intervention Program educates members of the Javelina community on how to safely and effectively intervene when an individual is experiencing situations that are threatening the person's safety and well-being.
- Tropical Temptations Safe Spring Break provides resources on sexual health and safety and how to protect and help your peers.
- Walk a Mile in Her Shoes raises awareness about sexual violence and information is provided by the The Purple Door, a non-profit organization committed to serving individuals affected by domestic violence and/or sexual assault.
- Take Back the Night raises awareness about sexual, domestic, and gender violence. The event includes a candlelight vigil, community speakers, and an open mic session.
- Javelina Night Out raises awareness on sexual assault, personal safety, mental health, and other university resources.
- Sober Spirits provides information on healthy relationships and obtaining sober consent.

Human Resources offers training for employees regarding fostering respect in the workplace that covers information about the employee's and supervisor's role in maintaining a work environment that is free from discrimination and harassment. Participants have the opportunity to review federal equality laws, identify and discuss behaviors that might unknowingly contribute to a disrespectful or hostile environment, and identify ways to be proactive in creating a respectful work environment. Other online courses are offered that provide guidance in following university policies and rules and reporting and addressing complaints.

The Title IX webpage, [https://www.tamuk.edu/finance/compliance/title\\_9/index.html](https://www.tamuk.edu/finance/compliance/title_9/index.html), describes university resources, assistance, educational opportunities, and reporting procedures for campus community members impacted by sexual violence, sexual harassment, and other illegal discrimination. The Office of Compliance, the Dean of Students, and UPD provide

information for students, faculty, and staff who wish to report any form of sexual discrimination or harassment.

A notice of non-discrimination and abuse is sent to all students and employees by the Office of Compliance at the beginning of the fall and spring semesters regarding reporting procedures and requirements related to incidents of illegal discrimination, sexual harassment (including sexual assault, dating violence, domestic violence, and stalking), and related retaliation.

All students and employees are provided written notification about existing counseling, health, mental health, victim advocacy, legal assistance, visa and immigration assistance, student financial aid, and other services and resources available for individuals both on-campus and in the community through a campus newsletter. The written notification is provided to students and employees by the Office of Compliance through an annual e-mail (fall semester) that contains information about how to report incidents, applicable policies, and other available options in addition to existing services and resources.

### **Bystander Intervention and Risk Reduction<sup>26</sup>**

Everyone has a role in changing community knowledge, attitudes and behaviors. Change happens as each person is able to identify risky situations and take action to confront, interrupt, or prevent acts of sexual violence. Bystander intervention programs can help individuals observe a situation and determine an appropriate intervention where someone could use some help. Bystander intervention means just that; people taking care of others. If you find a friend in a situation that concerns you, consider the following strategies to intervene safely and effectively:

- Create a distraction to interrupt the flow of events
- Involve others to help you – this could be friends, waiters, or bartenders
- Make an excuse to remove a friend from the situation
- Point out the unwanted behavior in a safe and respectful manner
- Call for help, if needed and in dangerous situations, call 911

Sexual assault is never a victim's fault. However, there are ways that may reduce the risk of being sexually assaulted including being prepared, alert, and assertive. Consider the following tips:

- Be aware of your surroundings
- Practice responsible drinking; alcohol is a factor in many sexual assaults
- Never leave your drink unattended
- Don't accept drinks from someone you don't know or trust
- Stay with your friends and make sure your friends stay with you

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<sup>26</sup> For the purposes of this section bystander intervention means safe and positive options that may be carried out by an individual or individuals to prevent harm or intervene when there is a risk of dating violence, domestic violence, sexual assault, or stalking. 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. Risk reduction means options designed to decrease perpetration and bystander inaction, and to increase empowerment for victims in order to promote safety and to help individuals and communities address conditions that facilitate violence.

- Be careful of online relationships
- Trust your instincts

We are reminded to think about relationships, specifically relationships that may be, or become abusive. Be aware of the signs:

- Is one of the partners verbally and emotionally abusive?
- Is one of the partners isolating the other from friends and family?
- Is one of the partners controlling, intimidating or always jealous?
- Is there a threat of harm?

## Other Considerations

### Prohibition of Retaliation

TAMUK prohibits retaliation. TAMUK or an officer, employee, or agent of TAMUK, may not retaliate, intimidate, threaten, coerce, or otherwise discriminate against any individual for exercising their rights or responsibilities under any provision of System Regulation 08.01.01 or the Clery Act.

### Victim Notification

In accordance with the Higher Education Opportunity Act, upon written request, TAMUK will disclose to the alleged victim of any crime of violence, or non-forcible sex offense, the report on the results of any disciplinary proceeding conducted by the university against a student who is the alleged perpetrator of such crime or offense with respect to such crime or offense. If the alleged victim is deceased as a result of such crime or offense, the next of kin of such victim shall be treated as the alleged victim for the purposes of this paragraph.

Institutions are required to provide both the complainant and the respondent with simultaneous written notification of any result of any institutional conduct proceeding that arises from an allegation of dating violence, domestic violence, sexual assault, or stalking. In these cases, it is not necessary for the victim to make a written request.

### Sex Offender Registry

Section 121 of the Adam Walsh Child Protection and Safety Act of 2006 (42 U.S.C. 16921) provides for the tracking of registered sex offenders and instructs states to post sex offender data on the internet.

The Texas Department of Public Safety (DPS) is the official Texas internet source for Sex Offender Registration information. The Sex Offender Registration open record information is extracted from the DPS Sex Offender Registration Database. The DPS maintains files based on registration information submitted by criminal justice agencies and represents a statewide source of information on sex offenders required to register by law. The DPS Texas Public Sex Offender Registry website is found at: <https://publicsite.dps.texas.gov/SexOffenderRegistry>.

UPD receives notification of registered sex offenders that are currently employed, work, teach, volunteer, or attend classes on the main campus of TAMUK. Notification may come from the Kleberg County Sheriff's Office or the Kingsville Police Department.

Additional resources for gathering sex offender and sex crime data in the area:  
Kleberg County Sheriff's Office – (361) 595-8500  
Kingsville Police Department – (361) 592-4311

## Definitions of Clery Act Offenses

**Murder and Non-negligent Manslaughter:** The willful (non-negligent) killing of one human being by another.

**Manslaughter by Negligence:** The killing of another person through gross negligence.

**Sexual Assault:** An offense that meets the definition of rape, fondling, incest or statutory rape as used by the FBI's Uniform Crime Reporting (UCR) program. Per the National Incident-Based Reporting System User Manual from the FBI UCR program, a sex offense is "any sexual act directed against another person, without the consent of the victim, including instances where the victim is incapable of giving consent" (see consent section below).

**Rape:** The penetration, no matter how slight, of the vagina or anus with any body part or object, or oral penetration by a sex organ of another person, without the consent of the victim. This offense includes the rape of both males and females.

**Fondling:** The touching of the private body parts of another person for the purpose of sexual gratification, without the consent of the victim, including instances where the victim is incapable of giving consent because of his/her age or because of his/her temporary or permanent mental incapacity.

**Incest:** Sexual intercourse between persons who are related to each other within the degrees wherein marriage is prohibited by law.

**Statutory Rape:** Sexual intercourse with a person who is under the statutory age of consent.

Consent:

Texas A&M University System Regulation

[System Regulation 08.01.01, Civil Rights Compliance](#) provides guidance in complying with local, state and federal civil rights laws and regulations (laws) and related system policy. This regulation establishes systemwide standards for the receipt and processing of reports, complaints, formal complaints, investigations, adjudication, appeals, and use of informal resolution in cases involving allegations of discrimination, harassment and/or related retaliation based on protected class (discrimination), including complaints made by employees, students, and/or third parties.

According to [System Regulation 08.01.01, Civil Rights Compliance](#), consent is clear, voluntary, and ongoing agreement to engage in a specific sexual act. Persons need not verbalize their consent to engage in a sexual act for there to be permission. Permission to engage in a sexual act may be indicated through physical actions rather than words. A person who is asleep or mentally or physically incapacitated, either through the effect of drugs or alcohol or for any other reason, or whose agreement was made by threat, coercion, or force, cannot give consent. Consent may be revoked by any party at any time.

#### Texas Penal Code

According to the [Texas Penal Code, Sec. 1.02. Objectives of Code](#), the general purposes of the Texas Penal Code are to establish a system of prohibitions, penalties, and correctional measures to deal with conduct that unjustifiably and inexcusably causes or threatens harm to those individual or public interests for which state protection is appropriate.

Consent is defined in the [Texas Penal Code, Section 1.07\(11\)](#) as assent in fact, whether express or apparent. Without consent is also defined in the [Texas Penal Code, Section 22.011\(b\)](#) within the definition of sexual assault (see below).

*Sexual Assault* is defined in the [Texas Penal Code, Section 22.011](#) as follows.

(a) A person commits an offense if:

(1) the person intentionally or knowingly:

- (A) causes the penetration of the anus or sexual organ of another person by any means, without that person's consent;
- (B) causes the penetration of the mouth of another person by the sexual organ of the actor, without that person's consent; or
- (C) causes the sexual organ of another person, without that person's consent, to contact or penetrate the mouth, anus, or sexual organ of another person, including the actor; or

(2) regardless of whether the person knows the age of the child at the time of the offense, the person intentionally or knowingly:

- (A) causes the penetration of the anus or sexual organ of a child by any means;
- (B) causes the penetration of the mouth of a child by the sexual organ of the actor;
- (C) causes the sexual organ of a child to contact or penetrate the mouth, anus, or sexual organ of another person, including the actor;
- (D) causes the anus of a child to contact the mouth, anus, or sexual organ of another person, including the actor; or
- (E) causes the mouth of a child to contact the anus or sexual organ of another person, including the actor.

(b) A sexual assault under Subsection (a)(1) is without the consent of the other person if:

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

- (2) the actor compels the other person to submit or participate by threatening to use force or violence against the other person or to cause harm to the other person, and the other person believes that the actor has the present ability to execute the threat;
  - (3) the other person has not consented and the actor knows the other person is unconscious or physically unable to resist;
  - (4) the actor knows that as a result of mental disease or defect the other person is at the time of the sexual assault incapable either of appraising the nature of the act or of resisting it;
  - (5) the other person has not consented and the actor knows the other person is unaware that the sexual assault is occurring;
  - (6) the actor has intentionally impaired the other person's power to appraise or control the other person's conduct by administering any substance without the other person's knowledge;
  - (7) the actor compels the other person to submit or participate by threatening to use force or violence against any person, and the other person believes that the actor has the ability to execute the threat;
  - (8) the actor is a public servant who coerces the other person to submit or participate;
  - (9) the actor is a mental health services provider or a health care services provider who causes the other person, who is a patient or former patient of the actor, to submit or participate by exploiting the other person's emotional dependency on the actor;
  - (10) the actor is a clergyman who causes the other person to submit or participate by exploiting the other person's emotional dependency on the clergyman in the clergyman's professional character as spiritual adviser;
  - (11) the actor is an employee of a facility where the other person is a resident, unless the employee and resident are formally or informally married to each other under Chapter 2, Family Code;
  - (12) the actor is a health care services provider who, in the course of performing an assisted reproduction procedure on the other person, uses human reproductive material from a donor knowing that the other person has not expressly consented to the use of material from that donor;
  - (13) the actor is a coach or tutor who causes the other person to submit or participate by using the actor's power or influence to exploit the other person's dependency on the actor; or
  - (14) the actor is a caregiver hired to assist the other person with activities of daily life and causes the other person to submit or participate by exploiting the other person's dependency on the actor.
- (c) In this section:
- (1) "Child" means a person younger than 17 years of age.
  - (2) "Spouse" means a person who is legally married to another.
  - (3) "Health care services provider" means:
    - (A) a physician licensed under Subtitle B, Title 3, Occupations Code;
    - (B) a chiropractor licensed under Chapter 201, Occupations Code;
    - (C) a physical therapist licensed under Chapter 453, Occupations Code;
    - (D) a physician assistant licensed under Chapter 204, Occupations Code; or



- (E) a registered nurse, a vocational nurse, or an advanced practice nurse licensed under Chapter 301, Occupations Code.
- (4) "Mental health services provider" means an individual, licensed or unlicensed, who performs or purports to perform mental health services, including a:
- (A) licensed social worker as defined by Section 505.002, Occupations Code;
  - (B) chemical dependency counselor as defined by Section 504.001, Occupations Code;
  - (C) licensed professional counselor as defined by Section 503.002, Occupations Code;
  - (D) licensed marriage and family therapist as defined by Section 502.002, Occupations Code;
  - (E) member of the clergy;
  - (F) psychologist offering psychological services as defined by Section 501.003, Occupations Code; or
  - (G) special officer for mental health assignment certified under Section 1701.404, Occupations Code.
- (5) "Employee of a facility" means a person who is an employee of a facility defined by Section 250.001, Health and Safety Code, or any other person who provides services for a facility for compensation, including a contract laborer.
- (6) "Assisted reproduction" and "donor" have the meanings assigned by Section 160.102, Family Code.
- (7) "Human reproductive material" means:
- (A) a human spermatozoon or ovum; or
  - (B) a human organism at any stage of development from fertilized ovum to embryo.
- (d) It is a defense to prosecution under Subsection (a)(2) that the conduct consisted of medical care for the child and did not include any contact between the anus or sexual organ of the child and the mouth, anus, or sexual organ of the actor or a third party.
- (e) It is an affirmative defense to prosecution under Subsection (a)(2):
- (1) that the actor was the spouse of the child at the time of the offense; or
  - (2) that:
    - (A) the actor was not more than three years older than the victim and at the time of the offense:
      - (i) was not required under Chapter 62, Code of Criminal Procedure, to register for life as a sex offender; or
      - (ii) was not a person who under Chapter 62, Code of Criminal Procedure, had a reportable conviction or adjudication for an offense under this section; and
    - (B) the victim:
      - (i) was a child of 14 years of age or older; and
      - (ii) was not:
        - (a) a person whom the actor was prohibited from marrying or purporting to marry or with whom the actor was prohibited

- from living under the appearance of being married under Section 25.01; or
  - (b) a person with whom the actor was prohibited from engaging in sexual intercourse or deviate sexual intercourse under Section 25.02.
- (f) An offense under this section is a felony of the second degree, except that an offense under this section is:
- (1) a felony of the first degree if the victim was:
    - (A) a person whom the actor was prohibited from marrying or purporting to marry or with whom the actor was prohibited from living under the appearance of being married under [Section 25.01](#); or
    - (B) a person with whom the actor was prohibited from engaging in sexual intercourse or deviate sexual intercourse under Section 25.02; or
  - (2) a state jail felony if the offense is committed under Subsection (a)(1) and the actor has not received express consent as described by Subsection (b)(12).

*Indecent Assault* is defined in the [Texas Penal Code, Section 22.012](#) as follows.

- (a) A person commits an offense if, without the other person's consent and with the intent to arouse or gratify the sexual desire of any person, the person:
- (1) touches the anus, breast, or any part of the genitals of another person;
  - (2) touches another person with the anus, breast, or any part of the genitals of any person;
  - (3) exposes or attempts to expose another person's genitals, pubic area, anus, buttocks, or female areola; or
  - (4) causes another person to contact the blood, seminal fluid, vaginal fluid, saliva, urine, or feces of any person.
- (b) An offense under this section is a Class A misdemeanor.
- (c) If conduct that constitutes an offense under this section also constitutes an offense under another law, the actor may be prosecuted under this section, the other law, or both.

*Aggravated Sexual Assault* is defined in the [Texas Penal Code, Section 22.021](#) as follows.

- (a) A person commits an offense:
- (1) if the person:
    - (A) intentionally or knowingly:
      - (i) causes the penetration of the anus or sexual organ of another person by any means, without that person's consent;
      - (ii) causes the penetration of the mouth of another person by the sexual organ of the actor, without that person's consent; or
      - (iii) causes the sexual organ of another person, without that person's consent, to contact or penetrate the mouth, anus, or sexual organ of another person, including the actor; or
    - (B) regardless of whether the person knows the age of the child at the time of the offense, intentionally or knowingly:

- (i) causes the penetration of the anus or sexual organ of a child by any means;
  - (ii) causes the penetration of the mouth of a child by the sexual organ of the actor;
  - (iii) causes the sexual organ of a child to contact or penetrate the mouth, anus, or sexual organ of another person, including the actor;
  - (iv) causes the anus of a child to contact the mouth, anus, or sexual organ of another person, including the actor; or
  - (v) causes the mouth of a child to contact the anus or sexual organ of another person, including the actor; and
- (2) if:
- (A) the person:
    - (i) causes serious bodily injury or attempts to cause the death of the victim or another person in the course of the same criminal episode;
    - (ii) by acts or words places the victim in fear that any person will become the victim of an offense under [Section 20A.02\(a\)\(3\), \(4\), \(7\), or \(8\)](#) or that death, serious bodily injury, or kidnapping will be imminently inflicted on any person;
    - (iii) by acts or words occurring in the presence of the victim threatens to cause any person to become the victim of an offense under [Section 20A.02\(a\)\(3\), \(4\), \(7\), or \(8\)](#) or to cause the death, serious bodily injury, or kidnapping of any person;
    - (iv) uses or exhibits a deadly weapon in the course of the same criminal episode;
    - (v) acts in concert with another who engages in conduct described by Subdivision (1) directed toward the same victim and occurring during the course of the same criminal episode; or
    - (vi) with the intent of facilitating the commission of the offense, administers or provides to the victim of the offense any substance capable of impairing the victim's ability to appraise the nature of the act or to resist the act;
  - (B) the victim is younger than 14 years of age, regardless of whether the person knows the age of the victim at the time of the offense; or
  - (C) the victim is an elderly individual or a disabled individual.
- (b) In this section:
- (1) "Child" has the meaning assigned by Section 22.011(c).
  - (2) "Elderly individual" has the meaning assigned by Section 22.04(c).
  - (3) "Disabled individual" means a person older than 13 years of age who by reason of age or physical or mental disease, defect, or injury is substantially unable to protect the person's self from harm or to provide food, shelter, or medical care for the person's self.
- (c) An aggravated sexual assault under this section is without the consent of the other person if the aggravated sexual assault occurs under the same circumstances listed in Section 22.011(b).

- (d) The defense provided by Section 22.011(d) applies to this section.
- (e) An offense under this section is a felony of the first degree.
- (f) The minimum term of imprisonment for an offense under this section is increased to 25 years if:
  - (1) the victim of the offense is younger than six years of age at the time the offense is committed; or
  - (2) the victim of the offense is younger than 14 years of age at the time the offense is committed and the actor commits the offense in a manner described by Subsection (a)(2)(A).

*Prohibited Sexual Conduct* is defined in the [Texas Penal Code, Section 25.02](#) as follows.

- (a) A person commits an offense if the person engages in sexual intercourse or deviate sexual intercourse with another person the actor knows to be, without regard to legitimacy:
  - (1) the actor's ancestor or descendant by blood or adoption;
  - (2) the actor's current or former stepchild or stepparent;
  - (3) the actor's parent's brother or sister of the whole or half blood;
  - (4) the actor's brother or sister of the whole or half blood or by adoption;
  - (5) the children of the actor's brother or sister of the whole or half blood or by adoption;or
  - (6) the son or daughter of the actor's aunt or uncle of the whole or half blood or by adoption.
- (b) For purposes of this section:
  - (1) "Deviate sexual intercourse" means any contact between the genitals of one person and the mouth or anus of another person with intent to arouse or gratify the sexual desire of any person.
  - (2) "Sexual intercourse" means any penetration of the female sex organ by the male sex organ.
- (c) An offense under this section is a felony of the third degree, unless the offense is committed under Subsection (a)(1), in which event the offense is a felony of the second degree.

**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.

- (a) The existence of such a relationship shall be based upon the reporting party's statement and with consideration of the length of the relationship, the type of relationship, and the frequency of interaction between the persons involved in the relationship.
- (b) For the purposes of this definition –
  - (1) Dating violence includes, but is not limited to, sexual or physical abuse or the threat of such abuse.
  - (2) Dating violence does not include acts covered under the definition of domestic violence.
  - (3) For the purposes of complying with the requirements of this section and §668.41, any incident meeting this definition is considered a crime for the purposes of Clery Act reporting.

*Dating Violence* is defined in the [Texas Family Code, Section 71.0021](#) as follows.

- (a) "Dating violence" means an act, other than a defensive measure to protect oneself, by an actor that:
  - (1) is committed against a victim or applicant for a protective order:
    - (A) with whom the actor has or has had a dating relationship; or
    - (B) because of the victim's or applicant's marriage to or dating relationship with an individual with whom the actor is or has been in a dating relationship or marriage; and
  - (2) is intended to result in physical harm, bodily injury, assault, or sexual assault or that is a threat that reasonably places the victim or applicant in fear of imminent physical harm, bodily injury, assault, or sexual assault.
- (b) For purposes of this title, "dating relationship" means a relationship between individuals who have or have had a continuing relationship of a romantic or intimate nature. The existence of such a relationship shall be determined based on consideration of:
  - (1) the length of the relationship;
  - (2) the nature of the relationship; and
  - (3) the frequency and type of interaction between the persons involved in the relationship.
- (c) A casual acquaintanceship or ordinary fraternization in a business or social context does not constitute a "dating relationship" under Subsection (b).

**Domestic Violence:** A felony or misdemeanor crime of violence committed –

- (a) by a current or former spouse or intimate partner of the victim;
- (b) by a person with whom the victim shares a child in common;
- (c) by a person who is cohabitating with, or has cohabitated with, the victim as a spouse or intimate partner;
- (d) 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; or
- (e) 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.

Any incident meeting this definition is considered to be a crime for the purposes of Clery Act reporting.

*Family Violence* is defined by the [Texas Family Code, Section 71.004](#) as follows.

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

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

- (a) fear for his or her safety or the safety of others; or
- (b) suffer substantial emotional distress.

For the purposes of this definition –

- (a) course of conduct means two or more acts, including, but not limited to, acts which the stalker directly, indirectly, or through third parties, by any action, method, device, or means follows, monitors, observes, surveils, threatens, or communicates to or about, a person, or interferes with a person's property.
- (b) Reasonable person means a reasonable person under similar circumstances and with similar identities to the victim.
- (c) Substantial emotional distress means significant mental suffering or anguish that may, but does not necessarily, require medical or other professional treatment or counseling.

Any incident meeting this definition is considered a crime for the purposes of Clery Act reporting.

*Stalking* is defined in the [Texas Penal Code, Section 42.072](#) as follows.

- (a) A person commits an offense if the person, on more than one occasion and pursuant to the same scheme or course of conduct that is directed specifically at another person, knowingly engages in conduct that:
  - (1) constitutes an offense under [Section 42.07](#) (see below), or that the actor knows or reasonably should know the other person will regard as threatening:
    - (A) bodily injury or death for the other person;
    - (B) bodily injury or death for a member of the other person's family or household or for an individual with whom the other person has a dating relationship; or
    - (C) that an offense will be committed against the other person's property;
  - (2) causes the other person, a member of the other person's family or household, or an individual with whom the other person has a dating relationship to be placed in fear of bodily injury or death or in fear that an offense will be committed against the other person's property, or to feel harassed, annoyed, alarmed, abused, tormented, embarrassed, or offended; and
  - (3) would cause a reasonable person to:
    - (A) fear bodily injury or death for himself or herself;
    - (B) fear bodily injury or death for a member of the person's family or household or for an individual with whom the person has a dating relationship;
    - (C) fear that an offense will be committed against the person's property; or
    - (D) feel harassed, annoyed, alarmed, abused, tormented, embarrassed, or offended.
- (b) An offense under this section is a felony of the third degree, except that the offense is a felony of the second degree if the actor has previously been convicted of an offense under

this section or of an offense under any of the following laws that contains elements that are substantially similar to the elements of an offense under this section:

- (1) the laws of another state;
  - (2) the laws of a federally recognized Indian tribe;
  - (3) the laws of a territory of the United States; or
  - (4) federal law.
- (c) For purposes of this section, a trier of fact may find that different types of conduct described by Subsection (a), if engaged in on more than one occasion, constitute conduct that is engaged in pursuant to the same scheme or course of conduct.
- (d) In this section:
- (1) "Dating relationship," "family," "household," and "member of a household" have the meanings assigned by Chapter 71, Family Code.
  - (2) "Property" includes a pet, companion animal, or assistance animal, as defined by Section 121.002, Human Resources Code.

#### Sec. 42.07. Harassment.

- (a) A person commits an offense if, with intent to harass, annoy, alarm, abuse, torment, or embarrass another, the person:
- (1) initiates communication and in the course of the communication makes a comment, request, suggestion, or proposal that is obscene;
  - (2) threatens, in a manner reasonably likely to alarm the person receiving the threat, to inflict bodily injury on the person or to commit a felony against the person, a member of the person's family or household, or the person's property;
  - (3) conveys, in a manner reasonably likely to alarm the person receiving the report, a false report, which is known by the conveyor to be false, that another person has suffered death or serious bodily injury;
  - (4) causes the telephone of another to ring repeatedly or makes repeated telephone communications anonymously or in a manner reasonably likely to harass, annoy, alarm, abuse, torment, embarrass, or offend another;
  - (5) makes a telephone call and intentionally fails to hang up or disengage the connection;
  - (6) knowingly permits a telephone under the person's control to be used by another to commit an offense under this section;
  - (7) sends repeated electronic communications in a manner reasonably likely to harass, annoy, alarm, abuse, torment, embarrass, or offend another; or
  - (8) publishes on an Internet website, including a social media platform, repeated electronic communications in a manner reasonably likely to cause emotional distress, abuse, or torment to another person, unless the communications are made in connection with a matter of public concern.
- (b) In this section:
- (1) "Electronic communication" means a transfer of signs, signals, writing, images, sounds, data, or intelligence of any nature transmitted in whole or in part by a wire, radio, electromagnetic, photoelectronic, or photo-optical system. The term includes:

- (A) a communication initiated through the use of electronic mail, instant message, network call, a cellular or other type of telephone, a computer, a camera, text message, a social media platform or application, an Internet website, any other Internet-based communication tool, or facsimile machine; and
- (B) a communication made to a pager.
- (2) "Family" and "household" have the meaning assigned by Chapter 71, Family Code.
- (3) "Obscene" means containing a patently offensive description of or a solicitation to commit an ultimate sex act, including sexual intercourse, masturbation, cunnilingus, fellatio, or anilingus, or a description of an excretory function.
- (c) An offense under this section is a Class B misdemeanor, except that the offense is a Class A misdemeanor if:
  - (1) the actor has previously been convicted under this section; or
  - (2) the offense was committed under Subsection (a)(7) or (8) and:
    - (A) the offense was committed against a child under 18 years of age with the intent that the child:
      - (i) commit suicide; or
      - (ii) engage in conduct causing serious bodily injury to the child; or
    - (B) the actor has previously violated a temporary restraining order or injunction issued under Chapter 129A, Civil Practice and Remedies Code.
- (d) In this section, "matter of public concern" has the meaning assigned by [Section 27.001, Civil Practice and Remedies Code](#).

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

**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 a means likely to produce death or great bodily harm.

**Burglary:** The unlawful entry of a structure to commit a felony or theft. For reporting purposes this definition includes: unlawful entry with intent to commit a larceny or felony, breaking and entering with intent to commit a larceny, housebreaking, safecracking, and all attempts to commit any of the aforementioned acts.

**Motor Vehicle Theft:** The theft or attempted theft of a motor vehicle.

**Arson:** Any willful or malicious burning or attempt to burn, with or without intent to defraud, a dwelling house, public building, motor vehicle or aircraft, personal property of another, etc.

**Hate Crime:** A criminal offense reported to local police agencies or to a campus security authority that manifests evidence that the victim was intentionally selected because of the perpetrator's bias against the victim. For Clery Act purposes, hate crimes include any of the



following offenses that are motivated by bias: Murder and non-negligent manslaughter, manslaughter by negligence, sexual assault (rape, fondling, incest, statutory rape), robbery, aggravated assault, burglary, motor vehicle theft, arson, larceny-theft, simple assault, intimidation, or destruction/damage/vandalism of property. Following are the bias categories.

**Race:** A preformed negative attitude toward a group of persons who possess common physical characteristics, e.g. color of skin, eyes, and/or hair; facial features, etc., genetically transmitted by descent and heredity which distinguish them as a distinct division of humankind, e.g. Asians, blacks, or African Americans, whites.

**Gender:** A preformed negative opinion or attitude toward a person or group of persons based on their actual or perceived gender, e.g. male or female.

**Religion:** A preformed negative opinion or attitude toward a group of persons who share the same religious beliefs regarding the origin and purpose of the universe and the existence or nonexistence of a supreme being, e.g. Catholics, Jews, Protestants, atheists.

**Sexual Orientation:** A preformed negative opinion or attitude toward a group of persons based on their actual or perceived sexual orientation. Sexual orientation is the term for a person's physical, romantic, and/or emotional attraction to members of the same and/or opposite sex, including lesbian, gay, bisexual, and heterosexual (straight) individuals.

**Gender Identity:** A preformed negative opinion or attitude toward a person (or group of persons) based on their actual or perceived gender identity, e.g. bias against transgender or gender nonconforming individuals (a person who does not conform to the gender-based expectations of society).

**Ethnicity:** A preformed negative opinion or attitude toward a group of people whose members identify with each other, through a common heritage, often consisting of a common language, common culture (often including a shared religion) and/or ideology that stresses common ancestry. The concept of ethnicity differs from the closely related term "race" in that "race" refers to grouping based mostly upon biological criteria, while "ethnicity" also encompasses additional cultural factors.

**National Origin:** A preformed negative opinion or attitude toward a group of people based on their actual or perceived country of birth. This bias may be against people that have a name or accent associated with a national origin group, participate in certain customs associated with a national origin group, or because they are married to or associate with people of a certain national origin.

**Disability:** A preformed negative opinion or attitude toward a group of persons based on their physical or mental impairments, whether such disability is temporary or

permanent, congenital or acquired by heredity, accident, injury, advanced aged or illness.

**Additional Hate Crime Definitions:**

**Larceny-Theft:** The unlawful taking, carrying, leading, or riding away of property from the possession or constructive possession of another. Constructive possession is the condition in which a person does not have physical custody or possession, but is in a position to exercise dominion or control over a thing.

**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.

**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.

**Destruction/Damage/Vandalism of Property (Except "Arson"):** To willfully or maliciously damage, deface, or otherwise injure real or personal property without the consent of the owner or the person having custody or control of it.

**Arrests and Referrals for Disciplinary Action:** Arrest is defined as persons processed by arrest, citation, or summons. Referred for disciplinary action is defined as the referral of any person to any official who initiates a disciplinary action of which a record is established and which may result in the imposition of a sanction. Clery Act statistics are disclosed for arrests and referrals regarding state or local violations of liquor, drug abuse, and weapons laws. Only violations of the law resulting in arrest or referral are disclosed. Violations of institutional policy alone are not included in Clery Act statistics.

**Weapons: Carrying, Possessing, Etc.:** The violation of laws or ordinances prohibiting the manufacture, sale, purchase, transportation, possession, concealment, or use of firearms, cutting instruments, explosives, incendiary devices or other deadly weapons. This classification encompasses weapons offenses that are regulatory in nature. Classify as weapons carrying, possessing, etc. violation: manufacture, sale, or possession of deadly weapons; carrying deadly weapons, concealed (except as permitted by state law and institutional policy through state law) or openly; using, manufacturing, etc. of silencers; furnishing deadly weapons to minors; aliens possessing deadly weapons; and attempts to commit any of the aforementioned acts.

**Drug Abuse Violations:** The violation of laws prohibiting the production, distribution, and/or use of certain controlled substances and the equipment or devices utilized in their preparation and/or use. The unlawful cultivation, manufacture, distribution, sale, purchase, use, possession, transportation, or importation of any controlled drug or

narcotic substance. Arrests for violations of state and local laws, specifically those relating to the unlawful possession, sale, use, growing, manufacturing, and making of narcotic drugs. The relevant substances include: opium or cocaine and their derivatives (morphine, heroin, codeine); marijuana; synthetic narcotics (Demerol, methadone); and dangerous non-narcotic drugs (barbiturates, Benzedrine). Classify as a drug abuse violation: all drugs, without exception, that are illegal under local or state law where your institution is located and all illegally obtained prescription drugs.

**Liquor Law Violations:** The violation of state or local laws or ordinances prohibiting the manufacture, sale, purchase, transportation, possession or use of alcoholic beverages, not including driving under the influence and drunkenness. Classify as a liquor law violation: the manufacture, sale, transporting, furnishing, possessing, etc. of intoxicating liquor; maintaining unlawful drinking places; bootlegging; operating a still; furnishing liquor to a minor or intemperate person; underage possession; using a vehicle for illegal transportation of liquor; drinking on a train or public conveyance; and attempts to commit any of the aforementioned acts.

## Definitions of Clery Act Locations

**On-campus:** 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. This also includes any building or property that is within or reasonably contiguous to the geographic area that is owned by the institution but controlled by another person, is frequently used by students, and supports institutional purposes (such as a food or other retail vendor).

**On-campus Student Housing Facilities (Residential Facilities):** A subset of the "On-campus" category. Any student housing facility that is owned or controlled by the institution, or is located on property that is owned or controlled by the institution, and is within the reasonably contiguous geographic area that makes up the campus is considered an on-campus student housing facility.

**Non-campus:** 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. This also includes any building or property owned or controlled by a student organization that is officially recognized by the institution.

**Public Property:** All public property, including thoroughfares, streets, sidewalks, and parking facilities, that is within the campus, or immediately adjacent to and accessible from the campus.

## Texas A&M University-Kingsville – Reportable Crimes

The following statistics include all incidents of Clery Act crimes reported to the institution that occurred within the campus' Clery Act locations, regardless of whether the individual reporting was a member of the campus community and regardless of whether the individual chose to move forward with criminal justice or campus disciplinary proceedings. To prepare the annual disclosure of crime statistics, the institution collects information from internal sources such as campus police and other campus security authorities and requests information from external sources such as local law enforcement. Some local law enforcement agencies responded with data included in the reportable crime tables below. Other agencies did not respond to the institution's request for statistics or did not respond with a format usable for Clery crime reporting.

<b>Criminal Offenses</b>					
<b>Offense</b>	<b>Year</b>	<b>On Campus Property</b>	<b>Residential Facilities</b>	<b>Non-Campus Property</b>	<b>Public Property</b>
<b>Murder/Non-Negligent Manslaughter</b>	2020	0	0	0	0
	2021	0	0	0	0
	2022	0	0	0	0
<b>Manslaughter by Negligence</b>	2020	0	0	0	0
	2021	0	0	0	0
	2022	0	0	0	0
<b>Sex Offenses, Rape</b>	2020	2	2	0	0
	2021	4	4	0	0
	2022	4	2	0	0
<b>Sex Offenses, Fondling</b>	2020	3	3	0	0
	2021	4	2	0	0
	2022	7	4	0	0
<b>Sex Offenses, Incest</b>	2020	0	0	0	0
	2021	0	0	0	0
	2022	0	0	0	0
<b>Sex Offenses, Statutory Rape</b>	2020	0	0	0	0
	2021	0	0	0	0
	2022	0	0	0	0
<b>Robbery</b>	2020	0	0	0	0
	2021	0	0	0	0
	2022	0	0	0	0
<b>Aggravated Assault</b>	2020	0	0	0	0
	2021	0	0	0	0
	2022	3	1	0	0
<b>Burglary</b>	2020	0	0	0	0
	2021	4	1	0	0
	2022	4	2	0	0
<b>Motor Vehicle Theft</b>	2020	0	0	0	0
	2021	0	0	0	0
	2022	1	0	0	0
<b>Arson</b>	2020	1	1	0	0
	2021	0	0	0	0
	2022	0	0	0	0

<b>Hate Crimes</b>					
<b>Offense</b>	<b>Year</b>	<b>On Campus Property</b>	<b>Residential Facilities</b>	<b>Non-Campus Property</b>	<b>Public Property</b>
<b>Hate Crimes</b>	2020	0	0	0	0
	2021	0	0	0	0
	2022	0	0	0	0

<b>Violence Against Women Reauthorization Act of 2013 (VAWA) Offenses</b>					
<b>Offense</b>	<b>Year</b>	<b>On Campus Property</b>	<b>Residential Facilities</b>	<b>Non-Campus Property</b>	<b>Public Property</b>
<b>Domestic Violence</b>	2020	0	0	0	0
	2021	1	0	0	0
	2022	2	2	0	0
<b>Dating Violence</b>	2020	1	1	0	0
	2021	0	0	0	0
	2022	4	3	0	0
<b>Stalking</b>	2020	3	1	0	1
	2021	13	2	0	0
	2022	22	7	0	0

<b>Arrests and Disciplinary Referrals</b>					
<b>Offense</b>	<b>Year</b>	<b>On Campus Property</b>	<b>Residential Facilities</b>	<b>Non-Campus Property</b>	<b>Public Property</b>
<b>Weapons Arrests</b>	2020	1	1	0	0
	2021	0	0	0	0
	2022	0	0	0	0
<b>Weapons Disciplinary Referrals</b>	2020	0	0	0	0
	2021	0	0	0	0
	2022	0	0	0	0
<b>Drug Abuse Arrests</b>	2020	9	9	0	0
	2021	2	2	0	0
	2022	3	2	0	0
<b>Drug Abuse Disciplinary Referrals</b>	2020	11	11	0	0
	2021	29	29	0	0
	2022	30	28	0	0
<b>Liquor Law Arrests</b>	2020	13	13	0	0
	2021	10	5	0	0
	2022	19	19	0	1
<b>Liquor Law Disciplinary Referrals</b>	2020	5	5	0	0
	2021	9	9	0	0
	2022	7	6	0	0

## Texas A&M University-Kingsville – Unfounded Crimes

Unfounded crimes are crimes that sworn or commissioned law enforcement personnel have investigated and made a formal determination that the report is false or baseless and are, therefore, subsequently withheld from Clery crime statistics. Following are the unfounded crimes as reported for all TAMUK Clery Act locations and Clery Act offenses:

- Calendar year 2020: 0 unfounded crimes
- Calendar year 2021: 0 unfounded crimes
- Calendar year 2022: 0 unfounded crimes

## Crime Prevention and Security Awareness

It is important for all of us to understand our role in the reduction of crime. A conceptual aid often employed by crime prevention practitioners is referred to as the Crime Triangle. For any crime to occur three elements must be present: desire, ability, and opportunity.

Members of the university community easily recognize there is little that can be done to control the criminal's ability and desire. The university community's greatest strength in the prevention of crime is our initiative to reduce or eliminate the opportunity for a crime to occur.

A primary goal of UPD is the prevention of crime before it occurs. Since UPD officers cannot be everywhere all the time, they need the help of all members of the university community to take an active role in their personal safety and property protection. Crime prevention is important to the campus community. Reporting any crime or suspected crime immediately is helpful to UPD and may prevent someone else from becoming a victim of a more serious crime.

UPD is staffed by experienced officers that continually present programs covering crime prevention and security information to students, staff, faculty, and the community at large. They participate in and provide information during new and transfer student orientation, international student orientation, in addition to a number of other programs scheduled annually with student, staff, and faculty organizations. In these sessions, information is provided regarding campus security procedures and practices. For additional information or to schedule a program, you are encouraged to call UPD at (361) 593-2611 or e-mail [upd@tamuk.edu](mailto:upd@tamuk.edu).

UPD typically offers a variety of crime prevention programs, safety programs, and services to TAMUK students, employees, and community members. The programs are designed to encourage students and employees to be responsible for their own security and the security of others.

- Personal Safety Awareness – scheduled upon request
- Theft/burglary Prevention – scheduled upon request
- UPD Self-Defense Program – scheduled upon request
- Operation ID (free engraving of property in the residence hall, home, and office) – offered throughout the year or by bringing the item to the UPD
- Residential and Office Security Surveys – scheduled upon request

- Drug and Alcohol Awareness – scheduled upon request
- Sexual Assault Prevention – scheduled upon request
- Active Shooter Preparedness– scheduled upon request
- Apartment and Home or Residence Hall Security – scheduled upon request
- Robbery Prevention – scheduled upon request
- Workplace Crime Prevention – scheduled upon request
- Bicycle Registration – see description below

Bicycles are a popular mode of transportation in the campus environment and can be a prime target of theft. UPD recommends all students, faculty, and staff register any bicycle they plan to ride on campus. Registration is critical to help identify bicycles that are lost or stolen. Information on bike registration can be obtained at UPD by calling (361) 593-2611 or visiting Lewis Hall (855 N. University Blvd, Kingsville, TX 78363).

UPD provides a free safety escort service where an officer will meet an individual requesting a safety escort and transport him/her to most central on-campus locations, e.g., residence halls, parking lots, etc. A safety escort can be requested by calling UPD at (361) 593-2611. The escort service is at the discretion of the UPD shift supervisor.

## Important Telephone Numbers

Name	Phone
University Police Department	(361) 593-2611; 911 from on-campus phones
Kingsville Police Department	(361) 592-4311
Kleberg County Sheriff's Office	(361) 595-8500
Kingsville Crime Stoppers	(361) 592-4636
Kingsville Fire Department	(361) 592-6445
Student Health & Wellness	(361) 593-3991
Dean of Students	(361) 593-3606
Office of Compliance	(361) 593-4758
Human Resources	(361) 593-3705
Enterprise Risk Management	(361) 593-2237

## Annual Fire Safety Report

### Annual Fire Safety Report and Related Information

The Annual Fire Safety Report is required by the Higher Education Opportunity Act (HEOA) for any Title IV institution that maintains an on-campus student housing facility. Per HEOA, an institution that maintains an on-campus student housing facility must collect fire statistics, publish an Annual Fire Safety Report, and keep a fire log.

The Clery Act was amended by HEOA in 2008, requiring future reports include campus housing fire safety statistics. The information contained in this document relates to fire safety for on-campus student residential housing only.

## Reporting Fires

Per federal law, TAMUK is required to annually disclose statistical data on all fires that occur in on-campus student housing facilities. TAMUK students, employees, and others reporting a fire on campus should call UPD at (361) 593-2611 or 911 from an on-campus phone.

Below are the non-emergency phone numbers to call to report fires that have already been extinguished. These phone numbers are for fires that are no longer a danger and/or may not have already been reported to UPD. If students or employees find evidence of such a fire or if hear about such a fire, contact any of the following:

Name	Phone
University Police Department	(361) 593-2611
Enterprise Risk Management	(361) 593-2237
Environmental Health & Safety	(361) 593-2646
University Housing & Residence Life	(361) 593-2139
TAMUK Fire Inspector	(361) 593-4395

If the fire event concerned a campus residential unit, students, employees, or others may also activate a fire alarm pull station, located throughout the residential halls, to begin immediate evacuation of the building and notify UPD of the fire.

For the purpose of including a fire in the statistics of this annual fire safety report, individuals should also contact UPD at (361) 593-2611. When calling, please provide as much information as possible about the location, date, time, and cause of the fire to aid in annual fire safety report statistical disclosures. For more fire safety information, call the Office of Environmental Health & Safety at (361) 593-2646 or visit:

<https://www.tamuk.edu/finance/risk/ehs/firesafety.html>.

## Fire Safety Education and Training Programs

Faculty, staff and students should be aware of the location of fire safety equipment and building evacuation routes. For on-campus residents, fire evacuation plans and instructions are posted in each residential unit and copies may be obtained through University Housing & Residence Life.

Resident Advisors have fire safety training each year. Fire safety information is provided in a newsletter to the students at the beginning of each semester and can be found in the [University Housing & Residence Life Guidebook](#).



The university has also designated Building Emergency Managers (BEMs) to assist with emergencies including building evacuations in their respective areas. The BEMs receive annual emergency response training through the Office of Environmental Health & Safety.

Fire drills are also conducted each semester to ensure students understand emergency building evacuation procedures. Students must evacuate the building whenever an alarm sounds. Students who ignore evacuation instruction may be subject to conduct proceedings. University Housing & Residence Life schedules fire drills for each housing unit at least twice (1 announced and 1 unannounced) each fall and spring semester and once in each summer session (June and July) for a total of 6 drills per housing unit when the unit is being utilized for student housing.

### **Residence Hall Fire Safety Policies**

There are a number of policies which address matters of health and safety in on-campus housing facilities.

#### **Appliances and Equipment**

The following appliances, including portable electrical appliances, are allowed in residence halls, provided they are in good condition and are UL approved. Allowed appliances include coffee pots, hair dryers, televisions, computers, small refrigerator (maximum of 3.3 cubic feet), and microwares (only in the kitchenette area of Lucio Hall and Mesquite Village West, but not in the student's room).

For health and safety reasons, the following items, including portable electrical appliances, are prohibited in residence halls. Prohibited appliances include, but are not limited to, microwaves (except in the kitchenette areas of Lucio Hall and Mesquite Village West), hot pots/plates, toasters and toaster ovens, air fryers, crock pots, instant pots, rice cookers, propane stoves, oven broilers, open flame, electrical stoves/grills, hot oil popcorn poppers, etc. Other items that are prohibited include, but are not limited to, air conditioning units, space heaters, extension cords, multi plug outlets, candles, any kind of wax warmer, incense, and halogen lamps.

Residents of on-campus housing are expected to not: overload electrical circuits, leave hairdryers, hair styling tools or irons plugged in when not in use, touch or hang items from the fire sprinkler heads, use or store fireworks, hang flammable materials near their bed, ignore fire drills, and tamper with safety fixtures and devices (stairs, railings, emergency lighting and equipment, electrical controls, exit signs, smoke alarms and detectors, etc.).

#### **Candles/Incense/Wax Warmers/Open Flames**

The possession or burning of candles, incense, and other highly flammable items is prohibited. Open flames are not permitted in the residence halls. Residents may not use candle wax warmers of any kind.

#### **Cooking**

Fire safety regulations do not permit cooking in student rooms or the use or possession of prohibited items (see Appliances and Equipment). These items are subject to confiscation.

According to Texas state law, there is to be not cooking on stove tops (in the hall kitchens) of any products that can produce grease laden vapors. Examples include: oil, bacon, poultry, meats, etc. These items shall be cooked in the oven.

### **Emergency/Safety Equipment**

Fire extinguishers and exit signs are strategically located in each hall. These are for the protection of all residents and are expensive to replace. Persons abusing, removing, or tampering with any fire safety equipment, such as fire alarms, fire extinguishers, exit lights, exit signs, smoke detectors, etc., are subject to removal from the residence hall, even on a first offense, and to other appropriate fines and disciplinary action. Tampering with emergency equipment such as fire extinguishers, fire alarms, or emergency exit signs is prohibited by state law.

All residents are expected to participate when the hall staff conducts fire drills. As part of the fire safety program, the residence hall staff conducts monthly health and safety inspections.

### **Smoking**

Smoking (the use or carrying of a lighted pipe, cigar, cigarette, tobacco, e-cigarette, and any other type of nicotine delivery system or smoking substance) is prohibited on campus. The use of cigarettes, cigars, pipes, all forms of smokeless tobacco (chewing tobacco, snuff, dip, or any other product that contains tobacco), and any other smoking devices that use tobacco such as e-cigarette is also specifically prohibited on any TAMUK property.

Smoking, as defined above, is permitted in the following areas and circumstances:

- University student artists or actors who participate in authorized performances will be allowed to smoke as part of an artistic production provided that appropriate disposal receptacles and smoke filtration units are available and the audience is informed prior to the performance.
- If approved by the Provost and Vice-President for Academic Affairs, smoking is permitted by participants in academic research projects involving smoking provided that it is conducted in a designated area and informational signs are posted indicating the presence of tobacco smoke. The Principal Investigator must have a smoke filtration unit operating during the smoking event.
- Exemptions to this policy may be permitted by the President for specific activities and locations to carry out the goals and objectives of the university.

TAMUK is committed to supporting faculty and staff who wish to stop using tobacco and nicotine products. Information on tobacco, nicotine and smoking, including the smoking cessation program, is provided through the following link:

<https://www.tamuk.edu/finance/employee-services/hr/benefits/eap.html>.

### Residence Hall Inspection Program

University Housing & Residence Life staff conducts monthly health and safety inspections. Possession of prohibited items or the misuse of restricted items will result in the item(s) being confiscated by hall staff until the resident is able to properly remove the item(s) from the premises. Additionally, students are subject to conduct action.

### Residence Hall Evacuation and Emergency Procedures

The Kingsville Fire Department provides services to TAMUK and area residents for protection of life and property from fire and natural disasters. They maintain a standard of training which encompasses both a prompt response to emergencies and the safety of citizens.

An evacuation will occur when the fire alarm sounds and/or notification is made by UPD, the Emergency Management Team, the building emergency managers acting under the instructions of these offices, the Kingsville Fire Department, or the Kingsville Police Department.

All persons (students, employees and campus visitors) are to immediately vacate the area in question, leaving by the nearest marked exit or in accordance with the posted evacuation plan and alert others to do the same. Once outside, proceed to the designated building assembly area. Personnel shall not return to an evacuated building until given the all clear signal by UPD or authorized officials.

If you are involved in an emergency fire situation on the campus of TAMUK, implement the FIR(E2) procedure as described below.

- **Find:** If you see or smell smoke, investigate. You should try to determine the extent of the fire, the type of fire and the location of the fire.
- **Initiate:** Alert the people in the vicinity to the danger as quickly as possible. Pull the fire alarm station and ask other people to assist in evacuation of the building. NEVER try to control a fire before other people in the building and UPD have been notified.
- **Report:** Instruct someone to call UPD at extension 2611 to report the emergency. If you are alone – call UPD prior to any attempt at extinguishing the fire.
- **Extinguish** or... Attempt to extinguish the fire ONLY if it is small enough to be contained AND you know how to use the extinguisher. Place yourself between the fire and an exit when using an extinguisher to prevent from being trapped.
- **Evacuate:** If the fire cannot be extinguished – EVACUATE! Use the stairways to exit the building. Do not use elevators. As you exit the building, close as many doors as possible. Closed doors act as fire barriers.

Once outside, move to a safe meeting place away from the firefighters. Cooperate with the Building Emergency Manager(s) and other university emergency response staff to conduct roll of building occupants. The fire department should be notified if anyone is left in the building. Stay outside the building until the fire department and/or university officials have indicated that the building is safe to re-enter. UPD personnel will give the signal when it is safe for persons to re-enter the building.

When you hear the fire alarm – LEAVE the area immediately, closing all doors behind you. Follow the main evacuation route, but be prepared to use an alternate evacuation route.

If you must evacuate through smoke, get down and crawl. Heat and deadly smoke rise and cleaner air will be 12” to 24” above the floor.

If you must open doors while evacuating, test the doors before opening. Use the back of your hand to touch the door, the door knob and the door frame. If they are cool, brace yourself against the door and slowly open the door; if smoke and heat are present, close the door and use an alternate evacuation route.

Use stairways – NEVER use an elevator. In a fire, elevator shafts may fill with smoke, or may have power failure leaving you trapped.

Once outside, move to your designated assembly areas away from the firefighters. Stay outside the building until the fire department has indicated that the building is safe to re-enter.

If you are trapped, stay calm. You can take steps to protect yourself.

If possible, go to a room with an outside window and a phone. Call UPD at extension 2611 and give your exact location. If there is no phone, wave an object out the window (a sheet or jacket), to signal for help. Be ready to shut the window if smoke enters the room. Keep all doors between you and the fire closed. Cover all vents and seal cracks around the doors to keep out smoke. Be patient. Trained rescuers will arrive to assist you.

### **Residence Hall Evacuation Drills (Fire Drills)**

Evacuation drills are coordinated by the Offices of Enterprise Risk Management, Environmental Health & Safety, and University Housing & Residence Life each fall, spring and summer semesters for all residential facilities at TAMUK. Typically, the emergency evacuation procedures for each residential unit (Lucio Hall, Lynch Hall, Martin Hall, and Mesquite Village West) are tested at least twice each semester and once in each of the summer sessions for facilities housing students.

University Housing & Residence Life conducts announced and unannounced drills. Students become familiar with the locations of the emergency exits in the buildings and are provided guidance about the direction they should travel when exiting each facility for a short-term building evacuation. Students are also instructed on fire alarm pull stations and how to activate them in case of a fire or other emergency situation.

University Housing & Residence Life does not inform residents in advance about the designated long-term evacuations because those decisions are affected by the time of day, location of the building being evacuated, the availability of the various designated emergency gathering locations on campus, and other factors such as the location and nature of the threat. In all

cases, UPD, Enterprise Risk Management, Environmental Health and Safety, and University Housing & Residence Life staff on the scene will communicate information to students regarding the developing situation or any evacuation status changes.

The purpose of the drills is to prepare building occupants for an organized evacuation in cases of an emergency. Evacuation drills are used as a way to educate and train occupants on issues specific to their facility. During the drill, occupants “practice” drill procedures and familiarize themselves with the location of exits and the sound of the fire alarm. All occupants are instructed that in cases where fire alarms are activated, they must evacuate the building immediately.

The process also provides the university an opportunity to test the operation of the fire alarm system components. Any deficient equipment is noted so that appropriate repairs can be performed. Students receive emergency information and procedures through a newsletter each semester. The university continues to inspect, test and replace fire detection equipment in residential halls as necessary.

#### Description of Residence Hall Fire Safety Systems

Sprinkler, fire alarm and smoke detection systems located in residence halls are monitored 24 hours a day, 7 days a week by UPD.

Residential Halls – Fire Detection and Suppression Systems						
Residence Hall	Sprinkler System	Fire Alarm System	Smoke Detection	Fire Extinguisher Device	Evacuation Plans*	Number of Drills Per Year
Bishop Hall 1210 W. Santa Gertrudis	Yes	Yes	Yes	Yes	Yes	0**
Lucio Hall 1015 N. Retama	Yes	Yes	Yes	Yes	Yes	4
Lynch Hall 1110 W. Santa Gertrudis	No	Yes	Yes	Yes	Yes	4
Martin Hall 1255 W. Engineering Ave	Yes	Yes	Yes	Yes	Yes	4
Mesquite Village West 1212 W. Ave B	Yes	Yes	Yes	Yes	Yes	6
Turner Hall 1210 W. Santa Gertrudis	Yes	Yes	Yes	Yes	Yes	0**

\* Evacuation plans are posted on the back of each residence hall room door.

\*\*Bishop Hall and Turner Hall were utilized as temporary housing for COVID 19 quarantine in 2022 and permanently closed in March 2023.

### **Fire Safety Definitions (Department of Education)**

**On-campus Student Housing Facility:** Any student housing facility that is owned or controlled by the institution, or is located on property that is owned or controlled by the institution, and is within the reasonably contiguous geographic area that makes up the campus is considered an on-campus student housing facility.

**Cause of fire:** The factor or factors that give rise to a fire. The causal factor may be, but is not limited to, the result of an intentional or unintentional action, mechanical failure, or act of nature.

**Fire:** Any instance of open flame or other burning in a place not intended to contain the burning or in an uncontrolled manner. **Fire drill:** A supervised practice of a mandatory evacuation of a building for a fire.

**Fire-related injury:** Any instance in which a person is injured as a result of a fire, including an injury sustained from a natural or accidental cause, while involved in fire control, attempting rescue, or escaping from the dangers of the fire. The term “person” may include students, employees, visitors, firefighters, or any other individuals.

**Fire-related death:** Any instance in which a person—

- (1) Is killed as a result of a fire, including death resulting from a natural or accidental cause while involved in fire control, attempting rescue, or escaping from the dangers of a fire; or
- (2) Dies within one year of injuries sustained as a result of the fire.

**Fire safety system:** Any mechanism or system related to the detection of a fire, the warning resulting from a fire, or the control of a fire. This may include sprinkler systems or other fire extinguishing systems, fire detection devices, stand-alone smoke alarms, devices that alert one to the presence of a fire, such as horns, bells, or strobe lights; smoke-control and reduction mechanisms; and fire doors and walls that reduce the spread of a fire.

**Value of property damage:** The estimated value of the loss of the structure and contents, in terms of the cost of replacement in like kind and quantity. This estimate should include contents damaged by fire, and related damages caused by smoke, water, and overhaul; however, it does not include indirect loss, such as business interruption.

### **On-Campus Housing Initiatives**

Based on a comprehensive review of the fire alarm and suppression systems in the residence halls, the following is a list of future improvements (barring any unforeseen circumstances such as budgetary restrictions):

- A phased deferred maintenance/replacement plan has been approved for residential facilities. Anticipated completion is 2024.

### Fire Statistics 2020

There was 1 reported fire (arson) in university residence halls in 2020.

Fire Statistics 2020						
Residence Hall	General Location	Nature of Incident	Cause of Fire	Number of Deaths Related to Fire	Number of Injuries Requiring Treatment at a Medical Facility	Value of Property Damage Caused by Fire
Bishop Hall 1210 W. Santa Gertrudis	N/A	N/A	N/A	0	0	0
Lucio Hall 1015 N. Retama	1 <sup>st</sup> Floor	Paper Burned	Intentional	0	0	\$5
Lynch Hall 1110 W. Santa Gertrudis	N/A	N/A	N/A	0	0	0
Martin Hall 1255 W. Engineering Ave	N/A	N/A	N/A	0	0	0
Mesquite Village West 1212 W. Ave B	N/A	N/A	N/A	0	0	0
Turner Hall 1210 W. Santa Gertrudis	N/A	N/A	N/A	0	0	0

Cause: listed in accord with the National Fire Incident Reporting System

Nature of Incident: listed in accord with the Nation Fire Incident Reporting System

### Fire Statistics 2021

There were no reported fires in university residence halls in 2021.

Fire Statistics 2021						
Residence Hall	General Location	Nature of Incident	Cause of Fire	Number of Deaths Related to Fire	Number of Injuries Requiring Treatment at a Medical Facility	Value of Property Damage Caused by Fire
Bishop Hall*	N/A	N/A	N/A	0	0	0

1210 W. Santa Gertrudis						
Lucio Hall 1015 N. Retama	N/A	N/A	N/A	0	0	0
Lynch Hall 1110 W. Santa Gertrudis	N/A	N/A	N/A	0	0	0
Martin Hall 1255 W. Engineering Ave	N/A	N/A	N/A	0	0	0
Mesquite Village West 1212 W. Ave B	N/A	N/A	N/A	0	0	0
Turner Hall* 1210 W. Santa Gertrudis	N/A	N/A	N/A	0	0	0

Cause: listed in accord with the National Fire Incident Reporting System

Nature of Incident: listed in accord with the Nation Fire Incident Reporting System

### Fire Statistics 2022

There were no reported fires in university residence halls in 2022.

Fire Statistics 2022						
Residence Hall	General Location	Nature of Incident	Cause of Fire	Number of Deaths Related to Fire	Number of Injuries Requiring Treatment at a Medical Facility	Value of Property Damage Caused by Fire
Bishop Hall 1210 W. Santa Gertrudis	N/A	N/A	N/A	0	0	0
Lucio Hall 1015 N. Retama	N/A	N/A	N/A	0	0	0
Lynch Hall 1110 W. Santa Gertrudis	N/A	N/A	N/A	0	0	0
Martin Hall 1255 W. Engineering Ave	N/A	N/A	N/A	0	0	0
Mesquite Village West 1212 W. Ave B	N/A	N/A	N/A	0	0	0
Turner Hall 1210 W. Santa Gertrudis	N/A	N/A	N/A	0	0	0

Cause: listed in accord with the National Fire Incident Reporting System

Nature of Incident: listed in accord with the Nation Fire Incident Reporting System





# 2023 Annual Security and Fire Safety Report

**Contains policy statement for the 2023-2024 academic year and crime and fire statistics for 2020, 2021, and 2022**



In compliance with the Jeanne Clery Disclosure of Campus Security Policy and Campus Crime Statistics Act (20 USC § 1092(f), 34 CFR 668.46)

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# Texas A&M University-Kingsville Citrus Center

## Preparation of the Annual Security and Fire Safety Report and Disclosure of Crime Statistics

Enacted in 1990, The Crime Awareness and Campus Security Act was designed to assist the campus community in making decisions which affect their personal safety by requiring institutions of higher education to provide certain campus security information to current and prospective students and employees annually. The Higher Education Act of 1998 and the subsequent amendments of the implementing regulations (34 C.F.R.668.46) significantly expanded institutions' obligations under the act. The act was also renamed the "Jeanne Clery Disclosure of Campus Security Policy and Campus Crime Statistics Act" (hereafter the Clery Act).

The Texas A&M University-Kingsville (TAMUK) Police Department (UPD) is responsible for preparing and distributing the Annual Security and Fire Safety Report to comply with the Clery Act. The Annual Security and Fire Safety Report is published every year by October 1st and contains three years of selected campus crime statistics and certain campus security policy statements in accordance with the Clery Act. The 2023 Annual Security and Fire Safety Report contains crime statistics for calendar years 2020, 2021, and 2022.

UPD composes the Annual Security and Fire Safety Report and statistical information with input from various sources such as local law enforcement agencies, the Division of Student Affairs, the Office of Compliance and other campus personnel and departments.

### Annual Security and Fire Safety Report Notifications

Each year, an e-mail notification is distributed to all current students, faculty, and staff providing the website to access this report. The report can be found at <https://www.tamuk.edu/dean/cleryreport.html>.

Prospective employees are notified of the availability of the Annual Security and Fire Safety Report through an e-mail distributed when applying for a position. Website access to the Annual Security and Fire Safety Report is provided by Human Resources through a link called "Campus Crime Statistics" under "Helpful Links" located on the Workday webpage ([https://tamus.wd1.myworkdayjobs.com/TAMUK\\_External](https://tamus.wd1.myworkdayjobs.com/TAMUK_External)) for External Applicants and on the Current Employees webpage (<https://www.tamuk.edu/employee-services/hr/employee.html>) through a link under the "Required Employee Notices" dropdown and "Safety and Security Notices" heading.

Prospective undergraduate and graduate students are notified of the availability of the Annual Security and Fire Safety Report through an e-mail distributed after submitting an online Information Request Form on the Office of Admission website (<https://www.tamuk.edu/enrollment-management/admission/index.html>) or applying for admission to TAMUK through ApplyTexas.

Prospective dual enrollment students are notified of the availability of the Annual Security and Fire Safety Report through an e-mail distributed after applying for admission to TAMUK using the Apply Now link on the Dual Enrollment website (<https://www.tamuk.edu/enrollment-management/dualenrollment/index.html>).

Printed copies of the report may be requested by contacting:

**Texas A&M University-Kingsville Citrus Center**

Office of the Executive Director

Texas A&M University-Kingsville Citrus Center, Room 120

(956) 447-3362

**Texas A&M University-Kingsville**

Office of the Dean of Students

Memorial Student Union Building, Room 306

(361) 593-3606

University Police Department

Lewis Hall, Dispatch

(361) 593-2611

[upd@tamuk.edu](mailto:upd@tamuk.edu)

## **Campus Law Enforcement Policies**

### **Police Department Overview**

UPD provides law enforcement services to all properties owned by TAMUK including the TAMUK Citrus Center.

The department has 16 authorized full-time commissioned police positions including Director of Public Safety/Chief of Police, Lieutenant, Sergeant, Investigator, and Police Officer. Dispatch has five full-time tele-communications officers. Information technology is led by the IT Manager. Clery Act compliance and administrative assistance is led by the Clery Act Compliance Coordinator/Office Coordinator. UPD also employs students who carry out a variety of roles, including parking enforcement and assisting officers in providing campus escorts.

To provide a safe campus for our students, staff, faculty and visitors, the department has uniformed officers on patrol 24-hours a day, year-round on the TAMUK campus. To provide this around-the-clock coverage, our officers work in two shifts and may rotate three times a year to different shifts. Police officers are responsible for responding to calls for service, responding to alarms, and enforcing local, state, and federal laws.

### **Jurisdiction**

UPD is the primary police authority for the TAMUK Citrus Center. UPD police officers are certified Texas peace officers as defined in article 2.12 of the Texas Code of Criminal Procedure.

Pursuant to Section 51.203 of the Texas Education Code, police officers commissioned by a state institution of higher education have authority and jurisdiction in all counties in which property is owned, leased, rented, or otherwise under the control of the institution of higher education.

UPD does not respond to calls for service at the TAMUK Citrus Center, but is available to consult with members of the TAMUK Citrus Center campus should the need arise. The Hidalgo County Sheriff's Office is the primary respondent for emergencies and reports of criminal activity at the TAMUK Citrus Center. Hidalgo County Constable Precinct 1 also provides on-site security for the TAMUK Citrus Center.

### **Arrest Authority**

As peace officers, UPD's armed police officers have the same full authority to detain and arrest as municipal police officers.

Hidalgo County Sheriff's Office and Hidalgo County Constable Precinct 1 deputies are fully certified by the state of Texas with full arrest powers.

### **Enforcement Authority**

UPD is computer linked to city, state and federal criminal justice agencies, which provide access to criminal records, wanted persons, stolen property, and vehicle information. All crimes reported to UPD are investigated and referred for prosecution through the Offices of the County Attorney and District Attorney when appropriate. Criminal matters involving students, employees, or others on campus are referred to UPD. Students and employees may also be referred to university administration for disciplinary action.

Local law enforcement including, but not limited to, the Weslaco Police Department, Hidalgo County Sheriff's Office, and Hidalgo County Constable Precinct 1 have the authority to enforce university policies and violations of the law.

### **Working Relationships and Agreements**

UPD maintains excellent working relationships with all area law enforcement agencies including the Weslaco Police Department, Hidalgo County Sheriff's Office, and Hidalgo County Constable Precinct 1. These relationships allow for cooperation in the performance of police protection including the investigation of alleged crimes, enforcement of laws, and communication between agencies. Working relationships are also maintained through periodic communications among agency administrators and frequent contacts between line officers and investigators cooperating on specific cases. Through these relationships, UPD may be provided information regarding student non-campus criminal activity.

TAMUK has a written Interlocal Cooperation Agreement with Hidalgo County Constable Precinct 1 to provide on-site security for the TAMUK Citrus Center. Hidalgo County Constable Precinct 1 deputies patrol the TAMUK Citrus Center main building and parking lot on foot and

by vehicle. UPD does not currently have a written memorandum of understanding with other responding agencies.

UPD also maintains excellent working relationships with many state and federal agencies on an as needed basis. These agencies include, but are not limited to, the Federal Bureau of Investigation, Department of Homeland Security, Texas Attorney General's Office, Texas Rangers, and Texas Department of Public Safety.

A request is distributed to local law enforcement agencies annually to solicit cooperation in informing the institution about crimes. The request is specific to informing UPD about situations reported to the given local law enforcement agency that may warrant an emergency response or timely warning notification.

### **Monitoring Non-Campus Locations**

When a TAMUK Citrus Center student is involved in an offense in a non-campus location, UPD may assist with the investigation in cooperation with local, state, or federal law enforcement agencies, but does not actively record or monitor criminal activity. The TAMUK Citrus Center does not have any officially recognized student organizations that own or control housing facilities outside of the TAMUK Citrus Center campus. UPD does not provide routine law enforcement service to non-campus housing facilities or other non-campus facilities. Non-campus properties are monitored, recorded, and investigated by the police agency with jurisdiction of the specific location.

Institutional sponsored travel by a student or student organization to a location outside of Hidalgo County may result in the location meeting the criteria for Clery non-campus property. UPD does not monitor or record criminal activity at these non-campus locations. The local law enforcement agency with jurisdiction at the location responds when police services are requested.

### **Professional Standards**

Providing excellent service and maintaining good relationships within the community is vital to achieving UPD's overall mission of keeping the campus safe and secure. All members of the TAMUK Citrus Center community can expect to be treated in a courteous and professional manner by members of our department.

### **Campus Law Enforcement Telephone Directory**

Website: <https://www.tamuk.edu/upd/index.html>

Emergencies	911
University Police Department	(361) 593-2611
Weslaco Police Department	(956) 968-8591
Hidalgo County Sheriff's Office	(956) 383-8114
Hidalgo County Constable Precinct 1	(956) 447-3775

## Reporting Crimes

### Incident Reporting and Response

Criminal actions or any on-campus emergency should be reported immediately to the Hidalgo County Sheriff's Office by dialing 911 or (956) 383-8114. Dispatchers are available 24 hours a day to answer calls. Please advise the dispatcher of your location on the TAMUK Citrus Center campus. You will be assisted or forwarded to a UPD dispatcher immediately. You can reach a UPD dispatcher directly by calling (361) 593-2611. Upon receipt of the call, the UPD dispatcher can supply information or dispatch officers as necessary. Electronic crime reports can be filed with UPD by e-mailing [upd@tamuk.edu](mailto:upd@tamuk.edu).

UPD calls for service are received in the UPD Communications Center where the information is entered into a Computer Aided Dispatch (CAD) system. The dispatcher will request basic information regarding the call for service and the caller's contact information as an officer may need to subsequently reach the reporting party. A police officer will either be dispatched to the scene or to the location requested by the reporting party. The police officer may then issue a case number for the call and complete an incident report. Copies of all incident reports are kept with the UPD records for a time period mandated by institutional and state records retention policies.

The Hidalgo County Sheriff's Office will respond as quickly and safely as possible to requests for assistance at the TAMUK Citrus Center. Response time is based on current activity and severity of the call. Crimes in progress, alarms, traffic accidents with injuries, and medical assists have a higher priority than other types of calls. For non-campus offenses, we encourage prompt reporting to the proper local law enforcement agency.

We cannot overemphasize the importance of prompt and accurate reporting of crime. If a crime is not reported promptly, evidence can be destroyed or the potential to apprehend a suspect is lost. Without accurate reports, leads could be missed and the investigation headed in the wrong direction. If a crime or emergency is witnessed, promptly report it to the Hidalgo County Sheriff's Office and be prepared to answer questions as accurately as possible. The subsequent investigation can only be as thorough as the information received. If you are the victim of a crime, or have seen or received information of criminal activity or other emergency, please contact the Hidalgo County Sheriff's Office immediately at (956) 383-8114.

### Reporting Criminal Offenses to University Officials: Campus Security Authorities

Faculty, staff, and students are encouraged to report any criminal offenses within the campus environment directly to UPD. For non-campus offenses, we encourage accurate and prompt reporting to the proper local law enforcement agency. As an option, criminal offenses of which students and employees are aware may also be reported to the following TAMUK campus security authorities:

<b>Campus Security Authorities</b>	<b>Phone</b>	<b>Location</b>
Executive Director, Citrus Center	(956) 447-3370	Citrus Center
Assistant Vice President of Student Affairs/Dean of Students	(361) 593-3606	Memorial Student Union Building, Room 305
Director, Student Conduct & Community Standards	(361) 593-4095	Memorial Student Union Building, Room 305
Chief Ethics & Compliance Officer	(361) 593-4758	Lewis Hall, Room 130
Title IX Coordinator	(361) 593-4761	Lewis Hall, Room 130
Interim Associate Director, Human Resources	(361) 593-4998	College Hall, Room 210
Assistant Dean of Students, Student Health & Wellness	(361) 593-2382	Student Health & Wellness Building
Assistant Dean of Students, Student Engagement & Campus Life	(361) 593-2760	Javelina Student Engagement Center
Executive Director, University Housing & Residence Life	(361) 593-4648	Lucio Hall, Room 119 E
Executive Director, Athletics	(361) 593-2800	McCulley Hall

Crime reports provided to these and other campus security authorities are used by the university to fulfill its responsibility to annually disclose accurate crime statistics and to issue or facilitate the issuance of timely warnings or emergency notifications, if necessary. Campus security authorities are required to immediately report any crimes they are aware of to UPD and should include sufficient detail such as dates and locations, and where appropriate, personally identifying information, including name and contact information, if available. Campus security authorities can submit reports to UPD by calling (361) 593-2611, e-mailing [upd@tamuk.edu](mailto:upd@tamuk.edu), visiting Lewis Hall to speak with a dispatcher or police officer in-person or completing the Report a Crime form online: <https://www.tamuk.edu/upd/crime-report.html>.

For additional information on the duties and responsibilities of the individuals and offices listed above, see the Clery Act Guidelines for A&M System Campus Security Authorities PowerPoint at: <https://upd.tamu.edu/CSA%20Reporting/CSA%20Slides.pdf>.

Students, faculty, staff, community members, and guests are encouraged to report all crimes and public safety related incidents to UPD or the appropriate police agencies in an accurate and prompt manner when the victim of such crimes elects or is unable to make such a report. UPD provides information regarding victims' rights, as well as assistance in dealing with the traumatizing consequences of crimes, to those who make a report or who may be reluctant to report. UPD and the campus security authorities listed above will assist individuals reporting crimes in notifying the proper law enforcement authorities, if the individual chooses. It is the goal of the institution to provide assistance wherever the report is made and include Clery countable crimes in the Annual Security and Fire Safety Report.



Although exempt from the reporting requirements of the Clery Act, pastoral and professionally licensed mental health counselors are encouraged, if and when they deem appropriate, to refer persons they are counseling to report crimes on a voluntary, confidential basis for inclusion in the annual statistics and crime log, especially if the incident may pose an ongoing threat to the campus community.

### **Confidential and Anonymous Reporting of Crimes**

UPD encourages anyone who is the victim or witness to any crime to promptly report the incident to the police. Because police reports are public records under state law, UPD cannot hold reports of crimes in confidence. However, victims of certain offenses are eligible for a pseudonym in which the victim's true identity will not be released. An individual who is involved in or witnesses an active or ongoing emergency should dial 911 and report the emergency immediately.

Voluntary confidential reports, for purposes of inclusion in the annual disclosure of crime statistics and crime log, can generally be made by victims, witnesses, and others to the campus security authorities listed above and all other campus security authorities. Annual crime statistics and the crime log are confidential in that personally identifiable information is not included in the disclosure. Crimes can be reported anonymously by calling UPD at (361) 593-2611 or submitting an anonymous Report a Crime form online:

<https://www.tamuk.edu/upd/crime-report.html>. Reports submitted anonymously or with limited information may restrict UPD's ability to follow up on the incident.

Pastoral counselors and professional counselors are not campus security authorities under the Clery Act and are not required to report crimes they may learn about while acting in their role as pastoral or professional counselors. This exemption is intended to protect the counselor-client relationship.

### **Missing Students**

In the event that a member of the campus community has reason to believe that a TAMUK Citrus Center student who resides in an on-campus student housing facility is missing, he or she shall immediately notify UPD at (361) 593-2611. UPD will initiate an investigation and if it is determined that the student is missing, UPD will generate a missing person report. In addition, UPD will report the missing person to the Executive Director of the TAMUK Citrus Center, or if the student is residing off-campus, UPD will assist in contacting the appropriate law enforcement agency.

If the investigation determines that the student has been missing over 24 hours, then within the next 24 hours:

- UPD will notify the individual identified as the student's confidential missing person contact.

- If the student is under 18 years of age and not an emancipated individual, UPD will notify a custodial parent or guardian in addition to notifying any additional contact person designated by the student.
- UPD will notify local law enforcement, unless the local law enforcement agency was the entity that made the determination that the student was missing.

Students residing in campus housing will be informed annually that each student has the option to identify a person designated as a confidential missing person contact to be notified by TAMUK no later than 24 hours after the time the student is determined to be missing by the designated university officials authorized to make that determination (specifically, TAMUK UPD) or the local law enforcement agency in which the student went missing. When students are informed of their option to provide a confidential contact, they are advised that their contact information will be registered confidentially, and that this information will be accessible only to authorized campus officials and law enforcement and that it may not be disclosed outside of a missing person investigation.

In situations in which the student has failed to designate a confidential contact for missing student notification, UPD will use university records and resources to continue its investigation. Family members, including those not formally identified by the student, may be contacted during the course of the investigation to resolve a report of a missing student.

## **Timely Warning Policy**

The circumstances in which a timely warning will be generated include, but are not limited to, the receipt of a report to UPD or other campus security authority of a crime reportable under the Clery Act, that poses a serious or continuing threat to the campus community. The Director of Public Safety/Chief of Police (or university official designated by the Director of Public Safety/Chief of Police) is responsible for determining if a timely warning will be issued. Crimes that may warrant a timely warning include, but are not limited to, major incidents of arson, murder/non-negligent manslaughter, robbery, aggravated assault, sex offenses, or other crimes as determined necessary by the Director of Public Safety/Chief of Police (or university official designated by the Director of Public Safety/Chief of Police). The determination will be made on a case-by-case basis after due consideration of all available facts of the crime, such as the nature of the crime and whether a continuing danger to the campus community exists. If UPD or other campus security authorities are not notified of a crime in a manner that would allow the department to provide timely notice, a timely warning may not be issued, depending on the circumstances. All situations will be evaluated on a case-by-case basis.

UPD is responsible for the writing and issuance of timely warnings. Personnel authorized to write and/or issue (send) a timely warning are the Director of Public Safety/Chief of Police (or university official designated by Director of Public Safety/Chief of Police). An internal or external review among two or more university personnel may occur if time allows. Anyone with information warranting a timely warning should report the circumstances immediately to UPD, by phone (361) 593-2611 or in person at UPD (855 N. University Blvd., Kingsville, TX 78363).

Timely warnings are issued through the university e-mail system to students, faculty, and staff in a manner that is timely, that withholds the names of victims as confidential, and that will aid in the prevention of similar occurrences. Information regarding the timely warning may be forwarded to local media outlets through a formal press release. Timely warnings contain sufficient information about the nature of an identified threat to assist members of the campus community in taking appropriate action to protect themselves or their property. Timely warnings generally include:

- A readily understandable description of the type of crime or occurrence.
- The general location, date and time of the offense.
- A physical description of the suspect(s), if available, when there is sufficient detail that would reasonably help identify a specific individual suspect or group of suspects.
- Possible connection to other incidents.
- Date and time the alert was issued.
- Suggested measures which members of the university community can take to help protect themselves.

It is important to note that in some cases law enforcement may need to withhold some facts if releasing the information would compromise an ongoing investigation or the identity of the victim. Victim names and other identifying information of victims are not included in timely warnings. An institution is not required to provide a timely warning with respect to crimes reported to a pastoral or professional counselor.

## **Emergency Response and Evacuation Policy**

The procedures disclosed in this section apply to significant emergencies or dangerous situations occurring on the campus of the TAMUK Citrus Center, i.e. on-campus property. The institution does not have separate procedures for emergencies occurring on non-campus property.

### **Emergency Notification System**

When time is of the essence, information may be released to the university community through the Tier II mass notification system. Tier II is capable of sending alerts via telephone call, e-mail messages and text messages to registered users. Students are able to include several telephone numbers and e-mail addresses allowing notification to parents and/or spouses as well. Because Tier II uses data provided by the students, it is imperative that contact information remain up-to-date at all times.

TAMUK will use the system to provide official notification of critical emergencies (i.e., situations that pose an imminent threat to the community). It is the policy of TAMUK to immediately notify the campus community, via the Tier II emergency notification system, upon the confirmation of a significant emergency or dangerous situation involving an immediate threat to the health or safety of students, employees, and visitors occurring on the campus. TAMUK public safety personnel determine whether a significant emergency or dangerous situation

exists by evaluating information received from entities which may include, but are not limited to: law enforcement, fire department, Emergency Management, National Weather Service, Enterprise Risk Management, Environmental Health and Safety and other campus officials.

The Tier II emergency notification system does not replace timely warning requirements. They differ in that the timely warning requirement applies to Clery reportable crimes, while the emergency notification system addresses a much wider range of threats (i.e. gas leaks, tornadoes, active shooter, etc.). If an emergency notification is issued, the university is not required to issue a timely warning based on the same circumstances; however, the university must provide adequate follow-up information to the community as needed.

TAMUK will, without delay, and taking into account the safety of the community, determine the content of the notification, and initiate the Tier II emergency notification system; unless issuing a notification will, in the professional judgment of responsible authorities, compromise efforts to assist victims or to contain, respond to, or otherwise mitigate the emergency.

Employees authorized to make a final determination of a significant emergency or dangerous situation and determine the content of a Tier II emergency alert and segment of the campus community to notify are: Director of Public Safety/Chief of Police, UPD Lieutenant, UPD Sergeant (or UPD officer designated by UPD Sergeant), and UPD Dispatchers. If time allows, final message content will be approved at the highest level available. Upon notification from an authorized employee listed above, a Tier II alert publisher will send the alert. Tier II alert publishers include:

- Director of Public Safety/Chief of Police,
- UPD Lieutenant,
- UPD Sergeant,
- UPD Dispatchers,
- Executive Director of Enterprise Risk Management,
- Chief Marketing & Communications Officer, and
- President of the University, or designee.

In circumstances where time is of the essence, Tier II alert publishers are authorized to make a final determination of a significant emergency or dangerous situation, compose an alert (or select and modify one of the warnings that are pre-scripted for that purpose), and send the alert. An example of such an urgent message could include a Tier II message issued for an active shooter.

Victim names and other identifying information of victims are not included in emergency notifications.

TAMUK conducts weekly pre-scheduled testing of the emergency notification system. These weekly tests are launched by the Office of Enterprise Risk Management.

## Registering for Emergency Notifications

As required by Texas Education Code Sec. 51.218, the emergency notification system is an opt-out system where at the time a student initially enrolls or registers for courses or a staff member begins employment, the institution shall:

- obtain a personal telephone number or e-mail address from the student or staff member to be used to notify the individual in the event of an emergency; and
- register the student or staff member in the institution's emergency alert system.

Additionally, other campus community stakeholders may opt-in to receive emergency notifications through the Emergency Notifications channel on the Campus Resources tab in JNET (<https://jnet.tamuk.edu/>).

## Disseminating Information to the Larger Community

In the event that a crisis occurs on university property, the Office of Marketing and Communications will be notified as soon as possible. As chief spokesperson(s) for the university, Marketing and Communications staff will be responsible for providing strategic direction and implementing protocols as outlined in the emergency communications plan. Marketing and Communications will work with UPD and the Executive Director of Enterprise Risk Management to prepare and disseminate internal and external messages, distribute news releases, alert local media, respond to media inquiries, update the university website with pertinent information, and share timely information as appropriate via digital channels such as social media. In addition, Marketing and Communications will be responsible for planning, scheduling, and providing logistical support for news conferences as well as coordinating communication efforts with relevant entities and organizations. In case of an emergency, the TAMUK website (<https://www.tamuk.edu/>) will be updated with current information pertaining to the incident. Individuals receiving the emergency notification will also be advised with updated information, as needed, using the same method(s) as the original notification.

## Emergency Management Plan

The TAMUK Emergency Management Plan (<https://www.tamuk.edu/finance/risk/safety/EmergencyManagement.html>) describes the responsibilities and duties of campus personnel and departments in the event of an emergency or dangerous situation involving an immediate threat. The Emergency Management Plan is designed to assist employees to respond appropriately when emergency conditions exist. To ensure emergency plans are appropriate, the university conducts emergency response exercises annually. These tests, which may be announced or unannounced, are designed to assess and evaluate the emergency plans and capabilities of the institution. Each test is documented and includes a description of the exercise, the date and time of the exercise, and whether it was announced or unannounced. In conjunction with the tests (drill and an exercise) the university will disseminate emergency response and evacuation procedures to the campus community through the campus e-mail system as appropriate.

The university conducts tabletop, functional, and/or full-scale emergency exercises with various university departments, the university's Emergency Management Team and community partners. These exercises are designed to prepare university personnel to respond to various emergencies that may occur on campus, recover from emergencies as quickly as possible, and provide the appropriate support to students, employees, and university operations.

### **Evacuation Procedures**

An announcement of a campus-wide evacuation will come from the Office of the President managed by the Emergency Management Team. Students and employees should follow the instructions and timeline for leaving the campus and alert others to do the same. Information about returning to the campus will be provided through Tier II, the personnel recall process for employees, and press releases through news media outlets.

Building evacuations will occur when the fire alarm sounds and/or notification is made by UPD, the Emergency Management Team, Building Emergency Managers acting under the instructions of these offices, the Weslaco Fire Department, or other law enforcement agencies.

All persons (students, employees and campus visitors) are to immediately vacate the area in question, leaving by the nearest marked exit or in accordance with the posted evacuation plan and alert others to do the same. Once outside, proceed to the designated building assembly area. Personnel shall not return to an evacuated building until given the all-clear signal by UPD or authorized officials.

Annually, all occupied campus facilities are required to conduct fire drills where evacuation procedures are executed. The drill is critiqued, documented, and reported to the State Fire Marshal.

### **Shelter-in-Place Procedures**

When emergency conditions do not warrant or allow evacuation, the safest method to protect individuals may be to take shelter inside a campus building and await further instructions.

In the event of a severe weather event such as a hurricane or tornado:

- Seek appropriate shelter such as small interior rooms, interior hallways, or basements.
- Move indoors or remain there – avoid windows and areas with glass.
- If available, take a radio or television to the room to track emergency status.
- Keep telephone lines free for emergency responders. Do not call 911 for information.

If hazardous materials are involved:

- Turn off all ventilation systems and close all inlets from the outside.
- Select a room(s) which is easy to seal and, if possible, has a water supply and access to restrooms.
- If you smell gas or vapor, hold a wet cloth loosely over your nose and mouth and breathe through it in as normal a fashion as possible.

In the event of the presence of a person or persons deemed by UPD to be a threat to the campus community:

- Stay in your room/office/classroom.
- Notify those around you, and encourage others to remain in their room/office rather than to try to leave the building.
- Lock the doors, cover the door window, pull down the blinds, turn off the lights, and stay calm.
- Stay away from the windows.
- Check your e-mail or visit the TAMUK website, if a TV is available, turn it on, turn the volume off.
- Report any suspicious activity, sounds, or smells to UPD at (361) 593-2611 or 911.
- Only come out when you recognize the authority directing you to do so.

## The Daily Crime and Fire Log

UPD publishes a daily crime and fire log for the TAMUK Citrus Center. The crime log identifies crimes occurring on campus property and includes the call/case number, date/time reported, date/time occurred, location, nature of the crime, disposition, and if the incident was unfounded. The fire log identifies fires that occur in on-campus student housing facilities and includes the call/case number, date/time reported, date/time occurred, location, nature of the incident, cause of the fire, number of deaths related to the fire, number of injuries requiring treatment at a medical facility, and value of property damage caused by the fire.

These logs are available to any member of the public, free of charge, upon request and are updated in accordance with federal regulations, within two business days of reported incidents. Any portion of the log older than 60 days will be made available within two business days of a request for public inspection. Business days are defined as Monday through Friday, excluding any day when the institution is closed.

The daily crime log and fire log may be viewed via the UPD webpage at:

<https://www.tamuk.edu/upd/clery-reporting.html>. A printed copy of this report may be viewed by the public at UPD Dispatch in Lewis Hall (855 N. University Blvd, Kingsville, TX 78363) or the Office of the Executive Director for the TAMUK Citrus Center, Room 120 (312 N. International Blvd, Weslaco, TX 78599) during business hours from 8 am to 5 pm Monday through Friday excluding university holidays.

## Security of and Access to Campus Facilities

### General Provisions

The Executive Director of the TAMUK Citrus Center is responsible for determining access to facilities under their control. UPD, upon request, will prepare a security survey of the facility to determine security coverage and appropriate access control.

It is unlawful for any person to trespass on the grounds of any state institution of higher

education of this state or to damage or deface any of the buildings, statues, monuments, memorials, trees, shrubs, grasses, or flowers on the grounds of any state institutions of higher education as indicated in *Texas Education Code Section 51.204*. *Texas Penal Code Criminal Trespass Section 30.05* and *Criminal Mischief Section 28.03* are state statutes that are similar in nature and are also widely utilized to help support *Texas Education Code Section 51.204*.

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 remove any person from the property on his or her refusal to leave peaceably on request. Identification may be required of any person on the property. (*Texas Education Code Section 51.209*)

### **Apartments**

Access to apartments is restricted to residents, their guests, university personnel, and authorized visitors. Exterior doors to on-campus apartments are key-locked with deadbolts and have "peepholes". Keys are issued only to occupants who are residents in a particular apartment. The Hidalgo County Sheriff's Office responds to calls for service at the apartments, as well as conducting patrols, if needed. Apartment exteriors are patrolled regularly by Hidalgo County Constable Precinct 1.

### **Parking Lot**

The TAMUK Citrus Center parking lot is under video surveillance and may be monitored. Parking permits are not required on-campus for students, faculty, staff, or visitors. The parking lot is patrolled regularly by Hidalgo County Constable Precinct 1.

### **Academic and Administrative Buildings**

In general, during normal business hours, the academic and administrative facilities at the TAMUK Citrus Center are open and accessible to students, staff, faculty, and visitors of the university. Individual facilities may have specific hours of operation, which can vary depending upon factors such as the time of the year and operational requirements. Access to some buildings, or portions of buildings, may be limited to authorized personnel at various times. Card swipe systems, locks and other means may be employed to limit access. Hidalgo County Constable Precinct 1 conducts routine security and safety patrols of the academic and administrative buildings to monitor conditions and report any unusual circumstances.

### **Maintenance of Campus Facilities**

The Physical Plant, contracted by TAMUK, conducts monthly inspections at the TAMUK Citrus Center and works with the TAMUK Citrus Center staff to identify and repair maintenance issues (ex. locks, electrical, plumbing). The campus community is encouraged to promptly report any maintenance concerns to the Physical Plant at (361) 593-3312 or the Executive Assistant, TAMUK Citrus Center at (956) 447-3362.

Campus facilities and grounds are inspected on a regular basis to ensure that broken windows,



locks and other repairs are made in an expeditious manner. UPD also receives information from the campus community regarding unsafe facility conditions (including steps and handrails), damaged roadways, overgrowth of shrubbery, and other areas in need of repair. This information is forwarded to the Physical Plant in a timely manner.

The Executive Director of the TAMUK Citrus Center will periodically conduct security surveys to ensure campus lighting is adequate and that the landscape is appropriately controlled. When maintenance issues are observed, the Executive Director of the TAMUK Citrus Center will contact the Physical Plant, usually within 24 hours or the next business day, to correct the problem. TAMUK Citrus Center community members are encouraged to promptly report any maintenance concerns to the Physical Plant at (361) 593-3312 or the Executive Assistant of the TAMUK Citrus Center at (956) 447-3362. Any community member that has a concern about physical security may also contact UPD at (361) 593-2611.

## **Alcoholic Beverages, Illegal Drugs, and Weapons**

### **Education Programs**

In accordance with the Drug-Free Schools and Communities Act, TAMUK reviews its programs, services, and policies to prevent unlawful possession, use, or distribution of alcohol and illicit drugs. The results of the biennial review of TAMUK's Drug and Alcohol Abuse Prevention Program (DAAPP) are published at <https://www.tamuk.edu/shw/biennial-review.html>.

### **Alcohol Policy**

As an institution interested in the intellectual, physical, and psychological well-being of the campus community, TAMUK deems it important to curtail the abusive or illegal use of alcoholic beverages. The Texas A&M University System strictly prohibits the unlawful manufacture, distribution (including sales), possession, or use of alcohol on Texas A&M University System property, while on official duty, and/or as part of any Texas A&M University System activities ([System Policy 34.02, Drug and Alcohol Abuse](#)). Possession or consumption of alcoholic beverages on property under control of the Texas A&M University System will not be permitted except in special use buildings and facilities that may be designated by the chief executive officer of the member, approved by the chancellor, and subsequently reported to the board on an annual basis ([System Policy 34.03, Alcoholic Beverages](#)).

The purchase, service (including sales), possession, and consumption of alcohol beverages in facilities under the control of the Texas A&M University System shall in all respects comply with state law ([System Policy 34.03, Alcoholic Beverages](#)). TAMUK prohibits the use or possession of alcoholic beverages on campus by any individual under the age of 21, including within on-campus housing facilities ([Texas A&M University-Kingsville Student Handbook, 211 Drinking or Possessing Alcohol in Public Areas or Consumption or Possession by a Minor](#); [University Housing & Residence Life Guidebook, Residence Hall Alcohol Policy](#)).

Student Health & Wellness (361) 593-3991 is committed to promoting responsible decision-making regarding alcohol and other drugs through educational programming, resources, and

referrals. Counseling and assessment services are available through Student Health & Wellness. If further treatment is necessary, students may be referred to outside counselors and programs. The Work/Life Solutions Program by GuidanceResources (1-866-301-9623) manages the alcohol, drug abuse, and rehabilitation program for employees and provides licensed counseling and referral services.

### **Illegal Drugs Policy**

Federal law prohibits the unlawful possession, use, sale, or distribution of drugs. Texas state law prohibits the possession, use, sale, manufacture, or delivery of a controlled substance without legal authorization. A controlled substance includes any drug, substance or immediate precursor covered under the Texas Controlled Substances Act, including but not limited to opiates, barbiturates, amphetamines, marijuana, and hallucinogens. The possession of drug paraphernalia is also prohibited under Texas state law. Drug paraphernalia includes all equipment, products and material of any kind that are used to facilitate, or intended or designed to facilitate, violations of the Texas Controlled Substances Act. According to [System Policy 34.02, Drugs and Alcohol Abuse](#), the TAMUS strictly prohibits the unlawful manufacture, distribution (including sales), dispensation, possession, or use of illicit drugs on TAMUS property while on official duty and/or as part of any TAMUS activity. All students and employees are expected to abide by federal and state laws pertaining to controlled substances and illicit drugs. More specifically, the Texas A&M University-Kingsville Student Handbook prohibits manufacturing, possessing, having under control, selling, transmitting, using or being a party to illegal drugs, drug paraphernalia and/or controlled substances on university premises or at any university sponsored activity ([Texas A&M University-Kingsville Student Handbook, 210 Manufacturing, Possessing, Selling, or Control of Illegal Drugs, Controlled Substances, or Drug Paraphernalia](#)). Alleged violations of federal and state laws may result in criminal charges. Consequences could result in criminal charges/arrest by UPD or other law enforcement agencies for law violations. University conduct charges may be pursued against those alleged to have violated university policies and/or state/federal laws concerning controlled substances.

Student Health & Wellness (361) 593-3991 is committed to promoting responsible decision making regarding alcohol and other drugs through educational programming, resources, and referrals. Counseling and assessment services are available through Student Health & Wellness. If further treatment is necessary, students may be referred to outside counselors and programs. The Work/Life Solutions Program by GuidanceResources (1-866-301-9623) manages the alcohol, drug abuse, and rehabilitation program for employees and provides licensed counseling and referral services.

### **Weapons Policy**

In accordance with [Texas Penal Code Ch. 46.03](#), it is a felony to intentionally, knowingly, or recklessly possess a firearm, location-restricted knife, club, or prohibited weapon on the physical premises of a school or educational institution, to include any grounds or buildings on which an activity sponsored by a school or educational institution is being conducted, or a passenger transportation vehicle of a school or educational institution. The following exception

applies. A license to carry holder under Chapter 411, Texas Government Code, may carry a concealed handgun on or about the license holder's person while the license holder is on the campus of the TAMUK Citrus Center (all land and buildings owned or leased by TAMUK including the TAMUK Citrus Center) or in a university vehicle, unless prohibited by state law, federal law, or [University Rule 34.06.02.K1, Carrying Concealed Handguns on Campus](#). Prohibited areas include, but are not limited to, campus daycares, counseling centers, health care facilities, collegiate interscholastic events, collegiate sporting events if effective notice under 30.06 is provided, specific premises where formal administrative hearings/investigations are conducted, locations with official Texas Penal Code 30.06 signage, and certain high-hazard research areas/laboratories as approved by the president. The president has prohibited carrying a concealed handgun in the following TAMUK Citrus Center locations: research labs 214-229 and open central lab, two chemical storage buildings located east of the greenhouses and north of the main building, the auto repair shop, and the post-harvest shed and workshop. Residents of campus housing who are license to carry holders may store a handgun in their room securely. The open carry of handguns is prohibited everywhere on campus including all land and buildings owned or leased by TAMUK. Licensed peace officers are authorized by law to carry firearms at all times.

## **Sexual Assault, Dating Violence, Domestic Violence, and Stalking**

In accordance with federal law and [Texas A&M University System Regulation 08.01.01 Civil Rights Compliance](#) (System Regulation 08.01.01), TAMUK prohibits discrimination and harassment including sexual assault, dating violence, domestic violence, stalking (as those terms are defined for the purposes of the Clery Act and System Regulation 08.01.01) and/or related retaliation. The following are statements of policy that address discrimination, harassment (including, but not limited to, sexual harassment<sup>27</sup> and sex-based misconduct<sup>28</sup>),

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<sup>27</sup> Sexual harassment is a form of sex discrimination. Unwelcome conduct on the basis of sex (of a sexual nature or otherwise): (1) by an employee of the university who conditions the provision of an aid, benefit, or service of the university on an individual's participation in that unwelcome sexual conduct; (2) determined by a reasonable person to be so severe and pervasive and objectively offensive that it effectively denies a person equal access to the university's education program or activity; or (3) sexual assault, dating violence, domestic violence, or stalking based on sex. For the purposes of defining sexual harassment specified in (2): severe means of sufficient seriousness to interfere with the rights, privileges, and legal activities of an individual, as well as actions that would be deemed by a reasonable person to be extreme or life-threatening; pervasive means conduct existing in or spreading over a large area of an activity or program over a period of time; and objectively offensive means behavior determined by a reasonable person to be offensive (actions that cause unreasonable harm or distress to another individual or group of people). Sexual harassment also includes complaints based on sex, sexual orientation, and/or gender identity.

<sup>28</sup> Sex-based misconduct is unwelcome conduct on the basis of sex that is severe, persistent, or pervasive enough to create a work, educational, or campus living environment that a reasonable person would consider intimidating, abusive, or offensive. Sex-based misconduct is explicitly prohibited under System Regulation 08.01.01. Aiding another in the commission of sex-based misconduct is also prohibited by System Regulation 08.01.01. Sex-based includes, but is not limited to, sexual assault, sexual exploitation, dating violence, domestic violence, and stalking based on sex. Sexual exploitation is defined as a situation in which an individual(s) 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. For example, sexual exploitation could include such actions as secretly videotaping sexual activity, voyeurism, invasion of sexual privacy, exposing one's genitals or causing another to expose one's genitals, and knowingly exposing another person to a sexually transmitted infection or disease. Sexual exploitation is a form of sex-based misconduct. Sex-based misconduct includes complaints based on sex, sexual orientation, and/or gender identity.

complicity, and retaliation<sup>29</sup>. The policies apply whether this conduct occurs on or off campus and when it is reported<sup>30</sup> to the university.

## **Procedures for Reporting Sexual Assault, Dating Violence, Domestic Violence, Stalking, and Related Retaliation**

Individuals have the option of notifying on-campus and local law enforcement authorities to report sexual assault, dating violence, domestic violence, or stalking. Below is a list of local law enforcement agencies. Reports should be filed with the agency where the incident occurred.

Agency	Phone
University Police Department	(361) 593-2611
Weslaco Police Department	(956) 968-8591
Hidalgo County Sheriff's Office	(956) 383-8114
Hidalgo County Constable Precinct 1	(956) 447-3775

UPD is available to receive and investigate reports of sexual assault, dating violence, domestic violence, and stalking; assist in securing medical attention; participate in evidence collection and preservation; conduct criminal investigations of crimes; and inform the individual of legal and administrative options both on and off campus. Criminal investigations may occur independent from a conduct proceeding and are handled in accordance with the Texas Penal Code, the Texas Code of Criminal Procedure, and information from the Kleberg County District Attorney's Office. Law enforcement will help individuals understand the process of obtaining protective orders, restraining orders, or similar lawful orders issued by the courts.

All TAMUK employees are mandatory reporters who must report all known information about an alleged or suspected incident of discrimination, harassment, retaliation, or complicity that is experienced by, observed by or made known to an employee in the course and scope of their employment to the designated office as soon as possible<sup>31</sup>. Student workers are not required to report conduct prohibited by this policy if the student worker experiences, observes, or becomes aware of the prohibited conduct outside the context of their employment.

An employee is also not required to report an incident where: (1) the employee was a victim of sexual harassment, sexual assault, dating violence, domestic violence, or stalking; (2) the incident about which the employee received information was due to a disclosure made at a

<sup>29</sup> Retaliation is intimidation, threats, coercion, or discrimination against any individual for the purpose of interfering with any right or privilege secured under civil rights laws and regulations, or because the individual has opposed a discriminatory practice, files a report or complaint, testified, assisted, or participated or refused to participate in any manner in an investigation, proceeding, or hearing. The exercise of rights protected under the First Amendment does not constitute prohibited retaliation, nor does the filing of a mandatory report as required by System Regulation 08.01.01. In addition, a university official who files a mandatory report or charges an individual with making a materially false statement in the course of an investigation has not engaged in prohibited retaliation. Retaliation is explicitly prohibited under System Regulation 08.01.01. Aiding another in the commission of retaliation is also prohibited under this regulation.

<sup>30</sup> The university has actual knowledge when notice is provided to the Title IX Coordinator or another employee of the university who has authority to institute corrective measures on behalf of the university.

<sup>31</sup> Exceptions include confidential employees and are described in the "Confidentiality/Privacy" section of this report.

sexual harassment, sexual assault, dating violence, domestic violence, or stalking public awareness event sponsored by the university or by a student organization affiliated with the university; or (3) the employee learned of the incident during the course of their employer's review of a prior report or has confirmed with the designated office overseeing the administrative process that the incident has been previously reported.

An employee's failure to report alleged or suspected discrimination, harassment, retaliation, or complicity may result in disciplinary action up to and including termination of employment. An employee must be dismissed if, in accordance with disciplinary processes, the employee is determined to have knowingly failed to make a required report, or that the employee, with the intent to harm or deceive, knowingly made a report that is false. Notwithstanding the above mandatory reporting requirement for employees, anyone may report matters which they believe are criminal to the appropriate law enforcement agency. Employees and students may also make reports to the designated office if they become aware of discrimination outside the course and scope of their employment.

Students and third parties are strongly encouraged, but not required, to report conduct prohibited by this policy.

At the TAMUK Citrus Center, reports that a student, an employee, or a third party has engaged in conduct prohibited by this policy should be made to:

Chief Ethics and Compliance Officer and/or Title IX Coordinator  
Office of Compliance  
Lewis Hall, Room 130  
855 N. University Blvd.  
Kingsville, TX 78363  
(361) 593-4758  
[TitleIX@tamuk.edu](mailto:TitleIX@tamuk.edu)  
Website Reporting Form: <https://www.tamuk.edu/finance/compliance/files/title-IX/Complaint.pdf>

The Office of Compliance's Chief Ethics and Compliance Officer and the Title IX Coordinator's responsibilities include, but are not limited to, (1) overseeing TAMUK's civil rights protections program; (2) ensuring all complaints of discrimination, harassment, retaliation, and complicity are promptly, thoroughly, and equitably reviewed, investigated, and resolved in accordance with System Regulation 08.01.01, and [Texas A&M University-Kingsville Rule 08.01.01.K1, Civil Rights Compliance](#) (Rule 08.01.01.K1); and (3) identifying and addressing any patterns or systematic problems that arise from the review of such complaints. The Chief Ethics and Compliance Officer, Title IX Coordinator, or other designee shall decide whether this policy shall be applied to such conduct on a case by case basis. Some conduct, while inappropriate and unprofessional, does not rise to the level of discrimination, harassment, retaliation, or complicity. These behaviors will be forwarded by the Office of Compliance to be addressed by

the appropriate disciplinary authority, e.g., Supervisor, Dean of Students, University Housing & Residence Life, etc., under rules or regulations other than this policy.

The Office of Compliance is the department designated by the university to receive, investigate, and resolve all reports alleging discrimination, harassment, retaliation, and/or complicity. However, reports that the Texas A&M University System Chancellor; the Texas A&M President; an employee who reports directly to the Chancellor or President; the Title IX Coordinator or a Deputy Title IX Coordinator; or the Chief Ethics and Compliance Officer have engaged in conduct prohibited by this policy should be made to:

Texas A&M System Ethics and Compliance Office (SECO)  
301 Tarrow, 6th floor  
College Station, TX 77843  
(979) 458-6120  
[civilrightsreporting@tamus.edu](mailto:civilrightsreporting@tamus.edu)

Additional options for reporting to the university include:

- Submitting an anonymous report through [EthicsPoint](#).
  - Please note anonymous reporting may limit the university's ability to respond to the allegation,
  - Officials responding to an anonymous report may use the platform to ask clarifying questions so it is recommended users monitor their e-mails, and
  - EthicsPoint is not an emergency reporting option. Individuals experiencing an emergency are encouraged to call 911.
- Submitting an electronic report through <https://www.tamuk.edu/finance/compliance/files/title-IX/Complaint.pdf>.

Individuals may file a complaint at any time with any local, state or federal civil rights office, including, but not limited to, the Equal Employment Opportunity Commission, the Texas Workforce Commission's Civil Rights Division, the U.S. Department of Education's Office of Civil Rights and the U.S. Department of Justice.

The Office of Compliance has procedures in place to inform individuals of their rights to file criminal charges as well as the availability of services on and off campus. A complainant<sup>32</sup> may request assistance from and/or will be assisted by the Office of Compliance in notifying law enforcement authorities if the complainant so chooses. A report to law enforcement, even to UPD, is separate from a report to the university. An individual wishing to simultaneously pursue a law enforcement investigation and a university resolution of conduct prohibited by this policy should make a report to both entities. Individuals are notified of their right to report the incident to UPD and local police immediately, but always have the right to decline to notify such authorities. Reporting to law enforcement does not preclude an individual from pursuing

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<sup>32</sup> An individual(s) who is alleged to have been subjected to discrimination.

disciplinary remedies with the university. UPD officers are also employees of the university and are required to report Title IX offenses to the designated office. Other law enforcement officials have no reporting requirement and individuals may need to report to a university employee to pursue remedies with the university.

Although a report of conduct prohibited by this policy may be made at any time, regardless of when the conduct occurred, a report should be filed as soon as possible after the actions that caused the report. Prompt reporting assists investigators in the collection and preservation of evidence<sup>33</sup>.

The filing of a report will not stop, delay, or affect pending personnel or disciplinary actions. This includes, but is not limited to, performance evaluations or disciplinary actions related to an employee or student who is not performing at acceptable levels or standards or who has violated System policies or regulations or university rules.

The university's response to allegations of conduct prohibited by this policy will be prompt and equitable. The response is intended to stop and prevent recurrence of any harassment and remedy discriminatory effects of the conduct, as appropriate. A substantiated allegation of prohibited conduct will result in disciplinary action, up to and including termination of employment and/or separation from the university. Third parties who commit prohibited conduct may have their relationship with the university terminated and/or their privileges of being on university premises withdrawn.

The Office of Compliance will conduct an initial review and a preliminary assessment of all reports/complaints that are received by the Office of Compliance to assess and address the safety and well-being of the complainant, respondent<sup>34</sup>, and the campus community. As part of the initial review, the Office of Compliance will take the following steps: (1) inform the individual reporting of the right to file a complaint with law enforcement (if applicable) in addition to filing a complaint with the Office of Compliance, (2) provide assistance in notifying UPD or appropriate law enforcement authorities if the individual so chooses, (3) inform the individual of the right to decline to contact law enforcement, and (4) inform the individual of the right to file a complaint with state and federal agencies. When the complainant is an employee or student, the Office of Compliance will offer the complainant reporting the incident the opportunity to request supportive measures to provide for the safety of the individual and campus community. Upon request, the Office of Compliance can review and revise supportive measures as needed.

The Office of Compliance will also take steps to advise about (1) the importance of preserving evidence, if applicable, that could assist in proving that a criminal offense occurred or may be helpful in obtaining a protective order or assist in an investigation, (2) the university's

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<sup>33</sup> For incidents of sexual assault, individuals should follow the recommended timeline discussed below for evidence collection in a Sexual Assault Nurse Examination (SANE).

<sup>34</sup> An individual who has been alleged to have engaged in discriminatory conduct as defined in this policy.

procedures for investigation and options for formal and informal resolutions, and (3) the university's prohibition against retaliation. At this time, the Office of Compliance will determine whether the complainant is a minor, elderly, or disabled and, if required, contact the appropriate agency in accordance with the Texas law.

The Office of Compliance provides a written notification of available resources, rights, and options to each individual reporting discrimination, harassment, or retaliation (whether the offense occurred on or off campus) regardless of whether the individual chooses to report the incident to local law enforcement or chooses to pursue informal or formal remedies through the university or criminal remedies through law enforcement. The written notification includes information regarding:

- the importance of preserving physical evidence that may assist in proving that the alleged criminal offense occurred or may be helpful in obtaining a protective order;
- procedures about how and to whom the alleged offense should be reported;
- the option to notify proper law enforcement authorities including on-campus and local police;
- the option to be assisted by campus authorities in notifying law enforcement if the victim chooses;
- the option to decline to notify such authorities;
- the rights of individuals and the institution's responsibilities for orders of protection, restraining orders, or similar lawful orders issued by criminal, civil, or tribal court or the institution;
- the rights of individuals and the institution's responsibilities for mutual no contact orders or one-sided no contact orders issued and enforceable by the university;
- information about how the institution will protect the confidentiality and/or privacy<sup>35</sup> of victims and other necessary parties;
- existing on-campus and community resources/contacts (counseling, health, mental health, victim advocacy, legal assistance, visa and immigration assistance, student financial aid, and other services available to students, faculty, and staff);
- the options for, available assistance in, and how to request changes to academic, living, transportation, and working situations or supportive/protective measures;
- protection from retaliation; and
- an explanation of procedures for institutional disciplinary action in cases of alleged sexual assault, dating violence, domestic violence, and stalking based on sex.

Student Health & Wellness and UPD are also provided with resource information issued by the Office of Compliance.

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<sup>35</sup> Depending on the nature of the report, the Office of Compliance may not be able to guarantee confidentiality but does take steps necessary to protect private information by restricting information to those with a reasonable need to know.



## **Guidelines or Suggestions to Follow After an Incident of Sexual Assault, Dating Violence, Domestic Violence or Stalking (as applicable to the specific incident)**

- Go to a safe place as soon as you can.
- Contact the Hidalgo County Sheriff's Office at 911 or (956) 383-8114 or UPD at (361) 593-2611.
- Get medical attention as soon as possible to make sure you are physically well and to collect important evidence in the event you may later wish to take legal action.
  - In Texas, forensic evidence collected and used in a criminal complaint must be obtained by a Sexual Assault Nurse Examiner (SANE).
  - The SANE and a forensic unit provides detailed physical examinations, evidence collection, and expert testimony.
  - A forensic examination can also be performed for victims of domestic violence.
  - There is no cost to have a SANE collect evidence.
  - There is no requirement to have an active complaint with law enforcement and/or the university in order to have a SANE collect evidence.
  - Evidence collected by a SANE can be maintained up to five years after an exam.
  - The nearest hospital with 24/7 access to a SANE program is:
    - Valley Baptist Micro-Hospital in Weslaco ((956) 969-7300, <https://www.valleybaptist.net/locations/detail/vbmh-weslaco>)
  - Go to the hospital's emergency room and request to be seen by a SANE.
- Try to preserve all physical evidence. Do not wash, use the toilet, swim, brush teeth, or change clothing if you can avoid it. If you do change clothes, put all clothing you were wearing at the time of the attack in a paper, not plastic, bag.
- Preserve evidence by saving text messages, instant messages, social networking pages, communications, pictures, or other documents, if any, that would be useful to police or investigators.
- On and off campus personnel are available to help explain options, give information, and provide emotional support. On campus personnel include: Office of Compliance (361) 593-4758, Student Health & Wellness (361) 593-3991, UPD (361) 593-2611, and Work/Life Solutions by GuidanceResources 1-866-301-9623. Off campus personnel include: Mujeres Unidas/Women Together (956) 630-4878 or 1-800-580-4879, Hidalgo County Criminal District Attorney's Office (956) 292-7600, and National Domestic Violence Hotline 1-800-799-7233.

## **Medical Treatment (as applicable to the specific incident)**

It is important to seek immediate and follow-up medical attention for several reasons: first, to assess and treat any physical injuries sustained; second, to test for sexually transmitted infections or pregnancy and treat or take preventive measures; and third, to gather and preserve evidence that may assist in proving that the alleged criminal offense occurred or is occurring or may be helpful in obtaining a protective order. Physical evidence should be collected immediately, ideally within the first 24 hours. It may be collected later than this, but the quality and quantity of the evidence may be diminished. If victims do not opt for forensic evidence collection, health care providers can still treat injuries and take steps to address

concerns of pregnancy and/or sexually transmitted infection. Victim advocacy and/or legal aid may provide assistance on how to access the Crime Victims' Compensation Program, if applicable, to help pay for costs associated with a reported incident.

### **Confidentiality/Privacy**

Students and employees have the option to disclose incidents to confidential reporters who are employees designated or permitted by the university to receive complaints of discrimination, harassment, retaliation, and complicity and maintain confidentiality. Confidential reporters include, but are not limited to, licensed health care personnel and certain mental health providers (professional psychologists/counselors) who receive reports when acting in the course and scope of their employment as part of their official employment. When an individual shares information with a confidential reporter, the confidential reporter cannot legally disclose the communication to another person or the institution except under very limited circumstances. Such information could be disclosed when: (1) the individual gives written consent for its disclosure; (2) there is a concern that the party poses an imminent danger to themselves or others; (3) the information concerns conduct involving suspected abuse or neglect of a minor under the age of 18, the disabled, or the elderly; or (4) required by law.

Confidential reporters are required to provide general non-identifying information as required to comply with the Clery Act or other applicable laws/regulations, and must report de-identified statistics to the Title IX Coordinator for any type of sex-based incident made known to them, and may not include any information that would violate that person's expectation of privacy. Publicly available recordkeeping, including Clery Act reporting and disclosures, must not include personally identifying information<sup>36</sup>. Incidents are shared in a way that does not identify the individuals. For example, licensed healthcare providers share de-identified information regarding conduct that may be a statistic in the Clery Annual Security Report and/or disclosed in the daily crime log without identifying the individuals concerned. Additionally, researchers are deemed confidential only when the research project is federally funded and the identity of research subjects on the specific project are deemed confidential by law.

At TAMUK, the following are considered confidential reporters: mental health providers and health care personnel for students – Student Health & Wellness (361) 593-3991, and mental health provider for employees and the employee's benefits-eligible dependents - Work/Life Solutions by GuidanceResources (1-866-301-9623). Confidential reports are available to support both complainants and respondents.

All other employees informed of possible discrimination, harassment, retaliation, and/or complicity should advise the reporting party that they cannot keep the information confidential

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<sup>36</sup> Personally identifying information is defined as individually identifying information for or about an individual, including information likely to disclose the location of a victim of domestic violence, dating violence, sexual assault, or stalking, regardless of whether the information is encoded, encrypted, hashed, or otherwise protected, including a first and last name; a home or other physical address; contact information (including a postal, e-mail, or internet protocol address, or telephone or facsimile number); a social security number, a driver's license number, passport number or student identification number; and any other information, including date of birth, racial or ethnic background, or religious affiliation that would serve to identify any individual.

and are required to report it to the university. Employees should inform the reporting party where confidential guidance can be obtained, such as the student counseling center or employee assistance program. To the extent possible, the university will protect the privacy of all parties to the report (see definition of private<sup>37</sup>).

Employees receiving a complaint under this policy may not disclose the identity of the complainant to any law enforcement authority unless:

- expressly authorized by the complainant;
- imminent threat to health or safety exists; or
- required by law.

Requests from complainants to withhold any name, or a request not to investigate or seek action against the respondent, will be considered by the university in the context of the university's duty to provide a safe and nondiscriminatory work, educational, and campus living environment. This may require that the university take actions when the complainant requests no action, such as when violence is involved, when the threat of violence exists, or when required by law, as in the case of elderly, disabled, or child abuse. A request to withhold information or not to investigate the alleged misconduct may limit the university's ability to respond.

Although individuals reporting sexual assault are not required to file criminal charges, the following program is offered in the State of Texas. In accordance with the Texas Code of Criminal Procedure, Chapter 57, when reporting certain sex offenses to a Texas law enforcement agency, victims may use a pseudonym to protect their identity. The offenses applicable to this program are identified in Chapter 62 of the Texas Code of Criminal Procedure, defined by the Texas Penal Code, and include sexual assault. The pseudonym will replace the victim's name in all public files and records concerning the offense, including police records, press releases, and records of judicial proceedings.

## **Resources, Rights, and Options**

Following an allegation of sexual assault, dating violence, domestic violence, stalking, and/or related retaliation the complainant, the respondent, and other affected individuals have certain resources, rights, and options available to them. Parties with an inquiry or complaint are informed of resources, rights, and options in writing when the Office of Compliance receives notification of an incident whether it occurred on or off campus and regardless of whether the individual elects to pursue a criminal complaint and/or disciplinary measures. Other personnel likely to receive reports of conduct prohibited by this policy in the Division of Student Affairs, Human Resources, and UPD, may also provide resources, rights, and options in writing. Available assistance information is also shared through prevention and awareness education and can be found on the Title IX webpage at [https://www.tamuk.edu/finance/compliance/title\\_9/index.html](https://www.tamuk.edu/finance/compliance/title_9/index.html). Additional information about

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<sup>37</sup> Private - that which affects, characterizes, or belongs to an individual person, as opposed to the general public. With respect to this regulation, private means restricting information to those with a reasonable need to know.

any of the resources, rights, and options discussed in this section can be requested from the Office of Compliance.

The following are on-campus and community resources available to complainants, respondents, and others.

#### Law Enforcement

Name	Phone	Address	Website
University Police Department	(361) 593-2611	855 N. University Blvd., Kingsville, TX 78363	<a href="https://www.tamuk.edu/upd/index.html">https://www.tamuk.edu/upd/index.html</a>
Weslaco Police Department	(956) 968-8591	901 N. Airport Dr., Weslaco, TX 78596	<a href="https://www.weslacotx.gov/departments/police.php">https://www.weslacotx.gov/departments/police.php</a>
Hidalgo County Sheriff's Office	(956) 383-8114	711 El Cibolo Rd., Edinburg, TX 78541	<a href="https://www.hidalgocounty.us/209/Sheriff">https://www.hidalgocounty.us/209/Sheriff</a>
Hidalgo County Constable Precinct 1	(956) 447-8614	1902 Joe Stephens Ave., Ste 303, Weslaco, TX 78596	<a href="https://www.hidalgocounty.us/155/Constable-Precinct-1">https://www.hidalgocounty.us/155/Constable-Precinct-1</a>

#### Counseling and Mental Health

Name	Phone	Address	Website
Student Health & Wellness	(361) 593-3991	1210 N. Retama St., Kingsville, TX 78363	<a href="https://www.tamuk.edu/shw/">https://www.tamuk.edu/shw/</a>
Work/Life Solutions by GuidanceResources (for employees)	1-866-301-9623	N/A	<a href="https://www.tamuk.edu/employee-services/hr/benefits/eap.html">https://www.tamuk.edu/employee-services/hr/benefits/eap.html</a>

#### Medical and Health Services

Name	Phone	Address	Website
Student Health & Wellness	(361) 593-3991	Student Health & Wellness Building, 1210 N. Retama St., Kingsville, TX 78363	<a href="https://www.tamuk.edu/shw/">https://www.tamuk.edu/shw/</a>
Valley Baptist Micro-Hospital	(956) 969-7300	1021 W. Interstate 2, Weslaco, TX 78596	<a href="https://www.valleybaptist.net/locations/detail/vbmh-weslaco">https://www.valleybaptist.net/locations/detail/vbmh-weslaco</a>

#### Support, Advocacy, Legal Assistance, and Other Resources

Name	Phone	Address	Website
Office of the Dean of Students	(361) 593-3606	Student Union Building, Room 306, 1050 W. Santa	<a href="https://www.tamuk.edu/dean/">https://www.tamuk.edu/dean/</a>

		Gertrudis Ave., Kingsville, TX 78363	
Office of Compliance	(361) 593-4758	Lewis Hall, Room 130, 855 N. University Blvd., Kingsville, TX 78363	<a href="https://www.tamuk.edu/finance/compliance/index.html">https://www.tamuk.edu/finance/compliance/index.html</a>
Title IX Coordinator	(361) 593-4761	Lewis Hall, Room 130, 855 N. University Blvd., Kingsville, TX 78363	<a href="https://www.tamuk.edu/finance/compliance/title_9/index.html">https://www.tamuk.edu/finance/compliance/title_9/index.html</a>
Human Resources	(361) 593-3705	College Hall, Room 210, 955 N. University Blvd., Kingsville, TX 78363	<a href="https://www.tamuk.edu/employee-services/hr/employee.html">https://www.tamuk.edu/employee-services/hr/employee.html</a>
Hidalgo County Criminal District Attorney's Office	(956) 292-7600	100 E. Cano St., Edinburg, TX 78539	<a href="https://hidalgocountyda.com/">https://hidalgocountyda.com/</a>
Hidalgo County Indigent Defense Program (Low Income Legal Services)	(956) 318-2372	100 N. Closer Annex 1, Edinburg, TX 78539	<a href="https://www.hidalgocounty.us/126/Indigent-Defense">https://www.hidalgocounty.us/126/Indigent-Defense</a>
Texas RioGrande Legal Aid (Low Income Legal Services)	(956) 996-8752 or (833) 329-8752	301 S. Texas Ave., Mercedes, TX 78570	<a href="https://www.trla.org/">https://www.trla.org/</a>
Legal Aid for Survivors of Sexual Assault (Low Income Legal Services)	(844) 303-SAFE (7233), Option 1	N/A	<a href="https://lassatexas.org/">https://lassatexas.org/</a>
Texas Advocacy Project (Victim Advocacy/Legal Services)	800-374-HOPE (4673)	N/A	<a href="https://www.texasadvocacyproject.org/">https://www.texasadvocacyproject.org/</a>
Mujeres Unidas/Women Together	(956) 664-2826 or 1-800-580-4879	511 N. Cynthia St., McAllen, TX 78501	<a href="https://mujeresunidas.org/">https://mujeresunidas.org/</a>
Texas Department of Family and Protective Services	(956) 969-9280	510 S. Texas Blvd., Weslaco, TX 78596	<a href="https://www.dfps.texas.gov/">https://www.dfps.texas.gov/</a>

Tropical Texas Behavioral Health – Weslaco Outpatient Clinic	(956) 520-8800 or 1-877-289-7199	2215 W. Business 83, Weslaco, TX 78596	<a href="https://www.ttbh.org/">https://www.ttbh.org/</a>
National Sexual Assault Hotline	1-800-656-HOPE (4673)	N/A	<a href="https://rainn.org/about-national-sexual-assault-telephone-hotline">https://rainn.org/about-national-sexual-assault-telephone-hotline</a>
National Domestic Violence Hotline	1-800-799-SAFE (7233)	N/A	<a href="https://www.thehotline.org/">https://www.thehotline.org/</a>

#### Visa and Immigration Assistance

Name	Phone	Address	Website
Office of International Student & Scholar Services	(361) 593-3317	Cousins Hall, Room 113A, 925 W. Santa Gertrudis Ave., Kingsville, TX 78363	<a href="https://www.tamuk.edu/academicaffairssupport/oisss/index.html">https://www.tamuk.edu/academicaffairssupport/oisss/index.html</a>
U.S. Citizenship and Immigration Services, Texas – Harlingen Field Office	1-800-375-5283	1717 Zoy Street, Harlingen, TX 78552	<a href="https://www.uscis.gov/about-us/find-a-uscis-office/field-offices">https://www.uscis.gov/about-us/find-a-uscis-office/field-offices</a>
Texas RioGrande Legal Aid (Low Income Legal Services)	(956) 996-8752 or (833) 329-8752	301 S. Texas Ave., Mercedes, TX 78570	<a href="https://www.trla.org/">https://www.trla.org/</a>
Legal Aid for Survivors of Sexual Assault (Low Income Legal Services)	(844) 303-SAFE (7233), Option 1	N/A	<a href="https://lassatexas.org/">https://lassatexas.org/</a>
Texas Advocacy Project (Victim Advocacy/Legal Services)	800-374-HOPE (4673)	N/A	<a href="https://www.texasadvocacyproject.org/">https://www.texasadvocacyproject.org/</a>

#### Student Financial Aid

Name	Phone	Address	Website
Office of Student Financial Aid	(361) 593-5372	Javelina Enrollment Services Center, Student Union Building, Room 132, 1050 W. Santa	<a href="https://www.tamuk.edu/enrollment-management/financialaid/index.html">https://www.tamuk.edu/enrollment-management/financialaid/index.html</a>

		Gertrudis Ave., Kingsville, TX 78363	
Office of Veteran's Affairs	(361) 593-4421	Eckhardt Hall, Room 104, 825 N. University Blvd., Kingsville, TX 78363	<a href="https://www.tamuk.edu/enrollment-management/veterans/index.html">https://www.tamuk.edu/enrollment-management/veterans/index.html</a>
Federal Student Aid Information Center	1-800-433-3243	N/A	<a href="https://studentaid.gov/help-center/contact">https://studentaid.gov/help-center/contact</a>

### Institutional Rights and Options (Supportive Measures)

The institution is obligated to offer and provide assistance to students, employees, and third parties in obtaining a range of supportive measures. Supportive measures are intended to restore or preserve access to the workplace and educational programs or activities without unreasonably burdening the other party; stop and prevent the reoccurrence of discrimination, harassment, and/or retaliation; and support the complainant and respondent during the investigation and resolution process. Supportive measures are non-disciplinary, nonpunitive individualized services. Supportive measures are offered as appropriate, as reasonably available, and without fee or charge to the complainant or the respondent.

In all complaints of discrimination, harassment, and/or retaliation, the Office of Compliance promptly contacts the parties to discuss the availability of supportive measures, considers the parties' wishes with respect to supportive measures, informs the complainant of the availability of supportive measures with or without the filing of a formal complaint, and explains to the complainant the process for filing a formal complaint. The university must maintain the privacy of any supportive measures provided to the complainant or respondent to the extent that maintaining such privacy would not impair the ability of the university to provide supportive measures.

The Office of Compliance is responsible for coordinating the effective implementation of supportive measures. In addition to facilitating supportive measures, the Office of Compliance can provide parties with access to university officials with information about counseling, medical, mental health, victim advocacy, visa and immigration information, impact of a leave of absence on student financial aid, and other services available to complainants and respondents (on campus and in the community). The Office of Compliance will also notify the parties that options such as protective orders and criminal trespass warnings may be available through law enforcement agencies and the judicial system. A party may request a supportive measure through the Office of Compliance (361) 593-4758 at any time, regardless of whether a formal complaint has been filed and regardless of whether the individual chooses to report the incident to law enforcement or pursue disciplinary remedies. Upon request, the Office of Compliance may also review and revise supportive measures as appropriate.

The Office of Compliance can assist with supportive measures that may include but are not limited to changes to academic, living, transportation, and working situations or supportive

measures according to the list below. In determining which supportive measures to impose and the reasonableness of the related measures, the Office of Compliance considers the request; the safety of the complainant, respondent, and the university community; the specific needs of the individuals; the severity or pervasiveness of the allegations; continuing effects; sharing of residence halls, dining halls, classes, transportation, or job locations; other judicial measures already in place; and other factors as appropriate.

Supportive measures provided by the institution vary and may include, but are not limited to, the following:

- Assistance in obtaining access to medical, mental health, legal (protective orders and criminal trespass warnings available through law enforcement and the judicial system), counseling support, victim advocacy, visa and immigration information, and financial aid guidance
- Extension of deadlines or other course-related adjustments, e.g., in cases in which a student complainant and student respondent are enrolled in the same course, either student may elect to switch selections, if available, or drop the course without any academic penalty
- Modifications of work or class schedules
- Campus escort services by UPD (361) 593-2611
- Mutual no contact restrictions between the parties as described below
- Changes in work or housing locations
- Leaves of absence
- Increased security and monitoring of certain areas of campus or workplace
- Other similar measures

*Mutual Order of No Contact:* A mutual order of no contact is a supportive measure issued by the institution that prohibits two parties from contacting one another through any means. A mutual order of no contact can be issued in addition to court ordered protection but may also serve as an alternative for those who do not want to seek a court order. A complainant or a respondent can request a mutual order of no contact through the Office of Compliance at (361) 593-4758. The Office of Compliance may issue a mutual order of no contact at any time prior to or during a conduct investigation based on information provided by the requestor. If good cause for a mutual order of no contact is determined, both parties are notified of the restrictions in writing. Requests to lift the mutual order of no contact may be made at the Office of Compliance at (361) 593-4758. The Office of Compliance will consider the length of no contact between parties, the timeline of the issuance of the order, and the severity of the reported incident in determining if a mutual order of no contact should be lifted.

Individuals should be aware that direct contact, refusal to leave a protected area, appearing at a location one reasonably knows the protected party is at, third-party contact, or even an anonymous contact are all potential violations of a mutual order of no contact. Violations should be reported to the Office of Compliance. Reported violations will be forwarded to the Office of the Dean of Students who will review the report to determine if Student Code of



Conduct violations occurred and reported violations may result in further disciplinary action. Failure to comply with the terms of supportive measures such as a mutual order of no contact may be considered a separate violation of system policies and regulations and university rules and procedures.

The Office of Compliance will also consider an interim removal of the respondent from university programs or activities if the respondent is an immediate threat to the health or safety of the community or another individual. Both an interim removal for student respondents and an interim administrative action for employee respondents, such as a leave of absence, are described below.

*Interim Removal of Students:* A student may not be expelled or suspended prior to a decision of responsibility for a violation(s) of a university rule, policy, regulation, code, or system policy except as provided below.

The Dean of Students may remove a student from an education program or activity on an emergency basis only after an individualized safety and risk analysis has determined that the student is an immediate threat to the physical health or safety of any other student or individual arising from the allegations. The Dean of Students must provide the removed student with notice and opportunity to challenge the decision immediately following the removal. Upon being removed, the removed student must be granted the opportunity for a hearing within 5 business days to review whether or not the removal is warranted. The outcome of this hearing is not subject to appeal and is not a disciplinary action.

During the interim removal, a student may be denied access to campus housing and/or the campus (including classes) and/or all other university activities or privileges for which the student might otherwise be eligible.

The interim removal does not replace the investigation and resolution process. The investigation and resolution process shall proceed as outlined in this policy, except that the timelines referenced in this policy may not be followed and the allegations will be resolved as soon as possible.

*Interim Administrative Actions for Employees:* In accordance with university rules and system policies, the Office of Compliance may request that an employee be placed on leave, suspended with pay, reassigned and/or placed in another type of temporary status pending completion of the investigation and resolution process. The Office of Compliance may also issue interim restrictions to an employee, which include, but are not limited to, contact restrictions (no-contact directives); representation of the university; “no trespass” orders, etc. Such interim actions will remain in place as specified in a notification to the employee or until the allegations are resolved.

*Confidentiality/Privacy of Accommodations and Supportive Measures:* The university will maintain as confidential any accommodations or supportive measures provided to the victim,

to the extent that maintaining such confidentiality would not impair the ability of the institution to provide the accommodations or supportive measures. The Office of Compliance is responsible for determining what information and to whom information will be disclosed based on the circumstances of the allegation, the individuals involved, and related safety needs. The Office of Compliance uses discretion and only discloses information to key officials at the institution who perform the tasks necessary for obtaining or providing the particular accommodation or supportive measure. The identity of an alleged victim of sexual harassment, sex-based misconduct, sexual assault, dating/domestic violence, or stalking may only be disclosed to: (a) persons employed or under contract with the institution, who are necessary to conduct an investigation of the report or any related hearings; (b) a law enforcement officer as necessary to conduct a criminal investigation of the report; (c) the person or persons alleged to have perpetrated the incident, to the extent required by other law; or (d) potential witnesses to the incident as necessary to conduct an investigation of the report. Other areas receiving information related to supportive measures may include, but are not limited to: Offices of the Assistant Vice President/Dean of Students, University Housing & Residence Life, Athletics, Financial Aid, Human Resources, academic departments (direct supervisor, Dean, or Associate Dean), or non-academic departments (direct supervisor, Vice President, or designee). Prior to disclosure, the Office of Compliance will receive consent to disclose the identity of the alleged victim, inform the individual of the information that will be shared, with whom it will be shared, and why.

### Legal Rights and Options

The institution provides information and assistance to the complainant, the respondent, and other affected individuals in obtaining lawful orders issued by a criminal, civil, or tribal court including protective orders and criminal trespass warnings as discussed below. Failure to comply with any of the terms of lawful supportive measures may be considered a separate violation in the institutional disciplinary proceeding.

*Protective Orders:* Individuals may apply for protective orders through the Texas criminal justice system. A protective order is an interim protective measure that requires the recipient to stay away from the protected individual's home, workplace, and/or children's schools (if the children are protected persons in the order) depending on the documented circumstances. It can require the recipient to stop communicating with the protected individual in a harassing or threatening manner, attend counseling, pay child support, and/or pay spousal support. An application for a protective order may be filed by an individual, a prosecuting attorney, or the Texas Department of Family and Protective Services (1-800-252-5400) on behalf of an individual. The application is obtained through the county attorney (Kleberg County Attorney's Office (361) 595-8583), the district attorney (Kleberg County District Attorney's Office (361) 595-8544), or a private attorney. UPD (361) 593-2611 will also provide assistance in applying for protective orders. Forms associated with applying for a protective order are found on the following webpage: <https://guides.sll.texas.gov/legal-forms/protective-orders>.

The application for a protective order must be filed in either the county where the applicant lives or the county where the recipient lives. The applicant's address can be kept confidential. If

the legal criteria for a protective order is met, the county or district attorney's office will prepare and file all of the paperwork necessary to request a protective order from a court. Such orders provide effective tools for law enforcement when they are called upon to protect an individual and their family. Additionally, an emergency protective order may be recommended and automatically issued by the court following the original report and arrest of the respondent. A hearing is held at a later date to determine if the order should be extended or modified.

UPD is notified of protective orders that exist in the campus and surrounding area. Local law enforcement agencies are also notified of all existing protective orders in their area. If the requestor or other institutional personnel become aware that a protective order is violated, UPD should be contacted immediately at (361) 593-2611. Responding agencies can also be contacted for protective order violations including Kingsville Police Department (361) 592-4311 or the Kleberg County Sheriff's Office (361) 595-8500. Violating protective orders generally carry authority for the violator's immediate arrest by UPD or other law enforcement agencies.

*Criminal Trespass Warning:* A criminal trespass warning is a supportive measure issued by UPD which is directed at those who are considered a danger to the campus community or a danger to a certain individual in the campus community. The warning advises the respondent to leave the premises and forbids him/her from entering and/or remaining on certain property which can cover either the entire campus or a specific campus location. To request a criminal trespass warning, contact UPD at (361) 593-2611 and request to speak with an officer. The UPD officer issues the criminal trespass warning if the respondent is determined to pose a risk to campus safety based on information provided by the requestor as it relates to applicable state law and/or UPD policy. When the warning is issued, the officer is responsible for providing notice to the requestor and the person receiving the warning.

UPD officers are notified of criminal trespass warnings that exist in their area. If a criminal trespass warning is violated, UPD should be contacted immediately at (361) 593-2611. A violation of the criminal trespass warning occurs when the individual is issued a warning but refuses to leave campus or is subsequently found in a prohibited area based on the trespass warning. The requestor and other institutional personnel should take appropriate action by contacting UPD for a responding officer when they become aware of a potential violation of a criminal trespass warning. UPD generally enforces these warnings by charging violators with criminal trespass resulting in arrest and/or fine.

If the complainant, respondent, or member of the university community has obtained a protective order, civil no-contact order, restraining order, or similar order from a court as described in this section, against another member of the university community, a copy of the order should be provided to the Chief Ethics and Compliance Officer in the Office of Compliance. In conjunction with UPD and other university officials, the Chief Ethics and Compliance Officer will take all reasonable actions authorized by law to implement the order.

*Other Legal Options:* UPD (361) 593-2611 is available to provide information or direct victims to the proper agency about personal safety, Texas Crime Victim's Rights, Texas Crime Victims Compensation Fund and other information upon request. Or visit the Office of the Texas Attorney General's website at <https://www.texasattorneygeneral.gov/crime-victims/crime-victims-compensation-program>.

## **Investigations and Disciplinary Proceedings<sup>38</sup> for Sexual Assault, Dating Violence, Domestic Violence, Stalking, and Related Retaliation**

Proceedings from an allegation of sexual assault, dating violence, domestic violence, or stalking are provided in a prompt, fair, and impartial manner from the initial formal complaint to the final result, including any appeals. They are consistent with the institution's policies and are transparent and equitable to the complainant and respondent. The investigation provides that:

- Both the complainant(s) and the respondent(s) must receive equitable treatment in all facets of the investigation and resolution process including, but not limited to, the right to an advisor (if any), the right to present evidence and witnesses, and the right to be informed of the outcome of the investigation.
- Timely and equal access to any information (inculpatory and exculpatory) discovered during the investigation as well as any information that will be used during informal and formal disciplinary meetings and hearings will be provided to the complainant, respondent, and appropriate officials.
- During the investigation the complainant and respondent have timely notice of meetings at which the complainant or respondent, or both, may be present.
- Determinations are made by the hearing panel and/or Designated Administrator using the preponderance of the evidence standard, i.e., what is more likely than not to be true, based on the totality of the available evidence.
- If the respondent has multiple roles at the university, such as when the respondent is both a student and an employee, the Chief Ethics and Compliance Officer will consult with other relevant university officials and determine which procedure(s) to follow in the investigation and resolution of the allegations of prohibited conduct as well as other policy violations. The Chief Ethics and Compliance Officer will consider the known facts and circumstances, including which role predominates in the context of the prohibited conduct. Depending on the allegation, sanctions may impact the respondent's status as an employee and/or student.
- The university's disclosure of information related to an investigation, the Designated Administrator's decision and/or the sanctions rendered are governed by the provisions of the Family Educational Rights and Privacy Act (FERPA), the Texas Public Information Act (TPIA), the Texas Education Code Section 51.971, and other applicable confidentiality laws.

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<sup>38</sup> For the purposes of this section, proceeding means all activities related to a non-criminal resolution of an institutional disciplinary complaint, including, but not limited to, fact-finding investigations, formal or informal meetings, and hearings. Proceeding does not include communications and meetings between officials and the complainant, respondent, and other affected individuals concerning accommodations or supportive measures.

Individuals conducting investigations and other decision makers, at a minimum, receive annual training on the issues related to sexual assault, dating violence, domestic violence, and stalking and how to conduct an investigation and hearing process that protects the safety of parties and promotes accountability. All of those involved in the administration of civil rights complaints at the university (including but not limited to: reporting, administering, investigating, adjudicating, advising, and informal resolution) complete annual training specific to their roles in accordance with requirements established in [System Regulation 08.01.01, Appendix B, Minimum Training Requirements for Civil Rights Investigations, Advisement, Adjudication, Appeals, and Informal Resolution in The Texas A&M University System](#). Minimum training requirements include university rules and procedures, applicable federal and state laws, how to conduct comprehensive civil rights investigations and prepare reports, trauma-informed investigation techniques and considerations, due process protections, how to value and weigh evidence and assess credibility, sanctioning, appellate processes, etc.

If an employee reasonably believes that an incident constitutes sexual harassment, sexual assault, dating violence, domestic violence, or stalking and that the incident is alleged to have been committed by or against a person who was a student enrolled at or an employee of the institution at the time of the incident, the employee must promptly report the incident to the Office of Compliance. Students and third parties (including, but not limited to, anyone receiving services from the university, vendors and private business associates) are strongly encouraged to report the incident(s) promptly to the Office of Compliance. An employee is not required to report an incident in which that employee was a victim of the sexual harassment, sexual assault, dating violence, domestic violence, or stalking. Once an individual discloses information to the Office of Compliance, a complaint will be considered to be made with the university, and the institution's administrative process is initiated regardless of whether the complainant chooses to pursue criminal charges.

Complaints are initially reviewed by the Office of Compliance, not only to assess and address safety, but also to determine whether a violation of the System Regulation 08.01.01 and/or Rule 08.01.01.K1 and/or any other university policy, rule, SAP, or code violation could have occurred. During the initial review and preliminary assessment, the Office of Compliance will:

- Inform the complainant about options for formal and informal resolutions and solicit the complainant's preferred method for resolving the matter. Complainants may request a formal resolution, an informal resolution, or "no resolution" of the allegations of discrimination, harassment, retaliation, and/or complicity.
- Offer assistance to the complainant in submitting a written formal complaint<sup>39</sup> that details the nature and circumstances of the allegations, including the names of the complainants and respondents, if so inclined.

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<sup>39</sup> A formal complaint is a document or electronic submission (such as by electronic mail or through an on-line portal provided for this purpose) filed by a complainant, or signed by the Title IX Coordinator, alleging sex-based discrimination against a respondent and requesting that the university investigate the allegation(s). The formal complaint must contain the complainant's physical or digital signature, or otherwise indicate that the complainant is the person filing the complaint. Alternatively, a Title IX Coordinator may sign a formal complaint but is not a

### No Resolution

If the complainant requests that no resolution of the allegations occur, the university will seek to honor the request whenever possible without impeding the university's ability to enhance the safety and security of the complainant and the university community. The university may initiate an investigation based on the seriousness of the allegation, whether or not there are multiple allegations involving the respondent, and/or whether or not a respondent poses a risk of harm to others. The Office of Compliance will consider the following factors when evaluating such requests:

- All of the known circumstances, including any corroborating evidence;
- The nature and scope of the alleged conduct, including whether the reported behavior involves the use of a weapon;
- The respective ages and roles of the complainant and respondent;
- Whether there have been other reports of prohibited conduct or other misconduct by the respondent;
- Whether the report reveals a pattern of misconduct related to prohibited conduct (e.g. via illicit use of drugs or alcohol) at a given location or by a particular group;
- Fairness considerations for both the complainant and the respondent;
- Whether the university possesses other means to obtain relevant information and evidence;
- The university's obligation to provide a safe and non-discriminatory environment;
- Admissions of responsibility by the respondent, if any; and
- The impact of honoring the request on the complainant and the university community, including the risk of additional violence.

If the university is able to honor the complainant's request for no resolution, the university may close the matter with no action taken, or the university may proceed with other appropriate steps, including investigation and disciplinary action against the respondent for violations of other policies, rules, SAPs, regulations, or codes, if applicable.

If the university determines that the complainant's request cannot be honored, the complainant will be notified of the decision, and the Office of Compliance will take appropriate actions, including but not limited to, (1) offering support services or academic adjustments and (2) initiating a formal investigation.

### Informal Resolution

Informal resolutions do not utilize a formal hearing and may or may not involve the establishment of findings of fact and the application of sanctions.

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complainant or otherwise a party to the complaint. The university may consolidate formal complaints as to allegations of sex-based violations against more than one respondent, or by more than one complainant against one or more respondents, or by one party against the other party, when the allegations of sexual harassment arise out of the same facts or circumstances.

At any time prior to the determination of a final decision, the parties may seek informal resolution to resolve the complaint. The following conditions apply to informal resolution:

- Informal resolution is a voluntary process. No party may be compelled to participate in informal resolution. The university, in consultation with the System Ethics and Compliance Office (SECO), must agree to allow an informal resolution to move forward and must obtain the parties' voluntary, written consent to the informal resolution process.
- Prior to an informal resolution, the parties will be provided with: (a) written notice of the allegations; (b) the requirements of the informal resolution process, including the circumstances under which it precludes the parties from resuming a formal complaint arising from the same allegations; and (c) the consequences of withdrawing from the informal process and resuming the formal process, and including the records that will be maintained or could be shared.
- Once a party agrees to participate in informal resolution, they may withdraw from the process at any time prior to a final agreement and resume the formal grievance process. Information shared in the informal resolution process may not be introduced into the formal process without independent evidence.
- Once a final agreement is established through informal resolution, the complaint may not return to the formal complaint process unless one or both parties fails to abide by any conditions established in the agreement.
- Informal resolution options include mediation, restorative conferences, shuttle facilitation, and other forms of facilitated dialogue.
- Mediation may not be used to resolve complaints of rape, statutory rape, dating violence, domestic violence, or any case in which imminent threats of harm may exist.
- The university may not offer an informal resolution process in sex-based complaints unless a formal complaint is filed and may not offer or facilitate an informal resolution process to resolve allegations that an employee sexually harassed a student.

### Formal Resolution

The allegations will be considered for investigation pursuant to the following procedures. The Office of Compliance reserves the right to resolve the complaint informally or through no resolution if the allegation does not rise to the level of conduct prohibited by System Regulation 08.01.01.

Upon receipt of a report, the Office of Compliance may consult with the Texas A&M University System Office of General Counsel (OGC) as needed and make a preliminary determination about whether to conduct a formal investigation of the allegations. The preliminary determination may include, but is not limited to, the following:

- An assessment of whether there is sufficient information known or obtainable to proceed with an investigation of the complaint;
- An assessment of whether the allegations are baseless;
- An assessment of whether the allegations, if true, would constitute a violation of System Regulation 08.01.01 and/or Rule 08.01.01.K1; and/or

- An assessment of whether a complainant's request for no resolution may be honored.

If it is determined that there is insufficient information to proceed with an investigation; or that the allegations are baseless; or that the allegations, if true, would not constitute conduct prohibited by System Regulation 08.01.01 and/or Rule 08.01.01.K1; or, that an investigation will not occur due to the complainant's request for no resolution, the Office of Compliance may, after consultation with OGC:

- dismiss the complaint,
- close the complaint for insufficient evidence to investigate or lack of jurisdiction,
- refer the report to a different office at the university (the university office may review the conduct and take appropriate action, including but not limited to, disciplinary action against the respondent for violations of other university policies, regulations, rules, SAPs, or codes, if applicable), or
- with the consent of the parties, as well as the approval of SECO, refer the complaint to informal resolution (cases involving allegations based on sex require the submission of a formal complaint before they may be referred to informal resolution).

The Office of Compliance will notify the complainant of such action in writing. Complaints that have been dismissed or referred may be appealed in accordance with the appeal procedures section of this policy.

Once a formal complaint is filed, the Office of Compliance will have 5 business days to conduct the inquiry to determine if there is sufficient information or jurisdiction to proceed to an investigation and appoint the Investigative Authority (IA)<sup>40</sup> to initiate the process of determining whether a violation of System Regulation 08.01.01 or other policy, university rule, SAP, or code occurred or dismiss the complaint in accordance with the steps outlined above.

The Chief Ethics and Compliance Officer and Title IX Coordinator (or designee) shall simultaneously notify the complainant(s) and respondent(s) in writing of the commencement of the investigation. The notice of investigation will include:

- receipt of the complaint stating the allegation of a violation of System Regulation 08.01.01, which includes:
  - identities of the parties involved in the incident, if known,
  - the conduct allegedly constituting sexual harassment and/or sex-based misconduct, and
  - the date and location of the alleged incident, if known;
- interim supportive measures, if any;
- admonishments regarding cooperation and prohibiting retaliation;
- any informal resolution process that may be available;

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<sup>40</sup> The Investigative Authority is one or more trained individuals appointed to conduct a formal investigation to discover and examine the facts related to an allegation and conclude if, based on the preponderance of the evidence, the allegation is substantiated, unsubstantiated, or if there is insufficient information. In complaints involving allegations of sex-based behaviors, the IA will be limited to only reporting the evidence collected during the investigation, as well as issuing appropriate determinations surrounding credibility of parties, witnesses, and evidence.



- notice that the parties may have an advisor of their choice who may be, but is not required to be, an attorney, and that they may inspect and review evidence;
- an unredacted version of the complaint to an employee respondent(s) and their advisor, if applicable, with admonishments regarding privacy;
- a statement that the respondent is presumed not responsible for the alleged conduct and that a determination regarding responsibility is made at the conclusion of the grievance process;
- a statement to inform the parties that they are prohibited from knowingly making false statements or knowingly submitting false information during the grievance process; and
- the appointed IA; the appointed Hearing Facilitator and Hearing Panel, Designated Administrator (DA)<sup>41</sup>, and Appellate Authority (AA).<sup>42</sup>

If in the course of an investigation the university decides to investigate allegations about the complainant or respondent that were not included in the original notice, the university must provide notice of the additional allegations to the parties.

If the respondent is an employee, the Chief Ethics and Compliance Officer and Title IX Coordinator (or designee) shall notify, in writing, the respondent's supervisor that the Office of Compliance is investigating an allegation that the respondent has engaged in conduct that may be a violation of System Regulation 08.01.01 and/or Rule 08.01.01.K1 or other university policies, rules, SAPs, or codes.

The Office of Compliance is responsible for all administrative actions required to conduct the investigation. These include, but are not limited to, informing the parties of extensions or other delays affecting the investigation, contacting supervisors or faculty regarding their employees' or students' time away from work or class to participate in the investigative process, making reports to university administrators, coordinating supportive measures, and undertaking any other tasks necessary to properly conduct the investigation.

The IA will review the complaint, conduct a prompt, fair, thorough, and impartial investigation. Abuse of the investigation and resolution process is prohibited and subject to disciplinary action

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<sup>41</sup> The Hearing Panel and Designated Administrator is the decision-making entity specified in university rules. This may be an administrator or a hearing officer/panel but may not include a person with a clear conflict of interest (e.g., supervisor, subordinate, and/or family member of either party) or personal bias. The role of the Hearing Panel or DA is to determine whether or not allegations of misconduct rise to the level of a violation of System Regulation 08.01.01 based on the evidence provided and utilizing the preponderance of the evidence standard. The Hearing Panel or DA cannot have served as an investigator nor may they later serve as an AA in the same case. Title IX Coordinators may not serve as a Hearing Panel member or DA in any case involving an allegation of discrimination or harassment based on sex.

<sup>42</sup> The Appellate Authority is any individual or panel responsible for rendering appeal decisions as specified in university rules. The role of the AA is to review the process by which an original decision was reached and render an appellate decision, consistent with the grounds for appeal. Title IX Coordinators may not serve as an AA in any case involving an allegation of discrimination or harassment based on sex. All persons serving as DAs, AAs, and IAs will be impartial and free of conflicts of interest or bias for or against the complainant or the respondent. Parties who are concerned about the impartiality of an individual serving in one of these roles should submit their concerns, in writing, to the Chief Ethics and Compliance Officer (361) 593-4758 who may designate alternative individuals to fulfill any of these roles.

up to and including dismissal and/or separation from the university. Examples of abuse of process include, but are not limited to:

- Failure to appear at a meeting, interview, hearing, or conference as set forth in a notice issued by the Office of Compliance (for university employees only);
- Falsification, distortion, destruction, or misrepresentation of evidence or information;
- Disruption or interference with the orderly conduct of an investigation, interview, meeting, hearing or conference;
- Intentionally initiating or causing a false report to be initiated;
- Attempting to discourage an individual's proper participation in, or use of, the investigation and resolution process, disciplinary process, or legal process;
- Attempting to influence the impartiality of the IA, Hearing Facilitator, Hearing Panel or AA prior to, and/or during the course of the investigation and resolution process;
- Verbal or physical intimidation, and/or retaliation of any party to the investigation and resolution process prior to, during, and/or afterwards;
- Failure to abide by the terms of university administered sanctions;
- Influencing or attempting to influence another person to commit an abuse of the investigation and resolution process; and/or
- Failure to cooperate fully with the IA (applies to employees only).

Students, employees, and third parties who are found responsible for abuse of the investigation and resolution process are subject to the sanctions as described in this policy.

During the investigation, the complainant and the respondent will have an equal opportunity to be heard, submit information and corroborating evidence, identify witnesses who may have relevant information, and submit questions to be asked of the other party. Questions for the other party will be asked by and at the discretion of the IA. The IA will meet separately with the complainant, the respondent, and any witnesses, and will gather other relevant and available evidence and information. The IA may also consult medical, forensic, technological, or other experts when expertise is needed in order to achieve an understanding of the issues under investigation.

Witnesses must (1) have observed the acts in question, (2) have information related to or relevant to the incident, or (3) have information about impact, mitigation, aggravation, and/or character in order to participate in the investigation process.

Investigations provide both the complainant and respondent the same opportunities to have one advisor<sup>43</sup> present during any institutional proceeding or related meeting. The complainant and respondent can choose anyone to be their advisor. The advisor may be present at any time in which the party participates in the investigation and resolution process, including the filing of

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<sup>43</sup> An advisor is an individual selected by each complainant and respondent to provide guidance, support, or advice during the investigation and resolution process and to conduct cross-examination when a complaint is referred to a formal hearing. An advisor may be an attorney. The university may appoint an advisor of the university's choice for a complainant or respondent for a hearing if either party does not have an advisor present. Advisors may not otherwise represent or speak for the party they are advising. Each party is allowed one advisor, although the university may establish circumstances under which a second advisor would be permitted (e.g., accommodating a party with a disability).

the complaint, the interview with the IA, and all other meetings related to the investigation and resolution of the complaint. A party may select any person to be an advisor, including legal counsel.

If the allegations are related to sexual harassment or sex-based misconduct, a party must have an advisor for the hearing to provide guidance and to conduct cross examination. If a party does not have an advisor for a hearing involving sexual harassment or sex-based misconduct allegations, the university will appoint an advisor for the party. In cases where a party believes the university appointed advisor is not fulfilling their obligations, the party may request another advisor to be assigned.

Restrictions regarding the extent to which the advisor will participate in the proceedings may be established and applied equally to both parties. In all instances, the advisor's participation will be limited to the role of an observer, except that the advisor will conduct the cross examination during a hearing on allegations of sexual harassment and sex-based misconduct. An advisor can be barred from being present during the investigation and resolution process if, in the judgment of the IA, Hearing Facilitator, Hearing Panel, AA, or the Chief Ethics and Compliance Officer and Title IX Coordinator, the advisor attempts to advocate on behalf of a party (other than cross-examination), or is otherwise disruptive. All parties, including advisors, are informed of participation restrictions before a proceeding is conducted so that parties understand and respect the limitations.

When the university is made aware that there is a concurrent criminal investigation, the Office of Compliance may inform the law enforcement agency that a university investigation is also in progress; ascertain the status of the criminal investigation; and determine the extent to which any evidence collected by law enforcement may be available to the university in its investigation.

At the request of law enforcement, the university may temporarily defer part or all of the investigation until after the initial evidence-gathering phase of the law enforcement investigation is complete. The IA will communicate with the parties (as appropriate) about the law enforcement agency's request to the extent allowed by law; the university's obligations and supportive measures; procedural options; anticipated timing; and the implementation of any necessary interim measures for the safety and well-being of all affected individuals.

Standards for the resolution of criminal allegations are different than the standards for resolution of a violation of System Regulation 08.01.01 and/or any other university policy, rule, SAP, or code; therefore, the university will not base its decisions on any law enforcement determination and/or the outcomes of any criminal proceedings.

Within 30 business days, the IA will prepare an initial draft investigation report at the conclusion of the investigation and provide it to OGC for review. The initial draft investigation

report includes the following but does not contain speculation, opinions, findings, decisions, or recommendations for sanctions<sup>44</sup>:

- statement of the allegation
- listing of individuals interviewed including dates of the interviews
- all inculpatory evidence (evidence that would tend to support a finding that a respondent is responsible for the alleged misconduct) that is directly related to the allegations
- all exculpatory evidence (evidence that would tend to support a finding that a respondent did not commit the alleged misconduct) that is directly related to the allegations
- credibility assessments which may not be based on an individual's status as a complainant, respondent, or witness
- listing of relevant documents attached to the report as exhibits

The IA has the sole discretion to determine the relevance of evidence and whether it should be included in or excluded from the investigation report. However, any inculpatory or exculpatory evidence received from the complainant, respondent, or witness(es) should be included. OGC will coordinate with SECO and provide its review of the initial draft investigation report to the IA within 10 business days.

The IA will have 5 business days to create a final draft investigation report and share that document electronically with both the complainant, respondent, and their advisors, if any. The university provides parties an equal opportunity to inspect and review any evidence obtained as part of the investigation that is directly related to the allegations raised in the formal complaint, including the evidence upon which the university does not intend to rely in reaching a determination regarding responsibility, and inculpatory or exculpatory evidence related to the allegations whether obtained from a party or other source, so that each party can meaningfully respond to the evidence prior to the conclusion of the investigation. This includes sending to each party and the party's advisor, if any, the final draft investigation report (with exhibits) subject to inspection and review. Both the report and the collected evidence will be unredacted to the extent allowed by law.

The complainant and the respondent will be given 10 business days to review the final draft investigation report and evidence and submit a written response to the IA for the IA to consider prior to final completion of the investigative report. A party's response may include: (1) written comment or feedback; (2) additional evidence or information; (3) the names of additional witnesses or a request for the collection of other information by the IA; and/or (4) questions to be asked (at the discretion of the IA) of the other parties or witnesses. The IA must explain to the party proposing the questions any decision to exclude a question as repetitious or not

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<sup>44</sup> The investigation report for a non-sex based civil rights complaint must also include the IA's conclusion, based on the preponderance of the evidence, whether or not the alleged behavior/conduct occurred, did not occur, or there was insufficient evidence to establish that the behavior occurred or not, but will not determine whether or not the behavior establishes a violation of system or university regulations or rules.

relevant. A party's written response, if any, will be shared with all other parties and incorporated in the investigation report as an exhibit.

While it is the IA's responsibility to undertake a thorough search for relevant facts and evidence and to gather evidence sufficient to reach a determination regarding responsibility, the IA must conclude the investigation within a reasonably prompt time frame and without the power of subpoena.

At the conclusion of the review and respond period, the IA will determine if any new or relevant information was provided by one or both of the parties. If necessary, the IA may pursue additional investigative steps and/or amend the final draft investigation report. The IA will have 10 business days to complete this process.

The IA will then have 5 additional business days to prepare a final report (as amended, if applicable), and forward it along with exhibits, responses from the parties, and other information directly related and relevant to the allegations, to OGC and SECO for legal review. OGC and SECO will then have 5 business days to provide feedback to IA. The latter review provided by OGC and SECO may be waived by mutual agreement between the university and OGC/SECO if no substantive changes were made following the initial review. After receiving the legal review, the IA will have 5 business days to finalize the investigation report and submit to the Hearing Facilitator who will convene a Hearing Panel for decision-making and sanctions.

Circumstances may warrant extensions to the time frames in this section. The IA should send an extension request, if needed, to the Office of Compliance. Both the complainant(s) and the respondent(s) are notified of any extensions in writing.

The respondent is presumed to not have engaged in prohibited conduct until the Hearing Panel finds that there is sufficient evidence based on a preponderance of the evidence to find that the respondent has violated System Regulation 08.01.01 and/or Rule 08.01.01.K1. If a violation(s) is found, the Hearing Panel may recommend sanctions consistent with the sanctioning requirements of the regulation.

### ***Procedures governing the resolution of all sexual harassment and sex-based misconduct allegations***

A Hearing Facilitator will be appointed to assist the Hearing Panel and facilitate the hearing process. The Hearing Panel consists of three individuals who will render decisions in cases with allegations against employees, third parties, and students<sup>45</sup> by majority vote.

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<sup>45</sup> Exceptions: The chancellor or designee will serve as the DA in complaints against the Texas A&M University-Kingsville President or an employee who reports directly to the Texas A&M University-Kingsville President; the Title IX Coordinator, or the Chief Ethics & Compliance Officer. The chair of the Board of Regents or designee will serve as the DA in complaints against the chancellor or an employee who reports directly to the chancellor.

The Hearing Panel will review the unredacted final investigation report, the documentary evidence, the record of the hearing (if applicable), and any other relevant information. The Hearing Facilitator or designee will provide the final investigative report and exhibits to the parties. The parties will also be provided a pre-hearing conference to review the hearing process as well as to explore any available options for informal resolution. The parties have at least 10 business days to review the final investigative report and to respond in writing to the Hearing Facilitator (if desired) prior to the hearing. The Hearing Facilitator has the sole discretion to determine the relevance of evidence and whether it should be heard at a hearing. The Rules of Evidence do not apply in hearings. At any time prior to the adjudication of a formal complaint, the parties may seek informal resolution to resolve the complaint except in complaints involving allegations that an employee sexually harassed a student.

Unless waived by the parties, following the pre-hearing conference the parties will be given a minimum of 5 business days notice of any formal hearing. The notice must include the date, time, and location of the hearing, as well as instructions for those participating in hearings through online means.

The Hearing Facilitator and Hearing Panel will conduct a live hearing<sup>46</sup> to allow the parties to question witnesses, submit evidence or information, and to allow the Hearing Panel, the IA, and the parties' advisors to cross-examine other parties or witnesses. The complainant and the respondent at a hearing must have an advisor with them. In cases in which a party does not have an advisor, the university will provide a trained advisor to assist them in the hearing process.

Cross-examination of the complainant, respondent, and any witnesses may not be conducted by the opposing party but must be conducted by their advisor. Questions are to be directed to the Hearing Panel Chair<sup>47</sup>, who will determine whether or not each question will be admitted into the hearing. If a question is deemed repetitious or not relevant, the decision-maker must explain the decision to exclude it. When parties are being subject to cross examination, the advisor may not answer on behalf of the party.

The Hearing Panel Chair will preside over the hearing and make final determinations on the relevance of questions and evidence asked during the cross-examination. Questions and evidence about the complainant's sexual predisposition or prior sexual behavior are not relevant, unless such questions and evidence about the complainant's prior sexual behavior are offered to prove that someone other than the respondent committed the alleged conduct, or if the questions and evidence concern specific incidents of the complainant's prior sexual

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<sup>46</sup> Hearings will be closed to the public. The university will create an audio or audiovisual recording, or transcript, of any live hearing and make it available to the parties for inspection and review upon request by the parties. Physical access to the recording or transcript must be provided upon request for the purpose of preparing an appeal following the hearing. Attendance at a hearing may be in person or may be conducted through remote means, provided that all parties and the Hearing Facilitator, Hearing Panel, and IA can see and hear one another in real time during the course of the hearing.

<sup>47</sup> The Hearing Panel Chair is a voting member of the Hearing Panel and is responsible for making decisions regarding the admissibility of any questions asked during the hearing. If a question is inadmissible.

behavior with respect to the respondent and are offered to prove consent. The Hearing Panel cannot draw an inference regarding responsibility based solely on a party's or witness's absence from the live hearing or refusal to answer cross examination or other questions.

Following the hearing, the Hearing Panel in consultation with the Hearing Facilitator will develop a draft result<sup>48</sup> (hereafter called decision), based on the preponderance of the evidence, as to a) whether or not the alleged conduct occurred; and b) whether each allegation is substantiated, unsubstantiated, or there is insufficient information to substantiate that the respondent violated System Regulation 08.01.01 and/or Rule 08.01.01.K1. If applicable, the Hearing Panel will also include a decision as to whether the respondent violated any other university policy, regulation, rule, SAP, or code. If the Hearing Panel determines that any policies, regulations, rules, SAPs, or codes have been violated, the Hearing Panel will consider any information about impact, mitigation, aggravation, and the respondent's character (see factors listed in the Sanctioning Considerations section) and include a decision about sanctions. The Hearing Facilitator will submit the decision draft to SECO within 2 business days. SECO will have a maximum of 3 business days to provide feedback to the Hearing Facilitator.

Thereafter, the Hearing Facilitator will have a maximum of 3 additional business days to issue a decision letter. The decision letter must be sent simultaneously to notify the parties, in writing, of the decision on responsibility and sanctions except when to do so would violate state or federal law [e.g. Family Education Rights and Privacy Act (FERPA)]. The decision must include any sanctions imposed by the institution. Notwithstanding section 444 of the General Education Provision Act (20 U.S.C. 1232g), commonly referred to as FERPA, the decision letter must include the rationale for the decision and the sanctions<sup>49</sup>. The decision will include information about appealing the decision and/or sanctions.

Decision letters must include (1) identification of the allegations; (2) a description of the procedural steps taken from the receipt of a formal complaint through determination, including any notifications to the parties, interviews with parties and witnesses, site visits, methods used to gather other evidence, and hearings held, if any; (3) a finding for each allegation as to whether the conduct occurred and findings of fact supporting the determination; (4) conclusion regarding the application of the university's conduct standards to the facts; (5) a statement of, and rationale for, the result as to each allegation including a determination regarding responsibility (substantiated, unsubstantiated, or there is insufficient information to substantiate that the respondent violated System Regulation 08.01.01 and/or Rule 08.01.01.K1), any disciplinary sanctions the university imposes on the respondent, and whether remedies designed to restore or preserve equal access to the university's education program or activity will be provided by the university to the complainant, and; (6) the university's procedures and permissible bases for the complainant and respondent to appeal the decision

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<sup>48</sup> Result is defined as any initial, interim and final decision by any official or entity authorized to resolve disciplinary matters within the institution. The result must include any sanction imposed by the institution.

<sup>49</sup> The decision of the Hearing Panel will include how the university weighted the evidence and information presented during the hearing, how the evidence and information support the decision and sanctions, and how the standard of evidence was applied.

and/or sanctions. If it was alleged that any other system regulations or university policies, regulations, rules, SAPs, or codes were violated, there will be a statement of responsibility as to these allegations as well. The decision on responsibility made by the Hearing Panel does not constitute an employment action with respect to faculty and non-faculty employees. Any sanction against an employee, imposed as a result of a substantiated finding, will constitute an employment action.

If for any reason there is reasonable cause for the university to delay the issuance of the decision letter, this will be communicated to the parties by the Hearing Facilitator or designee. If a student respondent withdraws or graduates from the university pending the resolution of a complaint, the process will continue and, the university will not issue a transcript on behalf of the student until the conclusion of the process.

Upon request by another postsecondary educational institution, the university must provide to the requesting institution any determination that a student violated the university's code of conduct by committing sexual harassment, sexual assault, sex-based misconduct, dating violence, domestic violence, and/or stalking based on sex.

The goal is to resolve complaints in a reasonably prompt timeframe; however, extenuating circumstances requiring additional time may necessitate an extension for good cause. Written notice of the delay and the reason for the delay is provided to the complainant and the respondent by the Office of Compliance or designee.

***Procedures governing the resolution of other civil rights complaints (pay disparities and/or program inequities, excluding [hostile environment](#), and allegations other than sexual harassment and sex-based misconduct)***

Following are the resolution procedures for pay disparities and/or program inequities, excluding hostile environment, and non sex-based complaints based on race, color, religion, national origin, age, disability, genetic information, and/or veteran status. When a complaint involves allegations of misconduct that involve both sex-based allegations and allegations of other civil rights violations, the process shall be conducted under the requirements established for sex-based offenses.

The DA will review the unredacted final investigation report (see footnote 14), the documentary evidence, and any other relevant information. If the DA has substantial doubts about the thoroughness, fairness, and/or impartiality of the investigation, the DA may refer the matter back to the IA with further instructions, which could include the appointment of a different IA. At any time prior to the adjudication of a formal complaint, the parties may seek informal resolution to resolve the complaint.

The DA will develop a draft decision (see footnote 17), based on the preponderance of the evidence, as to a) a finding for each allegation as to whether conduct occurred; and b) a finding of responsibility for each allegation: substantiated, unsubstantiated, or there is insufficient information to substantiate that the respondent violated System Regulation 08.01.01 and/or



Rule 08.01.01.K1. If it was alleged that any other system regulations or university policies, regulations, rules, SAPs, or codes were violated, there will be a statement of responsibility as to these allegations as well.

The DA will submit the draft decision to OGC within 5 business days after receiving the final investigation report and consult, as needed, with respect to sanctioning. OGC will coordinate with SECO and provide its review of the draft decision within 5 business days. For a complaint against a student, it may be impractical for OGC to review the intended decision prior to issuance by the DA. Universities are therefore exempt from obtaining OGC review of the decision, for student complainants, prior to issuance but may request assistance from OGC and SECO when needed.

The DA will have 5 business days to finalize the decision and simultaneously notify the parties, the IA, and any other university official with a need to know, in writing, of the decision and sanctions. In cases in which the allegations are substantiated, the final decision will also be provided to an employee respondent's supervisor. The decision must include any sanctions imposed by the institution. Notwithstanding section 444 of the General Education Provision Act (20 U.S.C. 1232g), commonly referred to as FERPA, in the decision, the DA will state the rationale for the decision and the sanctions, if any (see footnote 18). The final decision will include instructions for appealing the decision and/or sanctions.

Circumstances may warrant extensions to the time frames in this section. The DA should send an extension request, if needed, to the office or individuals who appointed them. Both the complainant(s) and the respondent(s) should be notified of any extensions in writing.

### ***Sanctioning Considerations***

In determining appropriate sanctions, many factors may be considered. Factors include, but are not limited to:

- the expressed wishes of the complainant(s),
- the nature of the conduct,
- the impact of the conduct on the complainant(s) and university community and the need to protect the safety of the university community,
- prior disciplinary history of the respondent,
- whether the respondent has accepted responsibility for the conduct,
- the necessity of any specific action in order to eliminate the discrimination, harassment, and/or retaliation and prevent its recurrence, as well as the need to remedy its effects on the complainant(s) or other university community members, and/or
- any other mitigating, aggravating, or compelling circumstances.

### ***Sanctioning for Employees***

If an employee is found to have engaged in sexual harassment or sex-based misconduct, the sanction will be termination of employment. If an employee is found to have engaged in conduct prohibited by System Regulation 08.01.01 and/or Rule 08.01.01.K1 (other than sexual

harassment and/or sex-based misconduct), the DA may assign appropriate sanction(s) which may have educational, restorative, punitive, and rehabilitative components. Sanctions include written warning or reprimand, required training and/or attendance at counseling, no contact directives, probation, suspension, and termination.

If an employee is found responsible for violating any other policy, regulation, rule, SAP, or code, the DA may assign appropriate sanction(s) or may refer the sanctioning to any other appropriate university administrator.

### ***Sanctioning for Students***

If a student is found responsible for sexual harassment or sex-based misconduct, the student will be sanctioned in accordance with the [Texas A&M University-Kingsville Student Handbook](#) (Section 11: Disciplinary Sanctions) and System Regulation 08.01.01 which is described below. If a student is found responsible for engaging in any other form of conduct prohibited by System Regulation 08.01.01 or Rule 08.01.01.K1, or if the student is found responsible for violating any other university rule or System regulation, the DA will assign appropriate sanctions which may have educational, restorative, and rehabilitative components and/or may place a student in a probationary or review status or separate the student from the university.

The sanctions identified below are not inclusive and may be levied in any combination:

- **Warning:** A notice in writing to the student/organization that the student/organization is violating or has violated institutional regulations and that the continuation of such conduct or actions could result in further disciplinary action.
- **Probation:** A written reprimand for violation of specified regulations. Probation is for a designated period of time and includes the probability of more severe disciplinary sanctions if found to violate any institutional regulations or failure to comply with the sanctions imposed by the hearing body.
- **Loss of Privileges:** Denial of specified privileges for a designated period of time.
- **Fines:** Previously established and published fines may be imposed.
- **Restitution:** Compensation for loss, damage, misappropriation or injury. This may take the form of appropriate service and/or monetary or material replacement.
- **Educational Sanctions:** A provision to complete work assignments, essays, specific educational requirement (i.e., counseling, attending an alcohol workshop, online educational workshop, etc.), service to the university or designated community agency, or other related discretionary assignments.
- **No Contact Order:** Directive to cease any and all contact with another party/parties. This includes contact initiated through any means: telephone, correspondence, personal visits, e-mail, social media (i.e., Facebook, Twitter) etc.) as well as contact initiated by any third parties on your behalf or at your request. This also includes making electronic outreaches to or statements about the other parties through blogs or other social media, 'tagging' them in comments, or through online message boards or other internet sites. This restriction applies to both on and off campus. The directive to avoid contact until such time as this order is lifted.

- **Residence Hall Suspension:** Separation of the student from university housing for a definite period of time after which the student is eligible to return. Conditions for readmission may be specified. A student has 36 hours upon notification to vacate the premises (except in the case of an interim suspension where the student may be asked to immediately vacate the premises). The student will forfeit the housing deposit and is liable for the prorated rent amount for the period the student resided in the halls as stipulated in the housing agreement. The student may not enter or visit university housing during this period.
- **Residence Hall Expulsion:** Permanent separation of the student from the residence halls. A student has 36 hours upon notification to vacate the premises (except in the case of an interim suspension where the student may be asked to immediately vacate the premises). The student will forfeit the housing deposit and is liable for the prorated rent amount for the period the student resided in the halls as stipulated in the housing agreement. The student may not enter or visit university housing during this period.
- **University Suspension:** Separation of the student from the University for a definite period of time, after which the student is eligible to return. Conditions for readmission may be specified. The student is not entitled to a refund of tuition and/or fees for the term in which the student is suspended.
- **University Expulsion:** Permanent separation of the student from the University. The student is not entitled to a refund of tuition and/or fees for the term in which the student is expelled.
- **Revocation of Admission and/or Degree:** Admission to or a degree awarded from the University may be revoked for academic misconduct, misrepresentation, or other violation of University standards in obtaining the degree.
- **Withholding Degree:** The University may withhold awarding a degree otherwise earned until the completion of the process set forth in this Student Code of Conduct, including the completion of all sanctions imposed, if any.
- **Appropriate Grade Penalties:** In cases of academic misconduct may include issuance of a grade of "F" in a course, grade reduction, removal from an academic program or additional work assigned. For serious academic misconduct cases such as, but not limited to, those involving repeated offenses, conspiracy with other students or the theft and/or sale of examination questions, suspension or expulsion from the university is a common sanction.

### ***Appeals procedures governing the resolution of all sexual harassment and sex-based misconduct allegations***

In cases of sex-based misconduct/sexual harassment and/or related retaliation involving a student, the appeal must be made in writing to the Dean of Students or a designee within five (5) business days after notification of the initial decision. Appeal requests will be reviewed for merit and that the appeal was filed in a timely manner. Both the complainant and the respondent will be notified simultaneously in writing of the results of the appeal. The complainant and respondent are required to keep the results of the disciplinary action and appeal confidential. For further information, contact the Assistant Vice President of Student

Affairs/Dean of Students at (361) 593-3606.

With respect to allegations of sex discrimination, the Hearing Panel's decision and the sanction imposed by the sanctioning authority can be appealed by the complainant and/or respondent, but only on the following basis, as applicable:

- a procedural error or omission that significantly impacted the outcome;
- new evidence, unknown or unavailable during the investigation, that could have significantly impacted the outcome;
- the appropriateness or severity of the sanctions; or
- the Title IX Coordinator, investigator, or decision-maker had a conflict of interest or bias for or against complainants or respondents generally or the individual complainant or respondent that affected the outcome of the investigation.

The appeal will be confined to a review of the written documentation and record of the investigation and/or hearing, and pertinent documentation regarding the grounds for the appeal. The appeal does not create an entitlement to a new investigation or a full re-hearing of the complaint. The appeal process for both the complainant and the respondent must be equitable, but not necessarily identical. The appeal must be filed within the time period specified in TAMUK University Rule 08.01.01.K1, Civil Rights Protections and Compliance.

Any student receiving a sanction of separation (expulsion or suspension) pursuant to System Regulation 08.01.01, Civil Rights Compliance may appeal the sanction in accordance with the member rule and/or code of conduct for student grievances.

### **Status of Students During an Appeal**

Pending final action on a disciplinary charge or appeal, the student's status should not be altered nor should his/her right to be present on the campus or his/her privilege to attend classes be suspended except for the following:

- when the university has imposed *temporary emergency removal* action;
- when a "disciplinary hold" is placed on the student's academic and/or financial records pending the outcome of disciplinary proceedings or to enforce a disciplinary sanction;
- when interim measures or restrictions are taken during a Title IX investigation and/or code of conduct disciplinary process when it is determined that they are necessary and appropriate to the safety of the community, and/or to protect the integrity of the complaint/investigation process; or
- to assist with maintaining order on campus in incidents involving serious cases of class/facility disruptions or threat of violence whereby student(s) involved may be restricted from certain areas or other accommodations made to minimize the opportunity for verbal/physical conflict or retaliation.

### ***Appeal procedures governing the resolution of other complaints (allegations other than sexual harassment and sex-based misconduct)***

Any employee disciplined pursuant to this regulation may appeal that action in accordance with [System Policy 12.01, Academic Freedom, Responsibility and Tenure](#); [System Policy 32.01,](#)

[Employee Complaint and Appeal Procedures; System Regulation 32.01.01, Complaint and Appeal Process for Faculty Members; System Regulation 32.01.02, Complaint and Appeal Process for Nonfaculty Employees;](#) and/or other system policies or regulations as appropriate.

Any student receiving a sanction of separation (expulsion or suspension) pursuant to this regulation may appeal the sanction in accordance with the [Texas A&M University-Kingsville Student Handbook \(Section 15: Student Grievance \(Formal Complaint\) Procedures\)](#).

### ***Extensions***

The university will make every reasonable effort to comply with the timelines contained in this procedure. However, extensions may be obtained by the IA, Hearing Facilitator, DA, or AA, as appropriate under the circumstances. Time frames for the receipt, investigation, and adjudication of complaints may be extended for good cause. Good cause is to be determined by the university in consultation with OGC and SECO and reasonable extensions may be granted at the discretion of the university. Circumstances that warrant an extension may include, but are not limited to:

- Temporary unavailability of the complainant(s), respondent(s) or witnesses;
- Delays in issuance and/or receipt of information to or from the IA;
- Temporary unavailability of the IA, Hearing Facilitator, DA, or AA due to illness, family needs or professional commitments;
- Holidays or other periods when the complainant, respondent, witnesses, or other university employees may be unavailable; and/or
- New allegations, new evidence, new witnesses, or any other fact or circumstance that would require further investigation.

All requests for extensions must be justified in writing and shall be sent by the IA, Hearing Facilitator, DA, or AA to the Office of Compliance for review and approval by the Chief Ethics and Compliance Officer or designee. The Office of Compliance will simultaneously notify the complainant and respondent in writing of any extensions and the reason for the extensions.

### **Dismissals under Title IX**

Cases involving allegations of sexual harassment, sexual assault, and dating violence, domestic violence, and/or stalking based on sex are subject to mandatory or discretionary dismissal from the Title IX process<sup>50</sup> under federal law. However, at the discretion of the Title IX Coordinator, in consultation with OGC and SECO, cases dismissed from the Title IX process may be subject to investigation and adjudication as sex-based misconduct which provides for the same investigation and resolution process as cases meeting sexual harassment under Title IX.

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<sup>50</sup> Complaints will be processed under Title IX if all of the following apply: (1) The university has actual knowledge of a notice of sexual harassment or a complaint involving allegations of sexual harassment, sexual assault, and/or dating violence, domestic violence, and stalking based on sex to the Title IX Coordinator or any university official who has authority to institute corrective measures and redress harassment on behalf of the university. Imputation of knowledge based solely on vicarious liability or constructive notice is insufficient to constitute actual knowledge; (2) A formal complaint is filed by the complainant or signed by the Title IX Coordinator; (3) The alleged behavior/conduct must have occurred against a person while in the United States; (4) At the time the formal complaint was filed, the complainant was participating or attempting to participate in the university's education program or activity. This includes an enrolled student, an employee, and applicants for admission or employment at the university, and; (5) The alleged conduct meets the definition of sexual harassment as set forth in this policy.

***Mandatory dismissals***

If the conduct alleged in the formal complaint would not constitute sexual harassment as defined even if proved, did not occur in the university's education program or activity, or did not occur against a person in the United States, then the university must dismiss the formal complaint with regard to that conduct for purposes of sexual harassment under Title IX only. Such dismissal does not preclude action under

- Sex-based Misconduct procedures or
- Another provision of the university's conduct standards.

***Discretionary dismissals***

The university may dismiss a formal complaint for the purposes of sexual harassment under Title IX if the complainant notifies the Title IX Coordinator in writing that the complainant wishes to withdraw it, if the respondent is no longer enrolled or employed by the university, or if specific circumstances prevent the university from collecting evidence sufficient to reach a determination (for example, when the complainant has ceased participating in the process; in certain fact specific cases when the passage of time precludes the collection of sufficient evidence; when complainant's identity is not known; and when the exact same allegations have already been investigated and adjudicated). Such dismissal does not preclude action under

- Sex-based Misconduct procedures or
- Another provision of the university's conduct standards.

Upon a dismissal required or permitted pursuant to the above, the university must promptly send written notice of the dismissal and the reason(s) therefore simultaneously to the parties. The parties must be given the opportunity to appeal a dismissal to the designated AA in accordance with the appeal procedures referenced above.

**Prevention and Awareness Programs<sup>51</sup>**

The university engages in primary prevention programs that are directed at incoming students and new employees. The primary programs are defined as programming, initiatives, and strategies informed by research or assessed for value, effectiveness, or outcome that are intended to stop dating violence, domestic violence, sexual assault, and stalking before they occur through the promotion of positive and healthy behaviors that foster healthy, mutually respectful relationships and sexual interactions, encourage safe bystander intervention, and seek to change behavior and social norms in healthy and safe directions.

TAMUK provides culturally relevant, inclusive primary prevention and awareness education to incoming students and new employees to clearly define sexual assault, dating violence,

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<sup>51</sup> For the purposes of this section awareness programs means community-wide or audience-specific programming, initiatives, and strategies that increase audience knowledge and share information and resources to prevent violence, promote safety, and reduce perpetration. Programs to prevent dating violence, domestic violence, sexual assault, and stalking means comprehensive, intentional, and integrated programming, initiatives, strategies, and campaigns intended to end dating violence, domestic violence, sexual assault, and stalking that are culturally relevant, inclusive of diverse communities and identities, sustainable, responsive to community needs, and informed by research, assessed for value, effectiveness, or outcome; and consider environmental risk and protective factors as they occur on the individual, relationship, institutional, community, and societal levels.

domestic violence, stalking, and consent in reference to sexual activity (as defined by the institution, the purposes for which the institutional definition is used, and as defined in the applicable jurisdiction). The programs identify sexual assault, dating violence, domestic violence, and stalking as conduct prohibited by the university and provide information regarding bystander intervention, risk reduction in recognizing warning signs of abusive behavior, ways to avoid potential attacks, and individuals' rights and options. The training includes procedures individuals should follow if sexual assault, dating violence, domestic violence, or stalking occurs and procedures the institution will follow when one of these behaviors is reported. This includes, but is not limited to, the importance of preserving evidence; options for notifying law enforcement and campus authorities; procedures for institutional disciplinary action and conduct proceedings; possible sanctions following a proceeding; on-campus and community resources (existing counseling, health, mental health, advocacy, legal assistance, visa and immigration assistance, student financial aid, and other services); rights and options for obtaining lawful orders; options for, assistance in, and how to request changes to academic, living, transportation, and working situations or supportive measures; how the institution will protect the confidentiality of victims and other necessary parties; and protection from retaliation.

Primary prevention programs include the following:

- First-semester undergraduate and transfer students are required to take *Sexual Assault Prevention for Undergraduates* training focusing on sexual harassment, sexual assault, dating violence, domestic violence, and stalking provided through EverFi during their first semester of enrollment. The training should be completed before priority registration begins for the following semester or a registration hold will be placed on their account. Students who started during a summer session will have to complete the training during the fall semester.
- Student athletes and athletic staff are required to take annual sexual violence prevention training. Student athletes take *Sexual Assault Prevention for Student-Athletes* and athletic staff take *Harassment and Discrimination Prevention* training provided through EverFi.
- Student employees are required to take *Harassment and Discrimination Prevention* training provided through EverFi.
- The [Texas A&M University-Kingsville Student Handbook](#), available to students electronically, contains information on sexual assault, dating violence, domestic violence, and stalking; awareness; rights; resources; and options available through the Office of Compliance.
- New employees receive primary prevention information through a web-based *Creating a Discrimination Free Workplace* training mandated by The Texas A&M University System. All employees are required to complete the training every two years thereafter.

The university engages in ongoing prevention and awareness campaigns that are directed at students and employees. The ongoing campaigns are defined as programming, initiatives, and strategies that are sustained over time and focus on increasing understanding of topics relevant to and skills for addressing dating violence, domestic violence, sexual assault, and stalking using

a range of strategies with audiences throughout the institution. The same information included in the institution's primary prevention and awareness programs is incorporated into ongoing prevention and awareness campaigns. Various departments on campus support ongoing campaigns for students and employees as described below.

UPD provides ongoing education available to students and employees to promote crime prevention and personal safety including sexual assault and stalking prevention and awareness, drug and alcohol awareness, and sexual harassment and rape prevention through self-defense tactics. Related materials are typically distributed at awareness events across campus and in the community during times such as National Night Out.

The Office of Compliance provides Title IX presentations to various TAMUK student, staff, and faculty groups multiple times per year and upon request. The presentations include an explanation of the federal law and TAMUK's institutional policies, reporting procedures, responses, and disciplinary proceedings as well as primary prevention initiatives and other awareness opportunities. The Office of Compliance also offers educational awareness and prevention events including:

- Denim Day which promotes sexual assault awareness through decorating denim jeans.
- Through Their Steps allows participants to take an interactive role in navigating resources to spread awareness regarding relationship violence.
- Red Zone Week with bystander intervention and unhealthy relationship awareness tables, conversations on consent, and a campus resource panel.

The Peer Educator Program (PEP Talk) reaches out to the university community to increase awareness on health and safety issues. The goal of this program is to share, teach and empower peers to evaluate their lifestyles and make more responsible, healthier decisions. PEP Talk and Student Health & Wellness join the Office of Compliance and other university departments (Student Activities, University Housing & Residence Life, and UPD) in conducting outreach education efforts related to Title IX. The programs and events include:

- STEP UP Javelinas – Bystander Intervention Program educates members of the Javelina community on how to safely and effectively intervene when an individual is experiencing situations that are threatening the person's safety and well-being.
- Tropical Temptations Safe Spring Break provides resources on sexual health and safety and how to protect and help your peers.
- Walk a Mile in Her Shoes raises awareness about sexual violence and information is provided by the The Purple Door, a non-profit organization committed to serving individuals affected by domestic violence and/or sexual assault.
- Take Back the Night raises awareness about sexual, domestic, and gender violence. The event includes a candlelight vigil, community speakers, and an open mic session.
- Javelina Night Out raises awareness on sexual assault, personal safety, mental health, and other university resources.
- Sober Spirits provides information on healthy relationships and obtaining sober consent.



Human Resources offers training for employees regarding fostering respect in the workplace that covers information about the employee's and supervisor's role in maintaining a work environment that is free from discrimination and harassment. Participants have the opportunity to review federal equality laws, identify and discuss behaviors that might unknowingly contribute to a disrespectful or hostile environment, and identify ways to be proactive in creating a respectful work environment. Other online courses are offered that provide guidance in following university policies and rules and reporting and addressing complaints.

The Title IX webpage, [https://www.tamuk.edu/finance/compliance/title\\_9/index.html](https://www.tamuk.edu/finance/compliance/title_9/index.html), describes university resources, assistance, educational opportunities, and reporting procedures for campus community members impacted by sexual violence, sexual harassment, and other illegal discrimination. The Office of Compliance, the Dean of Students, and UPD provide information for students, faculty, and staff who wish to report any form of sexual discrimination or harassment.

A notice of non-discrimination and abuse is sent to all students and employees by the Office of Compliance at the beginning of the fall and spring semesters regarding reporting procedures and requirements related to incidents of illegal discrimination, sexual harassment (including sexual assault, dating violence, domestic violence, and stalking), and related retaliation.

All students and employees are provided written notification about existing counseling, health, mental health, victim advocacy, legal assistance, visa and immigration assistance, student financial aid, and other services and resources available for individuals both on-campus and in the community through a campus newsletter. The written notification is provided to students and employees by the Office of Compliance through an annual e-mail (fall semester) that contains information about how to report incidents, applicable policies, and other available options in addition to existing services and resources.

## **Bystander Intervention and Risk Reduction<sup>52</sup>**

Everyone has a role in changing community knowledge, attitudes and behaviors. Change happens as each person is able to identify risky situations and take action to confront, interrupt, or prevent acts of sexual violence. Bystander intervention programs can help individuals observe a situation and determine an appropriate intervention where someone could use some help. Bystander intervention means just that; people taking care of others. If you find a friend in a situation that concerns you, consider the following strategies to intervene safely and effectively:

- Create a distraction to interrupt the flow of events
- Involve others to help you – this could be friends, waiters, or bartenders

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<sup>52</sup> For the purposes of this section bystander intervention means safe and positive options that may be carried out by an individual or individuals to prevent harm or intervene when there is a risk of dating violence, domestic violence, sexual assault, or stalking. 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. Risk reduction means options designed to decrease perpetration and bystander inaction, and to increase empowerment for victims in order to promote safety and to help individuals and communities address conditions that facilitate violence.

- Make an excuse to remove a friend from the situation
- Point out the unwanted behavior in a safe and respectful manner
- Call for help, if needed and in dangerous situations, call 911

Sexual assault is never a victim's fault. However, there are ways that may reduce the risk of being sexually assaulted including being prepared, alert, and assertive. Consider the following tips:

- Be aware of your surroundings
- Practice responsible drinking; alcohol is a factor in many sexual assaults
- Never leave your drink unattended
- Don't accept drinks from someone you don't know or trust
- Stay with your friends and make sure your friends stay with you
- Be careful of online relationships
- Trust your instincts

We are reminded to think about relationships, specifically relationships that may be, or become abusive. Be aware of the signs:

- Is one of the partners verbally and emotionally abusive?
- Is one of the partners isolating the other from friends and family?
- Is one of the partners controlling, intimidating or always jealous?
- Is there a threat of harm?

## Other Considerations

### Prohibition of Retaliation

TAMUK prohibits retaliation. TAMUK or an officer, employee, or agent of TAMUK, may not retaliate, intimidate, threaten, coerce, or otherwise discriminate against any individual for exercising their rights or responsibilities under any provision of System Regulation 08.01.01 or the Clery Act.

### Victim Notification

In accordance with the Higher Education Opportunity Act, upon written request, TAMUK will disclose to the alleged victim of any crime of violence, or non-forcible sex offense, the report on the results of any disciplinary proceeding conducted by the university against a student who is the alleged perpetrator of such crime or offense with respect to such crime or offense. If the alleged victim is deceased as a result of such crime or offense, the next of kin of such victim shall be treated as the alleged victim for the purposes of this paragraph.

Institutions are required to provide both the complainant and the respondent with simultaneous written notification of any result of any institutional conduct proceeding that arises from an allegation of dating violence, domestic violence, sexual assault, or stalking. In these cases, it is not necessary for the victim to make a written request.

## Sex Offender Registry

Section 121 of the Adam Walsh Child Protection and Safety Act of 2006 (42 U.S.C. 16921) provides for the tracking of registered sex offenders and instructs states to post sex offender data on the internet.

The Texas Department of Public Safety (DPS) is the official Texas internet source for Sex Offender Registration information. The Sex Offender Registration open record information is extracted from the DPS Sex Offender Registration Database. The DPS maintains files based on registration information submitted by criminal justice agencies and represents a statewide source of information on sex offenders required to register by law. The DPS Texas Public Sex Offender Registry website is found at: <https://publicsite.dps.texas.gov/SexOffenderRegistry>.

UPD receives notification of registered sex offenders that are currently employed, work, teach, volunteer, or attend classes on the campus of the TAMUK Citrus Center. Notification may come from the Hidalgo County Sheriff's Office or the Weslaco Police Department.

Additional resources for gathering sex offender and sex crime data in the area:  
Hidalgo County Sheriff's Office – (956) 383-8114  
Weslaco Police Department – (361) 968-8591

## Definitions of Clery Act Offenses

**Murder and Non-negligent Manslaughter:** The willful (non-negligent) killing of one human being by another.

**Manslaughter by Negligence:** The killing of another person through gross negligence.

**Sexual Assault:** An offense that meets the definition of rape, fondling, incest or statutory rape as used by the FBI's Uniform Crime Reporting (UCR) program. Per the National Incident-Based Reporting System User Manual from the FBI UCR program, a sex offense is "any sexual act directed against another person, without the consent of the victim, including instances where the victim is incapable of giving consent" (see consent section below).

**Rape:** The penetration, no matter how slight, of the vagina or anus with any body part or object, or oral penetration by a sex organ of another person, without the consent of the victim. This offense includes the rape of both males and females.

**Fondling:** The touching of the private body parts of another person for the purpose of sexual gratification, without the consent of the victim, including instances where the victim is incapable of giving consent because of his/her age or because of his/her temporary or permanent mental incapacity.

**Incest:** Sexual intercourse between persons who are related to each other within the degrees wherein marriage is prohibited by law.

**Statutory Rape:** Sexual intercourse with a person who is under the statutory age of consent.

Consent:

Texas A&M University System Regulation

[System Regulation 08.01.01, Civil Rights Compliance](#) provides guidance in complying with local, state and federal civil rights laws and regulations (laws) and related system policy. This regulation establishes systemwide standards for the receipt and processing of reports, complaints, formal complaints, investigations, adjudication, appeals, and use of informal resolution in cases involving allegations of discrimination, harassment and/or related retaliation based on protected class (discrimination), including complaints made by employees, students, and/or third parties.

According to [System Regulation 08.01.01, Civil Rights Compliance](#), consent is clear, voluntary, and ongoing agreement to engage in a specific sexual act. Persons need not verbalize their consent to engage in a sexual act for there to be permission. Permission to engage in a sexual act may be indicated through physical actions rather than words. A person who is asleep or mentally or physically incapacitated, either through the effect of drugs or alcohol or for any other reason, or whose agreement was made by threat, coercion, or force, cannot give consent. Consent may be revoked by any party at any time.

Texas Penal Code

According to the [Texas Penal Code, Sec. 1.02. Objectives of Code](#), the general purposes of the Texas Penal Code are to establish a system of prohibitions, penalties, and correctional measures to deal with conduct that unjustifiably and inexcusably causes or threatens harm to those individual or public interests for which state protection is appropriate.

Consent is defined in the [Texas Penal Code, Section 1.07\(11\)](#) as assent in fact, whether express or apparent. Without consent is also defined in the [Texas Penal Code, Section 22.011\(b\)](#) within the definition of sexual assault (see below).

*Sexual Assault* is defined in the [Texas Penal Code, Section 22.011](#) as follows.

(a) A person commits an offense if:

- (1) the person intentionally or knowingly:
  - (A) causes the penetration of the anus or sexual organ of another person by any means, without that person's consent;
  - (B) causes the penetration of the mouth of another person by the sexual organ of the actor, without that person's consent; or
  - (C) causes the sexual organ of another person, without that person's consent, to contact or penetrate the mouth, anus, or sexual organ of another person, including the actor; or
- (2) regardless of whether the person knows the age of the child at the time of the offense, the person intentionally or knowingly:
  - (A) causes the penetration of the anus or sexual organ of a child by any means;

- (B) causes the penetration of the mouth of a child by the sexual organ of the actor;
  - (C) causes the sexual organ of a child to contact or penetrate the mouth, anus, or sexual organ of another person, including the actor;
  - (D) causes the anus of a child to contact the mouth, anus, or sexual organ of another person, including the actor; or
  - (E) causes the mouth of a child to contact the anus or sexual organ of another person, including the actor.
- (b) A sexual assault under Subsection (a)(1) is without the consent of the other person if:
- (1) the actor compels the other person to submit or participate by the use of physical force, violence, or coercion;
  - (2) the actor compels the other person to submit or participate by threatening to use force or violence against the other person or to cause harm to the other person, and the other person believes that the actor has the present ability to execute the threat;
  - (3) the other person has not consented and the actor knows the other person is unconscious or physically unable to resist;
  - (4) the actor knows that as a result of mental disease or defect the other person is at the time of the sexual assault incapable either of appraising the nature of the act or of resisting it;
  - (5) the other person has not consented and the actor knows the other person is unaware that the sexual assault is occurring;
  - (6) the actor has intentionally impaired the other person's power to appraise or control the other person's conduct by administering any substance without the other person's knowledge;
  - (7) the actor compels the other person to submit or participate by threatening to use force or violence against any person, and the other person believes that the actor has the ability to execute the threat;
  - (8) the actor is a public servant who coerces the other person to submit or participate;
  - (9) the actor is a mental health services provider or a health care services provider who causes the other person, who is a patient or former patient of the actor, to submit or participate by exploiting the other person's emotional dependency on the actor;
  - (10) the actor is a clergyman who causes the other person to submit or participate by exploiting the other person's emotional dependency on the clergyman in the clergyman's professional character as spiritual adviser;
  - (11) the actor is an employee of a facility where the other person is a resident, unless the employee and resident are formally or informally married to each other under Chapter 2, Family Code;
  - (12) the actor is a health care services provider who, in the course of performing an assisted reproduction procedure on the other person, uses human reproductive material from a donor knowing that the other person has not expressly consented to the use of material from that donor;
  - (13) the actor is a coach or tutor who causes the other person to submit or participate by using the actor's power or influence to exploit the other person's dependency on the actor; or

- (14) the actor is a caregiver hired to assist the other person with activities of daily life and causes the other person to submit or participate by exploiting the other person's dependency on the actor.
- (c) In this section:
- (1) "Child" means a person younger than 17 years of age.
  - (2) "Spouse" means a person who is legally married to another.
  - (3) "Health care services provider" means:
    - (A) a physician licensed under Subtitle B, Title 3, Occupations Code;
    - (B) a chiropractor licensed under Chapter 201, Occupations Code;
    - (C) a physical therapist licensed under Chapter 453, Occupations Code;
    - (D) a physician assistant licensed under Chapter 204, Occupations Code; or
    - (E) a registered nurse, a vocational nurse, or an advanced practice nurse licensed under Chapter 301, Occupations Code.
  - (4) "Mental health services provider" means an individual, licensed or unlicensed, who performs or purports to perform mental health services, including a:
    - (A) licensed social worker as defined by Section 505.002, Occupations Code;
    - (B) chemical dependency counselor as defined by Section 504.001, Occupations Code;
    - (C) licensed professional counselor as defined by Section 503.002, Occupations Code;
    - (D) licensed marriage and family therapist as defined by Section 502.002, Occupations Code;
    - (E) member of the clergy;
    - (F) psychologist offering psychological services as defined by Section 501.003, Occupations Code; or
    - (G) special officer for mental health assignment certified under Section 1701.404, Occupations Code.
  - (5) "Employee of a facility" means a person who is an employee of a facility defined by Section 250.001, Health and Safety Code, or any other person who provides services for a facility for compensation, including a contract laborer.
  - (6) "Assisted reproduction" and "donor" have the meanings assigned by Section 160.102, Family Code.
  - (7) "Human reproductive material" means:
    - (A) a human spermatozoon or ovum; or
    - (B) a human organism at any stage of development from fertilized ovum to embryo.
- (d) It is a defense to prosecution under Subsection (a)(2) that the conduct consisted of medical care for the child and did not include any contact between the anus or sexual organ of the child and the mouth, anus, or sexual organ of the actor or a third party.
- (e) It is an affirmative defense to prosecution under Subsection (a)(2):
- (1) that the actor was the spouse of the child at the time of the offense; or
  - (2) that:
    - (A) the actor was not more than three years older than the victim and at the time of the offense:

- (i) was not required under Chapter 62, Code of Criminal Procedure, to register for life as a sex offender; or
  - (ii) was not a person who under Chapter 62, Code of Criminal Procedure, had a reportable conviction or adjudication for an offense under this section; and
- (B) the victim:
- (i) was a child of 14 years of age or older; and
  - (ii) was not:
    - (a) a person whom the actor was prohibited from marrying or purporting to marry or with whom the actor was prohibited from living under the appearance of being married under Section 25.01; or
    - (b) a person with whom the actor was prohibited from engaging in sexual intercourse or deviate sexual intercourse under Section 25.02.
- (f) An offense under this section is a felony of the second degree, except that an offense under this section is:
- (1) a felony of the first degree if the victim was:
    - (A) a person whom the actor was prohibited from marrying or purporting to marry or with whom the actor was prohibited from living under the appearance of being married under [Section 25.01](#); or
    - (B) a person with whom the actor was prohibited from engaging in sexual intercourse or deviate sexual intercourse under Section 25.02; or
  - (2) a state jail felony if the offense is committed under Subsection (a)(1) and the actor has not received express consent as described by Subsection (b)(12).

*Indecent Assault* is defined in the [Texas Penal Code, Section 22.012](#) as follows.

- (a) A person commits an offense if, without the other person's consent and with the intent to arouse or gratify the sexual desire of any person, the person:
- (1) touches the anus, breast, or any part of the genitals of another person;
  - (2) touches another person with the anus, breast, or any part of the genitals of any person;
  - (3) exposes or attempts to expose another person's genitals, pubic area, anus, buttocks, or female areola; or
  - (4) causes another person to contact the blood, seminal fluid, vaginal fluid, saliva, urine, or feces of any person.
- (b) An offense under this section is a Class A misdemeanor.
- (c) If conduct that constitutes an offense under this section also constitutes an offense under another law, the actor may be prosecuted under this section, the other law, or both.

*Aggravated Sexual Assault* is defined in the [Texas Penal Code, Section 22.021](#) as follows.

- (a) A person commits an offense:
- (1) if the person:
    - (A) intentionally or knowingly:

- (i) causes the penetration of the anus or sexual organ of another person by any means, without that person's consent;
      - (ii) causes the penetration of the mouth of another person by the sexual organ of the actor, without that person's consent; or
      - (iii) causes the sexual organ of another person, without that person's consent, to contact or penetrate the mouth, anus, or sexual organ of another person, including the actor; or
    - (B) regardless of whether the person knows the age of the child at the time of the offense, intentionally or knowingly:
      - (i) causes the penetration of the anus or sexual organ of a child by any means;
      - (ii) causes the penetration of the mouth of a child by the sexual organ of the actor;
      - (iii) causes the sexual organ of a child to contact or penetrate the mouth, anus, or sexual organ of another person, including the actor;
      - (iv) causes the anus of a child to contact the mouth, anus, or sexual organ of another person, including the actor; or
      - (v) causes the mouth of a child to contact the anus or sexual organ of another person, including the actor; and
  - (2) if:
    - (A) the person:
      - (i) causes serious bodily injury or attempts to cause the death of the victim or another person in the course of the same criminal episode;
      - (ii) by acts or words places the victim in fear that any person will become the victim of an offense under [Section 20A.02\(a\)\(3\), \(4\), \(7\), or \(8\)](#) or that death, serious bodily injury, or kidnapping will be imminently inflicted on any person;
      - (iii) by acts or words occurring in the presence of the victim threatens to cause any person to become the victim of an offense under [Section 20A.02\(a\)\(3\), \(4\), \(7\), or \(8\)](#) or to cause the death, serious bodily injury, or kidnapping of any person;
      - (iv) uses or exhibits a deadly weapon in the course of the same criminal episode;
      - (v) acts in concert with another who engages in conduct described by Subdivision (1) directed toward the same victim and occurring during the course of the same criminal episode; or
      - (vi) with the intent of facilitating the commission of the offense, administers or provides to the victim of the offense any substance capable of impairing the victim's ability to appraise the nature of the act or to resist the act;
    - (B) the victim is younger than 14 years of age, regardless of whether the person knows the age of the victim at the time of the offense; or
    - (C) the victim is an elderly individual or a disabled individual.
- (b) In this section:



- (1) "Child" has the meaning assigned by Section 22.011(c).
  - (2) "Elderly individual" has the meaning assigned by Section 22.04(c).
  - (3) "Disabled individual" means a person older than 13 years of age who by reason of age or physical or mental disease, defect, or injury is substantially unable to protect the person's self from harm or to provide food, shelter, or medical care for the person's self.
- (c) An aggravated sexual assault under this section is without the consent of the other person if the aggravated sexual assault occurs under the same circumstances listed in Section 22.011(b).
- (d) The defense provided by Section 22.011(d) applies to this section.
- (e) An offense under this section is a felony of the first degree.
- (f) The minimum term of imprisonment for an offense under this section is increased to 25 years if:
- (1) the victim of the offense is younger than six years of age at the time the offense is committed; or
  - (2) the victim of the offense is younger than 14 years of age at the time the offense is committed and the actor commits the offense in a manner described by Subsection (a)(2)(A).

*Prohibited Sexual Conduct* is defined in the [Texas Penal Code, Section 25.02](#) as follows.

- (a) A person commits an offense if the person engages in sexual intercourse or deviate sexual intercourse with another person the actor knows to be, without regard to legitimacy:
- (1) the actor's ancestor or descendant by blood or adoption;
  - (2) the actor's current or former stepchild or stepparent;
  - (3) the actor's parent's brother or sister of the whole or half blood;
  - (4) the actor's brother or sister of the whole or half blood or by adoption;
  - (5) the children of the actor's brother or sister of the whole or half blood or by adoption;
- or
- (6) the son or daughter of the actor's aunt or uncle of the whole or half blood or by adoption.
- (b) For purposes of this section:
- (1) "Deviate sexual intercourse" means any contact between the genitals of one person and the mouth or anus of another person with intent to arouse or gratify the sexual desire of any person.
  - (2) "Sexual intercourse" means any penetration of the female sex organ by the male sex organ.
- (c) An offense under this section is a felony of the third degree, unless the offense is committed under Subsection (a)(1), in which event the offense is a felony of the second degree.

**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.

- (a) The existence of such a relationship shall be based upon the reporting party's statement and with consideration of the length of the relationship, the type of relationship, and the frequency of interaction between the persons involved in the relationship.

- (b) For the purposes of this definition –
- (1) Dating violence includes, but is not limited to, sexual or physical abuse or the threat of such abuse.
  - (2) Dating violence does not include acts covered under the definition of domestic violence.
  - (3) For the purposes of complying with the requirements of this section and §668.41, any incident meeting this definition is considered a crime for the purposes of Clery Act reporting.

*Dating Violence* is defined in the [Texas Family Code, Section 71.0021](#) as follows.

- (a) "Dating violence" means an act, other than a defensive measure to protect oneself, by an actor that:
- (1) is committed against a victim or applicant for a protective order:
    - (A) with whom the actor has or has had a dating relationship; or
    - (B) because of the victim's or applicant's marriage to or dating relationship with an individual with whom the actor is or has been in a dating relationship or marriage; and
  - (2) is intended to result in physical harm, bodily injury, assault, or sexual assault or that is a threat that reasonably places the victim or applicant in fear of imminent physical harm, bodily injury, assault, or sexual assault.
- (b) For purposes of this title, "dating relationship" means a relationship between individuals who have or have had a continuing relationship of a romantic or intimate nature. The existence of such a relationship shall be determined based on consideration of:
- (1) the length of the relationship;
  - (2) the nature of the relationship; and
  - (3) the frequency and type of interaction between the persons involved in the relationship.
- (c) A casual acquaintanceship or ordinary fraternization in a business or social context does not constitute a "dating relationship" under Subsection (b).

**Domestic Violence:** A felony or misdemeanor crime of violence committed –

- (a) by a current or former spouse or intimate partner of the victim;
- (b) by a person with whom the victim shares a child in common;
- (c) by a person who is cohabitating with, or has cohabitated with, the victim as a spouse or intimate partner;
- (d) 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; or
- (e) 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.

Any incident meeting this definition is considered to be a crime for the purposes of Clery Act reporting.

*Family Violence* is defined by the [Texas Family Code, Section 71.004](#) as follows.

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

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

- (a) fear for his or her safety or the safety of others; or
- (b) suffer substantial emotional distress.

For the purposes of this definition –

- (a) course of conduct means two or more acts, including, but not limited to, acts which the stalker directly, indirectly, or through third parties, by any action, method, device, or means follows, monitors, observes, surveils, threatens, or communicates to or about, a person, or interferes with a person's property.
- (b) Reasonable person means a reasonable person under similar circumstances and with similar identities to the victim.
- (c) Substantial emotional distress means significant mental suffering or anguish that may, but does not necessarily, require medical or other professional treatment or counseling.

Any incident meeting this definition is considered a crime for the purposes of Clery Act reporting.

*Stalking* is defined in the [Texas Penal Code, Section 42.072](#) as follows.

- (a) A person commits an offense if the person, on more than one occasion and pursuant to the same scheme or course of conduct that is directed specifically at another person, knowingly engages in conduct that:
  - (1) constitutes an offense under [Section 42.07](#) (see below), or that the actor knows or reasonably should know the other person will regard as threatening:
    - (A) bodily injury or death for the other person;
    - (B) bodily injury or death for a member of the other person's family or household or for an individual with whom the other person has a dating relationship; or
    - (C) that an offense will be committed against the other person's property;
  - (2) causes the other person, a member of the other person's family or household, or an individual with whom the other person has a dating relationship to be placed in fear of bodily injury or death or in fear that an offense will be committed against the other person's property, or to feel harassed, annoyed, alarmed, abused, tormented, embarrassed, or offended; and
  - (3) would cause a reasonable person to:

- (A) fear bodily injury or death for himself or herself;
  - (B) fear bodily injury or death for a member of the person's family or household or for an individual with whom the person has a dating relationship;
  - (C) fear that an offense will be committed against the person's property; or
  - (D) feel harassed, annoyed, alarmed, abused, tormented, embarrassed, or offended.
- (b) An offense under this section is a felony of the third degree, except that the offense is a felony of the second degree if the actor has previously been convicted of an offense under this section or of an offense under any of the following laws that contains elements that are substantially similar to the elements of an offense under this section:
- (1) the laws of another state;
  - (2) the laws of a federally recognized Indian tribe;
  - (3) the laws of a territory of the United States; or
  - (4) federal law.
- (c) For purposes of this section, a trier of fact may find that different types of conduct described by Subsection (a), if engaged in on more than one occasion, constitute conduct that is engaged in pursuant to the same scheme or course of conduct.
- (d) In this section:
- (1) "Dating relationship," "family," "household," and "member of a household" have the meanings assigned by Chapter 71, Family Code.
  - (2) "Property" includes a pet, companion animal, or assistance animal, as defined by Section 121.002, Human Resources Code.

#### Sec. 42.07. Harassment.

- (a) A person commits an offense if, with intent to harass, annoy, alarm, abuse, torment, or embarrass another, the person:
- (1) initiates communication and in the course of the communication makes a comment, request, suggestion, or proposal that is obscene;
  - (2) threatens, in a manner reasonably likely to alarm the person receiving the threat, to inflict bodily injury on the person or to commit a felony against the person, a member of the person's family or household, or the person's property;
  - (3) conveys, in a manner reasonably likely to alarm the person receiving the report, a false report, which is known by the conveyor to be false, that another person has suffered death or serious bodily injury;
  - (4) causes the telephone of another to ring repeatedly or makes repeated telephone communications anonymously or in a manner reasonably likely to harass, annoy, alarm, abuse, torment, embarrass, or offend another;
  - (5) makes a telephone call and intentionally fails to hang up or disengage the connection;
  - (6) knowingly permits a telephone under the person's control to be used by another to commit an offense under this section;
  - (7) sends repeated electronic communications in a manner reasonably likely to harass, annoy, alarm, abuse, torment, embarrass, or offend another; or

- (8) publishes on an Internet website, including a social media platform, repeated electronic communications in a manner reasonably likely to cause emotional distress, abuse, or torment to another person, unless the communications are made in connection with a matter of public concern.
- (b) In this section:
- (1) "Electronic communication" means a transfer of signs, signals, writing, images, sounds, data, or intelligence of any nature transmitted in whole or in part by a wire, radio, electromagnetic, photoelectronic, or photo-optical system. The term includes:
    - (A) a communication initiated through the use of electronic mail, instant message, network call, a cellular or other type of telephone, a computer, a camera, text message, a social media platform or application, an Internet website, any other Internet-based communication tool, or facsimile machine; and
    - (B) a communication made to a pager.
  - (2) "Family" and "household" have the meaning assigned by Chapter 71, Family Code.
  - (3) "Obscene" means containing a patently offensive description of or a solicitation to commit an ultimate sex act, including sexual intercourse, masturbation, cunnilingus, fellatio, or anilingus, or a description of an excretory function.
- (c) An offense under this section is a Class B misdemeanor, except that the offense is a Class A misdemeanor if:
- (1) the actor has previously been convicted under this section; or
  - (2) the offense was committed under Subsection (a)(7) or (8) and:
    - (A) the offense was committed against a child under 18 years of age with the intent that the child:
      - (i) commit suicide; or
      - (ii) engage in conduct causing serious bodily injury to the child; or
    - (B) the actor has previously violated a temporary restraining order or injunction issued under Chapter 129A, Civil Practice and Remedies Code.
- (d) In this section, "matter of public concern" has the meaning assigned by [Section 27.001, Civil Practice and Remedies Code](#).

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

**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 a means likely to produce death or great bodily harm.

**Burglary:** The unlawful entry of a structure to commit a felony or theft. For reporting purposes this definition includes: unlawful entry with intent to commit a larceny or felony, breaking and entering with intent to commit a larceny, housebreaking, safecracking, and all attempts to commit any of the aforementioned acts.

**Motor Vehicle Theft:** The theft or attempted theft of a motor vehicle.

**Arson:** Any willful or malicious burning or attempt to burn, with or without intent to defraud, a dwelling house, public building, motor vehicle or aircraft, personal property of another, etc.

**Hate Crime:** A criminal offense reported to local police agencies or to a campus security authority that manifests evidence that the victim was intentionally selected because of the perpetrator's bias against the victim. For Clery Act purposes, hate crimes include any of the following offenses that are motivated by bias: Murder and non-negligent manslaughter, manslaughter by negligence, sexual assault (rape, fondling, incest, statutory rape), robbery, aggravated assault, burglary, motor vehicle theft, arson, larceny-theft, simple assault, intimidation, or destruction/damage/vandalism of property. Following are the bias categories.

**Race:** A preformed negative attitude toward a group of persons who possess common physical characteristics, e.g. color of skin, eyes, and/or hair; facial features, etc., genetically transmitted by descent and heredity which distinguish them as a distinct division of humankind, e.g. Asians, blacks, or African Americans, whites.

**Gender:** A preformed negative opinion or attitude toward a person or group of persons based on their actual or perceived gender, e.g. male or female.

**Religion:** A preformed negative opinion or attitude toward a group of persons who share the same religious beliefs regarding the origin and purpose of the universe and the existence or nonexistence of a supreme being, e.g. Catholics, Jews, Protestants, atheists.

**Sexual Orientation:** A preformed negative opinion or attitude toward a group of persons based on their actual or perceived sexual orientation. Sexual orientation is the term for a person's physical, romantic, and/or emotional attraction to members of the same and/or opposite sex, including lesbian, gay, bisexual, and heterosexual (straight) individuals.

**Gender Identity:** A preformed negative opinion or attitude toward a person (or group of persons) based on their actual or perceived gender identity, e.g. bias against transgender or gender nonconforming individuals (a person who does not conform to the gender-based expectations of society).

**Ethnicity:** A preformed negative opinion or attitude toward a group of people whose members identify with each other, through a common heritage, often consisting of a common language, common culture (often including a shared religion) and/or ideology that stresses common ancestry. The concept of ethnicity differs from the closely related term "race" in that "race" refers to grouping based mostly upon biological criteria, while "ethnicity" also encompasses additional cultural factors.

**National Origin:** A preformed negative opinion or attitude toward a group of people based on their actual or perceived country of birth. This bias may be against people that have a name or accent associated with a national origin group, participate in certain customs associated with a national origin group, or because they are married to or associate with people of a certain national origin.

**Disability:** A preformed negative opinion or attitude toward a group of persons based on their physical or mental impairments, whether such disability is temporary or permanent, congenital or acquired by heredity, accident, injury, advanced aged or illness.

**Additional Hate Crime Definitions:**

**Larceny-Theft:** The unlawful taking, carrying, leading, or riding away of property from the possession or constructive possession of another. Constructive possession is the condition in which a person does not have physical custody or possession, but is in a position to exercise dominion or control over a thing.

**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.

**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.

**Destruction/Damage/Vandalism of Property (Except "Arson"):** To willfully or maliciously damage, deface, or otherwise injure real or personal property without the consent of the owner or the person having custody or control of it.

**Arrests and Referrals for Disciplinary Action:** Arrest is defined as persons processed by arrest, citation, or summons. Referred for disciplinary action is defined as the referral of any person to any official who initiates a disciplinary action of which a record is established and which may result in the imposition of a sanction. Clery Act statistics are disclosed for arrests and referrals regarding state or local violations of liquor, drug abuse, and weapons laws. Only violations of the law resulting in arrest or referral are disclosed. Violations of institutional policy alone are not included in Clery Act statistics.

**Weapons: Carrying, Possessing, Etc.:** The violation of laws or ordinances prohibiting the manufacture, sale, purchase, transportation, possession, concealment, or use of firearms, cutting instruments, explosives, incendiary devices or other deadly weapons. This classification encompasses weapons offenses that are regulatory in nature. Classify as weapons carrying, possessing, etc. violation: manufacture, sale, or possession of deadly weapons; carrying deadly weapons, concealed (except as permitted by state law

and institutional policy through state law) or openly; using, manufacturing, etc. of silencers; furnishing deadly weapons to minors; aliens possessing deadly weapons; and attempts to commit any of the aforementioned acts.

**Drug Abuse Violations:** The violation of laws prohibiting the production, distribution, and/or use of certain controlled substances and the equipment or devices utilized in their preparation and/or use. The unlawful cultivation, manufacture, distribution, sale, purchase, use, possession, transportation, or importation of any controlled drug or narcotic substance. Arrests for violations of state and local laws, specifically those relating to the unlawful possession, sale, use, growing, manufacturing, and making of narcotic drugs. The relevant substances include: opium or cocaine and their derivatives (morphine, heroin, codeine); marijuana; synthetic narcotics (Demerol, methadone); and dangerous non-narcotic drugs (barbiturates, Benzedrine). Classify as a drug abuse violation: all drugs, without exception, that are illegal under local or state law where your institution is located and all illegally obtained prescription drugs.

**Liquor Law Violations:** The violation of state or local laws or ordinances prohibiting the manufacture, sale, purchase, transportation, possession or use of alcoholic beverages, not including driving under the influence and drunkenness. Classify as a liquor law violation: the manufacture, sale, transporting, furnishing, possessing, etc. of intoxicating liquor; maintaining unlawful drinking places; bootlegging; operating a still; furnishing liquor to a minor or intemperate person; underage possession; using a vehicle for illegal transportation of liquor; drinking on a train or public conveyance; and attempts to commit any of the aforementioned acts.

## Definitions of Clery Act Locations

**On-campus:** 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. This also includes any building or property that is within or reasonably contiguous to the geographic area that is owned by the institution but controlled by another person, is frequently used by students, and supports institutional purposes (such as a food or other retail vendor).

**On-campus Student Housing Facilities (Residential Facilities):** A subset of the "On-campus" category. Any student housing facility that is owned or controlled by the institution, or is located on property that is owned or controlled by the institution, and is within the reasonably contiguous geographic area that makes up the campus is considered an on-campus student housing facility.

**Non-campus:** 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.



This also includes any building or property owned or controlled by a student organization that is officially recognized by the institution.

**Public Property:** All public property, including thoroughfares, streets, sidewalks, and parking facilities, that is within the campus, or immediately adjacent to and accessible from the campus.

## Texas A&M University-Kingsville Citrus Center – Reportable Crimes

The following statistics include all incidents of Clery Act crimes reported to the institution that occurred within the campus' Clery Act locations, regardless of whether the individual reporting was a member of the campus community and regardless of whether the individual chose to move forward with criminal justice or campus disciplinary proceedings. To prepare the annual disclosure of crime statistics, the institution collects information from internal sources such as campus police and other campus security authorities and requests information from external sources such as local law enforcement. Some local law enforcement agencies responded with data included in the reportable crime tables below. Other agencies did not respond to the institution's request for statistics or did not respond with a format usable for Clery crime reporting.

<b>Criminal Offenses</b>					
<b>Offense</b>	<b>Year</b>	<b>On Campus Property</b>	<b>Residential Facilities</b>	<b>Non-Campus Property</b>	<b>Public Property</b>
<b>Murder/Non-Negligent Manslaughter</b>	2020	0	0	0	0
	2021	0	0	0	0
	2022	0	0	0	0
<b>Manslaughter by Negligence</b>	2020	0	0	0	0
	2021	0	0	0	0
	2022	0	0	0	0
<b>Sex Offenses, Rape</b>	2020	0	0	0	0
	2021	0	0	0	0
	2022	0	0	0	0
<b>Sex Offenses, Fondling</b>	2020	0	0	0	0
	2021	0	0	0	0
	2022	0	0	0	0
<b>Sex Offenses, Incest</b>	2020	0	0	0	0
	2021	0	0	0	0
	2022	0	0	0	0
<b>Sex Offenses, Statutory Rape</b>	2020	0	0	0	0
	2021	0	0	0	0
	2022	0	0	0	0
<b>Robbery</b>	2020	0	0	0	0
	2021	0	0	0	0
	2022	0	0	0	0
<b>Aggravated Assault</b>	2020	0	0	0	0
	2021	0	0	0	0
	2022	0	0	0	0
<b>Burglary</b>	2020	0	0	0	0
	2021	0	0	0	0
	2022	0	0	0	0
<b>Motor Vehicle Theft</b>	2020	0	0	0	0
	2021	0	0	0	0
	2022	0	0	0	0
<b>Arson</b>	2020	0	0	0	0
	2021	0	0	0	0
	2022	0	0	0	0

<b>Hate Crimes</b>					
<b>Offense</b>	<b>Year</b>	<b>On Campus Property</b>	<b>Residential Facilities</b>	<b>Non-Campus Property</b>	<b>Public Property</b>
<b>Hate Crimes</b>	2020	0	0	0	0
	2021	0	0	0	0
	2022	0	0	0	0

<b>Violence Against Women Reauthorization Act of 2013 (VAWA) Offenses</b>					
<b>Offense</b>	<b>Year</b>	<b>On Campus Property</b>	<b>Residential Facilities</b>	<b>Non-Campus Property</b>	<b>Public Property</b>
<b>Domestic Violence</b>	2020	0	0	0	0
	2021	0	0	0	0
	2022	0	0	0	0
<b>Dating Violence</b>	2020	0	0	0	0
	2021	0	0	0	0
	2022	0	0	0	0
<b>Stalking</b>	2020	0	0	0	0
	2021	0	0	0	0
	2022	0	0	0	0

<b>Arrests and Disciplinary Referrals</b>					
<b>Offense</b>	<b>Year</b>	<b>On Campus Property</b>	<b>Residential Facilities</b>	<b>Non-Campus Property</b>	<b>Public Property</b>
<b>Weapons Arrests</b>	2020	0	0	0	0
	2021	0	0	0	0
	2022	0	0	0	0
<b>Weapons Disciplinary Referrals</b>	2020	0	0	0	0
	2021	0	0	0	0
	2022	0	0	0	0
<b>Drug Abuse Arrests</b>	2020	0	0	0	0
	2021	0	0	0	0
	2022	0	0	0	1
<b>Drug Abuse Disciplinary Referrals</b>	2020	0	0	0	0
	2021	0	0	0	0
	2022	0	0	0	0
<b>Liquor Law Arrests</b>	2020	0	0	0	0
	2021	0	0	0	0
	2022	0	0	0	0
<b>Liquor Law Disciplinary Referrals</b>	2020	0	0	0	0
	2021	0	0	0	0
	2022	0	0	0	0

## Texas A&M University-Kingsville Citrus Center – Unfounded Crimes

Unfounded crimes are crimes that sworn or commissioned law enforcement personnel have investigated and made a formal determination that the report is false or baseless and are, therefore, subsequently withheld from Clery crime statistics. Following are the unfounded crimes as reported for all TAMUK Citrus Center Clery Act locations and Clery Act offenses:

- Calendar year 2020: 0 unfounded crimes
- Calendar year 2021: 0 unfounded crimes
- Calendar year 2022: 0 unfounded crimes

## Crime Prevention and Security Awareness

It is important for all of us to understand our role in the reduction of crime. A conceptual aid often employed by crime prevention practitioners is referred to as the Crime Triangle. For any crime to occur three elements must be present: desire, ability, and opportunity.

Members of the university community easily recognize there is little that can be done to control the criminal's ability and desire. The university community's greatest strength in the prevention of crime is our initiative to reduce or eliminate the opportunity for a crime to occur.

A primary goal of UPD is the prevention of crime before it occurs. Because UPD officers cannot be everywhere all the time, they need the help of all members of the university community to take an active role in their personal safety and property protection. Crime prevention is important to the campus community. Reporting any crime or suspected crime immediately is helpful to UPD and may prevent someone else from becoming a victim of a more serious crime.

UPD is staffed by experienced officers that continually present programs covering crime prevention and security information to students, staff, faculty, and the community at large. They participate in and provide information during new and transfer student orientation, international student orientation, in addition to a number of other programs scheduled annually with student, staff, and faculty organizations. In these sessions, information is provided regarding campus security procedures and practices. For additional information or to schedule a program, you are encouraged to call UPD at (361) 593-2611 or e-mail [upd@tamuk.edu](mailto:upd@tamuk.edu).

UPD typically offers a variety of crime prevention programs, safety programs, and services to TAMUK students, employees, and community members. The programs are designed to encourage students and employees to be responsible for their own security and the security of others.

- Personal Safety Awareness – scheduled upon request
- Theft/burglary Prevention – scheduled upon request
- UPD Self-Defense Program – scheduled upon request
- Operation ID (free engraving of property in the residence hall, home, and office) – offered throughout the year or by bringing the item to the UPD
- Residential and Office Security Surveys – scheduled upon request

- Drug and Alcohol Awareness – scheduled upon request
- Sexual Assault Prevention – scheduled upon request
- Active Shooter Preparedness– scheduled upon request
- Apartment and Home or Residence Hall Security – scheduled upon request
- Robbery Prevention – scheduled upon request
- Workplace Crime Prevention – scheduled upon request
- Bicycle Registration – see description below

Bicycles are a popular mode of transportation in the campus environment and can be a prime target of theft. UPD recommends all students, faculty, and staff register any bicycle they plan to ride on campus. Registration is critical to help identify bicycles that are lost or stolen. Information on bike registration can be obtained at UPD by calling (361) 593-2611 or visiting Lewis Hall (855 N. University Blvd, Kingsville, TX 78363).

UPD provides a free safety escort service where an officer will meet an individual requesting a safety escort and transport him/her to most central on-campus locations, e.g., residence halls, parking lots, etc. A safety escort can be requested by calling UPD at (361) 593-2611. The escort service is at the discretion of the UPD shift supervisor.

## Important Telephone Numbers

Name	Phone
University Police Department	(361) 593-2611
Weslaco Police Department	(956) 968-8591
Hidalgo County Sheriff's Office	(956) 383-8114
Hidalgo County Constable Precinct 1	(956) 447-3775
Weslaco Crime Stoppers	(956) 968-8477
Weslaco Fire Department	(956) 447-3415
Student Health & Wellness	(361) 593-3991
Dean of Students	(361) 593-3606
Office of Compliance	(361) 593-4758
Human Resources	(361) 593-3705
Enterprise Risk Management	(361) 593-2237

## Annual Fire Safety Report

### Annual Fire Safety Report and Related Information

The Annual Fire Safety Report is required by the Higher Education Opportunity Act (HEOA) for any Title IV institution that maintains an on-campus student housing facility. Per HEOA, an institution that maintains an on-campus student housing facility must collect fire statistics, publish an Annual Fire Safety Report, and keep a fire log.

The Clery Act was amended by HEOA in 2008, requiring future reports include campus housing fire safety statistics. The information contained in this document relates to fire safety for on-campus student residential housing only.

## Reporting Fires

Per federal law, the TAMUK Citrus Center is required to annually disclose statistical data on all fires that occur in on-campus student housing facilities. TAMUK Citrus Center students, employees, and others reporting a fire on campus should call the Weslaco Fire Department at (956) 447-3415 or 911.

Below are the non-emergency phone numbers to call to report fires that have already been extinguished. These phone numbers are for fires that are no longer a danger and/or may not have already been reported to UPD. If students or employees find evidence of such a fire or if hear about such a fire, contact any of the following:

Name	Phone
Executive Director, Citrus Center	(956) 447-3370
Executive Assistant, Citrus Center	(956) 447-3362
Facilities Manager, Citrus Center	(956) 447-3366
University Police Department	(361) 593-2611
Enterprise Risk Management	(361) 593-2237
Environmental Health & Safety	(361) 593-2646
TAMUK Fire Inspector	(361) 593-4395

If the fire event concerned a campus residential unit, students, employees, or others should begin immediate evacuation of the building and notify other occupants of the emergency. The TAMUK Citrus Center Executive Director, Executive Assistant, and/or Facilities Manager should be notified of the fire.

For the purpose of including a fire in the statistics of this Annual Fire Safety Report, individuals should also contact UPD at (361) 593-2611. When calling, please provide as much information as possible about the location, date, time, and cause of the fire to aid in annual fire safety report statistical disclosures. For more fire safety information, call the Office of Environmental Health & Safety at (361) 593-2646 or visit:

<https://www.tamuk.edu/finance/risk/ehs/firesafety.html>.

## Fire Safety Education and Training Programs

National Fire Protection Association (NFPA) Code 1 (Fire Safety) Chapter 31.7.1, and NFPA Code 101 (Life Safety) Chapter 20.9.2.1, require the following in the Visiting Scientists and Student Housing Facility at the TAMUK Citrus Center:

- Emergency instructions shall be provided annually to each dwelling unit to indicate the location of alarms, egress paths, and actions to be taken, both in response to a fire in the dwelling unit and in response to the sounding of the smoke detector(s).

Fire safety training for each apartment in the Visiting Scientists and Student Housing Facility is provided upon request. Each apartment is provided instruction on egress paths (building evacuation), notification of neighboring apartment occupants, tenant meeting location, 911 notification instructions, other actions to be taken in the event of a fire, locations and testing of smoke detectors, and fire extinguisher education.

Faculty, staff and students should be aware of the location of fire safety equipment and building evacuation routes. For on-campus residents, fire evacuation plans and instruction are posted in the main entrance door of each residential apartment (posted in each residential unit) and copies may be obtained through the Office of the Executive Director for the TAMUK Citrus Center.

TAMUK Citrus Center staff receive fire safety training each year. Fire safety information is discussed at training sessions conducted by the Office of Environmental Health & Safety (361) 593-2646 or the TAMUK Fire Inspector (361) 593-4395 and a Building Emergency Manager (BEM) may be designated to assist during drills and evacuations.

The university has also designated BEMs to assist with emergencies including building evacuations in their respective areas. The BEMs receive annual emergency response training through the Office of Environmental Health & Safety.

Tampering with emergency equipment such as fire extinguishers or smoke detectors is prohibited by state law and the university code of conduct.

## **Residence Unit Fire Safety Policies**

### **Appliances**

There are no restrictions on appliances in the residential units at the TAMUK Citrus Center.

### **Candles/Incense/Wax Warmers/Open Flames**

There are no restrictions on the burning of candles, incense, use of wax warmers or open flames in the residential units at the TAMUK Citrus Center.

### **Emergency/Safety Equipment**

Residential apartments are protected by battery powered smoke detection units. Fire extinguishers are strategically located in each apartment. These are for the protection of all residents and are expensive to replace. Persons abusing, removing, or tampering with any fire safety equipment are subject to removal from the residence facility, even on a first offense, and to other appropriate disciplinary action. Tampering with emergency equipment such as fire extinguishers or smoke detectors is prohibited by state law.

### **Smoking**

Smoking (the use or carrying of a lighted pipe, cigar, cigarette, tobacco, e-cigarette, and any other type of nicotine delivery system or smoking substance) is prohibited on campus. The use of cigarettes, cigars, pipes, all forms of smokeless tobacco (chewing tobacco, snuff, dip, or any

other product that contains tobacco), and any other smoking devices that use tobacco such as e-cigarette is also specifically prohibited on any TAMUK property.

Smoking, as defined above, is permitted in the following areas and circumstances:

- University student artists or actors who participate in authorized performances will be allowed to smoke as part of an artistic production provided that appropriate disposal receptacles and smoke filtration units are available and the audience is informed prior to the performance.
- If approved by the Provost and Vice-President for Academic Affairs, smoking is permitted by participants in academic research projects involving smoking provided that it is conducted in a designated area and informational signs are posted indicating the presence of tobacco smoke. The Principal Investigator must have a smoke filtration unit operating during the smoking event.
- Exemptions to this policy may be permitted by the President for specific activities and locations to carry out the goals and objectives of the university.

TAMUK is committed to supporting faculty and staff who wish to stop using tobacco and nicotine products. Information on tobacco, nicotine and smoking, including the smoking cessation program, is provided through the following link:

<https://www.tamuk.edu/finance/employee-services/hr/benefits/eap.html>.

### **Residential Facility Inspection**

The TAMUK Fire Inspector conducts life and safety inspections of all the apartments annually. During this process, each room is inspected for any fire hazards.

### **Residential Facility Evacuation and Emergency Procedures**

The Weslaco Fire Department provides services to the TAMUK Citrus Center and area residents for the protection of life and property from fire and natural disasters. They maintain a standard of training which encompasses both a prompt response to emergencies and the safety of citizens.

An evacuation will occur when the smoke detector sounds and/or notification is made by UPD, the Emergency Management Team, Building Emergency Managers (acting under the instructions of these offices), Weslaco Fire Department, Weslaco Police Department or Hidalgo County Sheriff's Office.

All persons (students, employees and campus visitors) are to immediately vacate the area in question, leaving by the nearest marked exit or in accordance with the posted evacuation plan and alert others to do the same. Once outside, proceed to the designated building assembly area. Personnel shall not return to an evacuated building until given the all clear signal by UPD or authorized officials.

If you are involved in an emergency fire situation on the campus of the TAMUK Citrus Center, implement the FIR(E2) procedure as described below.



- **Find:** If you see or smell smoke, investigate. You should try to determine the extent of the fire, the type of fire and the location of the fire.
- **Initiate:** Alert the people in the vicinity to the danger as quickly as possible. Pull the fire alarm station and ask other people to assist in evacuation of the building. NEVER try to control a fire before other people in the building and 911 have been notified.
- **Report:** Instruct someone to call 911 to report the emergency. If you are alone – call 911 prior to any attempt at extinguishing the fire.
- **Extinguish or...** Attempt to extinguish the fire ONLY if it is small enough to be contained AND you know how to use the extinguisher. Place yourself between the fire and an exit when using an extinguisher to prevent from being trapped.
- **Evacuate:** If the fire cannot be extinguished – EVACUATE! Use the stairways to exit the building. Do not use elevators. As you exit the building, close as many doors as possible. Closed doors act as fire barriers.

Once outside, move to a safe meeting place away from the firefighters. Cooperate with the Building Emergency Manager(s) and other university emergency response staff to conduct roll of building occupants. The fire department should be notified if anyone is left in the building. Stay outside the building until the fire department and/or university officials have indicated that the building is safe to re-enter. TAMUK Citrus Center personnel will give the signal when it is safe for persons to re-enter the building.

When you hear the fire alarm – LEAVE the area immediately, closing all doors behind you. Follow the main evacuation route, but be prepared to use an alternate evacuation route.

If you must evacuate through smoke, get down and crawl. Heat and deadly smoke rise and cleaner air will be 12” to 24” above the floor.

If you must open doors while evacuating, test the doors before opening. Use the back of your hand to touch the door, the door knob and the door frame. If they are cool, brace yourself against the door and slowly open the door; if smoke and heat are present, close the door and use an alternate evacuation route.

Use stairways – NEVER use an elevator. In a fire, elevator shafts may fill with smoke, or may have power failure leaving you trapped.

Once outside, move to your designated assembly areas away from the firefighters. Stay outside the building until the fire department has indicated that the building is safe to re-enter.

If you are trapped, stay calm. You can take steps to protect yourself.

If possible, go to a room with an outside window and a phone. Call 911 and give your exact location. If there is no phone, wave an object out the window (a sheet or jacket), to signal for help. Be ready to shut the window if smoke enters the room. Keep all doors between you and

the fire closed. Cover all vents and seal cracks around the doors to keep out smoke. Be patient. Trained rescuers will arrive to assist you.

### **Residence Facility Evacuation Drills (Fire Drills)**

Fire safety training for each apartment in the Visiting Scientists and Student Housing Facility is provided upon request. Each apartment is provided instruction on egress paths (building evacuation), notification of neighboring apartment occupants, tenant meeting location, 911 notification instructions, other actions to be taken in the event of a fire, locations and testing of smoke detector, and fire extinguisher education.

Procedures for evacuations are coordinated by the Offices of Enterprise Risk Management and Environmental Health and Safety. Annual instruction is provided on emergency evacuation procedures for the Visiting Scientists and Student Housing Facility. Occupants should become familiar with the location of emergency exits in the apartments.

The TAMUK Citrus Center does not inform residents in advance about the designated long-term evacuations because those decisions are affected by the time of day, location of the building being evacuated, the availability of the various designated emergency gathering locations on campus, and other factors such as the location and nature of the threat. In all cases, UPD, Enterprise Risk Management, Environmental Health and Safety, or other TAMUK Citrus Center officials will communicate information to students regarding the developing situation or any evacuation status changes.

The purpose of the drills is to prepare building occupants for an organized evacuation in cases of an emergency. Evacuation drills are used as a way to educate and train occupants on issues specific to their facility. During the drill, occupants “practice” drill procedures and familiarize themselves with the location of exits and the sound of the smoke detector. All occupants are instructed that in cases where smoke detector alarms are activated, they must evacuate the building immediately.

The process also provides the university an opportunity to test the operation of the smoke detector alarms. Any deficient equipment is noted so that appropriate repairs can be performed. The university continues to inspect, test and replace smoke detection equipment in the residential facility as necessary.

### Description of Residential Facility Fire Safety Systems

Apartments – Fire Detection and Suppression Systems						
Apartments	Sprinkler System	Fire Alarm System	Smoke Detection	Fire Extinguisher Device	Evacuation Plans	Number of Drills Per Year
Visiting Scientists and Student Housing Facility 312 N. International Blvd.	No	No	Yes	Yes	Yes	0

#### Fire Safety Definitions (Department of Education)

**On-campus Student Housing Facility:** Any student housing facility that is owned or controlled by the institution, or is located on property that is owned or controlled by the institution, and is within the reasonably contiguous geographic area that makes up the campus is considered an on-campus student housing facility.

**Cause of fire:** The factor or factors that give rise to a fire. The causal factor may be, but is not limited to, the result of an intentional or unintentional action, mechanical failure, or act of nature.

**Fire:** Any instance of open flame or other burning in a place not intended to contain the burning or in an uncontrolled manner. **Fire drill:** A supervised practice of a mandatory evacuation of a building for a fire.

**Fire-related injury:** Any instance in which a person is injured as a result of a fire, including an injury sustained from a natural or accidental cause, while involved in fire control, attempting rescue, or escaping from the dangers of the fire. The term “person” may include students, employees, visitors, firefighters, or any other individuals.

**Fire-related death:** Any instance in which a person—

- (1) Is killed as a result of a fire, including death resulting from a natural or accidental cause while involved in fire control, attempting rescue, or escaping from the dangers of a fire; or
- (2) Dies within one year of injuries sustained as a result of the fire.

**Fire safety system:** Any mechanism or system related to the detection of a fire, the warning resulting from a fire, or the control of a fire. This may include sprinkler systems or other fire extinguishing systems, fire detection devices, stand-alone smoke alarms, devices that alert one to the presence of a fire, such as horns, bells, or strobe lights; smoke-control and reduction mechanisms; and fire doors and walls that reduce the spread of a fire.

**Value of property damage:** The estimated value of the loss of the structure and contents, in terms of the cost of replacement in like kind and quantity. This estimate should include

contents damaged by fire, and related damages caused by smoke, water, and overhaul; however, it does not include indirect loss, such as business interruption.

### On-Campus Housing Initiatives

- There are no plans for future improvements to fire detection and suppression systems in the apartments located at the TAMUK Citrus Center.

### Fire Statistics 2020

There were no reported fires in TAMUK Citrus Center apartments in 2020.

Fire Statistics 2020						
Apartments	General Location	Nature of Incident	Cause of Fire	Number of Deaths Related to Fire	Number of Injuries Requiring Treatment at a Medical Facility	Value of Property Damage Caused by Fire
Visiting Scientists and Student Housing Facility 312 N. International Blvd.	N/A	N/A	N/A	0	0	0

Cause: listed in accord with the National Fire Incident Reporting System

Nature of Incident: listed in accord with the Nation Fire Incident Reporting System

### Fire Statistics 2021

There were no reported fires in TAMUK Citrus Center apartments in 2021.

Fire Statistics 2021						
Apartments	General Location	Nature of Incident	Cause of Fire	Number of Deaths Related to Fire	Number of Injuries Requiring Treatment at a Medical Facility	Value of Property Damage Caused by Fire
Visiting Scientists and Student Housing Facility 312 N. International Blvd.	N/A	N/A	N/A	0	0	0

Cause: listed in accord with the National Fire Incident Reporting System

Nature of Incident: listed in accord with the Nation Fire Incident Reporting System

**Fire Statistics 2022**

There were no reported fires in TAMUK Citrus Center apartments in 2022.

Fire Statistics 2022						
Apartments	General Location	Nature of Incident	Cause of Fire	Number of Deaths Related to Fire	Number of Injuries Requiring Treatment at a Medical Facility	Value of Property Damage Caused by Fire
Visiting Scientists and Student Housing Facility 312 N. International Blvd.	N/A	N/A	N/A	0	0	0

Cause: listed in accord with the National Fire Incident Reporting System

Nature of Incident: listed in accord with the Nation Fire Incident Reporting System



# Harlingen Campus Multi-Intuitional Teaching Center 2023 Annual Security and Fire Safety Report

**Includes crime and fire statistics for 2020, 2021, and 2022**



In compliance with the Jeanne Clery Disclosure of Campus Security Policy and  
Campus Crime Statistics Act (20 USC § 1092(f), 34 CFR 668.46)

## Memorandum of Understanding

Texas A&M University-Kingsville maintains a formal memorandum of understanding for use of a portion of Texas State Technical College in Harlingen, TX for classroom instruction as a part of the Multi-Institutional Teaching Center.

Texas A&M University-Kingsville utilized the following locations at Texas State Technical College in Harlingen, TX in 2022:

- Welcome Center, Room 133 and Room 134 (utilized in Spring 2022)
- Irma Rangel Science and Technology Building W, Room 133, Room 134, and Room 135 (utilized in Fall 2022)

Texas A&M University-Kingsville students attending classes through the Multi-Institutional Teaching Center at Texas State Technical College in Harlingen, TX are encouraged to be aware of their personal safety and security and to be responsible in their actions while on campus. Texas State Technical College has many procedures in place to contribute to a safe campus environment and students are encouraged to become familiar with them and review them regularly.

Please take a moment and familiarize yourself with the information in the Texas State Technical College Annual Security and Fire Safety Report, for all campuses of Texas State Technical College, located online at: <https://www.tstc.edu/student-life/student-policies/clery-act-information/>. A link to the Texas State Technical College Annual Security and Fire Safety Report is provided at the bottom of their webpage under Resources.

The tables below indicate the crime statistics for the locations utilized by Texas A&M University-Kingsville at Texas State Technical College in Harlingen, TX.

## Texas State Technical College Harlingen Campus Multi-Institutional Teaching Center – Reportable Crimes

The following statistics include all incidents of Clery Act crimes reported to the institution that occurred within the campus' Clery Act locations, regardless of whether the individual reporting was a member of the campus community and regardless of whether the individual chose to move forward with the criminal justice or campus disciplinary proceedings. To prepare the annual disclosure of crime statistics, the institution collects information from internal sources such as campus police and other campus security authorities and requests information from external sources such as local law enforcement. Some local law enforcement agencies responded with data included in the reportable crime tables below. Other agencies did not respond to the institution's request for statistics or did not respond with a format usable for Clery crime reporting.

<b>Criminal Offenses</b>					
<b>Offense</b>	<b>Year</b>	<b>On Campus Property</b>	<b>Residential Facilities</b>	<b>Non-Campus Property</b>	<b>Public Property</b>
<b>Murder/Non-Negligent Manslaughter</b>	2020	0	0	0	0
	2021	0	0	0	0
	2022	0	0	0	0
<b>Manslaughter by Negligence</b>	2020	0	0	0	0
	2021	0	0	0	0
	2022	0	0	0	0
<b>Sex Offenses, Rape</b>	2020	0	0	0	0
	2021	0	0	0	0
	2022	0	0	0	0
<b>Sex Offenses, Fondling</b>	2020	0	0	0	0
	2021	0	0	0	0
	2022	0	0	0	0
<b>Sex Offenses, Incest</b>	2020	0	0	0	0
	2021	0	0	0	0
	2022	0	0	0	0
<b>Sex Offenses, Statutory Rape</b>	2020	0	0	0	0
	2021	0	0	0	0
	2022	0	0	0	0
<b>Robbery</b>	2020	0	0	0	0
	2021	0	0	0	0
	2022	0	0	0	0
<b>Aggravated Assault</b>	2020	0	0	0	0
	2021	0	0	0	0
	2022	0	0	0	0
<b>Burglary</b>	2020	0	0	0	0
	2021	0	0	0	0
	2022	0	0	0	0
<b>Motor Vehicle Theft</b>	2020	0	0	0	0
	2021	0	0	0	0
	2022	0	0	0	0
<b>Arson</b>	2020	0	0	0	0
	2021	0	0	0	0
	2022	0	0	0	0



<b>Hate Crimes</b>					
<b>Offense</b>	<b>Year</b>	<b>On Campus Property</b>	<b>Residential Facilities</b>	<b>Non-Campus Property</b>	<b>Public Property</b>
<b>Hate Crimes</b>	2020	0	0	0	0
	2021	0	0	0	0
	2022	0	0	0	0

<b>Violence Against Women Act Crimes</b>					
<b>Offense</b>	<b>Year</b>	<b>On Campus Property</b>	<b>Residential Facilities</b>	<b>Non-Campus Property</b>	<b>Public Property</b>
<b>Domestic Violence</b>	2020	0	0	0	0
	2021	0	0	0	0
	2022	0	0	0	0
<b>Dating Violence</b>	2020	0	0	0	0
	2021	0	0	0	0
	2022	0	0	0	0
<b>Stalking</b>	2020	0	0	0	0
	2021	0	0	0	0
	2022	0	0	0	0

<b>Weapons, Drug and Alcohol Arrests and Disciplinary Referrals</b>					
<b>Offense</b>	<b>Year</b>	<b>On Campus Property</b>	<b>Residential Facilities</b>	<b>Non-Campus Property</b>	<b>Public Property</b>
<b>Weapons Arrests</b>	2020	0	0	0	0
	2021	0	0	0	0
	2022	0	0	0	0
<b>Weapons Disciplinary Referrals</b>	2020	0	0	0	0
	2021	0	0	0	0
	2022	0	0	0	0
<b>Drug Abuse Arrests</b>	2020	0	0	0	0
	2021	0	0	0	0
	2022	0	0	0	0
<b>Drug Abuse Disciplinary Referrals</b>	2020	0	0	0	0
	2021	0	0	0	0
	2022	0	0	0	0
<b>Liquor Law Arrests</b>	2020	0	0	0	0
	2021	0	0	0	0
	2022	0	0	0	0
<b>Liquor Law Disciplinary Referrals</b>	2020	0	0	0	0
	2021	0	0	0	0
	2022	0	0	0	0

## **Texas State Technical College Harlingen Campus Multi-Institutional Teaching Center – Unfounded Crimes**

Unfounded crimes are crimes that sworn or commissioned law enforcement personnel have investigated and made a formal determination that the report is false or baseless and are, therefore, subsequently withheld from Clery crime statistics. Following are the unfounded crimes as reported for all Texas A&M University-Kingsville Clery Act locations and Clery Act offenses:

- Calendar year 2020: 0 unfounded crimes
- Calendar year 2021: 0 unfounded crimes
- Calendar year 2022: 0 unfounded crimes



# 2023 Annual Security Report

**Contains policy statements for the 2023-2024 academic year  
and crime statistics for 2020, 2021, and 2022**



**In compliance with the Jeanne Clery Disclosure of Campus Security Policy and  
Campus Crime Statistics Act (20 USC § 1092(f), 34 CFR 668.46)**

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# Texas A&M University-Kingsville RELLIS Campus

## Preparation of the Annual Security Report and Disclosure of Crime Statistics

Enacted in 1990, The Crime Awareness and Campus Security Act was designed to assist the campus community in making decisions which affect their personal safety by requiring institutions of higher education to provide certain campus security information to current and prospective students and employees annually. The Higher Education Act of 1998 and the subsequent amendments of the implementing regulations (34 C.F.R.668.46) significantly expanded institutions' obligations under the act. The act was also renamed the "Jeanne Clery Disclosure of Campus Security Policy and Campus Crime Statistics Act" (hereafter the Clery Act).

Texas A&M University-Kingsville (TAMUK) recognizes RELLIS as a separate campus per the Clery Act. The Texas A&M University-Kingsville Police Department (TAMUK-UPD), Texas A&M University Police Department (TAMU-UPD) and Office of Risk, Ethics, and Compliance (OREC) are responsible for preparing and distributing the Annual Security Report to comply with the Clery Act. The Annual Security Report is published every year by October 1st and contains three years of selected campus crime statistics and certain campus security policy statements in accordance with the Clery Act. The 2023 Annual Security Report contains crime statistics for calendar years 2020, 2021, and 2022.

RELLIS, formerly known as the Riverside Campus, is owned by the Texas A&M University System (TAMUS), controlled by the institution for purposes of the Clery Act, and located eight miles from the Texas A&M University (TAMU) main campus in College Station. RELLIS was renamed in 2016 to represent the Aggie core values of respect, excellence, leadership, loyalty, integrity, and selfless services. Facilities at RELLIS are, and have historically been, used to conduct world-class research, technology development, and industry outreach with participants including, but not limited to, the TAMU College of Engineering (through affiliation with the Texas A&M Engineering Experiment Station and the Texas A&M Transportation Institute), the TAMU College of Architecture, and the TAMU Department of Anthropology. Construction of RELLIS facilities during calendar years 2017, 2018, and 2019 created an expanded campus where students participate in research and testing with multiple agencies in the TAMUS; including federal, state, and local governments; and private industry. Additional paths toward college degrees have also been established at RELLIS. Post-secondary degree education and training were offered beginning in fall 2018 with programs through Blinn College and multiple universities under the TAMUS, including TAMUK which began offering courses through the RELLIS Campus in August 2019 as part of a system-wide initiative. The educational program at RELLIS is comprehensively called the RELLIS Academic Alliance and includes plans for further facility expansion. RELLIS Campus policies were provided by personnel at RELLIS, TAMU-UPD, TAMUS, and OREC.

Policy statements in this Annual Security Report are relevant to TAMUK students, faculty, and staff located at RELLIS and reflect the same policies, practices, and services that are applicable

to TAMUK unless otherwise stated. RELIS Academic Alliance students and employees not enrolled in or employed by TAMUK may have differing policies, practices, and services provided by other entities that are not required to be disclosed in this Annual Security Report. Personnel at TAMUK-UPD, RELIS, TAMU-UPD, TAMUS, and OREC compose the Annual Security Report and statistical information with input from various sources such as local law enforcement agencies, Student Affairs, and other campus personnel.

## Annual Security Report Notifications

Each year, an e-mail notification is distributed to all current students, faculty, and staff providing the website to access this report. The report can be found at <https://www.tamuk.edu/dean/cleryreport.html>.

Prospective employees are notified of the availability of the Annual Security Report through an e-mail distributed when applying for a position. Website access to the Annual Security Report is provided by Human Resources through a link called “Campus Crime Statistics” under “Helpful Links” located on the Workday webpage (<https://tamus.wd1.myworkdayjobs.com/TAMUK> External) for External Applicants and on the Current Employees webpage (<https://www.tamuk.edu/employee-services/hr/employee.html>) through a link under the “Required Employee Notices” dropdown and “Safety and Security Notices” heading.

Prospective undergraduate and graduate students are notified of the availability of the Annual Security Report through an e-mail distributed after submitting an online Information Request Form on the Office of Admission website (<https://www.tamuk.edu/enrollment-management/admission/index.html>) or applying for admission to TAMUK through ApplyTexas.

Prospective dual enrollment students are notified of the availability of the Annual Security Report through an e-mail distributed after applying for admission to TAMUK using the Apply Now link on the Dual Enrollment website (<https://www.tamuk.edu/enrollment-management/dualenrollment/index.html>).

Printed copies of the report may be requested by contacting:

### **RELIS**

Assistant Provost & Title IX Coordinator  
Academic Complex Building 1, Room 117J  
(979) 317-3404  
[civilrights@rellis.tamu.edu](mailto:civilrights@rellis.tamu.edu)

### **Texas A&M University-Kingsville**

Office of the Dean of Students  
Memorial Student Union Building, Room 306  
(361) 593-3606

University Police Department  
Lewis Hall, Dispatch  
(361) 593-2611  
[upd@tamuk.edu](mailto:upd@tamuk.edu)

## Campus Law Enforcement Policies

### Police Department Overview

An infrastructure agreement is in place between TAMUS and TAMU to provide primary police and security service at RELLIS through the TAMU-UPD. TAMU-UPD provides law enforcement and security services to all components of TAMU located in Brazos County, including RELLIS, and a variety of other satellite facilities throughout the Brazos County.

TAMU-UPD has 160 authorized positions that includes 78 state certified police officers, 54 security officers, 13 communications officers, and 17 administrative support personnel. The department maintains a fully staffed Patrol Section. Patrol is the core of TAMU-UPD. Patrol officers are responsible for responding to calls for service, preliminary investigation of calls for service, traffic enforcement, and accident investigation. The department also maintains a Security Section responsible for additional patrolling and security of contracted buildings on campus; a Criminal Investigations Section including detectives, investigators, and the Victim Services Unit; a Communications Section primarily responsible for dispatching patrol and security officers; a Compliance and Support Section including Clery, Records, and Evidence Units and the Public Information Officer function; an Information Technology Section; a Personnel and Recruiting Section responsible for hiring, training, and recruiting; and a Special Operations Section responsible for special events and planning for critical incidents and includes the Community Services Unit, Tactical Officer Program, and quartermaster function. Other personnel within the department include the Joint Terrorism Task Force Investigator, the Accreditation Manager and administrative support.

To provide a safe campus for our students, staff, faculty and visitors, the TAMU-UPD has uniformed officers on patrol 24-hours a day, year round at the main campus who are available to respond to RELLIS. To provide this around-the-clock coverage, TAMU-UPD officers work in two shifts with an additional third overlapping shift as staffing allows. TAMU-UPD security officers work closely with TAMU-UPD armed patrol officers by constantly patrolling university properties and staffing fixed posts at some facilities. Additionally, TAMU-UPD patrols the RELLIS campus as part of an established patrol pattern and TAMU-UPD security personnel are assigned to patrol the RELLIS campus during the day and each evening, including weekends.

A Memorandum of Understanding (MOU) is also established between the Blinn College Police Department (BCPD) and the TAMU-UPD to coordinate police service for the Academic Alliance and RELLIS. During normal business hours, BCPD provides a police officer dedicated to facilities at RELLIS that are occupied by Blinn students and employees and the RELLIS Campus in general.

The Blinn officer is located at the RELLIS Campus in the Walter C. Schwartz Building (Blinn Academic Building), 1366 Bryan Rd., Bryan, TX 77807.

### **Jurisdiction**

TAMU-UPD is the primary police authority for RELLIS. TAMU-UPD police officers are certified Texas peace officers as defined in article 2.12 of the Texas Code of Criminal Procedure. Pursuant to Section 51.203 of the Texas Education Code, police officers commissioned by a state institution of higher education have authority and jurisdiction in all counties in which property is owned, leased, rented, or otherwise under the control of the institution of higher education. The patrol jurisdiction for security officers is limited to buildings or properties owned or controlled by TAMU, including the RELLIS campus.

### **Arrest Authority**

As peace officers, TAMU-UPD's armed police officers have the same full authority to detain and arrest as municipal police officers. TAMU-UPD employs both commissioned and non-commissioned security officers. The commissioned security officers can detain and restrain according to statute, but have no arrest authority. The non-commissioned security officers do not have authority to detain or make arrests, but their presence and observations at various campus locations support and assist the work of the TAMU-UPD Patrol Section. BCPD officers at RELLIS also have authority to detain and arrest. Security personnel assigned to RELLIS are non-commissioned and do not have detain or arrest authority.

### **Enforcement Authority**

TAMU-UPD is computer linked to city, state and federal criminal justice agencies, which provide access to criminal records, wanted persons, stolen property, and vehicle information. All crimes occurring at RELLIS should be reported to TAMU-UPD or submitted to TAMU-UPD from BCPD officers or security. TAMU-UPD investigates and refers crimes for prosecution through the Offices of the County Attorney and District Attorney when appropriate. Security officers assigned to the RELLIS campus are not sworn officers and do not have enforcement authority. Criminal matters involving students, employees, or others on campus are referred to police officers. Students and employees may also be referred to university administration for disciplinary action.

### **Working Relationships and Agreements**

TAMU-UPD maintains excellent working relationships with all area law enforcement agencies including the College Station Police Department, Bryan Police Department, Brazos County Sheriff's Office, BCPD, and all four Brazos County Constable Offices. TAMU-UPD's working relationships with local law enforcement agencies are maintained through a written mutual aid agreement. The agreement allows for cooperation in the performance of police protection including the investigation of alleged crimes, enforcement of laws, and communication between agencies pursuant to the agreement. Working relationships are also maintained through periodic communications among agency administrators and frequent contacts between line officers and investigators cooperating on specific cases. Through these



relationships, TAMU-UPD may be provided information regarding student non-campus criminal activity, including student organizations with non-campus housing.

TAMU-UPD also maintains excellent working relationships with many state and federal agencies on an as needed basis. These agencies include, but are not limited to, the Federal Bureau of Investigation, The United States Secret Service, Alcohol Tobacco and Firearms, and The Texas Department of Public Safety.

A request is distributed to local law enforcement agencies annually to solicit cooperation in informing the institution about crimes. The request is specific to informing TAMU-UPD about situations reported to the given local law enforcement agency that may warrant an emergency response or timely warning notification.

### **Monitoring Non-Campus Locations**

There are no non-campus locations associated with the RELLIS campus.

When a student is involved in an offense in an off campus location, TAMU-UPD may assist with the investigation in cooperation with local, state, or federal law enforcement agencies, but does not actively record or monitor criminal activity. TAMUK does not have any officially recognized student organizations that own or control housing facilities outside of the TAMUK campus. TAMU-UPD does not provide routine law enforcement service to off campus housing facilities or other off campus facilities. Off campus properties are monitored, recorded, and investigated by the police agency with jurisdiction of the specific location.

Institutional sponsored travel by a student or student organization to a location away from campus may result in the location meeting the criteria for Clery non-campus property. TAMU-UPD does not monitor or record criminal activity for these non-campus locations. The local law enforcement agency with jurisdiction at the location responds when police services are requested.

### **Professional Standards**

Providing excellent service and maintaining good relationships within the community is vital to achieving TAMU-UPD's overall mission of keeping the campus safe and secure. All members of the Texas A&M community can expect to be treated in a courteous and professional manner by members of the department. TAMU-UPD will not tolerate an employee who acts unprofessionally or who does not provide an appropriate level of service. Instances where TAMU-UPD employees have been especially helpful or have exceeded expectations in service can also be recognized.

The quality of TAMU-UPD's service is dependent in part on feedback from the community. Please help the department improve by bringing complaints and compliments to the attention of any of the following individuals in a timely manner:

- Request the on-duty Police Supervisor by calling 979-845-2345. This individual is available 24-hours a day.
- Address written correspondence to: Chief of Police, UPD, TAMU 1231, College Station, Texas 77843-1231.

## Campus Law Enforcement Telephone Directory

Website: <https://upd.tamu.edu/Pages/Home.aspx>

Emergencies from on campus phones/Police/Fire/Medical	911 or 9-911
Non-Emergencies/General Assistance	(979) 845-2345
TAMU Chief of Police	(979) 845-2345
Community Services Unit	(979) 458-1674
Patrol Section	(979) 845-2345
Records Unit	(979) 845-2347
Criminal Investigations Section	(979) 458-1674
Personnel and Recruiting Section	(979) 862-8125
Security Section	(979) 862-3375
Public Information Officer	(979) 845-0070
Field Operations Lieutenant (Patrol Section)	(979) 458-1458 or (979) 845-8896
Training Unit	(979) 845-8055
Special Operations Section	(979) 845-8900
Victim Services Unit	(979) 458-9767
Blinn Police at RELLIS	(979) 209-7600
TAMU-UPD Police at RELLIS	(979) 845-2345

## Reporting Crimes

### Incident Reporting and Response

Criminal actions or any on-campus emergency at RELLIS should be reported immediately to TAMU-UPD or BCPD by dialing 911 or 9-911 from a campus phone, 911 from a cellular phone, or in person. When using a campus phone (landline) dial either 911 or 9-911 to reach an emergency operator. For non-emergencies contact TAMU-UPD at 5-2345 from a campus phone or call (979) 845-2345 from an off campus phone, campus payphone, or cell phone. Upon receipt of the call, the TAMU-UPD Communications Center personnel can supply information or dispatch officers as necessary. TAMU-UPD officers located at RELLIS can be contacted at (979) 845-2345. Electronic crime reports can be filed with TAMU-UPD by e-mailing [upd@tamu.edu](mailto:upd@tamu.edu). The Blinn Police Officer located at the RELLIS Blinn Academic Building can also be contacted at (979) 209-7600 or at 911 for emergencies occurring at or near the RELLIS campus.

TAMU-UPD calls for service are received in the TAMU-UPD Communications Center where the information is entered into a Computer Aided Dispatch (CAD) system. The Communications

Operator will request basic information regarding the call for service and the caller's contact information as an officer may need to subsequently reach the reporting party. A Police Officer will either be dispatched to the scene or to the office to take the call by telephone, depending on the type of call. The Police Officer may then issue a case number for the call and complete an incident or offense report. Copies of all incident and offense reports are kept with the TAMU-UPD Records Unit for a time period mandated by institutional and state records retention policies.

TAMU-UPD will respond as quickly and safely as possible to requests for assistance, whether it is an emergency or not. Response time is based on current activity and severity of the call. Crimes in progress, alarms, traffic accidents with injuries, and medical assists have a higher priority than other types of calls. University Police or Security officers in vehicles, on foot, or on bicycles will assist and may be contacted directly. For non-campus offenses, we encourage prompt reporting to the proper local law enforcement agency.

We cannot overemphasize the importance of prompt and accurate reporting of crime. If a crime is not reported promptly, evidence can be destroyed or the potential to apprehend a suspect is lost. Without accurate reports, leads could be missed and the investigation headed in the wrong direction. If a crime or emergency is witnessed, promptly report it to TAMU-UPD and be prepared to answer questions as accurately as possible. The subsequent investigation can only be as thorough as the information received. If you are the victim of a crime, or have seen or received information of criminal activity or other emergency, please contact TAMU-UPD immediately.

### **Reporting Criminal Offenses to University Officials: Campus Security Authorities**

Faculty, staff, and students are encouraged to report any criminal offenses within the campus environment directly to TAMU-UPD or BCPD located at RELLIS. For off campus offenses, we encourage accurate and prompt reporting to the proper local law enforcement agency. As an option, criminal offenses of which students and employees are aware may also be reported to the following TAMUK campus security authorities:

<b>Campus Security Authorities</b>	<b>Phone</b>	<b>Location</b>
RELLIS Assistant Provost & Title IX Coordinator (for RELLIS Academic Alliance)	(979) 317-3404	Academic Complex Building 1, Room 117J, RELLIS Campus
Assistant Vice President of Student Affairs/Dean of Students	(361) 593-3606	Memorial Student Union Building, Room 305
Director, Student Conduct & Community Standards	(361) 593-4095	Memorial Student Union Building, Room 305
Chief Ethics & Compliance Officer	(361) 593-4758	Lewis Hall, Room 130
Title IX Coordinator	(361) 593-4761	Lewis Hall, Room 130
Chief Administrative Officer	(361) 593-3705	College Hall, Room 210

Assistant Dean of Students, Student Health & Wellness	(361) 593-2382	Student Health & Wellness Building
Assistant Dean of Students, Student Engagement & Campus Life	(361) 593-2760	Javelina Student Engagement Center
Executive Director, University Housing & Residence Life	(361) 593-4648	Lucio Hall, Room 119 E
Executive Director, Athletics	(361) 593-2800	McCulley Hall

Crime reports provided to these and other campus security authorities are used by the school to fulfill its responsibility to annually disclose accurate crime statistics and to issue or facilitate the issuance of timely warnings or emergency notifications. Campus security authority crime reports should include sufficient detail such as dates and locations, and where appropriate, personally identifying information, including name and contact information, if available. For additional information on the duties and responsibilities of the individuals and offices listed above, see the Clery Act Guidelines for A&M System Campus Security Authorities PowerPoint at: <https://upd.tamu.edu/CSA%20Reporting/CSA%20Slides.pdf>.

Students, faculty, staff, community members, and guests are encouraged to report all crimes and public safety related incidents to TAMU-UPD, BCPD at RELLIS, or the appropriate police agencies in an accurate and prompt manner when the victim of such crimes elects or is unable to make such a report. The TAMU-UPD Victim Services program provides information regarding victims' rights, as well as assistance in dealing with the traumatizing consequences of crimes, to those who make a report or who may be reluctant to report. TAMU-UPD officers provide TAMU-UPD Victim Services contact information to victims encountered in the field. TAMU-UPD, TAMU-UPD Victim Services, and the university offices listed above, will assist individuals reporting in notifying the proper law enforcement authorities, if the individual chooses. It is the goal of the institution to provide assistance wherever the report is made and include Clery countable crimes in the Annual Security Report.

Although exempt from the reporting requirements of the Clery Act, pastoral and professionally licensed mental health counselors are encouraged, if and when they deem appropriate, to refer persons they are counseling to report crimes on a voluntary, confidential basis for inclusion in the annual statistics and crime log, especially if the incident may pose an ongoing threat to the campus community.

### **Confidential and Anonymous Reporting of Crimes**

TAMU-UPD encourages anyone who is the victim or witness to any crime to promptly report the incident to the police. Because police reports are public records under state law, TAMU-UPD cannot hold reports of crimes in confidence. However, victims of certain offenses are eligible for a pseudonym in which the victim's true identity will not be released. An individual who is involved in or witnesses an active or ongoing emergency should dial 911 and report the emergency immediately.

Voluntary confidential reports, for purposes of inclusion in the annual disclosure of crime statistics and crime log, can generally be made by victims, witnesses, and others to the campus security authorities listed on the previous page and all other campus security authorities. Annual crime statistics and the crime log are confidential in that personally identifiable information is not included in the disclosure. However, campus security authorities who are Texas A&M University System member employees are mandatory reporters who must report all known information about an alleged or suspected incident of discrimination, harassment, retaliation, or complicity that is experienced by, observed by, or made known to the employee in the course and scope of their employment as soon as possible. These mandatory reports are required to be made to the RELLIS Assistant Provost and Title IX Coordinator's Office. Exceptions include confidential reporters described in the next paragraph.

At the RELLIS campus, the following are considered confidential reporters: mental health providers and health care for students – Texas A&M Health Family Care (979) 776-8440; and mental health provider for employees and the employee's benefits-eligible dependents at Work/Life Solutions by GuidanceResources 1-866-301-9623.

Crimes can be reported anonymously by calling Crime Stoppers at 979-775-TIPS (8477). Concerning behavior, including crimes, can be reported anonymously to the TAMU Special Situations Team via the Tell Somebody online reporting form. The form and more information can be found at <https://tellsomebody.tamu.edu/>. Reports submitted anonymously or with limited information may restrict the team's ability to follow up on the incident.

## **Timely Warning Policy**

The procedures disclosed in this section apply to incidents occurring at the RELLIS campus that warrant a timely warning (Crime Alert).

TAMU-UPD notifies the Blinn Police Department (BCPD Chief of Police or designee), and RELLIS administration prior to issuing Crime Alerts on behalf of the RELLIS campus using established procedures as described below.

The circumstances in which a Crime Alert will be generated include, but are not limited to, the receipt of a report to TAMU-UPD or other campus security authority of a crime reportable under the Clery Act, that poses a serious or continuing threat to the campus community. The TAMU-UPD Chief of Police (or university official designated by the Chief of Police) or TAMU-UPD Assistant Chief(s) of Police is responsible for determining if a Crime Alert will be issued. Crimes that may warrant a Crime Alert include, but are not limited to, major incidents of arson, murder/non-negligent manslaughter, robbery, aggravated assault, sex offenses, or other crimes as determined necessary by the TAMU-UPD Chief of Police (or university official designated by the Chief of Police) or TAMU-UPD Assistant Chief(s) of Police. The determination will be made on a case-by-case basis after due consideration of all available facts of the crime, such as the nature of the crime and whether or not a continuing danger to the campus community exists. If TAMU-UPD or other campus security authorities are not notified of a crime in a manner that

would allow the department to provide timely notice, a Crime Alert may not be issued depending on the circumstances. All situations will be evaluated on a case-by-case basis.

TAMU-UPD is responsible for writing and issuing Crime Alerts for crimes occurring at the RELLIS campus. Personnel authorized to write and/or issue (send) a Crime Alert are: TAMU-UPD Chief of Police (or university official designated by Chief of Police), TAMU-UPD Assistant Chief(s) of Police, TAMU-UPD Public Information Officer, and TAMU-UPD Clery Act Compliance Officers. An internal or external review among two or more authorized personnel may occur if time allows. Students and employees should report criminal offenses immediately to TAMU-UPD, by phone at (979) 845-2345 or in person at TAMU-UPD (1111 Research Parkway, College Station, TX 77843). BCPD (979) 209-7600 and TAMU-UPD (979) 845-2345 can also be contacted and/or dispatched to RELLIS by phone. TAMU-UPD is the organization designed to receive reports of criminal offenses described in the law for the purposes of making Crime Alert reports and the annual statistics disclosed in this report.

Crime Alerts are issued through e-mail to students, faculty, and staff in a manner that is timely, that withholds the names of victims as confidential, and that will aid in the prevention of similar occurrences. Recipients include, but are not limited to, TAMUK students and employees located at RELLIS and students and employees that are part of the RELLIS Academic Alliance. Information regarding the Crime Alert may be forwarded to local media outlets through a formal press release. Crime Alerts contain sufficient information about the nature of an identified threat to assist members of the campus community in taking appropriate action to protect themselves or their property. Crime Alerts generally include:

- A readily understandable description of the type of crime or occurrence.
- The general location, date and time of the offense.
- A physical description of the suspect(s), if available, when there is sufficient detail that would reasonably help identify a specific individual suspect or group of suspects.
- Possible connection to other incidents.
- Date and time the alert was issued.
- Suggested measures which members of the university community can take to help protect themselves.

It is important to note that in some cases law enforcement may need to withhold some facts if releasing the information would compromise an ongoing investigation or the identity of the victim. Victim names and other identifying information of victims are not included in Crime Alerts. An institution is not required to provide a timely warning with respect to crimes reported to a pastoral or professional counselor.

## **Emergency Response and Evacuation Policy**

The procedures disclosed in this section apply to significant emergencies or dangerous situations occurring at the RELLIS campus. The institution does not have separate procedures for emergencies occurring on non-campus property.

On-campus emergencies should be reported immediately by dialing 911 from a campus phone, 911 from a cellular phone, or in person. If using a campus phone (landline), dial 911 to reach an emergency operator. Any emergency service can be summoned by calling 911.

### **Emergency Notification System**

TAMU-UPD and RELLIS administration coordinate with Blinn College to issue emergency notifications on behalf of the RELLIS campus using two emergency notification systems. Established procedures are described below.

The RELLIS campus emergency notification system (RELLIS Alert) is utilized to notify students and employees, known to be located at the RELLIS campus, of significant emergencies or dangerous situations occurring at the RELLIS campus. To supplement this process, the Blinn College emergency notification system called Blinn Alert, is also being utilized to notify Blinn College students and employees located at RELLIS of significant emergencies or dangerous situations occurring at the RELLIS campus. Authorization and access is coordinated for efficiency and distribution of identical communications.

The RELLIS Alert (and Blinn Alert) emergency notification system gives the campus the ability to communicate health and emergency information through one or all of the following mechanisms: SMS text message and e-mail. RELLIS Alert also utilizes pop-up messages on equipped university-owned computers, Twitter, RSS, and a mobile app. RELLIS Alerts are issued to the RELLIS campus community, rather than to specific segments of the campus population. Blinn Alerts are issued to the Blinn College, RELLIS campus community, rather than to specific segments of the campus population.

The RELLIS Alert (and Blinn Alert) system is only used to provide official notification of critical emergencies (i.e., situations that pose an imminent threat to the community). It is the policy of TAMU-UPD and RELLIS campus personnel to immediately notify the campus community, via the RELLIS Alert (and Blinn Alert) emergency notification system, upon the confirmation of a significant emergency or dangerous situation involving an immediate threat to the health or safety of students or employees occurring on the RELLIS campus. TAMU-UPD and/or RELLIS campus personnel determine whether or not a significant emergency or dangerous situation exists by evaluating information received from entities which may include, but are not limited to: law enforcement (including the Blinn Police Department), fire department, Emergency Management, National Weather Service, Environmental Health and Safety, Emergency Medical Services, Facilities Services, and other campus officials including personnel from the RELLIS campus. TAMU-UPD coordinates with RELLIS campus administration about emergencies or dangerous situations occurring at the RELLIS campus and the resulting RELLIS Alert (and Blinn Alert) messages, if any, as time allows. Members of TAMU-UPD, the responsible law enforcement agency, may initiate a RELLIS Alert without consulting RELLIS campus administration if in their professional judgment, consulting with said person(s) will unduly delay the emergency notification process and will follow up with the RELLIS administration leadership within a reasonable amount of time once issued.

The RELLIS Alert (and Blinn Alert) emergency notification system does not replace the Crime Alert requirement. They differ in that the Crime Alert requirement applies to Clery reportable crimes, while the emergency notification system addresses a much wider range of threats (i.e. gas leaks, tornadoes, active shooter, etc.). If an emergency notification is issued, the campus is not required to issue a Crime Alert based on the same circumstances; however, the institution must provide adequate follow-up information to the community as needed.

TAMU-UPD and/or RELLIS administration will, without delay, and taking into account the safety of the community, determine the content of the notification, and initiate the RELLIS Alert (and Blinn Alert) notification system; unless issuing a notification will, in the professional judgment of responsible authorities, compromise efforts to assist victims or to contain, respond to, or otherwise mitigate the emergency.

Employees authorized to make a final determination of a significant emergency or dangerous situation and determine the content of a RELLIS Alert (and Blinn Alert) are: the RELLIS campus Director or designees including the Deputy Director RELLIS campus, Associate Director of Operations RELLIS campus, and Assistant Director Environmental Health and Safety RELLIS campus. The following TAMU employees are also authorized including the TAMU-UPD Chief of Police, TAMU-UPD Assistant Chief(s) of Police, TAMU-UPD Patrol Supervisors (or TAMU-UPD officer designated by TAMU-UPD Patrol Supervisor), and TAMU-UPD Dispatchers. If time allows, final message content will be approved at the highest level available. Upon notification from an authorized employee listed above, a RELLIS Alert publisher will send the RELLIS Alert (and Blinn Alert)<sup>53</sup>. RELLIS Alert publishers include:

- TAMU-UPD Dispatchers,
- TAMU-UPD Chief of Police,
- TAMU-UPD Assistant Chief(s) of Police,
- RELLIS Associate Director of Operations, and
- RELLIS Assistant Director of Environmental Health and Safety (emergency management).

In the event of a system problem, certain trained individuals from the TAMU Division of Information Technology, the RELLIS Chief Information Officers, or the TAMUS Assistant Director of Environment, Safety & Security can be called upon to send a RELLIS Alert. TAMU-UPD Dispatchers are the designated individuals at TAMU to send Blinn Alerts.

In circumstances where time is of the essence, certain RELLIS Alert publishers are authorized to make a final determination of a significant emergency or dangerous situation, compose an alert (or select and modify one of the warnings that are pre-scripted for that purpose), and send the alert. An example of such an urgent message could include an alert issued for an active shooter.

Additionally, in rare cases, an emergency or dangerous situation may require issuance of a modified emergency notification, outside of the RELLIS Alert (and Blinn Alert) emergency

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<sup>53</sup> In the event of a system problem, certain trained individuals from Division of Information Technology can be called upon to send a RELLIS Alert. TAMU-UPD Dispatchers are the designated publishers of Blinn Alerts at TAMU.



notification system, to be distributed on behalf of the RELLIS campus. These cases include: if the emergency prevents the local campus from issuing the alert or if a centralized global message is determined to be necessary by the TAMUS offices.

Victim names and other identifying information of victims are not included in emergency notifications.

TAMU conducts monthly pre-scheduled testing of the RELLIS Alert emergency notification system. These tests are launched by the Communications Section of TAMU-UPD. After each test, or actual alert, TAMU Information Technology will analyze and report on the functionality of each communication channel within the notification system. The report is provided to the RELLIS Alert primary stakeholders: the Director of Crisis Communications and the Associate Vice President for Enterprise Platforms, Cloud, and Shared Services. Any test may be cancelled by the primary stakeholders. Reasons for cancelling monthly tests include the existence of real threats that could necessitate sending an emergency message, recent emergency messages that obviate the need for that month's test, etc.

The Blinn Alert System is tested each month to verify proper operation. The test is performed by a different member of the Blinn emergency management team, consisting of members of the BCPD, to familiarize the team with the system and procedures.

## **Registering for Emergency Notifications Students, Faculty, and Staff Access**

The RELLIS Alert emergency notification system allows anyone to register to receive text message alerts. Emergency alerts are automatically sent to school and business e-mail addresses of students and employees known to be located at RELLIS. The system also has the capacity to send the emergency notification message to multiple channels based on what channels are selected by the RELLIS Alert publisher at the time the message is issued. Options include alerts on equipped computers, RELLIS Alert mobile app, Twitter, and RSS. To register, visit: <https://codemaroon.tamu.edu/RELLISAbout.aspx>.

The Blinn Alert emergency notification system allows Blinn students, faculty, and staff to receive supplemental e-mail and text message alerts applicable to the RELLIS campus.

## **Public Access**

Parents, family, and friends can receive emergency alerts by registering to receive text message alerts, installing the RELLIS Alert mobile app, installing the computer popup client, or subscribing to RELLIS Alert's RSS feed. The RSS feed can be accessed through e-mail clients (Microsoft Outlook or Mozilla Thunderbird), various news readers (My Yahoo, Feedly, and Flipboard), and internet browsers (Internet Explorer, Firefox, etc.).

Parents and other guests may register for text message alerts at the RELLIS Alert vendor's subscriber portal. A personal e-mail address and private password are required to create a

guest account and register one phone number to receive SMS text message alerts. The registration portal can be found at: <https://codemaroon.tamu.edu/RELLISPublicAccess.aspx>.

The public can receive RELLIS Alerts through Twitter, however, delivery by Twitter cannot be guaranteed since RELLIS and TAMU personnel do not manage this notification outlet. Twitter users can follow RELLISAlert to see alerts in your Twitter feed and/or receive push alerts on a mobile device through the Twitter mobile app. Once RELLISAlert is followed, click the Bell Icon on the RELLISAlert profile page to turn on push notifications for any mobile device with the Twitter app installed.

Also, anyone with a device that uses the Android or iOS operating systems can download the free RELLIS Alert app to receive alerts and access additional safety features and campus emergency information. The app requires a data connection to receive push notifications. The application is available for download on Google Play and Apple Store at: <https://codemaroon.tamu.edu/RELLISMobileAppNotification.aspx>.

Setup instructions for the RELLIS Alert public access mechanisms described above can be found here: <https://codemaroon.tamu.edu/RELLISPublicAccess.aspx>.

The public cannot register for Blinn Alerts.

### **Disseminating Information to the Larger Community**

In the event that a crisis occurs on RELLIS property, the TAMUS Office of Marketing and Communications will be notified as soon as possible. As chief spokesperson(s) for the campus, TAMUS Marketing and Communications staff will ultimately be responsible for providing strategic direction and implementing protocols as outlined in the emergency communications plan. TAMUS Marketing and Communications will work with the TAMU-UPD Public Information Officer and the RELLIS Director to prepare and disseminate internal and external messages, distribute news releases, alert local media, respond to media inquiries, update the emergency website and the main university website with pertinent information, and share timely information as appropriate via digital channels such as social media. In addition, TAMUS Marketing and Communications will be responsible for planning, scheduling, and providing logistical support for news conferences as well as coordinating communication efforts with relevant entities and organizations. In case of an emergency, RELLIS campus personnel will utilize the emergency website (<https://rellis.tamus.edu/emergency/>) to provide current information pertaining to the incident. Individuals receiving the emergency notification will also be advised with updated information, as needed, using the same method(s) as the original notification.

### **Emergency Preparedness**

The Director of the RELLIS campus has primary responsibility for emergency preparedness at the RELLIS campus. Duties and responsibilities range from working with departments to write

and exercise building evacuation plans, to developing and maintaining emergency response plans as deemed necessary.

The RELLIS campus [Emergency Operations Plan](#) is the primary plan that describes the general framework for emergency response and evacuation procedures at the campus. The Emergency Operations Plan coordinates and integrates all necessary resources to prevent, protect, mitigate, respond to and recover from emergencies that affect the RELLIS campus and its constituents. It is designed to interface with community response organizations and anticipate potential emergencies which may affect any operation or service. The RELLIS campus Director in coordination with TAMUS Environment, Safety & Security is responsible for maintaining and updating this plan. This plan shall be reviewed at least annually and updated based upon deficiencies identified during actual emergency situations, training and exercises, and when changes in hazards, resources, capabilities or organizational structure occur. A revised or updated plan will be provided to all departments and individuals tasked within this plan in addition to TAMUS Environment, Safety & Security.

All RELLIS campus buildings are required to have a written Emergency Action Plan (EAP) that provides protective actions for life safety in the facility including specific guidance regarding immediate actions building occupants should take in the event of building evacuation, shelter in place, or lockdown. The RELLIS Academic Complex EAP is a set of more specific emergency protocols for the RELLIS Academic Complex developed to provide guidance for occupants and others in the event of foreseeable emergencies. The EAP includes a description of common threats, the Complex's fire and life safety features, incident reporting procedures, and evacuation procedures and drills. The building evacuation procedures will automatically be implemented when the fire alarm is activated or if emergency responders decide evacuation of a facility is necessary due to a particular hazard. Building occupants will be notified of the evacuation, as appropriate, dependent on the hazard. The RELLIS Academic Complex EAP may be viewed at: <https://rellis.tamus.edu/academicalliance/wp-content/uploads/sites/2/2023/09/Academic-Complex-EAP-Rev-005-1.pdf>.

The Emergency Operations Plan will be tested and exercised at least annually utilizing a discussion-based level exercise or higher and tests of the emergency notification system. An operations-based exercise will be performed at least every three years. The agencies and emergency response entities that interface with RELLIS officials during an actual emergency situation will be invited to participate in the campus exercises. Actual emergency situations or false emergency alarms will not be used to meet the requirements for testing and exercising the RELLIS Emergency Operations Plan. The tests and appropriate follow-through activities are designed for assessment and evaluation of emergency plans and capabilities and are performed and documented. Tests may be announced or unannounced. Testing reports and review documentation will include a description of the exercise, the date the test was held, the start and end time of the exercise, and whether the test was announced or unannounced. TAMU Environmental Health and Safety, in cooperation with RELLIS Environmental Health and Safety and lead administrators for each occupied facility, oversee building evacuation procedures for all occupied facilities on the RELLIS campus. The Environmental Health and Safety groups work

with each facility representative to maintain and test building evacuation procedures annually for occupied facilities on campus through scheduled emergency evacuation drills.

Emergency response and evacuation procedures are to be publicized annually in conjunction with a test through an e-mail to the RELLIS campus community. The e-mail will communicate information about accessing the RELLIS Emergency Operations Plan and emergency contacts. A RELLIS Alert test distribution may also be used to publicize this information to the RELLIS campus community.

## **Evacuation and Shelter-in-Place**

In some emergency situations, such as flooding or release of hazardous materials, emergency responders may order protective actions for persons who live or work on campus. Typically, these protective actions are to evacuate to a safer area or to shelter-in-place. It is possible that some emergency scenarios could result in one of these protective actions being ordered for one part of campus and the other protective action for a different area of campus. When such actions are warranted, you will be appropriately advised by police, fire, safety or RELLIS officials via the RELLIS Alert System, public address systems, loudspeakers, door-to-door notifications or other appropriate means.

### **Campus-wide Evacuation Procedures**

In the event that you are asked to evacuate campus:

- Evacuation orders will be disseminated via RELLIS Alert.
- Do not activate the building fire alarm system to achieve evacuation.
- Remain calm but act quickly.
- Promptly secure equipment, research, etc. in safe shutdown condition before leaving.
- Spread the word of the evacuation order to others as you exit the building.
- Remember to take personal belongings with you (backpacks, briefcases, purses, car keys, personal computing devices, etc.).
- Pedestrians should exit campus by the shortest route.
- Exit campus as directed in the RELLIS Alert message. You may use your vehicle to leave campus unless directed otherwise in the RELLIS Alert message.
- Do not call 911 unless there is an immediate, life-threatening emergency.
- Go to <https://rellis.tamus.edu/emergency/> for regular updates on the emergency.

### **Area Evacuation Procedures**

An evacuation is an organized withdrawal from a building or area to reach safe haven. Upon notification to evacuate, quickly:

- Dress appropriately for the weather.
- Take only essentials with you (e.g., eyeglasses, medications, identification and cash/checkbook/credit cards) – do not pack belongings.
- Turn off unnecessary equipment, computers and appliances.
- Close the door as you exit your room or office.
- Follow the directions provided for safe routes of evacuation.

- Listen to radio, if available, to monitor emergency status.
- Do not use your personal vehicle for evacuation unless specifically instructed to do so. If cars are used to evacuate, protect against hazardous materials by keeping windows closed and outside air conditioning systems turned off.

If you need special assistance, contact your resident advisor, building proctor or other appropriate emergency contact. If these persons are not available, call TAMU-UPD at (979) 845-2345 for assistance.

### **Shelter-in-Place Procedures**

When emergency conditions do not warrant or allow evacuation, the safest method to protect individuals may be to take shelter inside a campus building and await further instructions.

- Seek appropriate shelter such as small interior rooms, interior hallways, or basements.
- Move indoors or remain there – avoid windows and areas with glass.
- If available, take a radio or television to the room to track emergency status.
- Keep telephone lines free for emergency responders. Do not call 911 for information.

If hazardous materials are involved:

- Turn off all ventilation systems and close all inlets from the outside.
- Select a room(s) which is easy to seal and, if possible, has a water supply and access to restrooms.
- If you smell gas or vapor, hold a wet cloth loosely over your nose and mouth and breathe through it in as normal a fashion as possible.

## **The Daily Crime Log**

The Assistant Provost at RELLIS (or other trained personnel) publishes a daily crime log for RELLIS that is available to the media, the public, and campus offices free of charge. This summary identifies the nature of the crime, location, date and time occurred, date the crime was reported to the TAMU-UPD, and disposition. A printed copy of this report may be viewed by the public during business hours at the Academic Complex Bldg. 1, Room 117J located at 1425 Bryan Ave., Bryan, TX 77807, or obtained by calling (979) 317-3404. The RELLIS crime log is published online at: <https://rellis.tamus.edu/clery/>.

## **Security of and Access to Campus Facilities**

### **General Provisions**

The Director of the RELLIS campus is responsible for determining access to the RELLIS campus. Access to facilities at RELLIS are the responsibility of TAMUS member agencies and department directors. For security and safety reasons, segregation or separation is required for certain activities located on the RELLIS campus. Applicable areas are secured by barriers and/or enhanced controls that may restrict public access.

It is unlawful for any person to trespass on the grounds of any state institution of higher education of this state or to damage or deface any of the buildings, statues, monuments,

memorials, trees, shrubs, grasses, or flowers on the grounds of any state institutions of higher education as indicated in *Texas Education Code Section 51.204*. *Texas Penal Code Criminal Trespass Section 30.05* and *Criminal Mischief Section 28.03* are state statutes that are similar in nature and are also widely utilized to help support *Texas Education Code Section 51.204*.

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 remove any person from the property on his or her refusal to leave peaceably on request. Identification may be required of any person on the property (*Texas Education Code Section 51.209*). TAMU-UPD's Community Services Unit, upon request, will prepare a security survey of the facility to determine security coverage and appropriate access control.

## **Residence Halls**

RELLIS has no residence halls.

## **Parking Areas**

RELLIS has two main parking areas and no parking garages. RELLIS campus has video surveillance of the main parking lots which may or may not be monitored. Parking areas are equipped with emergency phones and are readily visible and identifiable by the bright blue lights located on top of the phone cabinets. Instructions adjacent to the keypads direct customers to contact TAMU-UPD at (979) 845-2345 for non-emergency assistance and to dial 911 for emergency assistance.

## **Academic and Administrative Buildings**

The RELLIS campus includes many public areas that are readily accessible. In general, the academic and administrative buildings at these locations are open to the public, at a minimum, during normal business hours. Individual facilities may have specific hours of operation, which can vary depending upon factors such as the time of the year and operational requirements. Access to some buildings, or portions of buildings, may be limited to authorized personnel at various times. Card swipe systems, locks and other means may be employed to limit access. Information about access to a specific facility can be obtained from the proctor for that facility. University Police Officers generally are not assigned to specific academic or administrative buildings at RELLIS. BCPD personnel are assigned to the Blinn building on the RELLIS campus. TAMU-UPD security patrols RELLIS on a regular basis during the day and each evening including weekends.

## **Maintenance of Campus Facilities**

Contracted facilities personnel are responsible for maintaining the buildings, grounds, and custodial services for the TAMU campus and at RELLIS. The group addresses maintenance, renovation, and repair projects for facilities, custodial and landscaping. Texas A&M's Utilities & Energy Services Department provides electricity, heating and cooling, running water, and waste disposal. Faculty and staff are encouraged to report maintenance problems to their respective

building proctor or to maintenance personnel by submitting through AggieWorks, an online request system (<https://aggieworks.tamu.edu/>). After-hours or emergency repairs, should be directed to maintenance personnel through the 24-hour Communications Center at (979) 845-4311.

Security officers at RELLIS closely monitor any security-related maintenance problems, and report their findings to the appropriate university official. If necessary, they will stand-by until the problem is corrected. Contract security survey campus lighting nightly and monitor those areas having defective fixtures and report the deficiencies to the appropriate personnel for corrective action. Police personnel check the operations of the emergency telephones on a scheduled periodic basis.

## **Alcoholic Beverages, Illegal Drugs, and Weapons**

### **Education Programs**

In accordance with the Drug-Free Schools and Communities Act, TAMUK reviews its programs, services, and policies to prevent unlawful possession, use, or distribution of alcohol and illicit drugs. The results of the biennial review of TAMUK's Drug and Alcohol Abuse Prevention Program (DAAPP) are published at <https://www.tamuk.edu/shw/biennial-review.html>.

### **Alcohol Policy**

The following alcohol policy applies at the RELLIS campus.

All members of the campus community and guests are required to comply with federal and state laws regarding the possession, use, and service (including sales) of alcoholic beverages. Except as permitted or expressly authorized by state law, alcoholic beverages may not, in any circumstance, be used by, possessed by, or distributed to any person under 21 years of age.

The TAMUS strictly prohibits the unlawful manufacture, distribution (including sales), possession, or use of alcohol on TAMUS property, while on official duty, and/or as part of any TAMUS activities ([System Policy 34.02, Drug and Alcohol Abuse](#)). Possession or consumption of alcoholic beverages on property under control of the TAMUS will not be permitted except in special use buildings and facilities that may be designated by the chief executive officer of the member, approved by the chancellor, and subsequently reported to the board on an annual basis ([System Policy 34.03, Alcoholic Beverages](#)).

The purchase, service (including sales), possession, and consumption of alcohol beverages in facilities under the control of the TAMUS shall in all respects comply with state law ([System Policy 34.03, Alcoholic Beverages](#)). All purchases of alcoholic beverages by any member must comply with guidelines as established in [System Policy 34.03, Alcoholic Beverages](#) regarding the purchase's source of funds, purpose, and required documentation.

Consequences for policy violations could result in sanctions by the institution and/or criminal charges/arrest by TAMU-UPD or other law enforcement agencies for state law violations.

The following services are provided to TAMUK students and employees located at RELLIS. Student Health & Wellness (361) 593-3991 is committed to promoting responsible decision-making regarding alcohol and other drugs through educational programming, resources, and referrals. Counseling and assessment services are available through Student Health & Wellness. If further treatment is necessary, students may be referred to outside counselors and programs. The Work/Life Solutions Program by GuidanceResources (1-866-301-9623) manages the alcohol, drug abuse, and rehabilitation program for employees and provides licensed counseling and referral services.

### **Illegal Drugs Policy**

The following illegal drug policy applies at the RELLIS campus.

Federal law prohibits the unlawful possession, use, sale, or distribution of drugs. Texas state law prohibits the possession, use, sale, manufacture, or delivery of a controlled substance without legal authorization. A controlled substance includes any drug, substance or immediate precursor covered under the Texas Controlled Substances Act, including but not limited to opiates, barbiturates, amphetamines, marijuana, and hallucinogens. The possession of drug paraphernalia is also prohibited under Texas state law. Drug paraphernalia includes all equipment, products and material of any kind that are used to facilitate, or intended or designed to facilitate, violations of the Texas Controlled Substances Act. According to [System Policy 34.02, Drugs and Alcohol Abuse](#), the TAMUS strictly prohibits the unlawful manufacture, distribution (including sales), dispensation, possession, or use of illicit drugs on TAMUS property while on official duty and/or as part of any TAMUS activity. All students and employees are expected to abide by federal and state laws pertaining to controlled substances and illicit drugs. More specifically, student codes of conduct governing students at the RELLIS campus prohibit using, possessing, being under the influence of, manufacturing, or distributing illegal drugs or illegally obtained/possessed controlled substances. Alleged violations of federal and state laws may result in criminal charges. Consequences could result in criminal charges/arrest by TAMU-UPD or other law enforcement agencies for law violations. Institutional conduct charges may be pursued against those alleged to have violated institutional policies and/or state/federal laws concerning controlled substances.

The following services are provided to TAMUK students and employees located at RELLIS. Student Health & Wellness (361) 593-3991 is committed to promoting responsible decision making regarding alcohol and other drugs through educational programming, resources, and referrals. Counseling and assessment services are available through Student Health & Wellness. If further treatment is necessary, students may be referred to outside counselors and programs. The Work/Life Solutions Program by GuidanceResources (1-866-301-9623) manages the alcohol, drug abuse, and rehabilitation program for employees and provides licensed counseling and referral services.



## Weapons Policy

The following weapons policy applies at the RELLIS campus.

In accordance with [Texas Penal Code Ch. 46.03](#), it is a felony to intentionally, knowingly, or recklessly possess a firearm, location-restricted knife, club, or prohibited weapon on the physical premises of a school or educational institution, to include any grounds or buildings on which an activity sponsored by a school or educational institution is being conducted, or a passenger transportation vehicle of a school or educational institution. The following exception applies. A license to carry holder under Chapter 411, Texas Government Code, may carry a concealed handgun on or about the license holder's person while the license holder is on the premises of the TAMUS offices (where the TAMUS offices have operational responsibility) or in a TAMUS vehicle, unless prohibited by state law or federal law. Concealed carry is prohibited in any premises where TAMUS offices, as directed or approved by the chancellor as necessary for institutional safety, gives effective notice on a temporary basis pursuant to [Section 30.06, Texas Penal Code](#). Concealed carry is prohibited in the following locations on the RELLIS campus: third floor biology labs of Academic Alliance Building 1. The open carry of handguns on TAMUS offices' land or premises is prohibited. Licensed peace officers are authorized by law to carry firearms at all times. [TAMUS Rule 34.06.02.S1](#) contains additional weapons policy information.

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

In accordance with federal law and [TAMUS Regulation 08.01.01 Civil Rights Compliance](#) (System Regulation 08.01.01), TAMUK prohibits discrimination and harassment including sexual assault, dating violence, domestic violence, stalking, (as those terms are defined for the purposes of the Clery Act) and/or related retaliation. The following are statements of policy that address discrimination, harassment (including, but not limited to, sexual harassment<sup>54</sup> and sex-based misconduct<sup>55</sup>), complicity, and retaliation<sup>56</sup>. The policies apply whether this conduct occurs on

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<sup>54</sup> Sexual harassment is a form of sex discrimination. Unwelcome conduct on the basis of sex (of a sexual nature or otherwise): (1) by an employee of the university who conditions the provision of an aid, benefit, or service of the university on an individual's participation in that unwelcome sexual conduct; (2) determined by a reasonable person to be so severe and pervasive and objectively offensive that it effectively denies a person equal access to the university's education program or activity; or (3) sexual assault, dating violence, domestic violence, or stalking based on sex. For the purposes of defining sexual harassment specified in (2): severe means of sufficient seriousness to interfere with the rights, privileges, and legal activities of an individual, as well as actions that would be deemed by a reasonable person to be extreme or life-threatening; pervasive means conduct existing in or spreading over a large area of an activity or program over a period of time; and objectively offensive means behavior determined by a reasonable person to be offensive (actions that cause unreasonable harm or distress to another individual or group of people). Includes complaints based on sex, sexual orientation, and/or gender identity.

<sup>55</sup> Sex-based misconduct is unwelcome conduct on the basis of sex that is severe, persistent, or pervasive enough to create a work, educational, or campus living environment that a reasonable person would consider intimidating, abusive, or offensive. Sex-based misconduct is explicitly prohibited under System Regulation 08.01.01. Aiding another in the commission of sex-based misconduct is also prohibited by System Regulation 08.01.01. Sex-based includes, but is not limited to, sexual assault, sexual exploitation, dating violence, domestic violence, and stalking based on sex. Sexual exploitation is defined as a situation in which an individual(s) 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. For example, sexual exploitation could include such actions as secretly videotaping sexual activity, voyeurism, invasion of sexual privacy, exposing one's genitals or causing another to expose one's genitals, and knowingly exposing another person to a sexually transmitted infection or disease. Sexual exploitation is a form of sex-based misconduct. Includes complaints based on sex, sexual orientation, and/or gender identity.

<sup>56</sup> Intimidation, threats, coercion, or discrimination against any individual for the purpose of interfering with any right or privilege secured under civil rights laws and regulations, or because the individual has opposed a discriminatory practice, files a report or complaint, testified, assisted, or participated or refused to participate in any manner in an investigation, proceeding, or hearing. The exercise of rights protected under the First Amendment does not constitute prohibited retaliation, nor does the filing of a mandatory report as required by System Regulation 08.01.01. In addition, a university official who files a mandatory report or charges an individual with making a materially false statement in the

or off campus and when it is reported to the university. All policies described in this section apply to TAMUK students, faculty, and staff located at the RELLIS campus. Procedures for students and personnel located at the RELLIS campus who are not enrolled at or employed by TAMUK may be governed by the policies of their applicable institution or agency.

### **Procedures for Reporting Sexual Assault, Dating Violence, Domestic Violence, Stalking, and Related Retaliation**

Individuals have the option of notifying on-campus and local law enforcement authorities to report sexual assault, dating violence, domestic violence, or stalking. Below is a list of local law enforcement agencies. Reports should be filed with the agency where the incident occurred.

Agency	Phone
Texas A&M University Police Department	(979) 845-2345
Bryan Police Department	(979) 361-3888
College Station Police Department	(979) 764-3600
Blinn College Police Department	(979) 209-7600
Brazos County Sheriff's Office	(979) 361-4980

The RELLIS Assistant Provost and Title IX Coordinator (or designee) is available to receive and investigate reports of sexual assault, dating violence, domestic violence, and stalking; assist in securing medical attention; participate in evidence preservation and collection; conduct criminal investigations of crimes; and inform the individual of legal and administrative options both on and off campus. Criminal investigations may occur independent from a conduct proceeding and are handled in accordance with the Texas Penal Code, the Texas Code of Criminal Procedure, and information from the Brazos County and District Attorney Offices. Law enforcement will help individuals understand the process of obtaining protective orders, restraining orders, or similar lawful orders issued by the courts.

TAMUK employees are mandatory reporters who must report all known information about an alleged or suspected incident of discrimination, harassment, retaliation, or complicity that is experienced by, observed by or made known to an employee in the course and scope of their employment as soon as possible<sup>57</sup>. Student workers are not required to report conduct prohibited by this policy if the student worker experiences, observes, or becomes aware of the prohibited conduct outside the context of their employment.

An employee is also not required to report an incident where: (1) the employee was a victim of sexual harassment, sexual assault, dating violence, domestic violence, or stalking; (2) the incident about which the employee received information was due to a disclosure made at a sexual harassment, sexual assault, dating violence, domestic violence, or stalking public

course of an investigation has not engaged in prohibited retaliation. Retaliation is explicitly prohibited under System Regulation 08.01.01. Aiding another in the commission of retaliation is also prohibited under this regulation.

<sup>57</sup> Exceptions include confidential employees and are described in the "Confidentiality/Privacy" section of this report.

awareness event sponsored by the university or by a student organization affiliated with the university; or (3) the person has either learned of the incident during the course of their employer's review or process, or has confirmed with the designated office overseeing the review or process, that the incident has been previously reported.

An employee's failure to report alleged or suspected discrimination, harassment, retaliation, or complicity may result in disciplinary action, including termination of employment. An employee must be dismissed if, in accordance with disciplinary processes, the employee is determined to have knowingly failed to make a required report, or that employee, with the intent to harm or deceive, knowingly made a report that is false. Notwithstanding the above mandatory reporting requirement for employees, anyone may report matters which they believe are criminal to the appropriate local law enforcement agency.

Students and third parties are strongly encouraged, but not required, to report conduct prohibited by this policy.

At the RELLIS campus, reports that a student, an employee, or a third party has engaged in conduct prohibited by this policy should be made to:

RELLIS Assistant Provost and Title IX Coordinator  
(979) 317-3404

[civilrights@rellis.tamus.edu](mailto:civilrights@rellis.tamus.edu)

Website Reporting Form: <https://go.pardot.com/l/548402/2020-06-03/9w8zy6>

The RELLIS Assistant Provost and Title IX Coordinator's responsibilities include, but are not limited to, (1) overseeing the TAMUK RELLIS campus civil rights protections program; (2) ensuring all complaints of discrimination, harassment, retaliation, and complicity are promptly, thoroughly, and equitably reviewed, investigated, and resolved in accordance with System Regulation 08.01.01 and/or System Rule 08.01.01.S1 (for RELLIS Academic Alliance staff and students) (and RELLIS Academic Alliance Student Code of Conduct), and [TAMUK Rule 08.01.01.K1, Civil Rights Compliance](#) (Rule 08.01.01.K1) (for TAMUK RELLIS Academic Alliance faculty); and (3) identifying and addressing any patterns or systematic problems that arise from the review of such complaints. The RELLIS Assistant Provost and Title IX Coordinator or designee shall decide whether this policy shall be applied to such conduct on a case-by-case basis. Some conduct, while inappropriate and unprofessional, does not rise to the level of discrimination, harassment, retaliation, or complicity. These behaviors will be forwarded by the RELLIS Assistant Provost and Title IX Coordinator to be addressed by the appropriate disciplinary authority, e.g., Supervisor, Dean of Students, University Housing and Residence Life, etc., under rules or regulations other than this policy.

The RELLIS Assistant Provost and Title IX Coordinator's office is the department designated by the university to receive and resolve all reports alleging discrimination, harassment, retaliation, and/or complicity. However, reports that the following individuals have engaged in conduct prohibited by this policy: the Texas A&M University System Chancellor; the Texas A&M

President; a Chief Operating Officer; an employee who reports directly to the Chancellor, President, or Chief Operating Officer; the Title IX Coordinator or a Deputy Title IX Coordinator; the Chief Ethics and Compliance Officer; or the Hearing Officer should be made to:

Texas A&M System Ethics and Compliance Office (SECO)  
301 Tarrow, 6th floor  
College Station, TX 77843  
(979) 458-6120  
[civilrightsreporting@tamus.edu](mailto:civilrightsreporting@tamus.edu)

Additional options for reporting to the university include:

- Submitting an anonymous report through [EthicsPoint](#). Anonymous reporting may limit the university's ability to respond to the allegation.
- Submitting an electronic report through [civilrights@rellis.tamus.edu](mailto:civilrights@rellis.tamus.edu) or <https://go.pardot.com/l/548402/2020-06-03/9w8zy6>.

Individuals may file a complaint at any time with any local, state or federal civil rights office, including, but not limited to, the Equal Employment Opportunity Commission, the Texas Workforce Commission's Civil Rights Division, the U.S. Department of Education's Office of Civil Rights and the U.S. Department of Justice.

TAMUK has procedures in place to inform individuals of their rights to file criminal charges as well as the availability of services on and off campus. A complainant<sup>58</sup> may request assistance from and/or will be assisted by the RELLIS Assistant Provost and Title IX Coordinator in notifying law enforcement authorities if the complainant so chooses. A report to law enforcement is separate from a report to the university. An individual wishing to simultaneously pursue a law enforcement investigation and a university resolution of conduct prohibited by this policy should make a report to both entities. Individuals are notified of their right to report the incident to campus police and local police immediately, but always have the right to decline to notify such authorities. Reporting to law enforcement does not preclude an individual from pursuing disciplinary remedies with the university.

Although a report of conduct prohibited by this policy may be made at any time, regardless of when the conduct occurred, a report should be filed as soon as possible after the actions that caused the report. Prompt reporting assists investigators in the collection and preservation of evidence.

The filing of a report will not stop, delay, or affect pending personnel or disciplinary actions. This includes, but is not limited to, performance evaluations or disciplinary actions related to an employee or student who is not performing at acceptable levels or standards or who has violated System policies or regulations, university rules or SAPs.

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<sup>58</sup> The individual(s) who is alleged to have been subjected to discrimination.

The university's response to allegations of conduct prohibited by this policy will be prompt and equitable. The response is intended to stop/prevent recurrence of any harassment and remedy discriminatory effects of the conduct, as appropriate. A substantiated allegation of prohibited conduct will result in disciplinary action, up to and including termination of employment or separation from the university. Third parties who commit prohibited conduct may have their relationship with the university terminated and/or their privileges of being on university premises withdrawn.

The RELLIS Assistant Provost and Title IX Coordinator conducts an initial review and preliminary assessment of all reports/complaints they receive to assess and address the safety and well-being of the complainant, respondent<sup>59</sup>, and the community. As part of the initial review, the RELLIS Assistant Provost and Title IX Coordinator will take the following steps: (1) inform the individual reporting of the right to file a complaint with law enforcement (if applicable) in addition to filing a complaint with the RELLIS Assistant Provost and Title IX Coordinator, (2) provide assistance in notifying campus police or appropriate law enforcement authorities if the individual so chooses, (3) inform the individual of the right to decline to contact law enforcement, and (4) inform the individual of the right to file a complaint with state and federal agencies. The RELLIS Assistant Provost and Title IX Coordinator will offer the opportunity to request supportive measures to provide for the safety of the individual and campus community.

The RELLIS Assistant Provost and Title IX Coordinator will also take steps to advise about (1) the importance of preserving evidence, if applicable, that could assist in proving that a criminal offense occurred or may be helpful in obtaining a protective order or assist in an investigation, (2) the university's procedures for investigation and options for formal and informal resolutions, and (3) the university's prohibition against retaliation. At this time, the RELLIS Assistant Provost and Title IX Coordinator will determine whether the complainant is a minor, elderly, or disabled and, if required, contact the appropriate agency in accordance with the Texas law.

The RELLIS Assistant Provost and Title IX Coordinator provides a written notification of available resources, rights, and options to each individual reporting discrimination, harassment, or retaliation (whether the offense occurred on or off campus) regardless of whether the individual chooses to report the incident to local law enforcement or chooses to pursue informal or formal remedies through the university or criminal remedies through law enforcement. The written notification includes information regarding:

- the importance of preserving physical evidence that may assist in proving that the alleged criminal offense occurred or may be helpful in obtaining a protective order;
- procedures about how and to whom the alleged offense should be reported;
- the option to notify proper law enforcement authorities including on-campus and local police;
- the option to be assisted by campus authorities in notifying law enforcement if the victim chooses;

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<sup>59</sup> An individual who has been alleged to have engaged in discriminatory conduct as defined in this policy.

- the option to decline to notify such authorities;
- the rights of individuals and the institution's responsibilities for orders of protection, no contact orders (mutual no contact restrictions), restraining orders, or similar lawful orders issued by criminal, civil, or tribal court or the institution;
- information about how the institution will protect confidentiality;
- existing on-campus and community resources/contacts (counseling, health, mental health, victim advocacy, legal assistance, visa and immigration assistance, student financial aid, and other services available to students, faculty, and staff);
- the options for, available assistance in, and how to request changes to academic, living, transportation, and working situations or supportive/protective measures;
- protection from retaliation; and
- an explanation of procedures for institutional disciplinary action in cases of alleged sexual assault, dating violence, domestic violence, and stalking.

### **Guidelines or Suggestions to Follow After an Incident of Sexual Assault, Dating Violence, Domestic Violence or Stalking (as applicable to the specific incident)**

- Go to a safe place as soon as you can.
- Contact the Police Department at 911 or (911 or 9-911 using an on-campus phone).
- Get medical attention as soon as possible to make sure you are physically well and to collect important evidence in the event you may later wish to take legal action. Baylor Scott & White Medical Center in College Station ((979) 207-0100, <https://www.bswhealth.com/specialties/forensic-medicine/>) is the community's designated forensic nursing facility offering a 24/7 program with trained Sexual Assault Nurse Examiners (SANE) and a forensic unit that provides detailed physical examinations, evidence collection, and expert testimony. St. Joseph Health Regional Hospital in Bryan ((979) 776-3777) also conducts forensic exams. Go to the hospital's emergency room and request to be seen by a SANE. A forensic examination can also be performed for victims of domestic violence.
- Try to preserve all physical evidence. Do not wash, use the toilet, swim, brush teeth, or change clothing if you can avoid it. If you do change clothes, put all clothing you were wearing at the time of the attack in a paper, not plastic, bag.
- Preserve evidence by saving text messages, instant messages, social networking pages, communications, pictures, or other documents, if any, that would be useful to police or investigators.
- Personnel are available to help explain options, give information, and provide emotional support. Personnel include: RELLIS Assistant Provost and Title IX Coordinator (979) 317-3404, Student Counseling and Student Health Services at Texas A&M Health Family Care (979) 776-8440, TAMU-UPD Victim Services (979) 458-9767, Work/Life Solutions by GuidanceResources 1-866-301-9623, and the Brazos Valley Sexual Assault Resource Center (979) 731-1000.

## **Medical Treatment (as applicable to the specific incident)**

It is important to seek immediate and follow-up medical attention for several reasons: first, to assess and treat any physical injuries sustained; second, to test for sexually transmitted infections or pregnancy and treat or take preventive measures; and third, to gather and preserve evidence that may assist in proving that the alleged criminal offense occurred or is occurring or may be helpful in obtaining a protective order. Physical evidence should be collected immediately, ideally within the first 24 hours. It may be collected later than this, but the quality and quantity of the evidence may be diminished. If victims do not opt for forensic evidence collection, health care providers can still treat injuries and take steps to address concerns of pregnancy and/or sexually transmitted infection.

## **Confidentiality/Privacy**

Students and employees have the option to disclose incidents to confidential reporters who are employees designated or permitted by the university to receive complaints of discrimination, harassment, retaliation, and complicity and maintain confidentiality. Confidential reporters include, but are not limited to, licensed health care personnel and certain mental health providers (professional psychologists/counselors) who receive reports when acting in the course and scope of their employment as part of their official employment. When an individual shares information with a confidential reporter, the confidential reporter cannot legally disclose the communication to another person or the institution except under very limited circumstances. Such information could be disclosed when: (1) the individual gives written consent for its disclosure; (2) there is a concern that the party poses an imminent danger to themselves or others; (3) the information concerns conduct involving suspected abuse or neglect of a minor under the age of 18, the disabled, or the elderly; or (4) required by law.

Confidential reporters are required to provide general non-identifying information as required to comply with the Clery Act or other applicable laws/regulations, and must report de-identified statistics to the Title IX Coordinator for any type of sex-based incident made known to them, and may not include any information that would violate that person's expectation of privacy. Publicly available recordkeeping, including Clery Act reporting and disclosures, must not include personally identifying information<sup>60</sup>. Incidents are shared in a way that does not identify the individuals. For example, licensed healthcare providers share de-identified information regarding conduct that may be a statistic in the Clery Annual Security Report and/or disclosed in the daily crime log without identifying the individuals concerned. Additionally, researchers are deemed confidential only when the research project is federally funded and the identity of research subjects on the specific project are deemed confidential by law.

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<sup>60</sup> Personally identifying information is defined as individually identifying information for or about an individual, including information likely to disclose the location of a victim of domestic violence, dating violence, sexual assault, or stalking, regardless of whether the information is encoded, encrypted, hashed, or otherwise protected, including a first and last name; a home or other physical address; contact information (including a postal, e-mail, or internet protocol address, or telephone or facsimile number); a social security number, a driver's license number, passport number or student identification number; and any other information, including date of birth, racial or ethnic background, or religious affiliation that would serve to identify any individual.

At the RELLIS campus, the following are considered confidential reporters: mental health providers and health care personnel for students – Texas A&M Health Family Care (979) 776-8440, and mental health provider for employees and the employee’s benefits-eligible dependents – Work/Life Solutions by GuidanceResources (1-866-301-9623). Confidential reports are available to support both complainants and respondents. At TAMUK, the following are considered confidential reporters: mental health providers and health care personnel for students – Student Health & Wellness (361) 593-3991, and mental health provider for employees and the employee’s benefits-eligible dependents – Work/Life Solutions by GuidanceResources (1-866-301-9623). Confidential reports are available to support both complainants and respondents.

All other employees informed of possible discrimination, harassment, retaliation, and/or complicity should advise the reporting party that they cannot keep the information confidential and are required to report it to the university. Employees should inform the reporting party where confidential guidance can be obtained, such as the student counseling center or employee assistance program. To the extent possible, the university will protect the privacy of all parties to the report (see definition of private<sup>61</sup>).

Employees receiving a complaint under this policy may not disclose the identity of the complainant to any law enforcement authority unless:

- expressly authorized by the complainant;
- imminent threat to health or safety exists; or
- required by law.

Requests from complainants to withhold any name, or a request not to investigate or seek action against the respondent, will be considered by the university in the context of the university’s duty to provide a safe and nondiscriminatory work, educational, and campus living environment. This may require that the university take actions when the complainant requests no action, such as when violence is involved, when the threat of violence exists, or when required by law, as in the case of elderly, disabled, or child abuse. A request to withhold information or not to investigate the alleged misconduct may limit the university’s ability to respond.

Although individuals reporting sexual assault are not required to file criminal charges, the following program is offered in the State of Texas. In accordance with the Texas Code of Criminal Procedure, Chapter 57, when reporting certain sex offenses to a Texas law enforcement agency, victims may use a pseudonym to protect their identity. The offenses applicable to this program are identified in Chapter 62 of the Texas Code of Criminal Procedure, defined by the Texas Penal Code, and include sexual assault. The pseudonym will replace the victim’s name in all public files and records concerning the offense, including police records, press releases, and records of judicial proceedings.

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<sup>61</sup> Private - that which affects, characterizes, or belongs to an individual person, as opposed to the general public. With respect to this regulation, private means restricting information to those with a reasonable need to know.



## Resources, Rights, and Options

Following an allegation of sexual assault, dating violence, domestic violence, stalking, and/or related retaliation the complainant, the respondent, and other affected individuals have certain resources, rights, and options available to them. Parties with an inquiry or complaint, if known, are informed about their resources, rights, and options in writing when the RELLIS Assistant Provost and Title IX Coordinator receives notification of an incident whether it occurred on or off campus and regardless of whether the individual elects to pursue a criminal complaint or disciplinary measures. Other personnel likely to receive reports of conduct prohibited by this policy in the Division of Student Affairs, Human Resources, and TAM-UPD, may also provide resources, rights, and options in writing. Available assistance information is also shared through prevention and awareness education and can be found on the Title IX webpage at <https://rellis.tamus.edu/academicalliance/campus-life/safety-and-rights/>. Additional information about any of the resources, rights, and options discussed in this section can be requested from the RELLIS Assistant Provost and Title IX Coordinator.

The following are on-campus and community resources available to complainants, respondents, and others.

### Law Enforcement

Name	Phone	Address	Website
Texas A&M University Police Department	(979) 845-2345 (same for TAMU-UPD officer located at RELLIS)	1111 Research Parkway, College Station, TX 77845	<a href="https://upd.tamu.edu/Pages/Home.aspx">https://upd.tamu.edu/Pages/Home.aspx</a>
Bryan Police Department	(979) 361-3888	303 East 29th Street, Bryan, TX 77803	<a href="https://www.bryantx.gov/police/">https://www.bryantx.gov/police/</a>
College Station Police Department	(979) 764-3600	800 Krenek Tap Road, College Station, TX 77840	<a href="https://www.cstx.gov/departments_city_hall/police">https://www.cstx.gov/departments_city_hall/police</a>
Blinn College Police Department	(979) 209-7600 (same for Blinn officer located at RELLIS)	2423 Blinn Blvd., Building S, Room 106, Bryan, TX 77802	<a href="https://www.blinn.edu/police-emergency-management/index.html">https://www.blinn.edu/police-emergency-management/index.html</a>
Brazos County Sheriff's Office	(979) 361-4980	1700 West State Highway 21, Bryan, TX 77803	<a href="https://brazoscountysheriff.org/">https://brazoscountysheriff.org/</a>
Texas A&M University-Kingsville Police Department	(361) 593-2611	855 N. University Blvd., Kingsville, TX 78363	<a href="https://www.tamuk.edu/upd/index.html">https://www.tamuk.edu/upd/index.html</a>

## Counseling and Mental Health

Name	Phone	Address	Website
Texas A&M Health Family Care (upper-level RELLIS students)	(979) 776-8440	2900 East 29 <sup>th</sup> Street, Bryan, TX 77802	<a href="https://health.tamu.edu/care/specialties/family-care/locations/family-care-bryan.html">https://health.tamu.edu/care/specialties/family-care/locations/family-care-bryan.html</a>
Mental Health Counseling (Blinn students)	(979) 209-8947	RELLIS Campus, Schwartz Building, Suite 230, Bryan, TX 77807	<a href="http://www.blinn.edu/counseling-services/index.html">www.blinn.edu/counseling-services/index.html</a>
Student Health & Wellness (TAMUK)	(361) 593-3991	1210 N. Retama St., Kingsville, TX 78363	<a href="https://www.tamuk.edu/shw/">https://www.tamuk.edu/shw/</a>
Work/Life Solutions by GuidanceResources (for employees)	1-866-301-9623	N/A	<a href="https://www.tamuk.edu/employee-services/hr/benefits/eap.html">https://www.tamuk.edu/employee-services/hr/benefits/eap.html</a>

## Medical and Health Services

Name	Phone	Address	Website
Student Health & Wellness (TAMUK)	(361) 593-3991	Student Health & Wellness Building, 1210 N. Retama St., Kingsville, TX 78363	<a href="https://www.tamuk.edu/shw/">https://www.tamuk.edu/shw/</a>
Texas A&M Health Family Care (upper-level RELLIS students)	(979) 776-8440	2900 East 29 <sup>th</sup> Street, Bryan, TX 77802	<a href="https://health.tamu.edu/care/specialties/family-care/locations/family-care-bryan.html">https://health.tamu.edu/care/specialties/family-care/locations/family-care-bryan.html</a>
Baylor Scott & White Medical Center	(979) 207-0100	700 Scott & White Dr., College Station, TX 77845	<a href="https://www.bswhealth.com/locations/college-station-hospital">https://www.bswhealth.com/locations/college-station-hospital</a>
Baylor Scott & White Health (Blinn students)	(979) 691-2409	RELLIS Campus, Schwartz Building, Room 230G, Bryan, TX 77807	<a href="https://www.blinn.edu/health-clinic/index.html">https://www.blinn.edu/health-clinic/index.html</a>
St. Joseph Health College Station Hospital	(979) 764-5100	1604 Rock Prairie Road, College Station, TX 77845	<a href="https://stjoseph-locations.stlukeshealth.org/location/chi-st-joseph-health-college-station-hospital">https://stjoseph-locations.stlukeshealth.org/location/chi-st-joseph-health-college-station-hospital</a>
St. Joseph Health Regional Hospital – Bryan, TX	(979) 776-3777	2801 Franciscan Drive, Bryan, TX 77802	<a href="https://stjoseph.stlukeshealth.org/locations/chi-st-joseph-health-regional-hospital">https://stjoseph.stlukeshealth.org/locations/chi-st-joseph-health-regional-hospital</a>

## Support, Advocacy, Legal Assistance, and Other Resources

Name	Phone	Address	Website
Student Resources (RELLIS)	(979) 317-3400	Academic Complex Building 1, Room 117, 1425 Bryan Road, Bryan, TX 77807	<a href="https://rellis.tamus.edu/academicalliance/resources/">https://rellis.tamus.edu/academicalliance/resources/</a>
Student Conduct Office (RELLIS)	(979) 317-3404	Academic Complex Building 1, Room 117, 1425 Bryan Road, Bryan, TX 77807	<a href="https://rellis.tamus.edu/academicalliance/campus-life/safety-and-rights/">https://rellis.tamus.edu/academicalliance/campus-life/safety-and-rights/</a>
Assistant Provost & Title IX Coordinator (RELLIS)	(979) 317-3404	Academic Complex Building 1, Room 117J, 1425 Bryan Road, Bryan, TX 77807	<a href="https://rellis.tamus.edu/academicalliance/campus-life/safety-and-rights/">https://rellis.tamus.edu/academicalliance/campus-life/safety-and-rights/</a>
Office of the Dean of Students (TAMUK)	(361) 593-3606	Student Union Building, Room 306, 1050 W. Santa Gertrudis Ave., Kingsville, TX 78363	<a href="https://www.tamuk.edu/dean/">https://www.tamuk.edu/dean/</a>
Human Resources (TAMUK employees)	(361) 593-3705	College Hall, Room 210, 955 N. University Blvd., Kingsville, TX 78363	<a href="https://www.tamuk.edu/employee-services/hr/employee.html">https://www.tamuk.edu/employee-services/hr/employee.html</a>
Texas A&M University Police Department Victim Services	(979) 458-9767	1111 Research Parkway, College Station, TX 77845	<a href="https://upd.tamu.edu/Pages/VictimsAdvocate.aspx">https://upd.tamu.edu/Pages/VictimsAdvocate.aspx</a>
Bryan Police Department Victim Assistance	(979) 209-5312	303 East 29 <sup>th</sup> Street, Bryan, TX 77803	<a href="https://www.bryantx.gov/police/investigative-services-bureau/">https://www.bryantx.gov/police/investigative-services-bureau/</a>
College Station Police Department Victim Advocacy & Assistance	(979) 764-5004	2611 Texas Avenue South, College Station, TX 77840	<a href="https://www.cstx.gov/departments_city_hall/police/about/operational/victim">https://www.cstx.gov/departments_city_hall/police/about/operational/victim</a>
Brazos County Victim Assistance	(979) 361-4320	300 East 26 <sup>th</sup> Street, Suite 310, Bryan, TX 77803	<a href="http://www.brazoscountytexas.gov/227/Victim-Assistance">http://www.brazoscountytexas.gov/227/Victim-Assistance</a>
Brazos County Family Violence Unit	(979) 361-4657	300 East 26 <sup>th</sup> Street, 1 <sup>st</sup> Floor, Bryan, TX 77803	<a href="http://brazoscountytexas.gov/112/Family-Violence">http://brazoscountytexas.gov/112/Family-Violence</a>

Twin City Mission Domestic Violence Services	(979) 775-5355 or 888-45-AWAKE (2-9253)	2505 South College Avenue, Bryan, TX 77801	<a href="https://www.twincitymission.org/domestic-violence-services">https://www.twincitymission.org/domestic-violence-services</a>
Brazos Valley Sexual Assault Resource Center	(979) 731-1000 (24 hour hotline)	P.O. Box 3082, Bryan, TX 77805	<a href="https://www.sarcbv.org/">https://www.sarcbv.org/</a>
Texas Department of Family and Protective Services	(979) 776-3637  (979) 731-0130	2400 Osborn, Bryan, TX 77803  3000 East Villa Maria, Bryan, TX 77803	<a href="https://www.dfps.texas.gov/">https://www.dfps.texas.gov/</a>
National Sexual Assault Hotline	1-800-656-HOPE (4673)	N/A	<a href="https://rainn.org/about-national-sexual-assault-telephone-hotline">https://rainn.org/about-national-sexual-assault-telephone-hotline</a>
National Domestic Violence Hotline	1-800-799-SAFE (7233)	N/A	<a href="https://www.thehotline.org/">https://www.thehotline.org/</a>
Twin City Mission Bridge (Homeless Support)	(979) 822-1492	410 S. Randolph Ave., Bryan, TX 77803	<a href="http://www.twincitymission.org/">www.twincitymission.org/</a>
Family Promise (Homeless Support)	(979) 268-4309	P.O. Box 11232, College Station, TX 77842	<a href="http://www.familypromisebcs.org/about-us/">www.familypromisebcs.org/about-us/</a>

#### Visa and Immigration Assistance

Name	Phone	Address	Website
Office of International Student & Scholar Services (TAMUK)	(361) 593-3317	Cousins Hall, Room 113A, 925 W. Santa Gertrudis Ave., Kingsville, TX 78363	<a href="https://www.tamuk.edu/academicaffairssupport/oisss/index.html">https://www.tamuk.edu/academicaffairssupport/oisss/index.html</a>
U.S. Citizenship and Immigration Services, Texas – San Antonio Field Office	1-800-375-5283	20760 North US Highway 281, San Antonio, TX 78258	<a href="https://www.uscis.gov/about-us/find-a-uscis-office/field-offices">https://www.uscis.gov/about-us/find-a-uscis-office/field-offices</a>

#### Student Financial Aid

Name	Phone	Address	Website
Office of Student Financial Aid (TAMUK)	(361) 593-5372	Javelina Enrollment Services Center, Student Union Building, Room 132,	<a href="https://www.tamuk.edu/enrollment-management/financialaid/index.html">https://www.tamuk.edu/enrollment-management/financialaid/index.html</a>

		1050 W. Santa Gertrudis Ave., Kingsville, TX 78363	
Office of Veteran's Affairs (TAMUK)	(361) 593-4421	Eckhardt Hall, Room 104, 825 N. University Blvd., Kingsville, TX 78363	<a href="https://www.tamuk.edu/enrollment-management/veterans/index.html">https://www.tamuk.edu/enrollment-management/veterans/index.html</a>
Federal Student Aid Information Center	1-800-433-3243	N/A	<a href="https://studentaid.gov/help-center/contact">https://studentaid.gov/help-center/contact</a>

### Institutional Rights and Options (Supportive Measures)

The institution is obligated to offer and provide assistance to students, employees, and third parties in obtaining a range of supportive measures. Supportive measures are intended to restore or preserve equal access to the workplace and educational programs or activities without unreasonably burdening the other party; stop and prevent the reoccurrence of discrimination, harassment, and/or retaliation; and support the complainant and respondent during the investigation and resolution process. Supportive measures are non-disciplinary, nonpunitive individualized services. Supportive measures are offered as appropriate, as reasonably available, and without fee or charge to the complainant or the respondent.

In all complaints of discrimination, harassment, and/or retaliation, the RELLIS Assistant Provost and Title IX Coordinator promptly contacts the parties to discuss the availability of supportive measures, considers the parties' wishes with respect to supportive measures, informs the complainant of the availability of supportive measures with or without the filing of a formal complaint, and explains to the complainant the process for filing a formal complaint. The university must maintain the privacy of any supportive measures provided to the complainant or respondent to the extent that maintaining such privacy would not impair the ability of the university to provide supportive measures.

The RELLIS Assistant Provost and Title IX Coordinator is responsible for coordinating the effective implementation of supportive measures. In addition to facilitating supportive measures, the RELLIS Assistant Provost and Title IX Coordinator can provide parties with access to university officials with information about counseling, medical, mental health, victim advocacy, visa and immigration information, impact of a leave of absence on student financial aid, and other services available to complainants and respondents (on campus and in the community). The RELLIS Assistant Provost and Title IX Coordinator will also notify the parties that options such as protective orders and criminal trespass warnings may be available through law enforcement agencies and the judicial system. A party may request a supportive measure through the RELLIS Assistant Provost and Title IX Coordinator (979) 317-3404 at any time, regardless of whether a formal complaint has been filed and regardless of whether the individual chooses to report the incident to law enforcement or pursue disciplinary remedies.

The RELLIS Assistant Provost and Title IX Coordinator can assist with supportive measures that may include but are not limited to changes to academic, living, transportation and working situations or supportive measures according to the list below. In determining which supportive measures to impose and the reasonableness of the related measures, the RELLIS Assistant Provost and Title IX Coordinator considers the request; the safety of the complainant, respondent, and the university community; the specific needs of the individuals; the severity or pervasiveness of the allegations; continuing effects; sharing of residence halls, dining halls, classes, transportation, or job locations; other judicial measures already in place; and other factors as appropriate.

Supportive measures provided by the institution vary and may include, but are not limited to, the following:

- Assistance in obtaining access to medical, mental health, legal (protective orders and criminal trespass warnings available through law enforcement and the judicial system), counseling support, victim advocacy, visa and immigration information, and financial aid guidance
- Extension of deadlines or other course-related adjustments, e.g., in cases in which a student complainant and student respondent are enrolled in the same course, either student may elect to drop the course without any academic penalty
- Modifications of work or class schedules
- Campus escort services
- Mutual no contact restrictions between the parties as described below
- Changes in work or housing locations
- Leaves of absence
- Increased security and monitoring of certain areas of campus or workplace
- Other similar measures

*Mutual No Contact Restriction:* A mutual no contact restriction is a supportive measure issued by the institution that prohibits two parties from contacting one another through any means. Mutual no contact restrictions can be issued in addition to court ordered protection but may also serve as an alternative for those who do not want to seek a court order. A complainant or a respondent can request a mutual no contact restriction through the RELLIS Assistant Provost and Title IX Coordinator at (979) 317-3404. The RELLIS Assistant Provost and Title IX Coordinator may issue a mutual no contact restriction at any time prior to or during a conduct investigation based on information provided by the requestor. If good cause for a mutual no contact restriction is determined, both parties are notified of the restrictions in writing. Mutual no contact restriction records are maintained in the RELLIS Assistant Provost and Title IX Coordinator's tracking system.

Individuals should be aware that direct contact, refusal to leave a protected area, appearing at a location one reasonably knows the protected party is at, third-party contact, or even an anonymous contact are all potential violations of a mutual no contact restriction. Violations should be reported to the RELLIS Assistant Provost and Title IX Coordinator and may result in

further disciplinary action. Failure to comply with the terms of supportive measures such as mutual no contact restrictions may be considered a separate violation of system policies and regulations and university rules and procedures.

The RELLIS Assistant Provost and Title IX Coordinator will also consider an interim removal of the respondent from university geography, programs, or activities if the respondent is an immediate threat to the health or safety of the community or another individual. Both an interim removal for student respondents and an interim administrative action for employee respondents, such as a leave of absence, are described below.

*Interim Removal of Students:* A student may not be expelled or suspended prior to a decision of responsibility for a violation(s) of a university rule, policy, regulation, code, or system policy except as provided below.

The RELLIS Assistant Provost and Title IX Coordinator may remove a student from an education program or activity on an emergency basis only after an individualized safety and risk analysis has determined that the student is an immediate threat to the physical health or safety of any other student or individual arising from the allegations. The RELLIS Assistant Provost and Title IX Coordinator must provide the removed student with notice and opportunity to challenge the decision immediately following the removal. Upon being removed, the removed student must be granted the opportunity for a hearing within 5 business days to review whether or not the removal is warranted. The outcome of this hearing is not subject to appeal and is not a disciplinary action.

During the interim removal, a student may be denied access to campus housing and/or the campus (including classes) and/or all other university activities or privileges for which the student might otherwise be eligible.

The interim removal does not replace the investigation and resolution process. The investigation and resolution process shall proceed as outlined in this policy, except that the timelines referenced in this policy may not be followed and the allegations will be resolved as soon as possible.

*Interim Administrative Actions for Employees:* In accordance with university rules and system policies, TAMUK may request that an employee be placed on leave, suspended with pay, reassigned and/or placed in another type of temporary status pending completion of the investigation and resolution process. TAMUK may also issue interim restrictions to an employee, which include, but are not limited to, contact restrictions (no-contact directives); representation of the university; “no trespass” orders, etc. Such interim actions will remain in place as specified in a notification to the employee or until the allegations are resolved.

*Confidentiality/Privacy of Accommodations and Supportive Measures:* The university will maintain as private any accommodations or supportive measures provided to the extent that maintaining such privacy would not impair the ability of the institution to provide the

accommodations or supportive measures. The RELLIS Assistant Provost and Title IX Coordinator and TAMUK is responsible for determining what information and to whom information will be disclosed based on the circumstances of the allegation, the individuals involved, and related safety needs. The RELLIS Assistant Provost and Title IX Coordinator and TAMUK use discretion and only discloses information to key officials at the institution who perform the tasks necessary for obtaining or providing the particular accommodation or supportive measure. The identity of an alleged victim of sexual harassment, sex-based misconduct, sexual assault, dating/domestic violence, or stalking may only be disclosed to: (a) persons employed or under contract with the institution, who are necessary to conduct an investigation of the report or any related hearings; (b) a law enforcement officer as necessary to conduct a criminal investigation of the report; (c) the person or persons alleged to have perpetrated the incident, to the extent required by other law; or (d) potential witnesses to the incident as necessary to conduct an investigation of the report. Other areas receiving information related to supportive measures may include, but are not limited to: Offices of the Assistant Vice President/Dean of Students, University Housing & Residence Life, Athletics, Financial Aid, Human Resources, academic departments (direct supervisor, Dean, or Associate Dean), or non-academic departments (direct supervisor, Vice President, or designee). Prior to disclosure, the RELLIS Assistant Provost and Title IX Coordinator and TAMUK will receive consent to disclose the identity of the alleged victim, inform the individual of the information that will be shared, with whom it will be shared, and why.

### Legal Rights and Options

The institution provides information and assistance to the complainant, the respondent, and other affected individuals in obtaining lawful orders issued by a criminal, civil, or tribal court including protective orders and criminal trespass warnings as discussed below. Failure to comply with any of the terms of lawful supportive measures may be considered a separate violation in the institutional disciplinary proceeding.

*Protective Orders:* Individuals may apply for protective orders through the Texas criminal justice system. A protective order is an interim protective measure that requires the recipient to stay away from the protected individual's home, workplace, and/or children's schools (if the children are protected persons in the order) depending on the documented circumstances. It can require the recipient to stop communicating with the protected individual in a harassing or threatening manner, attend counseling, pay child support, and/or pay spousal support. An application for a protective order may be filed by an individual, a prosecuting attorney, or the Texas Department of Family and Protective Services (1-800-252-5400) on behalf of an individual. The application is obtained through the county attorney (Brazos County Attorney's Office – Family Violence Unit, Family Violence and Mental Health Coordinator (979) 361-4657), the district attorney (Brazos County District Attorney's Office – Chief Family Violence Division (979) 361-4320), or a private attorney. TAMU-UPD (979) 845-2345 will also provide assistance in applying for protective orders. Forms associated with applying for a protective order are found on the following webpages: <http://brazoscountytexas.gov/112/Family-Violence> and <https://guides.sll.texas.gov/legal-forms/protective-orders>.



The application for a protective order must be filed in either the county where the applicant lives or the county where the recipient lives. The applicant's address can be kept confidential. If the legal criteria for a protective order is met, the county or district attorney's office will prepare and file all of the paperwork necessary to request a protective order from a court. Such orders provide effective tools for law enforcement when they are called upon to protect an individual and their family. Additionally, an emergency protective order may be recommended and automatically issued by the court following the original report and arrest of the respondent. A hearing is held at a later date to determine if the order should be extended or modified.

TAMU-UPD is notified of protective orders that exist in the campus and surrounding area. Local law enforcement agencies are also notified of all existing protective orders in their area. If the requestor or other institutional personnel become aware that a protective order is violated, TAMU-UPD should be contacted immediately at (979) 845-2345. Responding agencies can also be contacted for protective order violations including Bryan Police Department (979) 361-3888, College Station Police Department (979) 764-3600, or the Brazos County Sheriff's Office (979) 361-4980. Violating protective orders generally carry authority for the violator's immediate arrest by TAMU-UPD or other law enforcement agencies.

*Criminal Trespass Warning:* A criminal trespass warning is a supportive measure issued by TAMU-UPD which is directed at those who are considered a danger to the campus community or a danger to a certain individual in the campus community. The warning advises the respondent to leave the premises and forbids them from entering and/or remaining on certain property which can cover either the entire campus or a specific campus location. To request a criminal trespass warning, contact TAMU-UPD at (979) 845-2345 and request to speak with an officer. The TAMU-UPD officer issues the criminal trespass warning if the respondent is determined to pose a risk to campus safety based on information provided by the requestor as it relates to applicable state law and/or TAMU-UPD policy. When the warning is issued, the officer is responsible for providing notice to the requestor and the person receiving the warning.

TAMU-UPD officers are notified of criminal trespass warnings that exist in their area. If a criminal trespass warning is violated, TAMU-UPD should be contacted immediately at (979) 845-2345. A violation of the criminal trespass warning occurs when the individual is issued a warning but refuses to leave campus or is subsequently found in a prohibited area based on the trespass warning. The requestor and other institutional personnel should take appropriate action by contacting TAMU-UPD for a responding officer when they become aware of a potential violation of a criminal trespass warning. TAMU-UPD generally enforces these warnings by charging violators with criminal trespass resulting in arrest and/or fine.

If the complainant, respondent, or member of the university community has obtained a protective order, civil no-contact order, restraining order, or similar order from a court as described in this section, against another member of the university community, a copy of the order should be provided to the Chief Risk, Ethics and Compliance Officer. In conjunction with

TAMU-UPD and other university officials, the Chief Risk, Ethics and Compliance Officer will take all reasonable actions authorized by law to implement the order.

*Other Legal Options:* TAMU-UPD's Community Services Unit at (979) 458-1674 is available to provide information or direct victims to the proper agency about personal safety, Texas Crime Victim's Rights, Texas Crime Victims Compensation Fund and other information upon request. Or visit the Office of the Texas Attorney General's website at <https://www.texasattorneygeneral.gov/crime-victims/crime-victims-compensation-program>.

## **Investigations and Disciplinary Proceedings<sup>62</sup> for Sexual Assault, Dating Violence, Domestic Violence, Stalking, and Related Retaliation**

Proceedings from an allegation of sexual assault, dating violence, domestic violence, or stalking are provided in a prompt, fair, and impartial manner from the initial investigation to the final result, including any appeals. They are consistent with the institution's policies and transparent and equitable to the complainant and respondent. The investigation provides that:

- Both the complainant(s) and the respondent(s) must receive equitable treatment in all facets of the investigation and resolution process including, but not limited to, the right to an advisor (if any), the right to present evidence and witnesses, and the right to be informed of the outcome of the investigation.
- Timely and equal access to any information (inculpatory and exculpatory) discovered during the investigation as well as any information that will be used during informal and formal disciplinary meetings and hearings will be provided to the complainant, respondent, and appropriate officials.
- During the investigation the complainant and respondent have timely notice of meetings at which the complainant or respondent, or both, may be present.
- Determinations use the preponderance of the evidence standard, i.e., what is more likely than not to be true, based on the totality of the available evidence.
- If the respondent has multiple roles at the university, such as when the respondent is both a student and an employee, the Chief Risk, Ethics and Compliance Officer will consult with other relevant university officials and determine which procedure(s) to follow in the investigation and resolution of the allegations of prohibited conduct as well as other policy violations. The Chief Risk, Ethics and Compliance Officer will consider the known facts and circumstances, including which role predominates in the context of the prohibited conduct.
- The university's disclosure of information related to an investigation, the Designated Administrator's decision and/or the sanctions rendered are governed by the provisions of the Family Educational Rights and Privacy Act (FERPA), the Texas Public Information Act (TPIA), the Texas Education Code Section 51.971, and other applicable confidentiality laws.

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<sup>62</sup> For the purposes of this section, proceeding means all activities related to a non-criminal resolution of an institutional disciplinary complaint, including, but not limited to, fact-finding investigations, formal or informal meetings, and hearings. Proceeding does not include communications and meetings between officials and the complainant, respondent, and other affected individuals concerning accommodations or supportive measures.

Individuals conducting investigations and other decision makers, at a minimum, receive annual training on the issues related to sexual assault, dating violence, domestic violence, and stalking and how to conduct an investigation and hearing process that protects the safety of victims and promotes accountability. All of those involved in the administration of civil rights complaints at the university (including but not limited to: reporting, administering, investigating, adjudicating, advising, and informal resolution) complete annual training specific to their roles in accordance with requirements established in [System Regulation 08.01.01, Appendix B, Minimum Training Requirements for Civil Rights Investigations, Advisement, Adjudication, Appeals, and Informal Resolution in The Texas A&M University System](#). Minimum training requirements include university rules and procedure, applicable federal and state laws, how to conduct comprehensive civil rights investigations and prepare reports, trauma-informed investigation techniques and considerations, due process protections, how to value and weigh evidence and assess credibility, sanctioning, appellate processes, etc.

If an employee reasonably believes that an incident constitutes sexual harassment, sexual assault, dating violence, domestic violence, or stalking and that the incident is alleged to have been committed by or against a person who was a student enrolled at or an employee of the institution at the time of the incident, the employee must promptly report the incident to the RELLIS Assistant Provost and Title IX Coordinator. Students and third parties (including, but not limited to, anyone receiving services from the university, vendors and private business associates) are strongly encouraged to report the incident(s) promptly to the RELLIS Assistant Provost and Title IX Coordinator. An employee is not required to report an incident in which that employee was a victim of the sexual harassment, sexual assault, dating violence, domestic violence, or stalking. Once an individual discloses information to the RELLIS Assistant Provost and Title IX Coordinator, a complaint will be considered to be made with the university, and the institution's process is initiated regardless of whether the complainant chooses to pursue criminal charges.

Complaints are initially reviewed by the RELLIS Assistant Provost and Title IX Coordinator, not only to assess and address safety, but also to determine whether a violation of the System Regulation 08.01.01 and/or any other university rule, SAP, code, or policy could have occurred. During the initial review and preliminary assessment, the RELLIS Assistant Provost and Title IX Coordinator will:

- Inform the complainant about options for formal and informal resolutions and solicit the complainant's preferred method for resolving the matter. Complainants may request a formal resolution, an informal resolution, or "no resolution" of the allegations of discrimination, harassment, retaliation, and/or complicity.
- Offer assistance to the complainant in submitting a written formal complaint<sup>63</sup> that details the nature and circumstances of the allegations, including the names of the complainants and respondents.

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<sup>63</sup> A formal complaint is a document or electronic submission (such as by electronic mail or through an on-line portal provided for this purpose) filed by a complainant, or signed by the Title IX Coordinator, alleging sex-based discrimination against a respondent and requesting that the university investigate the allegation(s). The formal complaint must contain the complainant's physical or digital signature, or otherwise indicate

### No Resolution

If the complainant requests that no resolution of the allegations occur, the university will seek to honor the request whenever possible without impeding the university's ability to enhance the safety and security of the complainant and the university community. The university may initiate an investigation based on the seriousness of the allegation, whether or not there are multiple allegations, and/or whether or not a respondent poses a risk of harm to others. The RELLIS Assistant Provost and Title IX Coordinator will consider the following factors when evaluating such requests:

- All of the known circumstances, including any corroborating evidence;
- The nature and scope of the alleged conduct, including whether the reported behavior involves the use of a weapon;
- The respective ages and roles of the complainant and respondent;
- Whether there have been other reports of prohibited conduct or other misconduct by the respondent;
- Whether the report reveals a pattern of misconduct related to prohibited conduct (e.g. via illicit use of drugs or alcohol) at a given location or by a particular group;
- Fairness considerations for both the complainant and the respondent;
- Whether the university possesses other means to obtain relevant information and evidence;
- The university's obligation to provide a safe and non-discriminatory environment;
- Admissions of responsibility by the respondent, if any; and
- The impact of honoring the request on the complainant and the university community, including the risk of additional violence.

If the university is able to honor the complainant's request for no resolution, the university may close the matter with no action taken, or the university may proceed with other appropriate steps, including investigation and disciplinary action against the respondent for violations of other rules, SAPs, regulations, policies, or codes, if applicable.

If the university determines that the complainant's request cannot be honored, the complainant will be notified of the decision, and the RELLIS Assistant Provost and Title IX Coordinator will take appropriate actions, including but not limited to, (1) offering support services or academic adjustments and (2) initiating a formal investigation or informal resolution.

### Informal Resolution

Informal resolutions do not utilize a formal hearing and may or may not involve the establishment of findings of fact and the application of sanctions.

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that the complainant is the person filing the complaint. Alternatively, a Title IX Coordinator may sign a formal complaint but is not a complainant or otherwise a party to the complaint. The university may consolidate formal complaints as to allegations of sex-based violations against more than one respondent, or by more than one complainant against one or more respondents, or by one party against the other party, when the allegations of sexual harassment arise out of the same facts or circumstances.

At any time prior to the determination of a final decision, the parties may seek informal resolution to resolve the complaint. The following conditions apply to informal resolution:

- Informal resolution is a voluntary process. No party may be compelled to participate in informal resolution. The university, in consultation with the System Ethics and Compliance Officer (SECO), must agree to allow an informal resolution to move forward and must obtain the parties' voluntary, written consent to the informal resolution process.
- Prior to an informal resolution, the parties will be provided with: (a) written notice of the allegations; (b) the requirements of the informal resolution process, including the circumstances under which it precludes the parties from resuming a formal complaint arising from the same allegations; and (c) the consequences of withdrawing from the informal process and resuming the formal process, and including the records that will be maintained or could be shared.
- Once a party agrees to participate in informal resolution, they may withdraw from the process at any time prior to a final agreement and resume the formal grievance process. Information shared in the informal resolution process may not be introduced into the formal process without independent evidence.
- Once a final agreement is established through informal resolution, the complaint may not return to the formal complaint process unless one or both parties fails to abide by any conditions established in the agreement.
- Informal resolution options include mediation, restorative conferences, shuttle facilitation, and other forms of facilitated dialogue.
- Mediation may not be used to resolve complaints of rape, statutory rape, dating violence, domestic violence, or any case in which imminent threats of harm may exist.
- The university may not offer an informal resolution process in sex-based complaints unless a formal complaint is filed and may not offer or facilitate an informal resolution process to resolve allegations that an employee sexually harassed a student.

### Formal Resolution

The allegations will be considered for investigation pursuant to the following procedures. The RELLIS Assistant Provost and Title IX Coordinator reserves the right to resolve the complaint informally or through no resolution if the allegation does not rise to the level of conduct prohibited by System Regulation 08.01.01.

Upon receipt of a report, the RELLIS Assistant Provost and Title IX Coordinator may consult with the Texas A&M University System Office of General Counsel (OGC) as needed and make a preliminary determination about whether to conduct a formal investigation of the allegations. The preliminary determination may include, but is not limited to, the following:

- An assessment of whether there is sufficient known or obtainable information to proceed with an investigation of the complaint;
- An assessment of whether the allegations are baseless;
- An assessment of whether the allegations, if true, would constitute a violation of System Regulation 08.01.01; and/or

- An assessment of whether a complainant's request for no resolution may be honored.

If it is determined that there is insufficient information to proceed with an investigation; or that the allegations are baseless; or that the allegations, if true, would not constitute conduct prohibited by System Regulation 08.01.01 and/or System Rule 08.01.01.S1 (for RELLIS Academic Alliance staff and students) and member Rule 08.01.01.K1 (for TAMUK RELLIS Academic Alliance faculty), or, that an investigation will not occur due to the complainant's request for no resolution, the RELLIS Assistant Provost and Title IX Coordinator (for staff and students) and TAMUK (for faculty) may:

- dismiss the complaint,
- close it for insufficient evidence to investigate or lack of jurisdiction,
- refer the report to a different office at the university (the university office may review the conduct and take appropriate action, including but not limited to, disciplinary action against the respondent for violations of other university rules, codes, regulations, policies, or SAPs, if applicable), or
- with the consent of the parties, as well as the approval of SECO, refer the complaint to informal resolution (cases involving allegations based on sex require the submission of a formal complaint before they may be referred to informal resolution).

The RELLIS Assistant Provost and Title IX Coordinator will notify the complainant of such action in writing. Complaints that have been dismissed or referred may be appealed in accordance with the appeal procedures section of this policy.

Once it has been determined that the university will proceed with a formal investigation, the RELLIS Assistant Provost and Title IX Coordinator will appoint the Investigative Authority (IA)<sup>64</sup> within 5 business days to initiate the process of determining whether a violation of System Regulation 08.01.01 or other university rule, SAP, code, or policy occurred.

The RELLIS Assistant Provost and Title IX Coordinator (or designee) shall simultaneously notify the complainant(s) and respondent(s) in writing of the commencement of the investigation. The notice of investigation will include:

- receipt of the complaint stating the allegation of a violation of this policy;
- interim supportive measures, if any;
- admonishments regarding cooperation and prohibiting retaliation;
- any informal resolution process that may be available;
- an unredacted version of the complaint to an employee respondent(s) and their advisor, if applicable, with admonishments regarding privacy; and

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<sup>64</sup> The IA is one or more trained individuals appointed to conduct a formal investigation to discover and examine the facts related to an allegation and conclude if, based on the preponderance of the evidence, the allegation is substantiated, unsubstantiated, or if there is insufficient information. In complaints involving allegations of sex-based behaviors, the IA will be limited to only reporting the evidence collected during the investigation, as well as issuing appropriate determinations surrounding credibility of parties, witnesses, and evidence.

- the appointed IA; the appointed Designated Administrator (DA)<sup>65</sup> and Appellate Authority (AA).<sup>66</sup>

If in the course of an investigation the university decides to investigate allegations about the complainant or respondent that were not included in the original notice, the university must provide notice of the additional allegations to the parties.

If the respondent is an employee, the RELLIS Assistant Provost and Title IX Coordinator (or designee) shall notify, in writing, the respondent's supervisor that the RELLIS Assistant Provost and Title IX Coordinator is investigating an allegation that the respondent has engaged in conduct that may be a violation of System Regulation 08.01.01 and/or System Rule 08.01.01.S1 (for RELLIS Academic Alliance staff and students) and member Rule 08.01.01.K1 for (TAMUK RELLIS Academic Alliance faculty) or other university rules, SAPs, codes, or policies.

The RELLIS Assistant Provost and Title IX Coordinator is responsible for all administrative actions required to conduct the investigation. These include, but are not limited to, informing the parties of extensions or other delays affecting the investigation, contacting supervisors or faculty regarding their employees' or students' time away from work or class to participate in the investigative process, making reports to university administrators, coordinating supportive measures, and undertaking any other tasks necessary to properly conduct the investigation.

The IA will review the complaint, conduct a prompt, fair, thorough, and impartial investigation. Abuse of the investigation and resolution process is prohibited and subject to disciplinary action up to and including dismissal or separation from the university. Examples of abuse of process include, but are not limited to:

- Failure to appear at a meeting, interview, hearing, or conference as set forth in a notice issued by the RELLIS Assistant Provost and Title IX Coordinator;
- Falsification, distortion, destruction, or misrepresentation of evidence or information;
- Disruption or interference with the orderly conduct of an investigation, interview, meeting, hearing or conference;
- Intentionally initiating or causing a false report to be initiated;
- Attempting to discourage an individual's proper participation in, or use of, the investigation and resolution process, disciplinary process, or legal process;

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<sup>65</sup> The DA is the decision-making entity specified in university rules. This may be an administrator or a hearing officer/panel but may not include a person with a clear conflict of interest (e.g., supervisor, subordinate, and/or family member of either party) or personal bias. The role of the DA is to determine whether or not allegations of misconduct rise to the level of a violation of System Regulation 08.01.01 based on the evidence provided and utilizing the preponderance of the evidence standard. The DA cannot have served as an investigator nor may they later serve as an appellate authority in the same case. Title IX Coordinators may not serve as a DA in any case involving an allegation of discrimination or harassment based on sex.

<sup>66</sup> The AA is any individual or panel responsible for rendering appeal decisions as specified in university rules. The role of the AA is to review the process by which an original decision was reached and render an appellate decision, consistent with the grounds for appeal. Title IX Coordinators may not serve as an AA in any case involving an allegation of discrimination or harassment based on sex. All persons serving as DAs, AAs, and IAs will be impartial and free of conflicts of interest or bias for or against the complainant or the respondent. Parties who are concerned about the impartiality of an individual serving in one of these roles should submit their concerns, in writing, to the Chief Risk, Ethics, and Compliance Officer (civilrights@tamuk.edu) who may designate alternative individuals to fulfill any of these roles.

- Attempting to influence the impartiality of the IA, AA, or DA prior to, and/or during the course of the investigation and resolution process;
- Verbal or physical intimidation, and/or retaliation of any party to the investigation and resolution process prior to, during, and/or afterwards;
- Failure to abide by the terms of university administered sanctions;
- Influencing or attempting to influence another person to commit an abuse of the investigation and resolution process; and/or
- Failure to cooperate fully with the IA (applies to employees only).

Students, employees, and third parties who are found responsible for abuse of the investigation and resolution process are subject to the sanctions as described in this policy.

During the investigation, the complainant and the respondent will have an equal opportunity to be heard, submit information and corroborating evidence, identify witnesses who may have relevant information, and submit questions to be asked of the other party. Questions for the other party will be asked by and at the discretion of the IA. The IA will meet separately with the complainant, the respondent, and any witnesses, and will gather other relevant and available evidence and information. The IA may also consult medical, forensic, technological, or other experts when expertise is needed in order to achieve an understanding of the issues under investigation.

Witnesses must (1) have observed the acts in question, (2) have information related to or relevant to the incident, or (3) have information about impact, mitigation, aggravation, and/or character in order to participate in the investigation process.

Investigations provide both the complainant and respondent the same opportunities to have others present during any institutional proceeding, including the opportunity to be accompanied to any related meeting or proceeding by an advisor<sup>67</sup> of their choice. The advisor may be present at any time in which the party participates in the investigation and resolution process, including the filing of the complaint, the interview with the IA, and all other meetings or proceedings related to the investigation and resolution of the complaint. A party may select any person to be an advisor, including legal counsel.

If the allegations are related to sexual harassment or sex-based misconduct, a party must have an advisor for the hearing to provide guidance and to conduct cross examination. If a party does not have an advisor for a hearing involving sexual harassment or sex-based misconduct allegations, the university will appoint an advisor for the party. To the extent reasonably possible, the university will provide a party without an advisor with a list of trained advisors and allow the party to select an advisor to be appointed from the list.

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<sup>67</sup> An advisor is an individual selected by each complainant and respondent to provide guidance, support, or advice during the investigation and resolution process and to conduct cross-examination when a complaint is referred to a formal hearing. An advisor may be an attorney. The university may appoint an advisor of the university's choice for a complainant or respondent for a hearing if either party does not have an advisor present. Advisors may not otherwise represent or speak for the party they are advising. Each party is allowed one advisor, although the university may establish circumstances under which a second advisor would be permitted (e.g., accommodating a party with a disability).



Restrictions regarding the extent to which the advisor will participate in the proceedings may be established and applied equally to both parties. In all instances, the advisor's participation will be limited to the role of an observer, except that the advisor will (1) conduct the cross examination during a hearing on allegations of sexual harassment and sex-based misconduct and (2) provide support and guidance to their party. An advisor can be barred from being present during the investigation and resolution process if, in the judgment of the IA, the DA, the AA, or the RELLIS Assistant Provost and Title IX Coordinator, the advisor attempts to advocate on behalf of a party (other than cross-examination), or is otherwise disruptive. All parties, including advisors, are informed of participation restrictions before a proceeding is conducted so that parties understand and respect the limitations.

When the university is made aware that there is a concurrent criminal investigation, the RELLIS Assistant Provost and Title IX Coordinator may inform the law enforcement agency that a university investigation is also in progress; ascertain the status of the criminal investigation; and determine the extent to which any evidence collected by law enforcement may be available to the university in its investigation.

At the request of law enforcement, the university may temporarily defer part or all of the investigation until after the initial evidence-gathering phase of the law enforcement investigation is complete. The IA will communicate with the parties (as appropriate) about the law enforcement agency's request to the extent allowed by law; the university's obligations and supportive measures; procedural options; anticipated timing; and the implementation of any necessary interim measures for the safety and well-being of all affected individuals.

Standards for the resolution of criminal allegations are different than the standards for resolution of a violation of System Regulation 08.01.01 and/or any other university policy, rule, SAP, or code; therefore, the university will not base its decisions on any law enforcement determination and/or the outcomes of any criminal proceedings.

Within 30 business days, the IA will prepare an initial draft investigation report at the conclusion of the investigation and provide it to OGC for review. The initial draft investigation report includes the following but does not contain speculation, opinions, findings, decisions, or recommendations for sanctions<sup>68</sup>:

- statement of the allegation(s)
- listing of individuals interviewed including dates of the interviews
- all inculpatory evidence (evidence that would tend to support a finding that a respondent is responsible for the alleged misconduct) that is directly related to the allegations

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<sup>68</sup> The investigation report for a non-sex based civil rights complaint must also include the IA's conclusion, based on the preponderance of the evidence, whether or not the alleged behavior/conduct occurred, did not occur, or there was insufficient evidence to establish that the behavior occurred or not, but will not determine whether or not the behavior establishes a violation of system or university regulations or rules.

- all exculpatory evidence (evidence that would tend to support a finding that a respondent did not commit the alleged misconduct) that is directly related to the allegations
- credibility assessments which may not be based on an individual's status as a complainant, respondent, or witness
- listing of relevant documents attached to the report as exhibits

The IA has the sole discretion to determine the relevance of evidence and whether it should be included in or excluded from the investigation report. OGC will coordinate with SECO and provide its review of the initial draft investigation report to the IA within 10 business days.

The IA will have 5 business days to create a final draft investigation report and share that document electronically with both the complainant, respondent, and their advisors, if any. The university provides parties an equal opportunity to inspect and review any evidence obtained as part of the investigation that is directly related to the allegations raised in the formal complaint, including the evidence upon which the university does not intend to rely in reaching a determination regarding responsibility, and inculpatory or exculpatory evidence related to the allegations whether obtained from a party or other source, so that each party can meaningfully respond to the evidence prior to the conclusion of the investigation. This includes sending to each party and the party's advisor, if any, the final draft investigation report (with exhibits) subject to inspection and review. Both the report and the collected evidence will be unredacted to the extent allowed by law.

The complainant and the respondent will be given 10 business days to review the final draft investigation report and evidence and submit a written response to the IA for the IA to consider prior to final completion of the investigative report. A party's response may include: (1) written comment or feedback; (2) additional evidence or information; (3) the names of additional witnesses or a request for the collection of other information by the IA; and/or (4) questions to be asked (at the discretion of the IA) of the other parties or witnesses. If a party's response to the final draft investigation report includes new evidence/information/witness names that were not provided to the IA during the original investigation, the party must submit a written explanation as part of the response as to why the evidence/information/witness names were not originally provided to the IA. The IA has the discretion to disregard or accept new information/evidence/witness names. A party may not withhold information/evidence/witness names, refuse to answer question(s) or participate in the original investigation and then provide the information for the first time at party review. The IA must explain to the party proposing the questions any decision to exclude a question as repetitious or not relevant. A party's written response, if any, will be shared with all other parties and incorporated in the investigation report as an exhibit.

While it is the IA's responsibility to undertake a thorough search for relevant facts and evidence and to gather evidence sufficient to reach a determination regarding responsibility, the IA must conclude the investigation within a reasonably prompt time frame and without the power of subpoena.

At the conclusion of the review and respond period, the IA will determine if the final draft investigation report should be amended with any new information or evidence. If necessary, the IA may pursue additional investigative steps. The IA will have 10 business days to complete this process.

The IA will then have 5 additional business days to prepare a final report (as amended, if applicable), and forward it along with exhibits, responses from the parties, and other information directly related and relevant to the allegations, to OGC and SECO for legal review. OGC and SECO will then have 5 business days to provide feedback to IA. The latter review provided by OGC and SECO may be waived by mutual agreement between the university and OGC/SECO if no substantive changes were made following the initial review. After receiving the legal review, the IA will have 5 business days to finalize the investigation report and submit to the parties and to the DA for decision-making and sanctions.

Circumstances may warrant extensions to the time frames in this section. The IA should send an extension request, if needed, to the RELLIS Assistant Provost and Title IX Coordinator. Both the complainant(s) and the respondent(s) are notified of any extensions in writing.

The respondent is presumed to not have engaged in prohibited conduct until the DA finds that there is sufficient evidence based on a preponderance of the evidence to find that the respondent has violated System Regulation 08.01.01 and/or System Rule 08.01.01.S1 (for RELLIS Academic Alliance staff and students) and member Rule 08.01.01.K1 (for TAMUK RELLIS Academic Alliance faculty). If violation(s) are found, the DA may issue sanctions.

### ***Procedures governing the resolution of all sexual harassment and sex-based misconduct allegations***

The RELLIS Assistant Provost and Title IX Coordinator will appoint a university official and/or a hearing officer will be appointed to be the DA. The university official and/or hearing officer will render decisions in cases with allegations against employees, third parties, and students<sup>69</sup>. The DA will review the unredacted final investigation report, the documentary evidence, the record of the hearing (if applicable), and any other relevant information. The DA or designee will provide the final investigative report and exhibits to the parties. The parties will also be provided a pre-hearing conference to review the hearing process as well as to explore any available options for informal resolution. The parties have at least 10 business days to review the final investigative report and to respond in writing to the DA (if desired) prior to the hearing. The DA has the sole discretion to determine the relevance of evidence and whether it should be heard at a hearing. Neither the Texas Rules of Evidence nor the federal Rules of Evidence apply in university hearings. At any time prior to the adjudication of a formal complaint, the parties may seek informal resolution to resolve the complaint.

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<sup>69</sup> Exceptions: The chancellor or designee will serve as the DA in complaints against the Texas A&M University-Kingsville President or an employee who reports directly to the Texas A&M University-Kingsville President. The chair of the Board of Regents or designee will serve as the DA in complaints against the chancellor or an employee who reports directly to the chancellor.

Unless waived by the parties, following the pre-hearing conference the parties will be given a minimum of 5 business days notice of any formal hearing. The notice must include the date, time, and location of the hearing, as well as instructions for those participating in hearings through online means.

The DA will conduct a live hearing<sup>70</sup> to allow the parties to question witnesses, submit evidence or information, and to allow the DA and the parties' advisors to cross-examine other parties or witnesses. The complainant and the respondent at a hearing must have an advisor with them. In cases in which a party does not have an advisor, the university will provide a trained advisor to assist them in the hearing process.

Cross-examination of the complainant, respondent, and any witnesses may not be conducted by the opposing party but must be conducted by their advisor. Questions are to be directed to the DA, who will determine whether or not each question will be admitted into the hearing. If a question is deemed repetitious or not relevant, the decision-maker must explain the decision to exclude it. When parties are being subject to cross examination, the advisor may not answer on behalf of the party.

The DA will preside over the hearing and make final determinations on the relevance of questions and evidence asked during the cross-examination. Questions and evidence about the complainant's sexual predisposition or prior sexual behavior are not relevant, unless such questions and evidence about the complainant's prior sexual behavior are offered to prove that someone other than the respondent committed the alleged conduct, or if the questions and evidence concern specific incidents of the complainant's prior sexual behavior with respect to the respondent and are offered to prove consent. The DA cannot draw an inference regarding responsibility based solely on a party's or witness's absence from the live hearing or refusal to answer cross examination or other questions.

Following the hearing, the DA will develop a draft result<sup>71</sup> (hereafter called decision), based on the preponderance of the evidence, as to a) whether or not the alleged conduct occurred; and b) whether each allegation is substantiated, unsubstantiated, or there is insufficient information to substantiate that the respondent violated System Regulation 08.01.01 and/or System Rule 08.01.01.S1 (for RELLIS Academic Alliance staff and students) and member Rule 08.01.01.K1 (for TAMUK RELLIS Academic Alliance faculty). If applicable, the DA will also include a decision as to whether the respondent violated any other university regulation, code, policy, SAP, or rule. If the DA determines that any regulations, policies, rules, SAPs, or codes have been violated, the DA will consider any information about impact, mitigation, aggravation, and the

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<sup>70</sup> Hearings will be closed to the public. The university will create an audio or audiovisual recording, or transcript, of any live hearing and make it available to the parties for inspection and review. Physical access to the recording or transcript must be provided upon request for the purpose of preparing an appeal following the hearing. Attendance at a hearing may be in person or may be conducted through remote means, provided that all parties and the DA can see and hear one another in real time during the course of the hearing.

<sup>71</sup> Result is defined as any initial, interim and final decision by any official or entity authorized to resolve disciplinary matters within the institution. The result must include any sanction imposed by the institution.

respondent's character (see factors listed in the Sanctioning Considerations section) and include a decision about sanctions. The DA will submit the draft to SECO within 2 business days. SECO will have a maximum of 3 business days to provide feedback to the DA.

Thereafter, the DA will have a maximum of 3 additional business days to issue a decision letter. The decision letter must be sent simultaneously to notify the parties, in writing, of the decision on responsibility and sanctions except when to do so would violate state or federal law [e.g. Family Education Rights and Privacy Act (FERPA)]. The decision must include any sanctions imposed by the institution. Notwithstanding section 444 of the General Education Provision Act (20 U.S.C. 1232g), commonly referred to as FERPA, the decision letter must include the rationale for the decision and the sanctions<sup>72</sup>. The decision will include information about appealing the decision and/or sanctions.

Decision letters must include (1) identification of the allegations; (2) a description of the procedural steps taken from the receipt of a formal complaint through determination, including any notifications to the parties, interviews with parties and witnesses, site visits, methods used to gather other evidence, and hearings held, if any; (3) a finding for each allegation as to whether the conduct occurred and findings of fact supporting the determination; (4) conclusion regarding the application of the university's conduct standards to the facts; (5) a statement of, and rationale for, the result as to each allegation including a determination regarding responsibility substantiated, unsubstantiated, or there is insufficient information to substantiate that the respondent violated System Regulation 08.01.01 and/or System Rule 08.01.01.S1 (for RELLIS Academic Alliance staff and students) and member Rule 08.01.01.K1 (for TAMUK RELLIS Academic Alliance faculty), any disciplinary sanctions the university imposes on the respondent, and whether remedies designed to restore or preserve equal access to the university's education program or activity will be provided by the university to the complainant, and; (6) the university's procedures and permissible bases for the complainant and respondent to appeal the decision and/or sanctions. If it was alleged that any other system regulations or university rules, SAPs, codes, or policies were violated, there will be a statement of responsibility as to these allegations as well. The decision on responsibility made by the DA does not constitute an employment action with respect to faculty and non-faculty employees. Any sanction against an employee, imposed as a result of a substantiated finding, will constitute an employment action.

If for any reason there is reasonable cause for the university to delay the issuance of the decision letter, this will be communicated to the parties by the DA or designee. If a student respondent withdraws or graduates from the university pending the resolution of a complaint, the process will continue and, the university will not issue a transcript on behalf of the student until the conclusion of the process.

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<sup>72</sup> The decision of the DA will include how the university weighted the evidence and information presented during the hearing, how the evidence and information support the decision and sanctions, and how the standard of evidence was applied.

Upon request by another postsecondary educational institution, the university must provide to the requesting institution any determination that a student violated the university's code of conduct by committing sexual harassment, sexual assault, sex-based misconduct, dating violence, domestic violence, and/or stalking based on sex.

The goal is to resolve complaints in a reasonably prompt timeframe; however, extenuating circumstances requiring additional time may necessitate an extension for good cause. Written notice of the delay and the reason for the delay is provided to the complainant and the respondent by the RELLIS Assistant Provost and Title IX Coordinator or designee.

***Procedures governing the resolution of other civil rights complaints (pay disparities and/or program inequities, excluding [hostile environment](#), and allegations other than sexual harassment and sex-based misconduct)***

Following are the resolution procedures for pay disparities and/or program inequities, excluding hostile environment, and non-sex-based complaints based on race, color, religion, national origin, age, disability, genetic information, and/or veteran status. When a complaint involves allegations of misconduct that involve both sex-based allegations and allegations of other civil rights violations, the process shall be conducted under the requirements established for sex-based offenses.

The DA will review the unredacted final investigation report (see footnote 14), the documentary evidence, and any other relevant information. If the DA has substantial doubts about the thoroughness, fairness, and/or impartiality of the investigation, the DA may refer the matter back to the IA with further instructions, which could include the appointment of a different IA. At any time prior to the adjudication of a formal complaint, the parties may seek informal resolution to resolve the complaint.

The DA will develop a draft decision (see footnote 17), based on the preponderance of the evidence, as to a) a finding for each allegation as to whether conduct occurred; and b) a finding of responsibility for each allegation: substantiated, unsubstantiated, or there is insufficient information to substantiate that the respondent violated System Regulation 08.01.01 and/or System Rule 08.01.01.S1 (for RELLIS Academic Alliance staff and students) and member Rule 08.01.01.K1 (for TAMUK RELLIS Academic Alliance faculty). If it was alleged that any other system regulations or university rules, SAPs, codes, or policies were violated, there will be a statement of responsibility as to these allegations as well.

The DA will submit the draft decision to OGC within 5 business days after receiving the final investigation report and consult, as needed, with respect to sanctioning. OGC will coordinate with SECO and provide its review of the draft decision within 5 business days. For a complaint against a student, it may be impractical for OGC to review the intended decision prior to issuance by the DA. Universities are therefore exempt from obtaining OGC review of the decision, for student complainants, prior to issuance but may request assistance from OGC and SECO when needed.

The DA will have 5 business days to finalize the decision and simultaneously notify the parties, the IA, and any other university official with a need to know, in writing, of the decision and sanctions. In cases in which the allegations are substantiated, the final decision will also be provided to an employee respondent's supervisor. The decision must include any sanctions imposed by the institution. Notwithstanding section 444 of the General Education Provision Act (20 U.S.C. 1232g), commonly referred to as FERPA, in the decision, the DA will state the rationale for the decision and the sanctions, if any (see footnote 18). The final decision will include instructions for appealing the decision and/or sanctions.

Circumstances may warrant extensions to the time frames in this section. The DA should send an extension request, if needed, to the office or individuals who appointed them. Both the complainant(s) and the respondent(s) should be notified of any extensions in writing.

### ***Sanctioning Considerations***

In determining appropriate sanctions, many factors may be considered. Factors include, but are not limited to:

- the expressed wishes of the complainant(s),
- the nature of the conduct,
- the impact of the conduct on the complainant(s) and university community and the need to protect the safety of the university community,
- prior disciplinary history of the respondent,
- whether the respondent has accepted responsibility for the conduct,
- the necessity of any specific action in order to eliminate the discrimination, harassment, and/or retaliation and prevent its recurrence, as well as the need to remedy its effects on the complainant(s) or other university community members, and/or
- any other mitigating, aggravating, or compelling circumstances.

### ***Sanctioning for Employees***

If an employee is found to have engaged in sexual harassment or sex-based misconduct, the sanction will be termination of employment. If an employee is found to have engaged in conduct prohibited by System Regulation 08.01.01 and/or System Rule 08.01.01.S1 (for RELLIS Academic Alliance staff and students) and member Rule 08.01.01.K1 (for TAMUK RELLIS Academic Alliance faculty) (other than sexual harassment and/or sex-based misconduct), the DA may assign appropriate sanction(s) which may have educational, restorative, punitive, and rehabilitative components. Sanctions include written warning or reprimand, required training and/or attendance at counseling, no contact directives, probation, suspension, and termination.

If an employee is found responsible for violating any other rule, policy, SAP, code, or regulation, the DA may assign appropriate sanction(s) or may refer the sanctioning to any other appropriate university administrator.

### ***Sanctioning for Students***

In all cases, investigations that result in a finding of responsible, in using the preponderance of the evidence standard (more likely than not that the alleged action took place in violation of the Student Code of Conduct or System Rule 08.01.01.S1 occurred) will lead to the initiation of disciplinary procedures against the accused individual. The sanctions applied will be in accordance with the Model Sanctioning Matrix for Sexual Violence and Sexual Harassment Violations by Students in the Texas A&M University System. University sanctions including one or more of the following may be imposed by the university upon individuals, groups or organizations. Sanctions for violations may be administered regardless of whether actions of the student are also civil or criminal violations. Whenever disciplinary action leads to the student leaving the university, grades will be assigned in accordance with the university grade policy and the academic calendar.

Sanctions for students may include but are not limited to:

- Reprimand
- Loss of privileges
- Imposition of certain tasks
- Probation
- Suspension
- Expulsion
- Revocation of Degrees
- Organizational sanctions

For additional information concerning the Model Sanctioning Matrix for Sexual Violence and Sexual Harassment Violations by Students in the Texas A&M University System please visit:

<http://assets.system.tamus.edu/files/policy/pdf/08-01-01-Appendix.pdf>

*Minimum Sanctions:* In addition, students found responsible for committing dating or domestic violence and/or non-consensual sexual penetration of another person will be subject to a minimum sanction of a one-year suspension, in the absence of significant mitigating factors. Students found responsible for these acts who have demonstrated predation for the purpose of carrying out these acts will be subject to permanent expulsion.

Students found responsible for committing acts of sexual harassment, sexual assault, dating violence, domestic violence, stalking based on sex, and/or any other sex-based misconduct who are allowed to return after a suspension of one year or more will be ineligible to hold an office in any student organization, ineligible to represent the university in any way (including intercollegiate athletics or other competitions, both on and off campus), and ineligible to receive an institutional scholarship, in the absence of significant mitigating factors.

### ***Appeals procedures governing the resolution of all sexual harassment and sex-based misconduct allegations***

An appeal of the RELLIS Assistant Provost and Title IX Coordinator's complaint dismissal, hearing



decision, and/or sanctions related to an allegation of sexual harassment or sex-based misconduct may be made by the complainant and/or the respondent. The AA, the individual or panel responsible for rendering appeal decisions, is assigned based on the status of the respondent in accordance with the following table. AAs shall not have had any previous involvement and/or participation in the investigation and/or decision pertaining to an appeal under review.

If the allegations are against a:	Student	Non-Faculty Employee or Third Party	Faculty Employee
Then the AA is:	Provost/Vice Chancellor for Academic Affairs	Provost/Vice Chancellor for Academic Affairs	Office of Compliance and/or Title IX Coordinator

All appeals will be confined to a review of the record from the investigation and any relevant evidence, as well as the DA's decision as related to the grounds for appeal. The appeal does not create an entitlement to a new investigation. The appeals process carries a presumption that the original decision was correct unless a preponderance of the evidence demonstrates that one or more of the conditions of the appeal are met, and that either or both parties was deprived of a fair process.

Appeals must be submitted in writing and must include a statement outlining the basis for the appeal<sup>73</sup> and any evidence which supports the appeal. Appeals must be filed at the location and within the timeframe dated in the DA's written notice of the decision (within 5 business days of notification of the decision). Decisions made by the DA shall not be final until an appeal deadline is passed, or when the appeal process is exhausted, or when all parties choose not to appeal.

To be a valid appeal, the appeal must: (1) be filed at the location and within the time frame stated in the DA's written notice; (2) identify one of the bases for appeal and (3) provide credible information or evidence substantiating the identified bases for appeal.

If the AA determines that an appeal is not valid, the AA will provide simultaneous written notice to the parties and the RELLIS Assistant Provost and Title IX Coordinator that no valid appeal was filed and that the decision of the DA is final and the case is closed.

If a timely and valid appeal is filed by either party, the other party will be notified as soon as practical thereafter by the AA. The parties will be given 3 business days to review the appeal

<sup>73</sup> Results (decision and/or sanctions) or dismissal of a complaint can be appealed on any of all of the following bases, as applicable: (a) A procedural irregularity that affected the outcome; (b) New evidence, not reasonably available at the time the determination regarding responsibility or dismissal was made, that could affect the outcome of the matter. The new evidence must be provided at the time of the appeal through the designated mechanism for filing an appeal; (c) The Title IX Coordinator, investigator(s) or decision-maker(s) had a conflict of interest or bias for or against complainants or respondents generally or the individual complainant or respondent that affected the outcome of the matter; or (d) The appropriateness or severity of the sanctions. If an employee was found to have sexually harassed another member of the university or agency community, the appropriateness or severity of the sanction cannot be appealed.

and submit a written response a) that provides support for or challenges the decision by the DA, and b) that responds to the appeal bases submitted by the appealing party. Any written response must be submitted to the AA.

The AA will review the RELLIS Assistance Provost and Title IX Coordinator's letter of dismissal, the investigation report, the DA's decision, the documentary evidence, the record from the hearing (if applicable), or any other relevant information and render a written decision on the appeal. If both parties file a valid appeal, the AA will review both appeals and will render decisions accordingly.

The AA will render one or more of the following written decisions:

- Affirm the DA's decision on responsibility and, if applicable, the sanctions. There are no relevant issues of concern related to the ground(s) of the appeal, and, therefore, the decision is affirmed and final.
- Remand the complaint back to the DA because new evidence, not reasonably available at the time the determination regarding responsibility or dismissal was made, appears to be relevant and could have significantly affected the outcome of the decision on responsibility, dismissal of the complaint, or the sanctions. The DA will reconvene the hearing for the limited purpose of considering the new evidence. The DA will issue a new decision which may be appealed by the parties in accordance with the previously described appeal procedures.
- Remand the complaint back to the DA with an instruction to correct the procedural error or omission. If the procedural error occurred in the investigation phase, the DA will instruct the IA to correct the procedural error or omission and amend the Investigative Report, as appropriate. The IA will then submit the amended investigative report to the parties for review and response and then to the DA for a new decision in accordance with formal resolution procedures. If the procedural error occurred in the resolution phase, the DA will correct the procedural error or omission and then issue a new decision in accordance with the formal resolution procedures. The new decision of the DA may be appealed by the parties in accordance previously described appeal procedures.
- Remand the complaint to 1) the RELLIS Assistant Provost and Title IX Coordinator or 2) SECO with the instruction to remedy a bias by the IA or DA or the RELLIS Assistant Provost and Title IX Coordinator. If bias was present in the IA, the RELLIS Assistant Provost and Title IX Coordinator will appoint a new IA to review the investigation, collect additional evidence or information as appropriate, and follow the investigation requirements as outlined in the formal resolution procedures. A new report will be written and provided to the DA for a new hearing. If the bias was present in the DA, the RELLIS Assistant Provost and Title IX Coordinator will appoint a new DA to re-hear the case with the existing investigation. If the bias was present in the RELLIS Assistant Provost and Title IX Coordinator, SECO will appoint a new staff member to address the influence of the RELLIS Assistant Provost and Title IX Coordinator on the case.
- Modify the decision on sanctions because the sanctions given were inappropriate or

disproportionate to the severity of the conduct after considering all the circumstances<sup>74</sup>. The AA will impose new sanctions, which are final.

Notwithstanding section 444 of the General Education Provision Act (20 U.S.C. 1232g), commonly referred to as FERPA, the AA will render a written decision simultaneously to the parties that includes a rationale for the decision as to each of the grounds appealed, changes occurring based on appeal, and when such results become final (see footnote 19).

To the extent reasonably possible:

- For student respondents: The AA will provide the written decision simultaneously to the parties and RELLIS Assistant Provost and Title IX Coordinator within 10 business days following the 3 business day review deadline. AAs are exempt from obtaining OGC review of decisions for student respondents prior to issuance but may request assistance from OGC and SECO when needed.
- For employee or third-party respondents: The AA will provide a draft decision to OGC for review within 5 business days following the 3 business day review deadline. System Office officials will provide its review of the draft decision to the AA within 5 business days. To the extent possible, the AA will provide a final written decision simultaneously to the parties and RELLIS Assistant Provost and Title IX Coordinator within 5 business days of receipt of the review from the System Office. If the complaint on appeal is substantiated, the respondent's supervisor will also be informed.

The decision of the AA is considered be final and binding on all involved parties.

Circumstances may warrant extensions to the timeframes outlined in this section. The AA may send an extension request to the office or individual who appointed them with a rationale for an extension. If the extension is granted, the AA will notify the parties and RELLIS Assistant Provost and Title IX Coordinator in writing.

***Appeal procedures governing the resolution of other complaints (allegations other than sexual harassment and sex-based misconduct)***

Any employee disciplined pursuant to this regulation may appeal that action in accordance with [System Policy 12.01, Academic Freedom, Responsibility and Tenure](#); [System Policy 32.01, Employee Complaint and Appeal Procedures](#); [System Regulation 32.01.01, Complaint and Appeal Process for Faculty Members](#); [System Regulation 32.01.02, Complaint and Appeal Process for Nonfaculty Employees](#); and/or other system policies or regulations as appropriate.

Any student receiving a sanction of separation (expulsion or suspension) pursuant to this regulation may appeal the sanction in accordance with the code of conduct for student grievances, [Texas A&M University-Kingsville Student Handbook \(Section 15: Student Grievance \(Formal Complaint\) Procedures\)](#).

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<sup>74</sup> If an employee was found to have sexually harassed another member of the university or agency community, the AA may not render a decision which modifies the sanctions.

### ***Extensions***

The university will make every reasonable effort to comply with the timelines contained in this procedure. However, extensions may be obtained by the IA, DA, or AA, as appropriate under the circumstances. Time frames for the receipt, investigation, and adjudication of complaints may be extended for good cause. Good cause is to be determined by the university in consultation with OGC and SECO and reasonable extensions may be granted at the discretion of the university. Circumstances that warrant an extension may include, but are not limited to:

- Temporary unavailability of the complainant(s), respondent(s) or witnesses;
- Delays in issuance and/or receipt of information to or from the IA;
- Temporary unavailability of the IA, DA, or AA due to illness, family needs or professional commitments;
- Holidays or other periods when the complainant, respondent, witnesses, or other university employees may be unavailable; and/or
- New allegations, new evidence, new witnesses, or any other fact or circumstance that would require further investigation.

All requests for extensions must be justified in writing and shall be sent by the IA, DA, or AA to the RELLIS Assistant Provost and Title IX Coordinator for review and approval by the RELLIS Assistant Provost and Title IX Coordinator or designee. The RELLIS Assistant Provost and Title IX Coordinator will simultaneously notify the complainant and respondent in writing of any extensions and the reason for the extensions.

### **Dismissals under Title IX**

Cases involving allegations of sexual harassment, sexual assault, and dating violence, domestic violence, and/or stalking based on sex are subject to mandatory or discretionary dismissal from the Title IX process<sup>75</sup> under federal law. However, at the discretion of the Assistant Provost and Title IX Coordinator, in consultation with OGC and SECO, cases dismissed from the Title IX process may be subject to investigation and adjudication as sex-based misconduct which provides for the same investigation and resolution process as cases meeting sexual harassment under Title IX.

### ***Mandatory dismissals***

If the conduct alleged in the formal complaint would not constitute sexual harassment as defined even if proved, did not occur in the university's education program or activity, or did not occur against a person in the United States, then the university must dismiss the formal

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<sup>75</sup> Complaints will be processed under Title IX if all of the following apply: (1) The university has actual knowledge of a notice of sexual harassment or a complaint involving allegations of sexual harassment, sexual assault, and/or dating violence, domestic violence, and stalking based on sex to the Title IX Coordinator or any university official who has authority to institute corrective measures and redress harassment on behalf of the university. Imputation of knowledge based solely on vicarious liability or constructive notice is insufficient to constitute actual knowledge; (2) A formal complaint is filed by the complainant or signed by the Title IX Coordinator; (3) The alleged behavior/conduct must have occurred against a person while in the United States; (4) At the time the formal complaint was filed, the complainant was participating or attempting to participate in the university's education program or activity. This includes an enrolled student, an employee, and applicants for admission or employment at the university, and; (5) The alleged conduct meets the definition of sexual harassment as set forth in this policy.

complaint with regard to that conduct for purposes of sexual harassment under Title IX only. Such dismissal does not preclude action under

- Sex-based Misconduct procedures or
- Another provision of the university's conduct standards.

### ***Discretionary dismissals***

The university may dismiss a formal complaint for the purposes of sexual harassment under Title IX if the complainant notifies the RELLIS Assistant Provost and Title IX Coordinator in writing that the complainant wishes to withdraw it, if the respondent is no longer enrolled or employed by the university, or if specific circumstances prevent the university from collecting evidence sufficient to reach a determination (for example, when the complainant has ceased participating in the process; in certain fact specific cases when the passage of time precludes the collection of sufficient evidence; when complainant's identity is not known; and when the exact same allegations have already been investigated and adjudicated). Such dismissal does not preclude action under

- Sex-based Misconduct procedures or
- Another provision of the university's conduct standards.

Upon a dismissal required or permitted pursuant to the above, the university must promptly send written notice of the dismissal and the reason(s) therefore simultaneously to the parties. The parties must be given the opportunity to appeal a dismissal to the designated AA in accordance with the appeal procedures referenced above.

### **Prevention and Awareness Programs<sup>76</sup>**

The university engages in primary prevention programs that are directed at incoming students and new employees. The primary programs are defined as programming, initiatives, and strategies informed by research or assessed for value, effectiveness, or outcome that are intended to stop dating violence, domestic violence, sexual assault, and stalking before they occur through the promotion of positive and healthy behaviors that foster healthy, mutually respectful relationships and sexual interactions, encourage safe bystander intervention, and seek to change behavior and social norms in healthy and safe directions.

TAMUK provides culturally relevant, inclusive primary prevention and awareness education to incoming students and new employees to clearly define sexual assault, dating violence, domestic violence, stalking, and consent in reference to sexual activity (as defined by the institution, the purposes for which the institutional definition is used, and as defined in the applicable jurisdiction). The programs identify sexual assault, dating violence, domestic

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<sup>76</sup> For the purposes of this section awareness programs means community-wide or audience-specific programming, initiatives, and strategies that increase audience knowledge and share information and resources to prevent violence, promote safety, and reduce perpetration. Programs to prevent dating violence, domestic violence, sexual assault, and stalking means comprehensive, intentional, and integrated programming, initiatives, strategies, and campaigns intended to end dating violence, domestic violence, sexual assault, and stalking that are culturally relevant, inclusive of diverse communities and identities, sustainable, responsive to community needs, and informed by research, assessed for value, effectiveness, or outcome; and consider environmental risk and protective factors as they occur on the individual, relationship, institutional, community, and societal levels.

violence, and stalking as conduct prohibited by the university and provide information regarding bystander intervention, risk reduction in recognizing warning signs of abusive behavior, ways to avoid potential attacks, and individuals' rights and options. The training includes procedures individuals should follow if sexual assault, dating violence, domestic violence, or stalking occurs and procedures the institution will follow when one of these behaviors is reported. This includes, but is not limited to, the importance of preserving evidence; options for notifying law enforcement and campus authorities; procedures for institutional disciplinary action and conduct proceedings; possible sanctions following a proceeding; on-campus and community resources (existing counseling, health, mental health, advocacy, legal assistance, visa and immigration assistance, student financial aid, and other services); rights and options for obtaining lawful orders; options for, assistance in, and how to request changes to academic, living, transportation, and working situations or supportive measures; how the institution will protect the confidentiality of victims and other necessary parties; and protection from retaliation.

Primary prevention programs at TAMUK include the following:

- First-semester undergraduate and transfer students are required to take *Sexual Assault Prevention for Undergraduates* training focusing on sexual harassment, sexual assault, dating violence, domestic violence, and stalking provided through EverFi during their first semester of enrollment. The training should be completed before priority registration begins for the following semester or a registration hold will be placed on their account. Students who started during a summer session will have to complete the training during the fall semester.
- Student athletes and athletic staff are required to take annual sexual violence prevention training. Student athletes take *Sexual Assault Prevention for Student-Athletes* and athletic staff take *Harassment and Discrimination Prevention* training provided through EverFi.
- Student employees are required to take *Harassment and Discrimination Prevention* training provided through EverFi.
- The [Texas A&M University-Kingsville Student Handbook](#), available to students electronically, contains information on sexual assault, dating violence, domestic violence, and stalking; awareness; rights; resources; and options available through the Office of Compliance.
- New employees receive primary prevention information through a web-based *Creating a Discrimination Free Workplace* training mandated by The Texas A&M University System. All employees are required to complete the training every two years thereafter.

The university engages in ongoing prevention and awareness campaigns that are directed at students and employees. The ongoing campaigns are defined as programming, initiatives, and strategies that are sustained over time and focus on increasing understanding of topics relevant to and skills for addressing dating violence, domestic violence, sexual assault, and stalking using a range of strategies with audiences throughout the institution. The same information included in the institution's primary prevention and awareness programs is incorporated into ongoing

prevention and awareness campaigns. Various departments on campus support ongoing campaigns for students and employees as described below.

TAMU-UPD's Community Services Unit, within the Special Operations Section, is staffed by officers who are state Certified Crime Prevention Specialists, that continually present programs covering crime prevention and security information to students, staff, faculty, and the community at large. These Crime Prevention Specialists are dedicated full time to crime prevention efforts and programs. They participate in and provide information during new and transfer student orientation, international student orientation, in addition to a number of other programs scheduled annually with student, staff and faculty organizations. In these sessions, information is provided regarding campus security procedures and practices. The Campus Safety Awareness Series is another opportunity for the campus community to get to know TAMU-UPD officers, ask questions about security procedures and practices, and/or voice concerns. For additional information or to schedule a program, you are encouraged to call the Community Services Unit at (979) 458-1674.

TAMU-UPD typically offers a variety of crime prevention programs, safety programs, and services to students, employees, and community members. The programs are designed to encourage students and employees to be responsible for their own security and the security of others and include:

- Personal Safety Awareness – scheduled upon request
- Theft/burglary Prevention – scheduled upon request
- UPD Self-Defense Program – scheduled upon request
- Alive@25 Defensive Driving – offered periodically throughout the year
- Operation ID (free engraving of property in the residence hall, home, and office) – offered throughout the year or by bringing the item to the TAMU-UPD
- Residential and Office Security Surveys – scheduled upon request
- Drug and Alcohol Awareness – scheduled upon request
- Sexual Assault Prevention – scheduled upon request
- Active Shooter Preparedness – scheduled upon request
- Apartment and Home or Residence Hall Security – scheduled upon request
- Robbery Prevention – scheduled upon request
- Workplace Crime Prevention – scheduled upon request

## **Bystander Intervention and Risk Reduction<sup>77</sup>**

Everyone has a role in changing community knowledge, attitudes and behaviors. Change happens as each person is able to identify risky situations and take action to confront, interrupt, or prevent acts of sexual violence. Bystander intervention programs can help individuals

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<sup>77</sup> For the purposes of this section bystander intervention means safe and positive options that may be carried out by an individual or individuals to prevent harm or intervene when there is a risk of dating violence, domestic violence, sexual assault, or stalking. 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. Risk reduction means options designed to decrease perpetration and bystander inaction, and to increase empowerment for victims in order to promote safety and to help individuals and communities address conditions that facilitate violence.

observe a situation and determine an appropriate intervention where someone could use some help. Bystander intervention means just that; people taking care of others. If you find a friend in a situation that concerns you, consider the following strategies to intervene safely and effectively:

- Create a distraction to interrupt the flow of events
- Involve others to help you
- Make an excuse to remove a friend from the situation
- Point out the unwanted behavior in a safe and respectful manner
- Call for help, if needed

Sexual assault is never a victim's fault. However, there are ways that may reduce the risk of being sexually assaulted including being prepared, alert, and assertive. Consider the following tips:

- Be aware of your surroundings
- Practice responsible drinking; alcohol is a factor in many sexual assaults
- Never leave your drink unattended
- Don't accept drinks from someone you don't know or trust
- Stay with your friends and make sure your friends stay with you
- Be careful of online relationships
- Trust your instincts

We are reminded to think about relationships, specifically relationships that may be, or become abusive. Be aware of the signs:

- Is one of the partners verbally and emotionally abusive?
- Is one of the partners isolating the other from friends and family?
- Is one of the partners controlling, intimidating or always jealous?
- Is there a threat of harm?

## Other Considerations

### Prohibition of Retaliation

TAMUK, RELLIS, TAMU, and TAMUS prohibit retaliation. No officer, employee, or agent of the TAMUS may retaliate, intimidate, threaten, coerce, or otherwise discriminate against any individual for exercising their rights or responsibilities under any provision of the Clery Act.

### Victim Notification

In accordance with the Higher Education Opportunity Act, upon written request, TAMUK will disclose to the alleged victim of any crime of violence, or non-forcible sex offense, the report on the results of any disciplinary proceeding conducted by the university against a student who is the alleged perpetrator of such crime or offense with respect to such crime or offense. If the alleged victim is deceased as a result of such crime or offense, the next of kin of such victim shall be treated as the alleged victim for the purposes of this paragraph.



Institutions are required to provide both the complainant and the respondent with simultaneous written notification of any result of any institutional conduct proceeding that arises from an allegation of dating violence, domestic violence, sexual assault, or stalking. In these cases, it is not necessary for the victim to make a written request.

## Sex Offender Registry

Section 121 of the Adam Walsh Child Protection and Safety Act of 2006 (42 U.S.C. 16921) provides for the tracking of registered sex offenders and instructs states to post sex offender data on the internet.

The Texas Department of Public Safety (DPS) is the official Texas internet source for Sex Offender Registration information. The Sex Offender Registration open record information is extracted from the DPS Sex Offender Registration Database. The DPS maintains files based on registration information submitted by criminal justice agencies and represents a statewide source of information on sex offenders required to register by law. The DPS Texas Public Sex Offender Registry website is found at: <https://publicsite.dps.texas.gov/SexOffenderRegistry>.

TAMU-UPD receives notification of registered sex offenders that are currently employed, work, teach, volunteer, or attend classes on the RELLIS campus. Notification comes from the Brazos County Sheriff's Sex Offender Registration Office.

Additional resources for gathering sex offender and sex crime data in the area:

Brazos County Sheriff's Office – (979) 361-4980

Bryan Police Department – (979) 209-5300

College Station Police Department – (979) 764-3600

Blinn College Police Department – (979) 361-3888

## Definitions of Clery Act Offenses

**Murder and Non-negligent Manslaughter:** The willful (non-negligent) killing of one human being by another.

**Manslaughter by Negligence:** The killing of another person through gross negligence.

**Sexual Assault:** An offense that meets the definition of rape, fondling, incest or statutory rape. A sex offense is any sexual act directed against another person, without the consent of the victim, including instances where the victim is incapable of giving consent (see consent section below).

Rape: The penetration, no matter how slight, of the vagina or anus with any body part or object, or oral penetration by a sex organ of another person, without the consent of the victim. This offense includes the rape of both males and females.

Fondling: The touching of the private body parts of another person for the purpose of sexual gratification, without the consent of the victim, including instances where the victim is incapable of giving consent because of his/her age or because of his/her temporary or permanent mental incapacity.

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

Statutory Rape: Sexual intercourse with a person who is under the statutory age of consent.

Consent:

Texas A&M University System Regulation

[System Regulation 08.01.01, Civil Rights Compliance](#) provides guidance in complying with local, state and federal civil rights laws and regulations (laws) and related system policy. This regulation establishes systemwide standards for the receipt and processing of reports, complaints, formal complaints, investigations, adjudication, appeals, and use of informal resolution in cases involving allegations of discrimination, harassment and/or related retaliation based on protected class (discrimination), including complaints made by employees, students, and/or third parties.

According to [System Regulation 08.01.01, Civil Rights Compliance](#), consent is clear, voluntary, and ongoing agreement to engage in a specific sexual act. Persons need not verbalize their consent to engage in a sexual act for there to be permission. Permission to engage in a sexual act may be indicated through physical actions rather than words. A person who is asleep or mentally or physically incapacitated, either through the effect of drugs or alcohol or for any other reason, or whose agreement was made by threat, coercion, or force, cannot give consent. Consent may be revoked by any party at any time.

Texas Penal Code

According to the [Texas Penal Code, Sec. 1.02. Objectives of Code](#), the general purposes of the Texas Penal Code are to establish a system of prohibitions, penalties, and correctional measures to deal with conduct that unjustifiably and inexcusably causes or threatens harm to those individual or public interests for which state protection is appropriate.

Consent is defined in the [Texas Penal Code, Section 1.07\(11\)](#) as assent in fact, whether express or apparent. Without consent is also defined in the [Texas Penal Code, Section 22.011\(b\)](#) within the definition of sexual assault (see below).

*Sexual Assault* is defined in the [Texas Penal Code, Section 22.011](#) as follows.

(a) A person commits an offense if:

(1) the person intentionally or knowingly:

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

- (B) causes the penetration of the mouth of another person by the sexual organ of the actor, without that person's consent; or
- (C) causes the sexual organ of another person, without that person's consent, to contact or penetrate the mouth, anus, or sexual organ of another person, including the actor; or
- (2) regardless of whether the person knows the age of the child at the time of the offense, the person intentionally or knowingly:
  - (A) causes the penetration of the anus or sexual organ of a child by any means;
  - (B) causes the penetration of the mouth of a child by the sexual organ of the actor;
  - (C) causes the sexual organ of a child to contact or penetrate the mouth, anus, or sexual organ of another person, including the actor;
  - (D) causes the anus of a child to contact the mouth, anus, or sexual organ of another person, including the actor; or
  - (E) causes the mouth of a child to contact the anus or sexual organ of another person, including the actor.
- (b) A sexual assault under Subsection (a)(1) is without the consent of the other person if:
  - (1) the actor compels the other person to submit or participate by the use of physical force, violence, or coercion;
  - (2) the actor compels the other person to submit or participate by threatening to use force or violence against the other person or to cause harm to the other person, and the other person believes that the actor has the present ability to execute the threat;
  - (3) the other person has not consented and the actor knows the other person is unconscious or physically unable to resist;
  - (4) the actor knows that as a result of mental disease or defect the other person is at the time of the sexual assault incapable either of appraising the nature of the act or of resisting it;
  - (5) the other person has not consented and the actor knows the other person is unaware that the sexual assault is occurring;
  - (6) the actor has intentionally impaired the other person's power to appraise or control the other person's conduct by administering any substance without the other person's knowledge;
  - (7) the actor compels the other person to submit or participate by threatening to use force or violence against any person, and the other person believes that the actor has the ability to execute the threat;
  - (8) the actor is a public servant who coerces the other person to submit or participate;
  - (9) the actor is a mental health services provider or a health care services provider who causes the other person, who is a patient or former patient of the actor, to submit or participate by exploiting the other person's emotional dependency on the actor;
  - (10) the actor is a clergyman who causes the other person to submit or participate by exploiting the other person's emotional dependency on the clergyman in the clergyman's professional character as spiritual adviser;

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- (11) the actor is an employee of a facility where the other person is a resident, unless the employee and resident are formally or informally married to each other under Chapter 2, Family Code;
  - (12) the actor is a health care services provider who, in the course of performing an assisted reproduction procedure on the other person, uses human reproductive material from a donor knowing that the other person has not expressly consented to the use of material from that donor;
  - (13) the actor is a coach or tutor who causes the other person to submit or participate by using the actor's power or influence to exploit the other person's dependency on the actor; or
  - (14) the actor is a caregiver hired to assist the other person with activities of daily life and causes the other person to submit or participate by exploiting the other person's dependency on the actor.
- (c) In this section:
- (1) "Child" means a person younger than 17 years of age.
  - (2) "Spouse" means a person who is legally married to another.
  - (3) "Health care services provider" means:
    - (A) a physician licensed under Subtitle B, Title 3, Occupations Code;
    - (B) a chiropractor licensed under Chapter 201, Occupations Code;
    - (C) a physical therapist licensed under Chapter 453, Occupations Code;
    - (D) a physician assistant licensed under Chapter 204, Occupations Code; or
    - (E) a registered nurse, a vocational nurse, or an advanced practice nurse licensed under Chapter 301, Occupations Code.
  - (4) "Mental health services provider" means an individual, licensed or unlicensed, who performs or purports to perform mental health services, including a:
    - (A) licensed social worker as defined by Section 505.002, Occupations Code;
    - (B) chemical dependency counselor as defined by Section 504.001, Occupations Code;
    - (C) licensed professional counselor as defined by Section 503.002, Occupations Code;
    - (D) licensed marriage and family therapist as defined by Section 502.002, Occupations Code;
    - (E) member of the clergy;
    - (F) psychologist offering psychological services as defined by Section 501.003, Occupations Code; or
    - (G) special officer for mental health assignment certified under Section 1701.404, Occupations Code.
  - (5) "Employee of a facility" means a person who is an employee of a facility defined by Section 250.001, Health and Safety Code, or any other person who provides services for a facility for compensation, including a contract laborer.
  - (6) "Assisted reproduction" and "donor" have the meanings assigned by Section 160.102, Family Code.
  - (7) "Human reproductive material" means:
    - (A) a human spermatozoon or ovum; or

- (B) a human organism at any stage of development from fertilized ovum to embryo.
- (d) It is a defense to prosecution under Subsection (a)(2) that the conduct consisted of medical care for the child and did not include any contact between the anus or sexual organ of the child and the mouth, anus, or sexual organ of the actor or a third party.
- (e) It is an affirmative defense to prosecution under Subsection (a)(2):
  - (1) that the actor was the spouse of the child at the time of the offense; or
  - (2) that:
    - (A) the actor was not more than three years older than the victim and at the time of the offense:
      - (i) was not required under Chapter 62, Code of Criminal Procedure, to register for life as a sex offender; or
      - (ii) was not a person who under Chapter 62, Code of Criminal Procedure, had a reportable conviction or adjudication for an offense under this section; and
    - (B) the victim:
      - (i) was a child of 14 years of age or older; and
      - (ii) was not:
        - (a) a person whom the actor was prohibited from marrying or purporting to marry or with whom the actor was prohibited from living under the appearance of being married under Section 25.01; or
        - (b) a person with whom the actor was prohibited from engaging in sexual intercourse or deviate sexual intercourse under Section 25.02.
- (f) An offense under this section is a felony of the second degree, except that an offense under this section is:
  - (1) a felony of the first degree if the victim was:
    - (A) a person whom the actor was prohibited from marrying or purporting to marry or with whom the actor was prohibited from living under the appearance of being married under [Section 25.01](#); or
    - (B) a person with whom the actor was prohibited from engaging in sexual intercourse or deviate sexual intercourse under Section 25.02; or
  - (2) a state jail felony if the offense is committed under Subsection (a)(1) and the actor has not received express consent as described by Subsection (b)(12).

*Indecent Assault* is defined in the [Texas Penal Code, Section 22.012](#) as follows.

- (a) A person commits an offense if, without the other person's consent and with the intent to arouse or gratify the sexual desire of any person, the person:
  - (1) touches the anus, breast, or any part of the genitals of another person;
  - (2) touches another person with the anus, breast, or any part of the genitals of any person;
  - (3) exposes or attempts to expose another person's genitals, pubic area, anus, buttocks, or female areola; or

- (4) causes another person to contact the blood, seminal fluid, vaginal fluid, saliva, urine, or feces of any person.
- (b) An offense under this section is a Class A misdemeanor.
- (c) If conduct that constitutes an offense under this section also constitutes an offense under another law, the actor may be prosecuted under this section, the other law, or both.

*Aggravated Sexual Assault* is defined in the [Texas Penal Code, Section 22.021](#) as follows.

(a) A person commits an offense:

(1) if the person:

(A) intentionally or knowingly:

- (i) causes the penetration of the anus or sexual organ of another person by any means, without that person's consent;
- (ii) causes the penetration of the mouth of another person by the sexual organ of the actor, without that person's consent; or
- (iii) causes the sexual organ of another person, without that person's consent, to contact or penetrate the mouth, anus, or sexual organ of another person, including the actor; or

(B) regardless of whether the person knows the age of the child at the time of the offense, intentionally or knowingly:

- (i) causes the penetration of the anus or sexual organ of a child by any means;
- (ii) causes the penetration of the mouth of a child by the sexual organ of the actor;
- (iii) causes the sexual organ of a child to contact or penetrate the mouth, anus, or sexual organ of another person, including the actor;
- (iv) causes the anus of a child to contact the mouth, anus, or sexual organ of another person, including the actor; or
- (v) causes the mouth of a child to contact the anus or sexual organ of another person, including the actor; and

(2) if:

(A) the person:

- (i) causes serious bodily injury or attempts to cause the death of the victim or another person in the course of the same criminal episode;
- (ii) by acts or words places the victim in fear that any person will become the victim of an offense under [Section 20A.02\(a\)\(3\), \(4\), \(7\), or \(8\)](#) or that death, serious bodily injury, or kidnapping will be imminently inflicted on any person;
- (iii) by acts or words occurring in the presence of the victim threatens to cause any person to become the victim of an offense under [Section 20A.02\(a\)\(3\), \(4\), \(7\), or \(8\)](#) or to cause the death, serious bodily injury, or kidnapping of any person;
- (iv) uses or exhibits a deadly weapon in the course of the same criminal episode;

- (v) acts in concert with another who engages in conduct described by Subdivision (1) directed toward the same victim and occurring during the course of the same criminal episode; or
  - (vi) with the intent of facilitating the commission of the offense, administers or provides to the victim of the offense any substance capable of impairing the victim's ability to appraise the nature of the act or to resist the act;
  - (B) the victim is younger than 14 years of age, regardless of whether the person knows the age of the victim at the time of the offense; or
  - (C) the victim is an elderly individual or a disabled individual.
- (b) In this section:
- (1) "Child" has the meaning assigned by Section 22.011(c).
  - (2) "Elderly individual" has the meaning assigned by Section 22.04(c).
  - (3) "Disabled individual" means a person older than 13 years of age who by reason of age or physical or mental disease, defect, or injury is substantially unable to protect the person's self from harm or to provide food, shelter, or medical care for the person's self.
- (c) An aggravated sexual assault under this section is without the consent of the other person if the aggravated sexual assault occurs under the same circumstances listed in Section 22.011(b).
- (d) The defense provided by Section 22.011(d) applies to this section.
- (e) An offense under this section is a felony of the first degree.
- (f) The minimum term of imprisonment for an offense under this section is increased to 25 years if:
- (1) the victim of the offense is younger than six years of age at the time the offense is committed; or
  - (2) the victim of the offense is younger than 14 years of age at the time the offense is committed and the actor commits the offense in a manner described by Subsection (a)(2)(A).

*Prohibited Sexual Conduct* is defined in the [Texas Penal Code, Section 25.02](#) as follows.

- (a) A person commits an offense if the person engages in sexual intercourse or deviate sexual intercourse with another person the actor knows to be, without regard to legitimacy:
- (1) the actor's ancestor or descendant by blood or adoption;
  - (2) the actor's current or former stepchild or stepparent;
  - (3) the actor's parent's brother or sister of the whole or half blood;
  - (4) the actor's brother or sister of the whole or half blood or by adoption;
  - (5) the children of the actor's brother or sister of the whole or half blood or by adoption;
  - or
  - (6) the son or daughter of the actor's aunt or uncle of the whole or half blood or by adoption.
- (b) For purposes of this section:

- (1) "Deviate sexual intercourse" means any contact between the genitals of one person and the mouth or anus of another person with intent to arouse or gratify the sexual desire of any person.
  - (2) "Sexual intercourse" means any penetration of the female sex organ by the male sex organ.
- (c) An offense under this section is a felony of the third degree, unless the offense is committed under Subsection (a)(1), in which event the offense is a felony of the second degree.

**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. The existence of such a relationship shall be based upon the reporting party's statement with consideration of the length of the relationship, the type of relationship, and the frequency of interaction between the persons involved in the relationship. Dating violence includes, but is not limited to, sexual or physical abuse or the threat of such abuse. Dating violence does not include acts covered under the definition of domestic violence. Any incident meeting this definition is considered to be a crime for the purposes of Clery Act reporting.

*Dating Violence* is defined in the [Texas Family Code, Section 71.0021](#) as follows.

- (a) "Dating violence" means an act, other than a defensive measure to protect oneself, by an actor that:
- (1) is committed against a victim or applicant for a protective order:
    - (A) with whom the actor has or has had a dating relationship; or
    - (B) because of the victim's or applicant's marriage to or dating relationship with an individual with whom the actor is or has been in a dating relationship or marriage; and
  - (2) is intended to result in physical harm, bodily injury, assault, or sexual assault or that is a threat that reasonably places the victim or applicant in fear of imminent physical harm, bodily injury, assault, or sexual assault.
- (b) For purposes of this title, "dating relationship" means a relationship between individuals who have or have had a continuing relationship of a romantic or intimate nature. The existence of such a relationship shall be determined based on consideration of:
- (1) the length of the relationship;
  - (2) the nature of the relationship; and
  - (3) the frequency and type of interaction between the persons involved in the relationship.
- (c) A casual acquaintanceship or ordinary fraternization in a business or social context does not constitute a "dating relationship" under Subsection (b).

**Domestic Violence:** A felony or misdemeanor crime 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; 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, 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 jurisdiction in which the crime of violence occurred. Any incident meeting this definition is considered to be a crime for the purposes of Clery Act reporting.

*Family Violence* is defined by the [Texas Family Code, Section 71.004](#) as follows.

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

**Stalking:** Engaging in a course of conduct directed at a specific person that would cause a reasonable person to fear for his or her safety or the safety of others or suffer substantial emotional distress. Course of conduct means two or more acts, including, but not limited to, acts in which the stalker directly, indirectly, or through third parties, by any action, method, device, or means, follows, monitors, observes, surveils, threatens, or communicates to or about, a person, or interferes with a person's property. Substantial emotional distress means significant mental suffering or anguish that may, but does not necessarily, require medical or other professional treatment or counseling. Reasonable person means a reasonable person under similar circumstances and with similar identities to the victim. Any incident meeting this definition is considered to be a crime for the purposes of Clery Act reporting.

*Stalking* is defined in the [Texas Penal Code, Section 42.072](#) as follows.

- (a) A person commits an offense if the person, on more than one occasion and pursuant to the same scheme or course of conduct that is directed specifically at another person, knowingly engages in conduct that:
  - (1) constitutes an offense under [Section 42.07](#) (see below), or that the actor knows or reasonably should know the other person will regard as threatening:
    - (A) bodily injury or death for the other person;
    - (B) bodily injury or death for a member of the other person's family or household or for an individual with whom the other person has a dating relationship; or
    - (C) that an offense will be committed against the other person's property;
  - (2) causes the other person, a member of the other person's family or household, or an individual with whom the other person has a dating relationship to be placed in fear of bodily injury or death or in fear that an offense will be committed against the other person's property, or to feel harassed, annoyed, alarmed, abused, tormented, embarrassed, or offended; and
  - (3) would cause a reasonable person to:
    - (A) fear bodily injury or death for himself or herself;
    - (B) fear bodily injury or death for a member of the person's family or household or for an individual with whom the person has a dating relationship;

- (C) fear that an offense will be committed against the person's property; or
  - (D) feel harassed, annoyed, alarmed, abused, tormented, embarrassed, or offended.
- (b) An offense under this section is a felony of the third degree, except that the offense is a felony of the second degree if the actor has previously been convicted of an offense under this section or of an offense under any of the following laws that contains elements that are substantially similar to the elements of an offense under this section:
- (1) the laws of another state;
  - (2) the laws of a federally recognized Indian tribe;
  - (3) the laws of a territory of the United States; or
  - (4) federal law.
- (c) For purposes of this section, a trier of fact may find that different types of conduct described by Subsection (a), if engaged in on more than one occasion, constitute conduct that is engaged in pursuant to the same scheme or course of conduct.
- (d) In this section:
- (1) "Dating relationship," "family," "household," and "member of a household" have the meanings assigned by Chapter 71, Family Code.
  - (2) "Property" includes a pet, companion animal, or assistance animal, as defined by Section 121.002, Human Resources Code.

#### [Sec. 42.07. Harassment.](#)

- (a) A person commits an offense if, with intent to harass, annoy, alarm, abuse, torment, or embarrass another, the person:
- (1) initiates communication and in the course of the communication makes a comment, request, suggestion, or proposal that is obscene;
  - (2) threatens, in a manner reasonably likely to alarm the person receiving the threat, to inflict bodily injury on the person or to commit a felony against the person, a member of the person's family or household, or the person's property;
  - (3) conveys, in a manner reasonably likely to alarm the person receiving the report, a false report, which is known by the conveyor to be false, that another person has suffered death or serious bodily injury;
  - (4) causes the telephone of another to ring repeatedly or makes repeated telephone communications anonymously or in a manner reasonably likely to harass, annoy, alarm, abuse, torment, embarrass, or offend another;
  - (5) makes a telephone call and intentionally fails to hang up or disengage the connection;
  - (6) knowingly permits a telephone under the person's control to be used by another to commit an offense under this section;
  - (7) sends repeated electronic communications in a manner reasonably likely to harass, annoy, alarm, abuse, torment, embarrass, or offend another; or
  - (8) publishes on an Internet website, including a social media platform, repeated electronic communications in a manner reasonably likely to cause emotional distress, abuse, or torment to another person, unless the communications are made in connection with a matter of public concern.

(b) In this section:

(1) "Electronic communication" means a transfer of signs, signals, writing, images, sounds, data, or intelligence of any nature transmitted in whole or in part by a wire, radio, electromagnetic, photoelectronic, or photo-optical system. The term includes:

(A) a communication initiated through the use of electronic mail, instant message, network call, a cellular or other type of telephone, a computer, a camera, text message, a social media platform or application, an Internet website, any other Internet-based communication tool, or facsimile machine; and

(B) a communication made to a pager.

(2) "Family" and "household" have the meaning assigned by Chapter 71, Family Code.

(3) "Obscene" means containing a patently offensive description of or a solicitation to commit an ultimate sex act, including sexual intercourse, masturbation, cunnilingus, fellatio, or anilingus, or a description of an excretory function.

(c) An offense under this section is a Class B misdemeanor, except that the offense is a Class A misdemeanor if:

(1) the actor has previously been convicted under this section; or

(2) the offense was committed under Subsection (a)(7) or (8) and:

(A) the offense was committed against a child under 18 years of age with the intent that the child:

(i) commit suicide; or

(ii) engage in conduct causing serious bodily injury to the child; or

(B) the actor has previously violated a temporary restraining order or injunction issued under Chapter 129A, Civil Practice and Remedies Code.

(d) In this section, "matter of public concern" has the meaning assigned by [Section 27.001, Civil Practice and Remedies Code](#).

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

**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 a means likely to produce death or great bodily harm.

**Burglary:** The unlawful entry of a structure to commit a felony or theft. For reporting purposes this definition includes: unlawful entry with intent to commit a larceny or felony, breaking and entering with intent to commit a larceny, housebreaking, safecracking, and all attempts to commit any of the aforementioned acts.

**Motor Vehicle Theft:** The theft or attempted theft of a motor vehicle.

**Arson:** Any willful or malicious burning or attempt to burn, with or without intent to defraud, a dwelling house, public building, motor vehicle or aircraft, personal property of another, etc.

**Hate Crime:** A criminal offense reported to local police agencies or to a campus security authority that manifests evidence that the victim was intentionally selected because of the perpetrator's bias against the victim. For Clery Act purposes, hate crimes include any of the following offenses that are motivated by bias: Murder and non-negligent manslaughter, manslaughter by negligence, sexual assault (rape, fondling, incest, statutory rape), robbery, aggravated assault, burglary, motor vehicle theft, arson, larceny-theft, simple assault, intimidation, or destruction/damage/vandalism of property. Following are the bias categories.

**Race:** A preformed negative attitude toward a group of persons who possess common physical characteristics, e.g. color of skin, eyes, and/or hair; facial features, etc., genetically transmitted by descent and heredity which distinguish them as a distinct division of humankind, e.g. Asians, blacks, or African Americans, whites.

**Gender:** A preformed negative opinion or attitude toward a person or group of persons based on their actual or perceived gender, e.g. male or female.

**Religion:** A preformed negative opinion or attitude toward a group of persons who share the same religious beliefs regarding the origin and purpose of the universe and the existence or nonexistence of a supreme being, e.g. Catholics, Jews, Protestants, atheists.

**Sexual Orientation:** A preformed negative opinion or attitude toward a group of persons based on their actual or perceived sexual orientation. Sexual orientation is the term for a person's physical, romantic, and/or emotional attraction to members of the same and/or opposite sex, including lesbian, gay, bisexual, and heterosexual (straight) individuals.

**Gender Identity:** A preformed negative opinion or attitude toward a person (or group of persons) based on their actual or perceived gender identity, e.g. bias against transgender or gender nonconforming individuals (a person who does not conform to the gender-based expectations of society).

**Ethnicity:** A preformed negative opinion or attitude toward a group of people whose members identify with each other, through a common heritage, often consisting of a common language, common culture (often including a shared religion) and/or ideology that stresses common ancestry. The concept of ethnicity differs from the closely related term "race" in that "race" refers to grouping based mostly upon biological criteria, while "ethnicity" also encompasses additional cultural factors.

**National Origin:** A preformed negative opinion or attitude toward a group of people based on their actual or perceived country of birth. This bias may be against people that have a name or accent associated with a national origin group, participate in certain customs associated with a national origin group, or because they are married to or associate with people of a certain national origin.

Disability: A preformed negative opinion or attitude toward a group of persons based on their physical or mental impairments, whether such disability is temporary or permanent, congenital or acquired by heredity, accident, injury, advanced aged or illness.

**Additional Hate Crime Definitions:**

Larceny-Theft: The unlawful taking, carrying, leading, or riding away of property from the possession or constructive possession of another. Constructive possession is the condition in which a person does not have physical custody or possession, but is in a position to exercise dominion or control over a thing.

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.

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.

Destruction/Damage/Vandalism of Property (Except "Arson"): To willfully or maliciously damage, deface, or otherwise injure real or personal property without the consent of the owner or the person having custody or control of it.

**Arrests and Referrals for Disciplinary Action:** Arrest is defined as persons processed by arrest, citation, or summons. Referred for disciplinary action is defined as the referral of any person to any official who initiates a disciplinary action of which a record is established and which may result in the imposition of a sanction. Clery Act statistics are disclosed for arrests and referrals regarding state or local violations of liquor, drug abuse, and weapons laws. Only violations of the law resulting in arrest or referral are disclosed. Violations of institutional policy alone are not included in Clery Act statistics.

Weapons: Carrying, Possessing, Etc.: The violation of laws or ordinances prohibiting the manufacture, sale, purchase, transportation, possession, concealment, or use of firearms, cutting instruments, explosives, incendiary devices or other deadly weapons. This classification encompasses weapons offenses that are regulatory in nature. Classify as weapons carrying, possessing, etc. violation: manufacture, sale, or possession of deadly weapons; carrying deadly weapons, concealed (except as permitted by state law and institutional policy through state law) or openly; using, manufacturing, etc. of silencers; furnishing deadly weapons to minors; aliens possessing deadly weapons; and attempts to commit any of the aforementioned acts.

**Drug Abuse Violations:** The violation of laws prohibiting the production, distribution, and/or use of certain controlled substances and the equipment or devices utilized in their preparation and/or use. The unlawful cultivation, manufacture, distribution, sale, purchase, use, possession, transportation, or importation of any controlled drug or narcotic substance. Arrests for violations of state and local laws, specifically those relating to the unlawful possession, sale, use, growing, manufacturing, and making of narcotic drugs. The relevant substances include: opium or cocaine and their derivatives (morphine, heroin, codeine); marijuana; synthetic narcotics (Demerol, methadone); and dangerous non-narcotic drugs (barbiturates, Benzedrine). Classify as a drug abuse violation: all drugs, without exception, that are illegal under local or state law where your institution is located and all illegally obtained prescription drugs.

**Liquor Law Violations:** The violation of state or local laws or ordinances prohibiting the manufacture, sale, purchase, transportation, possession or use of alcoholic beverages, not including driving under the influence and drunkenness. Classify as a liquor law violation: the manufacture, sale, transporting, furnishing, possessing, etc. of intoxicating liquor; maintaining unlawful drinking places; bootlegging; operating a still; furnishing liquor to a minor or intemperate person; underage possession; using a vehicle for illegal transportation of liquor; drinking on a train or public conveyance; and attempts to commit any of the aforementioned acts.

## Definitions of Clery Act Locations

**On-campus:** 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. This also includes any building or property that is within or reasonably contiguous to the geographic area that is owned by the institution but controlled by another person, is frequently used by students, and supports institutional purposes (such as a food or other retail vendor).

**On-campus Student Housing Facilities (Residential Facilities):** No on-campus student housing facilities are owned or controlled by the RELLIS campus, therefore, statistics for on-campus student housing are not required to be disclosed.

**Non-campus:** 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. This also includes any building or property owned or controlled by a student organization that is officially recognized by the institution. No non-campus facilities are owned or controlled by the RELLIS campus, therefore, statistics for non-campus facilities are not required to be disclosed.

**Public Property:** All public property, including thoroughfares, streets, sidewalks, and parking facilities, that is within the campus, or immediately adjacent to and accessible from the campus.

## Texas A&M University-Kingsville RELLIS Campus – Reportable Crimes

The following statistics include all incidents of Clery Act crimes reported to the institution that occurred within the campus' Clery Act locations, regardless of whether the individual reporting was a member of the campus community and regardless of whether the individual chose to move forward with the criminal justice or campus disciplinary proceedings. To prepare the annual disclosure of crime statistics, the institution collects information from internal sources such as campus police and other campus security authorities and requests information from external sources such as local law enforcement. Some local law enforcement agencies responded with data included in the reportable crime tables below. Other agencies did not respond to the institution's request for statistics or did not respond with a format usable for Clery crime reporting.

<b>Criminal Offenses</b>			
<b>Offense</b>	<b>Year</b>	<b>On Campus Property</b>	<b>Public Property</b>
<b>Murder/Non-Negligent Manslaughter</b>	2020	0	0
	2021	0	0
	2022	0	0
<b>Manslaughter by Negligence</b>	2020	0	0
	2021	0	0
	2022	0	0
<b>Sex Offenses, Rape</b>	2020	0	0
	2021	0	0
	2022	0	0
<b>Sex Offenses, Fondling</b>	2020	0	0
	2021	0	0
	2022	0	0
<b>Sex Offenses, Incest</b>	2020	0	0
	2021	0	0
	2022	0	0
<b>Sex Offenses, Statutory Rape</b>	2020	0	0
	2021	0	0
	2022	0	0
<b>Robbery</b>	2020	0	0
	2021	0	0
	2022	0	0
<b>Aggravated Assault</b>	2020	0	0
	2021	0	0
	2022	0	0
<b>Burglary</b>	2020	0	0
	2021	0	0
	2022	1	0
<b>Motor Vehicle Theft</b>	2020	0	0
	2021	0	0
	2022	0	0
<b>Arson</b>	2020	0	0
	2021	0	0
	2022	0	0

<b>Hate Crimes</b>			
<b>Offense</b>	<b>Year</b>	<b>On Campus Property</b>	<b>Public Property</b>
<b>Hate Crimes</b>	2020	0	0
	2021	0	0
	2022	0	0

<b>Violence Against Women Reauthorization Act of 2013 (VAWA) Offenses</b>			
<b>Offense</b>	<b>Year</b>	<b>On Campus Property</b>	<b>Public Property</b>
<b>Domestic Violence</b>	2020	0	0
	2021	0	0
	2022	0	0
<b>Dating Violence</b>	2020	0	0
	2021	0	0
	2022	0	0
<b>Stalking</b>	2020	0	0
	2021	5	0
	2022	1	0

<b>Arrests and Disciplinary Referrals</b>			
<b>Offense</b>	<b>Year</b>	<b>On Campus Property</b>	<b>Public Property</b>
<b>Weapons Arrests</b>	2020	0	0
	2021	0	0
	2022	0	0
<b>Weapons Disciplinary Referrals</b>	2020	0	0
	2021	0	0
	2022	0	0
<b>Drug Abuse Arrests</b>	2020	0	0
	2021	0	0
	2022	0	0
<b>Drug Abuse Disciplinary Referrals</b>	2020	0	0
	2021	0	0
	2022	0	0
<b>Liquor Law Arrests</b>	2020	0	0
	2021	0	0
	2022	0	0
<b>Liquor Law Disciplinary Referrals</b>	2020	0	0
	2021	0	0
	2022	0	0



## Texas A&M University-Kingsville RELLIS Campus – Unfounded Crimes

Unfounded crimes are crimes that sworn or commissioned law enforcement personnel have investigated and made a formal determination that the report is false or baseless and are, therefore, subsequently withheld from Clery crime statistics. Following are the unfounded crimes as reported for all RELLIS Clery Act locations and Clery Act offenses:

- Calendar year 2020: 0 unfounded crimes
- Calendar year 2021: 0 unfounded crimes
- Calendar year 2022: 0 unfounded crimes

## Crime Prevention and Security Awareness

It is important for all of us to understand our role in the reduction of crime. A conceptual aid often employed by crime prevention practitioners is referred to as the Crime Triangle. For any crime to occur three elements must be present: desire, ability, and opportunity.

Members of the university community easily recognize there is little that can be done to control the criminal's ability and desire. The university community's greatest strength in the prevention of crime is our initiative to reduce or eliminate the opportunity for a crime to occur.

A primary goal of TAMU-UPD is the prevention of crime before it occurs. Because TAMU-UPD officers cannot be everywhere all the time, they need the help of all members of the university community to take an active role in their personal safety and property protection. Crime prevention is important to the campus community. Reporting any crime or suspected crime immediately is helpful to TAMU-UPD and may prevent someone else from becoming a victim of a more serious crime.

The TAMU-UPD's Community Services Unit, within the Special Operations Section, is staffed by officers who are state Certified Crime Prevention Specialists that continually present programs covering crime prevention and security information to students, staff, faculty, and the community at large. These Crime Prevention Specialists are dedicated full time to crime prevention efforts and programs. They participate in and provide information during new and transfer student orientation, international student orientation, in addition to a number of other programs scheduled annually with student, staff and faculty organizations. In these sessions, information is provided regarding campus security procedures and practices. The Campus Safety Awareness Series is another opportunity for the campus community to get to know TAMU-UPD officers, ask questions about security procedures and practices, and/or voice concerns. For additional information or to schedule a program you are encouraged to call the Community Services Unit at (979) 458-1674.

TAMU-UPD typically offers a variety of crime prevention programs, safety programs, and services to RELLIS students, employees, and community members. The programs are designed to encourage students and employees to be responsible for their own security and the security of others.

- Personal Safety Awareness – scheduled upon request

- Theft/burglary Prevention – scheduled upon request
- UPD Self-Defense Program – scheduled upon request
- Alive@25 Defensive Driving – offered periodically throughout the year
- Operation ID (free engraving of property in the residence hall, home, and office) – offered throughout the year or by bringing the item to the UPD
- Residential and Office Security Surveys – scheduled upon request
- Drug and Alcohol Awareness – scheduled upon request
- Sexual Assault Prevention – scheduled upon request
- Active Shooter Preparedness– scheduled upon request
- Apartment and Home or Residence Hall Security – scheduled upon request
- Robbery Prevention – scheduled upon request
- Workplace Crime Prevention – scheduled upon request
- Bicycle Registration – see description below

Bicycles are a popular mode of transportation in the campus environment and can be a prime target of theft. Texas A&M Transportation Services requires all students, faculty, and staff to register any bicycle they plan to ride on campus and show proof of registration by displaying a permit/registration sticker to avoid enforcement action. Registration is critical for planning and communication and helps identify bicycles that are lost or stolen. Information on mandatory bike registration can be obtained by calling the Alternative Transportation Office at (979) 847-2453 or visiting <https://transport.tamu.edu/alternative/bicycles/register.aspx>.

## Important Telephone Numbers

### RELLIS

Name	Phone
Emergencies – Police/Fire/Medical	911 for off campus; 911 or 9-911 for on campus
Texas A&M University Police Department	(979) 845-2345
Blinn College Police Department	(979) 209-7600
Bryan Police Department (non-emergency)	(979) 361-3888
Brazos County Sheriff's Office (non-emergency)	(979) 361-4980
College Station Police Department (non-emergency)	(979) 764-3600
Brazos County Crime Stoppers	(979) 775-TIPS (8477)
Bryan Fire Department	(979) 209-5960
College Station Fire Department	(979) 764-3700
Texas A&M Health Family Care (upper-level RELLIS students)	(979) 776-8440
TAMU Psychology Clinic (upper-level RELLIS students)	(979) 845-8017
Student Resources	(979) 317-3400
Student Safety & Rights	(979) 317-3404
Assistant Provost & Title IX Coordinator	(979) 317-3404

**Texas A&M University-Kingsville**

Name	Phone
Texas A&M University-Kingsville Police Department	(361) 593-2611
Student Health & Wellness	(361) 593-3991
Office of the Dean of Students	(361) 593-3606
Office of Compliance	(361) 593-4758
Human Resources	(361) 593-3705
Enterprise Risk Management	(361) 593-2237