



Campus Security and Fire Safety Report

Includes crime and fire statistics for 2015, 2016, and 2017

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

Information provided on additional locations:

Amarillo Center

RELLIS Campus

Numerous links to websites are included. Email modell@wtamu.edu for assistance if any link does not function.

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Office of the President

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A Message from the President

Our purpose – our calling – is to provide life-changing opportunities for students. This happens in many ways around the campus: in classrooms, laboratories, studios, theaters, performance halls, and arenas. In addition, our gathering spaces inside and outside of buildings and on campus as students, faculty, staff, visitors and residents alike, move to and from during the course of the day, are all “places of learning.”

To the extent that people are safe, and feel safe, learning will be enhanced. Our campus and the City of Canyon are both recognized as safe places to live and work. They are deemed as the result of tireless and persistent efforts on the part of public officials, public safety personnel, and equal in importance, each and all of us as we are mindful of the significance of a safe environment and the role we play in sustaining it.

Complacency would diminish that which we diligently seek.

I urge all of us to continue to attend to our needs for a safe and secure learning environment that supports study so that we might best fulfill the aspirations of our students, and the calling we answer.

A handwritten signature in black ink that reads 'Walter V. Wendler'.

Walter V. Wendler
President

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 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 Crime Statistics Act" (hereafter the Clery Act).

The West Texas A&M University Police Department (UPD), the division of Student Enrollment, Engagement and Success, the division of Research and Compliance, the office of Risk Management and Compliance, the office of Communications and Marketing and the Chief Information Officer are responsible for preparing and distributing the Campus Security and Fire Safety Report to comply with the Clery Act. The Campus 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 2018 Campus Security and Fire Safety Report contains crime statistics for calendar years 2017, 2016, and 2015.

The WTAMU divisions, departments and offices that share responsibility for developing and implementing these policies, practices and procedures include but may not be limited to the University Police Department, the division of Student Enrollment, Engagement and Success, the division of Research and Compliance, the office of the Provost and division of Academic Affairs, the office of the Chief Information Officer, the division of Business and Finance, and the offices of Environmental Health and Safety, Fire and Safety, Resident Living, External Programming, Study Abroad, Athletics, Human Resources, Title IX, Financial Services, and Communications and Marketing.

Annual Security Report Notifications

Each year, an e-mail notification is sent to all current students, faculty, and staff providing the website to access this report. Upon request, individuals may obtain a written paper copy of the report at UPD located in the Old Sub Building or by calling 806-651-2307 or emailing modell@wtamu.edu. The full report is found at www.wtamu.edu/safety.

Prospective employees are notified of the availability of the Campus Security Fire Safety Report on the "Job Vacancies" webpage of the Human Resources – [Employment](#) website.

Prospective undergraduate students are notified of the availability of the Campus Security and Fire Safety Report through a return compliance email distributed after applying through the [ApplyTexas One Application](#) and selecting WTAMU.

Prospective graduate students are notified of the availability of the Campus Security and Fire Safety Report after clicking the *WTAMU Graduate School Application* link on the WTAMU Graduate School webpage. Applicants will receive a return compliance email with the necessary notification after applying through the [ApplyTexas One Application](#) and selecting WTAMU.

Copies of the report also may be requested by contacting:

Division of Student Enrollment, Engagement and Success
Jack B. Kelley Student Center 102
806-651-2050

University Police Department
Clery Coordinator
Old Sub Building 106
PO Box 60295
Canyon, TX 79016
806-651-2300

Campus Law Enforcement Policies

Police Department Overview

West Texas A&M University police officers are state certified Texas Peace Officers and provide police services to all WTAMU owned properties. The department has 18 authorized full-time police positions including the Chief of Police, Assistant Chief, Patrol Sergeant, CID Sergeant, Corporal, Police Officer, and Detective. The Police Communications division has four full-time police communications officers including the dispatch supervisor. Communications is also staffed with several student dispatchers.

To promote a safe campus for our students, staff, faculty and visitors, the department has uniformed officers on patrol 24-hours a day, year round. Police Officers and Corporal's rotate three times a year to different shifts. Patrol Officers answer calls for service, respond to alarms and enforce state criminal and traffic laws. WTAMU operates under a "no tolerance" level of enforcement relating to fighting, alcohol and other drugs on University property.

Enforcement Authority, Arrest Authority and Jurisdiction

UPD is the primary police authority for West Texas A&M University. Our 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 arrest authority and jurisdiction in all counties in which property is owned, leased, rented, or otherwise under the control of the institution of higher education to enforce local, state, and federal laws. UPD's primary patrol jurisdiction is the WTAMU campus, non-campus locations and the Amarillo Center (upon the completion and acceptance of the renovated building later in 2018). 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 when appropriate, are referred for prosecution through the District Attorney's office. Criminal matters involving university students may also be referred to university administration for disciplinary action.

Working Relationships and Agreements

UPD maintains an excellent working relationship and often trains with other local law enforcement agencies. UPD has Mutual Assistance Agreements with the City of Canyon Police Department, the City of Amarillo Police Department and the Randall County Sheriff's Department. The agreements facilitate cooperation in the investigation of criminal activity and enforcement of the laws of Texas and may assist in providing additional law enforcement officers and resources to protect the health, life and property of the residents, personnel and visitors of the university.

Working relationships are also maintained through periodic communications among agency administrators and frequent contacts between line officers and investigators cooperating on specific cases.

Monitoring Non-Campus Locations

UPD does not provide law-enforcement services to off-campus residences or meeting sites of recognized University organizations unless specifically requested by the organization or the law enforcement agency with jurisdiction. Off-campus properties are monitored,

recorded, and investigated by the police agency with jurisdiction of the specific location.

Institutional sponsored travel by student or student organizations to locations outside of Randall and Potter County may result in the location meeting the criteria for Clery non-campus property. UPD does not monitor 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

The University Police Department is a Recognized Law Enforcement Agency from the Texas Police Chiefs Association's Law Enforcement Recognition Program. The recognition program evaluates police department's compliance with over 166 Best Business Practices for Texas law enforcement. The Police Department's relationship with the community, and ensuring that we provide excellent service, is vital to achieving our overall mission of safe and secure campus. All members of the WTAMU community can expect to be treated in a courteous and professional manner by members of our department.

Reporting Crimes

Incident Reporting and Response

Any on-campus emergency should be reported immediately to UPD by dialing 911 from any on-campus phone or 806-651-2300 or 911 from a cellular phone. 911 calls from a cellular phone will ping the closest tower and most likely reach the Randall County Sheriff's Office. Please advise the emergency dispatcher of your location on the WTAMU campus. You will be assisted or forwarded to the UPD dispatcher immediately.

UPD calls for service are received in the communications center by a dispatcher 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 then 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 any request for assistance, whether it is an emergency or not. Response time is based on current activity and severity of the call.

WTAMU encourages accurate and prompt reporting of all crimes to the appropriate police agency when the victim of a crime elects to, or is unable to make such a report. 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. If you witness a crime or emergency, promptly report it to UPD and be prepared to answer questions as accurately as you can. If you are the victim of a crime, or you have seen or received information of criminal activity or other emergency, please contact UPD immediately 806-651-2300.

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. As an option, you may also report non-emergency criminal offenses of which you are aware to the following WTAMU offices:

Name	Phone	Location
Sr. Director of Residential Living	806-651-3000	Residential Living Virgil Henson Activities Center
Director of Student Medical Services	806-651-3287	104
Director of Human Resources	806-651-2114	Old Main 116
Title IX Coordinator	806-651-3199	Killgore Research Center 147 Virgil Henson Activities Center
Director of Athletics	806-651-4400	214
Clery Coordinator	806-651-2300	Old Sub 106
Buff Allies	806-651-2816	kdrumheller@wtamu.edu

All employees of West Texas A&M University (WTAMU) are trained and designated as Campus Security Authorities (CSA) by the President of WTAMU and are required to report violations of federal, state and local laws and other emergencies. These violations as well as any public safety related incidents must be promptly reported to the University Police Department (UPD) for investigation or disposition. Students and employees should report any criminal offense for the purpose of making timely warning notices (Crime Alerts) and annual statistical disclosure to UPD by calling 806-651-2300, which includes incidents that occur at non-campus WTAMU property or locations. These incidents should immediately be reported to the law enforcement agency with jurisdiction for the location. Although statistical information is requested annually from these jurisdictions, UPD requests notification of the incident for follow-up and documentation purposes. The Campus

Security Authority guidelines and CSA Crime Report are available on line to review and report Clery Crimes.

http://www.wtamu.edu/university_police/upd-campus-security-authority-guidelines.aspx
<https://apps.wtamu.edu/forms/csareport.php>

Reporting responsibilities also extend to WTAMU campus volunteers designated as CSA's, which are required to report crimes to UPD. An annual training assignment and campus-wide e-mail notification is sent from the University President to notify CSA's of their responsibility. Professional and pastoral counselors may encourage their clients to consider voluntarily and confidentially reporting crimes, when applicable. These and all such reports are compiled and coordinated through the University Police Department and the Office of the Vice President for Student Enrollment, Engagement and Success. In addition, UPD receives mutual aid from both local and state police agencies. UPD requests, monitors, and records, through local police agencies, criminal activity at non-campus locations on behalf of student organizations and students attending WTAMU. Each incident, whether or not a formal police report is filed or an investigation ensues, counts as one offense and is reflected on the University's annual crime statistics report.

This annual report includes statistics on reported crimes, arrests and referrals for violations that occur on campus, in residential facilities, on non-campus University property and on public property contiguous to campus boundaries. All reported violations that have taken place in these designated areas during the previous three years, whether or not a WTAMU student, faculty, or staff member was involved, are reflected in the report. The report is made available to prospective students and employees as well as current students, faculty, and staff.

Confidential and Anonymous Reporting of Crimes

The University Police Department encourages anyone who is the victim or witness of any crime to promptly report the incident to the police. Because police reports are public records under state law, UPD cannot hold reports of crime in confidence. 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 WTAMU employees that are designated as campus security authorities. WTAMU will protect the confidentiality of victims to the extent permissible by law. Reports filed confidentially are counted and disclosed in the annual crime statistics for the University.

The university will protect the identity of persons who report having been victims of sexual assault, domestic violence, dating violence, or stalking to the fullest extent permissible by law. When a complainant does not consent to the disclosure of his or her name or other identifiable

information of the alleged perpetrator, the university's ability to respond to the complaint may be limited.

Missing Student Policy

If a member of the West Texas A&M University community has reason to believe that a student who resides on campus is missing; he or she should notify the University Police Department (UPD) at 806-651-2300 and the Office of Residential Living 806-651-3000 to initiate the Residence Life Missing Student Procedure. If any staff member in Residential Living is notified that a residential student may be missing, UPD will be contacted. Once University Police have been notified, they will begin an investigation, to determine if a missing person report needs to be made.

If UPD determines that the student, who resides in on campus housing, has been missing for more than 24 hours, UPD will notify the student's missing person contact or emergency contact, if a missing person contact is not listed, no later than 24 hours after the student is determined to be missing. If the missing student is under the age of 18 and is not an emancipated (legal independent status) individual, UPD will notify the student's parent or legal guardian immediately after the student has been determined to be missing for more than 24 hours and in addition, will notify any additional contact person designated by the student. UPD will inform the law enforcement agency or agencies in the location of the student's last known whereabouts, within 24 hours after determining the student is missing.

In addition to registering an emergency contact, students residing on campus have the opportunity to identify confidentially an individual to be contacted in the event the student is determined to be missing for more than 24 hours. The University Registrar requires all students to update their emergency contact info in Datatel/Colleague before they will have the opportunity to enroll for classes. At this time students will also have the option to list a missing person contact, should they ever be determined to be missing for more than 24 hours. All missing student contact information will be kept confidentially in Datatel/Colleague. The missing student contact information provided will be accessible only to authorized campus officials and Law Enforcement personnel and may not be disclosed outside of a missing student investigation.

Missing Student Procedure

When a member of the WTAMU community has reason to believe that a student who resides on campus is missing:

- Notify the University Police Department 806-651-2300 (24 hour number)

- Notify Residential Living 806-651-3000

UPD will begin an investigation to determine if a missing person report needs to be made. If the student is confirmed to have been missing for 24 hours:

- UPD will contact within 24 hours; the student's designated Missing Person contact or their Emergency Contact if a Missing Person contact was not designated.
- If the student is under 18 years of age and is not emancipated, UPD will notify the student's custodial parent or guardian and any other designated contact person within 24 hours.
- UPD will inform the local law enforcement agency or agencies with jurisdiction in the location of the student's last known whereabouts, within 24 hours after determining the student is missing.

Timely Warning Notice/Crime Alert

The West Texas A&M University (WTAMU) Police Department (UPD) Chief of Police or a designee will develop timely warning notices for the University community to notify students and employees in a timely manner about serious crimes against people that occur on campus or contiguous to campus, where it is determined that the incident may pose a serious or continuing threat to members of the WTAMU community. The warning will be provided to students and employees in a manner that is timely and will withhold the names of victims as confidential, and will aid in the prevention of similar occurrences. The warnings will be distributed if the incident is reported either to UPD directly or to UPD indirectly through a campus security authority or any local police agency. WTAMU is not required to issue a timely warning with respect to crimes reported to a pastoral or professional counselor. Crime Alerts may be issued on a case-by-case basis pending information received by UPD. The Chief will determine if the release of the Crime Alert would compromise law enforcement efforts and determine the appropriate time for release to be made.

The department issues/posts Crime Alerts for incidents of

- Criminal Homicide
- Aggravated assault (cases involving assaults among known parties, such as two roommates fighting which results in an aggravated injury, will be evaluated on a case by case basis to determine if the individual is believed to be an on-going threat to the larger WTAMU community)
- Robbery involving force or violence (cases including pick pocketing and purse snatching will typically not result in the issuance of a Crime Alert, but will be assessed

- on a case by case basis)
- Sexual Assault (considered on a case by case basis depending on the facts of the case, when and where the incident occurred, when it was reported, and the amount of information known by UPD)
- Major incidents of arson
- Other crimes as determined necessary by the Chief of Police, or his or her designee in his or her absence

A timely warning notice will typically include the following, unless issuing any of this information would risk compromising law enforcement efforts:

- Date and time or timeframe of the incident
- A brief description of the incident
- Information that will promote safety and potentially aid in the prevention of similar crimes (crime prevention or safety tips).
- Suspect description(s) when deemed appropriate and if there is sufficient detail (see below)
- Police/Public Safety agency contact information
- Other information as deemed appropriate by the Chief or his/her designee

The description of subjects in a case will only be included in the alert if there is a sufficient amount of detail to describe the individual. If the only known descriptors are sex and race, that will not be included in the alert.

UPD will draft the alert and an email containing the proposed Crime Alert and forward it to the Vice President for Business and Finance and President. VPBF will forward to the appropriate senior administrators for review if necessary. After review and revision, UPD will forward the Crime Alert to Information Technology with instructions for transmitting the email containing the Crime Alert to the University community as a blast email. Updates to the WTAMU community about any particular case resulting in a crime alert also may be distributed electronically via blast email or posted on the University's Web site.

Crime Alerts may also be posted in campus buildings, when deemed necessary. When a Crime Alert is posted in campus buildings, it shall be printed on orange paper and be posted in the lobby/entrance area of the affected building(s) for seven (7) days.

A daily crime and fire log is available for review at www.wtamu.edu/police look for *Daily Crime and Fire Log* in the list to the right) or at UPD in the Old Sub building SUB102 on campus from 8 a.m.–5 p.m. Monday through Friday, excluding holidays.

The department does not issue Crime Alerts for the above listed crimes if:

1. The department apprehends the subject(s) and the threat of imminent danger for members of the WTAMU community have been mitigated by the apprehension.
2. If a report is not filed with UPD or if a local police agency was not notified of the crime in a manner that would allow the department to post a "timely" warning for the community. A general guideline will include a report that is filed more than 7-14 days after the date of the alleged incident may not allow UPD to post a "timely" warning to the community. This type of situation will be evaluated on a case by case basis.

Emergency Notification, Response, and Evacuation

The procedures disclosed in this section apply to emergency situations occurring on the campus of West Texas A&M University. The institution does not have separate procedures for emergency situations occurring on non-campus property.

Emergency Notification

West Texas A&M University (WTAMU) will immediately notify the campus community 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 campus. The WTAMU Police Department (UPD) Chief of Police or a designee will develop an emergency notification for the University community to notify members of the community about a serious crime, a natural disaster or a manmade emergency that poses an immediate threat to the health and safety of the WTAMU community or a segment of the community. If the institution implements the procedures regarding notification of the WTAMU community for an immediate threat, the institution is not obligated to implement the timely warning notice procedures.

The types of incidents that may cause an immediate threat to the WTAMU community could include but are not limited to emergencies such as: an active shooter on campus, hostage/barricade situation, a riot, suspicious package with confirmation of a device, a tornado, a fire/explosion, suspicious death, structural damage to a WTAMU owned or controlled facility, biological threat (anthrax, etc.), significant flooding, a gas leak, hazardous materials spill, etc. The notification will be distributed if the incident is reported either to UPD directly or to UPD indirectly through a campus security authority, any local police agency or other appropriate agency. UPD has a responsibility to respond to such incidents

to determine if the situation does in fact pose an immediate threat to the community.

The UPD supervisor on duty is responsible for immediately notifying the UPD Chief of Police or designee of any situation that poses an immediate threat to the community. The Chief of Police or designee will confirm the significant emergency or dangerous situation and notify the WTAMU Vice President for Business and Finance of the need for an emergency notification. The VPBF will notify the President and appropriate senior administrators.

The Chief of Police or designee will, without delay and taking into account the safety of the community, determine the content of the notification and initiate the notification system, unless issuing a notification will, in the judgment of the first responders (including, but not limited to: UPD, Canyon Police Department, Canyon Fire Department, Randall County Sheriff's Department, Texas Department of Public Safety, Amarillo Police Department, Amarillo Fire Department and BSA Emergency Medical Services), compromise the efforts to assist a victim or to contain, respond to, or otherwise mitigate the emergency. The Chief of Police or designee with the assistance from the reporting UPD supervisor will determine the appropriate segment or segments of the campus community to receive the emergency notification.

WTAMU and UPD have various systems in place for communicating information quickly to the WTAMU community. Emergency Notification will be issued using the following sources. The Chief of Police or designee will initiate the notification.

1. Network emails (Students, Faculty and Staff)
2. Buff Alert (text message)
3. BRG Emergency Public Address System (radio frequency based speaker system inside all buildings and two outdoor) some buildings with electronic message boards display the message.
4. Department of Communication and Marketing (media releases, social media, website notifications)
5. Information Technology may post messages on the WTAMU Weather Closing phone line at 806-651-2010.

Some or all of these methods of communication may be activated in the event of an immediate threat to the WTAMU campus community. Media releases are made to local and regional affiliates if dissemination to the larger community is necessary. Follow up information of the incident will be provided using the same methods as the first notification.

Buff Alert is an opt-out emergency alert system. When the Buff Alert system is activated, all active WTAMU network email accounts receive the Buff Alert email being distributed. Students, Faculty and Staff are encouraged to go online and register their cell phone number to receive immediate texts as well as the email when the Buff Alert system is activated. The campus can sign up for Buff-Alert on the homepage of the WTAMU website or at: <http://apps.wtamu.edu/buffalert>. The entire campus community, or appropriate segment of campus, will be notified by the BRG Emergency Public Address System when there is at least the potential that a very large segment of the community will be affected by a dangerous situation or when a situation threatens the operation of the campus as a whole.

Emergency Operations Plan

West Texas A&M University officials take the safety of the campus community very seriously and are consistently evaluating the Emergency Operations Plan to ensure it is timely and effective. The EOP <https://www.wtamu.edu/risk> addresses both evacuation and shelter-in-place procedures. Emergency response procedures within the plan are tested and published annually. The tests may be announced or unannounced. The University will document for each test, a description of the exercise, the date, time, and whether it was announced or unannounced. The University has implemented mass notification systems on campus to assure campus members are kept informed of any emergencies, as well as performing regular drills to test the plans' effectiveness. The University is involved in emergency management planning on all levels; including city, county and state, to address possible responses to disasters, which may occur. Mutual aid agreements and contracts are in place to hasten the University's recovery from any type of emergency.

Evacuation Procedures

WTAMU personnel are likely to be the first on the scene of an emergency within the university. They will normally take charge and remain in charge of the incident until it is resolved or until other responders, who are more qualified, assume command. They will seek guidance and direction from local officials and seek technical assistance from state and federal agencies and industry where appropriate.

UPD will be responsible for activating the WTAMU EOP and the initial response. Evacuation or

in-place sheltering is typically limited to the immediate area of the incident.

- **Evacuation** – Requires all faculty, staff and students to leave the building. Evacuation can be highly effective if it can be completed before the arrival of the hazard.
- **Reverse Evacuation** – Requires all faculty, staff, and student to go to safe places in the building from outside the building.
- **Lock Down** – All exterior doors and classroom doors with interior doors locks are locked and everyone stays in their classrooms.
- **Shelter-in-place** – Faculty, staff and students are held in the building; windows and doors are sealed and all ventilation systems are shut off. Limited movement is allowed. Shelter-in-place is most effective during emergencies involving hazardous materials, which produce toxic vapors outside of the facility. Taking shelter inside a sealed building is highly effective in keeping everyone safe.
- **Drop, cover and hold** – Faculty, staff and students drop low, take cover under furniture, cover eyes and protect internal organs.



In case of Emergency, call 911.

To report a non-emergency incident, call 806-651-2300

Safety Check Points

- ✓ Walk with friends in lighted areas.
- ✓ Always lock your car.
- ✓ Park in well-lighted areas.
- ✓ Have your keys ready when you approach your car. Check the front and back seats before entering.
- ✓ Keep your keys secure, lock your room or apartment, and do not leave personal belongings unattended.
- ✓ Engrave your name or identification on personal property.
- ✓ Enter property ID on UPD's Operation Lockout Theft by logging in at www.wtamu.edu/lockout
- ✓ Be alert for strangers.
- ✓ If you are followed, cross the street, change direction and go to a well-lighted public area.
- ✓ Report the loss or theft of keys and valuables immediately to UPD.
- ✓ Report crimes, suspicious situations and security concerns immediately to UPD.
- ✓ The University Police Department provides on-campus escort service for students, faculty and staff. Call 806-651-2300 to request an escort.

Daily Crime and Fire Log

Each business day, the UPD Clery Coordinator or other trained personnel, publishes a Daily Crime and Fire Log that is available to the media, the public, and various campus offices free of charge. This summary identifies the date the crime/fire was reported, the nature of the crime, the general location, the date and time occurred and the disposition. You may view the Daily Crime and Fire Log during regular business hours 8-5 Monday – Friday with the exception of University holidays in the UPD office, Old Sub 102 or via the UPD webpage at www.wtamu.edu/police at the Daily Crime and Fire Log link.

Security of and Access to Campus Facilities

General Provisions

WTAMU is a public and open campus. No effort is made to restrain the general public from entering the campus; however, the University Police Department reserves the right to bar individuals who are considered a threat to the well-being of the University community. UPD provides 24-hour patrol of campus property and facilities (including resident halls). The Assistant Vice President for Business and Finance – Risk Management designates building coordinators from each University building. The designated building coordinator will establish access hours and maintain access to respective buildings.

Academic and Administrative Buildings

The campus of WTAMU is located within the City of Canyon, and the public areas are therefore readily accessible. In general, the academic and administrative buildings 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.

Resident Halls

The on-campus community at WTAMU is comprised of approximately 2000 students residing in eleven residence halls. Key access or electronic card access is required at hall entrance doors. All hall sleeping rooms require keys for entrance. Guests in all halls are to be escorted as per hall rules. Residents have card or key access to their hall only.

Residents also have access to contact UPD and Residential Living staff members for assistance.

Maintenance of Campus Facilities

Contracted facilities personnel are responsible for maintaining the buildings, grounds, and custodial services for the WTAMU campus. The group addresses maintenance, renovation, and repair projects for facilities, custodial and landscaping. The campus is routinely inspected for environmental safety hazards such as insufficient lighting and overgrown shrubbery, and members of the University community are encouraged to report locations of concern.

Alcoholic Beverages, Illegal Drugs, and Weapons

Education Programs

According to the Drug-Free Schools and Communities Act, West Texas A&M University reviews its programs, services, and policies to prevent unlawful possession, use, or distribution of alcohol and illicit drugs. The results of the biennial review are published at <https://www.wtamu.edu/webres/File/Administrative/AODReview.pdf>. Consumer Information is made available at <https://www.wtamu.edu/administration/11-consumer-information.aspx>.

Alcoholic Beverages

All members of the university community and guests are required to comply with federal and state laws regarding the possession, use, and service (including sales) of alcoholic beverages. (System Policy 34.02, Drug and Alcohol Abuse and System Policy 34.03, Alcoholic Beverages *TAMUS policy/regulation*). Underage drinking will be strictly enforced on the West Texas A&M University campus and at off-campus WTAMU-sponsored events. In addition to these laws, the University prohibits possession, use, and distribution of alcoholic beverages on campus or in University public buildings and public areas unless otherwise authorized and designated for alcohol use at special events. Also prohibited is making alcohol available to a minor and possession of alcoholic containers.

High Risk Alcohol Intake

People who consume large amounts of alcohol over a short period of time can reach very high blood alcohol levels before they pass out. This can lead to decreased breathing and death. Vomiting associated with high levels of alcohol may also cause choking and death.

Health Risks of Alcohol

Health hazards associated with excessive use of alcohol or alcohol dependency include dramatic behavioral changes, retardation of motor skills, and impairment of reasoning and rational thinking. These factors result in a higher incidence of accidents and accidental death for such persons than for nonusers of alcohol.

Nutrition also suffers, and vitamin and mineral deficiencies are frequent. Prolonged alcohol abuse causes bleeding from the intestinal tract, damage to nerves and the brain, psychotic behavior, loss of memory and coordination. Damage to the liver often results in cirrhosis. Other risks include impotence, severe inflammation of the pancreas, and damage to the bone marrow, heart, testes, ovaries and muscles. Damage to nerves and organs is usually irreversible.

How to Help an Intoxicated Friend

Do:

- Keep calm and get lots of help. Individuals with high alcohol-blood levels can be unpredictable and violent.
- Speak in a clear, firm, reassuring manner.
- Stay with a person who is vomiting. If the victim is lying down, turn them on their side, keep the tongue from falling back into the throat and protect them from choking.
- Monitor the person. If they become unconscious (will not wake up or talk to you) or if they appear to have problems breathing, seek medical help immediately. Call 911.

Don't:

- Don't try to walk, run or exercise the person. Don't try to keep them awake.
- Don't force anything orally—food, liquid (coffee, etc.) or drugs—in an attempt to sober them up.
- Don't give the person a cold shower; this can be very dangerous.
- Don't try to restrain the person without lots of sober assistance.
- Don't permit the person to drive.

Drugs

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. Also prohibited under Texas state law is the possession of drug paraphernalia. 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, [TAMUS policy/regulation](#) all students and employees are expected to abide by federal and state laws pertaining to controlled substances and illicit drugs. Alleged violations of these laws on University property or property under control of West Texas A&M University or at any event sponsored by the University or any University student organization, whether or not conducted on University property, including student travel on behalf of the University, is prohibited and may result in criminal charges and also be adjudicated through university conduct procedures.

Health Risks of Other Drugs

Use of illicit drugs may lead to physiological and mental changes similar to those caused by alcohol, although changes are frequently more severe and more sudden. Death or coma resulting from overdose of drugs is also more frequent.

Illicit drugs are commonly classified in seven categories: cocaine, amphetamines, heroin and other opiates, hallucinogens, solvent inhalants, steroids, and marijuana.

In addition to adverse effects associated with use of a specific drug, intravenous-drug users who use unsterilized needles or who share needles with other drug users can develop AIDS, hepatitis, tetanus and infections in the heart. Brain damage may also result.

Substance Abuse and Education

West Texas A&M University strives to promote good physical health and safety of all students and employees and to provide an outlet for ensuring knowledge of the effects and physical cost of drug and alcohol abuse. All employees are notified of the Texas A&M University System policy (34.02 Drug and Alcohol Abuse) and regulation (34.02.01 Drug and Alcohol Abuse and Rehabilitation Programs) [TAMUS policy/regulation](#) regarding drug and

alcohol abuse upon hire and annually thereafter.

Students may review the Campus Security and Fire Safety Report and at Alcohol and Other Drug (AOD) abuse prevention programming each year through departments within Student Enrollment, Engagement and Success. Additional information is also made available through the West Texas A&M University Code of Student Life, the Residential Living Handbook, and the Student Athlete Handbook. Students seeking education and/or counseling for alcohol and drug abuse may contact Student Counseling Services, Classroom Center Room 116, #806-651-2340 and Student Medical Services, Virgil Henson Activities Center Room 104, #806-651-3287.

The Employee Assistance Program (EAP) provider is Deer Oaks EAP Services (888-993-7650). They provide the EAP services for all employees and dependents of West Texas A&M University. The Deer Oaks EAP manages the alcohol and drug abuse and rehabilitation program for employees. The Deer Oaks EAP also provides licensed counseling and referral services.

Resources related to AOD

National Institute on Drug Abuse

(www.drugabuse.gov)

National Institute on Alcohol Abuse and Alcoholism

(<http://www.niaaa.nih.gov>)

Life Challenge of Amarillo

6500 Hope Road
Amarillo, Texas 79124
(806) 352-0385 (by appointment)

Managed Care Center for Addictive/Other Disorders, Inc.

808 S. Crockett
Amarillo, Texas 79102
806-331-2723 or 877-226-6087

Amarillo Council on Alcoholism and Drug Abuse

803 South Rusk
Amarillo, Texas 79106
(806) 374-6688 or 800-566-6688

Amarillo Alcoholic Women's Recovery Center, Inc. (The Haven)

1308 South Buchanan

Amarillo, Texas 79101

(806) 374-5654 or 24 /7 treatment help 844-201-5157

The Pavilion at Northwest Texas

7201 Evans Drive

Amarillo, Texas 79106

(800) 537-2585 or 806-354-1810

Northwest Texas Healthcare System

1501 South Coulter

Amarillo, Texas 79106

806-354-1000

Weapons

In accordance with Texas Penal Code Ch. 46.03, it is a felony to intentionally, knowing, or recklessly possess a firearm, illegal knife, or prohibited weapon on the physical premises of a school or educational institution, to include any buildings or passenger transportation vehicles under the direct control of the 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 West Texas A&M University (all land and buildings owned or leased by WTAMU) or in a university vehicle unless prohibited by state law, federal law, or University Rule 34.06.02.W1 Carrying Concealed Handguns on Campus www.wtamu.edu/rules . Prohibited areas include but are not limited to campus daycares, collegiate and interscholastic sporting events, swimming pool area of the Virgil Henson Activities Center, the Panhandle Plains Historical Museum, and locations with official Texas Penal Code 30.06 signage. Any resident of campus housing who is a handgun license holder and wants to store a handgun in his/her room must store it in a safe that is rented from and installed by the Department of Residential Living or store it in a safe manufactured for the purpose of storing a handgun, and properly installed. Residential Living must approve the selection and installation of the safe.

Violence Against Women Reauthorization Act of 2013:

West Texas A&M University does not discriminate based on sex in its educational programs; and sexual harassment and sexual violence are types of sex discrimination. Other acts can also be forms of sex-based discrimination and are prohibited whether

sexually based or not and include dating violence, domestic violence, and stalking. As a result, WTAMU issues this statement of policy to inform the campus community of our comprehensive plan addressing sexual misconduct, educational programs, and procedures that address sexual assault, domestic violence, dating violence, and stalking, whether the incident occurs on or off campus and when it is reported to a University official. In this context, WTAMU prohibits the offenses of domestic violence, dating violence, sexual assault and stalking and reaffirms its commitment to maintain a campus environment emphasizing the dignity and worth of all members of the university community.

For a complete copy of WTAMU's rule governing sexual misconduct, **Civil Rights Compliance 08.01.01.W1**, visit www.wtamu.edu/rules. This rule is under revision and may default to the **Texas A&M University System Civil Rights Compliance 08.01.01**.

For a complete copy of WTAMU's **Code of Student Life**, www.wtamu.edu/codeofstudentlife

For a complete copy of The Texas A&M University System's policy governing sexual misconduct visit [TAMUS policy/regulation](#) for **Civil Rights Compliance 08.01.01**

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

West Texas A&M University provides equal opportunity to all employees, students, applicants for employment, and the public regardless of race, color, religion, sex, national origin, disability, age, genetic information or veteran status. West Texas A&M University will promptly and thoroughly investigate all complaints of discrimination, sexual harassment, and related retaliation in accordance with applicable federal and state laws, Texas A&M System Policy 08.01 and WTAMU Regulation 08.01.01.

Sexual harassment is a form of discrimination. Unwelcome sexual advances, requests for sexual favors, and other verbal, nonverbal, or physical conduct of a sexual nature constitute sexual harassment when this conduct is so severe, persistent or pervasive that it explicitly or implicitly affects an individual's employment, unreasonably interferes with an individual's work or educational performance, or creates an intimidating or hostile work or educational environment. Unwelcome means that an individual did not request or invite it and considers the conduct to be undesirable or offensive. Submission of the conduct or failure to complain does not always mean that the conduct was welcome. Sexual harassment may be quid pro

quo (“this for that”) or may constitute a hostile environment. Sexual harassment includes non-consensual sexual contact, sexual assault, sexual exploitation, and stalking, dating violence, and domestic violence when based on sex.

A student should, and an employee must, promptly report incidents of illegal discrimination, sexual harassment (including sexual assault, dating violence, domestic violence, and stalking), and/or related retaliation that they become aware of, experience, or observe to Richard Webb, Title IX Coordinator, 2501 4th Avenue, Killgore Research Center 147, Canyon, Texas, (806) 651-3199 rwebb@wtamu.edu or TitleIX@wtamu.edu. A third party should also promptly report incidents.

Individuals reporting sexual assault, dating violence, domestic violence or stalking have the option of notifying on-campus and local law enforcement authorities. Local law enforcement agencies contact numbers are listed below. Reports should be filed with the agency where the incident occurred.

Agency	Phone
University Police Department	806-651-2300
Canyon Police Department	806-655-5005
Amarillo Police Department	806-378-3038
Randall County Sheriff's Office	806-468-5751
Potter County Sheriff's Office	806-335-4116
Emergency	911

Civil Rights Compliance Policy

Whether or not criminal charges are filed, the university¹ or a person may file a complaint under the Texas A&M University System Civil Rights Compliance Policy 08.01.01 alleging that a student or employee violated the University's regulation on Civil Rights Compliance 08.01.01.W1. The University's disciplinary process includes a prompt, fair, and impartial

¹ Title IX states that if an institution knows or reasonably should know of sexual harassment, to include sexual violence, the institution has a duty to investigate. Consequently, whether a complainant chooses to cooperate or not should not be the deciding factor for whether or not disciplinary charges are brought against an accused party. If an investigation determines that it is more likely than not that the institution's sexual misconduct policy was violated, then the "University" may assume the role of the complainant.

investigation and resolution to the process. In all instances, the process will be conducted in a manner that is consistent with the institution's policy and that is transparent to the accuser and the accused. The investigative authority will review each complaint, interview witnesses, review relevant documentation, and provide a draft report of their investigation to the Office of General Counsel for review within 30 business days. However, each proceeding allows for extensions of timeframes for good cause with written notice to the accuser and the accused of the delay and reason for the delay. University officials involved in the investigation or adjudication of domestic violence, dating violence, sexual assault and stalking complaints are trained annually on the issues related to domestic violence, dating violence, sexual assault, and stalking as well as how to conduct an investigation and hearing process that protects the safety of the victim and promotes accountability. Furthermore, each policy provides that:

1. The accuser and the accused will have timely notice for meetings at which the accuser or accused, or both may be present;
 2. The accuser, the accused and appropriate officials will have timely and equal access to any information that will be used during formal or informal disciplinary meetings and hearings;
 3. A preponderance of evidence standard (more likely than not) is used.
 4. The disciplinary procedures will not be conducted by officials who have a conflict of interest or bias for or against the accuser or the accused;
 5. The accuser and the accused will have the same opportunity to have others present during any institutional disciplinary proceeding. The accuser and the accused each have the opportunity to be advised by an advisor of their choice at any stage of the process and to be accompanied by that advisor to any related meeting or proceeding. The University will not limit the choice of advisor or presence for either the accuser or the accused in any meeting or institutional disciplinary proceeding.
 6. The accuser and the accused will be notified simultaneous, in writing, of any initial, interim and final decision of any disciplinary proceeding; and
 7. Where an appeal is permitted under the applicable policy, the accuser and the accused will be notified simultaneously in writing, of the procedures for the accused and the victim to appeal the result of the institutional disciplinary proceeding. When an appeal is filed, the accuser and the accused will be notified simultaneously in writing of any change to the result prior to the time that it becomes final as well as the final result once the appeal is resolved.
- If you are an employee and believe you have been subjected to illegal discrimination, sexual harassment and/or related retaliation, or you observe or

become aware of, should promptly report the incident to your supervisor, Dean, Vice President, Human Resources Director or Title IX Director.

- If you are a student and believe you have been subjected to illegal discrimination, sexual harassment and/or related retaliation, or you observe or become aware of, should promptly report the incident to any university employee, faculty, Title IX Director or campus law enforcement.
- The campus administrators designated to review complaints for purposes of sanctions against faculty and staff are the Provost/Vice President for Academic Affairs, Vice President for Business and Finance, Vice President for Student Enrollment, Engagement and Success, and the Vice President for Research and Compliance. If the complaint or respondent is the Vice President for that division, the President will designate a different Vice President or senior administrator to review the complainant.
- WTAMU must report all complaints of discrimination to the Texas A&M University System Ethics and Compliance Office (SECO) and the Office of General Counsel (OGC) in writing upon receipt by the Title IX office.
- WTAMU will post this rule for the receipt, investigation and resolution of discrimination complaints, in accordance with the Texas A&M University System Regulation 08.01.01 Civil Rights Compliance.
- The President/CEO will designate the Title IX office to receive and investigate all complaints involving a student respondent(s) or involving an employee or third party respondent(s).
- Upon receipt of a complaint, the Title IX Director will assign the complaint to the Title IX Investigators (investigative authority) to review each report.
- The investigative authority will review each complaint, interview witnesses, if applicable, review relevant documentation, and provide a draft report of their investigation to the Office of General Counsel (OGC) for review within 30 business days. OGC will coordinate with the System Ethics and Compliance Office (SECO) and provide its review to the investigative authority within ten business days. The investigative authority will have five business days to finalize the report and submit it directly to the designated administrator.
- Extensions, if needed, should be sent by the investigative authority to the office or individual who appointed them. Both the complainant(s) and the respondent(s) should be notified of any extensions in writing.
- The decision rendered will be provided in writing to the President, Director of Human Resources, the appropriate Vice President, the complainant(s), the respondent(s), the investigative authority, and the complainant's and respondents' supervisor(s) and department head(s) within five (5) business days after receiving the investigative authority's report.
- In the case of a complaint against a student, or when both the reporter and the

respondent are students, the investigative authority's report and findings shall be directed to the Vice President for Student Enrollment, engagement and Success who will resolve the complaint in accordance with the judicial process described in the Code of Student Life.

- WTAMU may not take any disciplinary action against an enrolled student who in good faith reports to the university being the victim of or a witness to an incident of sexual harassment, sexual assault, dating violence or stalking for a violation by the student of the university's code of conduct occurring at or near the time of the incident.
- This will be the final decision regarding the merits of the complaint.
- Appeal of Decision and or Sanctions – Allegations of Sex Discrimination. With respect to allegations of sex discrimination, the designated administrator's decision and the sanction(s) imposed by the sanctioning authority can be appealed by the complainant(s) and/or the respondent(s), but only on the following bases, 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; or
 - The appropriateness or severity of the sanctions.
- Appeals – Allegations of Discrimination Not Based on Sex. Any employee disciplined pursuant to this procedure may appeal that action in accordance with TAMU System Policy 12.01, Academic Freedom, Responsibility and Tenure, TAMU System Policy 32.01, Employee Complaint and Appeal Procedures, TAMU System Regulation 32.01.01, Complaint and Appeal Process for Faculty Members, TAMU System Regulation 32.01.02, Complaint and Appeal Process for Non-Faculty Employees, WTAMU Procedure 32.01.01.W1.2, Faculty Ombuds Officer, WTAMU Rule 32.01.02.W1, Complaint Procedure for Non-Faculty Employees, and/or other procedures, as appropriate.
- Any student disciplined pursuant to this regulation may appeal the action in accordance with procedure for student grievances outlined in the WTAMU Code of Student Life: **Rules and Procedures for Students.**

Reports of all domestic violence, dating violence, sexual assault and stalking made to the University Police Department will automatically be referred to the Title IX Coordinator for investigation regardless of whether the complainant chooses to pursue criminal charges.

The vice president for student enrollment, engagement and success is the student disciplinary officer for the University and ensures the Code of Student Life is administered equitably and preserves the rights of the University and the student.

New employees are required to take "Creating a Discrimination-free Workplace" online training within the first 30 days of their employment. The training is required every two years from their original training date and is tracked through the Human Resources Department.

Sexual Misconduct Policy

The University has procedures in place that serve to be sensitive to those who report sexual assault, domestic violence, dating violence, and stalking, including informing individuals about their right to file criminal charges as well as the availability of counseling, health, mental health, victim advocacy, legal assistance, visa and immigration assistance and other services on and/or off campus as well as additional remedies to prevent contact between a complainant and an accused party, such as housing, academic, transportation and working accommodations, if reasonably available. The University will make such accommodations, if the victim requests them and if they are reasonably available, regardless of whether the victim chooses to report the crime to the University Police Department or local law enforcement. Students should contact the Vice President for Student Enrollment, Engagement and Success at 806.651.2050 in JBK 102 and employees should contact the Director of Human Resources at 806.651.2116 in Old Main 116.

After an incident of sexual assault and domestic violence, the victim should consider seeking medical attention as soon as possible at Northwest Texas Hospital 1501 S. Coulter Street, Amarillo 806-654-1000. Also available to students is Medical Services located in the Virgil Henson Activities Center (VHAC 104) 806-651-3287. In Texas, evidence may be collected even if you choose not to make a report to law enforcement. Forensic evidence collection must be conducted at Northwest Texas Hospital. The Non-Reported Sexual Assault Evidence Program was created in HB 2626 by the 81st Legislature and went into effect June 21, 2009. The program allows survivors of a sexual assault to obtain a medical forensic exam and have evidence collected, without cost to the victims, even if they do not wish to involve law enforcement at the time of evidence collection. This allows the evidence to be secured while giving the survivor time to consider whether they want to report the assault. A patient who has requested and obtained a non-reported sexual assault medical forensic examination has up to two years to decide to report the crime. Information related to the program can be found in Chapter 56.065 Code of Criminal Procedure. Preserving evidence may assist in proving that the alleged criminal offense occurred or may be helpful in obtaining a protection order. In Texas, a sexual assault victim has an option to choose a pseudonym (fictitious name) and address to maintain confidentiality. The pseudonym will be assigned at the victim's request.² It is important that a victim of sexual assault not bathe, douche,

² Texas Code of Criminal Procedure, Chapter 57 Confidentiality of Identifying Information of Sex Offense Victims

smoke, change clothing or clean the bed/linen/area where they were assaulted if the offense occurred within the past 96 hours so that evidence may be preserved that may assist in proving that the alleged criminal offense occurred/or is occurring or may be helpful in obtaining a protection order. In circumstances of sexual assault, 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 disease. Victims of sexual assault, domestic violence, stalking, and dating violence are encouraged to also preserve evidence by saving text messages, instant messages, social networking pages, other communications, and keeping pictures, logs or other copies of documents, if they have any, that would be useful to University hearing boards/investigators or police. Although the university strongly encourages all members of its community to report violations of this policy to law enforcement, it is the victim's choice whether or not to make such a report and victims have the right to decline involvement with the police. The University will assist any victim with notifying local police if they so desire. Dial 911 for all emergencies or contact the following agencies for non-emergencies on non-campus properties. The Canyon Police Department having primary jurisdiction in the city of Canyon outside of WTAMU properties is located at 301 16th Street, Canyon and may be reached directly by calling 806-655-5005. Additional information about the Canyon Police Department may be found online at <http://www.canyontx.com/police>. The Randall County Sheriff's Department having primary jurisdiction outside of the city of Canyon in Randall County may be contacted by calling 806-468-5800 or in person at 9100 Georgia Street S., Amarillo. Additional information about the Randall County Sheriff's Department may be found online at <http://www.rc-sheriff.com/>. The Amarillo Police Department having primary jurisdiction in the city of Amarillo may be contacted by calling 806-378-3038 or in person at 200 SE 3rd Avenue, Amarillo. Additional information about the Amarillo Police Department may be found online at <http://police.amarillo.gov/>.

If you have been the victim of domestic violence, dating violence, sexual assault, or stalking, you should report the incident promptly to the Title IX Coordinator, Richard Webb, by coming into the office to report in person at the Killgore Research Center Room 147, in writing to rwebb@wtamu.edu or TitleIX@wtamu.edu or by calling (806) 690-8216 (24/7) or 806-651-3199 and the University Police at 806-651-2300 (if the victim so desires.)³

³ The Title IX Coordinator is regarded as a "Responsible Employee" under Title IX and also a "Campus Security Authority" under the Clery Act. Statistical information less the victims identifying information will be provided to the Clery Coordinator at the University Police Department even if the victim chooses not to alert the University Police Department personally.

The University will provide resources, on campus, off campus or both, to include medical and health, to persons who have been victims of sexual assault, domestic violence, dating violence, or stalking, and will apply appropriate disciplinary procedures to those who violate this policy. The procedures set forth below are intended to afford a prompt response to charges of sexual assault, domestic or dating violence, and stalking, to maintain confidentiality and fairness consistent with applicable legal requirements, and to impose appropriate sanctions on violators of this policy.

As time passes, evidence may dissipate or become lost or unavailable, thereby making investigation, possible prosecution, disciplinary proceedings, or obtaining protection from abuse orders related to the incident more difficult. If a victim chooses not to make a complaint regarding an incident, he or she nevertheless should consider speaking with the University Police Department or other law enforcement to preserve evidence in the event that the victim changes her/his mind at a later date.

Review the following link [Guide on Sexual Misconduct Campus Policies, Procedures and Victim Services for Faculty, Staff and Students](#) for additional information.

Title IX

Title IX of the Education Amendments of 1972 states: "No person in the United States shall, on the basis of sex, be excluded from participation in, be denied the benefits of, or be subjected to discrimination under any education program or activity receiving Federal financial assistance". Sexual assault and violence are forms of sexual harassment prohibited by Title IX and Texas A&M University System policy and regulation. West Texas A&M University complies with applicable laws prohibiting discrimination, including Titles VI and VII of the Civil Rights Act of 1964, as amended; the Age Discrimination in Employment Act; Executive Order 11246; Title IX of the Education Amendments of 1972; Sections 503 and 504 of the Rehabilitation Act of 1973; the Vietnam Era Veterans Readjustment Assistance Act, as amended; the Age Discrimination Act of 1975, the Americans with Disabilities Act of 1990, as amended; and the Genetic Information Nondiscrimination Act of 2008.

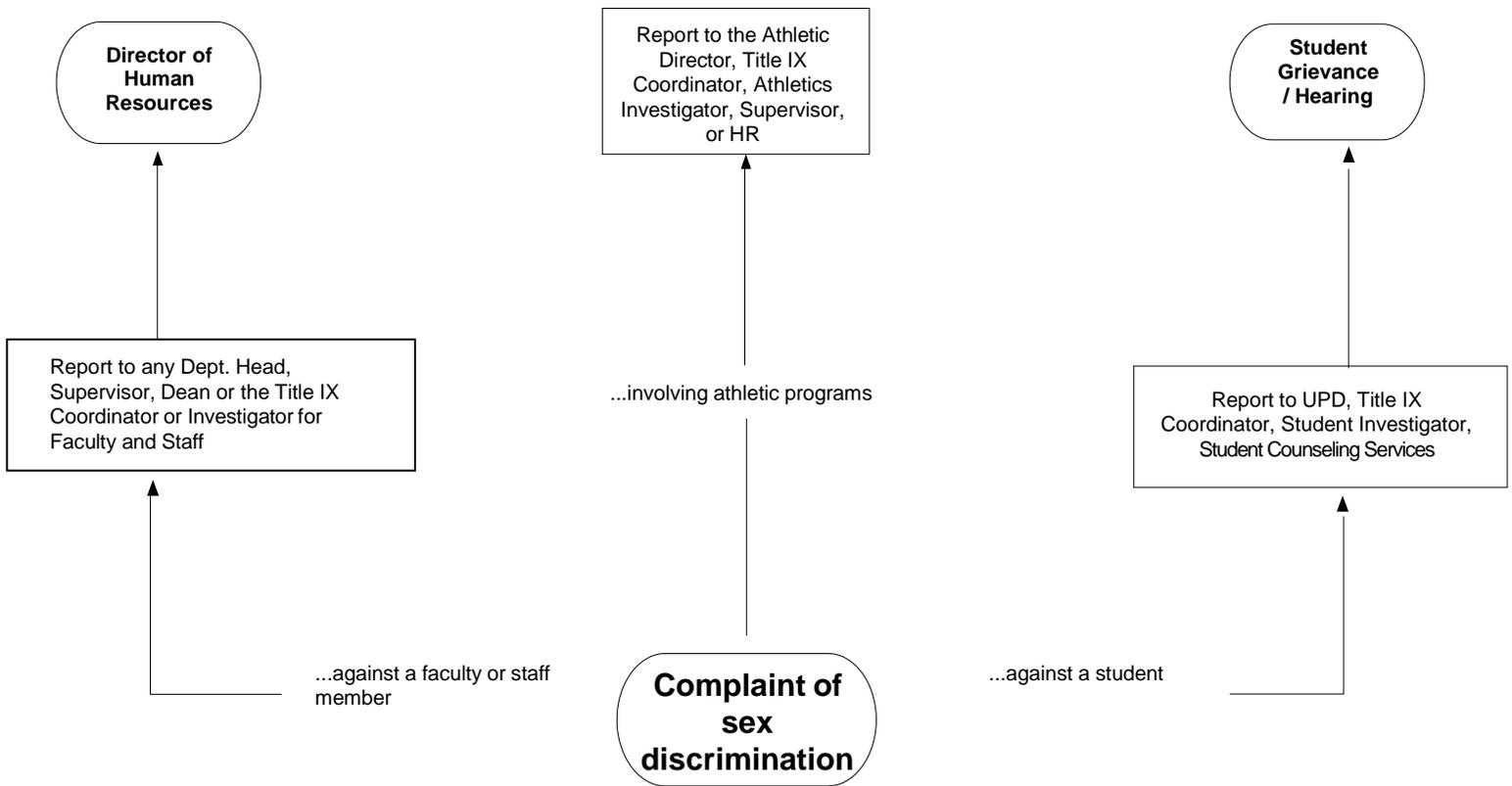
WTAMU does not unlawfully discriminate on the basis of race, color, national origin, religion, sex, age, disability, genetic information or veteran status in admission or access to, or treatment or employment in, its programs or services. Members of the West Texas A&M University community, guests and visitors have the right to be free from sexual harassment and violence. All members of the campus community are expected to conduct themselves in a manner that does not infringe upon the rights of others. West Texas A&M University

believes in a zero tolerance policy for sex-based misconduct. When an allegation of misconduct is brought to an appropriate administrator's attention, and a respondent is found to have violated this policy, serious sanctions will be applied. The University is committed to fostering a community that promotes prompt reporting of all types of sexual misconduct and timely and fair resolution of sexual misconduct complaints, in compliance with Title IX, due process, the First Amendment to the federal Constitution, and other applicable laws and regulations. The following information is broadly available to students, employees, and members of the public as part of the University's efforts to ensure that they are aware of the resources available to them in the event of sexual misconduct by faculty, staff, students, or visitors. Your health, safety, and well-being are the University's primary concern. If you or someone you know may be the victim of any form of sexual misconduct, you are strongly urged to seek immediate assistance.

Assistance can be obtained 24 hours a day, seven days a week, from:

- Emergency – 911
- University Police Department (806)651-2300
- Family Violence/Rape Crisis Line (806)374-5433
- During business hours (8 a.m. to 5 p.m., Monday through Friday), you are also strongly urged to contact Richard Webb, Title IX Coordinator, for purposes of the University's sexual misconduct policy: Telephone (806) 690-8216 (24/7), Email at rwebb@wtamu.edu or TitleIX@wtamu.edu in person at the Killgore Research Center, Room 147, 806-651-3199.
- In addition, contact Student Counseling Services, Classroom Center Room 116, or call (806)651-2340.

Note: Anyone may bring any concern or complaint directly to the Title IX Coordinator.



WEST TEXAS A&M UNIVERSITY Title IX Coordinator and Reporting Structure

Evaluation of requests for confidentiality pertaining to Title IX

If the complainant requests confidentiality or asks that the complaint not be pursued, the university will take all reasonable steps to investigate and respond to the complaint consistent with the request for confidentiality or request not to pursue an investigation. If the complainant insists that his/her name or other identifiable information not be disclosed to the alleged perpetrator, the Title IX Coordinator will inform the complainant that honoring the request may limit its ability to respond fully to the incident, including pursuing

disciplinary action against the accused. The Title IX Coordinator shall notify the complainant of the information that will be disclosed, to whom it will be disclosed, and why. The Title IX Coordinator shall also explain that Title IX includes protections against retaliation, and that university officials will not only take steps to prevent retaliation but also take strong responsive action if it occurs. If the complainant still requests that his/her name not be disclosed to the accused or that the recipient not investigate or seek action against the accused, the Title IX Coordinator will need to determine whether or not it can honor such a request while still providing a safe and non-discriminatory environment for all students, including the complainant who reported the harassment.

Definitions

Federal Clery Act Definitions

Domestic Violence, Dating Violence, Sexual Assault and Stalking

Domestic Violence: The term “domestic violence” is defined

- 1) Felony or misdemeanor crimes of violence committed—
 - (i) By a current or former spouse or intimate partner of the victim;
 - (ii) By a person with whom the victim shares a child in common;
 - (iii) By a person who is cohabitating with or has cohabitated with the victim as a spouse or intimate partner, not merely as roommates;
 - (iv) 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
 - (v) 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.

- 2) For the purposes of complying with the requirements of this section and section §668.41, any incident meeting this definition is considered a crime for the purposes of Clery Act reporting.

Dating Violence: The term “dating violence” is defined as violence committed by a person who is or has been in a social relationship of a romantic or intimate nature with the victim.

- 1)The existence of such a relationship shall be based on 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.

- 2) For the purposes of this definition---
 - (i) Dating Violence includes, but is not limited to, sexual or physical abuse or the threat of such abuse.
 - (ii) 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 section §668.41, any incident meeting this definition is considered a crime for the purposes of Clery Act reporting.

Sexual Assault (Sex Offenses): "Sexual assault" is an offense that meets the definition of rape, fondling, incest, or statutory rape as used in 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 consent of the victim, including instances where the victim is incapable of giving consent." Attempted Sexual Assaults are included in Clery Act statistics and the four types of Sexual Assault listed below.

- 1) **Rape** is defined as 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.
- 2) **Fondling** is defined as the touching of the private 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.
- 3) **Incest** is defined as sexual intercourse between persons who are related to each other within the degrees wherein marriage is prohibited by law.
- 4) **Statutory Rape** is defined as sexual intercourse with a person who is under the statutory age of consent.

Stalking: The term "stalking" is defined as

- 1) Engaging in a course of conduct directed at a specific person that would cause a reasonable person to—
 - (i) Fear for the person's safety or the safety of others; or
 - (ii) Suffer substantial emotional distress.
- 2) For the purposes of this definition—
 - (i) *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.
 - (ii) *Reasonable person* mean a reasonable person under similar circumstances and with

similar identities to the victim.

(iii) *Substantial emotional distress* means significant mental suffering or anguish that may, but does not necessarily, require medical or other professional treatment or counseling.

- 3) For the purposes of complying with the requirements of this section and section §668.41, any incident meeting this definition is considered a crime for the purposes of Clery Act reporting.

Jurisdictional Definitions

Domestic Violence, Dating Violence, Sexual Assault and Stalking

The Texas Family Code defines Domestic Violence in §71.004 as Family Violence.

Sec. §71.004. FAMILY VIOLENCE. "Family violence" means:

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

The Texas Family Code defines **Dating Violence** in §71.0021.

Sec. §71.0021. DATING VIOLENCE.

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

- (1) is committed against a victim:
 - (A) with whom the actor has or has had a dating relationship; or
 - (B) because of the victim's marriage to or dating relationship with an individual with whom the actor is or has been in a dating relationship or marriage; and
- (2) is intended to result in physical harm, bodily injury, assault, or sexual assault or that is a threat that reasonably places the victim in fear of imminent physical harm, bodily injury, assault, or sexual assault.

(b) For purposes of this title, "dating relationship" means a relationship between individuals

who have or have had a continuing relationship of a romantic or intimate nature. The existence of such a relationship shall be determined based on consideration of:

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

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

The Texas Penal Code defines **Sexual Assault** in §22.011 as:

Sec. §22.011. SEXUAL ASSAULT.

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

(1) intentionally or knowingly:

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

(2) intentionally or knowingly:

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

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

- (1) the actor compels the other person to submit or participate by the use of physical force or violence;
- (2) the actor compels the other person to submit or participate by threatening to use force or violence against the other person, and the other person believes that the actor has the present ability to execute the threat;
- (3) the other person has not consented and the actor knows the other person is unconscious or physically unable to resist;
- (4) the actor knows that as a result of mental disease or defect the other person is

at the time of the sexual assault incapable either of appraising the nature of the act or of resisting it;

- (5) the other person has not consented and the actor knows the other person is unaware that the sexual assault is occurring;
- (6) the actor has intentionally impaired the other person's power to appraise or control the other person's conduct by administering any substance without the other person's knowledge;
- (7) the actor compels the other person to submit or participate by threatening to use force or violence against any person, and the other person believes that the actor has the ability to execute the threat;
- (8) the actor is a public servant who coerces the other person to submit or participate;
- (9) the actor is a mental health services provider or a health care services provider who causes the other person, who is a patient or former patient of the actor, to submit or participate by exploiting the other person's emotional dependency on the actor;
- (10) the actor is a clergyman who causes the other person to submit or participate by exploiting the other person's emotional dependency on the clergyman in the clergyman's professional character as spiritual adviser; or
- (11) the actor is an employee of a facility where the other person is a resident, unless the employee and resident are formally or informally married to each other under Chapter 2, Family Code.

(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.

(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 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.

(f) An offense under this section is a felony of the second degree, except that an offense under this section is a felony of the first degree if the victim was 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.

Sec. 21.11. INDECENCY WITH A CHILD.

(a) A person commits an offense if, with a child younger than 17 years of age, whether the child is of the same or opposite sex, the person:

(1) engages in sexual contact with the child or causes the child to engage in sexual contact; or

(2) with intent to arouse or gratify the sexual desire of any person:

(A) exposes the person's anus or any part of the person's genitals, knowing

the child is present; or

(B) causes the child to expose the child's anus or any part of the child's genitals.

(b) It is an affirmative defense to prosecution under this section that the actor:

(1) was not more than three years older than the victim and of the opposite sex;

(2) did not use duress, force, or a threat against the victim at the time of the offense;
and

(3) at the time of the offense:

(A) was not required under Chapter 62, Code of Criminal Procedure, to register for life as a sex offender; or

(B) was not a person who under Chapter 62 had a reportable conviction or adjudication for an offense under this section.

(b-1) It is an affirmative defense to prosecution under this section that the actor was the spouse of the child at the time of the offense.

(c) In this section, "sexual contact" means the following acts, if committed with the intent to arouse or gratify the sexual desire of any person:

(1) any touching by a person, including touching through clothing, of the anus, breast, or any part of the genitals of a child; or

(2) any touching of any part of the body of a child, including touching through clothing, with the anus, breast, or any part of the genitals of a person.

(d) An offense under Subsection (a)(1) is a felony of the second degree and an offense under Subsection (a)(2) is a felony of the third degree.

Sec. 25.02. PROHIBITED SEXUAL CONDUCT.

(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.

The Texas Penal Code defines **Stalking** in §42.072 as:

Sec. 42.072. STALKING.

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

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

(A) bodily injury or death for the other person;

(B) bodily injury or death for a member of the other person's family or household or for an individual with whom the other person has a dating relationship; or

(C) that an offense will be committed against the other person's property;

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

(3) would cause a reasonable person to:

(A) fear bodily injury or death for himself or herself;

(B) fear bodily injury or death for a member of the person's family or household or for an individual with whom the person has a dating relationship;

(C) fear that an offense will be committed against the person's property; or

(D) feel harassed, annoyed, alarmed, abused, tormented, embarrassed, or offended.

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

(1) the laws of another state;

(2) the laws of a federally recognized Indian tribe;

(3) the laws of a territory of the United States; or

(4) federal law.

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

(d) In this section:

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

The Texas Penal Code defines Consent in §1.07 as:

Sec. §1.07. Definitions.

(a) In this Code

- (11) **Consent** means assent in fact, whether express or apparent.

Institutional Definitions

Domestic Violence, Dating Violence, Sexual Assault and Stalking

Domestic Violence: An act against another member of the family or household that is intended to result in physical harm, bodily injury, assault, sexual assault, or the threat of which reasonably causes fear of such harm.

Dating Violence: An act, other than a defensive measure to protect oneself, by an individual against a victim with whom there is or was a romantic or intimate relationship or marriage, and that is intended to result in physical harm, bodily injury, assault, or sexual assault or that is a threat that reasonably results in a fear of such harm.

Sexual Assault: The use of physical force, threat of harm, emotional coercion or intentional impairment of an individual's judgment to force oral, anal, or vaginal penetration by a sexual organ of another or anal/vaginal penetration by any means against the victim's will or without his/her consent. Intercourse without conscious and total consent is assault. An individual who is mentally incapacitated (e.g. intoxicated), unconscious, or unaware that sexual assault is occurring is considered unable to give consent. Sexual assault is not restricted to strangers but may include an employer, acquaintance, classmate, professor/instructor, coworker, spouse or partner. As defined by the Texas Penal Code (Section 22.011). If 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.

Stalking: Knowingly engaging in conduct that a person reasonably believes is threatening to harm them, a member of their family or household, or their property. Such behaviors or actions need not be conducted in person and will be considered a violation if carried out, in whole or in part, using email, social media forums, telephone calls, voice messages or text messages.

Consent: Means assent in fact, whether express or apparent. Consent is communicated through words or clear actions indicating a freely given agreement to perform a particular sexual act. It is the responsibility of the person who wants to engage in sexual activity to ensure the consent of their partner. Consent must be present throughout the sexual activity.

Individuals cannot willingly give their consent when they are coerced, forced, manipulated, intimidated, pressured, threatened or in a state of helplessness. The ability to consent is also jeopardized when there is an actual or perceived power differential between individuals.

Individuals must be of sound mind meaning they are not mentally incapacitated by unconsciousness, disability, drugs, alcohol, sleep, sleep deprivation, injury, or involuntary physical constraint.

Consent to engage in sexual activity at one time and place does not mean consent is implied for future sexual activity. Consent must be willingly given for each time, place, and form/type of sexual activity. This is true regardless of the length of the relationship between individuals.

Consent cannot be inferred from or interpreted by silence.

Non-Stranger Rape

A **RAPIST IS NOT ALWAYS A STRANGER** attacking late at night in an isolated place. A rapist may sit next to you in class, compete on your intramural team or belong to the same organization. Rape doesn't just conjure up thoughts of a crazed stranger in a dark alley anymore. Non-stranger rape is rape.

If you are raped, move to a safe place.

Tell Someone

Collect your thoughts, then call:

-911 for any police department

-University Police Department (806-651-2300)

- Victim Assistance (806-651-2307)
- Amarillo Rape Crisis Center (806-374-5433)
- WTAMU Student Medical Center (806-651-3287)
- WTAMU Counseling Center (806-651-2340)

Get Medical Care

As soon as possible, seek medical care from a hospital emergency room, the WTAMU Student Medical Center or a private physician. A general exam by a rape/sexual assault nurse at the Northwest Texas Hospital Emergency Room, 806-354-6933, is advised to collect information for documentation of evidence should you decide to prosecute. The exam may also include testing and treatment to help prevent sexually transmitted diseases. Medication to help prevent pregnancy may be administered up to 72 hours after the sexual assault through WTAMU's Student Medical Services.

Preserve Evidence

Try to preserve all physical evidence. Do not wash, use the toilet, 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.

Report the Rape

It is your decision whether to report the rape; however, most rapists are repeat offenders and your report may prevent future attacks from occurring. University personnel will assist you in notifying the police if needed.

Seek Counseling

The local Rape Crisis Hotline and the WTAMU Counseling Center are staffed with well-trained and compassionate counselors. They can assist you in dealing with the emotional trauma and pain associated with sexual assault. University officials will also help you change academic and living situations if that is your choice and such options are reasonably available.

Non-Stranger Rape Prevention Checklist

- ✓ Set sexual limits. You don't "owe" anyone sex. Communicate those limits. People can't read your mind.
- ✓ Trust your feelings. If you feel pressured, you probably are.
- ✓ Pay attention to behavior that doesn't seem right. Power stares, someone who grabs or pushes, someone who doesn't listen or disregards what you are saying, someone who blocks your way, or someone sitting or standing uncomfortably close are all clues that you should stay alert.
- ✓ Be assertive. Get angry and act immediately with a negative response if things seem out of hand. Stand up for yourself. It's OK to make a scene or be rude if someone is pressuring you.
- ✓ Control your environment. Decide whether you want to be in a particular place or not, and don't depend on casual acquaintances for money, shelter, transportation, etc.
- ✓ If you choose to drink alcohol, drink responsibly. Seventy-five percent of date and non-stranger rapes occur when one or both persons are under the influence of alcohol.

Confidentiality/Privacy

Students and employees have the option to disclose confidentially. Licensed counselors and licensed health care personnel, who receive reports when acting in this capacity as part of their official employment, may keep reports of violations confidential. However, for the purposes of reporting and maintaining public safety, the individuals to whom disclosures occur may share information about an incident in a way that does not identify the individuals concerned. Publicly available recordkeeping, including for purposes of Clery Act reporting and disclosures such as the annual security report and the daily crime log, will be made without inclusion of personally identifying information about the complainant. Student Counseling Services (806-651-2340) and the Deer Oaks Employee Assistance Program (888-993-7650) are confidential, licensed mental health counseling services available to students and employees, and the employee's benefits-eligible dependents respectively. Currently enrolled students can access Student Medical Services at (806-651-3287).

While the university wishes to create an environment in which individuals feel free to discuss concerns and make complaints, the university may be obligated to take action when its officials are informed that sexual assault, dating violence, domestic violence, and/or stalking may be occurring. Information is considered private but not confidential when shared with university personnel and officials who do not possess a legal confidentiality exemption. Although the confidentiality of information received, the privacy of the individuals involved, and the wishes of the reporting party, complainant, and/or alleged offender cannot be guaranteed, they will be protected to as great a degree as is legally possible.

The university is committed to protecting the privacy of reporting parties, complainants, and alleged offenders. Given the sensitive nature of reports, information will be maintained in a secure manner and will only be disclosed to school officials who are responsible for handling the university's response. The expressed wishes of the reporting party, complainant, and/or alleged offender regarding privacy will be considered by the official contact in the context of the university's obligation to act upon the complaint and the right of the charged party to be informed about the charges against him/her. The official contact or designee is responsible for evaluating requests for privacy. If the individual does not disclose any identifying information about him/herself or any other party involved (e.g. names, department, or unit) during the inquiry, response on the part of the university may be limited. Individuals may request that directory information on file be removed from public sources by going in person to the Registrar's Office in Old Main 103 to fill out the form requesting the specific information they wish to be restricted. The Registrar's phone number is 806-651-4911.

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

West Texas A&M University complies with Texas law in recognizing orders of protection, any person who obtains an order of protection from Texas or any reciprocal state should provide a copy to the University Police and the Office of the Title IX Coordinator. A

complainant may then meet with UPD to develop a Safety Action Plan, which is a plan for campus police and the victim to reduce risk of harm while on campus or coming and going from campus. This plan may include, but is not limited to escorts, special parking arrangements, changing classroom location or allowing a student to complete assignments from home, etc. The University cannot apply for a legal order of protection, no contact order or restraining order for a victim from the applicable jurisdiction(s). The victim is required to apply directly for these services in conjunction with the filing of the police report. Protection from abuse orders may be available through the Prosecutor's Office. The University may issue an institutional trespass order if deemed appropriate or at the request of the victim or accused.

To the extent of the victim's cooperation and consent, university offices will work cooperatively to ensure that the complainant's health, physical safety, work and academic status are protected, pending the outcome of a formal university investigation of the complaint. For example, if reasonably available a complainant may be offered changes to academic, living, or working situations in addition to counseling, health services, visa and immigration assistance and assistance in notifying appropriate local law enforcement. Additionally, personal identifiable information about the victim will be treated as confidential and only shared with persons with a specific need to know who are investigating/adjudicating the complaint or delivering resources or support services to the complainant (for example, publicly available record keeping for purposes of Clery Act reporting and disclosures will be made without inclusion of identifying information about the victim.) Further, the institution will maintain as confidential, any accommodations or protective 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 protective measures.

The University does not publish the name of crime victims nor house identifiable information regarding victims in the University Police Department's Daily Crime Log or online. Victims may request that director information on file be removed from public sources by going in person to the Registrar's Office in Old Main 103 to fill out the form requesting the specific information they wish to be restricted. The Registrar's phone number is 806-651-4911.

Provided is a chart displaying the available types of Protective Order's, their requirements, who can file and for what length of time.

Types of Protective Orders

Type	Who can File	Length	Requirements
Magistrate's Order for Emergency Protection	victim of family violence, sexual assault or stalking	31-61 days; with deadly weapon 61-91 days	Offender must be arrested
Temporary Ex Parte	minor or adult victim of family/dating violence, sexual assault or stalking	until the hearing for final protective order usually 20 days	finding of clear and present danger of family violence, sexual assault or stalking
Family Violence Protective Order	a minor or adult victim of family /dating violence	two or more years	finding that family/dating violence has occurred and is likely to occur in the future
Sexual Assault Protective Order	A minor or adult victim of sexual assault	Any duration or two years if not specified.	Reasonable grounds to believe the applicant is a victim of sexual assault.
Stalking Protective Order Code of Criminal Procedure Ch. 7A	An adult or minor victim of stalking, or prosecutor acting on behalf of victim.	Any duration or two years if not specified.	Reasonable grounds to believe applicant is a victim of stalking.
Stalking Protective Order Code of Criminal Procedure Art. 6.09	An adult or minor victim of stalking whose offender has been criminally charged with stalking	two or more years	Probable cause to believe that stalking occurred and the defendant is likely to stalk in the future.

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

On Campus Resources

University Police Department	Old Sub 102	806-651-2300
UPD Victim Assistance	Old Sub 106	806-651-2307
Student Counseling	Classroom Center 116	806-651-2340
Student Medical Services	Virgil Henson Activities Center	806-651-3287
UPD Escort Service	Old Sub 102	806-651-2300
International Student Office	Old Sub 107B	806-651-2073
Title IX Coordinator	Killgore Research Center 147	806-651-3199
Buff Allies	www.wtamu.edu/buffallies	
Office of Veterans Services	Classroom Center 108B	806 651-4939
Office for Diversity & Inclusion	Classroom Center 133	806-651-8480

Off Campus Resources

Amarillo Rape Crisis/DV Hotline		806-374-LIFE (5433)
Family Support Services	1001 S. Polk Street Amarillo	806-342-2500
Suicide Crisis Regional Hotline		800-692-4039
Suicide Crisis Local Hotline	1501 S. Polk Amarillo	806-359-6699
Non-Crisis Behavioral Health		800-299-3699
Legal Aid of Northwest Texas	203 W. 8th Street, Suite 600 Amarillo	806-373-6808
Sexual Assault Legal Services & Assistance	http://www.tlsc.org/	1-888-343-4414
Texas Association Against Sexual Assault	TAASA http://taasa.org/	512-474-7190
Stalking Resource Center	https://www.victimsofcrime.org/our-programs/stalking-resource-center	
National Center for Victims of Crime	https://www.victimsofcrime.org/	202-467-8700

Other resources available to persons who report being the victim of sexual assault, domestic violence, dating violence, or stalking, include:

<http://www.rainn.org> – Rape, Abuse & Incest National Hotline 1-800-656-HOPE (4673)

<http://www2.ed.gov/about/offices/list/ocr/index.html> -Department of Education, Office of Civil Rights

<http://taasa.org/resources-2/tx-safety-u-app/> A free mobile app for phones and tablets that easily connects you with local help and assistance when faced with sexual assault, dating violence, domestic violence or stalking. Select a Texas University and the app will pre-populate contact info and statistics for the campus you select.

Northwest Texas Healthcare System (SANE exam available)

1501 South Coulter
Amarillo, Texas 79106
(806) 354-1000

Family Medicine Center of Canyon

911 23rd Street
Canyon, Texas 79015
(806) 655-2104
(24-hour minor emergency)

BSA Health System

1600 Wallace Boulevard
Amarillo, Texas 79106
(806) 212-2000

Office for Diversity and Inclusion

The Office for Diversity and Inclusion (ODI) assists the University with its mission and goals and assists the University in its commitment to support diverse students and enhance greater intercultural understanding on and off campus. Through its five (5) units- Black/African American student services, Hispanic student services, Intercultural Affairs Services, Excellence Through People 2013-2018 Diversity and Inclusion Strategic Action Plan, and Excellence Through Commitment to Education and Leadership (EXCEL) - ODI provides a variety of culturally sensitive services, programs, and activities. ODI also serves as a diversity and inclusion resource for the WTAMU community. For additional information contact Chief Diversity and Inclusion Officer, Angela Allen, in the JBK Student Center 133G or at 806.651.8482 or 651.8480 or by email at aallen@mail.wtamu.edu or diversity-inclusion@wtamu.edu. ODI webpage can be located at <http://wtamu.edu/diversity>.

Sex Offender Registration

The federal Campus Sex Crimes Prevention Act, enacted on October 28, 2000, requires institutions of higher education to issue a statement advising the campus community where law enforcement agency information provided by a State concerning registered sex offenders may be obtained. It also requires sex offenders already required to register in a State to provide notice, as required under State law, of each institution of higher education in that State at which the person is employed, carries on a vocation, volunteers services or is a student.

In Texas, pursuant to Code of Criminal Procedure Article 62.153, workers or students at institutions of higher education are required to register.

(a) Not later than the later of the seventh day after the date on which the person begins to work or attend school or the first date the applicable authority by policy allows the person to register, a person required to register under Article 62.152 or any other provision of this chapter who is employed, carries on an a vocation, or is a student at a public or private institution of higher education in this state shall report that fact to:

(1)The authority for campus security for that institution

(b) A person described by Subsection (a) shall provide the authority for campus security of the local law enforcement authority with all information the person is required to provide under Article 62.051(c)

(c) A person described by Subsection (a) shall notify the authority for campus security no later than the seventh day after the date of termination of the person's status as a worker or student at the institution.

(d) The authority for campus security shall promptly forward to the administrative office of the institution any information received from the person under this article and any information received from the department under Article 62.005.

The authority for campus security at West Texas A&M University is:

Shawn Burns, Chief of Police
University Police Department
Old Sub 102
P.O. Box 60295
Canyon, Texas 79016

If you need to arrange for an appointment for registration or if you have questions concerning sex offenders or registration, call UPD at 806-651-2300.

To access a list of current Sex Offenders registered with UPD
http://www.wtamu.edu/university_police/current-sex-offenders.aspx.

Texas Sex Offender Registration List may be accessed at <https://records.txdps.state.tx.us>

Education Programs

West Texas A&M University offers educational workshops and programs on topics including: anxiety and depression, smoking cessation and steroid abuse. Peer Educators (PULSE) is a student organization that seeks to educate and support students in making healthy lifestyle choices with regard to important social issues faced by college students. Certified Peer Educators are trained for presenting in the following areas: (Drugs, Alcohol and Tobacco Awareness; Distracted Driving Prevention; Healthy Relationships; Internet Safety; Nutrition; Sexual Responsibility; Stress Management; Time Management; and Healthy Body Image.) University Police Department officers and staff provide, upon request, several programs per semester related to personal safety, crime prevention, sexual assault awareness and prevention, dating violence/domestic violence/stalking, and alcohol and other drug awareness. For drug and alcohol abuse education, tools such as videos, testimonials, beer goggles and the TIPS program, group activities, assessments from personal counseling and an online interactive course are available. At the beginning of each fall semester, the office of Student Engagement and Leadership conducts student organization risk management training to educate students on safety procedures. At New Student Orientation or any UPD provided class, students are encouraged to take additional responsibility for their own personal safety and the safety of others. Employees are notified at New Staff Orientation and New Faculty Orientation about services and programs available to them on safety procedures and to encourage employees to take added responsibility in their own personal safety and the safety of others.

The University provides programs throughout the year geared toward the prevention of Dating violence, domestic violence, sexual assault and stalking as defined earlier in this publication by the Violence Against Women’s Act (VAWA). Programs are sponsored by several different departments such as (UPD; Student Enrollment, Engagement and Success; Student Engagement and Leadership, Title IX; etc.) 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 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 (Institutional Procedures listed later in this publication) and are handled in accordance with the Texas Penal Code, the Texas Code of Criminal Procedure, and information from the Randall County District Attorney. Law enforcement will help individuals understand the process of obtaining protective orders, restraining orders, or similar lawful orders issued by the courts.

Specific programs provided in 2017:

- Sexual Assault Awareness Month with events such as (National Wear Denim Day, My Little Black Dress Does Not Mean Yes, Embrace Your Voice Awareness Walk)
- Looking For A Job (Human trafficking Awareness Program)
- Men, Women, Sex and Violence and How Men Can Help – Dr. Jackson Katz
- Buff Branding – Real Talk, Self-Defense
- Domestic Violence Month with events such as (March Against Domestic Violence, Go Purple Day)
- Start By Believing

For a complete schedule or to request a program specific to the interests and needs of your organization, call the Office of Student Engagement and Leadership, 806-651-2313, or the University Police Department, 806-651-2300.

Prevention and Awareness Programs

The University engages in comprehensive, intentional, and integrated programming, initiatives, strategies, and campaigns intended to end dating violence, domestic violence, sexual assault and stalking that:

- a. Are culturally relevant, inclusive of diverse communities and identifies, sustainable responsive to community needs, and informed by research, or assessed for value, effectiveness, or outcome; and
- b. Consider environmental risk and protective factors as they occur on the individual, relationship, institutional, community and societal levels.

Educational programming consists of primary prevention and awareness programs for all incoming students, new employees, and ongoing awareness and prevention campaigns for students and employees that:

- a. Identifies domestic violence, dating violence, sexual assault and stalking as prohibited conduct;
- b. Defines, using definitions provided both by the VAWA as well as Texas state law, what behavior constitutes domestic violence, dating violence, sexual assault, and stalking;
- c. Defines what behavior and actions constitute consent to sexual activity in the State of Texas and/or using the definition of consent found in the Student Code of Conduct;
- d. Provides a description of safe and positive options for bystander intervention. 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;
- e. Information on risk reduction. 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.
- f. Information pertaining to the procedural requirements for institutional disciplinary action in cases of alleged dating violence, domestic violence, sexual assault and stalking.
- g. Provides an overview of information contained in the Annual Security Report in compliance with the Clery Act.

The University offered the following **primary prevention and awareness programs for all incoming students** in 2017:

Name of Program	Date	Location	Prohibited Behavior Covered?
NSO Title IX	1/13/2017		SA*
NSO Title IX	5/19/2017		SA*
New Student Orientation	6/8/2017	JBK, ABH	DoV, DaV, SA, S*
New Student Orientation	6/15/2017	JBK, ABH	DoV, DaV, SA, S*
New Student Orientation	6/22/2017	JBK, ABH	DoV, DaV, SA, S*
New Student Orientation	7/6/2017	JBK, ABH	DoV, DaV, SA, S*
New Student Orientation	7/27/2017	JBK, ABH	DoV, DaV, SA, S*
New Student Orientation	8/3/2017	JBK, ABH	DoV, DaV, SA, S*
Real Talk	8/25/2017	Buff Branding	DoV, DaV, SA, S*
Sexual Assault/DV NSO International students	8/25/2017	JBK	DoV, DaV, SA, S*
Transfer Student Orientation - Title IX	11/3/2017	JBK, ABH	SA*

*DoV – Domestic Violence, DaV-Dating Violence, SA-Sexual Assault, S-Stalking

The University offered the following **primary prevention and awareness programs for all new employees** in 2017:

Name of Program	Date	Location	Prohibited Behavior Covered?
Clery Act & Title IX - NSO	1/25/2017	JBK	DoV, DaV, SA, S*

Clery Act & Title IX - NSO	3/1/2017	JBK	DoV, DaV, SA, S*
Clery Act	8/17/2017	ANS	DoV, DaV, SA, S*
Title IX	8/17/2017	ANS	SA*
Start By Believing	8/17/2017	Cornette Library	DoV, DaV, SA, S*
Clery Act & Title IX - NSO	8/23/2017	OM	DoV, DaV, SA, S*
Title IX	11/3/2017	Transfer NSO	SA*

*DoV – Domestic Violence, DaV-Dating Violence, SA-Sexual Assault, S-Stalking

The University offered the following **ongoing awareness and prevention programs** for **students** in 2017:

Name of Program	Date	Location	Prohibited Behavior Covered?
Campus Safety & Security	1/11/2017	ESLI Center	DoV, DaV, SA, S*
Sex Signals	2/8/2017	JBK	SA*
Alcohol Awareness	2/10/2017	UPD classroom	DoV, DaV, SA, S*
Alcohol Awareness	2/13/2017	Cross Hall	DoV, DaV, SA, S*
AA/SA/Drug Awareness "Party"	3/8/2017	JBK	DoV, DaV, SA, S*
CRASE-ALERT	3/30/2017	ANS	DoV, DaV, SA, S*
Start By Believing - Know More (Sexual Assault Awareness Month-SAAM)	4/4/2017	ABH	DoV, DaV, SA, S*
SAAM Event - Kylie Angell	4/18/2017	OM	DoV, DaV, SA, S*
SAAM Event - Kylie Angell	4/19/2017	OM	DoV, DaV, SA, S*
Campus Safety & Security	5/31/2017	ESLI Center	DoV, DaV, SA, S*
Self Defense	7/10/2017	Centennial Hall	DoV, DaV, SA, S*
CRASE-ALERT	8/16/2017	Centennial Hall	DoV, DaV, SA, S*
Police Services	8/28/2017	Guenther Hall	DaV, SA, S*

Police Services	8/28/2017	Connor Hall	DaV, SA, S*
Risk Management - student organizations	9/1/2017	online	DoV, DaV, SA, S*
Self Defense	9/13/2017	Stafford Hall	DoV, DaV, SA, S*
Start By Believing	9/13/2017	JBK	DaV, DoV, SA, S*
Alcohol Awareness	9/22/2017	Guenther Hall	DoV, DaV, SA, S*
Alcohol Awareness	9/27/2017	Cross Hall	DoV, DaV, SA, S*
Sexual Assault Awareness	11/15/2017	Founders Hall	DoV, DaV, SA, S*
Alcohol Awareness	11/17/2017	UPD classroom	DoV, DaV, SA, S*
Gender Studies/Sexual Assault	11/29/2017	JBK	DoV, DaV, SA, S*
CRASE	12/4/2017	Ag Ed Center	DoV, DaV, SA, S*
Drugs	12/7/2017	Stafford Hall	DoV, DaV, SA, S*

*DoV – Domestic Violence, DaV-Dating Violence, SA-Sexual Assault, S-Stalking

The University offered the following **ongoing awareness and prevention programs** for **employees** in 2017:

Name of Program	Date	Location	Prohibited Behavior Covered?
CRASE-ALERRT	3/30/2017	ANS	DoV, DaV, SA, S*
Title IX Discussions	8/2/2017	MMNH	SA*
CRASE-ALERRT	8/16/2017	Centennial Hall	DoV, DaV, SA, S*
Active Shooter	9/8/2017	Student Disability Services	DoV, DaV, SA, S*
CRASE	12/5/2017	Cole Community Center	DoV, DaV, SA, S*

*DoV – Domestic Violence, DaV-Dating Violence, SA-Sexual Assault, S-Stalking

Start By Believing Campaign

Start by Believing is a public awareness campaign dedicated to ending the cycle of silence. SBB is designed to encourage both professionals and public to start an orientation of believing when someone discloses sexual assault/victimization – as opposed to starting with the assumption that the victim is lying. The University Police Department and the Campus SART co-sponsored the kickoff of this campaign. The PULSE organization will continue with this campaign in the fall of 2018.

Because a friend or family member is typically, the first person a victim confides in after an assault, each person's reaction is the first step in a long path toward justice and healing. Knowing how to respond is critical—a negative response can worsen the trauma and foster an environment where perpetrators face zero consequences for their crimes.

Because rapists often re-offend, one failed response can equal additional victims. Start by Believing will lead the way toward stopping this cycle, by creating a positive community response, informing the public, uniting allies and supporters, and improving our personal reactions. The goal is to change the world, and outcomes for victims, one response at a time.

Start by Believing was launched during Sexual Assault Awareness Month in April 2011 in conjunction with the International Conference on Sexual Assault, Domestic Violence and Stalking hosted by End Violence Against Women International (EVAWI) in Chicago.

How to be an Active Bystander

Bystanders play a critical role in the prevention of sexual and relationship violence. They are “individuals who observe violence or witness the conditions that perpetuate violence. They are not directly involved but have the choice to intervene, speak up, or do something about it.”⁴ We want to promote a culture of community accountability where bystanders are actively engaged in the prevention of violence without causing further harm. We may not always know what to do even if we want to help. Below is a list⁵ of some ways to be an active bystander. Further information regarding bystander intervention may be found. If you or someone else is in immediate danger, dial 911. This could be when a person is yelling at or being physically abusive towards another and it is not safe for you to interrupt.

1. Watch out for your friends and fellow students/employees. If you see someone who looks like they could be in trouble or need help, ask if they are ok.
2. Confront people who seclude, hit on, and try to make out with, or have sex with people who are incapacitated.
3. Speak up when someone discusses plans to take sexual advantage of another person

⁴ Burn, S.M. (2009). A Situational Model of Sexual Assault Prevention through Bystander Intervention. *Sex Roles, Volume 60, Issue 11-12*, 779-792.

⁵ Bystander intervention strategies adapted from Stanford University, University of North Dakota, and the Massachusetts Institute of Technology

- or immediately report to University authorities.
4. Believe someone who discloses sexual assault, abusive behavior, or experience with stalking.
 5. Refer people to on or off campus resources listed in this document for support in health, counseling, or with legal assistance.
 6. Be actively aware of your surroundings and your fellow campus community members, ask if they need assistance.

Steps you can take to prevent sexual assault

Everyone has a role to play in preventing sexual assault. There are many different ways that you can step in or make a difference if you see someone at risk. This approach to preventing sexual assault is referred to as “bystander intervention.”

How can I play a role in preventing sexual assault?

The key to keeping your friends safe is learning how to intervene in a way that fits the situation and your comfort level. Having this knowledge on hand can give you the confidence to step in when something isn’t right. Stepping in can make all the difference, but it should never put your own safety at risk.

Create a distraction

Do what you can to interrupt the situation. A distraction can give the person at risk a chance to get to a safe place.

- Cut off the conversation with a diversion like, “Let’s get pizza, I’m starving,” or “This party is lame. Let’s try somewhere else.”
- Bring out fresh food or drinks and offer them to everyone at the party, including the people you are concerned about.
- Start an activity that draws other people in, like a game, a debate, or a dance party.

Ask directly

Talk directly to the person who might be in trouble.

- Ask questions like “Who did you come here with?” or “Would you like me to stay with you?”

Refer to an authority

Sometimes the safest way to intervene is to refer to a neutral party with the authority to change the situation, like an RA or security guard.

- Talk to a security guard, bartender, or another employee about your concerns. It's in their best interest to ensure that their patrons are safe, and they will usually be willing to step in.
- Don't hesitate to call 911 if you are concerned for someone else's safety.

Enlist others

It can be intimidating to approach a situation alone. Enlist another person to support you.

- Ask someone to come with you to approach the person at risk. When it comes to expressing concern, sometimes there is power in numbers.
- Ask someone to intervene in your place. For example, you could ask someone who knows the person at risk to escort them to the bathroom.
- Enlist the friend of the person you're concerned about. "Your friend looks like they've had a lot to drink. Can you check on them?"

Your actions matter

Whether or not you were able to change the outcome, by stepping in you are helping to change the way people think about their role in preventing sexual assault. If you suspect that someone you know has been sexually assaulted, there are steps you can take to support that person and show you care.

Risk Reduction, Warning Signs of Abusive Behavior and Future Attacks

No victim is ever to blame for being assaulted or abused. Unfortunately, a person who is the victim of sexual or dating violence is more likely to be re-victimized. Below are some tips to help reduce your risk, to recognize warning signs of abusive behavior and how to avoid potential attacks.

Warning Signs of Abusive Behavior

Domestic and dating abuse often escalates from threats and verbal abuse of violence. And, while physical injury may be the most obvious danger, the emotional and psychological consequences of domestic and dating violence are also severe. Warning signs of dating and domestic violence include:

1. Being afraid of your partner.
2. Constantly watching what you say to avoid a “blow up.”
3. Feelings of low self-worth and helplessness about your relationship.
4. Feeling isolated from family or friends because of your relationship.
5. Hiding bruises or other injuries from family or friends.
6. Being prevented from working, studying, going home, and/or using technology (including your cell phone.)
7. Being monitored by your partner at home, work or school.
8. Being forced to do things you don’t want to do.

What Consent Looks Like

The laws about consent vary by state and situation. It can make the topic confusing, but you don’t have to be a legal expert to understand how consent plays out in real life.

What is consent?

Consent is an agreement between participants to engage in sexual activity. There are many ways to give consent, and some of those are discussed below. Consent doesn’t have to be verbal, but verbally agreeing to different sexual activities can help both you and your partner respect each other’s boundaries.

How does consent work in real life?

When you’re engaging in sexual activity, consent is about communication. And it should happen every time. Giving consent for one activity, one time, does not mean giving consent for increased or recurring sexual contact. For example, agreeing to kiss someone doesn’t give that person permission to remove your clothes. Having sex with someone in the past doesn’t give that person permission to have sex with you again in the future.

You can change your mind at any time.

You can withdraw consent at any point if you feel uncomfortable. It’s important to clearly communicate to your partner that you are no longer comfortable with this activity and wish to stop. The best way to ensure both parties are comfortable with any sexual activity is to talk about it.

Positive consent can look like this:

- Communicating when you change the type or degree of sexual activity with phrases like “Is this OK?”

- Explicitly agreeing to certain activities, either by saying “yes” or another affirmative statement, like “I’m open to trying.”
- Using physical cues to let the other person know you’re comfortable taking things to the next level

It does NOT look like this:

- Refusing to acknowledge “no”
- Assuming that wearing certain clothes, flirting, or kissing is an invitation for anything more
- Someone being under the legal age of consent, as defined by the state
- Someone being incapacitated because of drugs or alcohol
- Pressuring someone into sexual activity by using fear or intimidation
- Assuming you have permission to engage in a sexual act because you’ve done it in the past

Help Reduce Your Risk and Avoid Potential Attacks

If you are being abused or suspect that someone you know is being abused, speak up or intervene.

1. Get help by contacting the Counseling Center or Medical Services for support services.
2. Learn how to look for “red flags” in relationships so you can learn to avoid some of those characteristics in future partners.
3. Consider making a report with the University Police and/or the Title IX Coordinator and ask for a “no contact” directive from the University to prevent future contact.
4. Consider getting a protective order – talk to UPD or the Victim Assistance Coordinator
5. Learn more about what behaviors constitute dating and domestic violence, understand it is not your fault, and talk with friends and family members about ways you can be supported.
6. Trust your instincts – if something doesn’t feel right in a relationship, speak up or end it.

Sexual Assault Prevention (from Rainn.org)

- Be aware of rape drugs
- Try not to leave your drink unattended
- Only drink from unopened containers or from drinks you have watched being made and poured
- Avoid group drinks like punch bowls
- Cover your drink. It is easy to slip in a small pill even while you are holding your drink. Hold a cup with your hand over the top, or choose drinks that are contained in a

bottle and keep your thumb over the nozzle

- If you feel extremely tired or drunk for no apparent reason, you may have been drugged. Find your friends and ask them to leave with you as soon as possible
- If you suspect you have been drugged, go to a hospital and ask to be tested
- Keep track of how many drinks you have had
- Try to come and leave with a group of people you trust
- Avoid giving out your personal information (phone number, where you live, etc.) If someone asks for your number, take his/her number instead of giving out yours

Alcohol Safety

Like many other substances, alcohol can inhibit a person's physical and mental abilities. In the context of sexual assault, this means that alcohol may make it easier for a perpetrator to commit a crime and can even prevent someone from remembering that the assault occurred.

What can I do to stay safe?

You can take steps to increase your safety in situations where drinking may be involved. These tips can help you feel safer and may reduce the risk of something happening, but, like any safety tips, they are not foolproof. It's important to remember that sexual assault is never the victim's fault, regardless of whether they were sober or under the influence of drugs or alcohol when it occurred.

- **Keep an eye on your friends.** If you are going out in a group, plan to arrive together and leave together. If you decide to leave early, let your friends know. If you're at a party, check in with them during the night to see how they're doing. If something doesn't look right, step in. Don't be afraid to let a friend know if something is making you uncomfortable or if you are worried about their safety.
- **Have a backup plan.** Sometimes plans change quickly. You might realize it's not safe for you to drive home, or the group you arrived with might decide to go somewhere you don't feel comfortable. Download a rideshare app, like Uber, or keep the number for a reliable cab company saved in your phone and cash on hand in case you decide to leave.
- **Know what you're drinking.** Don't recognize an ingredient? Use your phone to look it up. Consider avoiding large-batch drinks like punches or "jungle juice" that may have a deceptively high alcohol content. There is no way to know exactly what was used to create these drinks.
- **Trust your instincts.** If you feel unsafe, uncomfortable, or worried for any reason, don't ignore these feelings. Go with your gut. Get somewhere safe and find someone you trust or call law enforcement.

- **Don't leave a drink unattended.** That includes when you use the bathroom, go dancing, or leave to make a phone call. Either take the drink with you or throw it out. Avoid using the same cup to refill your drink.
- **Don't accept drinks from people you don't know or trust.** This can be challenging in some settings, like a party or a date. If you choose to accept a drink from someone you've just met, try to go with the person to the bar to order it, watch it being poured, and carry it yourself.
- **Check in with yourself.** You might have heard the expression "know your limits." Whether you drink regularly or not, check in with yourself periodically to register how you feel.
- **Be aware of sudden changes in the way your body feels.** Do you feel more intoxicated than you should? Some drugs are odorless, colorless and/or tasteless, and can be added to your drink without you noticing. If you feel uncomfortable, tell a friend and have them take you to a safe place. If you suspect you or a friend has been drugged, call 911, and be upfront with healthcare professionals so they can administer the right tests.
- **Ask yourself, "Would I do this if I was sober?"** Alcohol can have an effect on your overall judgment. You wouldn't drive, make medical decisions, or ride a bike while intoxicated. Many professionals, such as doctors, teachers, and pilots, cannot be drunk while doing their jobs. Given this context, is what you're about to do a good idea? Will you be comfortable with your decision the next day?

Traveling around campus (walking)

- Make sure your cell phone is easily accessible and fully charged
- Be familiar with where emergency phones are installed on the campus
- Be aware of open buildings where you can use a phone
- Keep some change accessible just in case you need to use a pay phone
- Take major, public paths rather than less populated shortcuts
- Avoid dimly lit places and talk to UPD or the Physical Plant if lights need to be installed in an area
- Avoid putting music headphones in both ears so that you can be more aware of your surroundings, especially if you are walking alone
- Walking back from the library very late at night is sometimes unavoidable, try to walk with a friend or call UPD for an escort
- Carry a noisemaker (like a whistle) on your keychain
- Carry a small flashlight on your keychain
- If walking feels unsafe, call UPD at 806-651-2300 for an escort

Staying safe on Campus (RAINN.ORG)

College campuses can give you a sense of security—a feeling that everyone knows each other and watches out for one another. There are perpetrators who take advantage of this feeling of safety and security to commit acts of sexual violence.

We can all take steps to increase safety on college campuses. As bystanders, students can learn ways of stepping in to prevent crimes like sexual assault from occurring. When it comes to personal safety, there are steps you can take as well, and some of those tips are outlined below. No tips can absolutely guarantee safety—sexual violence can happen to anyone, and it's not the only crime that can occur on a college campus. It's important to remember that if you are sexually assaulted on campus it is not your fault—help and support are available.

Increasing on-campus safety

The following tips may reduce your risk for many different types of crimes, including sexual violence.

- **Know your resources.** Who should you contact if you or a friend needs help? Where should you go? Locate resources such as the campus health center, campus police station, and a local sexual assault service provider. Notice where emergency phones are located on campus, and program the campus security number into your cell phone for easy access.
- **Stay alert.** When you're moving around on campus or in the surrounding neighborhood, be aware of your surroundings. Consider inviting a friend to join you or asking campus security for an escort. If you're alone, only use headphones in one ear to stay aware of your surroundings.
- **Be careful about posting your location.** Many social media sites, like Facebook and Foursquare, use geolocation to publicly share your location. Consider disabling this function and reviewing other social media settings.
- **Make others earn your trust.** A college environment can foster a false sense of security. They may feel like fast friends, but give people time to earn your trust before relying on them.
- **Think about Plan B.** Spend some time thinking about back-up plans for potentially sticky situations. If your phone dies, do you have a few numbers memorized to get

help? Do you have emergency cash in case you can't use a credit card? Do you have the address to your dorm or college memorized? If you drive, is there a spare key hidden, gas in your car, and a set of jumper cables?

- **Be secure.** Lock your door and windows when you're asleep and when you leave the room. If people constantly prop open the main door to the dorm or apartment, tell security or a trusted authority figure.

Safety in social settings

It's possible to relax and have a good time while still making safety a priority. Consider these tips for staying safe and looking out for your friends in social settings.

- **Make a plan.** If you're going to a party, go with people you trust. Agree to watch out for each other and plan to leave together. If your plans change, make sure to touch base with the other people in your group. Don't leave someone stranded in an unfamiliar or unsafe situation.
- **Protect your drink.** Don't leave your drink unattended, and watch out for your friends' drinks if you can. If you go to the bathroom or step outside, take the drink with you or toss it out. Drink from unopened containers or drinks you watched being made and poured. It's not always possible to know if something has been added to someone's drink. In drug-facilitated sexual assault, a perpetrator could use a substance that has no color, taste, or odor.
- **Know your limits.** Keep track of how many drinks you've had, and be aware of your friends' behavior. If one of you feels extremely tired or more drunk than you should, you may have been drugged. Leave the party or situation and find help immediately.
- **It's okay to lie.** If you want to exit a situation immediately and are concerned about frightening or upsetting someone, it's okay to lie. You are never obligated to remain in a situation that makes you feel uncomfortable, pressured, or threatened. You can also lie to help a friend leave a situation that you think may be dangerous. Some excuses you could use are "needing to take care of another friend or family member, an urgent phone call, not feeling well, and having to be somewhere else by a certain time."
- **Be a good friend.** Trust your instincts. If you notice something that doesn't feel right, it probably isn't. Learn more about how to keep your friends safe in social settings.

Meeting Offline

More and more people are seeking online connections that turn into offline encounters. According to a report from the Pew Research Center, 38% of single American adults have used online dating sites or mobile dating apps. There are also many ways to meet people online beyond dating sites, such as networking platforms, social media, gaming sites, and activity forums.

Talking to someone online can build a strong connection with someone you've never met in person, but that connection shouldn't overshadow your commitment to safety. Consider these tips to enhance your safety when you plan to meet someone offline.

- **Pick a public place.** The first time you meet someone in person, choose a public setting that is easy to find. Give the person time to earn your trust before you meet in a private location, like their home.
- **Do some research.** A quick online search can help you confirm details this person has shared in previous exchanges and may give you a better visual to help you recognize them in person. You can also run a search on the National Sex Offender Public Website (NSOPW), a national resource that pulls data from state, territory, and tribal sex offender registries.
- **Go in with an exit strategy.** Be prepared to return home safely. Meet the person at the destination instead of accepting a ride. Have cash on hand and a number for a taxi company or ride sharing app. This way, if something goes wrong or doesn't feel right during the meeting, you can be responsible for your own ride home. If you start to feel uncomfortable, you can leave at any time. You may find it helpful to tell the person you are meeting that you have plans directly following your date.
- **Tell someone about your plans.** Let a friend know where you're going, when you're going, and how long you plan to be there. You can arrange for them to check in with you via text at a certain point, giving you the opportunity to leave the meeting if needed.
- **Hold off on revealing personal information.** Don't offer up too much personal information or history on the first encounter. Be wary of someone who asks for details that seem too personal, such as questions about your finances or your home address.
- **You're allowed to be skeptical.** If you start to feel uncomfortable or uneasy, acknowledge these feelings. Don't feel pressured to push aside your concerns for the sake of giving someone a chance. Trust your gut.

- **It's OK to lie.** If you want to exit the situation immediately and are concerned about raising flags or upsetting the other person, it's okay to lie. Tell them you have an appointment to make, you're not feeling well, or that you have a family member to tend to. You are never obligated to remain in a situation that makes you feel uncomfortable, scared, or threatened.
- **Take extra steps when traveling a long distance.** Traveling safely is always a priority, but there are a few additional safety aspects to consider when you're traveling to meet someone in person for the first time. Before you book travel, you can ask the person to video chat to get a better sense of how they communicate in a face-to-face situation. If you don't know someone in the area you're visiting, consider bringing a friend along. Plan to stay in your own lodging, like a hotel or a friend's house, and keep this address to yourself. Be responsible for your own transportation throughout the trip. Let someone from home know where you're going and when they should expect you back.

Victims' Rights

The University Police Department employs a victim assistance coordinator who works directly with innocent parties of crime. The Victim Assistance Coordinator may assist in notifying the appropriate law enforcement authority if requested. For more information, call 806-651-2307.

Regardless of whether a victim elects to pursue a criminal complaint or whether the offense is alleged to have occurred on or off campus, the university will assist victims of sexual assault, domestic violence, dating violence, and stalking and will provide each victim with a written explanation of their rights and options. In Texas a victim of domestic violence, dating violence, sexual assault or stalking has the following rights as taken from the Texas Code of Criminal Procedure Chapter 56. **Rights of Crime Victims**

Art. 56.01. DEFINITIONS. In this chapter:

(1) "Close relative of a deceased victim" means a person who was the spouse of a deceased victim at the time of the victim's death or who is a parent or adult brother, sister, or child of the deceased victim.

(2) "Guardian of a victim" means a person who is the legal guardian of the victim, whether or not the legal relationship between the guardian and victim exists because of the age of the victim or the physical or mental incompetency of the

victim.

(2-a) "Sexual assault" means an offense under Section 21.02, 21.11(a)(1), 22.011, or 22.021, Penal Code.

(3) "Victim" means a person who is the victim of the offense of sexual assault, kidnapping, aggravated robbery, trafficking of persons, or injury to a child, elderly individual, or disabled individual or who has suffered personal injury or death as a result of the criminal conduct of another.

Art. 56.02. CRIME VICTIMS' RIGHTS.

Text of subsection as amended by Acts 2013, 83rd Leg., R.S., Ch. 651 (H.B. 899), Sec. 1

(a) A victim, guardian of a victim, or close relative of a deceased victim is entitled to the following rights within the criminal justice system:

- (1) the right to receive from law enforcement agencies adequate protection from harm and threats of harm arising from cooperation with prosecution efforts;
- (2) the right to have the magistrate take the safety of the victim or his family into consideration as an element in fixing the amount of bail for the accused;
- (3) the right, if requested, to be informed:
 - (A) by the attorney representing the state of relevant court proceedings, including appellate proceedings, and to be informed if those proceedings have been canceled or rescheduled prior to the event; and
 - (B) by an appellate court of decisions of the court, after the decisions are entered but before the decisions are made public;
- (4) the right to be informed, when requested, by a peace officer concerning the defendant's right to bail and the procedures in criminal investigations and by the district attorney's office concerning the general procedures in the criminal justice system, including general procedures in guilty plea negotiations and arrangements, restitution, and the appeals and parole process;
- (5) the right to provide pertinent information to a probation department conducting a presentencing investigation concerning the impact of the offense on the victim and his family by testimony, written statement, or any other manner prior to any sentencing of the offender;
- (6) the right to receive information regarding compensation to victims of crime as provided by Subchapter B, including information related to the costs that may be compensated under that subchapter and the amount of compensation, eligibility for compensation, and procedures for application for compensation under that subchapter, the payment for a medical examination under Article 56.06 for a victim of a sexual assault, and when requested, to referral to available social service agencies that may offer additional assistance;
- (7) the right to be informed, upon request, of parole procedures, to participate in the parole process, to be notified, if requested, of parole proceedings concerning a

defendant in the victim's case, to provide to the Board of Pardons and Paroles for inclusion in the defendant's file information to be considered by the board prior to the parole of any defendant convicted of any crime subject to this subchapter, and to be notified, if requested, of the defendant's release;

(8) the right to be provided with a waiting area, separate or secure from other witnesses, including the offender and relatives of the offender, before testifying in any proceeding concerning the offender; if a separate waiting area is not available, other safeguards should be taken to minimize the victim's contact with the offender and the offender's relatives and witnesses, before and during court proceedings;

(9) the right to prompt return of any property of the victim that is held by a law enforcement agency or the attorney for the state as evidence when the property is no longer required for that purpose;

(10) the right to have the attorney for the state notify the employer of the victim, if requested, of the necessity of the victim's cooperation and testimony in a proceeding that may necessitate the absence of the victim from work for good cause;

(11) the right to counseling, on request, regarding acquired immune deficiency syndrome (AIDS) and human immunodeficiency virus (HIV) infection and testing for acquired immune deficiency syndrome (AIDS), human immunodeficiency virus (HIV) infection, antibodies to HIV, or infection with any other probable causative agent of AIDS, if the offense is an offense under Section 21.02, 21.11(a)(1), 22.011, or 22.021, Penal Code;

(12) the right to request victim-offender mediation coordinated by the victim services division of the Texas Department of Criminal Justice;

(13) the right to be informed of the uses of a victim impact statement and the statement's purpose in the criminal justice system, to complete the victim impact statement, and to have the victim impact statement considered:

(A) by the attorney representing the state and the judge before sentencing or before a plea bargain agreement is accepted; and

(B) by the Board of Pardons and Paroles before an inmate is released on parole;

(14) to the extent provided by Articles 56.06 and 56.065, for a victim of a sexual assault, the right to a forensic medical examination if, within 96 hours of the sexual assault, the assault is reported to a law enforcement agency or a forensic medical examination is otherwise conducted at a health care facility;

(15) for a victim of an assault or sexual assault who is younger than 17 years of age or whose case involves family violence, as defined by Section 71.004, Family Code, the right to have the court consider the impact on the victim of a continuance requested by the defendant; if requested by the attorney representing the state or by counsel for the defendant, the court shall state on the record the reason for granting or denying the continuance; and

- (16) if the offense is a capital felony, the right to:
- (A) receive by mail from the court a written explanation of defense-initiated victim outreach if the court has authorized expenditures for a defense-initiated victim outreach specialist;
 - (B) not be contacted by the victim outreach specialist unless the victim, guardian, or relative has consented to the contact by providing a written notice to the court; and
 - (C) Designate a victim service provider to receive all communications from a victim outreach specialist acting on behalf of any person.

Art. 56.02. CRIME VICTIMS' RIGHTS.

Text of subsection as amended by Acts 2013, 83rd Leg., R.S., Ch. 1345 (S.B. 1192), Sec. 2

- (a) A victim, guardian of a victim, or close relative of a deceased victim is entitled to the following rights within the criminal justice system:
- (1) the right to receive from law enforcement agencies adequate protection from harm and threats of harm arising from cooperation with prosecution efforts;
 - (2) the right to have the magistrate take the safety of the victim or his family into consideration as an element in fixing the amount of bail for the accused;
 - (3) the right, if requested, to be informed:
 - (A) by the attorney representing the state of relevant court proceedings, including appellate proceedings, and to be informed if those proceedings have been canceled or rescheduled prior to the event; and
 - (B) by an appellate court of decisions of the court, after the decisions are entered but before the decisions are made public;
 - (4) the right to be informed, when requested, by a peace officer concerning the defendant's right to bail and the procedures in criminal investigations and by the district attorney's office concerning the general procedures in the criminal justice system, including general procedures in guilty plea negotiations and arrangements, restitution, and the appeals and parole process;
 - (5) the right to provide pertinent information to a probation department conducting a presentencing investigation concerning the impact of the offense on the victim and his family by testimony, written statement, or any other manner prior to any sentencing of the offender;
 - (6) the right to receive information regarding compensation to victims of crime as provided by Subchapter B, including information related to the costs that may be compensated under that subchapter and the amount of compensation, eligibility for compensation, and procedures for application for compensation under that subchapter, the payment for a medical examination under Article 56.06 for a victim of a sexual assault, and when requested, to referral to available social service agencies that may offer additional assistance;

(7) the right to be informed, upon request, of parole procedures, to participate in the parole process, to be notified, if requested, of parole proceedings concerning a defendant in the victim's case, to provide to the Board of Pardons and Paroles for inclusion in the defendant's file information to be considered by the board prior to the parole of any defendant convicted of any crime subject to this subchapter, and to be notified, if requested, of the defendant's release;

(8) the right to be provided with a waiting area, separate or secure from other witnesses, including the offender and relatives of the offender, before testifying in any proceeding concerning the offender; if a separate waiting area is not available, other safeguards should be taken to minimize the victim's contact with the offender and the offender's relatives and witnesses, before and during court proceedings;

(9) the right to prompt return of any property of the victim that is held by a law enforcement agency or the attorney for the state as evidence when the property is no longer required for that purpose;

(10) the right to have the attorney for the state notify the employer of the victim, if requested, of the necessity of the victim's cooperation and testimony in a proceeding that may necessitate the absence of the victim from work for good cause;

(11) the right to request victim-offender mediation coordinated by the victim services division of the Texas Department of Criminal Justice;

(12) the right to be informed of the uses of a victim impact statement and the statement's purpose in the criminal justice system, to complete the victim impact statement, and to have the victim impact statement considered:

(A) by the attorney representing the state and the judge before sentencing or before a plea bargain agreement is accepted; and

(B) by the Board of Pardons and Paroles before an inmate is released on parole; and

(13) for a victim of an assault or sexual assault who is younger than 17 years of age or whose case involves family violence, as defined by Section 71.004, Family Code, the right to have the court consider the impact on the victim of a continuance requested by the defendant; if requested by the attorney representing the state or by counsel for the defendant, the court shall state on the record the reason for granting or denying the continuance.

(b) A victim, guardian of a victim, or close relative of a deceased victim is entitled to the right to be present at all public court proceedings related to the offense, subject to the approval of the judge in the case.

Text of subsection as amended by Acts 2013, 83rd Leg., R.S., Ch. 651 (H.B. 899), Sec. 1

(c) The office of the attorney representing the state, and the sheriff, police, and other law enforcement agencies shall ensure to the extent practicable that a victim, guardian of a victim, or close relative of a deceased victim is afforded the rights granted by this article

and, on request, an explanation of those rights.

Text of subsection as amended by Acts 2013, 83rd Leg., R.S., Ch. 1345 (S.B. 1192), Sec. 2

(c) The office of the attorney representing the state, and the sheriff, police, and other law enforcement agencies shall ensure to the extent practicable that a victim, guardian of a victim, or close relative of a deceased victim is afforded the rights granted by this article and Article 56.021 and, on request, an explanation of those rights.

(d) A judge, attorney for the state, peace officer, or law enforcement agency is not liable for a failure or inability to provide a right enumerated in this article or Article 56.021. The failure or inability of any person to provide a right or service enumerated in this article or Article 56.021 may not be used by a defendant in a criminal case as a ground for appeal, a ground to set aside the conviction or sentence, or a ground in a habeas corpus petition. A victim, guardian of a victim, or close relative of a deceased victim does not have standing to participate as a party in a criminal proceeding or to contest the disposition of any charge.

Art. 56.021. RIGHTS OF VICTIM OF SEXUAL ASSAULT.

(a) In addition to the rights enumerated in Article 56.02, if the offense is a sexual assault, the victim, guardian of a victim, or close relative of a deceased victim is entitled to the following rights within the criminal justice system:

(1) if requested, the right to a disclosure of information regarding any evidence that was collected during the investigation of the offense, unless disclosing the information would interfere with the investigation or prosecution of the offense, in which event the victim, guardian, or relative shall be informed of the estimated date on which that information is expected to be disclosed;

(2) if requested, the right to a disclosure of information regarding the status of any analysis being performed of any evidence that was collected during the investigation of the offense;

(3) if requested, the right to be notified:

(A) at the time a request is submitted to a crime laboratory to process and analyze any evidence that was collected during the investigation of the offense;

(B) at the time of the submission of a request to compare any biological evidence collected during the investigation of the offense with DNA profiles maintained in a state or federal DNA database; and

(C) of the results of the comparison described by Paragraph (B), unless disclosing the results would interfere with the investigation or prosecution of the offense, in which event the victim, guardian, or relative shall be informed of the estimated date on which those results are expected to be disclosed;

(4) if requested, the right to counseling regarding acquired immune deficiency syndrome (AIDS) and human immunodeficiency virus (HIV) infection;

(5) for the victim of the offense, testing for acquired immune deficiency syndrome (AIDS), human immunodeficiency virus (HIV) infection, antibodies to HIV, or infection with any other probable causative agent of AIDS; and

(6) to the extent provided by Articles 56.06 and 56.065, for the victim of the offense, the right to a forensic medical examination if, within 96 hours of the offense, the offense is reported to a law enforcement agency or a forensic medical examination is otherwise conducted at a health care facility.

(b) A victim, guardian, or relative who requests to be notified under Subsection (a)(3) must provide a current address and phone number to the attorney representing the state and the law enforcement agency that is investigating the offense. The victim, guardian, or relative must inform the attorney representing the state and the law enforcement agency of any change in the address or phone number.

(c) A victim, guardian, or relative may designate a person, including an entity that provides services to victims of sexual assault, to receive any notice requested under Subsection (a)(3). Added by Acts 2013, 83rd Leg., R.S., Ch. 1345 (S.B. 1192), Sec. 3, eff. September 1, 2013.

Art. 56.045. PRESENCE OF ADVOCATE OR REPRESENTATIVE DURING FORENSIC MEDICAL EXAMINATION.

(a) Before conducting a forensic medical examination of a person who consents to such an examination for the collection of evidence for an alleged sexual assault, the physician or other medical services personnel conducting the examination shall offer the person the opportunity to have an advocate from a sexual assault program as defined by Section 420.003, Government Code, who has completed a sexual assault training program described by Section 420.011(b), Government Code, present with the person during the examination, if the advocate is available at the time of the examination.

(b) The advocate may only provide the injured person with:

(1) counseling and other support services; and

(2) Information regarding the rights of crime victims under Articles 56.02 and 56.021.

(c) Notwithstanding Subsection (a), the advocate and the sexual assault program providing the advocate may not delay or otherwise impede the screening or stabilization of an emergency medical condition.

(d) The sexual assault program providing the advocate shall pay all costs associated with providing the advocate.

(e) Any individual or entity, including a health care facility that provides an advocate with access to a person consenting to an examination under Subsection (a) is not subject to civil or criminal liability for providing that access. In this subsection, "health care facility" includes a hospital licensed under Chapter 241, Health and Safety Code.

(f) If a person alleging to have sustained injuries as the victim of a sexual assault was confined in a penal institution, as defined by Section 1.07, Penal Code, at the time of the alleged assault, the penal institution shall provide, at the person's request, a representative

to be present with the person at any forensic medical examination conducted for the purpose of collecting and preserving evidence related to the investigation or prosecution of the alleged assault. The representative may only provide the injured person with counseling and other support services and with information regarding the rights of crime victims under Articles 56.02 and 56.021 and may not delay or otherwise impede the screening or stabilization of an emergency medical condition.

The representative must be approved by the penal institution and must be a:

- (1) psychologist;
- (2) sociologist;
- (3) chaplain;
- (4) social worker;
- (5) case manager; or
- (6) Volunteer who has completed a sexual assault training program described by Section 420.011(b), Government Code.

Disciplinary Procedures

All violations of federal, state and local laws and University regulations and rules are reported to the University Police Department. Each violation is considered one offense. Once a criminal report is filed with UPD, it is investigated by the UPD Criminal Investigation Division. When a suspect is identified, the case is referred to the Randall County District Attorney's Office for prosecution.

State and Federal Criminal Penalties are based on language contained in applicable Texas statutes and are subject to change at any time by the Legislature and the Governor. The federal penalties are based on language contained in the applicable federal statutes regarding controlled substances and are subject to change at any time by Congress and the United States President. Title 21 U.S.C Section 860 provides that the federal statutory penalties double (and in some cases triple) when a controlled substance is distributed (or even possessed with intent to distribute) within 1000 feet of a school or a public university.

Aside from the criminal charges, the vice president for student Enrollment, Engagement and Success refers the suspect for University disciplinary action. The vice president may choose to hear cases that involve charges of a sexual nature, hazing, cases involving temporary suspension or other cases in which the law may grant authority. If the vice president chooses not to hear a case, a judicial officer or judicial board will be appointed to pursue the case. All disciplinary hearings will adhere to the procedures for notification, evidence, counsel/advisors, burdens of proof, records, findings and appeals as outlined in

the current edition of the Code of Student Life. University actions may include but are not limited to monetary fines, university service hours, probation, mandatory participation in specific awareness/rehabilitation programs and/or suspension or expulsion from WTAMU.

In all hearings, both the accused and accuser will have the opportunity to present their versions of the facts, to present other evidence in support of the case including witnesses, and to question evidence presented. In cases of alleged sexual assault, both the accuser and accused will be informed of the outcome of any disciplinary hearing simultaneously in writing.

For students living in campus residence halls, refer to the Code of Student Life made available on line at www.wtamu.edu/codeofstudentlife or www.wtamu.edu/residentialliving or a printed copy will be provided upon request. Included in the Code are the regulations concerning alcohol and other drugs, as well as the disciplinary process to resolve violations of the rules and procedures. Additionally, all NCAA student athletes are provided with the Student-Athlete Handbook and are required to sign the NCAA Drug Testing Consent Form at the beginning of the academic year. The form provides each student athlete with NCAA rules, regulations, and sanctions regarding drugs and drug testing. The handbook is available on line at <http://www.gobuffsgo.com/> select **Athletics** and then **Student-Athlete Handbook** from the dropdown list.

Sanctions and Protective Measures

Sanctions may be imposed upon those determined to have violated policy. The University may implement protective measures following the report of domestic violence, dating violence, sexual assault and/or stalking to protect the complainant. For students, sexual assault, domestic violence, dating violence, and stalking are violations of the Code of Student Life. Employees who violate this policy will be subject to discipline, up to and including termination of employment. Sexual assault, domestic violence, dating violence, and stalking are criminal acts which also may subject the perpetrator to criminal and civil penalties under federal and state law.

The Title IX Coordinator or their designee will determine whether interim interventions and protective measure should be implemented, and, if so, take steps to implement those protective measures as soon as possible.

Examples of interim protective measures include, but are not limited to: a University order of no contact, residence hall relocation, adjustment of course schedules, a leave of absence, or reassignment to a different supervisor or position. These remedies may be applied to one, both, or

multiple parties involved. Violations of the Title IX Coordinator's directives and/or protective measures will constitute related violations that may lead to additional disciplinary action. Protective measures imposed may be temporary pending the results of an investigation or may become permanent as determined by West Texas A&M University. The University will, upon written request, disclose to the alleged victim of a crime of violence, or a non-forcible sex offense, the report on the results of any disciplinary proceeding conducted by such institution against a student who is the alleged perpetrator of such crime or offense. If the alleged victim is deceased as the result of such crime or offense, the next of kin of such victim shall be treated as the alleged victim for purposes of this paragraph.

In all cases, investigations that result in a finding of more likely than not that a violation of the sexual misconduct policy occurred will lead to the initiation of disciplinary procedures against the accused individual. University sanctions for nonfaculty employees as addressed in the [TAMUS policy/regulation](#) 32.02.02 Discipline and Dismissal of Nonfaculty Employees include:

3. TYPES OF DISCIPLINARY ACTION

3.1 In most cases, inappropriate job-related conduct or job performance can be addressed by the supervisor who is counseling the employee and providing guidance on appropriate conduct or performance. If circumstances warrant (i.e., more serious acts or for progressive discipline), the supervisor may issue a formal disciplinary action (listed below).

3.1.1 Written reprimand – This written memorandum may be issued for more serious incidences or if counseling does not achieve the desired result. A reprimand may contain directives and other action items.

3.1.2 Suspension without pay - An employee may be temporarily removed from duties without pay or be temporarily placed in a non-paid status. Any suspension without pay for more than five (5) workdays must be submitted to the CEO or designee for approval.

3.1.3 Transfer, demotion and/or reduction in salary - These actions include the realignment of an employee's assigned duties, title and/or salary for disciplinary reasons.

3.1.4 Dismissal - An employee may be dismissed from system employment in accordance with Section 5 of this regulation. The expiration of a wage position, for reasons other than disciplinary action, is not a dismissal for purposes of this regulation.

3.2 All notifications to the employee regarding disciplinary actions should be made in writing. An employee should also be informed in the written notification of the appeal procedure as described in Section 7. Copies of all documents pertaining

to disciplinary action or dismissal will be filed in the employee's official personnel file.

4. EXTENDED SUSPENSION WITH PAY

An employee may be suspended with pay by the CEO or designee for up to 30 work days upon a finding that the suspension is in the best interests of the member or to investigate allegations against the employee. Any delegation of authority under this section must be established in writing by the CEO. Additional time for the suspension beyond 30 days may be granted only by the CEO.

5. DISMISSAL

- 5.1 An employee may be dismissed immediately after all approvals stated in Section 2.2 of this regulation are granted. The employee must be notified of the dismissal in writing. The prescribed personnel action form confirming the dismissal must be processed through administrative channels.
- 5.2 When practicable, a minimum of two weeks' notice should be given to an employee unless the employee is in a wage position. The employee shall be placed on suspension with pay until the effective date of the dismissal. Severance pay for time not worked or earned will not be authorized.
- 5.3 An employee who is dismissed or resigns in lieu of dismissal as a result of serious misconduct that has been substantiated by an investigation and that is considered to warrant dismissal will be regarded as Not Eligible for Rehire as designated in Workday for a period of up to five years following the date of dismissal. Examples include, but are not limited to: violations of law such as theft, violence/threat of violence, and serious policy violations such as System Policy 08.01, Civil Rights Protections and Compliance, violations, as well as alcohol/drug policy violations, and moral turpitude.

Sanctions of faculty will follow the Texas A&M University System Policy 12.01 Academic Freedom, Responsibility and Tenure and reference the WTAMU Faculty Handbook – Faculty Contracts: Fixed-term Faculty sections listed below.

4. Dismissal of Fixed-Term Faculty

- 4.1. Fixed - Term Faculty whose appointment have not expired may be dismissed for cause on the same basis that tenured faculty may be dismissed for cause under System Policy 12.01, Section 4.3.
- 4.2. System academic institutions shall follow System Policy 12.01, Section 6, when

dismissing a Fixed- Term Faculty member for cause.

4.3. Fixed-Term Faculty may be placed on administrative leave pending investigation as described in System Policy 12.01, Section 5.

4.4. Fixed-Term Faculty are subject to the provisions of System Policy 12.01, Section 9, relating to financial exigency or termination or reduction of existing programs and may be dismissed subject to this policy.

Disciplinary Appeals

Any employee disciplined pursuant to this procedure 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 Non-Faculty Employees, WTAMU Rule 32.01.02.W1, and/or other procedures, as appropriate.

Student

Specifically for students as taken from the Code of Student Life:

Reporting Allegations of Misconduct

To file allegation(s) of misconduct against student(s) or student organization(s), individuals should complete an online form at www.wtamu.edu/BITeam. The written allegation should describe the action or behavior in question. Individuals may also file a report in person at the Office of the Vice President for Student Enrollment, Engagement and Success, Jack B. Kelley Student Center, Suite 102.

If a report of domestic violence, dating violence, sexual assault or stalking is reported to the University, listed below are the procedures that the University will follow as well as a statement of the standard of evidence that will be used during any judicial hearing on campus arising from such a report:

Student Disciplinary Rights

Prior to the formal hearing process, a student will be provided a Student Disciplinary Rights document. This document will be reviewed and signed by the student prior to an interview with the student conduct officer. The Student Disciplinary Rights document informs the student of his or her rights to be exercised before and during the conduct process. Those rights include:

1. Refrain from making any statement relevant to the investigation. Students have the right to refuse to participate in the investigation process, either in part or entirely. However, a student's refusal to participate in the investigation, in whole or in part, lasts for the duration of the conduct process. If a student does not provide information during the investigation, he or she will not be allowed to present new information during the hearing; similarly, if a student provides only limited information during the investigation (i.e., answering some of the investigator's questions but not others), then during the hearing, the student will only be permitted to speak to the information he or she provided, with no additional commentary.
2. Notification of the alleged misconduct.
3. Know the source of the allegation(s).
4. Know the specific alleged violation(s) prior to the Formal Hearing.
5. Know the sanctions, conditions, and/or restrictions that may be imposed because of the alleged violation(s).
6. Be accompanied by an advisor at any Office of Student Conduct proceeding or any other related proceeding. An "advisor" can be any one of the following: a member of the West Texas A&M Community (faculty, staff, or student), a Victim's Advocate, a parent or legal guardian, a relative, or in situations involving criminal legal proceedings, an attorney. An advisor's role is that of support – he or she may not speak on behalf of the student and does not have an active, participatory role in the conduct process. If an advisor for the accused student is an attorney, an attorney from the Office of General Counsel may attend the hearing on behalf of the University. The complainant and/or the student accused of alleged misconduct is responsible for presenting his or her own information. Students should select an advisor whose schedule allows attendance at the scheduled date and time for the hearing, as delays will not be allowed due to the scheduling conflicts of an advisor, except at the discretion of a Student Conduct Officer upon written request five (5) University working days in advance of the scheduled hearing date. The complainant and/or respondent must notify the Office of Student Conduct if an advisor will be present. The Office of Student Conduct may not allow an advisor if the notice occurs with less than 2 University working days prior to the hearing.
7. To have the opportunity to respond to the allegation(s) and/or present information.

Know that if it is discovered that the student made any false or misleading statement(s) during the student conduct process, that student will be subject to further disciplinary action under the *Code of Student Life*.

Victim Rights

1. When allowed by law (i.e. in cases of sexual assault) the victim shall be informed as well as allowed to be present and heard at all crucial stages of the student conduct process. Victims may inquire as to how the procedures work for a student conduct process.
2. The victim shall be informed about the availability of crime victim's compensation and other victim's services by contacting the victim assistance coordinator of the University Police Department.
3. The victim shall be protected from intimidation.
4. The victim shall be protected from retaliation.
5. The victim shall have the right to submit a victim impact statement.
6. The victim shall have the right to seek restitution from the offender.
7. The victim shall have the right to have the proceeding's officer take the safety of the victim or his/her family into consideration as an element in determining the final disposition for the accused.
8. The victim shall have the right, upon request, to be provided with a waiting area, separate or secure from other witnesses, including the accused offender and relatives of the accused offender before testifying in any proceeding concerning the accused offender; if a separate waiting area is not available, other safeguards should be taken to minimize the victim's contact with the accused offender and the accused offender's relatives and witnesses, before and during the proceedings.
9. The victim shall have the right to seek legal counsel. The counsel may advise the student but not present the case.

The Conduct Process

All disciplinary proceedings will adhere to the following procedures.

1. The student will be informed in writing of the allegations made and the date, time, and place of the initial conference with a Student Conduct Officer. This information will be sent to the accused student's WTAMU email address. For University-related correspondence, it is the student's responsibility to check their University email account, check it regularly, and to provide an accurate local mailing address.
2. An opportunity for the student to review the evidence, except official University Police Department reports on cases pending action in the district attorney's office or while the case is still under investigation, prior to the hearing, shall be provided

upon request. An appointment must be set up with the Student Conduct Officer in the Office of Student Enrollment, Engagement and Success, in the Jack B. Kelley Student Center, Room 102, to review this information.

3. During the initial conference, the student may bring an advisor of his or her choosing. This person may advise the student but may not actively participate in the conference. The initial conference is not recorded and may result in the following outcomes:
 - a. The student(s) is found not to be in violation
 - b. The student(s) is found in violation and subject to those sanctions described in this Code of Student Life.
 - c. The conduct officer decides that more investigation is needed and continues the conference at a later date.
4. If a student is found not in violation, the process ends. If a student is found to be in violation, this determination will be provided in writing to the student. The student will have three (3) university working days to accept or reject the finding. If the finding is not challenged within those three (3) days, it will be accepted as final. If a student rejects the finding within those three (3) days, a formal hearing will be scheduled and the student will be notified in writing of the date and time of the hearing. The formal hearing will be held before a Student Conduct Officer.
5. During the course of the formal hearing, the student may seek advice of legal counsel/adviser at his/her own expense. Counsel may advise the student but may not present the case. The respondent and the complainant may have one person accompany him/ her in the hearing. This person cannot be a witness. In sexual misconduct cases, the complainant will have the right to be present throughout the hearing but will not be required to attend the hearing. The complainant shall have the opportunity to submit an impact statement. Complainants also have the right to not have past sexual history discussed during the hearing.
6. The University will present evidence supporting the allegations first and has the burden of proving its case by the preponderance of evidence. Preponderance of evidence means proof that leads a reasonable person to find that the facts in issue are more likely to have occurred than not. A determination of the facts will be based only on the evidence as presented. The technical rules of evidence applicable to civil and criminal cases shall not apply.
7. An opportunity will be provided for the respondent to present his/her own version of the facts and to present other evidence in support of the current case including witnesses. Witnesses not having information directly pertaining to the scheduled case may not be allowed. The responding student should notify and make arrangements with their witnesses to attend the hearing or provide notarized written information or official University reports to be included in the hearing. The respondent will also have the right to hear evidence and question evidence presented through the student conduct officer. The student conduct officer may impose reasonable limitations upon

the presentation of evidence and questioning of witnesses. A notary is available at no charge in the VPSEES office.

8. A student may not be compelled to testify in his/her own behalf. If the student chooses not to testify or to appear at the hearing, no inference may be drawn from this action; however, the hearing will proceed and a decision will be made based on the facts presented. In the event that the respondent, witness, or any other person involved with the case is late to the hearing, the hearing officer reserves the right to make the determination on participation in the hearing, and the hearing body is not responsible for beginning the hearing over, recalling witnesses or re-entering any evidence into the record.
9. Disorderly or disruptive behavior by any individual during the conduct process may result in removal of that individual from the conduct process, at the discretion of the Student Conduct Officer, and the hearing process may continue.
10. The University will record the hearing and that recording remains the property of the institution. Deliberations will not be recorded. FERPA provides that when information on more than one student is contained in a single education record, each student may inspect only the information specifically related to him/her. If the recording pertains to only the requesting student, arrangements may be made to review the recording. An appointment will be required to re-view the recording, if applicable. Suspension/expulsion sanctions result in records being maintained permanently in the Office of Student Enrollment, Engagement and Success.
11. Upon conclusion of the hearing, a written statement of the findings, the formal action to be taken by the University, and a description of the appeals process will be forwarded (delivered or postmarked) to the student within five (5) working days, as defined by the University. In cases of sexual misconduct, the findings, formal action to be taken by the University, a rationale for those actions, and a description of the appeals process will be delivered to all parties simultaneously, meaning without substantial delay between the notifications to each.
12. Disciplinary hearings will be closed with the exception of those directly involved in the hearing. The disciplinary proceedings will not be open to the media.
13. At the University's discretion, notices and student conduct correspondence will be issued to the student's local and/or permanent address of record, delivered by staff, or via email. It is the student's responsibility to keep the address of record current and to check their University email account. A letter sent to the address listed in the registrar's records or staff delivered shall constitute full and adequate notice. The failure of a student to provide an address change or forwarding address, the refusal to accept/receive a letter (sent either by first class mail or certified mail or by staff delivery), or failure to check University email shall not constitute good cause for failure to comply with the content of the official University correspondence. Disciplinary action may be taken against a student for failure to appear after proper notice.

Sanctions

SANCTIONS are defined as the primary outcome of the alleged violation.

DISCIPLINARY REPRIMAND - An official warning that the student's conduct is in violation of WTAMU student rules.

DISCIPLINARY PROBATION is a period of time during which a student's conduct will be observed and reviewed.

DEFERRED DISCIPLINARY SUSPENSION is a period of time where a disciplinary suspension may be deferred for a period of observation and review

DISCIPLINARY SUSPENSION - Time-limited disciplinary suspension is a specific period of time in which a student is not allowed to participate in class or University related activities.

DISCIPLINARY EXPULSION occurs when the student is permanently withdrawn and separated from the University.

INTERIM SUSPENSION OF A STUDENT -A student may be temporarily suspended pending completion of conduct procedures if, in the judgment of the Vice President for Student Enrollment, Engagement and Success, or a designee, the physical or emotional well-being of a student or other students or members of the University community could be endangered or if the presence of the student could significantly disrupt the normal operations of the University. The Vice President for Student Enrollment, Engagement and Success or designee will initiate appropriate conduct procedures to address the disruptive behavior within five (5) University working days from the date of interim suspension.

Upon immediate interim suspension, the student may no longer attend classes, use University services and/or resources, and is not allowed to be on campus until the conduct proceedings have been concluded. Any instances whereby the student should need to return to campus must be coordinated through the Office of Student Conduct and the University Police Department.

Conduct, on or off campus, which typically results in interim suspension:

1. A significant and articulable threat to the health or safety of a student or other member(s) of the University community
2. Sexual assault, other forms of sexual misconduct, stalking, and relationship violence that are creating a hostile environment for the victim and the remedy for the harassment requires temporary separation
3. Criminal felony charges related to weapons, drugs, aggravated assault, and/or terroristic threats.

4. Severe disruption in the academic community related to erratic behavior, threats, property damage, and/or verbal aggression with another student, where the offending student is uncooperative with staff requests.
5. Violation of a No Contact Order
6. Retaliatory harm, discrimination or harassment

Conditions for Continued Enrollment

In situations where a student endangers or displays the potential to endanger others, the University may require, without a hearing, the student to meet certain conditions which may include an evaluation from the University's counseling staff as a condition of continued enrollment. The University's counseling staff will determine if further referrals are necessary.

Appeal Procedure

A student may appeal the decision or the sanction(s), condition(s) and restriction(s) imposed by the Office of Student Conduct by submitting a written petition to the Vice President for Student Enrollment, Engagement and Success Office within five (5) University working days of receiving the written decision.

The petition must clearly set forth the grounds for the appeal, together with the evidence upon which the appeal is based. A disagreement with the decision alone shall not constitute grounds for appeal. The only proper grounds for appeal and the only issues that may be considered on appeal are as follows:

1. A procedural [or substantive error] occurred that significantly impacted the outcome of the hearing (e.g. substantiated bias, material deviation from established procedures, etc.);
2. The discovery of new evidence, unavailable during the original hearing or review of the case, which could substantially impact the original finding or sanction. A summary of this new evidence and its potential impact must be included; and
3. The sanctions imposed substantially vary from the range of sanctions normally imposed for similar infractions.

The Vice President for Student Enrollment, Engagement and Success Office has ten (10) University working days to make a decision on the appeal.

Institutional Procedure

Incident Being Reported:	Procedure Institution Will Follow:	Evidentiary Standard TO MEET YOUR STANDARDS
Sexual Assault	<p>An investigation is conducted which includes the gathering of evidence and the interviewing of involved parties. In the process of addressing the complaint, the following measures are taken:</p> <ol style="list-style-type: none"> 1. Complainant is provided with access to medical care if applicable. 2. The immediate safety needs of complainant are assessed. 3. Assistance is provided to complainant in contacting local police if requested. 4. Referrals to on and off campus mental health resources are provided to complainant. 5. Assessment is conducted related to interim or long-term protective measures, such as housing changes, class schedule changes, and/or the implementation of a "No Contact" directive between both parties if needed. 6. Provide a "No trespass" directive to accused party if deemed appropriate. 7. Written instructions will be provided on how to apply for a Protective Order. 8. Information is provided to complainant related to charges and the outcome of any conduct hearing. 9. The Texas A&M University System policy regarding retaliation will be enforced and immediate and separate action is taken against parties that retaliate against a person for complaining of sex-based discrimination or for assisting in the investigation. 	Preponderance of the evidence, or more likely than not

<p>Stalking</p>	<p>An investigation is conducted which includes the gathering of evidence and the interviewing of involved parties. In the process of addressing the complaint, the following measures are taken:</p> <ol style="list-style-type: none"> 1. The immediate safety needs of complainant are assessed. 2. Assistance is provided to complainant in contacting local police if requested. 3. Assessment is conducted related to interim or long-term protective measures, such as housing changes, class schedule changes, and/or the implementation of a "No Contact" directive between both parties if needed. 4. Written information is provided to complainant regarding the preservation of evidence. 5. Provide a "No trespass" directive to accused party if deemed appropriate. 6. Written instructions will be provided on how to apply for a Protective Order. 	<p>Preponderance of the evidence, or more likely than not</p>
<p>Dating Violence</p>	<p>An investigation is conducted which includes the gathering of evidence and the interviewing of involved parties. In the process of addressing the complaint, the following measures are taken:</p> <ol style="list-style-type: none"> 1. The immediate safety needs of complainant are assessed. 2. Assistance is provided to complainant in contacting local police if requested. 3. Assessment is conducted related to interim or long-term protective measures, such as housing changes, class schedule changes, and/or the implementation of a "No Contact" directive between both parties if needed. 4. Written information is provided to complainant regarding the preservation of evidence. 5. Provide a "No trespass" directive to accused party if deemed appropriate. 6. Written instructions will be provided on how to apply for a Protective Order. 	<p>Preponderance of the evidence, or more likely than not</p>

<p>Domestic Violence</p>	<p>An investigation is conducted which includes the gathering of evidence and the interviewing of involved parties. In the process of addressing the complaint, the following measures are taken:</p> <ol style="list-style-type: none"> 1. The immediate safety needs of complainant are assessed. 2. Assistance is provided to complainant in contacting local police if requested. 3. Assessment is conducted related to interim or long-term protective measures, such as housing changes, class schedule changes, and/or the implementation of a "No Contact" directive between both parties if needed. 4. Written information is provided to complainant regarding the preservation of evidence. 5. Provide a "No trespass" directive to accused party if deemed appropriate. 6. Written instructions will be provided on how to apply for a Protective Order. 	<p>Preponderance of the evidence, or more likely than not</p>
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Faculty

Specifically for faculty employees as taken from the Faculty Handbook.: A faculty member is defined as a person employed by West Texas A&M University whose duties as specified in his or her letter of appointment include teaching and/or research, and whose rank, as identified in the letter of appointment, is instructor, assistant professor, associate professor, or professor, and including Fixed-term Academic Professional Track Faculty.

Please refer to TAMUS policy/regulation 0.8.01.01 Civil Rights Compliance – revised August 17, 2018. Contact for interpretation: Title IX Coordinator for A&M System or the WTAMU Title IX Coordinator referencing responsibilities, reporting, investigations, decisions, improper consensual relations, and retaliation.

Ombuds Officer

An employee's complaint alleging discrimination, sexual harassment, and/or related retaliation must be filed in accordance with System Regulation 08.01.01. If a claim of illegal discrimination/retaliation is raised to the Ombuds Officer, the officer should immediately forward the issue to the appropriate person under WTAMU Procedure 08.01.01W1. The procedure can be found at www.wtamu.edu/rules Civil Rights Compliance Rule No. 08.01.01.W1

Termination of Employment - Termination with Prejudice

Any faculty member, including a tenured faculty member, may be dismissed for cause before completion of the term fixed in the member's letter of appointment. The following conditions constitute cause for dismissal:

1. Professional incompetence—defined as demonstrated inability to perform, at an acceptable level, the duties required of a position.
2. Neglect of professional responsibilities—defined as failure to comply with official directives and established University policies; neglect of departmental and University duties; failure to keep current and maintain competency in one's field; general inaccuracy, ineffectiveness and dishonesty in performance of teaching and/or research duties; or failure to comply with such reasonable requirements as the University may prescribe for achieving professional improvement and growth.
3. Moral turpitude—defined as any personal misconduct which impairs fulfillment of institutional responsibilities. While the ultimate interpretation of this provision rests with the University administration, moral turpitude is considered to include, but is not limited to, the following: immorality, conviction of a felony or illegal use of a controlled substance.
4. Sexual harassment—see Appendix VIII. Any faculty member may be suspended with pay pending the outcome of an academic due process hearing as provided hereinafter.

Crime Report, Arrest and Referral Statistics

West Texas A&M University's crime statistics are categorized according to the National Incident-Based Reporting System, an incident-based reporting system used by law enforcement agencies in the United States for collecting and reporting data on crimes. Statistics reflect reports made to campus security authorities as well as University, local and requested police departments and are compiled according to Clery Act guidelines and coordinated by the University Police Department and Office of the Vice President for Student Enrollment, Engagement and Success.

The Clery Act requires institutions of higher education to include four general categories of crime statistics:

- **Criminal Offenses** - Murder and Non-negligent Manslaughter, Manslaughter by Negligence, Rape, Fondling, Incest, Statutory Rape, Robbery, Aggravated Assault, Burglary, Motor Vehicle Theft, and Arson.
- **Hate Crimes** – Any of the above-mentioned offenses (except Manslaughter by Negligence), and any incidents of Larceny Theft, Simple Assault, Intimidation, or Destruction/Damage/Vandalism of Property that were motivated by bias;
- **Violence Against Women Act Offenses** – Any incidents of Domestic Violence, Dating Violence and Stalking. (Note that Sexual Assault is also a VAWA offense but is included in the Criminal Offenses.);
- **Arrests and Referrals for Disciplinary Action** for Weapons (carrying, possession, etc.) Law Violations, Drug Abuse Violations and Liquor Law Violations.

Hate Crimes

According to Texas law, a hate crime is any criminal offense committed against a person or property that is motivated, in whole or in part, by the offender's bias against race, gender, ethnicity, religion, national origin, disability, gender identity or sexual orientation.

- **2015** – *no hate crimes reported*
- **2016** – *no hate crimes reported*
- **2017** – *no hate crimes reported*

Unfounded Crimes

- **2015** – 2 unfounded crimes
- **2016** – 1 unfounded crime
- **2017** - 1 unfounded crime

Clery Crime Chart 2015, 2016, and 2017

OFFENSE (Crimes Reported by Hierarchy)	Year	On Campus	Non- Campus	Public Property	Total	Residential Facilities*
Murder/Non Negligent Manslaughter	2015	0	0	0	0	0
	2016	0	0	0	0	0
	2017	0	0	0	0	0
Negligent Manslaughter	2015	0	0	0	0	0
	2016	0	0	0	0	0
	2017	0	0	0	0	0
Rape	2015	3	0	0	3	3
	2016	6	2	0	8	2
	2017	3	0	0	3	3
Fondling	2015	0	0	0	0	0
	2016	0	0	0	0	0
	2017	0	0	0	0	0
Incest	2015	0	0	0	0	0
	2016	0	0	0	0	0
	2017	0	0	0	0	0
Statutory Rape	2015	0	0	0	0	0
	2016	0	0	0	0	0
	2017	0	0	0	0	0
Robbery	2015	0	0	0	0	0
	2016	0	0	0	0	0
	2017	0	0	0	0	0
Aggravated Assault	2015	0	0	0	0	0
	2016	0	0	0	0	0
	2017	3	1	0	4	2
Burglary	2015	24	0	0	24	21
	2016	5	0	0	5	4
	2017	2	2	0	4	2
Motor Vehicle Theft	2015	1	2	0	3	0
	2016	2	1	0	3	0
	2017	0	4	0	4	0
Arson	2015	0	0	0	0	0
	2016	0	0	0	0	0
	2017	0	0	0	0	0

**Note: Residential Facility Statistics are a subset of the On Campus Category, i.e. counted in both categories.*

Arrest, Referrals and VAWA Reports 2015, 2016, 2017

OFFENSE	Year	On Campus	Non-Campus	Public Property	Total	Residential Facilities*
Liquor Law Arrests	2015	65	3	3	71	62
	2016	40	6	1	47	34
	2017	42	4	11	57	32
Drug Law Arrests	2015	21	2	49	72	12
	2016	24	3	22	49	19
	2017	33	4	22	59	15
Weapons Law Arrests	2015	0	0	0	0	0
	2016	1	0	0	1	1
	2017	0	0	1	1	0
Liquor Law Violations Referred for Disciplinary Action	2015	21	1	4	26	18
	2016	56	2	0	58	51
	2017	58	1	0	59	55
Drug Law Violations Referred for Disciplinary Action	2015	17	0	0	17	11
	2016	24	0	0	24	23
	2017	29	1	0	30	23
Weapons Law Violations Referred for Disciplinary Action	2015	0	0	0	0	0
	2016	2	0	0	2	1
	2017	0	0	0	0	0
Domestic Violence	2015	2	0	0	2	2
	2016	0	2	0	2	0
	2017	1	0	0	1	1
Dating Violence	2015	1	0	0	1	1
	2016	2	0	0	2	1
	2017	2	0	0	2	1
Stalking	2015	1	0	0	1	0
	2016	0	0	0	0	0
	2017	1	0	0	1	0

**Note: Residential Facility Crime Statistics are a subset of the On Campus Category, i.e. counted in both categories.*

Major Crimes Reported to Police at Selected Universities 2016

Institution	Student Population	Total Major Crimes	Population/Crime Ratio
Texas Tech University	35859	464	77
Texas A&M University-Kingsville	9207	111	83
Midwestern State University, TX	6043	60	101
Cameron University, OK	2177	21	104
Tarleton State University	12330	113	109
Eastern New Mexico University, NM	5725	51	112
Angelo State University, TX	8483	63	135
Texas A&M University-Commerce	12928	84	154
West Texas A&M University	9489	56	169

Information/data for this chart was gathered by the University Police Department from Crime in the United States 2016, Uniform Crime Reports. **The higher the number in the "Population/Crime Ratio" column, the safer the university community according to population and major crimes reported.**

Annual Fire Safety Report

West Texas A&M University is committed to the safety of all residents and is working diligently to maintain a safe environment for our campus. Training on proper use of a fire extinguisher is available for any student or employee by scheduling an appointment with the Fire and Life Safety office at 806.651.2134. A "fire" is defined as any instance of open flame or other burning in a place not intended to contain the burning or in an uncontrolled manner. Fire safety rules and regulations are in place, including safe electrical use of portable electrical appliances and the prohibition of smoking, open flame, candles, and incense. Allowed appliances include: coffee pots, hot pots, microwave/refrigerator (University-issued only), rice cookers, George Forman-type grills, blenders, and crock pots. Buff Hall residents may use cooking appliances that have no open flame and are UL approved. The hall staff reserves the right to remove any cooking appliances deemed to be unsafe in order to limit damages to the hall or the hall community. Fire drills are scheduled throughout the year and are an important part of the fire safety program at WTAMU. Additionally, hall staff conducts health and safety checks in all residents' rooms throughout the semester. The Fire and Life Safety Office conducts life/safety inspections and RA fire safety training each semester, and Campus Emergency response Team (CERT) fire safety training as requested, to identify safety issues and report

deficiencies for corrective action.

Our University works closely with the Texas State Fire Marshal's Office to adopt recommended fire safety measures. **To report a fire call 911**, or if you have any questions or updates, contact the Fire and Life Safety Director at 806.651.2134, UPD at 806.651.2300 or the Office of Residential Living at 806.651.3000.

Residence Hall-Emergency/Fire Evacuation Procedures

In the event of an actual fire or a drill, all residents, guests and employees must evacuate the building in a timely manner. Follow the instructions of Residential Living staff, CERT team member, UPD Officers, and/or fire-fighting personnel. Recommended evacuation routes are posted in residence rooms and in the suites in Buff Hall. Leave the building immediately in an orderly manner and coordinate outside the building with Residential Living staff or CERT team members. See **Evacuation Procedures** earlier in this handout for additional evacuation procedures.

Fire alarm pull stations and fire extinguishers are installed throughout the halls. Building alarm systems are monitored on a 24-hour basis.

When evacuating, the best way out may not be the way in...have an exit strategy (www.haveanexitstrategy.com).

Open Flame

No items that have open flames, flammable fuels or open coils may be used in a residence hall. This includes, but is not limited to candles, lanterns, heaters, and incense. Violation of this rule may result in immediate relocation and disciplinary action. These items will be confiscated immediately.



Fire Drills

The University will hold fire/evacuation drills to acquaint and train the campus on fire/evacuation procedures. All residents and guests should follow directions during the drills. Failure to evacuate the building may result in disciplinary action, a monetary fine, and possible suspension.

Fire Equipment

Because it is imperative that fire and safety equipment functions properly when it is needed, the following acts are prohibited:

- Tampering, disabling or playing with fire extinguishers, smoke detectors, fire sprinkler heads and exit or emergency lights.
- Tampering with or pulling a fire alarm under false pretense.
- Removing smoke detectors or otherwise rendering a smoke detector inoperable.
- Propping open fire doors.
- Obstructing halls and stairwells with furniture, debris and other materials.
- Hanging objects from smoke detectors or fire sprinkler heads.
- Presence on fire escapes in non-emergency situations.

Residents who jeopardize the security or safety of any person will be subject to severe disciplinary action. Tampering with fire equipment or acts of arson can result in criminal prosecution, disciplinary measures, and/or possible fines. Future improvements to fire protection equipment in facilities are considered when planning for new construction or renovations.

Fire Alarm Inspection, Testing, and Certification

Annual inspections, functional testing and certification of fire alarm systems in the Residence Halls are performed in accordance with the National Fire Protection Association; NFPA Fire Code 72 by a licensed fire alarm company.

Fire-related Injury and Death

Fire-related injury or death is when a person is injured or killed as a result of a fire, including injury or death sustained from a natural or accidental cause while involved in fire control, attempting rescue, or escaping from the dangers of a fire. This includes death within 1 year of injuries sustained as a result of a fire. The term person may include students, faculty, staff, visitors, firefighters, or any other individuals.

WTAMU-Residence Hall-Fire Safety Report Statistics 2015, 2016, 2017

	Buff	Centennial	Conner	Cousins	Cross	Founders	Guenther	Jarrett	Jones	Shirley	Stafford
Location	201 N26th St.	101 26th St.	2504 Russell Long Blvd.	200 26th St.	2610 Russell Long Blvd.	102 28th St.	203 N25th St.	2601 Russell Long Blvd.	2612 Russell Long Blvd.	105 26th St.	2309 N2nd Ave.
Fire Alarm System	Yes	Yes	Yes	Yes	Yes	Yes	Yes	Yes	Yes	Yes	Yes
Sprinkler System	Yes	Yes	None	None	Partial	Yes	None	Yes	Partial	None	None
Smoke Detection	Yes	Yes	Yes	Yes	Yes	Yes	Yes	Yes	Yes	Yes	Yes
Portable Extinguishers	Yes	Yes	Yes	Yes	Yes	Yes	Yes	Yes	Yes	Yes	Yes
Evacuation Plans	Yes	Yes	Yes	Yes	Yes	Yes	Yes	Yes	Yes	Yes	Yes
# Fire Drills/yr.	4	4	4	4	4	4	4	4	4	4	4
Fires/Building (2015/2016/2017)	0/0/0	0/0/0	0/0/0	0/0/0	0/0/0	0/0/0	0/0/0	0/0/0	0/0/0	0/0/0	0/0/0
Fire Number	n/a	n/a	n/a	n/a	n/a	n/a	n/a	n/a	n/a	n/a	n/a
Date/Time	n/a	n/a	n/a	n/a	n/a	n/a	n/a	n/a	n/a	n/a	n/a
Cause of Fire	n/a	n/a	n/a	n/a	n/a	n/a	n/a	n/a	n/a	n/a	n/a
# People Injured	n/a	n/a	n/a	n/a	n/a	n/a	n/a	n/a	n/a	n/a	n/a
# Deaths	n/a	n/a	n/a	n/a	n/a	n/a	n/a	n/a	n/a	n/a	n/a
Value of Property Damage	n/a	n/a	n/a	n/a	n/a	n/a	n/a	n/a	n/a	n/a	n/a
Case #	n/a	n/a	n/a	n/a	n/a	n/a	n/a	n/a	n/a	n/a	n/a

Partial - sprinkler systems only in certain sections of the building.

Full - sprinkler systems throughout the entire building.

McCaslin Hall Apartments

McCaslin Hall was built in 1946 and became the privatized McCaslin Apartments in 1997. Residents of the apartment complex are primarily WTAMU students. In the property lease agreement it was designated that the WTAMU Police Department would provide policing services to this property adjacent to WT's core campus. Clery reportable crime statistics are included in the annual reporting of crime statistics in this report in the On Campus and Residential categories. McCaslin Hall Apartments are located at 2402 4th Avenue, adjacent to the WTAMU core campus. It has its own onsite leasing office and is not affiliated with Residential Living at WTAMU.

Fire and safety management are provided by the privately owned management company. Instructions and tips are provided in writing to the residents at the time of leasing. Residents are prohibited from having candles, open flames, or charcoal fires in the apartment. They are advised to never leave hot cooking oil unattended and the stove and oven should always be in the "off" position when leaving the apartment. All smoke detectors must be in working condition and "in use" and barbeque grills should be 10 feet from the building. In case of fire, leave the apartment immediately, call 911 and pull the handle of the red fire box (pull station) located near your apartment. Fire extinguishers are located in the laundry room. All fire systems and extinguishers are inspected annually according to state and city requirements.

McCaslin Hall Apartments has a fire alarm system, a full (throughout the entire building) sprinkler system, smoke detection equipment, portable extinguishers and evacuation plans for its residents. McCaslin Apartments did not conduct any fire drills in 2015, 2016, or 2017.

No fires were reported in 2015, 2016, or 2017.

Amarillo Center

West Texas A&M University is changing the landscape of Amarillo with the creation of a permanent campus in the heart of the city. The new Buff stomping grounds will be located in the Commerce Building at 8th Avenue and South Tyler Street. The permanent facility will further efforts to revitalize and energize downtown Amarillo, while helping provide a highly qualified workforce for area employers. The WTAMU Amarillo Center currently located in the First Bank Southwest Tower formerly known as the Chase Tower at 600 S. Tyler, Amarillo, has been a resounding success. The renovation of and move to the nearby Commerce Building will allow WTAMU to serve more students in the region.

Classes are currently offered on the 10th and 11th floors of the Chase Tower. Crime statistics are requested and collected annually from the Amarillo Police Department for this location. The crime statistics are currently included in the non-campus category. At the opening of the permanent WTAMU facility, (classes scheduled to begin January 2019) statistics will be separated and designated as a separate campus. If you have specific questions about current statistics, please feel free to contact the Clery Coordinator at 806-651-2300 or modell@wtamu.edu.

The policies, procedures, and services offered to WTAMU students, faculty and staff that attend classes or office in the Amarillo Center are the same as those offered to WTAMU students, faculty and staff on the WTAMU campus located in Canyon.

In January 2019, UPD will have an officer on site during the times the building is scheduled to open. Access to the building will not be permitted during the time the building is scheduled to be locked. Please review www.wtamu.edu/amarillocenter for building access, parking or other issues relating to the Amarillo Center. Julie Imke is the Director of the Amarillo Center and may be reached at jimke@wtamu.edu or 806-651-8200.

RELLIS Campus

The College of Nursing and Health Sciences, in cooperation with Blinn College and Texas A&M University's RELLIS Campus, is excited to provide the students an opportunity to grow intellectually and professionally by earning a Bachelor of Science in Health Sciences from West Texas A&M University. A baccalaureate degree in Health Sciences from West Texas A&M University will prepare students for graduate level education in most health professions programs, as well as graduate study in related areas such as healthcare administration. www.wtamu.edu/RELLIS

First enrollment for WTAMU students on the RELLIS Campus began in the fall of 2018. WTAMU students, faculty and staff on the RELLIS Campus are afforded the same policies, procedures, and services as West Texas A&M University Canyon campus. Contact on-site RELLIS faculty for WTAMU or RELLIS@wtamu.edu for assistance.

The RELLIS Campus is located at 3100 TX-47, Bryan, TX. **For emergency services, dial 911.** The 2018 RELLIS Campus Crime Log may be found at <https://rellis.tamus.edu/clery/>. Local law enforcement in the area include:

Local Law Enforcement	Phone	Address	Website
Texas A&M University Police	979-845-2345	1111 Research Parkway College Station TX	https://upd.tamu.edu
Bryan Police Department	979-361-3888	303 East 29th Street, Bryan TX	www.bryantx.gov/police
College Station Police Department	979-764-3600	2611 Texas Avenue, College Station TX	www.cstx.gov/police
Brazos County Sheriff's Department	979-361-4900	1700 Highway 21, Bryan TX	http://brazoscountysheriff.org

Important Contacts:

UPD Emergency Dispatch

911 or 806-651-2300

UPD Administration

806-651-2300

UPD Victim Assistance

806-651-2307

Title IX Coordinator

806-651-3199

Student Counseling

806-651-2340

Student Medical Services

806-651-3287

UPD Escort

806-651-2300

Student Enrollment, Engagement and Success

806-651-2050

Residential Living

806-651-3000

Anonymous Crime Tips

806-374-4400

Text WT Crime Tips

50911

Poison Control Center

800-222-1222

Amarillo Rape Crisis/Domestic Violence Hotline

806-374-LIFE (5433)

Sex Offender Registration List (Texas)

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

Suicide and Crisis Center

806-359-6699 or 800-692-4039

For more information about West Texas A&M University guidelines and procedures, refer to the Code of Student Life at: www.wtamu.edu/codeofstudentlife, request a copy of the publication from the Office of Student Enrollment, Engagement and Success or contact the University Police Department. This publication (the Campus Security and Fire Safety Report) www.wtamu.edu/safety as well as crime statistics and crime-prevention programs are available on the University's website at www.wtamu.edu/police.

West Texas A&M University serves people of all ages, regardless of socioeconomic level, race, color, gender, religion, disability or national origin. West Texas A&M University is an affirmative action/equal employment opportunity institution. Paper copies of this report will be made available at the Office of Student Enrollment, Engagement and Success, the Human Resources Office, and the University Police Department upon request.

Sept 2018