

2020 Amarillo Center
Campus Security and Fire Safety Report
Includes crime and fire statistics for 2017, 2018, and 2019



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

This report is available on the West Texas A&M University Campus Safety and Security website at: www.wtamu.edu/safety



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. This year our campus was ranked as the safest campus in Texas, and among the ten safest in the U.S. Campus and community are deemed safe 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". The signature is fluid and cursive.

Walter V. Wendler
President

West Texas A&M University

Harrington Academic Hall Amarillo Center

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 Vice President for Student Enrollment, Engagement and Success (SEES), the Vice President for Research and Compliance, the Assistant Vice President of Risk and Compliance, the office of Communications and Marketing and the Vice President for Information Technology and Chief Information Officer are responsible for preparing, reviewing, 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 2020 Campus Security and Fire Safety Report contains crime statistics for calendar years 2019, 2018, and 2017. Publication and distribution in 2020 was delayed by the U. S. Department of Education up until but no later than 12/31/2020 due to the COVID-19 Pandemic.

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 UPD; the division of SEES; the division of Research and Compliance; the office of the Provost and division of Academic Affairs; the office of the Vice President for Information Technology and Chief Information Officer; the division of Business and Finance; and the offices of Academic and Research; Environmental Health and Safety; Fire and Safety; Resident Living; External Programming; Study Abroad; Athletics; Human Resources; Title IX; Financial Services; and Communications and Marketing.

The Harrington Academic Hall WTAMU Amarillo Center (here in after referred to as Amarillo Center in this report) located in the heart of Amarillo's downtown area, opened in their new location in November of 2018. The Amarillo Center is a teaching site that is considered a

separate campus according to The Clery Act. Prior to the 2019 Amarillo Center Annual Security Report, all crime statistics for this location are included in the non-campus category. With the 2018 statistics, they are separated and labeled in a separate Amarillo Center Annual Security Report. Additional information specific to the Amarillo Center teaching site can be found in the 2020 Amarillo Center Annual Security Report at www.wtamu.edu/safety.

Annual Security Report Notifications

Each year, an e-mail notification is distributed to all current students, faculty, and staff network email addresses providing the website to access this report. The full report can be 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.

Printed copies of the report may be requested by contacting:

Division of Student Enrollment, Engagement and Success (SEES)
Vice President for Student Enrollment, Engagement and Success
Jack B. Kelley Student Center 102
806-651-2050

University Police Department Clery Coordinator
Old Sub Building 102, 806-651-2300
PO Box 60295, Canyon, TX 79016
Email: modell@wtamu.edu

Campus Law Enforcement Policies

Police Department Overview

West Texas A&M University (WTAMU) police officers are state certified Texas Peace Officers

and provide police services to all WTAMU owned properties. The department has 19 authorized full-time commissioned police positions including the Chief of Police, Assistant Chief, Patrol Lieutenant, Criminal Investigations Division Lieutenant, Sergeant, Police Officer, and Detective. The Police Communications division has six full-time police communications officers including the dispatch supervisor. The Communications division also employs 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 on the WTAMU campus. Officers are on duty in the Amarillo Center during the posted hours of operation. Police Officers and shift Sergeant's may 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 use on University property.

Enforcement Authority, Arrest Authority and Jurisdiction

UPD is the primary police authority for WTAMU and the Harrington Academic Hall Amarillo Center. 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, the Amarillo Center; university owned and controlled non-campus locations and public property contiguous to these locations. 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, referred for prosecution through the District Attorneys office. Criminal matters involving university students may 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 maintained through periodic communications among agency administrators and frequent contacts between line officers and investigators collaborating on specific cases.

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

Monitoring Non-Campus Locations

When a WTAMU student is involved in an offense in a non-campus location, UPD may assist with the investigation in cooperation with local, state, or federal law enforcement agencies but does not actively record or monitor criminal activity. 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 students 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 UPD is a Recognized Law Enforcement Agency from the Texas Police Chief's Association Law Enforcement Recognition Program. The recognition program evaluates police department's compliance with over 170 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 WTAMU campus or Amarillo Center 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. From the WTAMU campus, most

likely you will reach the Randall County Sheriff's Office. From the Amarillo Center, most likely you will reach the Amarillo Emergency Communications Center. Please advise the emergency dispatcher of your location either on the WTAMU campus or the Amarillo Center teaching site. You will be assisted or forwarded to the UPD dispatcher immediately.

UPD calls for service to the WTAMU campus or Amarillo Center are received in the WTAMU 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 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. A UPD officer is on duty at the Amarillo Center and will respond immediately following a reported offense to the WTAMU Communications Center.

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 at 806-651-2300.

Reporting Criminal offenses to University Officials – Campus Security Authorities

Faculty, staff, and student are encouraged to report any criminal offenses at WTAMU, the Amarillo Center or any non-campus properties to the UPD for the purpose of making timely warning reports and the annual statistical disclosure. For non-campus offenses, we encourage accurate and prompt reporting to the proper local law enforcement agency. As an option, you may also report criminal offenses of which you are aware to the following WTAMU and Amarillo Center offices.

- University Police Department 806-651-2300
- Non-emergency:
- Director of Civil Rights and Title IX Compliance 806-651-3199

- Vice President for Student Enrollment, Engagement & Success 806-651-2050
- Director of Harrington Academic Hall Amarillo Center 806-651-2044

All employees of 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 UPD for investigation or disposition. Students and employees should report any criminal offense for the purpose of making timely warning notices 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 online to review and report Clery Crimes.

[Campus Security Authority Guidelines](#)

[Campus Security Authority Crime Report - Non-emergency](#)

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 UPD 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 the Amarillo Center location and public properties contiguous to the Amarillo Center building. 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

The UPD encourages anyone who is the victim or witness of any crime to promptly report the incident to the police department. Because police reports are public records under state law, UPD cannot hold reports of crime in confidence. Victims, witnesses and others can, generally make voluntary anonymous reports for purposes of inclusion in the annual disclosure of crime statistics and crime log, to WTAMU employees that are designated as campus security authorities. Reports filed anonymously 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 full 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.

Persons who are designated by the institution as a person with whom students may speak confidentially, are identified specifically as student counselors, while performing their duties as a student counselor for Student Counseling Services, pastoral counselors, and the Director of Student Medical Services. These individuals are exempt from mandatory reporting; however, they are required to report the incidents to the Director of Civil Rights and Title IX Compliance without any details that could violate a student's expectation of privacy.

Missing Student Policy

If a member of the WTAMU community has reason to believe that a student who resides on-campus is missing, he or she should notify the 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 is kept confidential 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 know whereabouts, within 24 hours after determining the student is missing.

Timely Warning Notice

The 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 is 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. Timely warning notices are issued on a case-by-case basis pending information received by UPD. The Chief will determine if the release of the timely warning would compromise law enforcement efforts and determine the appropriate time for release to be made. A Buff Alert – Timely Warning Notification will be recognizable with the Buff Alert graphic followed by Timely Warning Notification.

The department issues/posts timely warning notices 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 timely warning, 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 suspects in a case will only be included in the notice if there is a sufficient amount of detail to describe the individual. If the only known descriptors are perceived gender and race, description will not be included in the warning.

UPD will draft the proposed timely warning and forward it to the Vice President for

Business and Finance (VPBF) and the President. VPBF will forward to the appropriate senior administrators for review if necessary. After review and revision, UPD will forward the timely warning notice to Information Technology with instructions for transmitting the Buff Alert – Timely Warning Notice to the University community as a blast email. Updates to the WTAMU community about any particular case resulting in a timely warning also may be distributed electronically via blast email or posted on the University's Web site.

Timely warning notices may also be posted in campus buildings, when deemed necessary. When a timely warning 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.

The department does not issue timely warnings if:

1. The department apprehends the subject(s) and the threat of imminent danger for members of the WTAMU community has 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 which 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 WTAMU or the Amarillo Center. The institution does not have separate procedures for emergency situations occurring on non-campus property.

Emergency Notification

UPD will coordinate using the Emergency Notification Procedure to issue an immediate notification when deemed necessary. 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 either 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. A Buff Alert – Emergency Notification will be recognizable with the Buff Alert graphic followed by Emergency Notification.

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 or near a 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, a pandemic, 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 notifications are issued using some or all of the following sources. The Chief of Police or designee will initiate the notification.

1. Network emails (Students, Faculty and Staff)

2. Buff Alert (email/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. BRG is not available at the Amarillo Center.
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 will 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 email 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. BRG is not available at the Amarillo Center.

Emergency Operations Plan

WTAMU officials take the safety of the campus community very seriously and are continually evaluating the Emergency Operations Plan to ensure it is timely and effective. The EOP www.wtamu.edu/risk under *Emergency Information*, 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. The Amarillo Center will follow the same protocol as is established in the WTAMU EOP.

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 students 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.

The Daily Crime and Fire Log

Each business day, the UPD Clery Coordinator or other trained UPD staff, publishes a Daily Crime and Fire Log that is available for public review. 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. The Crime Log may also be viewed at the Amarillo Center police office located in office 192 during the posted hours of operation for that building.

Security of and Access to Campus Facilities

General Provisions

The WTAMU campus is a public and open campus. No effort is made to restrain the public from entering the campus; however, the UPD reserves the right to bar individuals who are considered a threat to the well-being of the University community. The governing board of a state institution of higher education or its authorized representatives may refuse to allow persons having no legitimate business to enter on property under the board's control, and may remove any person from the property on his or her refusal to leave peaceably on request. Identification may be required of any person on the property. (*Texas Education Code Section 51.209*)

UPD provides 24-hour patrol of campus property and facilities (including residence halls). The Assistant Vice President for Risk and Compliance designates building coordinators for each University building. The designated building coordinator will establish access hours and maintain access to respective buildings. The Harrington Academic Hall Amarillo Center has no residential facilities and the Director of the Harrington Academic Hall Amarillo Center is considered the building coordinator.

It is unlawful for any person to trespass on the grounds of any state institution of higher education of this state or to damage or deface any of the buildings, statues, monuments, memorials, trees, shrubs, grasses, or flowers on the grounds of any state institutions of higher education. (*Texas Education Code Section 51.204*)

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.

The Harrington Academic Hall Amarillo Center is an academic and administrative building. The building has set hours of Monday – Friday 7 a.m. – 10 p.m. Access is not limited during the open hours although may be restricted to individuals that have no official business needs in the building. At special request with police staff on site, the Amarillo Center may be allowed to remain open for additional hours/days.

Parking Areas

Approximately 30 parking zones are in and around the WTAMU campus. Parking permits are required on all vehicles parking on campus property 24/7 unless the parking space is labeled as a visitor or designated for a specific time such as "limited to 30 minutes." All spaces designated by sign are subject to violation if the posted sign is violated. Temporary permits are available at Parking Services in the Old Sub building on campus or the Information Desk in the JBK. Violators of parking rules and regulations may be cited, booted, towed or a combination of all three. All spaces designated by sign are subject to violation if the posted sign is violated.

The Amarillo Center has two main parking areas at the S. Tyler Street location. Client, staff and faculty parking is located immediately west of the building and student/overflow parking is located at the corner of SW 8th Avenue and S. Harrison Street. Parking permits are required at all times.

Residence Halls

The Harrington Academic Hall Amarillo Center has no residential facilities. Amarillo Center students may live on the WTAMU Canyon campus and commute to the Amarillo Center.

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

In accordance with the Drug-Free Schools and Communities Act, WTAMU 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 [Biennial Review of Alcohol and Other Drug \(AOD\) Program](#). Consumer Information is made available at [Consumer Information](#).

Alcohol Policy

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 is strictly enforced on the WTAMU campus, the Amarillo Center, 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.

Illegal Drug Policy

Federal law prohibits the unlawful possession, use, sale, or distribution of drugs. Texas state law prohibits the possession, use, sale, manufacture, or delivery of a controlled substance without legal authorization. A controlled substance includes any drug, substance or immediate precursor covered under the Texas Controlled Substances Act, including but not limited to opiates, barbiturates, amphetamines, marijuana, and hallucinogens. 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 WTAMU 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.

Substance Abuse and Education

WTAMU 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 made available through the WTAMU 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.

Your Work/Life Solutions program by GuidanceResources will provide resources related to confidential emotional support, work-life solutions, legal guidance, financial, alcohol and substance abuse, and online support such as podcasts, videos and "ask the expert." (866-301-9612 or TTY 800-697-0353) online: guidanceresources.com.

Resources related to AOD

National Institute of Drug Abuse www.drugabuse.gov

National Institute on Alcohol Abuse and Alcoholism www.niaaa.nih.gov

Life Challenge of Amarillo

Addictive/Other

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

Managed Care Center for

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 Policy

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

or a 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 WTAMU (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 signage pursuant to [Section 30.06, Texas Penal Code](#). Any resident of the WTAMU 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.

Sexual Assault, Dating Violence, Domestic Violence, and Stalking

In accordance with federal law and Texas A&M University System Regulation 08.01.01 Civil Rights Compliance(System Regulation 08.01.01), West Texas A&M University prohibits discrimination and harassment including sexual assault, dating violence, domestic violence, stalking, (as those terms are defined for the purposes of the Clery Act) and/or related retaliation. The following are statements of policy that address discrimination, harassment (including, but not limited to, sexual harassment¹ and sex-based misconduct²), complicity, and retaliation. The policies apply whether this conduct occurs on or off campus and when it is reported to the university.

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

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

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

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 agency contact numbers are listed below. Reports should be filed with the agency of jurisdiction 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

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

All WTAMU employees and students are responsible for ensuring their work, and educational environments are free from discrimination. All employees are mandatory reporters who must promptly report all known information about an alleged or suspected discrimination that is experienced by, observed by, or made known to an employee in the

course and scope of their employment³. Student workers are not required to report conduct prohibited by this policy if the student worker experiences, observes, or becomes aware of the prohibited conduct outside the context of their employment.

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

An employee's failure to report alleged or suspected discrimination, harassment, retaliation, or complicity may result in disciplinary action, including termination. WTAMU must dismiss an employee if, in accordance with its applicable disciplinary processes, WTAMU determines that the employee knowingly failed to make a required report, or that the employee, with the intent to harm or deceive, knowingly made a report that is false. An employee is not required to report an incident where: 1) that employee was a victim of sexual harassment, sexual assault, dating violence, or stalking; 2) the incident about which the employee received information was due to a disclosure made at a sexual harassment, sexual assault, dating violence, or stalking public awareness event sponsored by WTAMU, or a student organization affiliated with WTAMU; or 3) the person has either learned of the incident during the course of their employer's review or process, or has confirmed with the designated office overseeing the review or process, that the incident has been previously reported.

Reports that a student, an employee, or a third party has engaged in conduct prohibited by this policy on the WTAMU Canyon campus or the Harrington Academic Hall Amarillo Center location should be made to:

Director of Civil Rights and Title IX Compliance (CRTC)

Georganna Ecker

301 23rd Street, Old Sub 108

806-651-3199

gecker@wtamu.edu or TitleX@wtamu.edu

Online reporting: <https://apps.wtamu.edu/complaint/>

The WTAMU President shall designate the Director of Civil Rights and Title IX Compliance. The Director shall 1) ensure that all allegations of discrimination are promptly, thoroughly, and equitably investigated and resolved; 2) periodically follow up on situations in which discrimination is found to ensure that the situation does not recur; 3) develop, conduct, coordinate, and oversee campus civil rights compliance training; and 4) provide periodic updates to managers and the campus community regarding the civil rights compliance programs in accordance with Texas A&M University System and West Texas A&M

³ Exceptions include confidential employees described in the "Confidential and Anonymous Reporting" section of this report.

University.

The Investigative Authority shall review each reported allegation, interview witnesses (if applicable), review relevant documentation, investigate fully, and prepare a draft report on the merits of the allegations for review by The Texas A&M University System Office of General Counsel (OGC) in accordance with system policy. If determined not to be a Civil Rights discrimination complaint, the allegation will be submitted for processing to Human Resources for employee and third party respondents and the Office of Student Enrollment, Engagement, and Success for student respondents.

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

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

The CRTC office has procedures in place to inform individuals of their rights to file criminal charges and the availability of services on and off campus. A complainant⁴ may request assistance from and/or will be assisted by CRTC in notifying law enforcement authorities if the complainant so chooses. A report to law enforcement, even to UPD, is separate from a report to the university. An individual wishing to simultaneously pursue a law enforcement investigation and a university resolution of conduct prohibited by this policy should make a report to both entities. Individuals are notified of their right to report the incident to UPD and local police immediately, but always have the right to decline to notify such authorities. Reporting to law enforcement does not preclude an individual from pursuing disciplinary remedies with the university.

Prompt reporting assists investigators in the collection and preservation of evidence. A report of conduct prohibited by this policy may be made at any time; a report should be filed as soon as possible after the actions that caused the report.

⁴ The individual(s) who is alleged to have been subjected to discrimination.

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

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

The Director of CRTC conducts an initial review and preliminary assessment of all reports/complaints that are received by CRTC to assess and address the safety and well-being of the complainant, respondent⁵, and the community. As part of the initial review, CRTC will take the following steps: 1) inform the individual reporting of the right to file a complaint with law enforcement (if applicable) in addition to filing a complaint with CRTC, 2) provide assistance in notifying UPD or appropriate law enforcement authorities if the individual so chooses, 3) inform the individual of the right to decline to contact law enforcement, and 4) inform the individual of the right to file a complaint with state and federal agencies. CRTC will offer the opportunity to request supportive measures to provide for the safety of the individual and campus community. CRTC will also take steps to advise about 1) the importance of preserving evidence, if applicable, that could assist in proving that a criminal offense occurred or may be helpful in obtaining a protective order or assist in an investigation, 2) the university's procedures for investigation and options for formal and informal resolutions, and 3) the university's prohibition against retaliation. At this time, CRTC will determine whether the complainant is a minor, elderly, or disabled and, if required, contact the appropriate agency in accordance with the Texas law.

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

- the importance of preserving physical evidence that may assist in proving that the alleged criminal offense occurred or may be helpful in obtaining a protective order;
- procedures about how and to whom the alleged offense should be reported;

⁵ An individual who has been alleged to have engaged in discriminatory conduct as defined in this policy.

- the option to notify proper law enforcement authorities including on-campus and local police;
- the option to be assisted by campus authorities in notifying law enforcement if the victim chooses;
- the option to decline to notify such authorities;
- the rights of individuals and the institution's responsibilities for orders of protection, no contact orders (mutual no contact restrictions), restraining orders, or similar lawful orders issued by criminal, civil, or tribal court or the institution;
- information about how the institution will protect confidentiality;
- existing on-campus and community resources/contacts (counseling, health, mental health, victim advocacy, legal assistance, visa and immigration assistance, student financial aid, and other services available to students, faculty, and staff);
- the options for, available assistance in, and how to request changes to academic, living, transportation, and working situations or supportive/protective measures;
- protection from retaliation; and
- an explanation of procedures for institutional disciplinary action in cases of alleged sexual assault, dating violence, domestic violence, and stalking.

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

- Go to a safe place as soon as you can.
- Contact the police at 911 or UPD at 806-651-2300.
- Get medical attention as soon as possible to make sure you are physically well and to collect important evidence in the event you may later wish to take legal action. Northwest Texas Hospital 1501 S. Coulter Street, Amarillo 806-654-1000 is the community's designated forensic nursing facility offering a 24/7 program with trained Sexual Assault Nurse Examiners (SANE) and a forensic unit that provides detailed physical examinations, evidence collection, and expert testimony. Go to the hospital's emergency room and request to be seen by a SANE. A forensic examination can also be performed for victims of domestic violence.
- Try to preserve all physical evidence. Do not wash, use the toilet, swim, brush teeth, or change clothing if you can avoid it. If you do change clothes, put all clothing you were wearing at the time of the attack in a paper, not plastic, bag.
- Preserve evidence by saving text messages, instant messages, social networking pages, communications, pictures, or other documents, if any, that would be useful to police or investigators.
- Personnel are available to help explain options, give information, and provide emotional support. Personnel include: Civil Rights and Title IX Compliance 806-651-

3199, Student Counseling Service 806-651-2340, Student Medical Services 806-651-3287, UPD Victim Services 806-651-2307, Work/Life Solutions Program by GuidanceResources 1-866-301-9612, and the Amarillo Rape Crisis/Domestic Violence Hotline 806-374-5433.

Medical Treatment (as applicable to the specific incident)

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

Confidentiality/Privacy

Students and employees have the option to disclose incidents to confidential reporters who are employees designated or permitted by the university to receive complaints of discrimination, harassment, retaliation, and complicity and maintain confidentiality. 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.

Confidential reporters are required to provide general non-identifying information as required to comply with the Clery Act or other applicable laws/regulations, and must report de-identified statistics to the Director of CRTC for any type of sex-based incident made known to them, and may not include any information that would violate that person's expectation of privacy. Publicly available recordkeeping, including Clery Act reporting and disclosures, must not include personally identifying information⁶. Incidents are shared in a way that does not identify the individuals. However, for the purposes of reporting and maintaining public safety, the individuals to whom disclosures occur may share information

⁶ Personally identifying information is defined as individually identifying information for or about an individual, including information likely to disclose the location of a victim of domestic violence, dating violence, sexual assault, or stalking, regardless of whether the information is encoded, encrypted, hashed, or otherwise protected, including a first and last name; a home or other physical address; contact information (including a postal, email, or internet protocol address, or telephone or facsimile number); a social security number, a driver's license number, passport number or student identification number; and any other information, including date of birth, racial or ethnic background, or religious affiliation that would serve to identify any individual.

about an incident in a way that does not identify the individuals concerned. Researchers are deemed confidential only when the research project is federally funded and the identity of research subjects on the specific project are deemed confidential by law. For students, Student Counseling Services (806-651-2340) is available and for employees, Your Work/Life Solutions program by GuidanceResources (866-301-9612 or TTY 800-697-0353) are confidential, licensed mental health counseling services available for emotional support. Currently enrolled students can access Student Medical Services at (806-651-3287). Confidential reports are available to support both complainants and respondents.

All other employees informed of possible discrimination, harassment, retaliation, and/or complicity should advise the reporting party that they cannot keep the information confidential and are required to report it to the university. Employees should inform the reporting party where confidential guidance can be obtained, such as the student counseling center or employee assistance program. To the extent possible, the university will protect the privacy of all parties to the report. (see footnote for private⁷)

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

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

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 (persons with a specific need to know who are investigating/adjudicating the complaint or delivering resources or support services). 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

⁷ Private -that which affects, characterizes, or belongs to an individual person, as opposed to the general public. With respect to this regulation, private means restricting information to those with a reasonable need to know.

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

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. 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.

Following an allegation of sexual assault, dating violence, domestic violence, stalking, and/or related retaliation the complainant, the respondent, and other affected individuals have certain resources, rights, and options available to them. Parties with an inquiry or complaint are informed of resources, rights, and options in writing when the director of CRTC or other designees receive notification of an incident whether it occurred on or off campus and regardless of whether the individual elects to pursue a criminal complaint or disciplinary measures. Other designees include personnel who are likely to receive reports of prohibited conduct in the office of SEES; the office of Human Resources, and UPD. Available assistance is also shared through prevention and awareness education. Additional information about any of the resources, rights, and options discussed in this section can be requested from the director of CRTC.

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
Human Resources	Old Main 116	806-651-2441
The Work/Life Solutions Program by GuidanceResources	www.wtamu.edu/HR	1-866-301-9623
UPD Escort Service	Old Sub 102	806-651-2300
International Student Office	JBK Student Center 133N	806-651-2073
Civil Rights and Title IX Director	Old Sub 108	806-651-3199
Scholarships Services	https://www.wtamu.edu/student-support/scholarships/index.html	806-651-3330
Student Financial Aid	https://www.wtamu.edu/student-support/financial-aid/index.html	806-651-2055
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

Canyon Police Department	301 16 th Street #3, Canyon	806-655-5000
Randall County Sheriff's Department	9100 S. Georgia Street, Amarillo	806-468-5800
Amarillo Police Department	200 SE 3 rd Avenue, Amarillo	806-378-3038
Potter County Sheriff's Office	13103 NE 29 th Avenue, Amarillo	806-379-2900
Northwest Texas Hospital	1501 S. Coulter St., Amarillo	806-354-1000
BSA Health System	1600 Wallace Blvd. Amarillo	806-212-2000
Domestic Violence/Sexual Assault Hotline	Bilingual 806-374-5433	844-363-3452
Family Support Services	Amarillo	806-342-2500
National Suicide Prevention Lifeline		800-273-8255
Suicide Crisis Local Hotline	1501 S. Polk Amarillo	806-359-6699
National Mental Health Helpline		855-995-9489

Legal Aid of Northwest Texas	203 W. 8th Street, Suite 600 Amarillo	806-373-4309
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
(24 hours service)

Family Medicine Center of Canyon

911 23rd Street
Canyon, Texas 79015
(806) 655-2104

BSA Health System

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

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 Classroom Center 133 or at 806.651.8480 or by email at aallen@mail.wtamu.edu or diversity-inclusion@wtamu.edu. ODI webpage can be located at <http://wtamu.edu/diversity>.

Institutional Rights and Options (Supportive Measures)

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

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

CRTC is responsible for coordinating the effective implementation of supportive measures. In addition to facilitating supportive measures, CRTC can provide parties with access to university officials with information about counseling, medical, mental health, victim advocacy, visa and immigration information, impact of a leave of absence on student financial aid, and other services available to complainants and respondents (on campus and in the community). CRTC will also notify the parties that options such as protective orders and criminal trespass warnings may be available through law enforcement agencies and the judicial system. A party may request a supportive measure through CRTC (806-651-3199)

at any time, regardless of whether a formal complaint has been filed and regardless of whether the individual chooses to report the incident to law enforcement or pursue disciplinary remedies.

CRTC can assist with supportive measures that may include but are not limited to changes to academic, living, transportation and working situations or supportive measures according to the list below. In determining which supportive measures to impose and the reasonableness of the related measures, CRTC considers the request; the safety of the complainant, respondent, and the university community; the specific needs of the individuals; the severity or pervasiveness of the allegations; continuing effects; sharing of residence halls, dining halls, classes, transportation, or job locations; other judicial measures already in place; and other factors as appropriate. The university also provides reasonable supportive measures to third parties as appropriate and available, taking into account the role of the third party and the nature of any contractual relationship with the university. Parties seeking a supportive measure should discuss their options with the director of CRTC.

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

- Assistance in obtaining access to medical, mental health, legal (protective orders and criminal trespass warnings available through law enforcement and the judicial system), counseling support, victim advocacy, visa and immigration information, and financial aid guidance
- Extension of deadlines or other course-related adjustments, e.g., in cases in which a student complainant and student respondent are enrolled in the same course, either student may elect to drop the course without any academic penalty
- Modifications of work or class schedules
- Campus escort service by UPD (806-651-2300)
- Mutual no contact restrictions between the parties as described below
- Changes in work or housing locations
- Leaves of absence
- Increased security and monitoring of certain areas of campus or workplace
- Other similar measures

Mutual No Contact Restriction: A mutual no contact restriction is a supportive measure issued by the institution that prohibits two parties from contacting one another through any means. Mutual no contact restrictions can be issued in addition to court ordered protection but may also serve as an alternative for those who do not want to seek a court order. A complainant

or a respondent can request a mutual no contact restriction through the CRTC at 806-651-3199. CRTC may issue a mutual no contact restriction at any time prior to or during a conduct investigation based on information provided by the requestor. If good cause for a mutual no contact restriction is determined, both parties are notified of the restrictions in writing. Mutual no contact restriction records are maintained in CRTC's tracking system.

Individuals should be aware that direct contact, refusal to leave a protected area, appearing at a location one reasonably knows the protected party is at, third-party contact, or even an anonymous contact are all potential violations of a mutual no contact restriction. Violations should be reported to CRTC and may result in further disciplinary action. Failure to comply with the terms of supportive measures such as mutual no contact restrictions may be considered a separate violation of system policies and regulations and university rules and procedures.

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

Emergency Removal: At any point in the process, a respondent may be subject to removal from the campus activity on an emergency basis, provided that an individualized safety and risk analysis (conducted by or in conjunction with the WTAMU behavioral intervention team) has determined that an immediate threat to the physical health or safety of any student or other individual arising from the allegations justifies removal and provides the respondent with notice and opportunity to challenge the decision immediately following the removal. Upon being removed, any student respondent must be granted the opportunity for a hearing within 5 business days to review whether or not the removal is warranted. The outcome of this hearing is not subject to appeal and is not a disciplinary action. This does not preclude suspending with pay, reassigning, and/or placing an employee in another type of temporary status pending completion of the investigation and final resolution of the allegations. These actions are not considered a disciplinary action.

Interim Administrative Actions for Employees: In accordance with university rules and System policies, CRTC may request that an employee be placed on leave, suspended with pay, reassigned and/or placed in another type of temporary status pending completion of the investigation and resolution process. CRTC may also issue interim restrictions to an employee, which include, but are not limited to, contact restrictions (no-contact directives); representation of the university; "no trespass" orders, etc. Such interim actions

will remain in place as specified in a notification to the employee or until the allegations are resolved.

Confidentiality/Privacy of Accommodations and Supportive Measures: The university must maintain the privacy of any supportive measures provided to the complainant or respondent to the extent that maintaining such privacy would not impair the ability of the member to provide supportive measures. CRTC is responsible for determining what information and to whom information will be disclosed based on the circumstances of the allegation, the individuals involved, and related safety needs. CRTC uses discretion and only discloses information to key officials at the institution who perform the tasks necessary for obtaining or providing the particular accommodation or supportive measure. The identity of an alleged victim of sexual harassment, sex-based misconduct, sexual assault, dating/domestic violence, or stalking may only be disclosed to: a) persons employed or under contract with the institution, who are necessary to conduct an investigation of the report or any related hearings; b) a law enforcement officer as necessary to conduct a criminal investigation of the report; c) the person or persons alleged to have perpetrated the incident, to the extent required by other law; or d) potential witnesses to the incident as necessary to conduct an investigation of the report. Other areas receiving information related to supportive measures may include, but are not limited to: Offices of the Vice President for Student Enrollment, Engagement and Success, University Police Department, Behavioral Intervention Team, Residential Living, Human Resources, academic departments (direct supervisor, Dean), or non-academic departments (direct supervisor, Vice President, or designee). Prior to disclosure, CRTC will receive consent to disclose the identity of the alleged victim, inform the individual of the information that will be shared, with whom it will be shared, and why.

Legal Rights and Options

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

WTAMU 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 CRTC. 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.

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
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Criminal Trespass Warning

A criminal trespass warning is a supportive measure issued by UPD, which is directed at those who are considered a danger to the campus community or a danger to a certain individual in the campus community. The warning advises the respondent to leave the premises and forbids him/her from entering and/or remaining on certain property that can cover either the entire campus or a specific campus location. To request a criminal trespass warning, contact UPD at 806-651-2300 and request to speak with an officer. The UPD officer issues the criminal trespass warning if the respondent is determined to pose a risk to campus safety based on information provided by the requestor as it relates to applicable state law and/or UPD policy. When the warning is issued, the officer is responsible for providing notice to the requestor and the person receiving the warning.

UPD officers are notified of criminal trespass warnings that exist in their area. If a criminal trespass warning is violated, UPD should be contacted immediately at 806-651-2300 24/7. A violation of the criminal trespass warning occurs when the individual is issued a warning, but refuses to leave campus or is subsequently found in a prohibited area based on the trespass warning. The requestor and other institutional personnel should take appropriate action by contacting UPD for a responding officer when they become aware of a potential violation of a criminal trespass warning. UPD generally enforces these warnings by charging violators with criminal trespass resulting in arrest and/or fine.

Other Legal Options: The UPD employs a victim assistance coordinator who works directly with innocent parties of crime. The UPD’s Victim Assistance Coordinator is available at 806-651-2300 or 806-651-2307 to provide information or direct victims to the proper agency about personal safety, Texas Crime Victim’s Rights, Texas Crime Victims Compensation Fund and other information upon request. For additional information, you may also visit the Office of the Texas Attorney General’s website at <https://www.texasattorneygeneral.gov/cvs/crime-victims-compensation>. 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.

Investigations and Disciplinary Proceedings for Sexual Assault, Dating Violence, Domestic Violence, Stalking, and Related Retaliation

Proceedings from an allegation of sexual assault, dating violence, domestic violence, or stalking are promptly, thoroughly, and equitably investigated and resolved. They are consistent with the institution's policies and equitable to the complainant and respondent. The investigation provides that:

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

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

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

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

Complaints are initially reviewed by CRTC, not only to assess and address safety, but also to determine whether a violation of the System Regulation 08.01.01 and/or Rule 08.01.01.W1 and/or any other university rule, SAP, code, or policy could have occurred. During the initial review and preliminary assessment, CRTC will:

- Inform the complainant about options for formal and informal resolutions and solicit the complainant's preferred method for resolving the matter. Complainants may request a formal or an informal resolution of the allegations of discrimination, harassment, retaliation, and/or complicity.
- Offer assistance to the complainant in submitting a written formal complaint⁸ that details the nature and circumstances of the allegations, including the names of the complainants and respondents, if so inclined.

Informal Resolution

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

⁸ a document or electronic submission (such as by electronic mail or through an on-line portal provided for this purpose) filed by a complainant, or signed by the Title IX Coordinator, alleging sex-based discrimination against a respondent and requesting that the member investigate the allegation(s). The formal complaint must contain the complainant's physical or digital signature, or otherwise indicate that the complainant is the person filing the complaint. Alternatively, a Title IX Coordinator may sign a formal complaint but is not a complainant or otherwise a party to the complaint.

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

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

Formal Resolution

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

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

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

If it is determined that there is insufficient information to proceed with an investigation; or that the allegations are baseless; or that the allegations, if true, would not constitute conduct prohibited by System Regulation 08.01.01 and/or Rule 08.01.01.W1; or, that an investigation will not occur due to the complainant's request for no resolution, CRTC may, after consultation with OGC:

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

CRTC will notify the complainant of such action in writing. Complaints that have been dismissed or referred may be appealed in accordance with the appeal procedures section of this policy. Once it has been determined that the university will proceed with a formal investigation, CRTC will appoint the Investigative Authority (IA)⁹ within 5 business days to initiate the process of determining whether a violation of System Regulation 08.01.01 or other university rule, SAP, code, or policy occurred. The director of CRTC (or designee) shall simultaneously notify the complainant(s) and respondent(s) in writing of the commencement of the investigation. The notice of investigation will include:

- receipt of the complaint stating the allegation of a violation of this policy;
- interim supportive measures, if any;
- admonishments regarding cooperation and prohibiting retaliation;
- any informal resolution process that may be available; and

⁹ The IA is one or more trained individuals appointed to conduct a formal investigation to discover and examine the facts of an allegation and conclude if, based on the preponderance of the evidence, the allegation is substantiated, unsubstantiated, or if there is insufficient information. In complaints involving allegations of sex-based behaviors, the investigative authority will be limited to only reporting the evidence collected during the investigation, as well as issuing appropriate determinations surrounding credibility of witnesses and evidence.

- an unredacted version of the complaint to an employee respondent(s) and their advisor, if applicable, with admonishments regarding privacy.
- the appointed IA; the appointed Designated Administrator (DA)¹⁰ and Appellate Authority(AA);¹¹

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

If the respondent is an employee, the Director of Human Resources and director of CRTC (or designee) shall notify, in writing, the respondent's supervisor that CRTC is investigating an allegation that the respondent has engaged in conduct that may be a violation of System Regulation 08.01.01 and/or Rule 08.01.01.W1 or other university rules, SAP, codes, or policies.

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

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

- Failure to appear at a meeting, interview, hearing, or conference as set forth in a notice issued by CRTC;
- Falsification, distortion, destruction, or misrepresentation of evidence or information;
- Disruption or interference with the orderly conduct of an investigation, interview,

¹⁰ The DA is the decision-making entity specified in member rules. This may be an administrator or a hearing officer/panel but may not include a person with a clear conflict of interest (e.g., supervisor, subordinate, and/or family member of either party) or personal bias. The role of the designated administrator is to determine whether or not allegations of misconduct rise to the level of a violation of this regulation based on the evidence provided and utilizing the preponderance of the evidence standard. The designated administrator cannot have served as an investigator nor may they later serve as an appellate authority in the same case. Title IX Coordinators may not serve as a designated administrator in any case involving an allegation of discrimination or harassment based on sex. Designated administrators may consist of a single decision-maker (hearing officer for formal hearings) or a group of decision makers (hearing panel for formal hearings). When a hearing panel is utilized by a member, it must be chaired by a voting member and consist of an odd number of total voting members.

¹¹ The AA is an individual or panel responsible for rendering appeal decisions as specified in member rules. The role of the appellate authority is to review the process by which an original decision was reached and render an appellate decision, consistent with the grounds for appeal. Title IX Coordinators may not serve as an appellate authority in any case involving an allegation of discrimination or harassment based on sex.

- meeting, hearing or conference;
- Intentionally initiating or causing a false report to be initiated;
 - Attempting to discourage an individual's proper participation in, or use of, the investigation and resolution process, disciplinary process, or legal process;
 - Attempting to influence the impartiality of the IA, AA, or DA prior to, and/or during the course of the investigation and resolution process;
 - Verbal or physical intimidation, and/or retaliation of any party to the investigation and resolution process prior to, during, and/or afterwards;
 - Failure to abide by the terms of university administered sanctions;
 - Influencing or attempting to influence another person to commit an abuse of the investigation and resolution process; and/or
 - Failure to cooperate fully with the IA (applies to employees only).

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

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

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

Investigations provide both the complainant and respondent the same opportunities to have others present during any institutional proceeding, including the opportunity to be accompanied to any related meeting or proceeding by an advisor¹² of their choice. The advisor may be present at any time in which the party participates in the investigation and resolution process, including the filing of the complaint, the interview with the IA, and all other meetings related to the investigation and resolution of the

¹² An Advisor is an individual selected by each complainant and respondent to provide guidance during the investigation and resolution process and to conduct cross-examination when a complaint is referred to a formal hearing. An advisor may be an attorney. A member may appoint an advisor of the member's choice for a complainant or respondent for a hearing if either party does not have an advisor present. Advisors may not otherwise represent or speak for the party they are advising. Each party is allowed one advisor, although members may establish circumstances under which a second advisor would be permitted (e.g., accommodating a party with a disability).

complaint. A party may select any person to be an advisor, including legal counsel.

If the allegations are related to sexual harassment or sex-based misconduct, a party must have an advisor for the hearing to provide guidance and to conduct cross examination. If a party does not have an advisor for a hearing involving sexual harassment or sex-based misconduct allegations, the university will appoint an advisor for the party. To the extent reasonably possible, the university will provide a party without an advisor with a list of trained advisors and allow the party to select an advisor to be appointed from the list.

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

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

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

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

Within 30 business days, the IA will prepare an initial draft investigation report at the conclusion of the investigation and provide it to OGC for review. The initial draft investigation report¹³ includes the following but does not contain speculation, opinions, findings, decisions, or recommendations for sanctions:

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

The IA has the sole discretion to determine the relevance of evidence and whether it should be included in or excluded from the investigation report. OGC will coordinate with SECO and provide its review of the initial draft investigation report to the IA within 10 business days. The IA will have 5 business days to create a final draft investigation report and share that document electronically with both the complainant, respondent, and their advisors, if any. The university provides parties an equal opportunity to inspect and review any evidence obtained as part of the investigation that is directly related to the allegations raised in the formal complaint, including the evidence upon which the university does not intend to rely in reaching a determination regarding responsibility, and inculpatory or exculpatory evidence related to the allegations whether obtained from a party or other source, so that each party can meaningfully respond to the evidence prior to the conclusion of the investigation. This includes sending to each party and the party's advisor, if any, the final draft investigation report (with exhibits) subject to inspection and review. Both the report and the collected evidence will be unredacted to the extent allowed by law.

The complainant and the respondent will be given 10 business days to review the final draft investigation report and evidence and submit a written response to the IA for the IA to consider prior to final completion of the investigative report. A party's response may include: 1) written comment or feedback; 2) additional evidence or information; 3) the names of additional witnesses or a request for the collection of other information by

¹³The investigation report for a non-sex based civil rights complaint must also include the IA's conclusion, based on the preponderance of the evidence, whether or not the alleged behavior/conduct occurred, did not occur, or there was insufficient evidence to establish that the behavior occurred or not, but will not determine whether or not the behavior establishes a violation of system or university regulations or rules.

the IA; and/or 4) questions to be asked (at the discretion of the IA) of the other parties or witnesses. The IA must explain to the party proposing the questions any decision to exclude a question as repetitious or not relevant. A party's written response, if any, will be shared with all other parties and incorporated in the investigation report as an exhibit.

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

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

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

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

The respondent is presumed to not have engaged in prohibited conduct until the DA finds that there is sufficient evidence based on a preponderance of the evidence to find that the respondent has violated System Regulation 08.01.01 and/or Rule 08.01.01.W1. If violation(s) are found, the DA may issue sanctions.

Procedures governing the resolution of all sexual harassment and sex-based misconduct allegations see definitions on page 22

A university official and/or a hearing officer will be appointed to be the DA. The university official and/or hearing officer will render decisions in cases with allegations against employees, third parties, and students.

The DA will review the unredacted final investigation report, the documentary evidence,

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

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

The DA along with hearing panel will conduct a live hearing¹⁴ to allow the parties to question witnesses, submit evidence or information, and to allow the DA and the parties' advisors to cross-examine other parties or witnesses. The complainant and the respondent at a hearing must have an advisor with them. In cases in which a party does not have an advisor, the university will provide a trained advisor to assist them in the hearing process.

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

The DA will preside over the hearing and make final determinations on the relevance of questions and evidence asked during the cross-examination. Questions and evidence about the complainant's sexual predisposition or prior sexual behavior are not relevant, unless such questions and evidence about the complainant's prior sexual behavior are offered to prove that someone other than the respondent committed the alleged conduct, or if the questions and evidence concern specific incidents of the complainant's prior sexual behavior with respect to the respondent and are offered to prove consent.

¹⁴ Hearings will be closed to the public. The university will create an audio or audiovisual recording, or transcript, of any live hearing and make it available to the parties for inspection and review. Physical access to the recording or transcript must be provided upon request for the purpose of preparing an appeal following the hearing. Attendance at a hearing may be in person or may be conducted through remote means, provided that all parties and the DA can see and hear one another in real time during the course of the hearing.

If a complainant, respondent, or witness is not in attendance at a live hearing, the DA cannot rely on the previously submitted statements of the absent party in reaching a determination, but may utilize all other evidence, including witnesses who interacted with the absent party, but not hearsay testimony of what the absent party told that individual. A complainant, respondent, or witness statement can also not be utilized in a determination if that person refuses to submit to cross-examination at a live hearing. The DA cannot draw an inference regarding responsibility based solely on a party's or witness's absence from the live hearing or refusal to answer cross-examination or other questions.

Following the hearing, the DA will develop a draft result (hereafter called decision), based on the preponderance of the evidence, as to a) whether or not the alleged conduct occurred; and b) whether each allegation is substantiated, unsubstantiated, or there is insufficient information to substantiate that the respondent violated System Regulation 08.01.01 and/or Rule 08.01.01.W1. If applicable, the DA will also include a decision as to whether the respondent violated any other university regulation, code, policy, or rule. If the DA determines that any regulations, policies, rules, SAP, or codes have been violated, the DA will consider any information about impact, mitigation, aggravation, and the respondent's character (see factors listed in the Sanctioning Considerations section on page 50) and include a decision about sanctions. The DA will submit the draft to SECO within 2 business days. SECO will have a maximum of 3 business days to provide feedback to the DA.

Thereafter, the DA will have a maximum of 3 additional business days to issue a decision letter. The decision letter must be sent simultaneously to notify the parties, in writing, of the decision on responsibility and sanctions except when to do so would violate state or federal law [e.g. Family Education Rights and Privacy Act (FERPA)]. The decision must include any sanctions imposed by the institution. Notwithstanding section 444 of the General Education Provision Act (20 U.S.C. 1232g), commonly referred to as FERPA, the decision¹⁵ letter must include the rationale for the decision and the sanctions. The decision will include information about appealing the decision and/or sanctions.

Decision letters must include 1) identification of the allegations; 2) a description of the procedural steps taken from the receipt of a formal complaint through determination, including any notifications to the parties, interviews with parties and witnesses, site visits, methods used to gather other evidence, and hearings held, if any; 3) a finding for each allegation as to whether the conduct occurred and findings of fact supporting the determination; 4) conclusion regarding the application of the university's conduct

¹⁵ The decision of the DA will include how the university weighted the evidence and information presented during the hearing, how the evidence and information support the decision and sanctions, and how the standard of evidence was applied.

standards to the facts; 5) a statement of, and rationale for, the result as to each allegation including a determination regarding responsibility (substantiated, unsubstantiated, or there is insufficient information to substantiate that the respondent violated System Regulation 08.01.01 and/or Rule 08.01.01.W1), any disciplinary sanctions the university imposes on the respondent, and whether remedies designed to restore or preserve equal access to the university's education program or activity will be provided by the university to the complainant, and; 6) the university's procedures and permissible bases for the complainant and respondent to appeal the decision and/or sanctions. If it was alleged that any other system regulations or university rules, SAPs, codes, or policies were violated, there will be a statement of responsibility as to these allegations as well. The decision on responsibility made by the DA does not constitute an employment action with respect to faculty and non-faculty employees. Any sanction against an employee, imposed as a result of a substantiated finding, will constitute an employment action.

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

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

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

Procedures governing the resolution of all other civil rights complaints (allegations other than sexual harassment and sex-based misconduct)

Following are the resolution procedures for non sex-based complaints based on race, color, religion, national origin, age, disability, genetic information, and/or veteran status. When a complaint involves allegations of misconduct that involve both sex-based allegations and allegations of other civil rights violations, the process shall be conducted under the requirements established for sex-based offenses (see page 22).

The DA will review the unredacted final investigation report (see footnote 13), the documentary evidence, and any other relevant information. If the DA has substantial

doubts about the thoroughness, fairness, and/or impartiality of the investigation, the DA may refer the matter back to the IA with further instructions, which could include the appointment of a different IA. At any time prior to the adjudication of a formal complaint, the parties may seek informal resolution to resolve the complaint.

The DA will develop a draft decision (see footnote 15), based on the preponderance of the evidence, as to a) a finding for each allegation as to whether conduct occurred; and b) a finding of responsibility for each allegation: substantiated, unsubstantiated, or there is insufficient information to substantiate that the respondent violated System Regulation 08.01.01 and/or Rule 08.01.01.W1. If it was alleged that any other system regulations or university rules, SAP, codes, or policies were violated, there will be a statement of responsibility as to these allegations as well.

The DA will submit the draft decision to OGC within 5 business days after receiving the final investigation report and consult, as needed, with respect to sanctioning. OGC will coordinate with SECO and provide its review of the draft decision within 5 business days. For a complaint against a student, it may be impractical for OGC to review the intended decision prior to issuance by the DA. Universities are therefore exempt from obtaining OGC review of the decision, for student complainants, prior to issuance but may request assistance from OGC and SECO when needed. The DA will have 5 business days to finalize the decision and simultaneously notify the parties, the IA, and any other university official with a need to know, in writing, of the decision and sanctions. In cases in which the allegations are substantiated, the final decision will also be provided to an employee respondent's supervisor. The decision must include any sanctions imposed by the institution. Notwithstanding section 444 of the General Education Provision Act (20 U.S.C. 1232g), commonly referred to as FERPA, in the decision, the DA will state the rationale for the decision and the sanctions, if any (see footnote 15). The final decision will include instructions for appealing the decision and/or sanctions.

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

Sanctioning Considerations

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

- the expressed wishes of the complainant(s),
- the nature of the conduct,
- the impact of the conduct on the complainant(s) and university community and the

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

Sanctioning for Employees

If an employee is found to have engaged in sexual harassment or sex-based misconduct, the sanction will be termination of employment. If an employee is found to have engaged in conduct prohibited by System Regulation 08.01.01 and/or Rule 08.01.01.W1 (other than sexual harassment and/or sex-based misconduct), the DA may assign appropriate sanction(s) which may have educational, restorative, punitive, and rehabilitative components. Examples of sanctions may include, but are not limited to, written warning or reprimand, required training and/or counseling, "no contact" order, probation, suspension, and employment dismissal.

In the case of a complaint against a staff employee, WTAMU will use the judicial process described in the A&M System Regulation #32.01.02, Complaint and Appeal Process for Nonfaculty Employees.

In the case of a complaint against a faculty employee, including sexual harassment, sexual assault, dating violence, domestic violence, and stalking, WTAMU will use the judicial process described in the Faculty Handbook in accordance with university sanctioning guidelines. The handbook is located at [Faculty Handbook](#).

If an employee is found responsible for violating any other rule, SAP, policy, code, or regulation, the DA may assign appropriate sanction(s) or may refer the sanctioning to any other appropriate university administrator. Sanctioning decisions involving employees must be determined in consultation with OGC.

Sanctioning for Students

For student conduct rule violations, including sexual assault, dating violence, domestic violence, and stalking, WTAMU will use the Code of Student Life to determine annotations to be included on the student's transcript, as well as the student's eligibility to represent WTAMU in extracurricular activities, both on and off campus. The initial determination of eligibility for participation in extracurricular activities must exclude any administrator who has an inherent conflict of interest in the student's participation in that activity (e.g., the

coach of a student-athlete, the advisor to a student club or organization). Civil Rights discrimination complaint sanctions must be handled in accordance with WTAMU's minimum sanction guidelines, which are found in the Code of Student Life. The Code is located at [Code of Student Life](#)

Sanctions are intended to challenge students' moral and ethical decision-making and to help them bring their behavior into accord with our community expectations and values. 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 - A period of time during which a student's conduct will be observed and reviewed.
- Deferred Disciplinary Suspension - 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.

Appeals procedures governing the resolution of all sexual harassment and sex-based misconduct allegations see definitions on page 22

A request for appeal of the finding or sanction must be submitted in writing, within 5 business days of receipt of the finding or sanction, to the Director of CRTC.

The AA will be assigned by the Director of CRTC to review the appeal request and begin the appeal screening process. With respect to allegations of sex discrimination, including sexual harassment and sex-based misconduct, the DA'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 irregularity that affected the outcome;
- new evidence, not reasonably available at the time the determination regarding responsibility or dismissal was made, that could affect the outcome. The new evidence must be provided at the time of appeal with the appropriate appeals form;
- the Director of CRTC, investigator(s), or decision-maker(s) had a conflict of interest or bias for or against complainants or respondents generally or the individual complainant or respondent that affected the outcome;
- the appropriateness or severity of the sanctions.

The AA will consider the request based on its merit for appeals. If the appeal request does not meet the threshold for granting an appeal, all parties will be notified of this decision, and the decision will be final. If the request is approved, the appeal will move forward through the appellate process.

To avoid a conflict of interest, the appeal must be directed to an AA who had no previous involvement and/or participation in the investigation and/or decision.

An AA must meet the mandatory training requirements under the Clery Act, including annual training in the areas of sexual assault, sexual misconduct, domestic/dating violence, and stalking. Additionally, an AA must have successfully completed university Civil Rights Hearing Process Orientation and A&M System-approved biennial certification.

In order to avoid the appearance of a conflict of interest, appeals must be directed to an AA who had no previous involvement and/or participation in the investigation and/or decision. The appellate authority decision with regard to the appeal will be final.

The appeal will be confined to a review of the written documentation and record of the investigation and/or hearing, and pertinent documentation regarding the grounds for appeal. The appeal does not create an entitlement to a new investigation or a full rehearing of the complaint. The appeal process for both the complainant(s) and the respondent(s) must be equitable, but not necessarily identical. The appeal must be filed within 5 business days of notification of the decision. The appeals process carries a presumption that the original decision was correct unless a preponderance of the evidence demonstrates that one or more of the conditions of the appeal are met, and that either or both parties was deprived of a fair process.

WTAMU shall notify the other party in writing when an appeal is filed and implement appeal procedures equitably for both parties. Parties will be given 3 business days to review the appeal and submit any written response in support of, or challenging, the outcome to the appellate authority.

If the respondent is an employee or third party, the AA will provide a draft decision to OGC for review within 5 business days after receiving the appeal(s). OGC will coordinate with SECO and provide its review of the draft decision within 5 business days. The AA will then have 5 additional business days to finalize the decision and provide it to the complainant(s), the respondent(s), and the IA simultaneously to the extent possible. If the complaint on appeal is substantiated, the respondent's supervisor will also be informed. Circumstances may warrant extensions to the timeframes in this section. The AA should send extension requests, if needed, to the office or individual(s) who appointed them. Both

the complainant(s) and the respondent(s) must be notified of any extensions in writing.

For student cases, the AA has 10 business days to reach the decision and provide it to the complainant(s), the respondent(s), and the IA simultaneously to the extent possible. AA are exempt from obtaining OGC review of the decision prior to issuance but may request assistance from OGC and SECO when needed.

The appellate authority may reach one of the following outcomes:

- affirm the original finding and sanction;
- affirm the finding and modify the sanction; or
- remand the case to a new hearing or review.

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

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

Employees appealing sanctions issued pursuant to this regulation will receive an unredacted copy of the investigation report and exhibits, upon request, with admonishments regarding privacy.

Any student receiving a sanction of separation (expulsion or suspension) pursuant to this regulation may appeal the sanction in accordance with the Code of Student Life for student grievances.

Extensions

Time frames for the receipt, investigation, and adjudication of complaints may be extended for good cause with written notice to the complainant and respondent of the delay and/or extension and the reasons therefor. Good cause is to be determined by WTAMU in consultation with OGC and SECO and reasonable extensions may be granted at the discretion of WTAMU. The IA, DA, or AA should send an extension request if needed, in writing, to the office or individual who appointed them. Both the complainant(s) and the respondent(s) should be notified of any extensions in writing.

Dismissals under Title IX

Cases involving allegations of sexual harassment, sexual assault, and dating violence,

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

Mandatory Dismissals

If the conduct alleged in the formal complaint would not constitute sexual harassment:

- as defined even if proved,
- did not occur in a WTAMU education program or activity, or
- did not occur against a person in the United States.

Then WTAMU must dismiss the formal complaint with regard to the conduct for purposes of sexual harassment under Title IX. Such dismissal does not preclude action under another provision of WTAMU conduct standards, nor does it preclude WTAMU proceeding with civil rights process under this Regulation as Sex-based Misconduct provided that the investigatory, adjudicatory, and informal resolution processes are administered.

Discretionary Dismissals

WTAMU may also dismiss a formal complaint if the complainant:

- Notifies the Director of CRTc or designee in writing that the complaint wishes to withdraw it,
- if the respondent is no longer enrolled or employed by WTAMU, or
- if specific circumstances prevent WTAMU from collecting evidence sufficient to reach a determination.

Such dismissal does not preclude action under another provision of the WTAMU conduct standards, nor does it preclude WTAMU proceedings with a civil rights process as Sex-based Misconduct provided that the investigatory, adjudicatory, and informal resolution processes.

Education Programs

WTAMU offers educational workshops and programs on topics including: anxiety and depression; smoking cessation; steroid abuse; drugs, alcohol and tobacco awareness; distracted driving prevention; healthy relationships; internet safety; nutrition; sexual responsibility; stress management; time management; and healthy body image. UPD 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 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; Residential Living; Title IX; etc.)

Since the beginning of the COVID-19 Pandemic, many programs are provided virtually. Follow this link for local and virtual programming at <https://www.wtamu.edu/student-life/index.html>.

Specific programs provided in 2019:

- Welcome Week – Sexual Assault, Dating Violence, and Stalking
- Sexual Assault Awareness Month and events such as Girls Night Out and Guys Night Out with special speakers.
- Human trafficking Awareness Program
- Buff Branding – Real Talk
- Domestic Violence Month
- Start By Believing
- Victim Link / Seek Then Speak

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, WT Health and Promotions 806-651-2910 or the UPD, 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 new incoming students and new employees. The primary programs are defined as programming, initiatives, and strategies are intended to stop dating violence, domestic violence and sexual assault, and stalking before they occur. The programs identify sexual assault, dating violence, domestic violence, and stalking as prohibited conduct and provide information regarding bystander intervention, risk reduction in recognizing warning signs of abusive behavior, ways to avoid potential attacks, and individuals' rights and options. The ongoing awareness and prevention campaigns for students and employees has the primary goal of prevention of crime before it occurs. . The information provided programming, initiatives, and strategies that will help all members of the university community take an active role in their personal safety and property protection. The different programs include:

- 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** on the WTAMU campus in 2019. Online only students were distributed a link to a copy of the Welcome Week presentation.

Name of Program	Date	Location	Prohibited Behavior
Transfer Student Orientation	5/17/2019	JBK	Title IX
New Student Orientation	5/30/2019	JBK	*DoV, DaV, SA, S, Title IX
New Student Orientation	6/6/2019	JBK	*DoV, DaV, SA, S, Title IX
New Student Orientation	6/13/2019	JBK	*DoV, DaV, SA, S, Title IX
New Student Orientation	6/20/2019	JBK	*DoV, DaV, SA, S, Title IX
New Student Orientation	6/27/2019	JBK	*DoV, DaV, SA, S, Title IX
New Student Orientation	8/19/2019	Alumni Banquet Hall	*DoV, DaV, SA, S, Title IX
New Student Orientation	8/19/2019	JBK	*DoV, DaV, SA, S, Title IX
New Student Orientation - International Students	8/23/2019	JBK	*DoV, DaV, SA, S, Title IX

Welcome Week	8/26/2019	JBK - Legacy	*DoV, DaV, SA, S, Title IX
Welcome Week	8/27/2019	JBK - Legacy	*DoV, DaV, SA, S, Title IX
Welcome Week	8/28/2019	JBK - Legacy	*DoV, DaV, SA, S, Title IX
Welcome Week	8/29/2019	Alumni Banquet Hall	*DoV, DaV, SA, S, Title IX
Welcome Week - Make-up session	9/11/2019	JBK - Legacy	*DoV, DaV, SA, S, Title IX

*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 2019:

Name of Program	Date	Location	Prohibited Behavior
Amarillo Center Faculty/Staff Orientation	1/10/2019	Amarillo Center	*DoV, DaV, SA, S, Clery Act
New Staff Orientation	2/1/2019	JBK Thunder	*DoV, DaV, SA, S, Clery Act
New Staff Orientation	2/1/2019	JBK Thunder	Title IX
New Staff Orientation	6/10/2019	JBK Senate Chamber	*DoV, DaV, SA, S, Clery Act
New Staff Orientation	6/10/2019	JBK Senate Chamber	Title IX
New Faculty Orientation	8/1/2019	Killgore Suite	*DoV, DaV, SA, S, Clery Act
SA-DV-Stalking	9/20/2019	JBK	*DoV, DaV, SA, S, Clery Act
New Staff Orientation	9/24/2019	JBK - Maroon	*DoV, DaV, SA, S, Clery Act
New Staff Orientation	9/24/2019	JBK - Maroon	Title IX

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

The University offered the following **ongoing awareness and prevention programs for students** in 2019:

Name of Program	Date	Location	Prohibited Behavior
Athletic Team Orientation	1/22/2019	Activities Center	*DoV, DaV, SA, S
Drug Awareness	1/30/2019	Founders Hall	*SA
Athletic Team Orientation	2/12/2019	Activities Center	*DoV, DaV, SA, S
Crime Prevention	2/13/2019	JBK West Texas Room	*SA, S
Athletic Team Orientation	2/13/2019	Activities Center	*DoV, DaV, SA, S
Athletic Team Orientation	2/15/2019	Activities Center	*DoV, DaV, SA, S
Athletic Team Orientation	2/18/2019	Activities Center	*DoV, DaV, SA, S
Athletic Team Orientation	2/19/2019	Activities Center	*DoV, DaV, SA, S
Athletic Team Orientation	2/20/2019	Activities Center	*DoV, DaV, SA, S
Athletic Team Orientation	2/22/2019	Activities Center	*DoV, DaV, SA, S
Athletic Team Orientation	2/27/2019	Activities Center	*DoV, DaV, SA, S
Athletic Team Orientation	3/1/2019	Activities Center	*DoV, DaV, SA, S
CRASE-ALiCE	3/5/2019	Amarillo Center SBDC	*DoV, DaV, SA, S
RAD Self Defense	3/17/2019	UPD Classroom	*DoV, DaV, SA, S
CRASE-ALiCE	3/27/2019	Amarillo Center SBDC	*DoV, DaV, SA, S
Drug Awareness	3/28/2019	Cousins Hall	*SA
Drug Awareness	3/28/2019	Cousins Hall	*SA
Bae-Goals	4/3/2019	Stafford Hall	*DoV
SAAM Kickoff Event - Creating a Culture of Consent - Dr. Keith Edwards	4/4/2019	Legacy Hall	*DoV, DaV, SA, S

Transfer Student Orientation	4/5/2019	JBK	Title IX
Trafficking	4/11/2019	Guenther Hall	*SA
Sexual Assault Awareness	4/18/2019	Agriculture Building	*DoV, DaV, SA, S
CRASE/ALiCE	6/20/2019	Centennial Hall	*DoV, DaV, SA, S
Girls Night Out	9/17/2019	JBK - Legacy	*DoV, DaV, SA, S
CRASE/ALiCE	9/19/2019	Amarillo Center SBDC	*DoV, DaV, SA, S
Buff Allies Language - Lunch and Learn	9/30/2019	JBK - Senate	*SA, DaV
Domestic Violence Awareness Month w/FSS event	10/15/2019	JBK - Commons	*DoV, DaV
RAD for Women	11/9/2019	UPD Classroom	*DoV, DaV, SA, S
CRASE/ALiCE	11/25/2019	Ag Ed Lab	*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 2019:

Name of Program	Date	Location	Prohibited Behavior
Crime Prevention	2/13/2019	JBK West Texas	*SA, S
CRASE-ALiCE	3/5/2019	Amarillo Center SBDC	*DoV, DaV, SA, S
RAD Self Defense	3/17/2019	UPD Classroom	*DoV, DaV, SA, S
Alcohol Awareness - CAMP	3/22/2019	UPD Classroom	*SA, DaV
SAAM Kickoff Event - Creating a Culture of Consent - Dr. Keith Edwards	4/4/2019	Legacy Hall	*DoV, DaV, SA, S
Domestic Violence Awareness Month w/FSS event	10/15/2019	JBK - Commons	*DoV, DaV
RAD for Women	11/9/2019	UPD Classroom	*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 UPD and the Campus SART co-sponsored the kickoff of this campaign on our campus in 2017.

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.

The overall Start by Believing campaign 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.

Bystander Intervention

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.”¹⁶ 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 list¹⁷ 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.

¹⁶ Burn, S.M. (2009). A Situational Model of Sexual Assault Prevention through Bystander Intervention. *Sex Roles, Volume 60, Issue 11-12*, 779-792.

¹⁷ Bystander intervention strategies adapted from Stanford University, University of North Dakota, and the Massachusetts Institute of Technology

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 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 Director 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.

Sex Offender Registration

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

The Texas Department of Public Safety (DPS) is the official Texas internet source for Sex Offender Registration. The Sex Offender Registration open record information is extracted from the DPS Sex Offender Registration Database. The DPS maintains files based on registration information submitted by criminal justice agencies and represents a statewide source of information on sex offenders required by law to register.

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.

UPD receives notification of registered sex offenders that are currently employed, work, teach, volunteer, or attend classes on the campus of WTAMU or the Amarillo Center teaching site. Notification may come from either the Canyon Police, Amarillo Police, Randall County Sheriff's Office, or the Potter County Sheriff's Office. The authority for campus notification at WTAMU or the Amarillo Center is:

Shawn Burns, Chief of Police
University Police
Department Old Sub 102
P.O. Box 60295
Canyon, TX 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 <https://records.txdps.state.tx.us/SexOffenderRegistry>

Prohibition of Retaliation

West Texas A&M University prohibits retaliation. WTAMU or an officer, employee, or agent of WTAMU, may not retaliate, intimidate, threaten, coerce, or otherwise discriminate against any individual for exercising their rights or responsibilities under any provision of the Clery Act.

Victims' Rights

The UPD employs a victim assistance coordinator who works directly with innocent parties of crime. The UPD's Victim's Assistance Coordinator is available at 806-651-2300 or 806-651-2307 to provide information or direct victims to the proper agency about personal safety, Texas Crime Victim's Rights, Texas Crime Victims Compensation Fund and other information upon request. For additional information you may also visit the Office of the Texas Attorney General's website at <https://www.texasattorneygeneral.gov/cvs/crime-victims-compensation>. 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.

Victim Notification

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

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

Definitions of Clery Act Offenses

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

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

Sexual Assault: An offense that meets the definition of rape, fondling, incest or statutory rape as used 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 the consent of the victim, including instances where the victim is incapable of giving consent (see consent section below).

Rape: The penetration, no matter how slight, of the vagina or anus with any body part or object, or oral penetration by a sex organ of another person, without the consent of the victim.

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

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

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

Consent:

Texas A&M University System Regulation

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

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

Texas Penal Code

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

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

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

(a) A person commits an offense if:

(1) the person intentionally or knowingly:

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

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

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

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

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

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

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

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

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

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

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

Dating Violence: Violence committed by a person who is or has been in a social relationship of a romantic or intimate nature with the victim. The existence of such a relationship shall be based upon the reporting party's statement with consideration of the length of the relationship, the type of relationship, and the frequency of interaction between the persons involved in the relationship. Dating violence includes, but is not limited to, sexual or physical abuse or the threat of such abuse. Dating violence does not include acts covered under the definition of domestic violence. Any incident meeting this definition is considered to be a crime for the purposes of Clery Act reporting.

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

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

(1) is committed against a victim:

(A) with whom the actor has or has had a dating relationship; or

(B) because of the victim's or applicant's marriage to or dating relationship with an individual with whom the actor is or has been in a dating relationship or marriage; and

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

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

(1) the length of the relationship;

(2) the nature of the relationship; and

(3) the frequency and type of interaction between the persons involved in the relationship.

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

Domestic Violence: A felony or misdemeanor crime of violence committed by a current or former spouse or intimate partner of the victim; by a person with whom the victim shares a child in common; by a person who is cohabitating with or has cohabitated with the victim as a spouse or intimate partner; by a person similarly situated to a spouse of the victim under the domestic or family violence laws of the jurisdiction in which the crime of violence occurred, or by any other person against an adult or youth victim who is protected from that person's acts under the domestic or family violence laws of the jurisdiction in which the crime of violence occurred. Any

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

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

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

Stalking: Engaging in a course of conduct directed at a specific person that would cause a reasonable person to fear for his or her safety or the safety of others or suffer substantial emotional distress. Course of conduct means two or more acts, including, but not limited to, acts in which the stalker directly, indirectly, or through third parties, by any action, method, device, or means, follows, monitors, observes, surveils, threatens, or communicates to or about, a person, or interferes with a person's property. Substantial emotional distress means significant mental suffering or anguish that may, but does not necessarily, require medical or other professional treatment or counseling. Reasonable person means a reasonable person under similar circumstances and with similar identities to the victim. Any incident meeting this definition is considered to be a crime for the purposes of Clery Act reporting.

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

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

- (1) constitutes an offense under [Section 42.07](#) (see below), or that the actor knows or reasonably should know the other person will regard as threatening:
 - (A) bodily injury or death for the other person;
 - (B) bodily injury or death for a member of the other person's family or household or for an individual with whom the other person has a dating relationship; or
 - (C) that an offense will be committed against the other person's property;
- (2) causes the other person, a member of the other person's family or household, or an individual with whom the other person has a dating relationship to be placed in fear of bodily injury or death or in fear that an offense will be committed against the other person's property, or to feel harassed, annoyed, alarmed, abused, tormented, embarrassed, or offended; and
- (3) would cause a reasonable person to:
 - (A) fear bodily injury or death for himself or herself;

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

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

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

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

(d) In this section:

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

Sec. 42.07. Harassment.

(a) A person commits an offense if, with intent to harass, annoy, alarm, abuse, torment, or embarrass another, the person:

- (1) initiates communication and in the course of the communication makes a comment, request, suggestion, or proposal that is obscene;
- (2) threatens, in a manner reasonably likely to alarm the person receiving the threat, to inflict bodily injury on the person or to commit a felony against the person, a member of the person's family or household, or the person's property;
- (3) conveys, in a manner reasonably likely to alarm the person receiving the report, a false report, which is known by the conveyor to be false, that another person has suffered death or serious bodily injury;
- (4) causes the telephone of another to ring repeatedly or makes repeated telephone communications anonymously or in a manner reasonably likely to harass, annoy, alarm, abuse, torment, embarrass, or offend another;
- (5) makes a telephone call and intentionally fails to hang up or disengage the connection;
- (6) knowingly permits a telephone under the person's control to be used by another to commit an offense under this section; or

(7) sends repeated electronic communications in a manner reasonably likely to harass, annoy, alarm, abuse, torment, embarrass, or offend another.

(b) In this section:

(1) "Electronic communication" means a transfer of signs, signals, writing, images, sounds, data, or intelligence of any nature transmitted in whole or in part by a wire, radio, electromagnetic, photoelectronic, or photo-optical system. The term includes:

(A) a communication initiated through the use of electronic mail, instant message, network call, a cellular or other type of telephone, a computer, a camera, text message, a social media platform or application, an Internet website, any other Internet-based communication tool, or facsimile machine; and

(B) a communication made to a pager.

(2) "Family" and "household" have the meaning assigned by Chapter 71, Family Code.

(3) "Obscene" means containing a patently offensive description of or a solicitation to commit an ultimate sex act, including sexual intercourse, masturbation, cunnilingus, fellatio, or anilingus, or a description of an excretory function.

(c) An offense under this section is a Class B misdemeanor, except that the offense is a Class A misdemeanor if the actor has previously been convicted under this section.

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

Aggravated Assault: An unlawful attack by one person upon another for the purpose of inflicting severe or aggravated bodily injury. This type of assault usually is accompanied by the use of a weapon or by a means likely to produce death or great bodily harm. (It is not necessary that injury result from an aggravated assault when a gun, knife, or other weapon is used which could and probably would result in serious personal injury if the crime were successfully completed).

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

Motor Vehicle Theft: The theft or attempted theft of a motor vehicle. (Classify as motor vehicle theft all cases where automobiles are taken by persons not having lawful access even though the vehicles are later abandoned, including joyriding).

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

Hate Crime: A criminal offense reported to local police agencies or to a campus security authority that manifests evidence that the victim was intentionally selected because of the perpetrator's bias against the victim. For Clery Act purposes, hate crimes include any of the following offenses that are motivated by bias: Murder and non-negligent manslaughter, manslaughter by negligence, sexual assault (rape, fondling, incest, statutory rape), robbery, aggravated assault, burglary, motor vehicle theft, arson, larceny-theft, simple assault, intimidation, or destruction/damage/vandalism of property. Following are the bias categories.

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

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

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

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

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

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

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

national origin group, or because they are married to or associate with people of a certain national origin.

Disability: A preformed negative opinion or attitude toward a group of persons based on their physical or mental impairments, whether such disability is temporary or permanent, congenital or acquired by heredity, accident, injury, advanced aged or illness.

Additional Hate Crime Definitions:

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

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

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

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

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

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

Drug Abuse Violations: The violation of laws prohibiting the production, distribution, and/or use of certain controlled substances and the equipment or devices utilized in their preparation and/or use. The unlawful cultivation, manufacture, distribution, sale, purchase, use, possession, transportation, or importation of any controlled drug or narcotic substance. Arrests for violations of state and local laws, specifically those relating to the unlawful possession, sale, use, growing, manufacturing, and making of narcotic drugs. The relevant substances include: opium or cocaine and their derivatives (morphine, heroin, codeine); marijuana; synthetic narcotics (Demerol, methadone); and dangerous non-narcotic drugs (barbiturates, Benzedrine). Classify as a drug abuse violation: all drugs, without exception, that are illegal under local or state law where your institution is located and all illegally obtained prescription drugs.

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

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.

Definitions of Clery Act Locations

On-campus: Any building or property owned or controlled by an institution within the same reasonably contiguous geographic area and used by the institution in direct support of, or in a manner related to, the institution's educational purposes, including residence halls. This also includes any building or property that is within or reasonably contiguous to the geographic area

that is owned by the institution but controlled by another person, is frequently used by students, and supports institutional purposes (such as a food or other retail vendor).

Non-campus: Any building or property owned or controlled by an institution that is used in direct support of, or in relation to, the institution's educational purposes, is frequently used by students, and is not within the same reasonably contiguous geographic area of the institution. This also includes any building or property owned or controlled by a student organization that is officially recognized by the institution. No non-campus facilities are owned or controlled by RELLIS Campus, therefore, statistics for non-campus facilities are not required to be disclosed.

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

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

Crime Report, Arrest and Referral Statistics

WTAMU'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 UPD 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.

- **2017** – *no hate crimes reported*
- **2018** – *no hate crimes reported*
- **2019** – *no hate crimes reported*

Unfounded Crimes

- **2017** - *0 unfounded crime*
- **2018** - *0 unfounded crime*
- **2019** - *0 unfounded crime*

West Texas A&M University Amarillo Center - Reportable Clery Act Crimes

OFFENSE	Year	On Campus	Public Property	Total
Murder/Non Negligent Manslaughter	2017	0	0	0
	2018	0	0	0
	2019	0	0	0
Negligent Manslaughter	2017	0	0	0
	2018	0	0	0
	2019	0	0	0
Rape	2017	0	0	0
	2018	0	0	0
	2019	0	0	0
Fondling	2017	0	0	0
	2018	0	0	0
	2019	0	0	0
Incest	2017	0	0	0
	2018	0	0	0
	2019	0	0	0
Statutory Rape	2017	0	0	0
	2018	0	0	0
	2019	0	0	0
Robbery	2017	0	0	0
	2018	0	0	0
	2019	0	0	0
Aggravated Assault	2017	0	0	0
	2018	0	0	0
	2019	0	2	0
Burglary	2017	0	0	0
	2018	0	0	0
	2019	0	0	0
Motor Vehicle Theft	2017	0	0	0
	2018	0	0	0
	2019	0	0	0
Arson	2017	0	0	0
	2018	0	0	0
	2019	0	0	0

West Texas A&M University Amarillo Center – Arrest, Referrals and VAWA Reports

OFFENSE	Year	On Campus	Public Property	Total
Liquor Law Arrests	2017	0	0	0
	2018	0	0	0
	2019	0	0	0
Drug Law Arrests	2017	0	0	0
	2018	0	0	0
	2019	0	5	0
Weapons Law Arrests	2017	0	0	0
	2018	0	0	0
	2019	0	0	0
Liquor Law Violations Referred for Disciplinary Action	2017	0	0	0
	2018	0	0	0
	2019	0	0	0
Drug Law Violations Referred for Disciplinary Action	2017	0	0	0
	2018	0	0	0
	2019	0	0	0
Weapons Law Violations Referred for Disciplinary Action	2017	0	0	0
	2018	0	0	0
	2019	0	0	0
Domestic Violence	2017	0	0	0
	2018	0	0	0
	2019	0	0	0
Dating Violence	2017	0	0	0
	2018	0	0	0
	2019	0	0	0
Stalking	2017	0	0	0
	2018	0	0	0
	2019	0	0	0

Emergency/Fire Evacuation Procedures

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.

In the event of an actual fire or a drill, all students, guests and employees must evacuate the building in a timely manner. Follow the instructions of, UPD Officers, and/or fire-fighting personnel. Recommended evacuation routes are posted in the Amarillo Center. Leave the building immediately in an orderly manner and coordinate outside the building with Amarillo Center staff members. See **Evacuation Procedures** earlier in this handout for additional evacuation procedures. Fire alarm pull stations and fire extinguishers are installed throughout the building. Building alarm systems are monitored on a 24-hour basis.

When evacuating, the best way out may not be the way you came 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 university building. This includes, but is not limited to candles, lanterns, heaters, and incense. Violation of this rule may result in 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.

Students or employees 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.

Important Contacts

University Police Department	Old Sub 102	806-651-2300
UPD Victim Assistance	Old Sub 106	806-651-2307
WTAMU Crime Tip Line	Text WTAMU+ crime tip	79516
Student Counseling	Classroom Center 116	806-651-2340
Student Medical Services	Virgil Henson Activities Center	806-651-3287
Student Enrollment, Engagement, and Success	Jack B. Kelley Student Center, Suite 102	806-651-2050
Academic Affairs	Old Main 307	806-651-2043
Human Resources	Old Main 116	806-651-2441
The Work/Life Solutions Program by GuidanceResources	www.wtamu.edu/HR	1-866-301-9623
UPD Escort Service	Old Sub 102	806-651-2300
International Student Office	JBK Student Center 133N	806-651-2073
Civil Rights and Title IX Director	Old Sub 108	806-651-3199
Residential Living	housing@wtamu.edu	806-651-3000
Scholarships Services	https://www.wtamu.edu/student-support/scholarships/index.html	806-651-3330
Student Financial Aid	https://www.wtamu.edu/student-support/financial-aid/index.html	806-651-2055
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

Canyon Police Department	301 16 th Street #3, Canyon	806-655-5000
Randall County Sheriff's Department	9100 S. Georgia Street, Amarillo	806-468-5800
Amarillo Police Department	200 SE 3 rd Avenue, Amarillo	806-378-3038
Potter County Sheriff's Office	13103 NE 29 th Avenue, Amarillo	806-379-2900
Northwest Texas Hospital	1501 S. Coulter St., Amarillo	806-354-1000
BSA Health System	1600 Wallace Blvd. Amarillo	806-212-2000
Domestic Violence/Sexual Assault Hotline	Bilingual 806-374-5433	844-363-3452

Family Support Services	Amarillo	806-342-2500
National Suicide Prevention Lifeline		800-273-8255
Suicide Crisis Local Hotline	1501 S. Polk Amarillo	806-359-6699
National Mental Health Helpline		855-995-9489
Legal Aid of Northwest Texas	203 W. 8th Street, Suite 600 Amarillo	806-373-4309
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
Anonymous Crime Tips		806-374-4400
Amarillo Rape Crisis/Domestic Violence Hotline	806-374-5433 – bilingual 800-735-2989 - TTY	844-363-3452
Sex Offender Registration List (Texas)	https://records.txdps.state.tx.us/SexOffender/	

For more information about West Texas A&M University guidelines and procedures, refer to the Code of Student Life at: [WTAMU August 2020 Code of Student Life](#), 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 upon request, at the Office of Student Enrollment, Engagement and Success; the Human Resources Office; and the University Police Department.

December 2020

Other Annual Security Reports and Annual Fire Safety Reports

Annual Security Reports and Annual Fire Safety Reports for all West Texas A&M University locations are as follows and are available at the following website: www.wtamu.edu/safety

West Texas A&M University 2020 Annual Security and Fire Safety Report
www.wtamu.edu/safety/WTAMU

West Texas A&M University Amarillo Center 2020 Annual Security Report
www.wtamu.edu/safety/AmarilloCenter

West Texas A&M University RELLIS Academic Alliance 2020 Annual Security Report
www.wtamu.edu/safety/RELLIS

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