



AMARILLO CENTER

2019 Annual Security Report

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 Annual Security 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](mailto:model@wtamu.edu) for assistance if any link does not function.

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Office of the President

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A Message from the President

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

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

Complacency would diminish that which we diligently seek.

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

A handwritten signature in black ink, reading "Walter V. Wendler".

Walter V. Wendler
President

West Texas A&M University

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 to provide certain campus security information to current and prospective students and employees annually. The Higher Education Act of 1998 and the subsequent amendments of the implementing regulations (34 C.F.R.668.46) significantly expanded institutions' obligations under the Act. The Act was also renamed the "Jeanne Clery Disclosure of Campus Security Policy and Campus Crime Statistics Act" (hereafter the Clery Act).

The West Texas A&M University Police Department (UPD), the division of Student Enrollment, Engagement and Success, the division of Research and Compliance, the office of Risk Management and Compliance, the office of Communications and Marketing and the Vice President for Information Technology and Chief Information Officer are responsible for preparing and distributing the Campus Security and Fire Safety Report to comply with the Clery Act. The Campus Security and Fire Safety Report is published every year by October 1st and contains three years of selected campus crime statistics and certain campus security policy statements in accordance with the Clery Act.

The 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 Student Enrollment, Engagement and Success; the division of Research and Compliance; the office of the Provost and division of Academic Affairs; the office of the 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; Residential Living; External Programming; Study Abroad; Athletics; Human Resources; Title IX; Financial Services; and Communications and Marketing.

The WTAMU Amarillo Center located in the heart of Amarillo's downtown area, opened at its newly renovated location owned and controlled by West Texas A&M University (WTAMU) in November 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 will be separated and labeled in a separate Amarillo Center Annual Security Report crime chart.

The 2019 RELLIS Campus Annual Security Report includes 2018, 2017, and 2016 crime statistics. Prior to the updated Handbook, RELLIS was included as a non-campus location in the Texas A&M University College Station Annual Security Report.

Policy statements in this Annual Security Report are relevant to WTAMU students, faculty, and staff located at WTAMU and the Amarillo Center and reflect the same policies, practices, and services that are applicable to WTAMU unless otherwise stated.

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.

Copies of the report may be requested by contacting:

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

University Police Department
Clery Coordinator
Old Sub Building 106
PO Box 60295
Canyon, TX 79016
806-651-2300
Email: modell@wtamu.edu

Campus Law Enforcement Policies

Police Department Overview

UPD police officers are state certified Texas Peace Officers and provide police services to all WTAMU owned properties. The department has 18 authorized full-time police positions including the Chief of Police, Assistant Chief, Patrol Sergeant, Criminal Investigations Division Sergeant, Corporal, Police Officer, and Detective. The Police Communications division has four full-time police communications officers including the dispatch supervisor. The Communications division also employs three 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 Corporal's rotate three times a year to different shifts. Patrol Officers answer calls for service, respond to alarms and enforce state criminal and traffic laws. WTAMU operates under a "no tolerance" level of enforcement relating to fighting, alcohol and other drugs on University property.

Enforcement Authority, Arrest Authority and Jurisdiction

UPD is the primary police authority for WTAMU and the 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, are referred for prosecution through the District Attorney's office. Criminal matters involving university students may also be referred to university administration for disciplinary action.

Working Relationships and Agreements

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

Working relationships are 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 West Texas A&M 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.

There are no non-campus locations associated with the Amarillo Center teaching site.

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 the police department's compliance with over 166 Best Business Practices for Texas law enforcement. The Police Department's relationship with the community, and ensuring that we provide excellent service, is vital to achieving our overall mission of a 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 are received in the communications center by a dispatcher where the information is entered into a Computer Aided Dispatch (CAD) system. The dispatcher will request basic information regarding the call for service and the caller's contact information as an officer may need to subsequently reach the reporting party. A police officer will then be dispatched to the scene or to the location requested by the reporting party. The police officer may then issue a case number for the call and complete an incident report. Copies of all incident reports are kept with the UPD Records for a time-period mandated by institutional and state records retention policies.

UPD will respond as quickly and safely as possible to any request for assistance, whether it is an emergency or not. Response time is based on current activity and severity of the call.

WTAMU encourages accurate and prompt reporting of all crimes to the appropriate police agency when the victim of a crime elects to, or is unable to make such a report. We cannot overemphasize the importance of prompt and accurate reporting of crime. If a crime is not reported promptly, evidence can be destroyed or the potential to apprehend a suspect is lost. If you witness a crime or emergency, promptly report it to UPD and be prepared to answer questions as accurately as you can. If you are the victim of a crime, or you have seen or received information of criminal activity or other emergency, please contact UPD immediately at 806-651-2300.

Reporting Criminal Offenses to University Officials: Campus Security Authorities

Faculty, staff, and students are encouraged to report any criminal offenses at WTAMU, the Amarillo Center or any non-campus properties to the UPD. 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 |
| • Title IX Director | 806-651-3199 |
| • Vice President for Student Enrollment, Engagement & Success | 806-651-2050 |
| • Amarillo Center Director | 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 (Crime Alerts) and annual statistical disclosure to UPD by calling 806-651-2300, which includes incidents that occur at non-campus WTAMU property or locations. These incidents should immediately be reported to the law enforcement agency with jurisdiction for the location. Although statistical information is requested annually from these jurisdictions, UPD requests notification of the incident for follow-up and documentation purposes. The Campus Security Authority guidelines and CSA Crime Report are available on line to review and report Clery Crimes.

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

Reporting responsibilities also extend to WTAMU campus volunteers designated as CSA's, which are required to report crimes to UPD. An annual training assignment and campus-wide e-mail notification is sent from the University President to notify CSA's of their responsibility. Professional and pastoral counselors may encourage their clients to consider voluntarily and confidentially reporting crimes, when applicable. These and all such reports are compiled and coordinated through the 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 campus, in residential facilities, on non-campus University property and on public property contiguous to campus boundaries. All reported violations that have taken place in these designated areas during the previous three years, whether or not a WTAMU student, faculty, or staff member was involved, are reflected in the report. The report is made available to prospective students and employees as well as current students, faculty, and staff.

Confidential and Anonymous Reporting of Crimes

The 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 confidential 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. WTAMU will protect the confidentiality of victims to the extent permissible by law. Reports filed confidentially are counted and disclosed in the annual

crime statistics for the University.

The university will protect the identity of persons who report having been victims of sexual assault, domestic violence, dating violence, or stalking to the fullest extent permissible by law. When a complainant does not consent to the disclosure of his or her name or other identifiable information of the alleged perpetrator, the university's ability to respond to the complaint may be limited.

Timely Warning Notice/Crime Alert

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 will be provided to students and employees in a manner that is timely and will withhold the names of victims as confidential, and will aid in the prevention of similar occurrences. The warnings will be distributed if the incident is reported either to UPD directly or to UPD indirectly through a campus security authority or any local police agency. WTAMU is not required to issue a timely warning with respect to crimes reported to a pastoral or professional counselor. Crime Alerts may be issued on a case-by-case basis pending information received by UPD. The Chief will determine if the release of the Crime Alert would compromise law enforcement efforts and determine the appropriate time for release to be made.

The department issues/posts Crime Alerts for incidents of

- Criminal Homicide
- Aggravated assault (cases involving assaults among known parties, such as two roommates fighting which results in an aggravated injury, will be evaluated on a case-by-case basis to determine if the individual is believed to be an on-going threat to the larger WTAMU community)
- Robbery involving force or violence (cases including pick pocketing and purse snatching will typically not result in the issuance of a Crime Alert, but will be assessed on a case-by-case basis)
- Sexual Assault (considered on a case-by-case basis depending on the facts of the case, when and where the incident occurred, when it was reported, and the amount of information known by UPD)
- Major incidents of arson
- Other crimes as determined necessary by the Chief of Police, or his or her designee in his or her absence

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

- Date and time or timeframe of the incident

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

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

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

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

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

1. The department apprehends the subject(s) and the threat of imminent danger for members of the WTAMU community 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 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 Policy

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.

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, etc. The notification will be distributed if the incident is reported either to UPD directly or to UPD indirectly through a campus security authority, any local police agency or other appropriate agency. UPD has a responsibility to respond to such incidents to determine if the situation does in fact pose an immediate threat to the community.

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

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

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

1. Network emails (Students, Faculty and Staff)
2. Buff Alert (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.
4. Department of Communication and Marketing (media releases, social media, website notifications)
5. Information Technology may post messages on the WTAMU Weather Closing phone line at 806-651-2010.

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

The logo for Buff Alert, featuring the words "BUFF ALERT" in white capital letters on a dark grey rectangular background. To the right of the text is a white icon of a speaker with sound waves emanating from it.

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

Emergency Operations Plan

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 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 Log

Each business day, the UPD Clery Coordinator or other trained personnel, 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. Crime Logs may also be viewed at the Amarillo Center information desk 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 Business and Finance – Risk Management designates building coordinators from each University building. The designated building coordinator will establish access hours and maintain access to respective buildings. The Amarillo Center has no residential facilities and the Director of the 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*)

Residence Halls

The Amarillo Center has no residence halls. The on-campus community at the WTAMU campus is comprised of approximately 2000 students residing in ten residence halls. Key access or electronic card access is required at hall entrance doors. All hall sleeping rooms require keys for entrance. Guests in all halls are to be escorted as per hall rules. Residents have card or key access to their hall only. Residents also have access to contact UPD and Residential Living staff members for assistance.

Parking Areas

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.

Academic and Administrative Buildings

The 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.

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

Maintenance of Campus Facilities

Contracted facilities personnel are responsible for maintaining the buildings, grounds, and custodial services for the WTAMU campus and the Amarillo Center teaching site. 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.

Police personnel at the Amarillo Center closely monitor any security-related maintenance problems, and report their findings to the appropriate university official. If necessary, they will stand-by until the problem is corrected.

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 <https://www.wtamu.edu/webres/File/Administrative/AODReview.pdf>. Consumer Information is made available at <https://www.wtamu.edu/administration/11-consumer-information.aspx>.

Alcohol Policy

The following alcohol policy applies at the Amarillo Center.

All members of the university community and guests are required to comply with federal and state laws regarding the possession, use, and service (including sales) of alcoholic beverages. (System Policy 34.02, Drug and Alcohol Abuse and System Policy 34.03, Alcoholic Beverages *TAMUS policy/regulation*). Underage drinking will be strictly enforced on the 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 Drugs Policy

The following illegal drug policy applies at the Amarillo Center.

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

Managed Care Center for Addictive/Other
Disorders, Inc.
808 S. Crockett
Amarillo, Texas 79102
806-331-2723 or 877-226-6087

Amarillo Council on Alcoholism and Drug Abuse
803 South Rusk
Amarillo, Texas 79106
(806) 374-6688 or 800-566-6688

Amarillo Alcoholic Women's Recovery Center, Inc. (The Haven)
1308 South Buchanan
Amarillo, Texas 79101
(806) 374-5654 or 24 /7 treatment help 844-201-5157

The Pavilion at Northwest Texas
7201 Evans Drive
Amarillo, Texas 79106
(800) 537-2585 or 806-354-1810

Northwest Texas Healthcare System
1501 South Coulter
Amarillo, Texas 79106
806-354-1000

Weapons Policy

The following weapons policy applies at the Amarillo Center.

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 including the Amarillo Center) 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

WTAMU does not discriminate based on sex in its educational programs; and sexual harassment and sexual violence are types of sex discrimination. Other acts can also be forms of sex-based discrimination and are prohibited whether sexually based or not and include dating violence, domestic violence, and stalking. As a result, WTAMU issues this statement of policy to inform the campus community of our comprehensive plan addressing sexual misconduct, educational programs, and procedures that address sexual assault, domestic violence, dating violence, and stalking, whether the incident occurs on or off campus and when it is reported to a University official. In this context, WTAMU prohibits the offenses of domestic violence, dating violence, sexual assault and stalking and reaffirms its commitment to maintain a campus environment emphasizing the dignity and worth of all members of the university community.

For a complete copy of WTAMU's rule governing sexual misconduct, **Civil Rights Compliance 08.01.01.W1**, visit www.wtamu.edu/rules.

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

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

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

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

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

WTAMU prohibits retaliation. 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.

A student should, and an employee must, promptly report incidents of illegal discrimination, sexual harassment (including sexual assault, dating violence, domestic violence, and stalking), and/or related retaliation that they become aware of, experience, or observe to Richard Webb, Title IX Director, 301 23rd Street, Old SUB 108, Canyon, Texas, (806) 651-3199 rwebb@wtamu.edu or TitleIX@wtamu.edu. A third party should also promptly report incidents.

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

Whether or not criminal charges are filed, the university¹ or a person may file a complaint

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

under the Texas A&M University System Civil Rights Compliance Policy 08.01.01 alleging that a student or employee violated the University's regulation on Civil Rights Compliance 08.01.01.W1 www.wtamu.edu/rules. The University's disciplinary process includes a prompt, fair, and impartial investigation and resolution to the process. In all instances, the process will be conducted in a manner that is consistent with the institution's policy and that is transparent to the accuser and the accused. The investigative authority will review each complaint, interview witnesses, review relevant documentation, and provide a draft report of their investigation to the Office of General Counsel for review within 30 business days. However, each proceeding allows for extensions of timeframes for good cause with written notice to the accuser and the accused of the delay and reason for the delay. University officials involved in the investigation or adjudication of domestic violence, dating violence, sexual assault and stalking complaints are trained annually on the issues related to domestic violence, dating violence, sexual assault, and stalking as well as how to conduct an investigation and hearing process that protects the safety of the victim and promotes accountability. Furthermore, each policy provides that:

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

- If you are an employee and believe you have been subjected to illegal discrimination, sexual harassment and/or related retaliation, or you observe or become aware of, should promptly report the incident to his or her supervisor, Dean, Vice President, Human Resources Director or Title IX Director.
- If you are a student and believe you have been subjected to illegal discrimination, sexual harassment and/or related retaliation, or you observe or become aware of, should promptly report the incident to any university employee, faculty, Title IX Director or campus law enforcement.
- A third party (including, but not limited to anyone receiving services from WTAMU, vendors, and private business associates) who experiences, observes, or becomes aware of discrimination, sexual harassment and/or related retaliation, is strongly encouraged to promptly report the incident to the Title IX Director, the Human Resources Office, the Office of Student Enrollment, Engagement and Success, and/or law enforcement.
- The campus administrators designated to review complaints for purposes of sanctions against faculty and staff are the Provost/Vice President for Academic Affairs, Vice President for Business and Finance, Vice President for Student Enrollment, Engagement and Success, and the Vice President for Research and Compliance. If the complaint or respondent is the Vice President for that division, the President will designate a different Vice President or senior administrator to review the complainant.
- WTAMU must report all complaints of discrimination to the Texas A&M University System Ethics and Compliance Office (SECO) and the Office of General Counsel (OGC) in writing upon receipt by the Title IX office.
- WTAMU will post this rule for the receipt, investigation and resolution of discrimination complaints, in accordance with the Texas A&M University System Regulation 08.01.01 Civil Rights Compliance.
- The President/CEO will designate the Title IX office to receive and investigate all complaints involving a student respondent(s) or involving an employee or third party respondent(s).
- Upon receipt of a complaint, the Title IX Director will assign the complaint to the Title IX Investigators (investigative authority) to review each report.
- The investigative authority will review each complaint, interview witnesses, if applicable, review relevant documentation, and provide a draft report of their investigation to the Office of General Counsel (OGC) for review within 30 business days. OGC will coordinate with the System Ethics and Compliance Office (SECO) and provide its review to the investigative authority within ten business days. The investigative authority will have five business days to finalize the report and submit it directly to the designated administrator.

- Extensions, if needed, should be sent by the investigative authority to the office or individual who appointed them. Both the complainant(s) and the respondent(s) should be notified of any extensions in writing.
- The decision rendered will be provided in writing to the President, Director of Human Resources, the appropriate Vice President, the complainant(s), the respondent(s), the investigative authority, and the complainant's and respondents' supervisor(s) and department head(s) within five (5) business days after receiving the investigative authority's report.
- In the case of a complaint against a student, or when both the reporter and the respondent are students, the investigative authority's report and findings shall be directed to the Vice President for Student Enrollment, Engagement and Success who will resolve the complaint in accordance with the judicial process described in the Code of Student Life.
- WTAMU may not take any disciplinary action against an enrolled student who in good faith reports to the university being the victim of or a witness to an incident of sexual harassment, sexual assault, dating violence or stalking for a violation by the student of the university's code of conduct occurring at or near the time of the incident.
- This will be the final decision regarding the merits of the complaint.
- Appeal of Decision and or Sanctions – Allegations of Sex Discrimination. With respect to allegations of sex discrimination, the designated administrator's decision and the sanction(s) imposed by the sanctioning authority can be appealed by the complainant(s) and/or the respondent(s), but only on the following bases, as applicable:
 - A procedural error or omission that significantly impacted the outcome;
 - New evidence, unknown or unavailable during the investigation, that could have significantly impacted the outcome; or
 - The appropriateness or severity of the sanctions.
- Appeals – Allegations of Discrimination Not Based on Sex. Any employee disciplined pursuant to this procedure may appeal that action in accordance with TAMU System Policy 12.01, Academic Freedom, Responsibility and Tenure, TAMU System Policy 32.01, Employee Complaint and Appeal Procedures, TAMU System Regulation 32.01.01, Complaint and Appeal Process for Faculty Members, TAMU System Regulation 32.01.02, Complaint and Appeal Process for Non-Faculty Employees, WTAMU Procedure 32.01.01.W1.2, Faculty Ombuds Officer, WTAMU Rule 32.01.02.W1, Complaint Procedure for Non-Faculty Employees, and/or other procedures, as appropriate.
- Any student disciplined pursuant to this regulation may appeal the action in accordance with procedure for student grievances outlined in the WTAMU Code of Student Life: **Rules and Procedures for Students.**

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

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

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

The Title IX Director 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 the investigation, (2) the university's procedures for investigation and resolution, and (3) the university's prohibition against retaliation. At this time, the Title IX Director will determine whether the complainant is a minor, elderly, or disabled and, if required, contact the appropriate agency in accordance with the Texas law.

The Title IX Director provides a written notification of available resources, rights, and options to each individual reporting prohibited conduct including sexual assault, dating violence, domestic violence, and stalking (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 institutional disciplinary measures or criminal remedies. The handout includes information regarding:

- the importance of preserving physical evidence that may assist in proving that the alleged criminal offense occurred or may be helpful in obtaining a protective order;
- procedures about how and to whom the alleged offense should be reported;
- the option to notify proper law enforcement authorities including on-campus and local police;
- the option to be assisted by campus authorities in notifying law enforcement if the victim chooses;
- the option to decline to notify such authorities;
- the rights of individuals and the institution's responsibilities for orders of protection, no contact orders (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 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.
- 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: Title IX 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)

After an incident of sexual assault and/or domestic violence, the victim should consider seeking medical attention as soon as possible at Northwest Texas Hospital 1501 S. Coulter Street, Amarillo 806-654-1000. Also available to students is Medical Services located in the Virgil Henson Activities Center (VHAC 104) 806-651-3287.

Evidence may be collected by a Sexual Assault Nurse Examiner in a hospital. In Texas, a victim may request a sexual assault exam within 120 hours of the incident, without first reporting to law enforcement. Forensic evidence collection must be conducted at

Northwest Texas Hospital in Amarillo for our location. The Non-Reported Sexual Assault Evidence Program was created in HB 2626 by the 81st Legislature and went into effect June 21, 2009. The program allows survivors of a sexual assault to obtain a medical forensic exam and have evidence collected, without cost to the victims, even if they do not wish to involve law enforcement at the time of evidence collection. This allows the evidence to be secured while giving the survivor time to consider whether they want to report the assault. A patient who has requested and obtained a non-reported sexual assault medical forensic examination has up to five years to decide to report the crime. Information related to the program can be found in Chapter 56.065 Code of Criminal Procedure. Preserving evidence may assist in proving that the alleged criminal offense occurred or may be helpful in obtaining a protection order. In Texas, a sexual assault victim has an option to choose a pseudonym (fictitious name) and address to maintain confidentiality. The pseudonym will be assigned at the victim's request.² It is important that a victim of sexual assault not bathe, douche, smoke, change clothing or clean the bed/linen/area where they were assaulted if the offense occurred within the past 120 hours so that evidence may be preserved that may assist in proving that the alleged criminal offense occurred/or is occurring or may be helpful in obtaining a protection order. In circumstances of sexual assault, if victims do not opt for forensic evidence collection, health care providers can still treat injuries and take steps to address concerns of pregnancy and/or sexually transmitted infections.

Victims of sexual assault, domestic violence, stalking, and dating violence are encouraged to also preserve evidence by saving text messages, instant messages, social networking pages, other communications, and keeping pictures, logs or other copies of documents, if they have any, that would be useful to University hearing boards/investigators or police.

Although the university strongly encourages all members of its community to report violations of this policy to law enforcement, it is the victim's choice whether or not to make such a report and victims have the right to decline involvement with the police. The University will assist any victim with notifying local police if they so desire. Dial 911 for all emergencies or contact the following agencies for non-emergencies on non-campus properties. The Canyon Police Department having primary jurisdiction in the city of Canyon outside of WTAMU properties, is located at 301 16th Street, Canyon and may be reached directly by calling 806-655-5005. Additional information about the Canyon Police Department may be found online at <http://www.canyontx.com/police>. The Randall County Sheriff's Department having primary jurisdiction outside of the city of Canyon in Randall County may be contacted by calling 806-468-5800 or in person at 9100 Georgia Street S., Amarillo. Additional information about the Randall County Sheriff's Department may

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

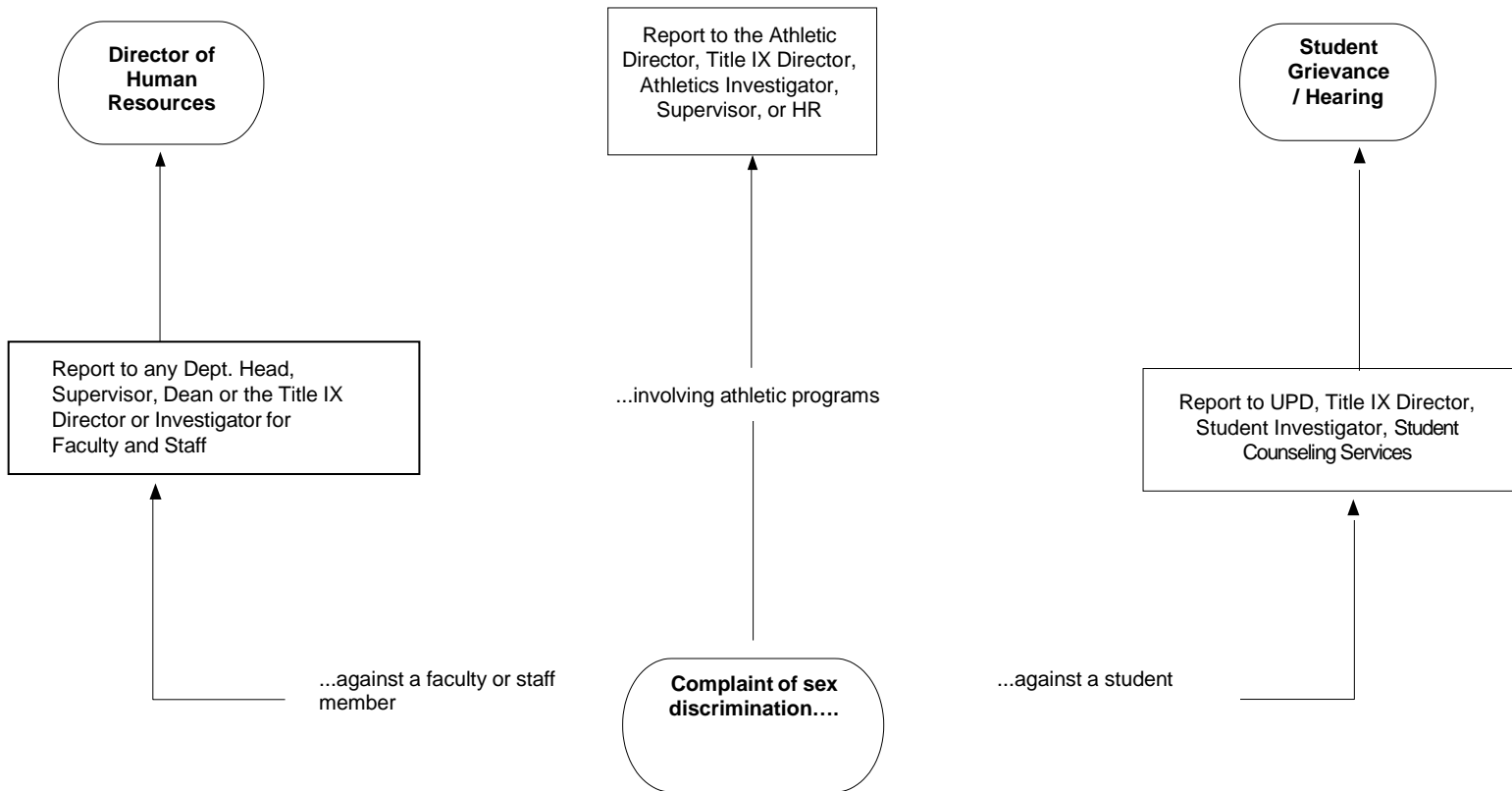
be found online at <http://www.rc-sheriff.com/>. The Amarillo Police Department having primary jurisdiction in the city of Amarillo may be contacted by calling 806-378-3038 or in person at 200 SE 3rd Avenue, Amarillo. Additional information about the Amarillo Police Department may be found online at <http://police.amarillo.gov/>.

If you have been the victim of domestic violence, dating violence, sexual assault, or stalking, you should report the incident promptly to the Title IX Director, Richard Webb, by coming into the office to report in person at the Old SUB 108, in writing to rwebb@wtamu.edu or TitleIX@wtamu.edu or by calling (806) 690-8216 or 806-651-3199 and the University Police at 806-651-2300 (if the victim so desires.)³ The University will provide resources, on campus, off campus or both, to include medical and health, to persons who have been victims of sexual assault, domestic violence, dating violence, or stalking, and will apply appropriate disciplinary procedures to those who violate this policy. The procedures set forth are intended to afford a prompt response to charges of sexual assault, domestic or dating violence, and stalking, to maintain confidentiality and fairness consistent with applicable legal requirements, and to impose appropriate sanctions on violators of this policy.

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

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

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



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

Confidentiality/Privacy

Students and employees have the option to disclose confidentially to individuals designated as confidential employees. Confidential employees include, but are not limited to, licensed health care providers and professional psychologists/counselors, who receive reports when acting in this capacity as part of their official employment. When an individual shares information with a confidential employee, the confidential employee will not reveal the information to any third party except when an applicable law or a court order requires or permits disclosure of such information. However, such information could be disclosed when: (1) the individual gives written consent for its disclosure; (2) there is a concern that the individual will likely cause serious physical harm to self or others; or (3) the information concerns conduct involving suspected abuse or neglect of a minor under the age of 18, the disabled, or the elderly.

Additionally, allegations of prohibited conduct disclosed to confidential employees will not be reported to the institution, except as required by law. Publicly available recordkeeping must not include personally identifying information⁴. Incidents are shared in a way that does not identify the individuals. For example, licensed healthcare providers share de-identified information regarding this conduct that may be statistics in the Clery Annual Security Report and/or disclosed in the daily crime log without identifying the individuals concerned.

The Student Counseling Service (806-651-2340) and the Work/Life Solutions Program by GuidanceResources (1-866-301-9612) are confidential, licensed mental health counseling services available to students and employees, and the employee's benefits-eligible dependents respectively. Currently enrolled students can access Student Medical Services at 806-651-3287 to speak to licensed health care personnel.

While the university wishes to create an environment in which individuals feel free to discuss concerns and make complaints, the university may be obligated to take action when its officials are informed that prohibited conduct may be occurring. Information is considered private⁵ 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 respondent 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 respondents. Given the sensitive nature of reports, information will be maintained in a secure manner and will only be disclosed to school officials who are responsible for handling the university's response. The expressed wishes of the reporting party, complainant, and/or respondent regarding privacy will be considered by the Title IX Director or designee 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 them. The Title IX Director or designee is responsible for evaluating requests for privacy and informing complainants of their right to use a pseudonym in university documents related to the complaint. If the individual does not disclose any identifying information about him/herself or any other party involved (e.g. names, department, or unit) during the inquiry, the university's ability to respond to the allegations may be limited.

⁴ 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.

⁵ Private - that which affects, characterizes, or belongs to an individual person, as opposed to the general public. With respect to this regulation, private means restricting information to those with a reasonable need to know.

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

Resources, Rights, and Options

To the extent of the victim's cooperation and consent, university offices will work cooperatively to ensure that the complainant's health, physical safety, work and academic status are protected, pending the outcome of a formal university investigation of the complaint. For example, if reasonably available a complainant may be offered changes to academic, living, or working situations in addition to counseling, health services, visa and immigration assistance and assistance in notifying appropriate local law enforcement. Additionally, personal identifiable information about the victim will be treated as confidential and only shared with persons with a specific need to know who are investigating/adjudicating the complaint or delivering resources or support services to the complainant (for example, publicly available record keeping for purposes of Clery Act reporting and disclosures will be made without inclusion of identifying information about the victim.) Further, the institution will maintain as confidential, any accommodations or protective measures provided to the victim to the extent that maintaining such confidentiality would not impair the ability of the institution to provide the accommodations or protective measures.

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

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 Title IX Director 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 Student Enrollment, Engagement and Success; the office of Human Resources, and UPD. Available assistance is also covered through prevention and awareness education. Additional information about any of the resources, rights, and options discussed in this section can be requested from the Title IX Director.

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

On Campus Resources

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

Off Campus Resources

Domestic Violence/Sexual Assault Hotline	Bilingual 806-374-5433	844-363-3452
Family Support Services	1001 S. Polk Street 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 (Interim Measures)

The institution is obligated to offer and provide assistance to the complainant, the respondent, and other affected individuals in obtaining a range of accommodations, support services, academic adjustments, and interim, remedial, and protective measures. The measures are intended to facilitate continued access to university employment, academic programs, and university activities; stop and prevent the reoccurrence of prohibited conduct; and support the individuals involved.

The institution is obligated to comply with the individual's reasonable request for a living and/or academic situation change following an allegation of sexual assault, dating violence, domestic violence, or stalking. Upon the request of an individual involved with the report, the Title IX Director (806-651-3199) can assist with measures including, but not limited to, changing academic, living, transportation, and working situations and obtaining no contact directives. The various options are provided on a temporary or permanent basis (subject to periodic review), if requested, appropriate, and reasonably available, regardless of whether the individual chooses to report the incident to law enforcement or pursue disciplinary remedies. The university also provides reasonable interim, remedial, and protective 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.

When an allegation of sexual assault, dating violence, domestic violence, or stalking is made, the institution will take prompt steps to provide interim measures before the investigation and will promptly address any violation of protective measures. These measures may be available regardless of whether a formal or informal disciplinary investigation is pursued. The university will maintain the privacy of a person receiving support services, academic adjustments, or protective measures provided to the extent practical and will promptly address any violation of the protective measures. In determining which institutional measures to impose and the reasonableness of the related measures, the Title IX Director 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 Title IX Director will also consider whether requesting an interim suspension or interim restriction (for student respondents) or an interim administrative action such as a leave of absence (for employee respondents) would enhance the safety and well-being of the complainant, respondent, and campus community.

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

- Changing on-campus living situations including obtaining emergency housing or moving into another residential facility

- Providing academic accommodations such as transferring, withdrawing, or retaking classes; postponing due dates; or rescheduling exams or assignments
- Changing work schedules, job assignments, work locations, or other arrangements
- Assistance in obtaining access to medical, legal (protective orders and criminal trespass warnings available through law enforcement and the judicial system), counseling support, and financial aid guidance
- Imposing institutional no-contact directives as described below
- Imposing interim suspensions of students as described below
- Obtaining interim administrative actions for employees, such as a leave of absence as described below

No-contact Directive: A no contact directive is an interim measure issued by the institution that prohibits two parties from contacting one another through any means. No contact directives 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 no-contact directive through the Title IX Director at 806-651-3199. The Title IX Director may issue a no-contact directive at any time prior to or during a conduct investigation based on information provided by the requestor. A no-contact directive may also be implemented as a sanction subsequent to a finding of responsibility. If good cause for a no-contact directive is determined, both parties are notified of the restrictions in writing. Records are maintained in the student conduct system for no-contact directives involving students.

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 no-contact directive. Violations should be reported to the Title IX Director and may result in further disciplinary action.

Interim Suspensions of Students: A student may not be expelled or suspended prior to a decision of responsibility for prohibited conduct or for other violations of university rules, policies, regulations, or codes, except when the Vice President for Student Enrollment, Engagement and Success or his/her designee believes that an interim suspension should be imposed.

Interim suspensions may be imposed only to ensure the safety and well-being of members of the university community or guest, or preservation of university property; to ensure the student's own physical or emotional safety and well-being; and/or if the student poses an ongoing threat of disruption of, or interference with, the normal operations of the university.

If the Vice President for Student Enrollment, Engagement and Success or his/her designee issues an interim suspension, a show cause hearing will be scheduled as soon thereafter as practicable. The student will be notified in writing of this action and the reasons for the interim suspension. The notice will include the time, date, and place of a subsequent conference at

which the student may show cause as to why his/her continued presence on the campus does not constitute a threat. The student may also contest whether the facts of the initial report are accurate.

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

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

Interim Administrative Actions for Employees: The Title IX Director, in accordance with university rules, may request that an employee be placed on leave during the investigation and resolution process. The Title IX Director may also issue interim restrictions to an employee. 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 Protective Measures (includes interim measures): The university will maintain as private any accommodations or protective measures provided to the extent that maintaining such privacy would not impair the ability of the institution to provide the accommodations or protective measures. The Title IX Director is responsible for determining what information and to whom information will be disclosed based on the circumstances of the allegation, the individuals involved, and related safety needs. The Title IX Director 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 protective measure. Areas receiving information may include, but are not limited to: Offices of the Vice President for Student Enrollment, Engagement and Success, Residential Living, Athletics, Scholarships and Financial Aid, Student Engagement and Leadership, Human Resources, academic departments (direct supervisor, Dean, or Associate Dean), or non-academic departments (direct supervisor, Vice President, or designee). Prior to disclosure, the Title IX Director will inform the individual of the information that will be shared, with whom it will be shared, and why.

Legal Rights and Options

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 the Title IX Director. A complainant may then meet with UPD to develop a Safety Action Plan, which is a plan for campus police and the victim to reduce risk of harm while on campus or coming and going from campus. If you are a student at the Amarillo Center, please meet with an officer at that location. This plan

may include, but is not limited to escorts, special parking arrangements, changing classroom location or allowing a student to complete assignments from home, etc. The University cannot apply for a legal order of protection, no contact order or restraining order for a victim from the applicable jurisdiction(s). The victim is required to apply directly for these services in conjunction with the filing of the police report. Protection from abuse orders may be available through the Prosecutor's Office. The University may issue an institutional trespass order if deemed appropriate or at the request of the victim or accused.

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 an interim protective measure issued by UPD which is directed at those who are considered a danger to the campus community or a danger to a certain individual in the campus community. The warning advises the respondent to leave the premises and forbids him/her from entering and/or remaining on certain property which can cover either the entire campus or a specific campus location. To request a criminal trespass warning, contact UPD at 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. 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'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.

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

All violations of federal, state and local laws and University regulations and rules are reported to the UPD. Each violation is considered one offense. Once a criminal report is filed with UPD, the UPD Criminal Investigation Division investigates it. When a suspect is identified, the case is referred to the Randall County District Attorney's Office for prosecution. Reports that are taken at the Amarillo Center will be referred to the Potter County District Attorney's Office.

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

ALL DISCIPLINARY PROCEEDINGS WILL ADHERE TO THE FOLLOWING PROCEDURES:

- 1) The student will be informed in writing of the allegations made and the date, time, and place of the initial conference with a hearing officer. This information will be sent to the accused student's WTAMU email address. For University-related correspondence, it is the student's responsibility to check their University email account, check it regularly, and to provide an accurate local mailing address.
- 2) An opportunity for the student to review the evidence, except official UPD reports on cases pending action in the district attorney's office or while the case is still under investigation, prior to the hearing, shall be provided upon request. An appointment must be set up with the assistant VPSEES in the Office of Student Enrollment, Engagement and Success, in the Jack B. Kelley Student Center, Suite 102, to review this information.
- 3) During the initial conference, the student may bring an adviser of his or her choosing. This person may advise the student but may not actively participate in the conference. The initial conference is not recorded and may result in the following outcomes:
 - a) The student(s) is found not to be in violation.
 - b) The student(s) is found in violation and subject to those sanctions described in this Code of Student Life.
 - c) The conduct officer decides that more investigation is needed and continues the conference at a later date.
- 4) If a student is found not in violation, the process ends. If a student is found to be in violation, this determination will be provided in writing to the student. The student will have three (3) University working days to accept or reject the finding. If the finding is not challenged within those three (3) days, it will be accepted as final. If a student rejects the finding within those three

- (3) days, a formal hearing will be scheduled and the student will be notified in writing of the date and time of the hearing. The formal hearing will be held before a different hearing officer.
- 5) During the course of the formal hearing, the student may seek advice of legal counsel/adviser at his/her own expense. Counsel may advise the student but may not present the case. The respondent and the complainant may have one person accompany him/her in the hearing. This person cannot be a witness. In sexual misconduct cases, the complainant will have the right to be present throughout the hearing but will not be required to attend the hearing. The complainant shall have the opportunity to submit an impact statement. Complainants and respondents also have the right to not have past sexual history discussed during the hearing.
 - 6) The University will present evidence supporting the allegations first and has the burden of proving its case by the preponderance of evidence. Preponderance of evidence means proof that leads a reasonable person to find that the facts in issue are more likely to have occurred than not. A determination of the facts will be based only on the evidence as presented. The technical rules of evidence applicable to civil and criminal cases shall not apply.
 - 7) An opportunity will be provided for the respondent to present his/her own version of the facts and to present other evidence in support of the current case including witnesses. Witnesses not having information directly pertaining to the scheduled case may not be allowed. The responding student should notify and make arrangements with their witnesses to attend the hearing or provide notarized written information or official University reports to be included in the hearing. The respondent will also have the right to hear evidence and question evidence presented through the student conduct officer. The student conduct officer may impose reasonable limitations upon the presentation of evidence and questioning of witnesses. A notary is available at no charge at several locations on campus, please see the Student Conduct Office for a list.
 - 8) A student may not be compelled to testify in his/her own behalf. If the student chooses not to testify or to appear at the hearing, no inference may be drawn from this action; however, the hearing will proceed and a decision will be made based on the facts presented. In the event that the respondent, witness, or any other person involved with the case is late to the hearing, the hearing officer reserves the right to make the determination on participation in the hearing, and the hearing body is not responsible for beginning the hearing over, recalling witnesses or re-entering any evidence into the record.
 - 9) Disorderly or disruptive behavior by any individual during the conduct process may result in removal of that individual from the conduct process, at the discretion of the student conduct officer, and the hearing process may continue.
 - 10) The University will record the hearing and that recording remains the property of the institution. Deliberations will not be recorded. FERPA provides that when information on more than one student is contained in a single education record, each student may inspect only the information specifically related to him/her. If the recording pertains to only the requesting student, arrangements may be made to review the recording. An appointment will be required to review the recording, if applicable. Suspension/expulsion sanctions result in records being maintained permanently in the VPSEES office.

- 11) Upon conclusion of the hearing, a written statement of the findings, the formal action to be taken by the University, and a description of the appeals process will be forwarded (delivered or postmarked) to the student within five (5) working days, as defined by the University. In cases of sexual misconduct, the findings, formal action to be taken by the University, a rationale for those actions, and a description of the appeals process will be delivered to all parties simultaneously, meaning without substantial delay between the notifications to each.
- 12) Disciplinary hearings will be closed with the exception of those directly involved in the hearing. The disciplinary proceedings will not be open to the media.
- 13) At the University's discretion, notices and student conduct correspondence will be issued to the student's local and/or permanent address of record, delivered by staff, or via email to their University email account and shall constitute full and adequate notice. It is the student's responsibility to keep the address of record current and to check their University email account. The failure of a student to provide an address change or forwarding address, the refusal to accept/receive a letter (sent either by first-class mail or certified mail or by staff delivery), or failure to check University email shall not constitute good cause for failure to comply with the content of the official University correspondence. Disciplinary action may be taken against a student for failure to appear after proper notice.

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

Sanctions and Protective Measures

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

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

Examples of interim protective measures include, but are not limited to: a University order of no contact, residence hall relocation, adjustment of course schedules, a leave of absence, or reassignment to a different supervisor or position. These remedies may be applied to one, both, or multiple parties involved. Violations of the Title IX Director's directives and/or protective measures will constitute related violations that may lead to additional disciplinary action. Protective measures imposed may be temporary pending the results of an investigation or may become permanent as determined by WTAMU. The University will, upon written request, disclose to the alleged victim of a crime of violence, or a non-forcible sex offense, the report on the results of any disciplinary proceeding conducted by such institution against a student who is the alleged perpetrator of such crime or offense. If the alleged victim is deceased as the result of such crime or offense, the next of kin of such victim shall be treated as the alleged victim for purposes of this paragraph.

In all cases, investigations that result in a finding of more likely than not that a violation of the sexual misconduct policy occurred will lead to the initiation of disciplinary procedures against the accused individual. University sanctions for nonfaculty employees as addressed in the WTAMU rule 32.01.02.W1 Complaint and Appeal Procedure for Non-faculty Employees or [TAMUS policy/regulation](#) 32.02.02 Discipline and Dismissal of Nonfaculty Employees include:

3. TYPES OF DISCIPLINARY ACTION

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

- 3.1.1 Written reprimand – This written memorandum may be issued for more serious incidences or if counseling does not achieve the desired result. A reprimand may contain directives and other action items.
- 3.1.2 Suspension without pay - An employee may be temporarily removed from duties without pay or be temporarily placed in a non-paid status. Any suspension without pay for more than five (5) workdays must be submitted to the CEO or designee for approval.
- 3.1.3 Transfer, demotion and/or reduction in salary - These actions include the realignment of an employee's assigned duties, title and/or salary for disciplinary reasons.
- 3.1.4 Dismissal - An employee may be dismissed from system employment in accordance with Section 5 of this regulation. The expiration of a wage position, for reasons other than disciplinary action, is not a dismissal for purposes of this regulation.

3.2 All notifications to the employee regarding disciplinary actions should be made in writing. An employee should also be informed in the written notification of the appeal procedure as described in Section 7. Copies of all documents pertaining to disciplinary action or dismissal will be filed in the employee's official personnel file.

4. EXTENDED SUSPENSION WITH PAY

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

5. DISMISSAL

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

Sanctions of faculty will follow the Texas A&M University System Policy 12.01 Academic Freedom, Responsibility and Tenure:

4.4 A faculty member who is found responsible for sexual harassment or other serious misconduct may be summarily dismissed or suspended without pay pending dismissal in accordance with the procedures outlined in Section 8.1. A faculty member may be dismissed for other reasons, as outlined in Section 4.3, after the faculty member has received notice of the cause for dismissal and an opportunity for a hearing in accordance with the procedures set forth in Section 8.2.

4. Dismissal of Fixed-Term Faculty

- 4.1. Fixed - Term Faculty whose appointment have not expired may be dismissed for cause on the same basis that tenured faculty may be dismissed for cause under System Policy 12.01, Section 4.3.
- 4.2. System academic institutions shall follow System Policy 12.01, Section 6, when dismissing a Fixed- Term Faculty member for cause.
- 4.3. Fixed-Term Faculty may be placed on administrative leave pending investigation as described in System Policy 12.01, Section 5.
- 4.4. Fixed-Term Faculty are subject to the provisions of System Policy 12.01, Section 9, relating to financial exigency or termination or reduction of existing programs and may be dismissed subject to this policy.

Sanctioning for Employees

If an employee is found to have sexually harassed another member of the university or agency community, the sanction will be termination of employment. If an employee is found to have engaged in prohibited conduct other than sexual harassment, other sanctions which may have educational, restorative, punitive, and rehabilitative components. Sanctions include written warning or reprimand, required training and/or attendance at counseling, no contact directives, probation, suspension, and termination.

Senate Bill No. 212 effective September 1, 2019 – Responsibility Reporting

Sec. 51.252 An employee of a postsecondary educational institution who witnesses or receives information regarding the occurrence of an incident of sexual harassment, sexual assault, dating violence, or stalking alleged to have been committed by or against a student or employee of the institution Shall promptly report the incident to the institution's Title IX coordinator. The report must include all information concerning the incident known to the reporting person that is relevant to the investigation ... including whether an alleged victim has expressed a desire for confidentiality or anonymity in reporting the incident.

Sec. 51.255 A postsecondary educational institution shall terminate the employment of an employee who is required to make a report and fails to promptly make the report without good cause, as determined by the institution. A person also commits a criminal offense when required to make a report and knowingly fails to make the report.... an offense is a Class B misdemeanor.

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

Please refer to TAMUS policy/regulation 0.8.01.01 Civil Rights Compliance – revised August 17, 2018. Contact for interpretation: Title IX Director for A&M System or the WTAMU Title

IX Director referencing responsibilities, reporting, investigations, decisions, improper consensual relations, and retaliation.

Ombuds Officer

The Faculty Ombuds Officer will function as a confidential, neutral resource for faculty and professional librarians to raise and clarify issues and concerns, identify options, and request assistance to informally resolve workplace conflicts. When informal resolution of conflicts fail, or where informal resolution is not advisable, the Ombuds Officer will counsel faculty regarding their options for formal action and direct them to the appropriate university rules, resources, and offices. Faculty will be able to seek guidance regarding concerns at any time, without fear of reprisal. An employee's complaint alleging discrimination, sexual harassment, and/or related retaliation must be filed in accordance with System Regulation 08.01.01. If a claim of illegal discrimination/retaliation is raised to the Ombuds Officer, the officer should immediately forward the issue to the appropriate person under WTAMU Procedure 08.01.01W1. The procedure can be found at www.wtamu.edu/rules Civil Rights Compliance Rule No. 08.01.01.W1

Termination of Employment - Termination with Prejudice

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

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

Sexual harassment—see Appendix VIII. Any faculty member may be suspended with pay pending the outcome of an academic due process hearing as provided hereinafter. 12.01 Academic Freedom, Responsibility and Tenure

Sanctioning for Students

The code of student conduct outlines behavioral standards developed by the University community for students and student organizations and the related procedures for addressing misconduct. Students should be aware that the student conduct process is not a criminal or civil court proceeding. Students and student organizations are responsible for actions that constitute misconduct and violate the code of student conduct. Any student or student organization found responsible for misconduct may be subject to conduct sanctions. The University provides a fair and equitable student conduct process, utilizing a thorough, neutral, and impartial investigation, from which is generated a prompt resolution.

The code of student conduct and related processes educate students about their rights and responsibilities while promoting holistic development, self-worth, and mutual respect for all members of the University community. Freedom of discussion, inquiry and expression is also fostered by an environment in which the privileges of citizenship are protected and the obligations of citizenship are understood.

The Office of Student Conduct is committed to an educational and developmental process that balances the interests of individual students with the interests of the University community. No student will be found in violation of University policy without sufficient information and evidence showing that it is more likely than not that a policy violation occurred and any sanctions will be proportionate to the severity of the violation and to the cumulative conduct history of the student.

The student conduct process at the University exists to protect the interests of the community and to challenge those whose behavior is not in accordance with our policies. 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. When a student is unable to conform their behavior to community expectations, the student conduct process may determine that the student should no longer share in the privilege of participating in this community.

A student conduct officer may impose sanctions, conditions and/or restrictions as a result of an initial conference or formal hearing where the student is found responsible.

Interim Suspension of a Student: A student may be temporarily suspended pending completion of conduct procedures if, in the judgment of the VPSEES, or a designee, the physical or emotional well-being of a student, other students or members of the University community could be endangered or if the presence of the student could significantly disrupt the normal operations of the University. The VPSEES or designee will initiate appropriate conduct procedures to address the disruptive behavior within five (5) University working days from the date of interim suspension. Upon immediate interim suspension, the student may no longer attend classes, University sponsored events, use University services and/or resources, and is not allowed to be

on campus until the conduct proceedings have been concluded. Any instances whereby the student should need to return to campus must be coordinated through the Office of Student Conduct and the UPD. Conduct, on or off campus, which typically results in interim suspension:

- A significant and articulable threat to the health or safety of a student or other member(s) of the University community.
- Sexual assault, other forms of sexual misconduct, stalking, and relationship violence that create a hostile environment for the victim and the remedy for the harassment requires temporary separation.
- Criminal felony charges related to weapons, drugs, aggravated assault, and/or terroristic threats.
- Severe disruption in the academic community related to erratic behavior, threats, property damage, and/or verbal aggression with another student, where the offending student is uncooperative with staff.
- Violation of a no contact order.
- Retaliatory harm, discrimination or harassment.

Sanctions: Sanctions are defined as the primary outcome of the alleged violation.

- Disciplinary Reprimand: An official warning that the student's conduct is in violation of WTAMU student rules.
- Disciplinary Probation: Disciplinary probation is a period of time during which a student's conduct will be observed and reviewed.
- Deferred Disciplinary Suspension: Deferred disciplinary suspension is a period of time where a disciplinary suspension may be deferred for a period of observation and review.
- Disciplinary Suspension: Time-limited disciplinary suspension is a specific period of time in which a student is not allowed to participate in class or University-related activities.
- Disciplinary Expulsion: Disciplinary expulsion occurs when the student is permanently withdrawn and separated from the University.

A condition is an additional component of a disciplinary sanction. A condition is usually an educational or personal element that is to occur in conjunction with the assigned sanction. Some examples of conditions include, but are not limited to:

- Personal and/or academic counseling intake session.
- Discretionary educational conditions and/or programs of educational service to the University and/or community.
- Residence hall relocation and/or contract review/cancellation of residence hall contract and/or use of dining facilities.
- Restitution or compensation for loss, damage or injury, which may take the form of appropriate service and/or monetary or material replacement.
- Monetary assessment owed to the University.
- Completion of an alcohol or drug education program.
- A specified number of hours of community/University service.

Disciplinary Appeals

Any employee disciplined pursuant to this procedure may appeal that action in accordance with System Policy 12.01, Academic Freedom, Responsibility and Tenure, System Policy 32.01, Employee Complaint and Appeal Procedures, System Regulation 32.01.01, Complaint and Appeal Process for Faculty Members, System Regulation 32.01.02, Complaint and Appeal Process for Non-Faculty Employees, WTAMU Rule 32.01.02.W1, and/or other procedures, as appropriate.

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

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

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

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

Appeal Procedure

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

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

1. A procedural [or substantive error] occurred that significantly impacted the outcome of the hearing (e.g. substantiated bias, material deviation from established procedures, etc.);
2. The discovery of new evidence, unavailable during the original hearing or review of the case, which could substantially impact the original finding or sanction. A

- summary of this new evidence and its potential impact must be included; and
3. The sanctions imposed substantially vary from the range of sanctions normally imposed for similar infractions.

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

For all investigations and disciplinary proceedings

If the respondent has multiple roles at the university, such as when the respondent is both a student and an employee, the Title IX Director will consult with other relevant university officials and determine which procedure(s) to follow in the investigation and resolution of the allegations of prohibited conduct as well as other policy violations. The Title IX Director will consider the known facts and circumstances, including which role predominates in the context of the prohibited conduct.

The university's disclosure of information related to an investigation, the 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.

Education Programs

WTAMU offers educational workshops and programs on topics including: anxiety and depression, smoking cessation and steroid abuse. Peer Educators (PULSE) is a student organization that seeks to educate and support students in making healthy lifestyle choices with regard to important social issues faced by college students. Certified Peer Educators are trained for presenting in the following areas: (Drugs, Alcohol and Tobacco Awareness; Distracted Driving Prevention; Healthy Relationships; Internet Safety; Nutrition; Sexual Responsibility; Stress Management; Time Management; and Healthy Body Image.) 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 earlier in this publication by the Violence Against Women's Act (VAWA). Programs are sponsored by several different departments such as (UPD; Student Enrollment, Engagement and Success; Student Engagement and Leadership; Residential Living; Title IX; etc.) UPD is available to receive and investigate reports of sexual assault, dating violence, domestic violence, and stalking; assist in securing medical attention; participate in evidence preservation and collection; conduct criminal investigations of crimes; and inform the individual of legal and administrative options both on and off campus. Criminal investigations may occur independent from a conduct proceeding (Institutional Procedures listed later in this publication) and are handled in accordance with the Texas Penal Code, the Texas Code of Criminal Procedure, and information from the Randall County District Attorney. Law enforcement will help individuals understand the process of obtaining protective orders, restraining orders, or similar lawful orders issued by the courts.

Specific programs provided in 2018:

- Welcome Week – Sexual Assault, Dating Violence, and Stalking
- Sexual Assault Awareness Month with events such as (National Wear Denim Day, My Little Black Dress Does Not Mean Yes, Embrace Your Voice Awareness Walk)
- Looking For A Job (Human trafficking Awareness Program)
- Creating a Culture of Consent – Dr. Keith Edwards, Ph.D
- Buff Branding – Real Talk
- Domestic Violence Month with events such as (Domestic Violence Early Intervention Program, March Against Domestic Violence, Go Purple Day)
- 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, 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** in 2018-19:

Name of Program	Date	Location	Prohibited Behavior Covered?
New Student Orientation	8/2/2018	JBK	*DoV, DaV, SA, S, Title IX
New Student Orientation	8/20/2018	JBK	*DoV, DaV, SA, S, Title IX
Sexual Assault, Dating Violence, Stalking	8/28/2018	Alumni Banquet Hall	*DoV, DaV, SA, S
Sexual Assault, Dating Violence, Stalking	8/29/2018	Alumni Banquet Hall	*DoV, DaV, SA, S
Sexual Assault, Dating Violence, Stalking	8/30/2018	Alumni Banquet Hall	*DoV, DaV, SA, S
Girls Night Out	9/18/2018	Legacy Hall	*DoV, DaV, SA
Sexual Assault, Dating Violence, Stalking	9/20/2018	Legacy Hall	*DoV, DaV, SA, S
New Student Orientation	5/30/2019	JBK	Title IX
New Student Orientation	6/6/2019	JBK	Title IX
New Student Orientation	6/13/2019	JBK	Title IX
New Student Orientation	6/20/2019	JBK	Title IX
New Student Orientation	6/27/2019	JBK	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 2018-19:

Name of Program	Date	Location	Prohibited Behavior Covered?
Volleyball and Football	8/5/2018	Activities Center	Title IX
Soccer, Cross Country	8/12/2018	Activities Center	Title IX
Sexual Assault, Dating Violence, Stalking	8/28/2018	Alumni Banquet Hall	*DoV, DaV, SA, S
Spring Sports	8/28/2018	Activities Center	Title IX
Sexual Assault, Dating Violence, Stalking	8/29/2018	Alumni Banquet Hall	*DoV, DaV, SA, S
Basketball	8/29/2018	FUBC	Title IX
Sexual Assault, Dating Violence, Stalking	8/30/2018	Alumni Banquet Hall	*DoV, DaV, SA, S
Equestrian	9/1/2018	HCCR	Title IX
Alcohol Awareness	9/12/2018	Founders Hall	*DoV, DaV, SA, S
Girls Night Out	9/18/2018	Legacy Hall	*DoV, DaV, SA
Guys Night Out	9/18/2018	JBK Commons	*DoV, DaV, SA, S
Crime Prevention	9/19/2018	Founders Hall	*SA, S
Drug Awareness	9/19/2018	Stafford Hall	*SA
Sexual Assault, Dating Violence, Stalking	9/20/2018	Legacy Hall	*DoV, DaV, SA, S
Self Defense	9/26/2018	Cousins Hall	*SA, S
CRASE-ALiCE	10/11/2018	Buff Hall	*DoV, DaV, SA, S
Alcohol Awareness	11/1/2018	Jones Hall	*DoV, DaV, SA, S
Student Orientation	11/2/2018	Alumni Banquet Hall	Title IX
Trafficking	11/7/2018	Cousins Hall	*SA
Alcohol Awareness	12/5/2018	Shirley Hall	*DoV, DaV, SA, S
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	*SA, S

		Room	
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
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
Transfer Student Orientation	5/17/2019	JBK	Title IX
CRASE/ALICE	6/20/2019	Centennial Hall	*DoV, DaV, SA, S
"21 Ways to Have a Healthy Relationship" Bulletin Board Program	2018-19	Shirley Hall	*DoV, DaV
"Consent is Hot, Assault is Not" Bulletin Board Program	2018-19	Founders Hall	*DoV, SA
Athletic Team Orientation		Activities Center	*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 **students** in 2018-19:

Name of Program	Date	Location	Prohibited Behavior Covered?
Residential Living Staff Orientation	8/14/2018	JBK Thunder	*DoV, DaV, SA, S, Clery
Residential Living Staff Orientation	8/14/2018	JBK Thunder	Title IX
New Faculty Orientation	8/16/2018	KRC Suite	*DoV, DaV, SA, S, Clery
New Faculty Orientation	8/16/2018	KRC Suite	Title IX
Teaching/Grad Assistants	8/23/2018	KRC Suite	Title IX
New Staff Orientation	9/24/2018	JBK Senate Chamber	*DoV, DaV, SA, S, Clery
New Staff Orientation	9/24/2018	JBK Senate Chamber	Title IX
Amarillo Center Faculty/Staff Orientation	1/10/2019	Amarillo Center	*DoV, DaV, SA, S, Clery
New Staff Orientation	2/1/2019	JBK Thunder	*DoV, DaV, SA, S, Clery
New Staff Orientation	2/1/2019	JBK Thunder	Title IX
New Staff Orientation	6/10/2019	JBK Senate Chamber	*DoV, DaV, SA, S, Clery
New Staff Orientation	6/10/2019	JBK Senate Chamber	Title IX

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

The University offered the following **ongoing awareness and prevention programs** for **employees** in 2018-19:

Name of Program	Date	Location	Prohibited Behavior Covered?
Sexual Assault, Dating Violence, Stalking	8/28/2018	Alumni Banquet Hall	*DoV, DaV, SA, S

Sexual Assault, Dating Violence, Stalking	8/29/2018	Alumni Banquet Hall	*DoV, DaV, SA, S
Sexual Assault, Dating Violence, Stalking	8/30/2018	Alumni Banquet Hall	*DoV, DaV, SA, S
Consensual Relationships Policy - Buff Business	9/14/2018	JBK Thunder	Sexual Misconduct
Sexual Assault, Dating Violence, Stalking	9/20/2018	Legacy Hall	*DoV, DaV, SA, S
Crime Prevention	2/13/2019	JBK West Texas	*SA, S
CRASE-ALiCE	3/5/2019	Amarillo Center SBDC	*DoV, DaV, SA, S
SAAM Kickoff Event - Creating a Culture of Consent - Dr. Keith Edwards	4/4/2019	Legacy Hall	*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 and Risk Reduction

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

- Create a distraction to interrupt the flow of events
- Involve others to help you
- Make an excuse to remove a friend from the situation
- Point out the unwanted behavior in a safe and respectful manner
- Call for help, if needed

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

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

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

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

Sex Offender Registry

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

The Texas Department of Public Safety (DPS) is the official Texas internet source for Sex Offender Registration. 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 avocation, or is a student at a public or private institution of higher education in this state shall report that fact to:

(1) The authority for campus security for that institution

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

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

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

The authority for campus security at WTAMU is:

Shawn Burns, Chief of Police
University Police Department
Old Sub 102 or
PO 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>

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:

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- (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;

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- (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 the Amarillo Center, 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): No on-campus student housing facilities are owned or controlled by the Amarillo Center, therefore, statistics for on-campus student housing are not required to be disclosed.

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.

- 2016 – no hate crimes reported
- 2017 – no hate crimes reported
- 2018 – no hate crimes reported

Unfounded Crimes

- 2016 – 0 unfounded crime
- 2017 – 0 unfounded crime
- 2018 – 0 unfounded crime

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

OFFENSE Reported by Hierarchy)	(Crimes	Year	On Campus	Public Property	Total
Murder/Non Negligent Manslaughter		2016	0	0	0
		2017	0	0	0
		2018	0	0	0
Negligent Manslaughter		2016	0	0	0
		2017	0	0	0
		2018	0	0	0
Rape		2016	0	0	0
		2017	0	0	0
		2018	0	0	0
Fondling		2016	0	0	0
		2017	0	0	0
		2018	0	0	0
Incest		2016	0	0	0
		2017	0	0	0
		2018	0	0	0
Statutory Rape		2016	0	0	0
		2017	0	0	0
		2018	0	0	0
Robbery		2016	0	0	0
		2017	0	0	0
		2018	0	0	0
Aggravated Assault		2016	0	0	0
		2017	0	0	0
		2018	0	0	0
Burglary		2016	0	0	0
		2017	0	0	0
		2018	0	0	0
Motor Vehicle Theft		2016	0	0	0
		2017	0	0	0
		2018	0	0	0
Arson		2016	0	0	0
		2017	0	0	0
		2018	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	2016	0	0	0
	2017	0	0	0
	2018	0	0	0
Drug Law Arrests	2016	0	0	0
	2017	0	0	0
	2018	0	0	0
Weapons Law Arrests	2016	0	0	0
	2017	0	0	0
	2018	0	0	0
Liquor Law Violations Referred for Disciplinary Action	2016	0	0	0
	2017	0	0	0
	2018	0	0	0
Drug Law Violations Referred for Disciplinary Action	2016	0	0	0
	2017	0	0	0
	2018	0	0	0
Weapons Law Violations Referred for Disciplinary Action	2016	0	0	0
	2017	0	0	0
	2018	0	0	0
Domestic Violence	2016	0	0	0
	2017	0	0	0
	2018	0	0	0
Dating Violence	2016	0	0	0
	2017	0	0	0
	2018	0	0	0
Stalking	2016	0	0	0
	2017	0	0	0
	2018	0	0	0

Important Telephone Numbers**UPD Emergency Dispatch**

911 or 806-651-2300

UPD Administration

806-651-2300

UPD Victim Assistance

806-651-2307

Title IX Director

806-651-3199

Student Counseling

806-651-2340

Student Medical Services

806-651-3287

UPD Escort

806-651-2300

Student Enrollment, Engagement and Success

806-651-2050

Residential Living

806-651-3000

Anonymous Crime Tips

806-374-4400

Text WT Crime Tips

50911

Poison Control Center

800-222-1222

Amarillo Rape Crisis/Domestic Violence Hotline

844-363-3452; bilingual 806-374-5433; TTY 800-735-2989

Sex Offender Registration List (Texas)<https://records.txdps.state.tx.us/SexOffender/>**National Suicide Prevention Lifeline**

800-273-8255

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

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

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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 2019 Annual Security and Fire Safety Report
www.wtamu.edu/safety/WTAMU

West Texas A&M University Amarillo Center 2019 Annual Security Report
www.wtamu.edu/safety/AmarilloCenter

West Texas A&M University RELLIS Academic Alliance 2019 Annual Security Report
www.wtamu.edu/safety/RELLIS

