



# **RELLIS ACADEMIC ALLIANCE CAMPUS**

## **2019 Annual Security Report**

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

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This Annual Security Report is available on the West Texas A&M University Campus Safety and Security website at: [www.wtamu.edu/safety](http://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

WTAMU Box 60997 • Canyon, Texas 79016-0001 • 806.651.2100 • Fax 806.651.2126 • [wtamu.edu](http://wtamu.edu) • [president@wtamu.edu](mailto:president@wtamu.edu)

### 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

## RELLIS Academic Alliance Campus

### **Preparation of the Annual Security Report and Disclosure of Crime Statistics**

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

The West Texas A&M University Police Department, 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 Annual Security Report to comply with the Clery Act. The Annual Security Report is published every year by October 1st and contains three years of selected campus crime statistics and certain campus security policy statements in accordance with The Clery Act.

The RELLIS campus is owned by the Texas A&M University System (TAMUS) and located in Bryan, Texas. Recent construction of RELLIS facilities during calendar years 2017, 2018, and 2019 created an expanded campus where students participate in research and testing with multiple agencies in the TAMUS; federal, state, and local governments; and private industry. Additional paths toward college degrees have also been established at RELLIS. Post-secondary degree education and training are being offered with programs through Blinn College and multiple universities under the TAMUS. The educational program at RELLIS is comprehensively called the RELLIS Academic Alliance and includes plans for further facility expansion.

The RELLIS campus brings students, faculty and researchers together in a unique community that encourages the pollination of ideas across people, disciplines and industries. Students begin studies at Blinn College, and then continue their education seamlessly onsite with leading universities throughout the Texas A&M System. The 2019 RELLIS Campus Annual Security Report includes 2018, 2017, and 2016 crime statistics. Prior to the 2016 statistics, RELLIS was included as a non-campus location in the Texas A&M University College Station Annual Security Report.

WTAMU recognizes the RELLIS Campus as a separate campus per The Clery Act. The West Texas A&M University Police Department and the WTAMU Clery Compliance Committee are responsible for preparing and distributing the Annual Security Report to comply with The Clery Act. The Annual Security Report is published every year by October 1st and contains three years of selected campus crime statistics and certain campus security policy statements for the 2019 – 2020 academic year in accordance with The Clery Act. The 2019 Annual Security Report contains crime statistics for calendar years 2018, 2017, and 2016. WTAMU did not have students on the RELLIS campus until the fall of 2018. An email notification, which provides website access to this report, is made available annually before the October 1 deadline.

Policy statements in this Annual Security Report are relevant to West Texas A&M University (WTAMU) students, faculty, and staff located at the RELLIS campus.

### **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](http://www.wtamu.edu/safety).

Prospective employees are notified of the availability of the Annual Security Report on the “Job Vacancies” webpage of the Human Resources – Employment website.

Prospective undergraduate students are notified of the availability of the Annual Security 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 Annual Security 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, 806-651-2300  
PO Box 60295  
Canyon, TX 79016  
Email: [modell@wtamu.edu](mailto:modell@wtamu.edu)

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## **Campus Law Enforcement Policies**

### **Police Department Overview**

An infrastructure agreement is in place between the TAMUS and Texas A&M University to provide primary police and security service at RELLIS through the Texas A&M University Police Department (TAMUPD). TAMUPD uniformed police officers provide patrol 24-hours a day, year round at the main campus located eight miles from the RELLIS campus and are available to respond to the RELLIS campus. In addition, TAMUPD security personnel patrol the RELLIS campus each evening, including weekends, for an eight hour period beginning at dusk.

A Memorandum of Understanding (MOU) is also established between the Blinn College Police Department (BCPD) and the TAMUPD to coordinate police service for the Academic Alliance and RELLIS. During normal business hours, BCPD provides a police officer dedicated to facilities at RELLIS that are occupied by Blinn students and employees and the RELLIS campus in general. The Blinn officer is located at the RELLIS campus in the Walter C. Schwartz Building (Blinn Academic Building), 1366 Bryan Rd., Bryan, TX 77807.

### **Jurisdiction**

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

### **Arrest Authority**

As peace officers, TAMUPD's armed police officers have the same full authority to detain and arrest as municipal police officers. While our security officers do not have authority to detain or make arrests, their presence and observations at various campus locations support and assist the work of the Patrol Division. BCPD officers at RELLIS also have authority to detain and arrest. Evening and weekend security personnel do not have arrest authority.

### **Enforcement Authority**

TAMUPD is computer linked to city, state and federal criminal justice agencies, which provide access to criminal records, wanted persons, stolen property, and vehicle information. All crimes occurring at RELLIS should be reported to TAMUPD or submitted to TAMUPD from BCPD officers or contract security. TAMUPD investigates and refers crimes for prosecution through the Offices of the County Attorney and District Attorney when appropriate. Criminal matters involving students may also be referred to the appropriate university's administration for disciplinary action.

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**Working Relationships and Agreements**

TAMUPD maintains excellent working relationships with all area law enforcement agencies including the College Station Police Department, Bryan Police Department, Brazos County Sheriff's Office, BCPD, and all four Brazos County Constable Offices. These working relationships are maintained through a written mutual aid agreement and MOUs specific to RELLIS. The agreements allows for cooperation in the performance of police protection including the investigation of alleged crimes, enforcement of laws, and communication between agencies pursuant to the agreement. Working relationships are also maintained through periodic communications among agency administrators and frequent contacts between line officers and investigators cooperating on specific cases. Through these relationships, TAMUPD may be provided information regarding student non-campus criminal activity, including student organizations with non-campus housing.

TAMUPD also maintains excellent working relationships with many state and federal agencies on an as needed basis. These agencies include, but are not limited to, the Federal Bureau of Investigation, The United States Secret Service, Alcohol Tobacco and Firearms, and The Texas Department of Public Safety.

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

**Monitoring Non-Campus Locations**

There are no non-campus locations associated with the RELLIS campus.

**Professional Standards**

Providing excellent service and maintaining good relationships within the community is vital to achieving TAMUPD's overall mission of keeping the campus safe and secure. All members of the Texas A&M community can expect to be treated in a courteous and professional manner by members of the department. TAMUPD will not tolerate an employee who acts unprofessionally or who does not provide an appropriate level of service. Instances where TAMUPD employees have been especially helpful or have exceeded expectations in service can also be recognized.

The quality of TAMUPD's service is dependent in part on feedback from the community. Please help the department improve by bringing complaints and compliments to the attention of any of the following individuals in a timely manner:

- Request the on-duty Police Supervisor by calling 979-845-2345. This individual is available 24-hours a day.
- Address written correspondence to: Chief of Police, UPD, TAMU 1231, College Station, Texas 77843-1231.

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## Reporting Crimes

### Incident Reporting and Response

Any on-campus emergency at RELLIS should be reported immediately to TAMUPD or BCPD by dialing 911 or 9-911 from a campus phone, 911 from a cellular phone, or in person. When using a campus phone (landline) dial either 911 or 9-911 to reach an emergency operator. For non-emergencies contact TAMUPD at 5-2345 from a campus phone or call 979-845-2345 from an off campus phone, campus payphone, or cell phone. Upon receipt of the call, the TAMUPD Communications Center personnel can supply information or dispatch officers as necessary. TAMUPD officers located at RELLIS can be contacted at 979-845-2345. Electronic crime reports can be filed with TAMUPD by emailing [upd@tamu.edu](mailto:upd@tamu.edu). The Blinn police officer located at the RELLIS Blinn Academic Building can also be contacted at 979-209-7600 or at 911 for emergencies occurring at or near the RELLIS campus.

TAMUPD calls for service are received in the TAMUPD Communications Center where the information is entered into a Computer Aided Dispatch (CAD) system. The Communications Operator will request basic information regarding the call for service and the caller's contact information as an officer may need to subsequently reach the reporting party. A Police Officer will either be dispatched to the scene or to the office to take the call by telephone, depending on the type of call. The Police Officer may then issue a case number for the call and complete an incident or offense report. Copies of all incident and offense reports are kept with the TAMUPD Records division for a time period mandated by institutional and state records retention policies.

TAMUPD 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. Crimes in progress, alarms, traffic accidents with injuries, and medical assists have a higher priority than other types of calls. University Police or Security officers in vehicles, on foot, or on bicycles will assist and may be contacted directly. For non-campus offenses, we encourage prompt reporting to the proper local law enforcement agency.

We cannot overemphasize the importance of prompt and accurate reporting of crime. If a crime is not reported promptly, evidence can be destroyed or the potential to apprehend a suspect is lost. Without accurate reports, leads could be missed and the investigation headed in the wrong direction. If you witness a crime or emergency, promptly report it to the TAMUPD and be prepared to answer questions as accurately as you can. The subsequent investigation can only be as thorough as the information received. If you are the victim of a crime, or you have seen or received information of criminal activity or other emergency, please contact the TAMUPD immediately.



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

Faculty, staff, and students are encouraged to report any criminal offenses within the campus environment directly to TAMUPD or BCPD located at RELLIS.

The RELLIS Campus is located at 3100 TX-47, Bryan, TX, 979-317-3410. The RELLIS Associate Director is located in the Academic Complex, Phase 1 Building 106F at RELLIS, 979-317-3402.

**Campus Law Enforcement Telephone Directory:**

Website: <http://upd.tamu.edu>

Emergencies-from on campus phones/Police/Fire/Medical	911 or 9-911	Non-Emergencies/General Assistance	979-845-2345
Blinn Police at RELLIS	979-209-7600	UPD Police at RELLIS	979-845-2345

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 TAMUPD 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. These incidents should immediately be reported to the law enforcement agency with jurisdiction for the location. 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](http://www.wtamu.edu/university_police/upd-campus-security-authority-guidelines.aspx)  
<https://apps.wtamu.edu/forms/csareport.php>

An annual training assignment and all university e-mail notification is sent from the WTAMU 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 WTAMU Police Department and the WTAMU Office of the Vice President for Student Enrollment, Engagement and Success. In addition, TAMUPD receives mutual aid from both local and state police agencies. Each incident, whether or not a formal police report is filed or an investigation ensues, counts as one offense and is reflected on the University's annual crime statistics report.

This annual report includes statistics on reported crimes, arrests and referrals for violations that occur on the RELLIS campus 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**

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

Voluntary confidential reports, for purposes of inclusion in the annual disclosure of crime statistics and crime log, can generally be made by victims, witnesses, and others to the campus security authorities listed on the previous page and all other campus security authorities. Annual crime statistics and the crime log are confidential in that personally identifiable information is not included in the disclosure. Crimes can be reported anonymously by calling Crime Stoppers at 979-775-TIPS (8477). Reports submitted anonymously or with limited information may restrict the team's ability to follow up on the incident.

### **Timely Warning Notice/Crime Alert**

TAMUPD coordinates with the main Texas A&M University campus, the Blinn Police Department, and TAMUS to generate and issue Crime Alerts on behalf of the RELLIS campus. Crime Alerts are issued through email to students, faculty, and staff in a manner that is timely, that withholds the names of victims as confidential, and that will aid in the prevention of similar occurrences.

Information regarding the Crime Alert may be forwarded to local media outlets through a formal press release. Crime Alerts contain sufficient information about the nature of an identified threat to assist members of the campus community in taking appropriate action to protect themselves or their property. Crime Alerts generally include:

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

- Suggested measures which members of the university community can take to help protect themselves.

It is important to note that in some cases law enforcement may need to withhold some facts if releasing the information would compromise an ongoing investigation or the identity of the victim. Victim names and other identifying information of victims are never included in Crime Alerts. An institution is not required to provide a timely warning with respect to crimes reported to a pastoral or professional counselor.

## **Emergency Response and Evacuation Policy**

The procedures disclosed in this section apply to emergency situations occurring on the RELLIS campus located in Bryan, Texas.

### **Emergency Notification System**

The TAMUPD coordinates with the main Texas A&M University campus and Blinn College to generate and issue emergency notifications on behalf of the RELLIS campus to notify RELLIS Academic Alliance students and employees of significant emergencies or dangerous situations occurring at the RELLIS campus.

The Texas A&M University emergency notification system (Code Maroon) is being utilized to notify WTAMU RELLIS students and employees (and TAMUS member agency employees) located at RELLIS of significant emergencies or dangerous situations occurring at the RELLIS campus. The Blinn College emergency notification system called Blinn Alert, is being utilized to notify Academic Alliance students and employees located at RELLIS of significant emergencies or dangerous situations occurring at the RELLIS campus. Authorization and access has been coordinated for efficiency and distribution of identical communications. Emergency alerts are automatically sent to all WTAMU RELLIS student and employee email addresses. The system also pushes the emergency notification message to KAMU-FM radio, campus cable television, the classroom notification system, Emergency Alert System radios, campus digital signage, campus pop-up messages when connected to the Texas A&M network, Twitter and RSS.

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

In the event that a crisis occurs on RELLIS property, the TAMUS Office of Marketing and Communications will be notified as soon as possible. As chief spokesperson(s) for the campus, TAMUS Marketing and Communications staff will ultimately be responsible for providing strategic direction and implementing protocols as outlined in the emergency communications plan. TAMUS Marketing and Communications will work with the University Police Public Information Officer and the RELLIS Director to prepare and disseminate internal and external messages, distribute news releases, respond to media inquiries, update the main university website with pertinent information, and share timely information as

appropriate via digital channels. The TAMUS Risk Management Office will serve in a liaison capacity when necessary. In addition, TAMUS Marketing and Communications will be responsible for planning, scheduling, and providing logistical support for news conferences as well as coordinating communication efforts with relevant entities and organizations. In case of an emergency, the Texas A&M University Code Maroon webpage will be updated with current information pertaining to the incident at <https://codemaroon.tamu.edu/>. Individuals receiving the emergency notification will also be advised with updated information, as needed, using the same method(s) as the original notification.

### **Emergency Preparedness**

The Director of the RELLIS Campus has primary responsibility for emergency preparedness at the RELLIS campus. Duties and responsibilities range from working with departments to write and exercise building evacuation plans, to developing and maintaining emergency plans as deemed necessary.

The RELLIS campus Emergency Operations Plan is the primary plan that describes the general framework for emergency response at the campus. The RELLIS Campus Director in coordination with TAMUS Risk Management is responsible for maintaining and updating this plan. This plan shall be reviewed at least annually and updated based upon deficiencies identified during actual emergency situations, training and exercises, and when changes in hazards, resources, capabilities or organizational structure occur. A revised or updated plan will be provided to all departments and individuals tasked within this plan in addition to TAMUS Risk Management.

The Emergency Operations Plan will be tested and exercised at least annually utilizing a discussion-based level exercise or higher and tests of the emergency notification system. An operations-based exercise will be performed at least every three years. The agencies and emergency response entities that interface with RELLIS officials during an actual emergency situation will be invited to participate in the campus exercises. Actual emergency situations or false emergency alarms will not be used to meet the requirements for testing and exercising the RELLIS Emergency Operations Plan. The tests are designed for assessment and evaluation of emergency plans and capabilities and are performed and documented. Tests may be announced or unannounced. Testing reports and review documentation will include a description of the exercise, the date the test was held, the start and end time of the exercise, and whether the test was announced or unannounced. Texas A&M University Environmental Health and Safety, in cooperation with lead administrators for each occupied facility, oversee a Building Evacuation Program for all occupied facilities on the RELLIS campus. Environmental Health and Safety works with each facility representative to maintain and test building evacuation procedures annually for occupied facilities on campus through emergency evacuation drills.

Emergency response and evacuation procedures are to be publicized annually in conjunction with a test through an email to the RELLIS campus community that will include, but may not be

limited to, the following groups located at the RELLIS campus: WTAMU students and employees, TAMUS member agency employees, Blinn students and employees, and Academic Alliance students and employees. The email will communicate information about accessing the RELLIS Emergency Operations Plan and emergency contacts.

### **The Daily Crime Log**

Each business day, the Associate Director of RELLIS (or other trained personnel) publishes a Daily Crime Log for RELLIS that is available to the media, the public, and campus offices free of charge. This summary identifies the nature of the crime, location, date and time occurred, date the crime was reported to the TAMUPD, and disposition. A printed copy of this report may be viewed at the Academic Complex, Phase 1 Bldg., Room 106F located at 1425 Bryan Ave., Bryan, TX 77807, or obtained by calling 979-317-3402. The copy is reprinted on working business days as updates occur. The RELLIS crime log is published online at: <https://rellis.tamus.edu/clery/>.

## **Security of and Access to Campus Facilities**

### **General Provisions**

The Dean, Director, or Department Head is responsible for determining access to facilities under their control. The TAMUPD's Community Services Division, upon request, will prepare a security survey of the facility to determine security coverage and appropriate access control.

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

The governing board of a state institution of higher education or its authorized representatives may refuse to allow persons having no legitimate business to enter on property under the board's control, and may remove any person from the property on his or her refusal to leave peaceably on request. Identification may be required of any person on the property. (*Texas Education Code Section 51.209*)

### **Residence Halls**

The RELLIS campus has no residence halls.

### **Parking Areas**

RELLIS has two main parking areas and no parking garages. Various parking areas on the RELLIS campus are under video surveillance and may or may not be monitored. Parking areas are equipped with emergency phones and are readily visible and identifiable by the

bright blue lights located on top of the phone cabinets. Instructions adjacent to the keypads direct customers to contact TAMUPD at 979-845-2345 for non-emergency assistance and to dial 911 for emergency assistance.

### **Academic and Administrative Buildings**

The RELLIS campus includes many public areas that are readily accessible. In general, the academic and administrative buildings at these locations are open to the public, at a minimum, during normal business hours. Individual facilities may have specific hours of operation, which can vary depending upon factors such as the time of the year and operational requirements. Access to some buildings, or portions of buildings, may be limited to authorized personnel at various times. Card swipe systems, locks and other means may be employed to limit access. Information about access to a specific facility can be obtained from the proctor for that facility. University Police Officers generally are not assigned to specific academic or administrative buildings with the exception of one TAMUPD and one BCPD officer assigned to and present at the RELLIS campus during normal business hours. Contract security patrols RELLIS on a regular basis during evening and weekend hours.

### **Maintenance of Campus Facilities**

Contracted facilities personnel are responsible for maintaining the buildings, grounds, and custodial services for the RELLIS campus. The group addresses maintenance, renovation, and repair projects for facilities, custodial and landscaping. After-hours or emergency repairs, should be directed to maintenance personnel through the 24 hour Communications Center at 979-845-4311.

Police personnel at RELLIS closely monitor any security-related maintenance problems, and report their findings to the appropriate university official. If necessary, they will stand-by until the problem is corrected. Contract security survey campus lighting nightly and monitor those areas having defective fixtures and report the deficiencies to the appropriate personnel for corrective action. Police personnel check the operations of the emergency telephones on a scheduled periodic basis.

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

#### **Education Programs**

In accordance with the Drug-Free Schools and Communities Act, 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 RELIS campus.

All members of the campus community and guests are required to comply with federal and state laws regarding the possession, use, and service (including sales) of alcoholic beverages. Except as permitted or expressly authorized by state law, alcoholic beverages may not, in any circumstance, be used by, possessed by, or distributed to any person under 21 years of age.

The TAMUS strictly prohibits the unlawful manufacture, distribution (including sales), possession, or use of alcohol on TAMUS property, while on official duty, and/or as part of any TAMUS activities ([System Policy 34.02, Drug and Alcohol Abuse](#)). Possession or consumption of alcoholic beverages on property under control of the TAMUS will not be permitted except in special use buildings and facilities that may be designated by the chief executive officer of the member, approved by the chancellor, and subsequently reported to the board on an annual basis ([System Policy 34.03, Alcoholic Beverages](#)).

The purchase, service (including sales), possession, and consumption of alcohol beverages in facilities under the control of the TAMUS shall in all respects comply with state law ([System Policy 34.03, Alcoholic Beverages](#)). All purchases of alcoholic beverages by any member must comply with guidelines as established in [System Policy 34.03, Alcoholic Beverages](#) regarding the purchase's source of funds, purpose, and required documentation.

Consequences for policy violations could result in sanctions by the institution and/or criminal charges/arrest by TAMUPD for state law violations.

The Work/Life Solutions Program by GuidanceResources (1-866-301-9612) manages the alcohol, drug abuse, and rehabilitation program for employees and provides licensed counseling and referral services.

### **Illegal Drugs Policy**

The following illegal drug policy applies at the RELIS campus.

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



equipment, products and material of any kind that are used to facilitate, or intended or designed to facilitate, violations of the Texas Controlled Substances Act. According to [System Policy 34.02, Drugs and Alcohol Abuse](#), all students and employees are expected to abide by federal and state laws pertaining to controlled substances and illicit drugs. Alleged violations of federal and state laws may result in criminal charges. University conduct charges may be pursued against those alleged to have violated institutional policies and/or state/federal laws concerning controlled substances.

The Work/Life Solutions Program by GuidanceResources (1-866-301-9612) manages the alcohol, drug abuse, and rehabilitation program for employees and provides licensed counseling and referral services.

### **Resources related to AOD**

National Institute of Drug Abuse [www.drugabuse.gov](http://www.drugabuse.gov)

National Institute on Alcohol Abuse and Alcoholism [www.niaaa.nih.gov](http://www.niaaa.nih.gov)

### **Weapons Policy**

The following weapons policy applies at the RELIS campus.

In accordance with [Texas Penal Code Ch. 46.03](#), it is a felony to intentionally, knowingly, or recklessly possess a firearm, location restricted knife, club, or prohibited weapon on the physical premises of a school or educational institution, to include any grounds or buildings on which an activity sponsored by 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 premises of the TAMUS offices (where the TAMUS offices has operational responsibility) or in a TAMUS vehicle, unless prohibited by state law or federal law. Concealed carry is prohibited in any premises where TAMUS offices, as directed or approved by the chancellor as necessary for institutional safety, gives effective notice on a temporary basis pursuant to [Section 30.06, Texas Penal Code](#). The open carry of handguns on TAMUS offices' land or premises is prohibited ([TAMUS Rule 34.06.02.S1](#)).

### **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.

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](mailto:rwebb@wtamu.edu) or [TitleIX@wtamu.edu](mailto:TitleIX@wtamu.edu) or by calling (806) 690-8216 or 806-651-3199. 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 University Police Department or other law enforcement to preserve evidence in the event that the victim changes her/his mind at a later date.

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

Authority for administering the disciplinary system is delegated by the participating System members to the RELLIS Academic Alliance Provost (hereinafter referred to as Provost). Under the supervision of Provost, the RELLIS Academic Alliance Assistant Provost (hereinafter referred to as Assistant Provost) is, in coordination with each participating member, responsible for the administration of all RELLIS student conduct matters. Students are expected to comply with all state, federal, and local laws. Student conduct procedures may be instituted against those charged with conduct that potentially violates either Texas criminal law or this code, without regard to the pendency of civil or criminal litigation or criminal arrest and prosecution. This principle applies to on-campus conduct, as well as conduct off campus which is likely to have an adverse effect on the university or the educational process. Sexual misconduct investigations will be conducted in accordance with

Texas A&M University System Regulation 08.01.01 and System Rule 08.01.01.S2. Substantiated complaints constitute one or more violations of this code. The procedures outlined in the RELLIS Student Code of Conduct, consistent with the code of each participating member, are intended to inform the involved parties of university procedures and aid the Provost, Assistant Provost, and any hearing officer, investigating authority, or hearing body in ascertaining the facts and adjudicating a conduct matter. As circumstances can vary greatly from case to case, the presiding hearing officer or chair may modify procedures as well as rule on procedural matters in order to reach a just decision.

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

For a complete copy of the **RELLIS Student Code of Conduct**, <https://rellis.tamus.edu/wp-content/uploads/sites/41/2019/09/RELLIS-Student-Code-of-Conduct-2019-20-for-web.pdf>

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**

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.

Name	Phone	Address	Website
Texas A&M University Police	979-845-2345 (same for UPD officer located at RELLIS)	1111 Research Parkway College Station, TX	<a href="https://upd.tamu.edu">https://upd.tamu.edu</a>
Bryan Police Department	979-361-3888	303 East 29 <sup>th</sup> Street Bryan, TX	<a href="http://www.bryantx.gov/police">www.bryantx.gov/police</a>
College Station Police Department	979-764-3600	2611 Texas Avenue South College Station, TX	<a href="http://www.cstx.gov/police">www.cstx.gov/police</a>
Blinn College Police Department	979-209-7600 (same for Blinn officer located at RELLIS)	2423 Blinn Blvd., Building S, Room 106, Bryan, TX	<a href="http://www.blinn.edu/police/">http://www.blinn.edu/police/</a>

Name	Phone	Address	Website
Brazos County Sheriff's Department	979-361-4980	1700 Highway 21 West Bryan, TX	<a href="http://brazoscountysheriff.org">http://brazoscountysheriff.org</a>

Whether or not criminal charges are filed, the university<sup>1</sup> or a person may file a complaint under the Texas A&M University System Civil Rights Compliance Policy 08.01.01 alleging that a student or employee violated the University's regulation on Civil Rights Compliance 08.01.01.W1 [www.wtamu.edu/rules](http://www.wtamu.edu/rules). 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 23<sup>rd</sup> Street, Old SUB 108, Canyon, Texas, (806) 651-3199 [rwebb@wtamu.edu](mailto:rwebb@wtamu.edu) or [TitleIX@wtamu.edu](mailto:TitleIX@wtamu.edu). A third party should also promptly report incidents.

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

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<sup>1</sup> 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.

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.
  - It is the policy of RELLIS that, upon learning that an act of sexual misconduct has taken place, immediate action will be taken to address the situation and hold the respondent accountable. This may include working with state and local law enforcement to bring possible criminal charges and seeking disciplinary action through the university. The complainant may proceed with a criminal investigation and a Title IX complaint simultaneously. RELLIS encourages the reporting of sexual misconduct that is prompt and accurate. This allows the university community to quickly respond to allegations and offer immediate support to the complainant.
  - 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, RELLIS administrator, 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.
- 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 RELLIS Academic Alliance Provost or under the supervision of the Provost, the RELLIS Assistant Provost who will resolve the complaint in accordance with the judicial process described in the RELLIS Code of Student Conduct.
- The Institutions recognizes that students who have been drinking and/or using drugs at the time of an act of sexual harassment and/or sexual misconduct occurs, may be hesitant to report such incidents due to fear of potential consequences of their own conduct. The University strongly encourages students to report incidents of sexual violence, harassment, sexual assault, dating violence, or stalking to campus officials. A bystander reporting in good faith or a complainant reporting sexual violence, harassment, sexual assault, dating violence, or stalking to University officials or law enforcement will not be subject to disciplinary action for violations of the institution's

code of conduct policies, including alcohol and/or drug use violations, occurring at or near the time of the sexual harassment/sexual misconduct.

- 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.

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

In processing reports of sexual misconduct/sexual harassment and/or related retaliation involving students, RELLIS follows The Texas A&M University System Policy 08.01, Civil Rights Protections and Compliance and corresponding Regulation 08.01.01, Civil Rights Compliance. You may also refer to the RELLIS website for more information:

- a. A complaint or appeal alleging illegal discrimination, sexual harassment and/or related retaliation in connection with discipline and/or dismissal should be filed as soon as reasonably possible. A complaint may be deemed untimely and dismissed.
- b. Sexual harassment, sexual assaults, non-consensual sexual contact, domestic violence, dating violence, sexual exploitation and stalking may be reported to any university official. All such reports will be directed to the RELLIS Title IX Coordinator. The RELLIS Title IX Coordinator will work closely with other offices as appropriate. As a matter of Texas A&M University System policy, all faculty and staff must report a known allegation to the RELLIS Title IX Coordinator.
- c. Individuals reporting issues of sexual misconduct/sexual harassment may meet with the RELLIS Title IX Coordinator or designees and/or law enforcement (if a criminal report is being made, which is not required, but encouraged).

- d. The reporting party will be provided information about available resources including counseling, physical and mental health assistance, victim advocacy, and other services available. A student who has been the victim of sexual misconduct may request an academic accommodation after a report of sexual misconduct.
- e. The reporter may withhold identifying information; however, withholding information about the alleged misconduct may limit the university's ability to respond to a complaint.
- f. The University, at its discretion, may proceed with the investigation/disciplinary process without a formal complaint if the University has sufficient information that sexual misconduct/sexual harassment may have occurred or determines an investigation is warranted considering the circumstances.
- g. Retaliation, including retaliatory harassment, by any person is a violation of Texas A&M University System policy and regulation, is expressly prohibited by the university, and is subject to additional conduct discipline.

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

- Go to a safe place as soon as you can.
- Contact the Police Department at 911 (911 or 9-911 using an on-campus phone).
- Get medical attention as soon as possible to make sure you are physically well and to collect important evidence in the event you may later wish to take legal action. Baylor Scott & White Medical Center in College Station 979-207-0100, <https://www.bswhealth.com/specialties/forensic-medicine/> is the community's designated forensic nursing facility offering a 24/7 program with trained Sexual Assault Nurse Examiners (SANE) and a forensic unit that provides detailed physical examinations, evidence collection, and expert testimony. St. Joseph Regional Hospital in Bryan (979-776-3777) also conducts forensic exams. Go to the hospital's emergency room and request to be seen by a SANE.
- 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, WTAMU Victim Services 806-651-2307, Work/Life Solutions Program by GuidanceResources 1-866-301-9612, and the Brazos County Sexual Assault Resource Center 979-731-1000



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

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

**Confidentiality/Privacy**

Students and employees have the option to disclose 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 information<sup>2</sup>. 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.

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<sup>2</sup> Personally identifying information is defined as individually identifying information for or about an individual, including information likely to disclose the location of a victim of domestic violence, dating violence, sexual assault, or stalking, regardless of whether the information is encoded, encrypted, hashed, or otherwise protected, including a first and last name; a home or other physical address; contact information (including a postal, 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.

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 private<sup>3</sup> 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.

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.

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<sup>3</sup> Private - that which affects, characterizes, or belongs to an individual person, as opposed to the general public. With respect to this regulation, private means restricting information to those with a reasonable need to know.

Additionally, personal identifiable information about the victim will be treated as confidential and only shared with persons with a specific need to know who are investigating/adjudicating the complaint or delivering resources or support services to the complainant (for example, publicly available record keeping for purposes of Clery Act reporting and disclosures will be made without inclusion of identifying information about the victim.) Further, the institution will maintain as confidential, any accommodations or protective measures provided to the victim to the extent that maintaining such confidentiality would not impair the ability of the institution to provide the accommodations or protective measures.

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

#### 5.6.2 of the RELLIS Code of Student Conduct: Rights of Both Parties

Both the reporting party and the respondent are entitled to a fair and equitable procedures in all facets of the complaint and investigation process and will be:

- a) Provided an opportunity to meet individually with the university Title IX Coordinator, Deputy Coordinator, or designee;
- b) Informed of all pending charges;
- c) Provided access to support services from the university at their request;
- d) Provided interim measures, if applicable;
- e) Informed of the investigation and adjudication procedures;
- f) Allowed to choose to participate or decline to participate in the process with the understanding that the process will continue without their involvement and that the university will determine an outcome with the information available;
- g) Allowed to discuss any conflicts of interest (real or perceived) arising from prior interactions by those handling the Title IX grievance procedures;
- h) Allowed to have an advisor, who may be an attorney, present during the investigation and adjudication proceedings. The advisor cannot directly participate in the proceedings and must not have involvement in the underlying case;
- i) Given the opportunity to present witnesses and submit other evidence on their behalf to the investigators; and
- j) Notified in writing of the results /outcome of the complaint and subsequent action.

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 RELLIS Provost office; the office of Human Resources, and to the Police Department. 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.

### **WTAMU On-Campus Resources**

University Police Department	Old Sub 102	806-651-2300
WTAMU Victim Assistance	Old Sub 106	806-651-2307
Student Counseling	Classroom Center 116	806-651-2340
International Student Office	JBK Student Center 133N	806-651-2073
Title IX Director	Old Sub 108	806-651-3199
Office of Veterans Services	Classroom Center 108B	806 651-4939

### **Off Campus Resources**

Domestic Violence/Sexual Assault Hotline	Bilingual 806-374-5433	844-363-3452
National Suicide Prevention Lifeline		800-273-8255
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	<a href="http://www.tlsc.org/">http://www.tlsc.org/</a>	1-888-343-4414
Texas Association Against Sexual Assault	<a href="http://taasa.org/">TAASA http://taasa.org/</a>	512-474-7190
Stalking Resource Center	<a href="https://www.victimsofcrime.org/our-programs/stalking-resource-center">https://www.victimsofcrime.org/our-programs/stalking-resource-center</a>	
National Center for Victims of Crime	<a href="https://www.victimsofcrime.org/">https://www.victimsofcrime.org/</a>	202-467-8700

**Law Enforcement**

Name	Phone	Address	Website
Texas A&M University Police	979-845-2345 (same for UPD officer located at RELLIS)	1111 Research Parkway College Station, TX	<a href="https://upd.tamu.edu">https://upd.tamu.edu</a>
Bryan Police Department	979-361-3888	303 East 29 <sup>th</sup> Street Bryan, TX	<a href="http://www.bryantx.gov/police">www.bryantx.gov/police</a>
College Station Police Department	979-764-3600	2611 Texas Avenue South College Station, TX	<a href="http://www.cstx.gov/police">www.cstx.gov/police</a>
Blinn College Police Department	979-209-7600 (same for Blinn officer located at RELLIS)	2423 Blinn Blvd., Building S, Room 106, Bryan, TX	<a href="http://www.blinn.edu/police/">http://www.blinn.edu/police/</a>
Brazos County Sheriff's Department	979-361-4980	1700 Highway 21 West Bryan, TX	<a href="http://brazoscountysheriff.org">http://brazoscountysheriff.org</a>

**Medical Services**

Name	Phone	Address	Website
Baylor Scott & White Medical Center	979-207-0100	700 Scott & White Drive College Station, TX	<a href="http://sw.org/location/college-station-hospital">http://sw.org/location/college-station-hospital</a>
College Station Medical Center	979-764-5100	1604 Rock Prairie Road College Station, TX	<a href="http://csmedcenter.com">http://csmedcenter.com</a>
St. Joseph Hospital	979-776-3777	2801 Franciscan Drive Bryan, TX	<a href="http://www.chistjoseph.org/">http://www.chistjoseph.org/</a>

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

Name	Phone	Address	Website
University Police Department Victim Services	979-458-9767	1111 Research Parkway College Station, TX	<a href="https://upd.tamu.edu/Pages/VictimsAdvocate.aspx">https://upd.tamu.edu/Pages/VictimsAdvocate.aspx</a>
Bryan Police Department Victim's Assistance	979-209-5312	303 East 29 <sup>th</sup> Street Bryan, TX	<a href="http://www.bryantx.gov/police/investigative-services-bureau/">http://www.bryantx.gov/police/investigative-services-bureau/</a>
College Station Police Victim Advocacy & Assistance Program	979-764-5004	2611 Texas Avenue South College Station, TX	<a href="http://www.cstx.gov/index.aspx?page=3927">http://www.cstx.gov/index.aspx?page=3927</a>
Brazos County Victim Assistance Division	979-361-4320	300 East 26 <sup>th</sup> Street Suite 310 Bryan, TX	<a href="http://www.brazoscountytexas.gov/index.aspx?NID=227">http://www.brazoscountytexas.gov/index.aspx?NID=227</a>

Name	Phone	Address	Website
Brazos County Family Violence Unit	979-361-4657	300 East 26 <sup>th</sup> Street 1 <sup>st</sup> floor Bryan, TX	<a href="http://brazoscountytexas.gov/index.aspx?NID=112">http://brazoscountytexas.gov/index.aspx?NID=112</a>
Twin City Mission Domestic Violence Services	979-775-5355	2505 South College Avenue Bryan, TX	<a href="https://www.twincitymission.org/domestic-violence-services">https://www.twincitymission.org/domestic-violence-services</a>
Sexual Assault Resource Center of Brazos County (SARC)	979-731-1000 (24 hour hotline)	n/a	<a href="http://www.sarcbv.org">http://www.sarcbv.org</a>
National Sexual Assault Hotline	800-656-HOPE	n/a	<a href="https://rainn.org/get-help/national-sexual-assault-hotline">https://rainn.org/get-help/national-sexual-assault-hotline</a>
National Domestic Violence Hotline	800-799-SAFE	n/a	<a href="http://www.thehotline.org">http://www.thehotline.org</a>

### Visa and Immigration Assistance

Name	Phone	Address	Website
International Student Services	979-845-1824	1 <sup>ST</sup> Floor of The Pavilion, Room 110 Texas A&M Campus	<a href="http://iss.tamu.edu">http://iss.tamu.edu</a>
U.S. Citizenship and Immigration Services, Texas – San Antonio Field Office	800-375-5283	20760 North US Highway 281, Suite A San Antonio, TX	<a href="http://www.uscis.gov/about-us/find-uscis-office/field-offices/texas-san-antonio-field-office">http://www.uscis.gov/about-us/find-uscis-office/field-offices/texas-san-antonio-field-office</a>

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.

### Office for Diversity and Inclusion

The Office for Diversity and Inclusion (ODI) assists the WTAMU 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](mailto:aallen@mail.wtamu.edu) or [diversity-inclusion@wtamu.edu](mailto: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) or for students, the RELLIS Associate Director (979-317-3402), 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 or RELLIS Associate 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 or

RELLIS Associate 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 or the RELLIS Associate Director at (979-317-3402). The Title IX Director or RELLIS Associate 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:* At any point in the complaint or appeal process, the respondent may be placed on administrative leave, suspended, reassigned, or placed in another type of temporary status pending completion of the investigation and final resolution of the complaint or appeal without presumption of responsibility for the alleged misconduct. Failure to comply



with the terms of the interim actions may be considered a separate violation of university rules and procedures and this code.

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.

*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.

### **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 TAMUPD 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. The institution provides information and assistance to the complainant, the respondent, and other affected individuals in obtaining lawful orders issued by a criminal, civil, or tribal court

including protective orders and criminal trespass warnings as discussed below. Failure to comply with any of the terms of lawful interim protective measures may be considered a separate violation in the institutional disciplinary proceeding.

*Protective Orders:* Individuals may apply for protective orders through the Texas criminal justice system. A protective order is an interim protective measure that requires the recipient to stay away from the protected individual's home, workplace, and/or children's schools (if the children are protected persons in the order) depending on the documented circumstances. It can require the recipient to stop communicating with the protected individual in a harassing or threatening manner, attend counseling, pay child support, and/or pay spousal support. An application for a protective order may be filed by an individual, a prosecuting attorney, or the Texas Department of Family and Protective Services (1-800-252-5400) on behalf of an individual. The application is obtained through the county attorney (Brazos County Attorney's Office – Family Violence Unit, Family Violence and Mental Health Coordinator, 979-361-4657), the district attorney (Brazos County District Attorney's Office - Family Violence Division, 979-361-4320), or a private attorney. TAMUPD (979-845-2345) will also provide assistance in applying for protective orders. Forms associated with applying for a protective order are found on the following webpages: <http://brazoscountytexas.gov/index.aspx?NID=112> and <https://guides.sll.texas.gov/legal-forms/protective-orders>.

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

TAMUPD officers are notified of protective orders that exist in the campus and surrounding area. Local law enforcement agencies are also notified of all existing protective orders in

their area. If the requestor or other institutional personnel become aware that a protective order is violated, TAMUPD should be contacted immediately at 979-845-2345. Responding agencies can also be contacted for protective order violations including Bryan Police (979-361-3888), College Station Police (979-764-3600), or the Brazos County Sheriff's Department (979-361-4980). Violating protective orders generally carry authority for the violator's immediate arrest by TAMUPD or other law enforcement agencies.

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
<b>Magistrate's Order for Emergency Protection</b>	victim of family violence, sexual assault or stalking	31-61 days; with deadly weapon 61-91 days	Offender must be arrested
<b>Temporary Ex Parte</b>	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
<b>Family Violence Protective Order</b>	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
<b>Sexual Assault Protective Order</b>	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
<b>Stalking Protective Order</b> 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

<b>Stalking Protective Order</b> 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 TAMUPD 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 TAMUPD at 979-845-2345 and request to speak with an officer. The TAMUPD 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 TAMUPD policy. When the warning is issued, the officer is responsible for providing notice to the requestor and the person receiving the warning.

TAMUPD officers are notified of criminal trespass warnings that exist in their area. If a criminal trespass warning is violated, TAMUPD should be contacted immediately at 979-845-2345. A violation of the criminal trespass warning occurs when the individual is issued a warning but refuses to leave campus or is subsequently found in a prohibited area based on the trespass warning. The requestor and other institutional personnel should take appropriate action by contacting TAMUPD for a responding officer when they become aware of a potential violation of a criminal trespass warning. TAMUPD generally enforces these warnings by charging violators with criminal trespass resulting in arrest and/or fine.

*Other Legal Options:* The University Police Department employs a victim assistance coordinator who works directly with innocent parties of crime. The WTAMU 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.

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

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

- Timely and equal access to any information that will be used during informal and formal disciplinary meetings and hearings will be provided to the complainant, respondent, and appropriate officials.
- During the investigation the complainant and respondent have timely notice of meetings at which the complainant or respondent, or both, may be present.

Individuals conducting investigations and other decision makers, at a minimum, receive training annually regarding university rules and procedures and handling of civil rights investigations. Investigators receive additional training in regards to conducting fair and impartial investigations including trauma-informed investigation techniques, due process protections, and how to conduct an investigation and hearing process that protects the safety of victims and promotes accountability.

Employees who experience, observe, or become aware of prohibited conduct must promptly report all known information, including identities of witness and involved parties, to the university. Student workers are not required to report prohibited conduct if the student worker experiences, observes, or becomes aware of the prohibited conduct outside the context of their student worker employment. Students and third parties are strongly encouraged, but not required, to report prohibited conduct. Once an individual discloses information to CREI, a complaint will be considered to be filed with the university, and the investigation process is initiated regardless of whether the complainant chooses to pursue criminal charges.

The complaint regarding prohibited conduct is initially reviewed by the Title IX Director or the RELLIS Associate Director, not only to assess safety, but also to determine whether a potential violation of the System Regulation 08.01.01 or other university rule, SAP, code, or policy could have occurred. During the initial review and preliminary assessment the appropriate administrator will:

- Inform the complainant formal and informal resolution policies and solicit the complainant's preferred method for resolving the matter. The complainant may request a formal resolution of the allegations of prohibited conduct or may request "no resolution" of the allegations or prohibited conduct.
- If applicable, inform the complainant of the right to use a pseudonym in university documents related to the complaint.

- Offer assistance to the complainant in submitting a written complaint that details the nature and circumstances of the allegations, including the names of the complainants and respondents, if so inclined.
- Make a preliminary determination about whether to resolve the case informally or through a formal investigation of the allegations.

If a complaint alleges conduct that may be prohibited conduct as well as a violation of one or more rules, SAPs, regulations, codes, or policies, the appropriate administrator will consult with other university officials, as appropriate, and coordinate procedures to utilize to resolve the allegations, in addition to those required by this policy. The administrator may elect to resolve all the allegations in one proceeding under this policy, or may elect to refer one or more of the allegations to other university administrators for resolution apart from this policy.

#### No Resolution

If the complainant requests that no resolution of the allegations occur, the university will seek to honor the request whenever possible without impeding the university's ability to enhance the safety and security of the complainant and the university community. CREI will consider the following factors when evaluating such requests:

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

If the information is insufficient, the RELLIS Title IX Coordinator, Deputy Coordinator, or designee, in consultation with the System Ethics and Compliance Office, may conduct an inquiry into the circumstances of the complaint or report and;

1. Dismiss the complaint or report as untimely filed, baseless, or not a violation of civil rights policy;
2. Close the complaint or report for insufficient information to proceed with an investigation;

3. Refer the complaint or report to the office(s) which handles complaints or appeals not related to civil rights.

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

If the university determines that the complainant's request cannot be honored, the complainant will be notified of the decision, and CREI will take appropriate actions, including but not limited to;

1. offering support services or academic adjustments and imposing protective measures and
2. initiating a formal investigation.

### **5.6.3 Investigation Procedures – RELLIS Code of Student Conduct**

- a) When a decision is made to refer the investigation to an investigative authority, the university RELLIS Title IX Coordinator, a Deputy Coordinator, or designee, will appoint investigating authorities to review the complaint/report unless circumstances warrant otherwise.
- b) In all investigations and subsequent decisions, the standard used to determine the merits of the allegation(s) is the preponderance of the evidence, i.e., more likely than not.
- c) The investigative authority will review the complaint, respondent and witnesses (if applicable), review relevant documentation, consult with subject matter experts as appropriate, and review other available evidence or information. The past sexual history or character of an individual is not considered unless it is determined to be highly relevant. The investigative authority may also consult with appropriate management personnel, including but not limited to, the RELLIS Title IX Coordinator, System Office of General Counsel, and/or the System Ethics and Compliance Office for advice and guidance, as applicable. The investigative authority will provide a draft report on the merits of the allegations to the Office of General Counsel (OGC) for legal sufficiency review within thirty (30) business days of receipt of the complaint.
- d) The investigative authority's investigation report may conclude that an allegation is substantiated, unsubstantiated, or that there is insufficient evidence to determine whether or not the allegation is substantiated. In some instances, after investigation, offensive conduct might not be sufficiently severe, persistent, or pervasive that it unreasonably interferes with an individual's work or educational performance or creates an intimidating or hostile work or educational environment. Nevertheless, the investigative authority may still determine that the offensive conduct constitutes a violation of university rules or the Student Code of Conduct and note that finding in its report.

- e) OGC will provide its legal review to the investigative authority within ten (10) business days. Prior to the investigative authority completing the report he will permit the complainant and respondent the opportunity to review and comment on the report. The investigative authority will have ten (10) business days to finalize the report and submit it to the designated administrator for decision.
- f) The Title IX Office or designee, may approve extensions of time when circumstances warrant. All parties will be notified of any extensions.
- g) The complainant and respondent will be notified simultaneously of the conclusion of the investigation and the availability of the investigative report for review.
- h) The Assistant Provost or designee will serve as the designated administrator for cases in which the student is a respondent.

### **Sanctions and Protective Measures**

Sanctions may be imposed upon those determined to have violated policy. The institution 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 RELLIS Code of Student Conduct. 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.

### **Sanctioning for Employees**

In all cases involving employees with 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.

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 director. 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](http://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 RELIS Code of Student Conduct identifies these disciplinary sanctions:

The following sanctions may be imposed upon any student or organization found to have violated the Student Code of Conduct.

1. The student or organization may be levied a sanction or combination of sanctions.
2. Record of the student's disciplinary status and the results of disciplinary proceedings are a part of the student's confidential records for a period of at least five (5) years past the late date of a student's enrollment.
3. As part of the notification of disciplinary action undertaken, the student will be notified in writing of the sanctions imposed, their duration, stipulations and deadlines for completion.
4. Pending final action on a disciplinary charge or appeal, the student's status should not be altered nor should his/her right to be present on the campus or his/her privilege to attend classes be suspended except for the following:
  - a. when the university has imposed interim suspension action;

- b. when a "disciplinary hold" is placed on the student's academic and/or financial records pending the outcome of disciplinary proceedings or to enforce a disciplinary sanction;
  - c. Interim measures taken during a Title IX investigation when it determines that they are necessary and appropriate to the safety of the community and to protect the integrity of the complaint/investigation process; or
  - d. to address conduct involving substantial disruption of a class or program, physical altercations, threats of violence, or acts of retaliation against a complaining party.
- 5. Once a student or organization has been finally assessed a disciplinary sanction and the appeals process is complete, no more severe major sanctions may be assessed against the student or organization by any higher university authority for the infraction in question except in instances where the student or organization does not comply with the initial sanctions that have been imposed.
- 6. The sanctions identified below are not inclusive and may be levied in any combination:
  - a. **Warning:** A notice in writing to the student/organization that the student /organization is violating or has violated institutional regulations and that the continuation of such conduct or actions could result in further disciplinary action.
  - b. **Probation** a written reprimand for violation of specified regulations. Probation is for a designated period of time and includes the probability of more severe disciplinary sanctions if found to violate any institutional regulations or failure to comply with the sanctions imposed by the hearing body.
  - c. **Loss of Privileges:** Denial of specified privileges for a designated period of time.
  - d. **Fines:** Previously established and published fines may be imposed.
  - e. **Restitution:** Compensation for loss, damage, misappropriation or injury. This may take the form of appropriate service and/or monetary or material replacement.
  - f. **Educational Sanctions:** A provision to complete work assignments, essays, specific educational requirement (i.e., counseling, attending an alcohol workshop, online educational workshop, etc.), service to the university or designated community agency, or other related discretionary assignments.
  - g. **No Contact Order:** Directive to cease any and all contact with another party/parties. This includes contact initiated through any means: telephone, correspondence, personal visits, email, social media (i.e., Facebook, Twitter, etc.) as well as contact initiated by any third parties on your behalf or at your request. This also includes making electronic outreaches to or statements about the other parties through blogs or other social media, 'tagging' them in comments, or through online message boards or other internet sites. This restriction applies to both on and off campus. The directive to avoid contact until such time as this order is lifted.
  - h. **University Suspension:** Separation of the student from the University for a definite period of time, after which the is eligible to return. Conditions for

readmission may be specified. The student is not entitled to a refund of tuition and/or fees for the term in which the student is suspended.

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

### **Disciplinary Appeals**

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

### **Student Appeal Process for Sexual Misconduct/Sexual Harassment Cases**

The designated administrator's decision, and any sanction imposed, are subject to appeal by any party to the case.

1. Request to appeal must be made in writing and submitted to the office of the Assistant Provost not later than five (5) business days after electronic notification of the designated administrator's decision. Students may complete the Appeals Request Form available in the Office of the Assistant Provost. Requests may be dismissed if untimely.
2. The Assistant Provost, or a designee, will have five (5) business days to determine if an appeal is warranted.
3. Requests to appeal must only be made on the basis of one or more of the following grounds:

- a. A procedural error occurred during the process that significantly impacted the outcome. The appeal must state in writing the procedural error and how it impacted the outcome; or
  - b. New evidence, unknown or unavailable during the investigation, has come to light that could have significantly impacted the outcome. The appeal must state in writing the new information now available and why it was not available during the investigation; or
  - c. The appropriateness or severity of the sanctions. The reason(s) supporting this must be stated in writing in the appeal.
4. If an appeal is warranted, the Assistant Provost, or designated appeals administrator, will review the appeal, the designated administrator's decision and evidence on which it is based within ten (10) business days. The Assistant Provost or designee may:
  - a. render an appeals decision to uphold, modify, or return the case to the designated administrator for further action; or
  - b. refer the appeal for formal hearing. (See Section 5.7.3)
5. On appeal, the burden of proof rests with the appellant to show that an error has occurred during the adjudication process.
6. All parties will be informed of the status of:
  - a. Requests for appeal;
  - b. The appeal, if warranted; and
  - c. The decision on 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.) University Police Department officers and staff provide, upon request, several programs per semester related to personal safety, crime prevention, sexual assault awareness and prevention, dating violence/domestic violence/stalking, and alcohol and other drug awareness. For drug and alcohol abuse education, tools such as videos, testimonials, beer goggles and the TIPS program, group activities, assessments from personal counseling and an online interactive course are available. At the beginning of each fall semester, the office of Student Engagement and Leadership conducts student organization - risk management training to educate students on safety procedures. At New Student Orientation or any 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 (WTAMU police department; Student Enrollment, Engagement and Success; Student Engagement and Leadership; Residential Living; Title IX; etc.) WTAMU police 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 University Police Department, 806-651-2300.

### **Prevention and Awareness Programs**

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

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

Educational programming consists of primary prevention and awareness programs for all 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.

### **Start By Believing Campaign**

Start by Believing is a public awareness campaign dedicated to ending the cycle of silence. SBB is designed to encourage both professionals and public to start an orientation of believing when someone discloses sexual assault/victimization – as opposed to starting with the assumption that the victim is lying. The University Police Department and the Campus SART co-sponsored the kickoff of this campaign 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 information. The Sex Offender Registration open record information is extracted from the DPS Sex Offender Registration Database. The DPS maintains files based on registration information submitted by criminal justice agencies and represents a statewide source of information on sex offenders required by law to register.

The DPS public web page can be found at <https://records.txdps.state.tx.us/SexOffender/>.

TAMUPD receives notification of registered sex offenders that are currently employed, work, teach, volunteer, or attend classes on the campus of Texas A&M University. Notification comes from the Brazos County Sheriff's Sex Offender Registration Office.

Additional resources for gathering sex offender and sex crime data in the area:

Brazos County Sheriff's Office – 979-361-4980

Bryan Police Department – 979-209-5300

College Station Police Department – 979-764-3600

Blinn College Police Department – 979-361-3888

## **Victims' Rights**

The University Police Department employs a victim assistance coordinator who works directly with innocent parties of crime. The WTAMU Victim's Assistance Coordinator is available at 806-651-2300 or 806-651-2307 to provide information or direct victims to the proper agency about personal safety, Texas Crime Victim's Rights, Texas Crime Victims Compensation Fund and other information upon request. For additional information you may also visit the Office of the Texas Attorney General's website at <https://www.texasattorneygeneral.gov/cvs/crime-victims-compensation>. Regardless of whether a victim elects to pursue a criminal complaint or whether the offense is alleged to have occurred on or off campus, the university will assist victims of sexual assault, domestic violence, dating violence, and stalking and will provide each victim with a written explanation of their rights and options.

## **Victim Notification**

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

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

## **Definitions of Clery Act Offenses**

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

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

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

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

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

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

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

Consent:

[Texas A&M University System Regulation](#)

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

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

#### Texas Penal Code

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

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

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

(a) A person commits an offense if:

(1) the person intentionally or knowingly:

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

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

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

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

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

(c) In this section:

- (1) "Child" means a person younger than 17 years of age.
- (2) "Spouse" means a person who is legally married to another.
- (3) "Health care services provider" means:
  - (A) a physician licensed under Subtitle B, Title 3, Occupations Code;
  - (B) a chiropractor licensed under Chapter 201, Occupations Code;
  - (C) a physical therapist licensed under Chapter 453, Occupations Code;
  - (D) a physician assistant licensed under Chapter 204, Occupations Code; or
  - (E) a registered nurse, a vocational nurse, or an advanced practice nurse licensed under Chapter 301, Occupations Code.
- (4) "Mental health services provider" means an individual, licensed or unlicensed, who performs or purports to perform mental health services, including a:
  - (A) licensed social worker as defined by Section 505.002, Occupations Code;

- (B) chemical dependency counselor as defined by Section 504.001, Occupations Code;
  - (C) licensed professional counselor as defined by Section 503.002, Occupations Code;
  - (D) licensed marriage and family therapist as defined by Section 502.002, Occupations Code;
  - (E) member of the clergy;
  - (F) psychologist offering psychological services as defined by Section 501.003, Occupations Code; or
  - (G) special officer for mental health assignment certified under Section 1701.404, Occupations Code.
- (5) "Employee of a facility" means a person who is an employee of a facility defined by Section 250.001, Health and Safety Code, or any other person who provides services for a facility for compensation, including a contract laborer.
- (d) It is a defense to prosecution under Subsection (a)(2) that the conduct consisted of medical care for the child and did not include any contact between the anus or sexual organ of the child and the mouth, anus, or sexual organ of the actor or a third party.
- (e) It is an affirmative defense to prosecution under Subsection (a)(2):
- (1) that the actor was the spouse of the child at the time of the offense; or
  - (2) that:
    - (A) the actor was not more than three years older than the victim and at the time of the offense:
      - (i) was not required under Chapter 62, Code of Criminal Procedure, to register for life as a sex offender; or
      - (ii) was not a person who under Chapter 62, Code of Criminal Procedure, had a reportable conviction or adjudication for an offense under this section; and
    - (B) the victim:
      - (i) was a child of 14 years of age or older; and
      - (ii) was not a person whom the actor was prohibited from marrying or purporting to marry or with whom the actor was prohibited from living under the appearance of being married under Section 25.01.
- (f) An offense under this section is a felony of the second degree, except that an offense under this section is a felony of the first degree if the victim was a person whom the actor was prohibited from marrying or purporting to marry or with whom the actor was prohibited from living under the appearance of being married under Section 25.01.

**Dating Violence:** Violence committed by a person who is or has been in a social relationship of a romantic or intimate nature with the victim. The existence of such a relationship shall be based upon the reporting party's statement with consideration of the length of the relationship, the type of relationship, and the frequency of interaction between the persons involved in the



relationship. Dating violence includes, but is not limited to, sexual or physical abuse or the threat of such abuse. Dating violence does not include acts covered under the definition of domestic violence. Any incident meeting this definition is considered to be a crime for the purposes of Clery Act reporting.

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

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

(1) is committed against a victim:

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

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

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

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

(1) the length of the relationship;

(2) the nature of the relationship; and

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

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

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

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

(1) an act by a member of a family or household against another member of the family or household that is intended to result in physical harm, bodily injury, assault, or sexual assault or that is a threat that reasonably places the member in fear of imminent physical harm, bodily injury, assault, or sexual assault, but does not include defensive measures to protect oneself;

- (2) abuse, as that term is defined by Sections 261.001(1)(C), (E), and (G), by a member of a family or household toward a child of the family or household; or
- (3) dating violence, as that term is defined by Section 71.0021.

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

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

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

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

- (A) bodily injury or death for the other person;
- (B) bodily injury or death for a member of the other person's family or household or for an individual with whom the other person has a dating relationship; or
- (C) that an offense will be committed against the other person's property;

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

(3) would cause a reasonable person to:

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

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

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

#### Sec. 42.07. Harassment.

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

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

(b) In this section:

- (1) "Electronic communication" means a transfer of signs, signals, writing, images, sounds, data, or intelligence of any nature transmitted in whole or in part by a wire, radio, electromagnetic, photoelectronic, or photo-optical system. The term includes:
  - (A) a communication initiated through the use of electronic mail, instant message, network call, a cellular or other type of telephone, a computer, a camera, text message, a social media platform or application, an Internet website, any other Internet-based communication tool, or facsimile machine; and
  - (B) a communication made to a pager.

- (2) "Family" and "household" have the meaning assigned by Chapter 71, Family Code.
- (3) "Obscene" means containing a patently offensive description of or a solicitation to commit an ultimate sex act, including sexual intercourse, masturbation, cunnilingus, fellatio, or anilingus, or a description of an excretory function.
- (c) An offense under this section is a Class B misdemeanor, except that the offense is a Class A misdemeanor if the actor has previously been convicted under this section.

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

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

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

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

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

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

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

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

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

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

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

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

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

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

**Additional Hate Crime Definitions:**

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

Simple Assault: An unlawful physical attack by one person upon another where neither the offender displays a weapon, nor the victim suffers obvious severe or aggravated

bodily injury involving apparent broken bones, loss of teeth, possible internal injury, severe laceration, or loss of consciousness.

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

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

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

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

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

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

### **RELLIS Code of Conduct Definitions relating to Student Sexual Misconduct**

**Remedies** – In response to a report of an alleged violation of this policy, the University may provide reasonable and appropriate assistance through the RELLIS Title IX Coordinator or designee. Remedies generally refer to support or assistance that can be provided to either party without impacting the rights of either party, and which may be implemented independent of the investigation and disciplinary process. This may include but is not limited to assistance in accessing health and counseling services, developing safety plans, academic accommodations, assistance in connecting to other campus and community resources, absence notifications to faculty, requests for incompletes, or housing assignment changes.

**Consent** – Clear, voluntary and ongoing agreement to engage in a specific sexual activity. A person need not verbalize consent to engage in a sexual act for consent to exist. Consent to engage in a sexual act may be expressed through physical actions, as well as words. A person who was asleep or mentally or physically incapacitated, either through the effects 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. (See also System Regulation 08.01.01)

**Designated administrator** – The decision-making entity specified by the university. This may be an administrator or a hearing panel but may not be the direct supervisor of the respondent. (08.01.01)

**Investigative Authority** – One or more individuals appointed to conduct a formal inquiry to discover and examine the facts of an allegation. (08.01.01)

**Interim measures** - In response to a report of an alleged violation of this policy, the University may impose such reasonable and appropriate interim protections or remedies when it determines that they are necessary and appropriate to the safety of the community and to protect the integrity of the complaint/investigation process. These may include, but are not limited to physical separation, contact limitations, alternative work or other arrangements,

suspending or limiting access to certain University facilities or activities, and academic adjustments.

**Reporting party/Complainant** – the individual who provides an oral or written account of an alleged violation of the Sexual Misconduct/Sexual Harassment and/or related retaliation rules. This may be the individual who was subjected to the alleged violation (Complainant), or a third party who observed or was made aware of the alleged violation. (08.01.01)

**Retaliation** – Verbal, physical or technological harassment, intimidation, and or retaliation against a person participating in investigation and/or adjudication proceedings as a complainant, respondent, witness, hearing officer, hearing board member, investigative authority and other staff for exercising their rights under the student code of conduct or performance of their duties, prior to, during or after the matter is finalized. This includes retaliation by a person involved in the case or a third party acting on their behalf. Retaliation complaints are heard under the nonacademic misconduct process.

**Respondent** – The person designated to respond to a complaint. Generally, the respondent would be the person alleged to be responsible for the prohibited sexual misconduct/sexual harassment and/or related retaliation alleged in a complaint. Respondent may be used to designate persons with direct responsibility for a particular action or those persons with administrative responsibility for procedures and policies in those areas covered in a complaint.

**Sexual Harassment** – Sexual harassment is a form of sex discrimination. Sexual harassment may be quid pro quo ("this for that") or may constitute a hostile environment. Unwelcome sexual advances, requests for sexual favors or other verbal, nonverbal or physical conduct of a sexual nature constitute hostile environment sexual harassment when the 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, educational, or campus living environment. Unwelcome means that an individual did not request or invite the conduct and considers it to be undesirable or offensive. Submission to the conduct or failure to complain does not always mean that the conduct was welcome. Sexual harassment includes non-consensual sexual contact, sexual assault, sexual exploitation, stalking, dating violence, and domestic violence when based on sex.

**Sexual Assault** – An offense that meets the definition of rape, fondling, incest, or statutory rape as used in the FBI's Uniform Crime Reporting program.

**Sexual Exploitation**- a situation in which an individual takes non-consensual or abusive sexual advantage of another for his or her own advantage or benefit, or to benefit or advantage anyone other than the one being exploited. For example, sexual exploitation could include such actions as secretly videotaping sexual activity, voyeurism, sexually-based stalking, invasion of sexual privacy, and knowingly transmitting a sexually transmitted disease to another person.



**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. 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.

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

**Stalking** – engaging in a course of conduct directed at a specific person that would cause a reasonable person to: (a) fear for the person's safety or the safety of others; or (b) suffer substantial emotional distress.

## 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 RELLIS campus, therefore, statistics for non-campus facilities are not required to be disclosed.

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

**On-campus Student Housing Facilities (Residential Facilities):** No on-campus student housing facilities are owned or controlled by the RELLIS Center, therefore, statistics for on-campus student housing are not required to be disclosed.

## Crime Report, Arrest and Referral Statistics

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

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

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

### Hate Crimes

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

## RELLIS Campus - Reportable Clery Act Crimes

The following statistics include all incidents of Clery Act crimes reported to the institution that occurred within the campus' Clery Act locations, regardless of whether the individual reporting was a member of the campus community and regardless of whether the individual chose to move forward with the criminal justice or campus disciplinary proceedings. To prepare the annual disclosure of crime statistics, the institution collects information from internal sources such as campus police and other campus security authorities and requests information from external sources such as local law enforcement.

<b>Criminal Offenses</b>				
<b>Offense</b>	<b>Year</b>	<b>On Campus Property</b>	<b>Public Property</b>	<b>Unfounded Crimes<sup>§</sup></b>
Murder / Non-negligent Manslaughter	2016	0	0	0
	2017	0	0	0
	2018	0	0	0
Manslaughter By Negligence	2016	0	0	0
	2017	0	0	0
	2018	0	0	0
Sex Offenses, Rape	2016	0	0	0
	2017	0	0	0
	2018	1	0	0
Sex Offenses, Fondling	2016	0	0	0
	2017	0	0	0
	2018	0	0	0
Sex Offenses, Incest	2016	0	0	0
	2017	0	0	0
	2018	0	0	0
Sex Offenses, 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	1	0	0
	2018	0	0	0
Burglary of Structure	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

<b>Hate Crimes</b>				
<b>Offense</b>	<b>Year</b>	<b>On Campus Property</b>	<b>Public Property</b>	<b>Unfounded Crimes<sup>§</sup></b>
Hate Crimes *	2016	0	0	0
	2017	0	0	0
	2018	0	0	0

<b>Violence Against Women Reauthorization Act of 2013 (VAWA) Offenses</b>				
<b>Offense</b>	<b>Year</b>	<b>On Campus Property</b>	<b>Public Property</b>	<b>Unfounded Crimes<sup>§</sup></b>
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

<b>Arrests and Disciplinary Referrals</b>				
<b>Offense</b>	<b>Year</b>	<b>On Campus Property</b>	<b>Public Property</b>	<b>Unfounded Crimes<sup>§</sup></b>
Arrests: Weapons Carrying, Possessing, Etc.	2016	0	0	0
	2017	0	0	0
	2018	0	0	0
Disciplinary Referrals: Weapons Carrying, Possessing, Etc.	2016	0	0	0
	2017	0	0	0
	2018	0	0	0
Arrests: Drug Abuse Violations	2016	0	0	0
	2017	0	0	0
	2018	0	0	0
Disciplinary Referrals: Drug Abuse Violations	2016	0	0	0
	2017	0	0	0
	2018	0	0	0

Arrests:	2016	0	0	0
Liquor Law	2017	0	0	0
Violations	2018	0	0	0
Disciplinary	2016	0	0	0
Referrals: Liquor	2017	0	0	0
Law Violations	2018	0	0	0

The following are in reference to the reportable crimes tables.

\* In 2018, 2017, and 2016 there were no reported criminal incidents involving hate/bias.

§Unfounded crimes are those that a commissioned peace officer has investigated and found to be false or baseless and are subsequently withheld from the crime statistic.

**Important WTAMU 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

**UPD Escort**

806-651-2300

**Important RELIS Telephone Numbers**

Area Code 979 (for all numbers listed below)

Emergencies- Police/Fire/Medical	911 for off campus; 911 or 9-911 for on campus	University Police Department	845-2345
Bryan Police (non-emergency)	361-3888	Blinn College Police Department (at RELIS)	209-7600
Brazos County Sheriff (non-emergency)	361-4980	University Police Department (at RELIS)	845-2345
College Station Police (non-emergency)	764-3600	Department of Public Safety (State Troopers)	776-3100
Crime Stoppers 775-TIPS	775-8477	Health Promotion (Counseling & Referral, Alcohol & other Drugs)	845-0280
FBI	776-8894	Bryan Fire	209-5960
Brazos County Fire (Rural)	361-3888	Transportation Services	845-9700
College Station Fire	764-3700		

For more information about WTAMU RELLIS campus guidelines and procedures, refer to the RELLIS Code of Student Conduct at: <https://rellis.tamus.edu/wp-content/uploads/sites/41/2019/09/RELLIS-Student-Code-of-Conduct-2019-20-for-web.pdf> or request a copy of the publication from the RELLIS Associate Director at 979-317-3402. This publication of the annual campus security report can be found at [www.wtamu.edu/safety](http://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](http://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 offices of Student Enrollment, Engagement and Success; Human Resources; the RELLIS Associate Director; and the University Police Department.*

*Sept 2019*

### **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](http://www.wtamu.edu/safety)

West Texas A&M University 2019 Annual Security and Fire Safety Report:  
[www.wtamu.edu/safety/WTAMU](http://www.wtamu.edu/safety/WTAMU)

West Texas A&M University Amarillo Center 2019 Annual Security Report:  
[www.wtamu.edu/safety/AmarilloCenter](http://www.wtamu.edu/safety/AmarilloCenter)

West Texas A&M University RELLIS Academic Alliance 2019 Annual Security Report:  
[www.wtamu.edu/safety/RELLIS](http://www.wtamu.edu/safety/RELLIS)

