



Texas A&M University – Central Texas

2024 ANNUAL SECURITY REPORT

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

Information for 2023-2024 Academic Year

Contains Crime Statistics for Calendar Year 2023, 2022, and 2021

This Annual Security Report is available on the Texas A&M University – Central Texas Campus Safety Report website at: <https://www.tamuct.edu/police/clery.html>

Email clerycompliance@tamuct.edu for assistance if any link does not function.

Table of Contents

Preparation of the Annual Security Report and Disclosure of Crime Statistics	3
Annual Security Report Notifications	3
Campus Law Enforcement Policies	4
Reporting Crimes	6
Missing Students	9
Timely Warnings	9
Emergency Notification, Response and Evacuation	11
The Daily Crime Log	16
Security of and Access to Campus Facilities	16
Maintenance of Campus Facilities	17
Alcoholic Beverages, Illegal Drugs, and Weapons	17
Sexual Assault, Dating Violence, Domestic Violence, and Stalking	21
Resources, Rights and Options	29
Investigations and Disciplinary Proceedings for Sexual Assault, Dating Violence, Domestic Violence, Stalking and Related Retaliation	38
Prevention and Awareness Programs	53
Bystander Intervention and Risk Reduction	56
Other Considerations	57
Sex Offenders Registration	57
Definitions of Clery Act Offenses	58
Definitions of Clery Act Locations	71
Crime Report, Arrest and Referral Statistics	71
Crime Prevention and Security Awareness	79
Important Contacts	80

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 Texas A&M University – Central Texas University Police Department (UPD) is 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 2021 – 2023 academic year in accordance with the Clery Act. The 2024 Annual Security Report contains crime statistics for calendar years 2021, 2022, and 2023.

UPD composes the Annual Security Report and statistical information with input from various sources such as local law enforcement agencies, Student Affairs, and other campus personnel.

Annual Security Report Notifications

Each year, an email notification which provides website access to this report is sent to all current students, faculty, Upon request, individuals may obtain a written paper copy of the report at UPD located at 1001 Leadership Place, Room 103, by calling 254-501-5802, or emailing clerycompliance@tamuct.edu. The report is found at the following website: <https://www.tamuct.edu/police/clery.html>.

Prospective employees are notified of the availability of the Annual Security Report by a paper document which is given to the applicant during the interview process. Website access to the Annual Security Report is provided by the Human Resources Department by the "Employment Opportunities" webpage at <https://www.tamuct.edu/human-resources/employment-opportunities.html>

Prospective undergraduate and graduate students are notified of the availability of the Annual Security Report after applying for Admissions. Website access to the Annual Security Report is provided by the Admissions Office through a link titled "Clery Act Information" located at the bottom of the Admissions webpage under other resources: <https://www.tamuct.edu/police/clery.html> and by applying through the [ApplyTexas One Application](https://www.applytexas.org/) at <https://www.applytexas.org/> and selecting Texas A&M University – Central Texas.

Campus Law Enforcement Policies

Police Department Overview

UPD provides law enforcement and security services to all components of Texas A&M University – Central Texas.

The department has 12 authorized full-time positions and 11 part-time positions including 12 state certified patrol officers, 2 communications officers, 5 security officers, 1 administrative support personnel and 3 student assistants. The department maintains a fully staffed Patrol Section. Patrol is the core of UPD. Patrol officers are responsible for responding to calls for service, preliminary investigation of calls for service, traffic enforcement and accident investigation. The department also maintains a Security Section responsible for additional patrolling and security of building on campus, a Criminal Investigations Section including detectives, and the Victim Services Unit; a Communications Section primarily responsible for dispatching patrol and security officers; a Compliance and Support Section including Clery, Records and Evidence Units, and the Public Information Officer function; a Personnel and Recruiting Section responsible for hiring, training, and recruiting; and a Community Engagement Officer. Other personnel within the department include the Accreditation Manager and administrative support.

To provide a safe campus for our students, staff, faculty and visitors, the department has uniformed officers on patrol 24 hours a day, year-round. To provide this around-the-clock coverage, our officers work in two shifts with an additional third overlapping shift as staffing allows. Security Officers work with our armed Patrol officers by constantly patrolling the university properties at night year-round.

Jurisdiction

The UPD is the primary police authority for Texas A&M University – Central Texas. UPD police officers are certified Texas peace officers as defined in [article 2.12 of the Texas Code of Criminal Procedure](#). Pursuant to [section of 51.203 of the Texas Education Code](#), police officers commissioned by the state institution of higher education have authority and jurisdiction in all counties in which property is owned, leased, rented, or otherwise under the control of the institution of higher education. The patrol jurisdiction for security officers is limited to buildings or properties owned or controlled by A&M – Central Texas campus.

Arrest Authority

As peace officers, UPD's armed police officers have the same full authority to detain and arrest as municipal police officers. UPD employs commissioned police officers and non-commissioned security officers. The security officers have no arrest authority. The non-commissioned security officers do not have the authority to detain or make arrests, however, their presence and observation at various campus locations support and assist the work of the UPD Patrol section.

Enforcement Authority

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

Working Relationships and Agreements

The UPD maintains an excellent working relationship with all area law enforcement agencies including the City of Killeen Police Department, and the Bell County Sheriff's Department. These working relationships are maintained through a written mutual aid agreement. These agreements allow 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 contact between line officers and investigators cooperating on specific cases. Through these relationships, UPD may be provided information regarding student non-campus criminal activity, including student organizations with non-campus housing.

UPD also maintains excellent working relationships with many state and federal agencies on an as needed basis. These agencies include but are not limited to the Federal Bureau of Investigations, 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 UPD about situations reported to the given local law enforcement agency that may warrant an emergency response or timely warning notification.

Monitoring Non-Campus Locations

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

Professional Standards

Providing excellent service and maintaining good relationships within the community is vital to achieving UPD's overall mission of keeping the campus safe and secure. All members of the Texas A&M University – Central Texas community can expect to be treated in a courteous and

professional manner by members of the department. UPD will not tolerate an employee who acts unprofessionally or who does not provide an appropriate level of service. Instances where UPD employees have been especially helpful or have exceeded expectations in service can also be recognized.

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

- Request the on-duty Police Supervisor by calling 254-501-5804. This individual is available 24-hours a day.
- Address written correspondence to: Chief of Police, UPD, TAMUCT, 1001 Leadership Place, Killeen, Texas 76549

Campus Law Enforcement Telephone Directory

Area Code --- 254 (for all numbers listed below), Website:

<https://www.tamuct.edu/police/index.html>

Emergencies-from on campus phones/police/Fire/Medical	911	Non-Emergencies/General Assistance	501-5805
TAMUCT Chief of Police	501-5802	Patrol Section	501-5804
Records Unit	501-5802	Security Section	501-5804

Reporting Crimes

Incident Reporting and Response

Criminal actions or any on-campus emergency should be reported immediately to UPD by dialing 911 from any campus phone, 911 from a cellular phone, or in person. If using a campus phone (landline) dial 911 to reach an emergency operator. Also, one of the many emergency telephones located throughout campus may be used. Campus elevators are also equipped with emergency phones. For non-emergencies contact UPD at 5805 from a campus phone or call 254-501-5805 from an off-campus phone, or cellular phone. Upon receipt of the call, UPD Communications Center personnel can supply information or dispatch officers, as necessary. Electronic crime reports can be filed with UPD by emailed upd@tamuct.edu.

UPD calls for service are received in the UPD Communications Center where the information is entered into a Computer Aided Dispatch (CAD) system. The Communications Operate 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 UPD Records Unit for a time period mandated by institutional and state records retention policies.

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

We cannot overemphasize the importance of prompt and accurate reporting of crime. If a crime is not reported promptly, evidence can be destroyed or the potential to apprehend a suspect is lost. Without accurate reports, leads could be missed, and the investigation headed in the wrong direction. If a crime or emergency is witnessed, promptly report it to the UPD and be prepared to answer questions as accurately as possible. The subsequent investigation can only be as thorough as the information received. If you are the victim of a crime or have seen or received information of criminal activity or other emergencies, please contact UPD immediately at (254) 501-5805.

Reporting Criminal Offenses to University Officials: Campus Security Authorities

Faculty, staff, and students are encouraged to report any criminal offenses with the campus environment directly to UPD. For non-campus offenses, we encourage accurate and prompt reporting to the appropriate local law enforcement agency. As an option, criminal offenses of which students and employees are aware may also be reported to the following Texas A&M University – Central Texas offices and personnel:

Department	Phone	Location
Division of Student Affairs	254-501-5909	Warrior Hall Room 105
Human Resources	254-519-8610	Warrior Hall Room 424
Compliance Office	254-519-5763	Robert M. Shoemaker Founders Hall Room 317
Title IX Office	254-519-5716	Robert M. Shoemaker Founders Hall Room 317B
University Police Department	254-501-5805	Robert M. Shoemaker Founders Hall Room 103

Crime reports provided to these, and other campus security authorities are used by the institution to fulfill its responsibility to annually disclose accurate crime statistics and to issue or facilitate the issuance of timely warnings or emergency notifications. Campus security authority crime reports should include sufficient detail such as dates and locations, and where appropriate, personally identifying information, including name and contact information, if available. For additional information on the duties and responsibilities of the individuals and offices listed above, see the [CSA PowerPoint Presentation](https://www.tamuct.edu/police/campussecurityauthority.html) link located on the following webpage: <https://www.tamuct.edu/police/campussecurityauthority.html>.

Students, faculty, staff, community members, and guests are encouraged to report all crimes and public safety related incidents to UPD and the appropriate policy agencies in an accurate and prompt manner when the victim of such crimes elects or is unable to make such a report. The UPD provides information regarding victim's rights, as well as assistance in dealing with the traumatizing consequences of crimes, to those who make a report or who may be reluctant to

report. UPD and the university offices listed above, will assist individuals reporting in notifying the proper law enforcement authorities, if the individual chooses. It is the goal of the institution to provide assistance wherever the report is made and include Clery countable crimes in the annual security report.

Although exempt from the reporting requirements of the Clery Act, pastoral and professionally licensed mental health counselors are encouraged, if and when they deem appropriate, to refer persons they are counseling to report crimes on a voluntary, confidential basis for inclusion in the annual statistics and crime log, especially if the incident may pose an ongoing threat to the campus community. Each year, counselors are provided a written reminder to review reporting options with student clients. Contracted counseling personnel available to employees are not provided the written reminder as they are referred using a network of local providers.

Confidential and Anonymous Reporting of Crimes

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

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 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 discourse. However, campus security authorities who are Texas A&M University employees are mandatory reports who must report all known information about alleged or suspected incidents of discrimination, harassment, retaliation, or complicity that is experienced by, observed by, or made known to the employee in the course and scope of their employment as soon as possible. These mandatory reports are required to be made to the Compliance and Civil Rights Manager. Exceptions include confidential reports described in the next paragraph. See the Sexual Assault, Dating, Violence, Domestic Violence and Stalking section of this report for more information.

At Texas AM University - Central Texas the following are considered confidential reporters: Mental health providers for students – Student Wellness & Counseling Center 254-501-5955 and mental health providers for employees' and the employee's benefits-eligible dependents – The work/Life Solutions Program by GuidanceResources 866-301-9623. Confidential Reports are available to support both complainants and respondents.

Crimes can be reported anonymously by calling Crim Stoppers at 254-526-8477. Concerning behavior, including crimes, can be reported anonymously to the Texas A&M University – Central Texas police department by the Anonymous Reporting form (Silent Witness). The Silent Witness form is designed to provide UPD with crime tips, along with reports in which complete anonymity is desired. The Anonymous Reporting form can be found online at:

<https://www.tamuct.edu/police/silentwitness.html>. Reports submitted anonymously or with limited information may restrict the UPD's ability to follow up on the incident.

Missing Students

The policy of UPD to thoroughly investigate all reports of missing persons. In addition, this agency considers a missing child and an adult that is mentally impaired, to be considered "at risk" until significant information to the contrary is confirmed.

Students are encouraged to register their emergency contact information with the Records and Admissions Office. This information will be kept confidential to the extent allowed by law, accessible only to authorized campus officials and disclosed only to law enforcement personnel in furtherance of a missing person investigation. If the missing person has designated an emergency contact person, the institution will notify the emergency contact person within 24 hours of a missing person report. Regardless of whether a student has designated an emergency contact person to be notified, if a student is under 18 years old and not an emancipated individual, Federal Law requires the institution notify a custodial parent or guardian within 24 hours of the determination that the student is missing in addition to notifying any contact person designated by the student.

Contact the Division of Student Affairs with the following information upon receiving a report of a missing student:

- Gather needed information from the reporting person so that contact can be made with the missing person.
- If the missing person is not found within a reasonable amount of time or if anything concerning is found during the initial fact-finding, the report becomes an official missing student report. Any official missing student report must be referred immediately to the UPD with all information regarding the missing person to initiate an investigation.
- UPD will be provided with the missing person's emergency contact information.

UPD will notify local law enforcement within 24 hours of the determination that a person is missing. Whether the person has identified a contact person, is over the age of 18, or is an emancipated minor, UPD will inform the local law enforcement agency with jurisdiction in the area within 24 hours that the person is missing.

Timely Warning Policy

The circumstances in which a Timely Warning (Crime Alert) will be generated include, but are not limited to, the receipt of a report to UPD or other campus security authority of a crime reportable under the Clery Act, that poses a serious or continuing threat to the campus community. The UPD Chief of Police (or university official designated by the Chief of Police), or

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

UPD is responsible for the writing and issuance of Crime Alerts. Personnel authorized to write and/or issue (send) a Crime Alerts are Chief of Police (or university official designated by the Chief of Police), Assistant Chief(s) of Police, Public Information Officer, and the Clery Act Compliance Officers. An internal or external review among two or more authorized personnel may occur if time allows. Students and employees should report criminal offenses immediately to the UPD, by phone 254-501-5805 or in person at UPD (1001 Leadership Place, General Robert Shoemaker Founders Hall Room 103, Killeen, TX 76549). The UPD is the organization designated to receive reports of criminal offenses described in the law for the purposes of making Crime Alert reports and the annual statistics disclosed in this report.

Crime Alerts are issued through the SafeZone Mass Notification System, and the university email system to students, faculty and staff in a manner that is timely, that withholds the names of the victims as confidential and that will aid in the prevention of similar occurrences. Information regarding the Crime Alert may be forward 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 help identify a specific individual suspect or group of suspects.
- Possible connection to other incidents.
- Date and time the alert was issued.
- Suggested measures which members of the university community can take to help protect themselves.

It is important to note that in some cases, law enforcement may need to withhold some facts if releasing the information would compromise an ongoing investigation or the identity of the victim. Victim names and other identifying information of victims are not included in Crime

Alerts. An institution is not required to provide a timely warning concerning crime reports to a pastoral or professional counselor.

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

The A&M-Central Texas UPD will not issue a Crime Alert if the subject(s) and the threat of imminent danger for members of the A&M-Central Texas campus community have been mitigated by apprehension or if the report was not filed with UPD in a manner that would allow the department to post in a “timely” manner for the community.

Emergency Response and Evacuation Policy

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

On-campus emergencies should be reported immediately by dialing 911 from a campus phone, 911 from a cellular phone, or in person. If using a campus phone (landline) dial 911 to reach a communications officer. Also, one of the many emergency telephones located throughout campus may be used. Campus elevators are also equipped with emergency phones. Any emergency service can be summoned by calling 911. The UPD are responsible for responding to reported emergencies.

Emergency Notification System



SafeZone is Texas A&M University – Central Texas’ emergency notification system that gives the university the ability to communicate health and emergency information through some or all of the following mechanisms: SMS text message, TAMUCT email, campus digital signage, computer pop-up messages, building fire alarm speaker systems, and the SafeZone mobile app. SafeZone alerts are issued to the campus community, rather than to specific segments of the campus populations.

A&M University - Central Texas will use the system to provide official notification of critical emergencies (i.e., situations that pose an imminent threat to the community). It is the policy of A&M University - Central Texas immediately notify the campus community, via the SafeZone

Emergency Notification System, upon the confirmation of a significant emergency or dangerous situation involving an immediate threat to the health or safety of students or employees occurring on the campus. It is the policy of A&M University - Central Texas to immediately notify the campus, A&M University - Central Texas public safety personnel listed below determine whether a significant emergency or dangerous situation exists by evaluating information received from entities which may include, but are not limited to law enforcement, fire department, Facilities, Safety and Support Services, National Weather Service, or other campus officials.

The SafeZone emergency notification system does not replace the Crime Alert requirement. They differ in that the Crime Alert requirement applies to Clery reportable crimes, while the emergency notification system addresses a much wider range of threats (i.e., gas leaks, tornadoes, active shooter, etc.). If an emergency notification is issued, the university is not required to issue a Crime Alert based on the same circumstances; however, the university must provide adequate follow-up information to the community as needed. Victim names and other identifying information of victims are not included in emergency notifications.

A&M University - Central Texas will, without delay, and taking into account the safety of the community, determine the content of the notification, and initiate the SafeZone notification system; unless issuing the notification will, in the professional judgment of responsible authorities, compromise efforts to assist victims or to contain, respond to, or otherwise mitigate the emergency. The generation of a SafeZone emergency alert message and activation of the notification system is the responsibility of the University Police department.

Employees authorized to make a final determination of a significant emergency or dangerous situation and issue a SafeZone alert are the Chief of Police, Clery Compliance Coordinator, Assistant Chief(s) of Police, UPD Patrol Supervisors (or UPD officer designated by UPD Patrol Supervisor), Manager of Facilities, Safety, and Support Services and UPD Police Communication Officers. If time allows, final message content will be approved at the highest level available. Upon notification from an authorized employee listed above, a SafeZone alert publisher will send the SafeZone alert. SafeZone publishers include:

- UPD Police Communication Officers
- Chief of Police
- Assistant Chief(s) of Police
- Manager of Facilities, Safety, and Support Services

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

Additionally, in rare cases, an emergency or dangerous situation may require the issuance of a modified emergency notification outside of the SafeZone emergency notification system, on behalf of the campus. These cases include: if the emergency prevents the local campus from issuing the alert or if a centralized global message is determined to be necessary by the President of Texas A&M University - Central Texas.

Texas A&M University-Central Texas conducts monthly pre-scheduled testing of the emergency notification system. These monthly tests are launched by the Communications Section of UPD. Any monthly test may be cancelled by the primary stakeholders. Reasons for cancelling monthly tests include the existence of real threats that could necessitate sending an emergency message, recent emergency messages that obviate the need for that month's test, etc.

Registering for Emergency Notifications

Students, Faculty and Staff Access

The SafeZone emergency notification system allows students, faculty, and staff to receive text message alerts. Student accounts will be set up during the first week of classes each semester. New Employees are registered with SafeZone at the time of their hire. SafeZone is a required training that will be assigned to all faculty and staff on a yearly basis.

Disseminating Information to the Larger Community

If a crisis occurs on university property, the Office of Communications will be notified as soon as possible. As chief spokesperson(s) for the university, Communications staff will be responsible for providing strategic direction and implementing protocols as outlined in the emergency communications plan. Communications will work with the University's Chief of Police 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 digital channels such as X (Twitter.) Also, Communications will be responsible for planning, scheduling, and providing logistical support for a news conference and coordinating communication efforts with relevant entities and organizations. In case of an emergency, Texas A&M University-Central Texas main website will be updated with current information about the incident, <https://www.tamuct.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 Office of Facilities, Safety & Support Services has the primary responsibility for emergency preparedness at Texas A&M University-Central Texas. Duties and responsibilities range from developing and maintaining emergency plans and planning building evacuations exercises.

The primary university plan is the Emergency Operations Plan available at <https://www.tamuct.edu/risk-management/>. The Texas A&M University-Central Texas Emergency

operations Plan describes the general framework for emergency response at Texas A&M University - Central Texas.

The Emergency Operations Plan outlines additional operation concepts and procedures specific to Texas A&M University – Central Texas such as facility evacuation and large-scale evacuations. The Texas A&M University – Central Texas Evacuation Assembly areas map identifies congregation areas at a safe distance from the building. The evacuation assembly areas will automatically be implemented when the fire alarm is activated or if emergency responders decide evacuation of a facility is necessary due to a particular hazard. Building occupants will be notified of the evacuation, as appropriate, dependent on the hazard. Large-scale evacuations will be implemented when a large segment or the entire campus must evacuate for a special hazard. SafeZone will be utilized for immediate dissemination of the emergency message and the TAMUCT Facilities, Safety and Support Services website (<https://www.tamuct.edu/risk-management/index.html>) will be utilized to provide supplemental information and updates to the campus community during the incident.

Texas A&M University-Central Texas tests various aspects of our emergency operations plan on at least an annual basis through table-top exercises, full-scale exercises, continuity exercises, and tests of the emergency notification system. These tests are designed to access and evaluate emergency plans and capabilities and are performed and documented with after action reviews. Testing reports and review documentation include a description of the exercise, the date the test was held, and the exercise's start and end time. All table-top, full-scale, and continuity exercises are announced. The Office of Facilities, Safety & Support Services also manages a building evacuation program to maintain and test building evacuation procedures annually for facilities through emergency evacuation drills.

Evacuation and Shelter-in-Place

In some emergency situations, such as flooding or release of hazardous materials, emergency responders may order protective actions for persons who work on campus. Typically, these protective actions are to evacuate to a safer area or to shelter-in-place. It is possible that some emergency scenarios could result in one of these protective actions being ordered for one part of campus and the other protective action for a different area of campus. When such actions are warranted, you will be appropriately advised by police, fire, safety or university officials via the SafeZone System, public address systems, loudspeakers, door-to-door notifications, or other appropriate means.

Campus-wide Evacuation Procedures

In the event that you are asked to evacuate campus:

- Evacuation orders will be disseminated via SafeZone
- Do not activate the building fire alarm system to achieve evacuation
- Remain calm but act quickly
- Promptly secure equipment, research, etc. in safe shutdown condition before leaving

- Spread the word of the evacuation order to others as you exit the building
- Remember to take personal belongings with you (backpacks, briefcases, purses, car keys, personal computing devices, etc.)
- Pedestrians should exit campus by the shortest route
- Exit campus as directed in the SafeZone message
 - You may use your vehicle to leave campus unless directed otherwise in the SafeZone message
- Do not call 911 unless there is an immediate, life-threatening emergency

Area Evacuation Procedures

An evacuation is an organized withdrawal from a building or area to reach safe haven. Upon notification to evacuate, quickly:

- Dress appropriately for the weather
- Take only essentials with you (e.g., eyeglasses, medications, identifications, and cash/checkbook/credit cards) – do not pack belongings
- Turn off unnecessary equipment, computers, and appliances
- Close the door as you exit your room or office
- Follow the directions provided for safe routes of evacuation
- Listen to radio, if available, to monitor emergency status
- Do not use your personal vehicle for evacuation unless specifically instructed to do so. If cars are used to evacuate, protect against hazardous materials by keeping windows closed and outside air conditioning systems turned off.

If you need special assistance, contact the appropriate emergency contact. If these persons are not available, call UPD at 254-501-5805 for assistance.

Shelter-in-Place Procedures

When emergency conditions do not warrant or allow evacuation, the safest method to protect individuals may be to take shelter inside a campus building and await further instructions. Seek appropriate shelter such as small interior rooms, interior hallways, or basements.

- Move indoors or remain there—avoid windows and areas with glass
- If available, take a radio or television to the room to track emergency status
- Keep telephone lines free for emergency responders. Do not call 911 for information.

If hazardous materials are involved:

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

The Daily Crime Log

The UPD Clery Compliance Coordinator publishes a Daily Crime Log that is available to the media, the public, and various campus offices free of charge. This summary identifies the nature of the crime, location, date, and time occurred, the date the crime was reported to the UPD, and disposition. You may review the Daily Crime Log via the UPD webpage at: <https://www.tamuct.edu/police/crimelog.html>. A printed copy may be viewed by the public 24 hours a day at the UPD Welcome Center located in the lobby of General Robert M. Shoemaker Founders Hall, 1001 Leadership Place, Killeen, TX 76549 or in Room 103. A copy of the Daily Crime Log may also be obtained by calling the Clery Compliance Coordinator Records Manager at 254-501-5802 during business hours from 8am to 4:30pm Monday through Thursday excluding university holidays.

Security of and Access to Campus Facilities

General Provisions

The Dean, Director, or Department Head is responsible for determining access to facilities under their control. The UPD's Communications 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 as indicated in the *Texas Education Code Section 51.204*. *Texas Penal Code Criminal Trespass Section 30.05* and *Criminal Mischief Section 28.03* are State statutes that are similar in nature and are also widely utilized to help support *Texas Education Code Section 51.204*. The governing board of a state institution of higher education or its authorized representatives may refuse to allow persons having no legitimate business to enter on property under the board's control and may remove any person from the property on his or her refusal to leave peaceably on request. Identification may be required of any person on the property. (*Texas Education Code Section 51.209*)

Parking Areas

Various campus parking areas are monitored on a daily basis. All parking lots are equipped with emergency phones and are readily visible and identifiable by the bright blue lights located on top of the phone cabinets. Each blue phone has a button when pushed, dials 911 in Bell County Communities Center. BCCC then calls the UPD duty phone 254-319-1865.

Academic and Administrative Buildings

The campus of A&M-Central Texas is located within the City of Killeen and the public areas are therefore readily accessible. In general, academic, and administrative buildings are open to the public, at a minimum, during normal business hours. Individual facilities may have specific hours of operation, which can vary depending upon factors such as the time of the year and operational requirements. Access to some buildings, or portions of buildings, may be limited to authorized personnel at various times. Card swipe systems, locks, and other means may be employed to limit access. University Police generally are not assigned to specific academic or administrative buildings. However, they do patrol such areas on a regular basis.

Maintenance of Campus Facilities

Contracted facilities personnel are responsible for maintaining the buildings, grounds, and custodial services for the A&M-Central Texas campus. The group addresses maintenance, renovation, and repair projects for facilities, custodial and landscaping. The campus is routinely inspected for environmental safety hazards such as insufficient lighting and overgrown shrubbery. Members of the University community are encouraged to report locations of concern to the manager of Facilities, Safety and Support Services.

For after-hours emergency repairs, contact the 24-hour Communications Center at 254-501-5805. Police and security personnel monitor any security-related maintenance problems after hours and report their findings to the appropriate university official.

University Police and Security Officers survey campus lighting nightly and monitor those areas having defective fixtures and report the deficiencies to the appropriate personnel for corrective action. The operations of the emergency telephones are checked on a scheduled monthly basis.

Alcoholic Beverages, Illegal Drugs, and Weapons

Education Programs

Per the Drug-Free Schools and Communities Act, A&M University-Central Texas reviews its programs, services, and policies to prevent the unlawful possession, use, or distribution of alcohol and illicit drugs. The results of the biennial review are published at <https://www.tamuct.edu/student-affairs/index.html>.

Alcohol Policy

As an institution in the intellectual, physical, and psychological well-being of the campus community, A&M University – Central Texas deems it important to curtail the abusive or illegal use of alcoholic beverages. The Texas A&M University System strictly prohibits the unlawful manufacture, distribution, (including sales), possession, or use of alcohol on Texas A&M University System property, while on official duty, and/or as part of any Texas A&M University System activities (*System Policy 34.02 Drug and Alcohol Abuse*) <https://www.tamus.edu/legal/policy/policy-and-regulation-library/>. Possession or consumption of alcoholic beverages on property under control of the Texas A&M University System is not permitted except in special use buildings and facilities that may be designated by the chief executive office of the member, approved by the chancellor, and subsequently reported to the board on an annual basis (*System Policy 34.03, Alcoholic Beverages*) <https://www.tamus.edu/legal/policy/policy-and-regulation-library/>. A&M University – Central Texas prohibits the use or possession of alcoholic beverages on campus by any individual under the age of 21. Failure to comply with this violates state law and the rules governing student conduct, and will subject the individual to disciplinary action (*TAMUCT 34.03.99.D0.01 Alcoholic Beverages o University Property*) <https://www.tamuct.edu/compliance/rules-and-saps.html>.

A&M University – Central Texas Student Rules, *Code of Student Conduct 6.4.3* <https://www.tamuct.edu/student-affairs/docs/Student-Rules-2024-25.pdf> also prohibits alcohol use, possession, manufacturing, or distribution (including sales) of alcoholic beverages on A&M University – Central Texas premises and at university sponsored events, except as expressly authorized by university policies.

The purchase, service (including sales), possession, and consumption of alcoholic beverages in facilities under the control of the Texas A&M University System must in all respects comply with state law (*System Policy 34.03 Alcoholic Beverages*) <https://www.tamus.edu/legal/policy/policy-and-regulation-library/>. A&M University – Central Texas prohibits the use or possession of alcoholic beverages on campus by any individual under the age of 21 (*System Policy 34.03 Alcoholic Beverages*) <https://www.tamus.edu/legal/policy/policy-and-regulation-library/>, *Code of Student Conduct 6.4.3* <https://www.tamuct.edu/student-affairs/docs/Student-Rules-2024-25.pdf> and *TAMUCT Rules and SAPs 34.03.99.D0.01* <https://www.tamuct.edu/compliance/rules-and-saps.html>.

All purchases of alcoholic beverages by any member must comply with guidelines as established in (*System Policy 34.03 Alcoholic Beverages*) <https://www.tamus.edu/legal/policy/policy-and-regulation-library/> regarding the purchase's source of funds, purpose, and required documentation.

Consequences for policy violations could result in sanctions by the university and/or criminal charges/arrest by UPD or other law enforcement agencies for state law violations.

Student Life is committed to promoting responsible decision-making regarding alcohol and other drugs through educational programming resources, and referrals. Mental health providers for students include Student Wellness & Counseling Center 254-501-5955 along with the work/life solutions program by GuidanceResources 866-301-9623 manages the alcohol, drug abuse, and rehabilitation program for employees and provides licensed counseling and referral services.

Illegal Drug Policy

Federal law prohibits the unlawful possession, use, sale, or distribution of drugs. Texas state law prohibits the possession, use, sale, manufacture, or delivery of a controlled substance without legal authorization. A controlled substance includes any drug, substance or immediate precursor covered under the Texas Controlled Substances Act, including, but not limited to opiates, barbiturates, amphetamines, marijuana, and hallucinogens. The possession of drug paraphernalia is also prohibited under Texas state law. Drug paraphernalia includes all equipment, products, and material of any kind 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* <https://www.tamus.edu/legal/policy/policy-and-regulation-library/> the Texas A&M University System strictly prohibits the unlawful manufacture, distribution (including sales), dispensation, possession or use of illicit drugs on the Texas A&M University System property while on official duty and/or as part of any Texas A&M University Systems activity. All students and employees are expected to abide by federal and state laws pertaining to controlled substances and illicit drugs. More specifically, A&M University – Central Texas *Code of Student Conduct 6.4.4* <https://www.tamuct.edu/student-affairs/docs/Student-Rules-2024-25.pdf> Alleged violations of federal and state laws may result in criminal charges. Consequences could result in criminal charges/arrest by UPD or other law enforcement agencies for law violations. University conduct charges may be pursued against those alleged to have violated university policies and / or state / federal laws concerning controlled substances.

Student Life is committed to promoting responsible decision-making regarding alcohol and other drugs through educational programming resources, and referrals. Mental health providers for students include Student Wellness & Counseling Center 254-501-5955 along with the work/life solutions program by GuidanceResources 866-301-9623 manages the alcohol, drug abuse, and rehabilitation program for employees and provides licensed counseling and referral services.

Substance Abuse and Education

A&M-CENTRAL TEXAS strives to promote good physical health and safety of all students and employees and provide an outlet for understanding drug and alcohol abuse's effects and physical cost. All employees are notified of the Texas A&M University System policy 34.02 Drug and Alcohol Abuse and regulation (34.02.01.D1 Drug and Alcohol Abuse and Rehabilitation

Programs <https://www.tamuct.edu/compliance/rules-and-saps.html> regarding drug and alcohol abuse upon hire and annually thereafter.

Resources related to AOD

National Institute of Drug Abuse <https://www.nida.nih.gov>

ULifeline: <http://www.ulifeline.org/texasamcentraltexas/>

Alcoholics Anonymous 254-754-3336

Pathways Group Counseling Center

<https://pathwaysgroupcc.com/>

254-228-5830

Alcohol & Drug Abuse Hotline 888-302-0696

Mental Health / Substance Abuse

<https://www.usa.gov/>

844-872-4681

Weapons Policy

In accordance with *Texas Penal Code Ch. 46.03*, a person commits an offense if the person intentionally, knowingly, or recklessly possess or goes with a firearm, location-restricted knife, club, or prohibited weapon *Texas Penal Code 46.05* on the physical premises of a school or educational institution, to include any grounds or buildings on which an activity sponsored by a school or educational institution is being conducted, or a passenger transportation vehicle of a school or educational institution. The following exception applies. A license to carry holder under Chapter 411, Texas Government Code, may carry a concealed handgun on or about the license holder's person while the license holder is on the campus of A&M – Central Texas (all land and buildings owned or leased by A&M – Central Texas) or in a university vehicle, unless prohibited by state law, federal law, or (*University Rule 34.06.02.D1 Carrying Concealed Handguns on Campus*) <https://www.tamuct.edu/compliance/rules-and-saps.html>. Prohibited areas include, but are not limited to, counseling center, testing center, human performance lab & fitness center and premises where formal administrative hearings/investigations are conducted when such hearings/investigations are being conducted and any premises where the university, as directed by the president as necessary for campus safety, gives effective notice on a temporary basis pursuant to *Section 30.06 of the Texas Penal Code*. Licensed peace officers are authorized by law to carry firearms at all times. *University SAP 34.06.02.D1* and *Code of Student Conduct 6.4.15* <https://www.tamuct.edu/student-affairs/docs/Student-Rules-2024-25.pdf>

Sexual Assault, Dating Violence, Domestic Violence, and Stalking

In accordance with federal law and Texas A&M University System Regulation 08.01.01 Civil Rights Compliance, A&M University - Central Texas prohibits discrimination and harassment including sexual assault, dating violence, domestic violence, stalking (as those terms are defined for the purposes of the Clery Act) and/or related retaliation. The following are statements of policy that address discrimination, harassment (including but not limited to, sexual harassment³ and sex-based misconduct⁴), complicity, and retaliation⁵. The policies apply whether this conduct occurs on or off campus and when it is reported to the university.

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

⁴Sex-based misconduct is unwelcome conduct on the basis of sex that is severe, persistent, or pervasive enough to create a work, educational, or campus living environment that a reasonable person would consider intimidating, abusive, or offensive. Sex-based misconduct is explicitly prohibited under System Regulation 08.01.01. Aiding another in the commission of sex-based misconduct is also prohibited by System Regulation 08.01.01. Sex-based includes, but is not limited to, sexual assault, sexual exploitation, dating violence, domestic violence, and stalking based on sex. Sexual exploitation is defined as a situation in which an individual(s) takes non-consensual or abusive sexual advantage of another for his or her own advantage or benefit, or to benefit or advantage anyone other than the one being exploited. For example, sexual exploitation could include such actions as secretly videotaping sexual activity, voyeurism, invasion of sexual privacy, exposing one's genitals or causing another to expose one's genitals, and knowingly exposing another person to a sexually transmitted infection or disease. Sexual exploitation is a form of sex-based misconduct. Includes complaints based on sex, sexual orientation, and/or gender identity.

⁵ Intimidation, threats, coercion, or discrimination against any individual for the purpose of interfering with any right or privilege secured under civil rights laws and regulations, or because the individual has opposed a discriminatory practice, files a report or complaint, testified, assisted, or participated or refused to participate in any manner in an investigation, proceeding, or hearing. The exercise of rights protected under the First Amendment does not constitute prohibited retaliation, nor does the filing of a mandatory report as required by System Regulation 08.01.01. In addition, a university official who files a mandatory report or charges an individual with making a materially false statement in the course of an investigation has not engaged in prohibited retaliation. Retaliation is explicitly prohibited under System Regulation 08.01.01. Aiding another in the commission of retaliation is also prohibited under this regulation.

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

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

Agency	Location	Phone
University Police Department	Founders Hall Room 107	(254) 501-5805
Killeen Police Department	Killeen, Texas	(254) 501-8830
Belton Police Department	Belton, Texas	(254) 933-5840
Copperas Cove Police Department	Copperas Cove, Texas	(254) 547-8222
Temple Police Department	Temple, Texas	(254) 298-5500
Harker Heights Police Department	Harker Heights, TX	(254) 953-5400
Nolanville Police Department	Nolanville, Texas	(254) 698-6334

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

All A&M -Central Texas employees are mandatory reporters who must report all known information about an alleged or suspected incident of discrimination, harassment, retaliation, or complicity that is experienced by, observed by or made known to an employee in the course and scope of their employment as soon as possible⁶.

⁶ Exceptions include confidential employees and are described in the “Confidentiality/Privacy” section of this report.

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

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

Employees who are also students will have their status in the civil rights process determined by the context of the allegations; these individuals are subject to civil rights processes, as well as student conduct and employment standards.

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

At A&M - Central Texas, reports that a student, an employee, or a third party has engaged in conduct prohibited by this policy should be made to:

Institutional Compliance Office / Title IX Office (ICO)
General Robert M. Shoemaker Founders Hall, RM 317B
1001 Leadership Place
Killeen, Texas 76549
254-519-5716
titleix@tamuct.edu
compliance@tamuct.edu

Website Reporting Forms: <https://cm.maxient.com/reporting.php?TAMUCentralTexas>

The Title IX Manager and Chief Compliance Officer responsibilities include, but not limited to, (1) overseeing A&M-Central Texas civil rights protections program; (2) ensuring all complaints of discrimination, harassment, retaliation, and complicity are promptly, thoroughly, and equitably reviewed, investigated and resolved in accordance with Texas A&M University Rule 08.01.01, Civil Rights Compliance, and A&M – Central Texas SAP 08.01.01.D1, Civil Rights Compliance; and (3) identifying and addressing any patterns or

systematic problems that arise from the review of such complaints. The Chief Compliance Officer and/or Title IX Manager or designee shall decide whether this policy shall be applied to such conduct on a case-by-case basis. Some conduct, while inappropriate and unprofessional, does not rise to the level of discrimination, harassment, retaliation, or complicity. These behaviors will be forwarded by the Compliance Office to be addressed by the appropriate disciplinary authority, e.g., Supervisor, Student Conduct, etc., under rules or regulations other than this policy.

The Director of Human Resources, Institution Compliance Office, and the Title IX Manager have been designated by the university to receive and resolve all reports alleging discrimination, harassment, retaliation, and/or complicity. However, reports that the following individuals have engaged in conduct prohibited by this policy: the Texas A&M University System Chancellor, the A&M - Central Texas President; a Chief Operating Officer, an employee who reports directly to the Chancellor, President, or Chief Operating Officer, the Title IX Manager or a Deputy Title IX Coordinator should be made to:

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

Additional options for reporting to the university include:

- Submitting an anonymous report through Ethics Point, an anonymous electronic reporting option. Anonymous reporting may limit the university's ability to respond to the allegation.
- Submitting an electronic report through the reporting forms found at <https://cm.maxient.com/reporting.php?TAMUCentralTexas>

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

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

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

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

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

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

ICO conducts an initial review and preliminary assessment of all reports / complaints that are received by ICO to assess and address the safety and well-being of the complainant, respondent_s, and the community. As part of the initial review, ICO will take the following step: (1) informed the individual reporting of the right to file a complaint with law enforcement (if applicable) in addition to filing a complaint with IO, (2) provide assistance in notifying UPD or appropriate law enforcement authorities if the individual so chooses, (3) inform the individual of the right to decline to contact law enforcement, and (4) inform the individual of the right to file a complaint with state and federal agencies. ICO will offer the opportunity to request supportive measure to provide for the safety of the individual ad campus community.

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

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

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

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

Individuals reporting to the Student Wellness & Counseling Center, and UPD also receive the written notification.

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.
- 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 in Temple 254-724-2111, <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.

- 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: ICO 254-519-5716, Student Wellness & Counseling Center 254-501-5955, UPD Services 254-501-5805, and Work/Life Solutions Program by GuidanceResources 1-866-301-9623.

Medical Treatment (as applicable to the specific incident)

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

Confidentiality/Privacy

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

Confidential reporters are required to provide general nonidentifying information as required to comply with the Clery Act or other applicable laws/regulations and must report de-identified statistics to the Title IX Coordinator for any type of sex-based incident made known to them and may not include any information that would violate that person's expectation of privacy. Publicly available recordkeeping, including Clery Act reporting and disclosures, must not include

personally identifying information⁹. Incidents are shared in a way that does not identify the individuals. For example, licensed healthcare providers share de-identified information regarding conduct that may be a statistic in the Clery Annual Security Report and/or disclosed in the daily crime log without identifying the individuals concerned. Additionally, researchers are deemed confidential only when the research project is federally funded and the identity of research subjects on the specific project are deemed confidential by law.

At A&M – Central Texas, the following are considered confidential reporters: Mental health providers for students – Student Wellness & Counseling Center (254-501-5955; and mental health provider for employees and the employee’s benefits-eligible dependents - The Work/Life Solutions Program by GuidanceResources (1-866-301-9623). Confidential reports are available to support both complainants and respondents.

All other employees informed of possible discrimination, harassment, retaliation, and/or complicity should advise the reporting party that they cannot keep the information confidential and are required to report it to the university. Employees should inform the reporting party where confidential guidance can be obtained, such as the student counseling center or employee assistance program. To the extent possible, the university will protect the privacy of all parties to the report (see definition of private¹⁰).

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

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

⁹ 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.

¹⁰ 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.

Requests from complainants to withhold any name, or a request not to investigate or seek action against the respondent, will be considered by the university in the context of the university’s duty to provide a safe and nondiscriminatory work, educational, and campus living environment. This may require that the university take actions when the complainant requests no action, such as when violence is involved, when the threat of violence exists, or when

required by law, as in the case of elderly, disabled, or child abuse. A request to withhold information or not to investigate the alleged misconduct may limit the university's ability to respond.

Although individuals reporting sexual assault are not required to file criminal charges, the following program is offered in the State of Texas. In accordance with the *Texas Code of Criminal Procedure, Chapter 58*, when reporting certain sex offenses to a Texas law enforcement agency, victims may use a pseudonym to protect their identity. The offenses applicable to this program are identified in *Chapter 62 of the Texas Code of Criminal Procedure*, defined by the Texas Penal Code, and include sexual assault. The pseudonym will replace the victim's name in all public files and records concerning the offense, including police records, press releases, and records of judicial proceedings.

Resources, Rights, and Options

Following an allegation of sexual assault, dating violence, domestic violence, stalking, and/or related retaliation the complainant, the respondent, and other affected individuals have certain resources, rights, and options available to them. Parties with an inquiry or complaint, if known, are informed about their resources, rights, and options in writing when ICO receives notification of an incident whether it occurred on or off campus and regardless of whether the individual elects to pursue a criminal complaint or disciplinary measures. Other personnel likely to receive reports of conduct prohibited by this policy in the Division of Student Affairs, Division of Human Resources, and UPD, may also provide resources, rights, and options in writing. Available assistance information is also shared through prevention and awareness education and can be found on the Title IX webpage at <https://www.tamuct.edu/compliance/titleix.html#c8/>. Additional information about any of the resources, rights, and options discussed in this section can be requested from ICO.

In addition to ICO, the following are on-campus and community resources available to complainants, respondents, and others.

Law Enforcement

Agency	Phone	Agency	Phone
University Police Department	254-501-5805	Copperas Cove Police Department	254-547-8222
Killeen Police Department	254-501-8830	Harker Heights Police Department	254-953-5400

Counseling (Confidential)

Name	Phone	Address	Website
Work/Life Solutions Program (for employees)	866- 301-9623		https://www.tamuct.edu/human-resources/benefits/employee-assistance.html
Student Wellness and Counseling Center	254-501-5955	WH 207L M-F 8am – 5pm	https://www.tamuct.edu/student-affairs/student-counseling.html

Medical and Health Services

Name	Phone	Address	Website
Advent Health Central Texas	254-526-7523	2201 S. Clear Creek Rd, Killeen, TX	www.adventhealth.com
Carl R. Darnall Army Medical Center	254-288-8000	36065 Santa Fe Ave. Ft. Cavazos, TX	https://www.crdamc.amedd.army.mil/Default.aspx
Baylor Scott & White Medical Center – Temple	254-724-2111	2401 S. 31 st Street, Temple, TX	https://www.bswhealth.com/locations/temple
Seton Medical Center	254-690-0900	850 W. Cen TX Expy Harker Heights, TX	https://setonharkerheights.net/

Support, Advocacy, Legal Assistance and Other Resources

Name	Phone	Address	Website
Division of Student Affairs	254-501-5909	A&M-Central Texas Campus, Warrior Hall 105	https://www.tamuct.edu/student-affairs/index.html

Warrior Center for Student Success	254-501-5836	A&M-Central Texas Campus Warrior Hall 212	https://www.tamuct.edu/student-affairs/student-success.html
Student Financial Assistance	254-501-5854	A&M-Central Texas Campus Robert M. Shoemaker Founders Hall 108	https://www.tamuct.edu/financial-aid/index.html
Student Wellness & Counseling Center (Confidential)	254-501-5955	A&M-Central Texas Campus Warrior Hall 207L	https://www.tamuct.edu/student-affairs/student-counseling.html
Student Support Advocate (Confidential)	254-501-5978	A&M-Central Texas Campus Robert M. Shoemaker Founders Hall 317	https://www.tamuct.edu/compliance/titleix.html
National Sexual Assault Hotline	800-656-4619 24/7 hotline		https://www.rainn.org/
Aware Central Texas – Killeen	254-813-0968 24/7 hotline 254-213-2986	2408 S. Clear Creek Rd Ste 201, Killeen, TX	https://www.awarecentraltexas.org/
Aware Central Texas – Belton	254-813-0968 24/7 hotline	903 N. Main St. Belton, TX	https://www.awarecentraltexas.org/

	254-939-7582		
Families in Crisis	254-634-1184 254-773-7765 24/7 hotline 888-799-SAFE (7233)		http://familiesincrisis.net/
National Domestic Violence Hotline	800-799-7233 TTY 800-787-3224 24/7		https://www.thehotline.org/
University Police Department	254-501-5805	A&M-Central Texas Campus Robert M. Shoemaker Founders Hall 103	https://www.tamuct.edu/police/index.html
Killeen Police Department Victim's Assistance	254-501-7698	3304 Community Blvd, Killeen	https://www.killeentexas.gov/280/Victims-Assistance
Bell County Victim Services Division	800-460-2355 ex 5235	1201 Huey Rd Ste 2100, Belton, TX	https://www.bellcountytexas.com/county_government/district_attorney/victim_services_division.php
Fort Cavazos Victim Advocacy Program	254-287-3583	Darnall Loop Bldg 36000 2 nd Floor, Ft. Cavazos,	https://hood.armymwr.com/programs/victim-advocacy-program
Coryell County Crime Victim Assistance	254-865-5911 ex 2312	203 S. 7 th Street, Gatesville, TX	https://www.coryellcounty.org/page/coryell.Crime

Healthy Homes and Crime Victims Assistance	254-953-5600	402 Indian Trail, Harker Heights, TX	https://harkerheights.gov/index.php/healthy-homes
--	--------------	--------------------------------------	---

Institutional Rights and Options (Supportive Measures)

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

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

ICO is responsible for coordinating the effective implementation of supportive measures. In addition to facilitating supportive measures, ICO can provide parties with access to university officials with information about counseling, medical, mental health, victim advocacy, visa and immigration information, impact of a leave of absence on student financial aid, and other services available to complainants and respondents (on campus and in the community). ICO will also notify the parties that options such as protective orders and criminal trespass warnings may be available through law enforcement agencies and the judicial system. A party may request a supportive measure through ICO (254-519-5716) at any time, regardless of whether a formal complaint has been filed and regardless of whether the individual chooses to report the incident to law enforcement or pursue disciplinary remedies

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

appropriate and available, taking into account the role of the third party and the nature of any contractual relationship with the university. Parties seeking a supportive measure should discuss their options with their CREI case manager.

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

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

Mutual No Contact Restriction: A mutual no contact restriction is a supportive measure issued by the institution that prohibits two parties from contacting one another through any means. Mutual no contact restrictions can be issued in addition to court ordered protection but may also serve as an alternative for those who do not want to seek a court order. A complainant or a respondent can request a mutual no contact restriction through the ICO at 254-519-5716. ICO may issue a mutual no contact restriction at any time prior to or during a conduct investigation based on information provided by the requestor. If good cause for a mutual no contact restriction is determined, both parties are notified of the restrictions in writing. Mutual no contact restriction records are maintained in ICO's tracking system.

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

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

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

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

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

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

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

Confidentiality/Privacy of Accommodations and Supportive Measures: The university will maintain as private any accommodations or supportive measures provided to the extent that maintaining such privacy would not impair the ability of the institution to provide the accommodations or supportive measures. ICO 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. ICO uses discretion and only discloses information to key officials at the institution who perform the tasks necessary for obtaining or providing the particular accommodation or supportive measure. The identity of an alleged victim of sexual harassment, sex-based misconduct, sexual assault, dating/domestic violence, or stalking may only be disclosed to: (a) persons employed or under contract with the institution, who are necessary to conduct an investigation of the report or any related hearings; (b) a law enforcement officer as necessary to conduct a criminal investigation of the report; (c) the person or persons alleged to have perpetrated the incident, to the extent required by other law;

or (d) potential witnesses to the incident as necessary to conduct an investigation of the report. Other areas receiving information related to supportive measures may include, but are not limited to: Financial Aid, Student Affairs, Division of Human Resources, academic departments (direct supervisor, Dean, or Associate Dean), or non-academic departments (direct supervisor, Vice President, or designee). Prior to disclosure, ICO will receive consent to disclose the identity of the alleged victim, inform the individual of the information that will be shared, with whom it will be shared, and why.

Legal Rights and Options

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

Protective Orders: Individuals may apply for protective orders through the Texas criminal justice system. A protective order is an interim protective measure that requires the recipient to stay away from the protected individual's home, workplace, and/or children's schools (if the children are protected persons in the order) depending on the documented circumstances. It can require the recipient to stop communicating with the protected individual in a harassing or threatening manner, attend counseling, pay child support, and/or pay spousal support. An application for a protective order may be filed by an individual, a prosecuting attorney, or the Texas Department of Family and Protective Services 800-252-5400 on behalf of an individual. The application is obtained through the county attorney (Bell County Attorney's Office Bell County Justice Center 254-933-5135, the district attorney (Bell County District Attorney's Office – Bell County Justice Center 254-933-5215 or 800-460-2355 ext. 5215, or a private attorney. UPD 254-501-5805 will also provide assistance in applying for protective orders. Forms associated with applying for a protective order are found on the following webpage: https://www.bellcountytexas.com/district_clerk/civil/protective_orders.php

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

UPD is notified of protective orders that exist in the campus and surrounding area. Local law enforcement agencies are also notified of all existing protective orders in their area. If the requestor or other institutional personnel become aware that a protective order is violated, UPD should be contacted immediately at 254-501-5804. Responding agencies can also be

contacted for protective order violations including Killeen Police 254-501-8830, Temple Police 254-298-5500, or the Bell County Sheriff's Department 254-933-5412. Violating protective orders generally carry authority for the violator's immediate arrest by UPD or other law enforcement agencies.

Criminal Trespass Warning: A criminal trespass warning is a supportive measure issued by UPD which is directed at those who are considered a danger to the campus community or a danger to a certain individual in the campus community. The warning advises the respondent to leave the premises and forbids them from entering and/or remaining on certain property which can cover either the entire campus or a specific campus location. To request a criminal trespass warning, contact UPD at 254-501-5804 and request to speak with an officer. The UPD officer issues the criminal trespass warning if the respondent is determined to pose a risk to campus safety based on information provided by the requestor as it relates to applicable state law and/or UPD policy. When the warning is issued, the officer is responsible for providing notice to the requestor and the person receiving the warning.

UPD officers are notified of criminal trespass warnings that exist in their area. If a criminal trespass warning is violated, UPD should be contacted immediately at 254-501-5805. A violation of the criminal trespass warning occurs when the individual is issued a warning but refuses to leave campus or is subsequently found in a prohibited area based on the trespass warning. The requestor and other institutional personnel should take appropriate action by contacting UPD for a responding officer when they become aware of a potential violation of a criminal trespass warning. UPD generally enforces these warnings by charging violators with criminal trespass resulting in arrest and/or fine.

If the complainant, respondent, or member of the university community has obtained a protective order, civil no-contact order, restraining order, or similar order from a court as described in this section, against another member of the university community, a copy of the order should be provided to the UPD

Other Legal Options: The UPD is available at 254-501-5804 is available to provide information or direct victims to the proper agency about personal safety, Texas Crime Victim's Rights, Texas Crime Victims Compensation Fund and other information upon request. Or visit the Office of the Texas Attorney General's website at <https://www.texasattorneygeneral.gov/crime-victims/crime-victims-compensation-program>.

Investigations and Disciplinary Proceedings¹² for Sexual Assault, Dating Violence, Domestic Violence, Stalking and Related Retaliation

Proceedings from an allegation of sexual assault, dating violence, domestic violence, or stalking are provided in a prompt, fair, and impartial manner from the initial investigation to the final result, including any appeals. University Rule 08.01.01.D1, Civil Rights Compliance provides that:

- Both the complainant(s) and the respondent(s) must receive equitable treatment in all facets of the investigation and resolution process including, but not limited to, the right to an advisor (if any), the right to present evidence and witnesses, and the right to be informed of the outcome of the investigation.
- Timely and equal access to any information (inculpatory and exculpatory) discovered during the investigation as well as any information that will be used during informal and formal disciplinary meetings and hearings will be provided to the complainant, respondent, and appropriate officials.
- During the investigation the complainant and respondent have timely notice of meetings at which the complainant, respondent, or both, may be present.
- Determinations use the preponderance of the evidence standard, i.e., what is more likely than not to be true, based on the totality of the available evidence.
- If the respondent has multiple roles at the university, such as when the respondent is both a student and an employee, the Title IX Manager 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 Manager 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 DA's decision and/or the sanctions rendered are governed by the provisions of the Family Educational Rights and Privacy Act (FERPA), the Texas Public Information Act (TPIA), the Texas Education Code Section 51.971, and other applicable confidentiality laws.

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

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

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

Complaints are initially reviewed by the ICO, not only to assess and address safety, but to also determine whether a violation of the *System Regulation 08.01.01* and/or *University Rule 08.01.01.D1* and/or any other university rule, SAP, code, or policy could have occurred. During the initial review and preliminary assessment, the ICO will:

- Inform the complainant about options for formal and informal resolutions and solicit the complainant's preferred method for resolving the matter. Complainants may request a formal resolution, an informal resolution, or "no resolution" of the allegations of discrimination, harassment, retaliation, and/or complicity.
- Offer assistance to the complainant in submitting a written formal complaint¹³ that details the nature and circumstances of the allegations, including the names of the complainants and respondents.

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

No Resolution

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

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

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

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

Informal Resolution

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

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

- Informal resolution is a voluntary process. No party may be compelled to participate in informal resolution. The university, in consultation with SECO, must agree to allow an

informal resolution to move forward and must obtain the parties' voluntary, written consent to the informal resolution process.

- Prior to an informal resolution, the parties will be provided with: (a) written notice of the allegations; (b) the requirements of the informal resolution process, including the circumstances under which it precludes the parties from resuming a formal complaint arising from the same allegations; and (c) the consequences of withdrawing from the informal process and resuming the formal process, and including the records that will be maintained or could be shared.
- Once a party agrees to participate in informal resolution, they may withdraw from the process at any time prior to a final agreement and resume the formal grievance process. Information shared in the informal resolution process may not be introduced into the formal process without independent evidence.
- Once a final agreement is established through informal resolution, the complaint may not return to the formal complaint process unless one or both parties fails to abide by any conditions established in the agreement.
- Informal resolution options include mediation, restorative conferences, shuttle facilitation, and other forms of facilitated dialogue.
- Mediation may not be used to resolve complaints of rape, statutory rape, dating violence, domestic violence, or any case in which imminent threats of harm may exist.
- The university may not offer an informal resolution process in sex-based complaints unless a formal complaint is filed and may not offer or facilitate an informal resolution process to resolve allegations that an employee sexually harassed a student.

Formal Resolution

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

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

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

If it is determined that there is insufficient information to proceed with an investigation; or that the allegations are baseless; or that the allegations, if true, would not constitute conduct prohibited by System Regulation 08.01.01 and/or Rule 08.01.01.D1; or, that an investigation will not occur due to the complainant's request for no resolution, ICO may:

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

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

Once it has been determined that the university will proceed with a formal investigation, ICO will appoint the Investigative Authority (IA)¹⁴ within 5 business days to initiate the process of determining whether a violation of System Regulation 08.01.01 or other university rule, SAP, code, or policy occurred.

The ICO and Title IX Manager (or designee) shall simultaneously notify the complainant(s) and respondent(s) in writing of the commencement of the investigation. The notice of investigation will include:

- receipt of the complaint stating the allegation of a violation of this policy;
- interim supportive measures, if any;
- admonishments regarding cooperation and prohibiting retaliation;
- any informal resolution process that may be available;
- an unredacted version of the complaint to an employee respondent(s) and their advisor, if applicable, with admonishments regarding privacy; and
- the appointed IA, the appointed Designated Administrator (DA) and Appellate Authority (AA).¹⁵

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

¹⁵ The DA is the decision-making entity specified in university rules. This may be an administrator or a hearing officer/panel but may not include a person with a clear conflict of interest (e.g., supervisor, subordinate, and/or family member of either party) or personal bias. The role of the DA is to determine whether or not allegations of misconduct rise to the level of a violation of System Regulation 08.01.01 based on the evidence provided and utilizing the preponderance of the evidence standard. The DA cannot have served as an investigator, nor may they later serve as an appellate authority in the same case. Title IX Coordinators may not serve as a DA in any case involving an allegation of discrimination or harassment based on sex. The AA is any individual or panel responsible for rendering appeal decisions as specified in university rules. The role of the AA is to review the process by which an original decision was reached and render an appellate decision, consistent with the grounds for appeal. Title IX Coordinators may not serve as an AA in any case involving an allegation of discrimination or harassment based on sex. All persons serving as DAs, AAs, and IAs will be impartial and free of conflicts of interest or bias for or against the complainant or the respondent. Parties who are concerned about the impartiality of an individual serving in one of these roles should submit their concerns, in writing, to the Chief Compliance Office compliance@tamuct.edu who may designate alternative individuals to fulfill any of these roles.

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

If the respondent is an employee, the ICO and Title IX Manager (or designee) shall notify, in writing, the respondent's supervisor that ICO is investigating an allegation that the respondent has engaged in conduct that may be a violation of System Regulation 08.01.01 and/or Rule 08.01.01.D1 or other university rules, SAPs, codes, or policies.

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

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

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

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

During the investigation, the complainant and the respondent will have an equal opportunity to be heard, submit information and corroborating evidence, identify witnesses who may have relevant information, and submit questions to be asked of the other party. Questions for the other party will be asked by and at the discretion of the IA. The IA will meet separately with the complainant, the respondent, and any witnesses, and will gather other relevant and available evidence and information.

The IA may also consult medical, forensic, technological, or other experts when expertise is needed in order to achieve an understanding of the issues under investigation.

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

Investigations provide both the complainant and respondent the same opportunities to have others present during any institutional proceeding, including the opportunity to be accompanied to any related meeting or proceeding by an advisor¹⁶ of their choice. The advisor may be present at any time in which the party participates in the investigation and resolution process, including the filing of the complaint, the interview with the IA, and all other meetings or proceedings related to the investigation and resolution of the complaint. Proceedings will not limit the choice of advisor allowing a party to select any person to be an advisor, including legal counsel.

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

Restrictions regarding the extent to which the advisor will participate in the proceedings may be established and applied equally to both parties. In all instances, the advisor's participation will be limited to the role of an observer, except that the advisor will (1) conduct the cross examination during a hearing on allegations of sexual harassment and sex-based misconduct and (2) provide support and guidance to their party. An advisor can be barred from being present during the investigation and resolution process if, in the judgment of the IA, the DA, the AA, or the Assistant Vice President and Title IX Coordinator, the advisor attempts to advocate on behalf of a party (other than cross-examination) or is otherwise disruptive. All parties, including advisors, are informed of participation restrictions before a proceeding is conducted so that parties understand and respect the limitations.

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

¹⁶An advisor is an individual selected by each complainant and respondent to provide guidance, support, or advice during the investigation and resolution process and to conduct cross-examination when a complaint is referred to a formal hearing. An advisor may be an attorney. The university may appoint an advisor of the university's choice for a complainant or respondent for a hearing if either party does not have an advisor present. Advisors may not otherwise represent or speak for the party they are advising. Each party is allowed one advisor, although the university may establish circumstances under which a second advisor would be permitted (e.g., accommodating a party with a disability).

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

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

Within 30 business days, the IA will prepare an initial draft investigation report at the conclusion of the investigation and provide it to OGC for review. The initial draft investigation report includes the following but does not contain speculation, opinions, findings, decisions, or recommendations for sanctions¹⁷:

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

The IA has the sole discretion to determine the relevance of evidence and whether it should be included in or excluded from the investigation report. OGC will coordinate with SECO and provide its review of the initial draft investigation report to the IA within 10 business days.

¹⁷The investigation report for a non-sex based civil rights complaint must also include the IA's conclusion, based on the preponderance of the evidence, whether or not the alleged behavior/conduct occurred, did not occur, or there was insufficient evidence to establish that the behavior occurred or not, but will not determine whether or not the behavior establishes a violation of system or university regulations or rules.

The IA will have 5 business days to create a final draft investigation report and share that document electronically with both the complainant, respondent, and their advisors, if any. The university provides parties an equal opportunity to inspect and review any evidence obtained as part of the investigation that is directly related to the allegations raised in the formal complaint, including the evidence upon which the university does not intend to rely in reaching a determination regarding responsibility, and inculpatory or exculpatory evidence related to the allegations

whether obtained from a party or other source, so that each party can meaningfully respond to the evidence prior to the conclusion of the investigation. This includes sending to each party and the party's advisor, if any, the final draft investigation report (with exhibits) subject to inspection and review. Both the report and the collected evidence will be unredacted to the extent allowed by law.

The complainant and the respondent will be given 10 business days to review the final draft investigation report and evidence and submit a written response to the IA for the IA to consider prior to final completion of the investigative report. A party's response may include: (1) written comment or feedback; (2) additional evidence or information; (3) the names of additional witnesses or a request for the collection of other information by the IA; and/or (4) questions to be asked (at the discretion of the IA) of the other parties or witnesses. If a party's response to the final draft investigation report includes new evidence/information/witness names that were not provided to the IA during the original investigation, the party must submit a written explanation as part of the response as to why the evidence/information/witness names were not originally provided to the IA. The IA has the discretion to disregard or accept new information/evidence/witness names. A party may not withhold information/evidence/witness names, refuse to answer question(s) or participate in the original investigation and then provide the information for the first time at party review. The IA must explain to the party proposing the questions any decision to exclude a question as repetitious or not relevant. A party's written response, if any, will be shared with all other parties and incorporated in the investigation report as an exhibit.

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

At the conclusion of the review and respond period, the IA will determine if the final draft investigation report should be amended with any new information or evidence. If necessary, the IA may pursue additional investigative steps. The IA will have 10 business days to complete this process.

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

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

The respondent is presumed to not have engaged in prohibited conduct until the DA finds that there is sufficient evidence based on a preponderance of the evidence to find that the respondent has violated System Regulation 08.01.01 and/or Rule 08.01.01.D1. If violation(s) are found, the DA may issue sanctions.

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

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

The DA will review the unredacted final investigation report (see footnote 16), the documentary evidence, and any other relevant information. If the DA has substantial doubts about the thoroughness, fairness, and/or impartiality of the investigation, the DA may refer the matter back to the IA with further instructions, which could include the appointment of a different IA. At any time prior to the adjudication of a formal complaint, the parties may seek informal resolution to resolve the complaint.

The DA will develop a draft decision (see footnote 19), based on the preponderance of the evidence, as to a) a finding for each allegation as to whether conduct occurred; and b) a finding of responsibility for each allegation: substantiated, unsubstantiated, or there is insufficient information to substantiate that the respondent violated System Regulation 08.01.01 and/or Rule 08.01.01.D1. If it was alleged that any other system regulations or university rules, SAPs, codes, or policies were violated, there will be a statement of responsibility as to these allegations as well.

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

The DA will have 5 business days to finalize the decision and simultaneously notify the parties, the IA, and any other university official with a need to know, in writing, of the decision and sanctions. In cases in which the allegations are substantiated, the final decision will also be provided to an employee respondent's supervisor. The decision must include any sanctions imposed by the institution. Notwithstanding section 444 of the General Education Provision Act

(20 U.S.C. 1232g), commonly referred to as FERPA, in the decision, the DA will state the rationale for the decision and the sanctions, if any (see footnote 21). The final decision will include instructions for appealing the decision and/or sanctions.

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

Sanctioning Considerations

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

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

Sanctioning for Employees

If an employee is found to have engaged in sexual harassment or sex-based misconduct, the sanction will be termination of employment. If an employee is found to have engaged in conduct prohibited by System Regulation 08.01.01 and/or Rule 08.01.01.D1 (other than sexual harassment and/or sex-based misconduct), the DA may assign appropriate sanction(s) which may have educational, restorative, punitive, and rehabilitative components. Sanctions include written warning or reprimand, required training and/or attendance at counseling, no contact directives, probation, suspension, and termination.

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

Sanctioning for Students

If a student is found responsible for sexual harassment or sex-based misconduct, the student will be sanctioned in accordance with the [Texas A&M University Title IX Cumulative Student Sanctioning Matrix](#). If a student is found responsible for engaging in any other form of conduct prohibited by System Regulation 08.01.01 or Rule 08.01.01.D1, or if the student is found responsible for violating any other university rule or System regulation, the DA will assign appropriate sanctions which may have

educational, restorative, and rehabilitative components and/or may place a student in a probationary or review status or separate the student from the university.

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

An appeal of the Title IX Manager’s complaint dismissal, hearing decision, and/or sanctions related to an allegation of sexual harassment or sex-based misconduct may be made by the complainant and/or the respondent. The AA, the individual or panel responsible for rendering appeal decisions, is assigned based on the status of the respondent in accordance with the following table. AAs shall not have had any previous involvement and/or participation in the investigation and/or decision pertaining to an appeal under review.

If the allegations are against a:	Student	Non-Faculty Employees and Third Party	Faculty Employee
Then the AA is:	University Disciplinary Appeals Panel (UDAP) who may refer the appeal to the Student Conduct Office or designee https://www.tamuct.edu/student-affairs/student-conduct.html	Executive Director Human Resources and Payroll or designee https://policies.tamus.edu/32-01-02.pdf & https://www.tamuct.edu/compliance/rule-s-and-saps.html <u>31.01.02.D0.01</u>	Provost and Vice President for Academic Affairs or designee https://www.tamuct.edu/compliance/rule-s-and-saps.html <u>32.01.01.D0.01</u> or https://policies.tamus.edu/32-01-01.pdf

All appeals will be confined to a review of the record from the investigation and any relevant evidence, as well as the DA’s decision as related to the grounds for appeal. The appeal does not create an entitlement to a new investigation. The appeals process carries a presumption that the original decision was correct unless a preponderance of the evidence demonstrates that one or more of the conditions of the appeal are met, and that either or both parties was deprived of a fair process.

Appeals must be submitted in writing and must include a statement outlining the basis for the appeal²⁴ and any evidence which supports the appeal. Appeals must be filed at the location and within the timeframe dated in the DA’s written notice of the decision (within 5 business days of notification of the decision). Decisions made by the DA shall not be final until an appeal deadline is passed, or when the appeal process is exhausted, or when all parties choose not to appeal.

To be a valid appeal, the appeal must: (1) be filed at the location and within the time frame stated in the DA’s written notice; (2) identify one of the bases for appeal (see footnote 23); and (3) provide credible information or evidence substantiating the identified bases for appeal.

24 Results (decision and/or sanctions) or dismissal of a complaint can be appealed on any of all of the following bases, as applicable: (a) A procedural irregularity that affected the outcome; (b) New evidence, not reasonably available at the time the determination regarding responsibility or dismissal was made, that could affect the outcome of the matter. The new evidence must be provided at the time of the appeal through the designated mechanism for filing an appeal; (c) The Title IX Manager, investigator(s) or decision-maker(s) had a conflict of interest or bias for or against complainants or respondents generally or the individual complainant or respondent that affected the outcome of the matter; or (d) The appropriateness or severity of the sanctions. If an employee was found to have sexually harassed another member of the university or agency community, the appropriateness or severity of the sanction cannot be appealed.

If the AA determines that an appeal is not valid, the AA will provide simultaneous written notice to the parties and ICO that no valid appeal was filed, and that the decision of the DA is final, and the case is closed.

If a timely and valid appeal is filed by either party, the other party will be notified as soon as practical thereafter by the AA. The parties will be given 3 business days to review the appeal and submit a written response a) that provides support for or challenges the decision by the DA, and b) that responds to the appeal bases submitted by the appealing party. Any written response must be submitted to the AA.

The AA will review the Title IX Manager's letter of dismissal, the investigation report, the DA's decision, the documentary evidence, the record from the hearing (if applicable), or any other relevant information and render a written decision on the appeal. If both parties file a valid appeal, the AA will review both appeals and will render decisions accordingly.

The AA will render one or more of the following written decisions:

- Affirm the DA's decision on responsibility and, if applicable, the sanctions. There are no relevant issues of concern related to the ground(s) of the appeal, and, therefore, the decision is affirmed and final.
- Remand the complaint back to the DA because new evidence, not reasonably available at the time the determination regarding responsibility or dismissal was made, appears to be relevant and could have significantly affected the outcome of the decision on responsibility, dismissal of the complaint, or the sanctions. The DA will reconvene the hearing for the limited purpose of considering the new evidence. The DA will issue a new decision which may be appealed by the parties in accordance with the previously described appeal procedures.
- Remand the complaint back to the DA with an instruction to correct the procedural error or omission. If the procedural error occurred in the investigation phase, the DA would instruct the IA to correct the procedural error or omission and amend the Investigative Report, as appropriate. The IA will then submit the amended investigative report to the parties for review and response and then to the DA for a new decision in accordance with formal resolution procedures. If the procedural error occurred in the resolution phase, the DA would correct the procedural error or omission and then issue a new decision in accordance with the formal resolution procedures. The new decision of the DA may be appealed by the parties in accordance previously described appeal procedures.
- Remand the complaint to 1) ICO or 2) SECO with the instruction to remedy a bias by the IA or DA or the Title IX Manager. If bias was present in the IA, ICO will appoint a new IA to review the investigation, collect additional evidence or information as appropriate, and follow the investigation requirements as outlined in the formal resolution procedures. A new report will be written and provided to the DA for a new hearing. If the bias was present in the DA, ICO will appoint a new DA to re-hear the case with the existing

investigation. If the bias was present in the Title IX Manager, SECO will appoint a new staff member to address the influence of the Title IX Manager on the case.

- Modify the decision on sanctions because the sanctions given were inappropriate or disproportionate to the severity of the conduct after considering all the circumstances²⁵. The AA will impose new sanctions, which are final.

Notwithstanding section 444 of the General Education Provision Act (20 U.S.C. 1232g), commonly referred to as FERPA, the AA will render a written decision simultaneously to the parties that includes a rationale for the decision as to each of the grounds appealed, changes occurring based on appeal, and when such results become final (see footnote 21).

To the extent reasonably possible:

- For student respondents: The AA will provide the written decision simultaneously to the parties and ICO within 10 business days following the 3-business day review deadline. AAs are exempt from obtaining OGC review of decisions for student respondents prior to issuance but may request assistance from OGC and SECO when needed.
- For employee or third-party respondents: The AA will provide a draft decision to OGC for review within 5 business days following the 3-business day review deadline. System Office officials will provide its review of the draft decision to the AA within 5 business days. To the extent possible, the AA will provide a final written decision simultaneously to the parties and ICO within 5 business days of receipt of the review from the System Office. If the complaint on appeal is substantiated, the respondent's supervisor will also be informed.

The decision of the AA is considered be final and binding on all involved parties. Circumstances may warrant extensions to the timeframes outlined in this section. The AA may send an extension request to the office or individual who appointed them with a rationale for an extension. If the extension is granted, the AA will notify the parties and ICO in writing.

²⁵ If an employee was found to have sexually harassed another member of the university or agency community, the AA may not render a decision which modifies the sanctions.

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

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

Any student receiving a sanction of separation (expulsion or suspension) pursuant to this regulation may appeal the sanction in accordance with the code of conduct for student

grievances, <https://www.tamuct.edu/student-affairs/student-conduct.html> Student Rules.

Extensions

The university will make every reasonable effort to comply with the timelines contained in this procedure. However, extensions may be obtained by the IA, DA, or AA, as appropriate under the circumstances. Time frames for the receipt, investigation, and adjudication of complaints may be extended for good cause. Good cause is to be determined by the university in consultation with OGC and SECO and reasonable extensions may be granted at the discretion of the university. Circumstances that warrant an extension may include, but are not limited to:

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

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

Dismissals under Title IX

Cases involving allegations of sexual harassment, sexual assault, and dating violence, domestic violence, and/or stalking based on sex are subject to mandatory or discretionary dismissal from the Title IX process²⁶ under federal law. However, at the discretion of the Title IX Manager in consultation with OGC and SECO, cases dismissed from the Title IX process may be subject to investigation and adjudication as sex-based misconduct which provides for the same investigation and resolution process as cases meeting sexual harassment under Title IX.

²⁶ Complaints will be processed under Title IX if all of the following apply: (1) The university has actual knowledge of a notice of sexual harassment or a complaint involving allegations of sexual harassment, sexual assault, and/or dating violence, domestic violence, and stalking based on sex to the Title IX Manager any university official who has authority to institute corrective measures and redress harassment on behalf of the university including Deputy Title IX Coordinators, the Chief Compliance Officer, the Executive Director of Human Resources and Payroll, the Office of the Provost, the Dean of Student Affairs or designee. Imputation of knowledge based solely on vicarious liability or constructive notice is insufficient to constitute actual knowledge; (2) A formal complaint is filed by the complainant or signed by the Title IX Manager; (3) The alleged behavior/conduct must have occurred against a person while in the United States; (4) At the time the formal complaint was filed, the complainant was participating or attempting to participate in the university's education program or activity. This includes an enrolled student, an employee, and applicants for admission or employment at the university, and; (5) The alleged conduct meets the definition of sexual harassment as set forth in this policy.

Mandatory dismissals

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

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

Discretionary dismissals

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

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

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

Primary Prevention and Awareness Programs²⁷

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

²⁷ For the purposes of this section awareness programs means community-wide or audience-specific programming, initiatives, and strategies that increase audience knowledge and share information and resources to prevent violence, promote safety, and reduce perpetration. Programs to prevent dating violence, domestic violence, sexual assault, and stalking means comprehensive, intentional, and integrated programming, initiatives, strategies, and campaigns intended to end dating violence, domestic violence, sexual assault, and stalking that are culturally relevant, inclusive of diverse communities and identities, sustainable, responsive to community needs, and informed by research, assessed for value, effectiveness, or outcome; and consider environmental risk and protective factors as they occur on the individual, relationship, institutional, community, and societal levels.

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

Primary prevention and awareness programs offered by the university include the following:

- Consent Cupcakes
- SHARP Training
- Denim Day
- CRASE (Civilian Response to Active Shooter Event)
- One Thing Pledge
- Aware In her Shoes
- Bystander Bingo

Ongoing Prevention and Awareness Campaigns

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

Ongoing prevention and awareness campaigns offered by the university include the following:

Institutional Compliance Office provides Green Dot Bystander Intervention training that addresses the dynamics and frequency of sexual assault; safety against and prevention of sexual assault, dating violence, domestic violence, and stalking; recognizing signs of unhealthy

relationships; and active bystander intervention. Through Green Dot training, participants learn how to use the 3 D's (direct, delegate, and distract) to intervene in any acts of power-based personal violence they may witness. ICO furthers prevention of power-based interpersonal violence at the university by offering Green Dot and other education and training on the topics of bystander intervention, consensual language, healthy relationships, and responding to and assisting survivors of sexual assault. These programs occur throughout the year and are available upon request. Presentations are provided for classes, student organization meetings, orientations, and other events.

During April's Sexual Assault Prevention & Awareness Month, ICO offers programming throughout the month in an effort to end all forms of sexual harassment, assault and abuse.

The Office of the Dean for Student Affairs provides an online Concerning Behavior Response Guide, for new faculty and staff to assist them in responding to individuals who may exhibit behavior that is concerning. The guide includes information about identifying sexual harassment, sexual assault, dating violence, domestic violence, and/or stalking, reporting requirements and procedures, and limits on requests for confidentiality in response to individuals who disclose related incidents. The guide can be found online at <https://www.tamuct.edu/student-affairs/docs/folderwebpdfversion.pdf>.

ICO provides Title IX presentations to various A&M – Central Texas student, staff, and faculty groups multiple times per year and upon request. The presentations include and explanation of the federal law and A&M Central Texas's institutional policies, reporting procedures, response, and disciplinary proceedings. ICO also conducts presentations on trauma informed response to campus personnel.

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

The Title IX webpage, <https://www.tamuct.edu/compliance/titleix.html>, describes university resources, assistance, educational opportunities, and reporting procedures for campus community members impacted by sexual violence, sexual harassment, and other illegal discrimination. ICO, Student Affairs, and UPD provide information for students, faculty, and staff who wish to report any form of sexual discrimination or harassment. The <https://www.tamuct.edu/student-affairs/docs/folderwebpdfversion.pdf> referenced above also includes information on these topics.

Bystander Intervention and Risk Reduction²⁸

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

²⁸ For the purposes of this section bystander intervention means safe and positive options that may be carried out by an individual or individuals to prevent harm or intervene when there is a risk of dating violence, domestic violence, sexual assault, or stalking. Bystander intervention includes recognizing situations of potential harm, understanding institutional structures and cultural conditions that facilitate violence, overcoming barriers to intervening, identifying safe and effective intervention options, and taking action to intervene. Risk reduction means options designed to decrease perpetration and bystander inaction, and to increase empowerment for victims in order to promote safety and to help individuals and communities address conditions that facilitate violence.

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

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

Other Considerations

Prohibition of Retaliation

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

Victim Notification

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

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

Sex Offender Registry

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

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

UPD receives notification of registered sex offenders that are currently employed, work, teach, volunteer, or attend classes on the main campus of Texas A&M University. The completeness of this information is contingent on the timely notification by the registered sex offender as well as the agencies reporting to the Department of Public Safety.

Additional resources for gathering sex offender and sex crime data in the area:
Bell County Sheriff's Office – 254-933-5412
Killeen Police Department – 254-501-8830

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 negligence.

Sexual Assault: An offence that meets the definition of rape, fondling, incest or statutory rape. A sex offense is any sexual act directed against another person, without the consent of the victim including instances where the victim is incapable of giving consent. (See consent section below).

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

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

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

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

Consent:

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

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

Texas Penal Code

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

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

Sexual Assault is defined in the **Texas Penal Code, Section 22.011** as follows.

- (a) A person commits an offense if:
 - (1) the person intentionally or knowingly:
 - (A) causes the penetration of the anus or sexual organ of another person by any means, without that person's consent.
 - (B) causes the penetration of the mouth of another person by the sexual organ of the actor, without that person's consent; or
 - (C) causes the sexual organ of another person, without that person's consent, to contact or penetrate the mouth, anus, or sexual organ of another person, including the actor; or
 - (2) regardless of whether the person knows the age of the child at the time of the offense, the person intentionally or knowingly:
 - (A) causes the penetration of the anus or sexual organ of a child by any means.
 - (B) causes the penetration of the mouth of a child by the sexual organ of the actor.
 - (C) causes the sexual organ of a child to contact or penetrate the mouth, anus, or sexual organ of another person, including the actor.
 - (D) causes the anus of a child to contact the mouth, anus, or sexual organ of another person, including the actor; or
 - (E) causes the mouth of a child to contact the anus or sexual organ of another person, including the actor.
- (b) A sexual assault under Subsection (a)(1) is without the consent of the other person if:
 - (1) the actor compels the other person to submit or participate by the use of physical force, violence, or coercion;
 - (2) the actor compels the other person to submit or participate by threatening to use force or violence against the other person or to cause harm to the other person, and the other person believes that the actor has the present ability to execute the threat.

- (3) the other person has not consented, and the actor knows the other person is unconscious or physically unable to resist;
- (4) the actor knows that as a result of mental disease or defect the other person is at the time of the sexual assault incapable either of appraising the nature of the act or of resisting it;
- (5) the other person has not consented, and the actor knows the other person is unaware that the sexual assault is occurring.
- (6) the actor has intentionally impaired the other person's power to appraise or control the other person's conduct by administering any substance without the other person's knowledge.
- (7) the actor compels the other person to submit or participate by threatening to use force or violence against any person, and the other person believes that the actor has the ability to execute the threat.
- (8) the actor is a public servant who coerces the other person to submit or participate.
- (9) the actor is a mental health services provider or a health care services provider who causes the other person, who is a patient or former patient of the actor, to submit or participate by exploiting the other person's emotional dependency on the actor;
- (10) the actor is a clergyman who causes the other person to submit or participate by exploiting the other person's emotional dependency on the clergyman in the clergyman's professional character as spiritual adviser;
- (11) the actor is an employee of a facility where the other person is a resident, unless the employee and resident are formally or informally married to each other under **Chapter 2, Family Code**;
- (12) the actor is a health care services provider who, in the course of performing an assisted reproduction procedure on the other person, uses human reproductive material from a donor knowing that the other person has not expressly consented to the use of material from that donor;
- (13) the actor is a coach or tutor who causes the other person to submit or participate by using the actor's power or influence to exploit the other person's dependency on the actor; or
- (14) the actor is a caregiver hired to assist the other person with activities of daily life and causes the other person to submit or participate by exploiting the other person's dependency on the actor;

(c) In this section:

- (1) "Child" means a person younger than 17 years of age.
- (2) "Spouse" means a person who is legally married to another.
- (3) "Health care services provider" means:
 - (A) a physician licensed under **Subtitle B, Title 3, Occupations Code**.
 - (B) a chiropractor licensed under **Chapter 201, Occupations Code**.
 - (C) a physical therapist licensed under **Chapter 453, Occupations Code**.
 - (D) a physician assistant licensed under **Chapter 204, Occupations Code**; or

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

living under the appearance of being married under ***Section 25.01 Texas Penal Code***; or
 (b) a person with whom the actor was prohibited from engaging in sexual intercourse or deviate sexual intercourse under ***Section 25.02 Texas Penal Code***.

(f) An offense under this section is a felony of the second degree, except that an offense under this section is:

- (1) a felony of the first degree if the victim was:
 - (A) a person whom the actor was prohibited from marrying or purporting to marry or with whom the actor was prohibited from living under the appearance of being married under ***Section 25.01 Texas Penal Code***; or
 - (B) a person with whom the actor was prohibited from engaging in sexual intercourse or deviate sexual intercourse under ***Section 25.02***; or
- (2) a state jail felony if the offense is committed under Subsection (a)(1) and the actor has not received express consent as described by Subsection (b)(12).

Indecent Assault is defined in the ***Texas Penal Code 22.012*** as follows.

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

Aggravated Sexual Assault is defined in the ***Texas Penal Code, Section 22.021*** as follows:

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

- (i) causes the penetration of the anus or sexual organ of a child by any means;
- (ii) causes the penetration of the mouth of a child by the sexual organ of the actor;
- (iii) causes the sexual organ of a child to contact or penetrate the mouth, anus, or sexual organ of another person, including the actor;
- (iv) causes the anus of a child to contact the mouth, anus, or sexual organ of another person, including the actor, or
- (v) causes the mouth of a child to contact the anus or sexual organ of another person, including the actor; and

(2) if:

(A) the person:

- (i) causes serious bodily injury or attempts to cause the death of the victim or another person in the course of the same criminal episode;
- (ii) by acts or words places the victim in fear that any person will become the victim of an offense under **Section 20A.02 (a) (3), (4), (7), or (8)** or that death, serious bodily injury, or kidnapping will be imminently inflicted on any person;
- (iii) by acts or words occurring in the presence of the victim threatens to cause any person to become the victim of an offense under **Section 20A.02 (a)(3), (4), (7), or (8)** or to cause the death, serious bodily injury, or kidnapping of any person;
- (iv) uses or exhibits a deadly weapon in the course of the same criminal episode;
- (v) acts in concert with another who engages in conduct described by Subdivision(1) directed toward the same victim and occurring during the course of the same criminal episode; or
- (vi) with the intent of facilitating the commission of the offense, administers or provides to the victim of the offense any substance capable of impairing the victim's ability to appraise the nature of the act or to resist the act;

(B) the victim is younger than 14 years of age, regardless of whether the person knows the age of the victim at the time of the offense; or

(C) the victim is an elderly individual or a disabled individual.

(b) In this section:

(1) "Child" has the meaning assigned by **Section 22.011(c)**.

(2) "Elderly individual" has the meaning assigned by **Section 22.04 (c)**.

(3) "Disabled individual" means a person:

(A) with one or more of the following:

- (i) autism spectrum disorder,
- (ii) developmental disability,
- (iii) intellectual disability,
- (iv) severe emotional disturbance,
- (v) traumatic brain injury
- (vi) mental illness; or

(B) who otherwise by reason of age or physical or mental disease, defect, injury is substantially unable to protect the person's self from harm or to provide food, shelter, or medical care for the person's self.

(c) An aggravated sexual assault under this section is without the consent of the other person if the aggravated sexual assault occurs under the same circumstances listed in ***Section 22.011 (b)***.

(d) The defense provided by ***Section 22.011 (d)*** applies to this section.

(e) An offense under this section is a felony of the first degree.

(f) The minimum term of imprisonment for an offense under this section is increased to 25 years if:

- (1) the victim of the offense is younger than six years of age at the time the offense is committed; or
- (2) the victim of the offense is younger than 14 years of age at the time the offense is committed, and the actor commits the offense in a manner described by Subsection (a)(2)(A).

Prohibited Sexual Conduct is defined in the ***Texas Penal Code, Section 25.02*** as follows:

(a) A person commits an offense if the person engages in sexual intercourse or deviate sexual intercourse with another person the actor knows to be, without regard to legitimacy:

- (1) the actor's ancestor or descendant by blood or adoption;
 - (2) the actor's current or former stepchild or stepparent;
 - (3) the actor's parent's brother or sister of the whole or half-blood;
 - (4) the actor's brother or sister of the whole or half blood or by adoption;
 - (5) the children of the actor's brother or sister of the whole or half blood or by adoption;
- or
- (6) the son or daughter of the actor's aunt or uncle of the whole or half blood or by adoption.

(b) For purposes of this section:

- (1) "Deviate sexual intercourse" means any contact between the genitals of one person and the mouth or anus of another person with intent to arouse or gratify the sexual desire of any person.
- (2) "Sexual intercourse" means any penetration of the female sex organ by the male sex organ.

(c) An offense under this section is a felony of the third degree, unless the offense is committed under Subsection (a)(1), in which event the offense is a felony of the second degree.

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

Dating Violence is defined in the ***Texas Family Code, Section 71.0021*** as follows.

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

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

Domestic Violence: A felony or misdemeanor crime of violence committed by a current or former spouse or intimate partner of the victim; a person with whom the victim shares a child in common; a person who is cohabitating with or has cohabitated with the victim as a spouse or intimate partner; 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) "Abuse", includes the following acts or omissions by a person: **Sections 261.001(1)(C), (E), (G), (H), (I), (J), (K), and (M)**, by a member of a family or household toward a child of the family or household; or
- (3) dating violence, as that term is defined by **Section 71.0021**.

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

Stalking is defined in the **Texas Penal Code, Section 42.072** as follows.

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

(1) constitutes an offense under **Section 42.07** 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; or
- (8) publishes on an Internet website, including a social media platform, repeated electronic communications in a manner reasonably likely to cause emotional distress, abuse, or torment to another person, unless the communications are made in connection with a matter of public concern.

(b) In this section:

- (1) "Electronic communication" means a transfer of signs, signals, writing, images, sounds, data, or intelligence of any nature transmitted in whole or in part by a wire, radio, electromagnetic, photo-electronic, or photo-optical system. The term includes:
 - (A) a communication initiated through the use of electronic mail, instant message, network call, a cellular or other type of telephone, a computer, a camera, text message, a social media platform or application, an Internet website, any other Internet-based communication tool, or facsimile machine; and
 - (B) a communication made to a pager.
- (2) "Family" and "household" have the meaning assigned by **Chapter 71, Family Code**.
- (3) "Obscene" means containing a patently offensive description of or a solicitation to commit an ultimate sex act, including sexual intercourse, masturbation, cunnilingus, fellatio, or anilingus, or a description of an excretory function.

(c) An offense under this section is a Class B misdemeanor, except that the offense is a Class A misdemeanor if :

- (1) the actor has previously been convicted under this section; or
- (2) the offense was committed under Subsection (a)(7) or (8) and:
 - (A) the offense was committed against a child under 18 years of age with the intent that the child:
 - (i) commit suicide; or
 - (ii) engage in conduct causing serious bodily injury to the child; or

(B) the actor has previously violated a temporary restraining order or injunction issued under **Chapter 129A, Civil Practice and Remedies Code.**

(d) In this section, “matter of public concern” has the meaning assigned by **Section 27.001, Civil Practice and Remedies Code.**

Robbery: The taking or attempting to take anything of value under confrontational circumstances from the control, custody, or care of another person by force or threat of force or violence and/or by putting the victim in fear of immediate harm.

Aggravated Assault: An unlawful attack by one person upon another wherein the offender uses a weapon or displays it in a threatening manner, or 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. This also includes assault with disease (as in cases when the offender is aware that he/she is infected with a deadly disease and deliberately attempts to inflict the disease by biting, spitting, etc.).

Burglary/Breaking and Entering: The unlawful entry into a building or other structure with the intent to commit a felony or a theft.

Motor Vehicle Theft: The theft of a motor vehicle.

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

Hate Crime: A criminal offense that is motivated by bias against race, color, religion, national origin, sexual orientation, gender, gender identity, or disability. 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 opinion or 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. Examples are theft of bicycles, motor vehicle parts, and accessories, shoplifting, pocket-picking, or the stealing of any property or article that is not taken by force and violence or by fraud. Attempted larcenies are included. Embezzlement, confidence games, forgery, check fraud, etc., are excluded.

Simple (Other) Assault: Assaults and attempted assaults where no weapon was used; or no serious or aggravated injury resulted to the victim. Stalking, intimidation, coercion, and hazing are included.

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 destroy, injure, disfigure, or deface any public or private property, real or personal, without the consent of the owner or person having custody or control by cutting, tearing, breaking, marking, painting, drawing, covering with filth, or any such means as may be specified by local law. Attempts are included.

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. Attempts are included. This classification encompasses weapons offenses that are regulatory in nature. Classify as a weapon: 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. 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 following drug categories are specified: opium or cocaine and their derivatives (morphine, heroin, codeine); marijuana; synthetic narcotics – manufactured narcotics that can cause true addiction (Demerol, methadone); and dangerous non-narcotic drugs (barbiturates, Benzedrine).

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. Federal violations are excluded.

Definitions of Clery Act Locations

On-campus: Any building or property owned or controlled by an institution and within the same reasonably contiguous geographic area and used by the institution in direct support of, or in a manner related to, the institution's educational purposes, including residence halls. This also includes any building or property that is within or reasonably contiguous to the geographic area that is owned by the institution but controlled by another person, is frequently used by students, and supports institutional purposes (such as a food or other retail vendor).

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

Non-campus: Any building or property owned or controlled by a student organization that is officially recognized by the institution or 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.

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.

Crime Report, Arrest and Referral Statistics

A&M-Central Texas' crime statistics are categorized according to the National Incident-Based Reporting System, an incident-based reporting system used by law enforcement agencies in the United States for collecting and reporting data on crimes. Statistics reflect reports made to campus security authorities as well as University, local and requested police departments and are compiled according to Clery Act guidelines and coordinated by the UPD and Clery Compliance Coordinator.

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.

- **2021** – no hate crimes
- **2022** – no hate crimes
- **2023** – 1 hate crime (reported to Title IX Office)

Unfounded Crimes

- **2021** – 3 unfounded crime
- **2022** – 2 unfounded crimes
- **2023** – 0 unfounded crimes

Residential Housing at this time from 2012 – 2024 Texas AM University - Central Texas does not have student residential housing.

A&M University - Central Texas Main Campus Reportable Clery Act Crimes

Offense	Year	On Campus	Non-Campus	Public Property	Total	Residential Facilities
Murder/Non-Negligent Manslaughter	2021	0	0	0	0	No Residential Facilities
	2022	0	0	0	0	
	2023	0	0	0	0	
Manslaughter by Negligence	2021	0	0	0	0	
	2022	0	0	0	0	
	2023	0	0	0	0	
Rape	2021	0	0	0	0	
	2022	0	0	0	0	
	2023	0	0	0	0	
Fondling	2021	0	0	0	0	
	2022	0	0	0	0	
	2023	1	0	0	1	
Incest	2021	0	0	0	0	
	2022	0	0	0	0	
	2023	0	0	0	0	
Statutory Rape	2021	0	0	0	0	
	2022	0	0	0	0	
	2023	0	0	0	0	
Robbery	2021	0	0	0	0	
	2022	0	0	0	0	
	2023	0	0	0	0	
Aggravated Assault	2021	0	0	0	0	
	2022	0	0	0	0	
	2023	0	0	0	0	
Burglary	2021	0	0	0	0	
	2022	0	0	0	0	
	2023	1	0	0	1	
Motor Vehicle Theft	2021	0	0	0	0	
	2022	0	0	0	0	
	2023	0	0	0	0	
Arson	2021	0	0	0	0	
	2022	0	0	0	0	
	2023	0	0	0	0	

A&M University - Central Texas Arrest, Referrals and VAWA Reports

Offense	Year	On Campus	Non-Campus	Public Property	Total	Residential Facilities
Liquor Law Violation Arrests	2021	1	0	0	1	No Residential Facilities
	2022	0	0	0	0	
	2023	0	0	0	0	
Drug Law Violation Arrests	2021	1	0	0	1	
	2022	0	0	0	0	
	2023	0	0	0	0	
Weapons Law Violation Arrests	2021	1	0	0	1	
	2022	0	0	0	0	
	2023	0	0	0	0	
Liquor Law Violations Referred for Disciplinary Action	2021	0	0	0	0	
	2022	0	0	0	0	
	2023	0	0	0	0	
Drug Law Violations Referred for Disciplinary Action	2021	0	0	0	0	
	2022	0	0	0	0	
	2023	0	0	0	0	
Weapons Law Violations Referred for Disciplinary Action	2021	0	0	0	0	
	2022	0	0	0	0	
	2023	0	0	0	0	
Domestic Violence	2021	0	0	0	0	
	2022	0	0	0	0	
	2023	0	0	0	0	
Dating Violence	2021	0	1	0	1	
	2022	0	0	0	0	
	2023	1	0	0	1	
Stalking	2021	0	0	0	0	
	2022	3	0	0	3	
	2023	2	0	0	2	

Temple College Reportable Clery Act Crimes

Offense	Year	On Campus	Non- Campus	Public Property	Total
Murder/Non-Negligent Manslaughter	2021	0	0	0	0
	2022	0	0	0	0
	2023	0	0	0	0
Manslaughter by Negligence	2021	0	0	0	0
	2022	0	0	0	0
	2023	0	0	0	0
Rape	2021	0	0	0	0
	2022	0	0	0	0
	2023	0	0	0	0
Fondling	2021	0	0	0	0
	2022	0	0	0	0
	2023	0	0	0	0
Incest	2021	0	0	0	0
	2022	0	0	0	0
	2023	0	0	0	0
Sexual Assault	2021	0	0	0	0
	2022	1	0	0	1
	2023	0	0	0	0
Statutory Rape	2021	0	0	0	0
	2022	0	0	0	0
	2023	0	0	0	0
Robbery	2021	0	0	0	0
	2022	0	0	0	0
	2023	0	0	0	0
Aggravated Assault	2021	0	0	0	0
	2022	0	0	0	0
	2023	0	0	0	0
Burglary	2021	0	0	0	0
	2022	1	0	0	1
	2023	0	0	0	0
Motor Vehicle Theft	2021	0	0	0	0
	2022	0	0	0	0
	2023	0	0	0	0
Arson	2021	0	0	0	0
	2022	0	0	0	0
	2023	0	0	0	0

Temple College Arrest, Referrals and VAWA Reports

Offense	Year	On Campus	Non-Campus	Public Property	Total
Liquor Law Violation Arrests	2021	0	0	0	0
	2022	0	0	0	0
	2023	0	0	0	0
Drug Law Violation Arrests	2021	0	0	0	0
	2022	0	0	0	0
	2023	0	0	0	0
Weapons Law Violation Arrests	2021	0	0	0	0
	2022	0	0	0	0
	2023	0	0	0	0
Liquor Law Violations Referred for Disciplinary Action	2021	0	0	0	0
	2022	0	0	0	0
	2023	0	0	0	0
Drug Law Violations Referred for Disciplinary Action	2021	0	0	0	0
	2022	0	0	0	0
	2023	0	0	0	0
Weapons Law Violations Referred for Disciplinary Action	2021	0	0	0	0
	2022	1	0	0	1
	2023	0	0	0	0
Domestic Violence	2021	0	0	0	0
	2022	1	0	0	1
	2023	0	0	0	0
Dating Violence	2021	0	0	0	0
	2022	0	0	0	0
	2023	0	0	0	0
Stalking	2021	0	0	0	0
	2022	0	0	0	0
	2023	0	0	0	0

East Williamson County Higher Education Center Reportable Clery Act Crimes

Offense	Year	On Campus	Non-Campus	Public Property	Total
Murder/Non-Negligent Manslaughter	2021	0	0	0	0
	2022	0	0	0	0
	2023	0	0	0	0
Manslaughter by Negligence	2021	0	0	0	0
	2022	0	0	0	0
	2023	0	0	0	0
Rape	2021	0	0	0	0
	2022	0	0	0	0
	2023	0	0	0	0
Fondling	2021	0	0	0	0
	2022	0	0	0	0
	2023	0	0	0	0
Incest	2021	0	0	0	0
	2022	0	0	0	0
	2023	0	0	0	0
Sexual Assault	2021	0	0	0	0
	2022	0	0	0	0
	2023	0	0	0	0
Statutory Rape	2021	0	0	0	0
	2022	0	0	0	0
	2023	0	0	0	0
Robbery	2021	0	0	0	0
	2022	0	0	0	0
	2023	0	0	0	0
Aggravated Assault	2021	0	0	0	0
	2022	0	0	0	0
	2023	0	0	0	0
Burglary	2021	0	0	0	0
	2022	0	0	0	0
	2023	0	0	0	0
Motor Vehicle Theft	2021	0	0	0	0
	2022	0	0	0	0
	2023	0	0	0	0
Arson	2021	0	0	0	0
	2022	0	0	0	0
	2023	0	0	0	0

East Williamson County Higher Education Center Arrest, Referrals and VAWA Reports

Offense	Year	On Campus	Non-Campus	Public Property	Total
Liquor Law Violation Arrests	2021	0	0	0	0
	2022	0	0	0	0
	2023	0	0	0	0
Drug Law Violation Arrests	2021	0	0	0	0
	2022	0	0	0	0
	2023	0	0	0	0
Weapons Law Violation Arrests	2021	0	0	0	0
	2022	0	0	0	0
	2023	0	0	0	0
Liquor Law Violations Referred for Disciplinary Action	2021	0	0	0	0
	2022	0	0	0	0
	2023	0	0	0	0
Drug Law Violations Referred for Disciplinary Action	2021	0	0	0	0
	2022	0	0	0	0
	2023	0	0	0	0
Weapons Law Violations Referred for Disciplinary Action	2021	0	0	0	0
	2022	0	0	0	0
	2023	0	0	0	0
Domestic Violence	2021	0	0	0	0
	2022	0	0	0	0
	2023	0	0	0	0
Dating Violence	2021	0	0	0	0
	2022	0	0	0	0
	2023	0	0	0	0
Stalking	2021	0	0	0	0
	2022	0	0	0	0
	2023	0	0	0	0

No classes have been conducted at the Gatesville prisons, Ft. Hood campus, or RELLIS since 2020. No classes have been conducted at Parrie Haynes since 2021.

Crime Prevention and Security Awareness

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



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

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

UPD offers a variety of services to our community members. The programs are designed to encourage students and employees to be responsible for their security and other's security.

- UPD Escort
- Motorist Assistance
- CRASE (Civilian Response to Active Shooter Events)
- SHARP (Sexual Harassment and Rape Prevention)

Important Contacts:

UPD Emergency Dispatch

911 or (254) 501-5805

UPD Administration

(254) 501-5802

Title IX Manager

(254) 519-5716

Chief Compliance Officer

(254) 519-5763

Student Wellness and Counseling Center

(254) 501-5955

UPD Escort

(254) 501-5805

Student Affairs

(254) 501-5909

Poison Control Center

(800) 222-1222

Domestic Violence Hotline

(800) 799-7233

TTY (800) 787-3224

Text START to 88788

Sex Offender Registration List (Texas)

<https://publicsite.dps.texas.gov/SexOffenderRegistry>

National Suicide Prevention Lifeline

988

Text 988