

Campus Watch 2018

Texas State University Police Department
San Marcos and Round Rock campuses



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Letter from the President

In partnership with the University Police Department, Texas State University is committed to maintaining a secure environment that promotes the safety and well-being of all who visit, study, or work at Texas State University. The university utilizes an emergency alert system, and a robust safety messaging system, for clear communication and guidance for all situations that may occur.

Campus Watch provides a comprehensive look at the university's efforts to keep the San Marcos and Round Rock Campuses safe. This publication includes crime and safety statistics, information about safety programs, and services offered at the university, as well as various reporting procedures and policies. Please take time to familiarize yourself with the safety procedures in this report. Knowing the tools and services available to you in the event of an emergency enhances safety awareness and crime prevention. Together, we will continue to keep our university a thriving and secure place for learning.

Sincerely,

A handwritten signature in black ink that reads "Denise M. Trauth". The signature is written in a cursive, flowing style.

Denise M. Trauth

President



A Message from UPD

The Texas State University Police Department (UPD) collaborates with the university community to create a safe environment for all. The department consists of officers who are trained and certified by the Texas Commission on Law Enforcement (TCOLE) and skilled staff who support the department's services. Members of the department are committed to continuing our long-standing partnership to foster a community in which it is safe to learn, live and work.

UPD supports the university mission and goals through self-assessment and open dialog. Opportunities such as crime prevention training, the Citizen Police Academy, Coffee with a Cop, internships and student employment allow you to be part of shaping the future of this department. With your support, UPD looks forward to serving the Texas State University community for years to come.

Let us help! In an emergency, dial 911 from any phone or use one of the blue-light emergency phones on campus. If you need general information or nonemergency service from UPD, please call 512.245.2805 and talk to one of our state-certified dispatchers.

Meet the University Police Department

University Police Department officers are commissioned as peace officers by the Board of Regents of The Texas State University System under the authority of the Texas Higher Education Code, Title 3, Subchapter E, Section 51.203 and as acknowledged by the Texas State University Police Department policy 01.01.01.

UPD officers have full law enforcement authority in any county where property is owned or controlled by the university, including streets contiguous to and crossing campus.

UPD officers are licensed as peace officers by the state of Texas. Before assuming their on-campus duties, they undergo an additional 12 weeks of training, supervised by a department field training officer and supervisor, to acquaint them with the university environment and develop the skills necessary to be a successful police officer.

Police Authority and Interagency Relationships

UPD has direct telephone and radio contact with the San Marcos Police Department, Fire Department and Emergency Medical Services.

We also maintain close working relationships with other local, state and federal law enforcement agencies. These working relationships ensure that crimes and alcohol violations at off-campus sites, such as fraternity or sorority houses and buildings or property that the university owns or controls, are reported to UPD. Memorandums of understanding are maintained by and available from UPD with the San Marcos Police Department, Hays County Sheriff's Department, Round Rock Police Department, Williamson County Sheriff's Department, Williamson County Sexual Assault Response Team, Central Texas Medical Center, Alamo Community College Police Department and the Hays-Caldwell Women's Center. UPD works closely with the City of San Marcos Emergency Services. The interagency agreements ensure equipment and personnel can be shared whenever required.

Reporting Crimes and Emergencies

To report an emergency or a crime in progress, call 911 from any phone. Stay on the line so that the dispatcher can get all the necessary information. We will respond to your 911 call by sending an officer to the location of the call.

For nonemergency police services, call **512.245.2805**. A trained police dispatcher, who is certified by the Texas Department of Public Safety, will take your call. Texas State University encourages accurate and prompt reporting of

all crimes to the police department and other appropriate law enforcement agencies.

To make a report in person on campus, come by the University Police Department, located in the Nueces Building at LBJ Drive and Bobcat Trail. To make a report in person on the Round Rock Campus, go to Room 250 in the Avery Building.

On Patrol

UPD officers patrol the campus, off-campus housing areas and surrounding city streets day and night. They patrol on foot, on alternate transportation vehicles or in distinctive white patrol cars, which are marked with the University Police logo.

Timely Warnings

In the event of an extraordinary individual crime or a pattern of crimes representing a threat to members of the university community, Timely Warning notices are normally written and distributed by the University Police Department, and University News Service assists with publicizing a warning via one or all of these methods: email, text alert, sign board, campus-wide phone alert, the university website, the university hot line, campus newspaper and local media. UPD may also distribute information via Twitter and Facebook accounts. In reference to confidentiality of the victim, the name will not be released in campus crime alerts. Follow-up information will be provided to the community by any or all means noted to assure proper dissemination. Additional information and means of dissemination are described in Texas State University policy UPPS 01.04.05.

Office of Emergency Management (OEM)

OEM, a division of the University Police Department, is responsible for preparing students, faculty, staff and visitors at Texas State for natural and man-made disasters. Additionally, OEM works directly with the Emergency Management (EM) Committee to coordinate response and recovery operations. The EM Committee is chaired by the director of University Police and made up of representatives from:

- Academic Affairs
- Auxiliary Services
- Continuing Education
- Counseling Center
- Dean of Students
- Environmental Health, Safety and Risk Management
- Extension and Study Abroad
- Facilities Department
- Housing and Residential Life
- Human Resources
- Information Technology
- International Office Correspondence
- Materials Management
- President of Associated Student Government
- Student Health Center
- Texas School Safety Center
- University Food Service
- University Police Department
- University News Service

The committee meets whenever a situation requires or at least once each semester.

To further strengthen the ability to respond to a crisis, the university has close professional relationships with area first responder agencies, including San Marcos police and fire departments, San Marcos Emergency Management, Hays County Office of Emergency Management, Hays County Sheriff's Office, San Marcos Hays County EMS and Texas Department of Emergency Management, as well as other regional and state agencies.

Emergency Response and Evacuation Procedures on Campus

In compliance with UPPS 05.04.03, Texas State University will, without delay, and taking into account the safety of the community, determine the content of an emergency response notification and initiate the notification systems unless issuing a notification will, in the professional

judgment of responsible authorities, compromise efforts to assist a victim or to contain, respond to or otherwise mitigate the emergency. There will be follow-up information updating the community of the situation, or an all clear will be issued.

Emergency Notification System

The Office of Emergency Management operates the TXState Alert system, which includes the university website, TXState Alert text messaging, email, emergency sign boards, Facebook and Twitter, recorded message response, voice message push to all campus lines, local media (radio, television) and reverse 911. The systems that are used will be determined by the type and needs of each emergency. Testing of TXState Alert system will be conducted the first two weeks of each semester. Sign up to receive TXState Alerts at emergencyinfo.txstate.edu or email emergencymanagement@txstate.edu.

Drills, Exercises and Training

Annually, the university conducts an emergency management exercise to test emergency procedures. The scenarios for this exercise change from year to year and include several departments from across the campus. To ensure that emergency management plans remain current and actionable, the university will conduct an emergency management exercise at a minimum of once yearly. These exercises may include tabletop drills, emergency operations center exercises or full-scale emergency response exercises. The university conducts after-action reviews of all emergency management exercises in order to document strengths and areas needing improvement. These reports are then used to improve emergency operations and procedures at Texas State. In conjunction with at least one emergency management exercise each year, the university will notify the Texas State University community of the exercise and remind the community of the information included in the university's publicly available information regarding emergency response procedures.

Emergency Campus Closings

The University News Service, along with the Office of Emergency Management, will provide information about emergency campus closings or other emergency situations through the TXState Alert system, an email from the

University News Service, and for anyone who calls **512.245.2111**. The director of the University News Service will post the appropriate information on the university's website, txstate.edu; place it on the Recorded

News Bulletin System at **512.245.2424**; and notify news media outlets (television, radio, etc.). Campus reopening will be announced in the same manner.

Security Awareness and Crime Prevention

UPD conducts comprehensive crime prevention tailored to our university that emphasizes personal awareness and personal responsibility for protecting property.

Crime Prevention

Since 1995, UPD has focused attention on crime prevention through increased emphasis on community-oriented policing.

Presentations

We conduct crime prevention programs each year for the university community on topics including personal safety, Operation Identification, DWI, drug dangers, sexual assault prevention and self-defense.

Our crime prevention officers also assist in orientation presentations throughout the summer for incoming students and their parents, describing UPD's services, crime-prevention programs and crime statistics. All programs provide information to students, faculty and staff to allow them to better protect themselves and their property. Our programs include:

Dangers of Alcohol and Drugs

We provide information to students on the dangers of substance use and abuse, and we provide a peer-to-peer forum in which they may ask questions.

8 alcohol and drug presentations were conducted in 2017.

Krav Maga Self-Defense

Krav Maga is an instinctive system of techniques for real-world self-defense. Texas State offers free courses taught by members of UPD who have been trained and certified by the Krav Maga Alliance.

22 basic Krav Maga sessions and 7 academic Krav Maga sessions were presented in 2017.

Active Shooter

Presentations on the subject of active shooters include a video series about violence in the workplace or violence in the classroom.

32 active shooter presentations were conducted in 2017.

Property Crimes/Personal Safety

6 property crimes/personal safety presentations were conducted in 2017.

Student Orientation Sessions

36 student orientation sessions were conducted in 2017.

Standard Response Protocol

18 standard response protocol presentations were conducted in 2017.

Community Emergency Response Team Training

2 CERT presentations were conducted in 2017.

Crime Stoppers

UPD provides support for Crime Stoppers of Texas State, a registered student organization that operates a phone tip line, allowing people to report crimes anonymously. police.txstate.edu/campus-safety/crime-stoppers-of-texas-state

Bobcat Guardian

The Bobcat Guardian mobile app increases user safety by creating a virtual safety network of friends and family.

Features include:

- Single button 911
- Tip Texting – Enables anonymous, two-way crime tip reporting through text and images.
- Personal Guardians and Safety Timer – Students can identify friends, roommates and family as "Guardians" when setting their Bobcat Guardian Safety Timer. During a timer session, Guardians and UPD can check status of the student. If the Safety Timer is not deactivated before it expires, UPD is automatically provided with the user's Bobcat Guardian profile to proactively identify and check in on the individual.
- Safety Profile – Student-created Safety Profiles contain information such as residence details

and medical conditions. When a student requires assistance – on or off campus – student Safety Profiles are displayed to UPD and Smart911 enabled 911 centers nationwide.

Search for Rave Guardian in your App Store.

Crime Prevention Through Environmental Design

UPD's Crime Prevention Unit conducts security surveys of buildings throughout the year and monitors the campus to ensure that shrubbery, trees and other vegetation are properly trimmed.

The Crime Prevention Unit serves as a member of the Facilities Planning, Design and Construction Committee that discusses facility safety initiatives and personal safety concerns expressed by staff, students or law enforcement. The committee makes recommendations, resolves safety concerns and discusses options to improve safety when incidents are reported or observed.

The Crime Prevention Unit also conducts a semiannual survey of lighting on the entire campus. Officers check the adequacy of lighting near residence halls, parking lots, garages, pedestrian walkways and building exteriors.

UPD maintains a state-certified crime prevention specialist on staff who works closely with other offices on campus to review new campus construction and present recommendations to design teams in accordance with published safety and security guidelines.

Officers on routine patrols also report any lighting deficiencies and inoperable lights.

For more information or a complete list of our programs, contact the UPD Crime Prevention Unit at **512.245.8341** or **512.245.2890**.

Chat with the Chief and Coffee with Cops

The Texas State University Police Department (UPD) conducts two specialty programs, "Chat with the Chief" and "Coffee with Cops." These programs provide an opportunity for members of the University Police Department to interact with students, faculty and staff members on a one-on-one basis. UPD will provide information regarding the various outreach programs and initiatives that we offer to our university community.

Security Services

Security Services is the UPD unit responsible for ensuring all exterior doors at Texas State are secured after hours.

This unit employs non-commissioned security officers. The officers patrol in the San Marcos facilities and provide various other services, including building lock/unlock service, fire alarm response, motorist assistance and community escorts.

Bobcat Bobbies

Our student patrol, the Bobcat Bobbies, provides safety escorts on campus from dusk till dawn. For a safety escort, call the Bobbies at **512.245.SAFE**.

Emergency Telephones

UPD monitors 911 emergency call phones throughout campus that provide direct contact with the police dispatcher. These phones are to be used to report any crimes, fires or medical emergencies and to request emergency assistance.

The emergency phones are located in boxes topped with blue lights. Users push the call button and are automatically connected with the police. They should stay on the line, since the call also relays the location to the dispatcher. A police officer always will respond to the location of an activated telephone.

Do not use the call boxes or emergency phones for nonemergencies or to request a safety escort. Picking up the handset of one of these phones is the same as dialing 911.

Access Services

Access Services is responsible for providing electronic ID card and key access to all campus buildings. Access Services is responsible for the distribution of keys on campus. Access Services also maintains the university-wide video surveillance system and emergency telephones, as noted above.

Academic, administrative and most support buildings on campus are open to the campus community, guests and visitors during normal office hours. Each building has separate office and building hours depending on function and the services provided. Generally, business office hours are from 8 a.m. to 5 p.m. Monday-Friday.

Faculty, staff and student after-hour access to buildings is by key or electronic card access. Access to classrooms and office buildings for special events after normal business hours, on weekends and on holidays is coordinated with the various campus departments overseeing that particular area or event.

Access to residence halls is by electronic card access. Some residence hall lobbies are open to the public during the day when a residence hall staff worker is at the front desk. Residence

halls are locked after 6 p.m. Resident rooms are key locked and equipped with peepholes for additional security.

University Locksmith

Access Services is responsible for the university locksmiths who service locks and hardware related to locks on campus.

Electronic Alarm System

UPD monitors a comprehensive system of campus intrusion and fire alarms.

Criminal Investigation Division

UPD's Criminal Investigation Division (CID) conducts investigations with regard to all misdemeanors and felony offenses reported to UPD. Three investigators and a sergeant are assigned to this division, and each one is assigned individual cases. Investigators contact victims, interview suspects, examine physical evidence, execute search warrants, obtain arrest warrants and assist the district attorney's office in the prosecution of cases. Each investigator uses investigative methods, including crime scene search, intelligence gathering, evidence preservation, surveillance, electronic crime investigation and sexual assault investigation. CID is also responsible for the categorization, preservation and long-term storage of all evidence.

Missing Persons

Missing persons should be reported to the UPD or any university official immediately. Missing persons will be handled in accordance with UPD policy 08.02.01 ("Missing Person/Welfare Concern" on page 57) that states in summary that response to a reported missing child or person shall be in accordance with Texas Code of Criminal Procedures Chapter 63 (Missing Children and Missing Persons).

UPD shall comply with National Crime Information Center (NCIC) and Texas Law Enforcement Telecommunication System (TLETS) guidelines for entering missing persons and welfare concern messages; NCIC and TLETS guidelines are attached to UPD policy 08.02.01 ("Missing Person/Welfare Concern" on page 57). This agency holds that every person reported as missing will be considered at risk until information to the contrary is determined. There is no required waiting period for reporting a missing person. A person may be declared "missing" when his or her whereabouts are unknown and unexplainable for a period of time that is regarded by knowledgeable persons as highly unusual or suspicious in consideration of the subject's behavior patterns, plans or routines.

University officials will report such incidents as defined in UPPS 01.04.40 ("Reporting Criminal Offenses" on page 52), which sets forth university policy for reporting criminal offenses that result in a financial loss to the university or harm to visitors or members of the university.

In addition to registering an emergency contact, students residing in on-campus housing have the option to identify confidentially an individual to be contacted by Texas State in the event the student is determined to be missing for more than 24 hours (as provided by UPPS 01.04.05, "Student Right-to-Know and Campus Security Act of 1990" on page 44).

Texas State Crime Statistics

Since 1968, UPD has contributed to the U.S. Department of Justice Uniform Crime Report, administered by the FBI, and has made crime statistics available to interested parties.

Statistics for this report are compiled from university police reports, incidents reported to public law enforcement agencies where the university owns or controls property or where recognized student organizations reside, and from crimes reported in the FBI Uniform Crime Reports by UPD for the

last three calendar years. They are included on the following pages.

Comparing Crime Data

The data presented reflect the raw numbers for a large university and use the system of crime definitions required for the Uniform Crime Report. These definitions do not correspond to those established by state laws. In addition, state and local interpretations may vary in the categorization of some crimes.

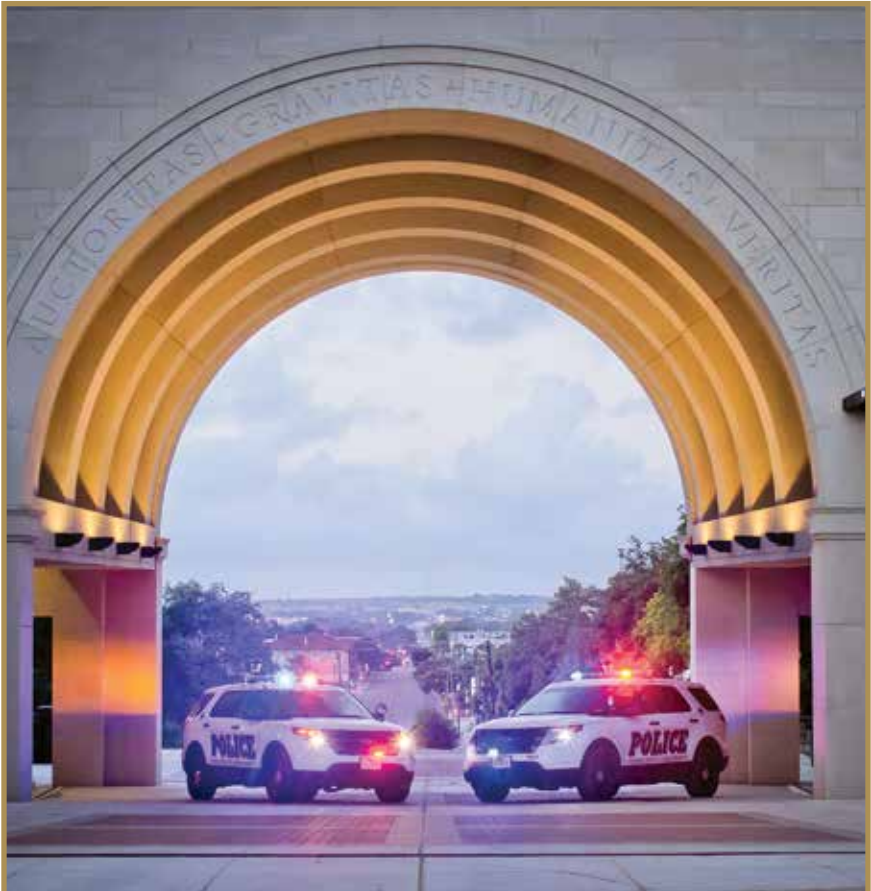
Thus, Texas State data should not be compared to data from other institutions without considering institutional demographics, including such factors as the size of the student populations, the numbers of students living on the campuses and the sizes of the communities in which the institutions are located.

Confidential Reporting

Members of the university community may make confidential reports to any campus security authority about any incidents in which they are the victims or that they have witnessed.

Their identities will not become part of the official police records system, but the statistic will be included in the annual report if the description represents a crime that is subject to reporting. In most cases, it will not be possible for officers to investigate confidential reports.

Pastoral and professional counselors are not required to report crimes brought to their attention as part of the counseling process. However, these counselors should encourage the official reporting of crimes brought to their attention so long as it does not compromise their counseling responsibilities.



Texas State University

Crime Statistics for 2015, 2016, 2017

Crimes Against Persons	Year	On Campus	Residential Facilities	On Campus Subtotal	Non-Campus	Public Property	Total For All Categories
Murder/Non-Negligent Manslaughter	2017	0	0	0	0	0	0
	2016	0	0	0	0	0	0
	2015	0	0	0	0	0	0
Negligent Manslaughter	2017	0	0	0	0	0	0
	2016	0	0	0	0	0	0
	2015	0	0	0	0	0	0
Sex Offenses – Rape	2017	0	0	0	1	0	1
	2016	2	4	6	1	0	7
	2015	0	0	0	1	0	1
Sex Offenses – Fondling	2017	3	2	5	0	0	5
	2016	0	0	0	0	0	0
	2015	0	2	2	0	0	2
Sex Offenses – Incest	2017	0	0	0	0	0	0
	2016	0	0	0	0	0	0
	2015	0	0	0	0	0	0
Sex Offenses – Statutory Rape	2017	0	0	0	0	0	0
	2016	0	0	0	0	0	0
	2015	0	0	0	0	0	0
Robbery	2017	1	1	2	0	0	2
	2016	0	0	0	1	0	1
	2015	4	0	4	1	0	5
Aggravated Assault	2017	1	0	1	0	0	1
	2016	0	0	0	0	0	0
	2015	1	0	1	0	0	1
Burglary	2017	12	5	17	0	0	17
	2016	17	8	25	0	0	25
	2015	2	14	16	5	0	21
Motor Vehicle Theft	2017	3	1	4	0	0	4
	2016	9	0	9	0	0	9
	2015	2	0	2	0	0	2
Arson	2017	0	0	0	0	0	0
	2016	1	0	1	0	0	1
	2015	0	0	0	0	0	0
Intimidation	2017	0	0	0	0	0	0
	2016	0	0	0	0	0	0
	2015	0	0	0	0	0	0
Theft	2017	120	12	132	5	3	140
	2016	109	1	110	1	14	125
	2015	0	0	0	0	0	0
Assault	2017	11	7	18	2	1	21
	2016	15	3	18	0	4	22
	2015	0	0	0	0	0	0
Destruction/Damage/Vandalism	2017	0	0	0	0	0	0
	2016	0	0	0	0	0	0
	2015	0	0	0	0	0	0

Arrests	Year	On Campus	Residential Facilities	On Campus Subtotal	Non-Campus	Public Property	Total For All Categories
Liquor Law Arrests	2017	79	18	97	66	33	196
	2016	19	4	23	4	12	39
	2015	55	29	84	15	28	127
Drug Law Arrests	2017	103	30	133	51	21	205
	2016	77	27	104	41	14	159
	2015	73	53	126	11	15	152
Weapons Law Arrests	2017	1	0	1	2	1	4
	2016	6	1	7	3	4	14
	2015	2	1	3	3	0	6
Referrals	Year	On Campus	Residential Facilities	On Campus Subtotal	Non-Campus	Public Property	Total For All Categories
Liquor Law Violations Referred for Disciplinary Action	2017	1	0	1	6	0	7
	2016	0	0	0	0	0	0
	2015	0	54	54	0	0	54
Drug Law Violations Referred for Disciplinary Action	2017	1	1	2	2	0	4
	2016	0	0	0	0	0	0
	2015	0	3	3	0	0	3
Weapons Law Violations Referred for Disciplinary Action	2017	0	0	0	0	0	0
	2016	0	0	0	0	0	0
	2015	0	1	1	0	0	1
Offense	Year	On Campus	Residential Facilities	On Campus Subtotal	Non-Campus	Public Property	Total For All Categories
Domestic (Family) Violence*	2017	15	0	0	0	0	0
	2016	0	3	3	0	0	3
	2015	1	1	2	0	0	2
Dating Violence	2017	0	0	0	0	0	0
	2016	2	0	2	0	0	2
	2015	2	1	3	0	0	3
Stalking	2017	0	0	0	0	0	0
	2016	3	0	3	0	0	3
	2015	5	0	5	0	0	5

Note: The crime statistics reflect guidance from *The Handbook for Campus Safety and Security Reporting, 2011*. The 2016 crime statistics reflect the updated 2016 Edition of the Handbook.

Hate Crimes:

2017: None
2016: None
2015: None

Unfounded:

2015:
1-Sexual Assault
1-Motor Vehicle Theft

Offenses Reported to Law Enforcement or Other Campus Security Authorities and Not to UPD

Crimes Against Persons	2017	2016	2015
Murder/Non-Negligent Manslaughter	0	0	0
Negligent Manslaughter	0	0	0
Sex Offenses – Rape	0	1	0
Sex Offenses – Fondling	0	0	0
Sex Offenses – Incest	0	0	0
Sex Offenses – Statutory Rape	0	0	0
Robbery	0	0	0
Aggravated Assault	0	0	0
Burglary	0	0	0
Motor Vehicle Theft	0	0	0
Arson	0	0	0
Other Offenses	2017	2016	2015
Liquor Law Arrests	0	0	0
Drug Law Arrests	0	0	0
Weapons Law Arrests	0	0	0
Domestic (Family) Violence	0	0	0
Dating Violence	0	0	0
Stalking	0	0	0



Campus Security Authority Reports

Occasionally, crimes are reported to campus security authorities other than UPD.

The reports represent descriptions of events provided to civilian employees of the institution who are not trained in criminal investigation or crime classification.

Since UPD officers do not have the opportunity to interview the reporting parties, the crime classification provided in this section of the report cannot be verified as accurate.

The campus security authorities and their assistants are charged with the daily responsibility of reporting to UPD any crimes covered by the act that were reported to them that they believe have not been reported to UPD or local authorities. The campus security authorities will advise the victim reporting the incident that their personal information will be confidential to the extent provided by law. Also the crime/incident will be reported for statistical purposes only.

Interagency Cooperation

UPD cooperates with the San Marcos Police Department, Round Rock Police Department, Hays County Sheriff's Office, Williamson County Sheriff's Office, Alamo Community College Police Department and other local police agencies and local courts to monitor and record off-campus crime involving members of the university community. The San Marcos Police Department forwards the police reports that involve students and employees to UPD. Reports that involve drug abuse are forwarded to the Office of Student Justice or to the appropriate supervisor of an employee.

Internal Cooperation

The following officials are designated as "campus security authorities" pursuant to the provisions of the Crime Awareness Act:

• Vice President for Student Affairs	512.245.2152
• Dean of Students	512.245.2124
• Director of Housing and Residential Life	512.245.4663
• Assistant Dean of Students, Greek Affairs	512.245.5646
• Associate Director Student Involvement	512.245.3219
• Director of Athletics and Coaches	512.245.2963
• Associate Athletics Director-Internal Operations/SWA	512.245.2114
• Compliance Coordinator-Athletics	512.245.8322
• Assistant Dean of Students, Student Justice	512.245.2124
• Director of LBJ Student Center	512.245.3459
• Director of Student Health Center	512.245.2161
• Assistant Vice President, Human Resources	512.245.2557
• University Ombudsperson	512.245.2124
• Title IX Coordinator	512.245.2539
• Director, Round Rock Campus	512.716.4422
• Director and Professor, St. David's School of Nursing	512.716.2900
• Associate VP for Academic Affairs	512.245.1217

These individuals and their assistants are charged with the daily responsibility of reporting to UPD any crimes covered by the act that were reported to them that they believe have not been reported to UPD or local authorities.

Texas State On-Campus Alcohol Guidelines for Sanctions

Sanctions may be increased based on the severity of the behavior.

Individual behavior(s)	First offense	Second offense	Third offense
Under age 21 possession and/or consumption	<ul style="list-style-type: none"> • Alcohol education • Disciplinary probation • Parent notification 	<ul style="list-style-type: none"> • Deferred suspension from the university • Alcohol education • Parent notification 	<ul style="list-style-type: none"> • Suspension from the university
Possession/consumption in alcohol-free zone, includes DUI	<ul style="list-style-type: none"> • Alcohol education • Disciplinary probation • Parent notification, if under 21 	<ul style="list-style-type: none"> • Deferred suspension from the university • Alcohol education • Parent notification, if under 21 	<ul style="list-style-type: none"> • Suspension from the university
Hosting a party involving the illegal use of alcohol or making alcohol available to minors	<ul style="list-style-type: none"> • Alcohol education • Disciplinary probation • Parent notification, if under 21 	<ul style="list-style-type: none"> • Deferred suspension from the university • Alcohol education • Parent notification, if under 21 	<ul style="list-style-type: none"> • Suspension from the university
Public intoxication	<ul style="list-style-type: none"> • Alcohol education • Disciplinary probation • Parent notification, if under 21 	<ul style="list-style-type: none"> • Deferred suspension from the university • Alcohol education • Parent notification, if under 21 	<ul style="list-style-type: none"> • Suspension from the university
Driving while intoxicated	<ul style="list-style-type: none"> • Alcohol education • Deferred suspension from the university • Parent notification, if under 21 	<ul style="list-style-type: none"> • Suspension from the university 	<ul style="list-style-type: none"> • Expulsion from the university
Property damage while under the influence of alcohol	<ul style="list-style-type: none"> • Alcohol education • Full restitution for any university property damaged • Deferred suspension from the university • Parent notification, if under 21 	<ul style="list-style-type: none"> • Suspension from the university 	<ul style="list-style-type: none"> • Expulsion from the university
Endangering self and/or others while under the influence of alcohol	<ul style="list-style-type: none"> • Alcohol education • Deferred suspension from the university • Parent notification, if under 21 	<ul style="list-style-type: none"> • Suspension from the university 	<ul style="list-style-type: none"> • Expulsion from the university

Drug and Alcohol Policies

As a member of The Texas State University System, Texas State University is governed by the alcohol and drug policies established by the Board of Regents. In addition to those policies governing the possession, consumption and other uses of alcohol and drugs by students, university policy prohibits the unlawful manufacture, distribution, dispensation, possession or use of any controlled substances in university workplaces. University employees who violate this prohibition are subject to disciplinary action, including termination.

The university reserves the right to disclose to a parent or legal guardian of a student information regarding any violation of any federal, state or local law, or any rule or policy of the institution governing the use or possession of alcohol or a controlled substance, regardless of whether that information is contained in the student's record, if the student is under the age of 21.

Drug Policies

At Texas State University, it is illegal to possess, use, sell or distribute any quantity, whether usable or not, of any drug, narcotic or controlled substance. A student who, by a preponderance of the evidence under these rules and regulations, is found to have illegally possessed, used, sold or distributed any drug, narcotic or controlled substance, whether the infraction is found to have occurred on or off campus, shall be subject to discipline, ranging from participation in mandatory university-approved educational programs to expulsion.

Mitigating or aggravating factors in assessing the proper level of discipline shall include, but not be limited to, the student's motive for engaging in the behavior; disciplinary history; effect of the behavior on safety and security of the university or college community; and the likelihood that the behavior will recur. A student who has been suspended, dismissed, probated or expelled from Texas State University or any system component shall be ineligible to enroll at any other system component during the applicable period of discipline. The registrar of each campus component is authorized to make an appropriate notation on the student's transcript to accomplish this objective and to remove the notation when the student's disciplinary record has been cleared. *A second infraction for a drug-related offense shall result in permanent expulsion from the component and from all other institutions in The Texas State University System.* The Drug-Free Schools and Communities Act can be found at this link: [txstate.edu/effective/UPPS/UPPS-04-04-48.html](https://www.txstate.edu/effective/UPPS/UPPS-04-04-48.html). For the full policy, see page 53.

Alcohol Policies

Texas State University shall not sell, serve or permit the sale, service or consumption of alcohol on campus, except in special-use buildings or facilities designated by the president. University residence halls are all designated as alcohol-free, and no alcohol may be possessed or consumed in those facilities.

Students aged 21 years or older who reside in university-owned and operated apartments may possess and consume alcohol; however, students who are permitted to possess or consume may not share or provide alcohol to students or other persons who are under 21 years of age. Students who violate these policies may be subject to a range of discipline.

Other illegal acts commonly associated with alcohol include public intoxication, driving while intoxicated, providing alcohol to a minor and minor in possession of alcohol. Violations of these laws subject students to disciplinary actions. Guidelines have been established for sanctions imposed on students who violate Texas State's alcohol policy. All students living in the residence halls sign an understanding of these guidelines. The Alcoholic Beverage Policy and Procedure can be found at this link: [txstate.edu/effective/UPPS/UPPS-05-03-03.html](https://www.txstate.edu/effective/UPPS/UPPS-05-03-03.html). For the full policy, see page 54.

Health Risks of Alcohol and Other Drugs

Alcohol

Alcohol consumption causes a number of marked changes in behavior. Even low doses significantly impair the judgment and coordination required to drive a car safely. Low to moderate doses of alcohol also increase the incidence of a variety of aggressive acts. Moderate to high doses of alcohol cause marked impairments in higher mental functions, severely altering a person's ability to learn and remember information. Very high doses cause respiratory depression and death. Like very high doses, sudden cessation of alcohol intake is likely to produce withdrawal symptoms including severe anxiety, tremors, hallucinations and convulsions. Alcohol withdrawal can be life threatening. Long-term consumption of large quantities of alcohol can also lead to permanent damage to vital organs such as the brain and the liver. Females who drink alcohol during pregnancy may give birth to infants with fetal alcohol syndrome (physical abnormalities and mental retardation). In addition, research indicates that children of alcoholic parents are at greater risk than other children of becoming alcoholics.

Tobacco (Nicotine)

The smoking of tobacco products is a major, avoidable cause of death in our society. Smokers are more likely than nonsmokers to contract heart disease. Cancer is strongly linked to smoking. Chronic obstructive lung diseases such as emphysema and chronic bronchitis are 10 times more likely to occur among smokers than among nonsmokers. Smoking during pregnancy poses serious risks to infants. The most dangerous substance in tobacco is nicotine. Because nicotine is highly addictive, smokers find it very difficult to stop smoking.

Designer Drugs

Illegal drugs are defined in terms of their chemical formulas. To circumvent these legal restrictions, underground chemists modify the molecular structure of certain illegal drugs to produce analogs known as designer drugs. These drugs can be several hundred times stronger than the drugs they are designed to imitate. Many of the so-called designer drugs are related to amphetamines (MDMA, X).

Bootleg manufacture creates overdose and contamination risks. These substances can produce severe neurochemical damage to the brain. The narcotic analogs can cause symptoms such as those seen in Parkinson's disease: uncontrollable tremors, drooling, impaired speech, paralysis, and irreversible brain damage. Analogs of amphetamines and methamphetamines cause nausea, blurred vision, chills or sweating, and faintness. Psychological effects include anxiety, depression and paranoia. As little as one dose can cause brain damage. The analogs of phencyclidine cause hallucinations and impaired perception.

Cocaine

Cocaine stimulates the central nervous system. The use of cocaine can cause death by cardiac arrest or respiratory failure. Its immediate effects include dilated pupils and elevated blood pressure, heart rate, respiratory rate and body temperature. Occasional use can cause a stuffy or runny nose, while chronic use can ulcerate the mucous membrane of the nose. Cocaine can produce psychological and physical dependency, a feeling that the user cannot function without the drug. In addition, tolerance develops rapidly. Crack or free base rock is extremely addictive, and its effects are felt within 10 seconds. The physical effects include dilated pupils, increased pulse rate, elevated blood pressure, insomnia, loss of appetite, tactile hallucination, paranoia and seizures.

Amphetamines

Amphetamine use causes increased heart and respiratory rates, elevated blood pressure and dilated pupils. Large doses cause rapid or irregular heartbeat, tremors and physical collapse. An amphetamine injection creates a sudden increase in blood pressure that can result in stroke, high fever and heart failure. An individual using amphetamines might begin to lose weight, have periods of excessive sweating, and appear restless, anxious, moody and unable to focus. Extended use may produce psychosis, including hallucinations, delusions and paranoia.

Marijuana

Marijuana use leads to a substantial increase in heart rate. It impairs or reduces short-term memory and comprehension, and motivation and cognition are altered. With extended use it can produce paranoia and psychosis. Smoking marijuana damages the lungs and pulmonary system. Marijuana contains more cancer-causing agents than tobacco. It also lowers male sex hormones, suppresses ovulation, and causes changes in the menstrual cycle and possibly causes birth defects. Someone who uses marijuana may have bloodshot eyes, dry mouth and throat, a poor sense of timing and increased appetite.

Anabolic Steroids

Anabolic steroids are a group of powerful compounds closely related to the male sex hormone testosterone. Steroid users subject themselves to more than 70 side effects ranging in severity from liver cancer to acne and including psychological as well as physical reactions. The liver and the cardiovascular and reproductive systems are most seriously affected by steroid use. In males, use can cause withered testicles, sterility and impotence. In females, irreversible masculine traits can develop along with breast reduction and sterility. Psychological effects include very aggressive behavior known as “roid rage” and depression. While some side effects appear quickly, others, such as heart attacks and strokes, may not show up for years.

Hallucinogens

Lysergic acid (LSD), mescaline and psilocybin (mushrooms) cause hallucinations. The physical effects may include dilated pupils, elevated body temperature, increased heart rate and blood pressure, loss of appetite, sleeplessness and tremors. Sensations and feelings may change rapidly. It is common to have bad psychological reactions to LSD, mescaline and psilocybin. The user may experience panic, confusion, suspicion, anxiety and loss of control. Delayed effects or flashbacks can occur even after use has ceased. Users of PCP report persistent memory problems and speech difficulties. Some of these effects may last six months to a year following prolonged daily use. Mood disorders – depression, anxiety and violent behavior – also occur. In later stages of chronic use, users often exhibit paranoid and violent behavior. Large doses may

produce convulsions and coma, as well as heart and lung failure.

Barbiturates

In small doses, barbiturates produce calmness, relaxed muscles and lowered anxiety. Larger doses cause slurred speech, staggering gait and altered perception. Very large doses taken in combination with other central nervous system depressants (e.g., alcohol) cause respiratory depressions, coma and sometimes death. A person who uses barbiturates may have poor muscle control, appear drowsy or drunk, become confused, irritable and inattentive or have slowed reactions.

Narcotics

Narcotics initially produce a feeling of euphoria that often is followed by drowsiness, nausea and vomiting. Users may also experience constricted pupils, watery eyes and itching. An overdose may produce slow and shallow breathing, clammy skin, convulsions, coma and possible death. Tolerance to narcotics develops rapidly and dependence is likely. The use of contaminated syringes may result in diseases such as AIDS, enocarditis and hepatitis. Addiction in pregnant women can lead to premature, stillborn or addicted infants who experience severe withdrawal symptoms.

Depressants

The effects of depressants are, in many ways, similar to the effects of alcohol. Small amounts can produce calmness and relaxed muscles, but somewhat larger doses can cause slurred speech, staggering gait and altered perception. Large doses can cause respiratory depression, coma and death. The combination of depressants and alcohol can multiply the effects of the drugs, thereby multiplying the risks. The use of depressants can cause both physical and psychological dependence. Regular use over time may result in a tolerance to the drug, leading the user to increase the quantity consumed. When regular users suddenly stop taking large doses, they may develop withdrawal symptoms ranging from restlessness, insomnia and anxiety to convulsions and death.

Inhalants

The immediate negative effects of inhalants include nausea, sneezing, coughing, nosebleeds,

fatigue, lack of coordination and loss of appetite. Solvents and aerosol sprays also decrease the heart and respiratory rates and impair judgment. Amyl and Butyl nitrite cause rapid pulse, headaches and involuntary passing of urine and feces. Long-term use may result in hepatitis or brain damage. Deeply inhaling the vapors, or using large amounts over a short time, may result in disorientation, violent behavior,

unconsciousness or death. High concentrations of inhalants can cause suffocation by displacing the oxygen in the lungs or by depressing the central nervous system to the point that breathing stops. Long-term use can cause weight loss, fatigue, electrolyte imbalance and muscle fatigue. Repeated sniffing of concentrated vapors over time can permanently damage the nervous system.

Services Offered on Campus

Counseling Center

LBJ Student Center 5-4.1
512.245.2208

The Counseling Center advises students who are victims of crimes and/or have personal issues related to their own or someone else's alcohol abuse and drug use. The staff also can provide referrals to students for community services. All Counseling Center services to students are covered by their student fees.

Texas State Student Health Center

Tomás Rivera Drive
512.245.2161 – *Appointments*
512.245.2161 – *Clinic*
512.245.3590 – *Pharmacy*

The Student Health Center provides medical assessment and referral services to students who are victims of crimes and referral services for students with alcohol and other drug-related problems.

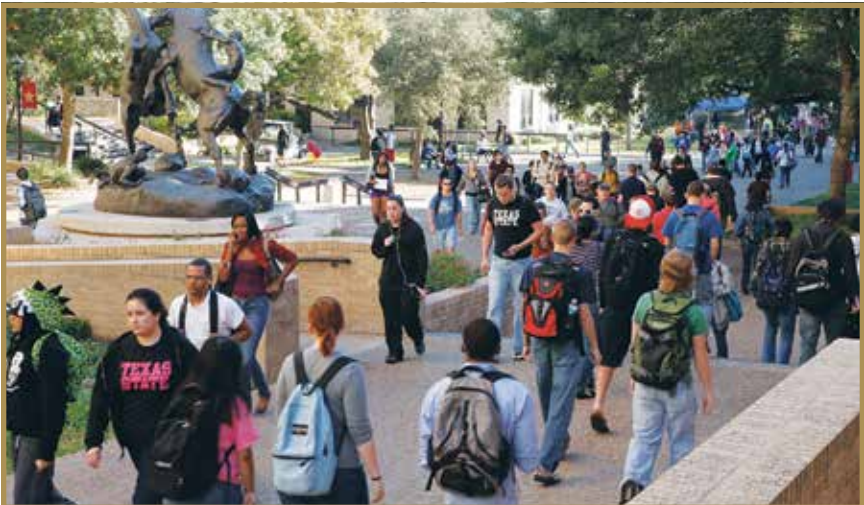
Dean of Students

LBJ Student Center 5-9.1
512.245.2124

dos.txstate.edu

The Dean of Students Office (DOS) strives to set standards of excellence in the delivery of student services and to foster a welcoming environment that is inclusive, safe and conducive to learning.

The DOS advises, mediates and conducts judicial reviews. In addition, the office educates and supports student leaders, student organizations and individual students. The department includes Student Justice, Student Government, the Attorney for Students, Alcohol and Drug Compliance Services, the Leadership Institute, Emergency Services and Greek Affairs.



Human Resources

*J.C. Kellam Building, Suite 340
512.245.2557*

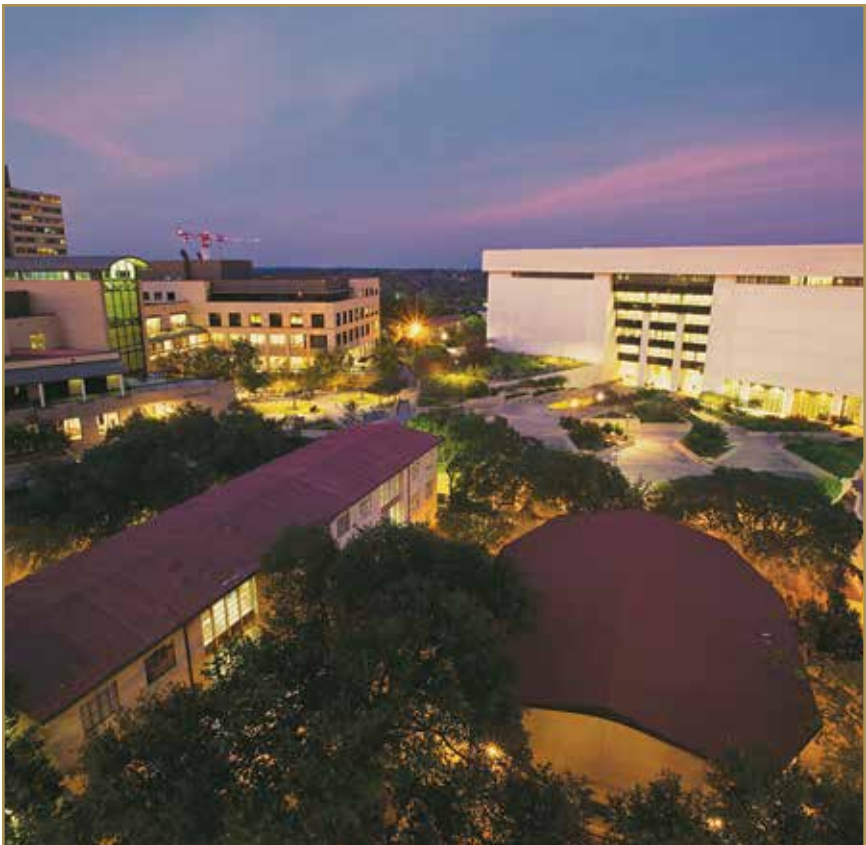
Human Resources provides employee relations services to staff to assist them in resolving personnel issues. In addition, Human Resources is a primary or secondary reviewer of university policies pertaining to a drug-free workplace, pre-employment drug testing and grievance and complaint procedures.

Human Resources offers a Work Life and Employee Assistance Program (EAP) called Bobcat Balance for employees and their household members. Through the EAP, a counselor will work with the employee to identify and provide assessment and will assist the employee in resolving a problem within the available EAP visits or make recommendations for appropriate treatment in response to any unique needs. For an appointment, call

855.884.7224 or go to worklife.txstate.edu. A complaint of sexual misconduct may be brought to the Human Resources Department, which will promptly inform the Title IX Coordinator of the complaint. An individual may report alleged sexual misconduct to a Responsible Employee. A faculty or staff member with any knowledge (including firsthand observation) about a known or suspected incident of sexual misconduct must report the incident to the University Police Department or the Title IX Coordinator. No employee is authorized to investigate or resolve complaints without the involvement of the Title IX Coordinator.

Human Resources also provides local crime statistics on its main web page.

University policies can be accessed at: policies.txstate.edu/university-policies, and information pertaining to the Student Right to Know and Campus Security Act can be found at: hr.txstate.edu.



Compliance with Policies and Laws

Each Texas State student should be familiar with all published university policies. Copies are available for review in the Alkek Library at the Reserve Desk.

The university holds each student responsible for compliance with these published policies. A violation that occurs off campus during a university-sponsored program may be treated the same as if it occurred on campus.

Students also are expected to comply with all federal, state and local laws; any student who violates any provision of those laws is subject to disciplinary action in addition to any action taken by civil authorities because of the violation. This principle extends to conduct off campus that is likely to have an adverse effect on the university or the educational process.

All sanctions are cumulative. Students who have previous Code of Conduct violations, including alcohol policy violations, may receive increased sanctions. Sanctions may also be increased based on the severity of the behavior.

The university reserves the right to communicate with parents at any time deemed necessary in cases of alcohol or drug use or abuse by students younger than 21.



Sexual Violence and Sexual Harassment Programs and Reporting Procedures

Texas State provides educational programs and services to prevent sexual assault and/or assist victims of these crimes.

Sex Offender Registration

In compliance with state and federal law, information on registered sex offenders may be obtained through the Texas Public Sex Offender Registry information at: <https://records.txdps.state.tx.us/SexOffenderRegistry>.

Educational Prevention and Awareness Programs

During the academic year, the Counseling Center, the Healthy Cats and Men Against Violence, the Student Health Center, the Dean of Students Office, Housing and Residential Life, and UPD conduct educational programs to promote awareness of rape, acquaintance rape and other sexual offenses. UPD's Crime Prevention Unit provides comprehensive personal safety programs about sexual assault that address prevention, reporting, preservation of evidence, self-defense and special services to assist and protect victims.

Health Promotions Awareness programs:
healthcenter.txstate.edu/healthycats

Krav Maga Self-Defense

Hebrew for "contact combat," Krav Maga focuses on sharpening natural instincts and applying them to lifelike training scenarios. Texas State's Krav Maga training center and instructors are certified by the Krav Maga Alliance to provide the best Krav Maga training available.

This free self-defense course is open to all Texas State students, faculty and staff who would like to improve their basic self-defense skills. Texas State Krav Maga training includes a lecture portion to enhance awareness of surroundings and avoidance of dangerous situations, as well as physical training in specific defensive maneuvers. Learn more at police.txstate.edu/KravMaga or email kravmaga@txstate.edu.

Reporting Procedures

Texas State University has procedures in place that serve to be sensitive to those who report sexual assault, family (domestic) violence, dating violence, stalking, sexual exploitation, sexual harassment and sexual intimidation, including informing individuals about their right to file criminal charges as well as the availability of counseling, medical care, mental health, victim advocacy, legal assistance, visa and immigration assistance and other services on and/or off campus as well as additional remedies to prevent contact between a complainant and an accused party, such as housing, academic, transportation and working accommodations, if reasonably available. The university will make such accommodations, if the victim requests them

and if they are reasonably available, regardless of whether the victim chooses to report the crime to the University Police Department or local law enforcement.

The U.S. Department of Education and the Office for Civil Rights emphasize the importance of providing all students with an educational environment free of sexual violence, sexual assault, discrimination and harassment. Title IX of the Education Amendments prohibits discrimination on the basis of sex (gender) in education programs or activities. All violations of this act involving faculty, staff and students should also be referred to the Title IX Coordinator in the Office of Equity and Access at **512.245.2539**. For a complete copy of the Texas State University System Sexual Misconduct Policy and Procedures go to txstate.edu/oea/related-policies/Sexual-Misconduct-Policy.html

If you are the victim of sexual assault, sexual violence, domestic (family) violence, dating violence, stalking, sexual exploitation, sexual harassment, sexual intimidation or any other sexual offense, or if you witness such a crime



in progress, call 911 immediately. The police dispatcher will notify the appropriate law enforcement agency and will dispatch an officer to the scene immediately.

The victim should not shower or bathe until examined by a sexual assault nurse examiner. All clothing or other items on which the perpetrator's biological evidence may be found should be retained as potential evidence. After calling 911, do not disturb the crime scene while you await the arrival of the police. The officer will take the initial report and will collect evidence.

The officer will advise the victim, regardless of gender, that an advocate from the Hays-Caldwell Women's Center (**512.396.4357**) or Hope Alliance (**512.255.1212**) may be assigned by request to provide support and assistance throughout the investigation. The advocate also may accompany the victim to the hospital for medical examination and treatment.

The sexual assault victim may use a pseudonym (fictitious name and address) to maintain confidentiality. If the victim presses charges, UPD will conduct a thorough investigation. Courtroom testimony may be required if the case goes to trial.

The university provides assistance in changing academic schedules and on-campus living situations after an alleged sexual offense if requested by the victim and if accommodations are reasonably available. Assistance with transportation on campus is the Bobcat Tram System or the Bobcat Bobbies safety escort [call **512.245.7233 (SAFE)**]. Off campus, contact Capital Area Rural Transportation System at **512.805.7433**. If assistance is needed for a visa (for non-immigrant visa holding students), you may contact Texas State University International Office at **512.245.7966**. For immigration questions, visit **uscis.gov**.

Policies and procedures regarding campus disciplinary proceedings for students are described in the Texas State Student Handbook, which is available in print and online at **dos.txstate.edu/handbook**. The Faculty Handbook and the Staff Handbook contain procedures for disciplinary actions applied to faculty and staff employees.

The accused and the accuser are entitled to the same opportunities to have others present during a campus disciplinary proceeding, and both will be informed of the outcome of such proceedings. For additional information regarding disciplinary proceedings or information, reference the Sexual Misconduct Policy at this link: **txstate.edu/oea/Sexual-Misconduct--Title-IX-**

Responsible employees are required to report all instances of sexual misconduct at the following link: **tim.txstate.edu/sexualmisconductwebline/**

Annual Fire Safety Reporting for Department of Housing and Residential Life

Each eligible institution ... that maintains on-campus student housing facilities shall, on an annual basis, publish a fire safety report, which shall contain fire safety practices and standards of that institution. — The Clery Act

Texas State University has traditional rooms, suites, super suites and apartments.

- A traditional room is a double-occupancy bedroom with community-style bathrooms.
- A suite is a double- or triple-occupancy bedroom with a private or semiprivate bathroom connected to the rooms.
- A super suite is a single- or double-occupancy bedroom with a living area and shared bathroom connected to the rooms.
- An apartment has private bedroom(s), bathroom, living room and kitchen.

All Texas State University housing meets the NFPA 101 (Life Safety Code). In case of emergency, notification is made through public address systems (fire alarm monitoring and all-weather alerts), programmable message boards, email and text messaging alerts, reverse 911 systems and the Texas State website.

Texas State University housing has smoke detectors, 24-hour fire alarm monitoring by UPD, sprinkler systems, fire extinguishers and posted emergency evacuation plans. Each student receives, upon check-in, the emergency plans and policies. The fire safety policies for housing include:

- Electrical outlets will not be overloaded.
- Extension cords will not be used to create additional outlets.
- Surge protectors should be used on all electrical devices.

Prohibited activities in Texas State housing include the burning of incense, candles, Sterno, kerosene or oil lamps, or similar flammable materials. The use of hot plates, halogen bulbs, microwaves, matches or lighters is prohibited, even during the loss of electrical power. Petroleum fuel, motorized vehicles, gasoline-fueled machinery and any explosive device or material is not allowed. Butane, oil and similar solid, liquid or gas flammables are prohibited.



Fire Drills

Any time the fire alarm sounds in a building, residents must evacuate the building immediately. Staff will inform residents when it is safe to re-enter. Failure to evacuate may result in civil and university charges including jail time, fines, community service and expulsion.

Smoking is prohibited on all property owned or controlled by Texas State University.

Fire safety training occurs each semester for hall directors and resident assistants. This training includes hands-on fire extinguisher training, smokehouse training to simulate evacuations with limited visibility and explanations of some of the causes of fires in housing. Throughout the year, hall directors and resident assistants conduct training to inform occupants of policies and procedures.

Fire drills are conducted at the beginning of each semester for all residents of traditional rooms, suites and super suites.

If a fire should occur in a residence hall, the person finding the fire is to call 911 and pull the fire alarm pull station to evacuate the building. UPD will respond with the local fire department.

Fire Reports

2017

- Jones Dining - Fire 1/25/2017 20:30
- San Marcos Hall - Dryer fire 2/10/2017 12:08
- Alkek loading North Dock - Dumpster Fire 9/11/2017 23:05

2016

- San Marcos Hall - Fire 06/03/2016 18:00

2015

- No fires reported.

Fire pumps are inspected monthly by the Mechanical Group. The Texas State fire marshal conducts a full inspection of all housing every two years.

The Department of Housing and Residential Life performs annual and monthly inspections. A licensed third party conducts the annual inspection, and the monthly inspections are conducted by resident assistants and submitted to Department of Environmental Health and Safety.



Texas State Residence Hall Fire Safety 2015

Texas State Residence Halls	Fire Alarm Monitoring Done on Site (by UPD)	Standpipe Only	Full Sprinkler System	Smoke Detection	Fire Extinguishers	Evacuation on Plans/Placards	Number of Evacuation Fire Drills Each Academic Year
Arnold Hall A	X			X	X	X	2
Arnold Hall B	X			X	X	X	2
Arnold Hall C	X			X	X	X	2
Beretta Hall	X		X	X	X	X	2
Bexar Hall	X			X	X	X	2
Blanco Hall	X	X		X	X	X	2
Brogdon Hall	X		X	X	X	X	2
Burleson Hall	X			X	X	X	2
Butler Hall	X			X	X	X	2
Chautauqua Hall	X		X	X	X	X	2
College Inn	X		X	X	X	X	2
Elliott Hall A	X			X	X	X	2
Elliott Hall B	X			X	X	X	2
Falls Hall	X		X	X	X	X	2
Gaillardia Hall	X		X	X	X	X	2
Hornsby Hall	X			X	X	X	2
Jackson Hall	X		X	X	X	X	2
Lantana Hall	X			X	X	X	2
Laurel Hall	X		X	X	X	X	2
Retama Hall	X			X	X	X	2
San Jacinto Hall	X		X	X	X	X	2
San Marcos Hall	X		X	X	X	X	2
Sayers Hall	X		X	X	X	X	2
Smith Hall 1	X			X	X	X	2
Smith Hall 2	X			X	X	X	2
Smith Hall 3	X			X	X	X	2
Sterry Hall	X			X	X	X	2
Tower Hall	X		X	X	X	X	2

Texas State Residence Hall Fire Statistics 2015

Texas State Residence Halls	Total Fires in Each Building	Cause of Fire	Injuries Requiring Treatment	Fire-Related Deaths	Value of Property Damage
Arnold Hall	0	0	0	0	0
Beretta Hall	0	0	0	0	0
Bexar Hall	0	0	0	0	0
Blanco Hall	0	0	0	0	0
Brogdon Hall	0	0	0	0	0
Burleson Hall	0	0	0	0	0
Butler Hall	0	0	0	0	0
Chautauqua Hall	0	0	0	0	0
College Inn	0	0	0	0	0
Elliott Hall	0	0	0	0	0
Falls Hall	0	0	0	0	0
Gaillardia Hall	0	0	0	0	0
Hornsby Hall	0	0	0	0	0
Jackson Hall	0	0	0	0	0
Lantana Hall	0	0	0	0	0
Laurel Hall	0	0	0	0	0
Retama Hall	0	0	0	0	0
San Jacinto Hall	0	0	0	0	0
San Marcos Hall	0	0	0	0	0
Sayers Hall	0	0	0	0	0
Smith Hall	0	0	0	0	0
Sterry Hall	0	0	0	0	0
Tower Hall	0	0	0	0	0

Texas State Residence Hall Fire Safety 2016

Texas State Residence Halls	Fire Alarm Monitoring Done on Site (by UPD)	Standpipe Only	Full Sprinkler System	Smoke Detection	Fire Extinguishers	Evacuation on Plans/Placards	Number of Evacuation Fire Drills Each Academic Year
Angelina Hall	X		X	X	X	X	2
Arnold Hall A	X			X	X	X	2
Arnold Hall B	X			X	X	X	2
Arnold Hall C	X			X	X	X	2
Beretta Hall	X		X	X	X	X	2
Bexar Hall	X			X	X	X	2
Blanco Hall	X	X		X	X	X	2
Brogdon Hall	X		X	X	X	X	2
Burleson Hall	X			X	X	X	2
Butler Hall	X			X	X	X	2
Chautauqua Hall	X		X	X	X	X	2
College Inn	X		X	X	X	X	2
Elliott Hall A	X			X	X	X	2
Elliott Hall B	X			X	X	X	2
Falls Hall	X		X	X	X	X	2
Gaillardia Hall	X		X	X	X	X	2
Hornsby Hall	X			X	X	X	2
Jackson Hall	X		X	X	X	X	2
Lantana Hall	X			X	X	X	2
Laurel Hall	X		X	X	X	X	2
Retama Hall	X			X	X	X	2
San Gabriel Hall	X		X	X	X	X	2
San Jacinto Hall	X		X	X	X	X	2
San Marcos Hall	X		X	X	X	X	2
Sayers Hall	X		X	X	X	X	2
Smith Hall 1	X			X	X	X	2
Smith Hall 2	X			X	X	X	2
Smith Hall 3	X			X	X	X	2
Sterry Hall	X			X	X	X	2
Tower Hall	X		X	X	X	X	2

Texas State Residence Hall Fire Statistics 2016

Texas State Residence Halls	Total Fires in Each Building	Cause of Fire	Injuries Requiring Treatment	Fire-Related Deaths	Value of Property Damage
Angelina Hall	0	0	0	0	0
Arnold Hall	0	0	0	0	0
Beretta Hall	0	0	0	0	0
Bexar Hall	0	0	0	0	0
Blanco Hall	0	0	0	0	0
Bobcat Village	0	0	0	0	0
Brogdon Hall	0	0	0	0	0
Burleson Hall	0	0	0	0	0
Butler Hall	0	0	0	0	0
Chautauqua Hall	0	0	0	0	0
College Inn	0	0	0	0	0
Elliott Hall	0	0	0	0	0
Falls Hall	0	0	0	0	0
Gaillardia Hall	0	0	0	0	0
Hornsby Hall	0	0	0	0	0
Jackson Hall	0	0	0	0	0
Lantana Hall	0	0	0	0	0
Laurel Hall	0	0	0	0	0
Retama Hall	0	0	0	0	0
San Gabriel Hall	0	0	0	0	0
San Jacinto Hall	0	0	0	0	0
San Marcos Hall	1	*	0	0	0
Sayers Hall	0	0	0	0	0
Smith Hall	0	0	0	0	0
Sterry Hall	0	0	0	0	0
Tower Hall	0	0	0	0	0

*Appliance fire

Texas State Residence Hall Fire Safety 2017

Texas State Residence Halls	Fire Alarm Monitoring Done on Site (by UPD)	Standpipe Only	Full Sprinkler System	Smoke Detection	Fire Extinguishers	Evacuation on Plans/Placards	Number of Evacuation Fire Drills Each Academic Year
Angelina Hall	X		X	X	X	X	2
Arnold Hall A	X			X	X	X	2
Arnold Hall B	X			X	X	X	2
Arnold Hall C	X			X	X	X	2
Beretta Hall	X		X	X	X	X	2
Bexar Hall	X			X	X	X	2
Blanco Hall	X	X		X	X	X	2
Brogdon Hall	X		X	X	X	X	2
Burleson Hall	X			X	X	X	2
Butler Hall	X			X	X	X	2
Chautauqua Hall	X		X	X	X	X	2
College Inn	X		X	X	X	X	2
Elliott Hall A	X			X	X	X	2
Elliott Hall B	X			X	X	X	2
Falls Hall	X		X	X	X	X	2
Gaillardia Hall	X		X	X	X	X	2
Hornsby Hall	X			X	X	X	2
Jackson Hall	X		X	X	X	X	2
Lantana Hall	X			X	X	X	2
Laurel Hall	X		X	X	X	X	2
Retama Hall	X			X	X	X	2
San Gabriel Hall	X		X	X	X	X	2
San Jacinto Hall	X		X	X	X	X	2
San Marcos Hall	X		X	X	X	X	2
Sayers Hall	X		X	X	X	X	2
Smith Hall 1	X			X	X	X	2
Smith Hall 2	X			X	X	X	2
Smith Hall 3	X			X	X	X	2
Sterry Hall	X			X	X	X	2
Tower Hall	X		X	X	X	X	2

Texas State Residence Hall Fire Statistics 2017

Texas State Residence Halls	Total Fires in Each Building	Cause of Fire	Injuries Requiring Treatment	Fire-Related Deaths	Value of Property Damage
Angelina Hall	0	0	0	0	0
Arnold Hall	0	0	0	0	0
Beretta Hall	0	0	0	0	0
Bexar Hall	0	0	0	0	0
Blanco Hall	0	0	0	0	0
Bobcat Village	0	0	0	0	0
Brogdon Hall	0	0	0	0	0
Burleson Hall	0	0	0	0	0
Butler Hall	0	0	0	0	0
Chautauqua Hall	0	0	0	0	0
College Inn	0	0	0	0	0
Elliott Hall	0	0	0	0	0
Falls Hall	0	0	0	0	0
Gaillardia Hall	0	0	0	0	0
Hornsby Hall	0	0	0	0	0
Jackson Hall	0	0	0	0	0
Lantana Hall	0	0	0	0	0
Laurel Hall	0	0	0	0	0
Retama Hall	0	0	0	0	0
San Gabriel Hall	0	0	0	0	0
San Jacinto Hall	0	0	0	0	0
San Marcos Hall	1	*	0	0	0
Sayers Hall	0	0	0	0	0
Smith Hall	0	0	0	0	0
Sterry Hall	0	0	0	0	0
Tower Hall	0	0	0	0	0

*Appliance fire

Texas State University System

SEXUAL MISCONDUCT POLICY AND PROCEDURES

1. Introduction

1.1 Institutional Values. The Texas State University System, its colleges and universities (collectively referred to as “System” and/or “Components” and used interchangeably herein) are committed to creating and maintaining educational communities in which each individual is respected, appreciated and valued. The System diligently strives to foster an environment that permits and encourages everyone to perform at their highest levels in academia. The System’s focus on tolerance, openness and respect is key in providing every member of the TSUS community with basic human dignity free from harassment, exploitation, intimidation or other sexual misconduct. Any report of behavior that threatens our institutional values and breaches this policy shall be promptly investigated and remediated in accordance with principles of law, fairness and equity to all parties involved.

1.2 Purpose of Policy. The Texas State University System and its Components are firmly committed to maintaining an educational environment free from all forms of sex discrimination. Sexual misconduct, as defined in this policy, is a form of sex discrimination and will not be tolerated. The System and Components will maintain an environment that promotes prompt reporting of all types of sexual misconduct and timely and fair resolution of sexual misconduct complaints. The Components will take prompt and appropriate action to eliminate sexual misconduct when such is committed, prevent its recurrence and remedy its effects. This policy defines and describes prohibited sexual conduct, establishes procedures for processing complaints of sexual misconduct, permits appropriate sanctions and identifies available resources.

1.3 Notice of Nondiscrimination. The System complies with Title IX of the Higher Education Amendments of 1972 (Title IX), which prohibits discrimination on the basis of sex in educational programs or activities; Title VII of the Civil Rights Act of 1964 (Title VII), which prohibits sex discrimination in employment; and the Campus Sexual Violence Elimination Act. Sexual misconduct, as defined in this policy, constitutes a form of sex discrimination prohibited by Title IX and Title VII.

1.4 Applicability of This Policy. This policy applies to all students, faculty, staff and third parties within the System’s or its Components’ control. This policy prohibits sexual misconduct committed by or against a student, faculty, staff or third parties. This policy applies to sexual misconduct:

1.41 on Component premises;

1.42 at Component-affiliated educational, athletic, or extracurricular programs or activities;

1.43 that has an adverse impact on the education or employment of a member of the Component community; or

1.44 that otherwise threatens the health and/or safety of a member of the Component community.

1.5 Extent of Authority. While the Texas State University System is committed to investigating all complaints of sexual misconduct and there is no geographical limitation to invoking this policy, sexual misconduct that is alleged to have occurred at a significant distance from the Component and/or outside the Component property may be difficult for the Component to investigate. Additionally, the Component’s disciplinary authority may not extend to third parties who are not students or employees of the Component.

1.6 Effect of Criminal Prosecution. Proceedings under this policy will not be dismissed or delayed because criminal investigation or prosecution is pending or charges have been reduced or dismissed. Proceedings may also continue if a party is no longer employed with or currently enrolled as a student of the Component.

1.7 Supersedes Existing Policies. In the case of allegations of sexual misconduct, this policy supersedes any conflicting procedures and policies set forth in other Component documents.

2. Definitions

2.1 Complainant refers to the person making a complaint of sexual misconduct and shall be referred to herein as either Complainant, Survivor or Victim, and these terms may be used interchangeably throughout this policy.

2.2 Component refers to all member institutions of the Texas State University System, including but not limited to, Lamar University, Lamar Institute of Technology, Lamar State College – Orange, Lamar State College – Port Arthur, Sam Houston State University, Sul Ross State University, Sul Ross State University Rio Grande College and Texas State University.

2.3 Component Affiliated Program or Activity refers to any program or activity, on or off campus, that is initiated, aided, authorized or supervised by the Component or by an officially-recognized organization of, or within, the Component.

2.4 Component Premises. Buildings or grounds owned, leased, operated, controlled or supervised by the Component including property that is within or reasonably contiguous to the premises owned by the Component but controlled by another person, is frequently used by students and supports institutional purposes (such as a food or other retail vendor).

2.5 Consent is an informed and freely and affirmatively communicated willingness to participate in a particular sexual activity. Consent can be expressed either by words or by clear and unambiguous actions, as long as those words or actions create mutually understandable permission regarding the conditions of each instance of sexual activity. It is the responsibility of the person who wants to engage in the sexual activity to ensure that s/he has the consent of the other to engage in each instance of sexual activity. (The definition of consent for the crime of sexual assault in Texas can be found at Texas Penal Code Section 22.011.) www.statutes.legis.state.tx.us/Docs/PE/htm/PE.22.htm#22.011

2.51 The Component will consider the following factors in determining whether consent was provided:

2.511 consent is a voluntary agreement or assent to engage in sexual activity;

2.512 someone who is incapacitated cannot consent;

2.513 consent can be withdrawn at any time;

2.514 past consent does not imply future consent;

2.515 silence or an absence of resistance does not imply consent;

2.516 consent to engage in sexual activity with one person does not imply consent to engage in sexual activity with another;

2.517 coercion, force or threat invalidates consent; and,

2.518 being intoxicated or under the influence of alcohol, drugs or any other substance is never an excuse for engaging in sexual misconduct.

2.6 Dating Violence is violence committed by a person:

2.61 who is or has been in a social relationship of a romantic or intimate nature with the Victim; and

2.62 where the existence of such a relationship shall be determined by the Victim with consideration of the following factors:

2.621 the length of the relationship;

2.622 the type of relationship; and

2.623 the frequency of interaction between the persons involved in the relationship (Texas Family Code Section 71.0021). www.statutes.legis.state.tx.us/Docs/FA/htm/FA.71.htm#71.0021

2.7 Dean of Students Office includes the Student Affairs Office, the Student Services Office and the Dean of Student Life Office.

2.8 Family (Domestic) Violence includes felony or misdemeanor crimes of violence committed by a current or former spouse or intimate partner of the Victim, by a person with whom the Victim shares a child in common, by a person who is cohabitating with or has cohabitated with the Victim as a spouse or intimate partner or roommate, by a person similarly situated to

a spouse of the Victim under the domestic or family violence laws of the State of Texas, 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 State of Texas (Texas Family Code Section 71.004). <http://www.statutes.legis.state.tx.us/Docs/FA/htm/FA.71.htm#71.004>

2.9 Incoming Student refers to a student in their first semester of enrollment.

2.10 New Employee refers to a faculty or staff member who has not been previously employed by the Component or whose previous employment with the Component was more than one year from his or her latest date of hire with the Component.

2.11 Parties refers to the Complainant and Respondent.

2.12 Preponderance of the Evidence means the greater weight and degree of credible evidence. Preponderance of the evidence is the standard for determining allegations of sexual misconduct under this policy. Preponderance of the evidence is satisfied if the action is more likely to have occurred than not.

2.13 Respondent refers to the person accused of sexual misconduct and shall be referred to herein as either Respondent, Alleged Perpetrator, Accused or Perpetrator, and these terms may be used interchangeably throughout this policy.

2.14 Responsible Employee refers to a campus employee who has the authority to redress sexual misconduct; who has the duty to report incidents of sexual misconduct to the Title IX Coordinator or other appropriate designee, or whom a student could reasonably believe has this authority or duty.

Responsible employees shall include all administrators, faculty, staff, student workers, except:

2.141 any employee with confidentiality obligations as described in section 3 below;

2.142 cafeteria staff who are not assigned administrative duties;

2.143 custodial staff who are not assigned administrative duties;

2.144 groundskeeper staff who are not assigned administrative duties;

2.145 maintenance staff who are not assigned administrative duties;

2.146 ranch/agricultural staff who are not assigned administrative duties; or

2.147 staff of campus physical plant who are not assigned administrative duties.

2.15 Retaliation means any adverse action threatened or taken against a person because he or she has filed, supported or provided information in connection with a complaint of sexual misconduct, including but not limited to direct and indirect intimidation, threats and harassment.

2.16 Sexual Assault means any form of non-consensual sexual activity representing a continuum of conduct from forcible rape to non-physical forms of pressure designed to compel individuals to engage in sexual activity against their will (Texas Penal Code Section 22.011).

www.statutes.legis.state.tx.us/Docs/PE/htm/PE.22.htm#22.011

2.161 Examples of sexual assault include, but are not limited to, the following non-consensual sexual activity:

2.1611 sexual intercourse (vaginal or anal);

2.1612 oral sex;

2.1613 rape or attempted rape;

2.1614 penetration of an orifice (anal, vaginal, oral) with the penis, finger or other object;

2.1615 unwanted touching of a sexual nature;

2.1616 use of coercion, manipulation or force to make someone else engage in sexual touching, including touching of breasts, chest, buttocks and genitalia;

2.1617 engaging in sexual activity with a person who is unable to provide consent; or

2.1618 knowingly transmitting a sexually-transmitted disease to another.

2.17 Sexual Exploitation occurs when a person 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.

2.171 Examples can include, but are not limited to, the following behaviors:

2.1711 prostituting another;

2.1712 non-consensual electronically recording, photographing or transmitting intimate or sexual utterances, sounds or images without the knowledge and consent of all parties involved;

2.1713 voyeurism (spying on others who are in intimate or sexual situations);

2.1714 going beyond the boundaries of consent (such as letting friends hide in a closet to watch another friend having consensual sex); or

2.1715 distributing intimate or sexual information about another person without that person's consent.

2.18 Sexual Harassment is any unwelcome verbal, nonverbal, written, electronic or physical behavior of a sexual nature directed at someone, or against a particular group, because of that person's or group's sex, or based on gender stereotypes, severe or pervasive, and where it meets either of the following criteria:

2.181 Submission, consent or rejection of the behavior is believed to carry consequences for the individual's education, employment, on-campus living environment or participation in a Component affiliated activity.

2.1811 Examples of this type of sexual harassment include, but are not limited to:

2.18111 pressuring another to engage in sexual behavior for some educational or employment benefit; or

2.18112 making a real or perceived threat that rejecting sexual behavior will result in a negative tangible employment or academic consequence.

2.182 The behavior has the purpose or effect of substantially interfering with another's work or educational performance by creating an intimidating or hostile environment for employment, education, on-campus living or participation in a Component affiliated activity.

Examples of this type of sexual harassment can include, but are not limited to:

2.1821 persistent unwelcome efforts to develop a romantic or sexual relationship;

2.1822 unwelcome commentary about an individual's body or sexual activities;

2.1823 unwanted sexual attention;

2.1824 repeatedly engaging in sexually-oriented conversations, comments or horseplay, including the use of language or the telling of jokes or anecdotes of a sexual nature in the workplace, office or classroom, even if such conduct is not objected to by those present; or

2.1825 gratuitous use of sexually-oriented materials not directly related to the subject matter of a class, course or meeting even if not objected to by those present.

2.19 Sexual Intimidation includes but is not limited to:

2.191 threatening another with a non-consensual sex act;

2.192 stalking or cyber-stalking; or

2.193 engaging in indecent exposure as defined in Texas Penal Code 21.08. www.statutes.legis.state.tx.us/docs/pe/htm/pe.21.htm#21.08

2.20 Sexual Misconduct is a broad term encompassing a range of non-consensual sexual activity or unwelcome behavior of a sexual nature. The term includes but is not limited to sexual assault, sexual exploitation, sexual intimidation, sexual harassment, domestic violence, dating violence and stalking. Sexual misconduct can be committed by men or women, strangers or acquaintances, and can occur between or among people of the same or opposite sex.

2.21 Sexual Violence refers to physical sexual acts perpetrated against a person's will or where a person is incapable of giving consent. All such acts are forms of sexual misconduct.

2.22 Stalking means engaging in a course of conduct directed at a specific person that would cause a reasonable person to:

2.221 fear for his or her safety or the safety of others; or

2.222 suffer substantial emotional distress (Texas Penal Code Section 42.072).

www.statutes.legis.state.tx.us/Docs/PE/htm/PE.42.htm#42.072

2.23 Student refers to any person who has been accepted for admission, or who is currently or was previously enrolled in the Component on either a full-time or part-time basis.

2.24 Third party refers to any person who is not a current student or employee of the Component, including but not limited to vendors and invited and uninvited visitors.

2.25 Third-Party Reporting refers to the submission of a complaint of sexual misconduct by a person on behalf of another person.

2.26 Title IX Coordinator is the person who has been designated by each Component to coordinate efforts to comply with and implement this policy. The Title IX Coordinator is responsible for conducting the administrative investigation of reports of sexual misconduct and is available to discuss options, provide support, explain Component policies and procedures, and provide education on relevant issues. The Title IX Coordinator may designate one or more Deputy Title IX Coordinators. Each Component will identify and provide complete contact information for their Title IX Coordinator and all Deputy Coordinators in various locations, including but not limited to the Component's website; the student's handbook; the Dean of Student's Office; Human Resources; and Campus Police or Security; or their equivalents.

2.27 Title IX Investigator refers to the person who conducts the Title IX investigation.

3. Confidentiality

3.1 Limited Confidentiality of Reports to Employees. When considering reporting options, Victims should be aware that certain Component personnel can maintain strict confidentiality, while others have mandatory reporting and response obligations. Component personnel that are not confidential reporters as described in 3.4 and who receive a report of alleged sexual misconduct are required to share the information with appropriate administrative authorities for investigation and follow-up. The Component will protect a Complainant's confidentiality by refusing to disclose his or her information to anyone outside the Component to the maximum extent permitted by law. As for confidentiality of information within the Component, the Component must balance a Victim's request for confidentiality with its responsibility to provide a safe and non-discriminatory environment for the Component community.

3.2 Confidentiality Requests and Interim Measures. The Component's inability to take disciplinary action against an alleged discriminator

or harasser because of a Complainant's insistence of confidentiality will not restrict the Component's ability to provide appropriate measures for the reasonable safety of the Component community. The complaint may also be used as an anonymous report for data collection purposes under the Clery Act.

3.3 Victim Identity Protected from Open Records. The Texas Public Information Act permits the identity of Victims of sexual assault to be withheld from those seeking records under the Act [Texas Attorney General Open Records Decision 339 (1982)]. www.texasattorneygeneral.gov/opinions/openrecords/46white/ord/1982/pdf/ord19820339.pdf

3.4 Employees Required to Maintain Confidentiality. The following individuals are required to maintain confidentiality and shall not report any information about an incident to the Title IX Coordinator without a Victim's permission:

3.41 physical and mental health professionals, including licensed counselors who provide mental health counseling to members of the school community, and those who act under the supervision of a healthcare employee; and

3.42 individuals whose scope of employment include confidentiality requirements under Texas law.

3.43 Each Component will identify and provide complete contact information of such individuals in various locations, including but not limited to the Component's website; the student's handbook; the Dean of Students Office; and Campus Police or Security.

3.44 These individuals will maintain confidentiality in accordance with the law and their professional rules of conduct. They will assist in a crisis situation and provide information about possible resources, some of which may include law enforcement, medical assistance, psychological counseling, victim advocacy assistance, legal assistance, Component disciplinary action, immigration services and criminal prosecution. They will not reveal the Victim's identity to anyone without the Victim's permission except under very limited exceptions (e.g., if an immediate threat to the Victim or others is present, or if the Victim is a minor). Victims need not reveal their names if calling these individuals for information.

3.5 Employees Who Must Report – Responsible Employees. A responsible employee who receives a report of sexual misconduct must report to the Title IX Coordinator all relevant details about the alleged sexual misconduct shared by the Victim. A responsible employee should not share information with law enforcement without the Victim's consent, or unless the Victim has also reported the incident to law enforcement.

3.51 Before a Victim reveals any information to a responsible employee, the employee should

ensure that the Victim understands the employee's reporting obligations — and, if the Victim wants to maintain confidentiality, direct the Victim to confidential resources.

3.52 If the Victim chooses to tell the responsible employee what happened but also states that she or he wants to maintain confidentiality or does not want the matter investigated, the employee should tell the Victim that the Component will consider the request but cannot guarantee that the Component will be able to honor it. In reporting the details of the incident to the Title IX Coordinator, the responsible employee will also inform the Title IX Coordinator of the Victim's request for confidentiality.

3.53 When weighing a Victim's request for confidentiality or that no investigation or discipline be pursued, the Component will consider a range of factors, including the following:

3.531 the increased risk that the Alleged Perpetrator will commit additional acts of sexual or other violence, such as:

3.532 whether there have been other sexual misconduct complaints about the same Alleged Perpetrator;

3.533 whether the Alleged Perpetrator has a history of arrests or records from a prior school indicating a history of violence;

3.534 whether the Alleged Perpetrator threatened further sexual misconduct or other violence against the Victim or others;

3.535 whether the alleged sexual misconduct was committed by multiple Perpetrators;

3.536 whether the alleged sexual misconduct was perpetrated with a weapon;

3.537 whether the Victim was a minor at the time of the alleged conduct;

3.538 whether the Component possesses other means to obtain relevant evidence of the alleged sexual misconduct (e.g., security cameras or personnel, physical evidence); or

3.539 whether the Victim's report reveals a pattern of conduct (e.g., via illicit use of drugs or alcohol) at a given location or by a particular group.

3.6 Breaches of Confidentiality. Breaches of confidentiality or privacy committed by anyone receiving a report of alleged sexual misconduct or investigating the report of alleged sexual misconduct may be considered a separate violation of this policy and may result in disciplinary sanctions.

4. Reporting Policies and Protocols

4.1 Reporting Options. A Victim of sexual misconduct is encouraged to report to any of the sources below. Although the Victim of sexual misconduct may decline to report the incident, the Component supports, encourages and will assist those who have been the Victim of

sexual misconduct to report the incident to any individual or entity listed in 3.4, 3.5 above and/or in this section.

4.11 Local Law Enforcement. An individual may report an incident of sexual misconduct directly with local law enforcement agencies by dialing 911. Individuals who make a criminal complaint may also choose to pursue a complaint through the Title IX Coordinator.

4.12 A criminal investigation into the matter does not preclude the Component from conducting its own investigation. The result of a criminal investigation does not determine whether sexual misconduct, for purposes of this policy, has occurred.

4.13 Component Police or Security. An individual may also report an incident of sexual misconduct to the Component police or security. Reporting to such officials helps protect others from future victimization; apprehend the alleged assailant; and maintain future options regarding criminal prosecution, Component disciplinary action and/or civil action against the alleged wrongdoer. For Components that employ sworn peace officers, a Victim may request that his or her identity be kept confidential when reporting sexual misconduct to a sworn peace officer. Filing a police report does not obligate the Victim to continue with criminal proceedings or Component disciplinary action. Components shall provide the Victim contact information for their campus police or security personnel.

4.14 Title IX Coordinator. Any incident of sexual misconduct can be brought to the attention of the Title IX Coordinator. Although the Component strongly encourages reporting sexual misconduct to the police, a Victim may request administrative action by the Component with or without filing a police report.

4.15 Dean of Students Office. Any incident of sexual misconduct can be brought to the attention of the Dean of Students Office. Although the Component strongly encourages reporting sexual misconduct to the police, a Victim may request administrative action by the Component with or without filing a police report. The Dean of Students Office will promptly inform the Title IX Coordinator of the complaint.

4.16 Campus Security Authority. A complaint of sexual misconduct can be brought to a Campus Security Authority (CSA) as defined in each Component's Annual Security Report. The CSA will promptly inform the Title IX Coordinator of the complaint. Each Component will identify and provide complete contact information for their CSA in various locations, including but not limited to the Component's web page; the student's handbook; the annual security report; and the Dean of Students Office.

4.17 Human Resources. A complaint of sexual misconduct may be brought to the Human Resources Department, which will promptly inform the Title IX Coordinator of the complaint.

4.18 Responsible Employee. An individual may report alleged sexual misconduct to a Responsible Employee, as that term is defined in 2.14 above. A faculty or staff member with any knowledge (including firsthand observation) about a known or suspected incident of sexual misconduct (other than those individuals identified in section 3.4 above) must report the incident to the Component police or security or the Component's Title IX Coordinator. No employee is authorized to investigate or resolve Complaints without the involvement of the Component's Title IX Coordinator.

4.19 Individuals may also file anonymous reports. Each Component shall provide the phone number and web address available for anonymous reports. Individuals who choose to file anonymous reports are advised that it may be very difficult for the Component to follow up and/or take action on anonymous reports, where corroborating information is limited. Anonymous reports may be used for Clery Act data collection purposes.

4.2 Preservation of Evidence. Preservation of evidence is critical in instances of sexual misconduct. Prompt reporting may preserve options that delayed reporting does not, including the preservation of physical evidence (which may be necessary to prove sexual misconduct or to obtain a judicial order of protection), the support of crisis counseling and immediate police response.

4.3 Interim Measures. When an incident of sexual misconduct is formally reported, the Component will consider interim measures to protect the Alleged Victim while the incident is investigated and adjudicated through this policy. The Title IX Coordinator and other appropriate Component administrators cooperate together to identify alternative arrangements to preserve the rights of both the Alleged Victim and the Accused, as well as provide a safe overall educational or working environment until (and perhaps after) the conclusion of the process.

4.31 Interim measures may include changing academic, living, transportation or working situations; and, any interim disciplinary action must comply with System Rules and Regulations Chapters IV § 2.2(14), V § 2.141, and VI § 5.(14).

4.32 Failure to adhere to the parameters of any interim measures may be considered a separate violation of this policy and may result in disciplinary sanctions.

4.33 Component will honor any order of protection, no contact order, restraining order or similar lawful order issued by any criminal, civil or tribal court.

5. Retaliation

The Component takes reports of sexual misconduct very seriously and will not tolerate retaliation against those who make such reports or participate in the investigatory or adjudicatory process. Retaliation includes, but is not limited

to, any adverse employment or educational action taken for making a report of sexual misconduct, or otherwise participating under this policy. Any actual or threatened retaliation, or any act of intimidation to prevent or otherwise obstruct the reporting of sexual misconduct, or the participation in proceedings relating to sexual misconduct may be considered a separate violation of this policy and may result in disciplinary sanctions. Any person who believes that she or he has been subjected to retaliation should immediately report this concern to their Title IX Coordinator.

6. Immunity

The Component considers the reporting and adjudication of sexual misconduct cases of paramount importance. The Component does not condone underage drinking, illegal use of drugs or other criminal behavior; however, the Component may extend limited immunity from punitive sanctions when appropriate for those reporting incidents and/or assisting Victims of sexual misconduct, provided they are acting in good faith in reporting or participating in an investigation.

7. Prohibition on Providing False Information

Any individual who knowingly files a false Complaint under this policy, or knowingly provides false information to Component officials, or who intentionally misleads Component officials who are involved in the investigation or resolution of a Complaint shall be subject to disciplinary action.

8. Risk Reduction Strategies

8.1 Purpose. The Component will engage in the risk reduction strategies outlined below to limit the risk of sexual misconduct for the campus community.

8.2 Training.

8.21 Primary Prevention Training. Every incoming student and new employee shall be offered prevention and education training regarding sexual misconduct. Primary prevention training programs shall be designed to promote awareness of sexual offenses and to incorporate risk reduction strategies to enable community members to take a role in preventing and interrupting incidents of sexual misconduct. The Component training will be based upon research and will be assessed periodically for effectiveness. Specifically, training will include:

8.211 awareness and prevention of rape, acquaintance rape, domestic violence, dating violence, sexual assault and stalking;

8.212 definitions of sexual misconduct offenses that are prohibited by the Component as defined by Texas law;

8.213 definition of consent as defined by Texas law;

8.214 risk reduction, such as recognition of warning signs of possible sexual misconduct, situational awareness and safety planning;

8.215 bystander intervention to encourage identification of situations that might lead to sexual misconduct and promote safe intervention as a means to prevent the misconduct — 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;

8.216 procedures for reporting, investigating and assessing possible sanctions for sexual misconduct as described in this policy;

8.217 options for reporting sexual misconduct and the confidentiality that may attach to such reporting;

8.218 campus and community resources available to Complainants or Respondents;

8.219 interim safety measures available for Complainants; and,

8.21(10) descriptions of additional and ongoing sexual misconduct training.

8.3 Ongoing Sexual Misconduct Training.

The Component's commitment to raising awareness of the dangers of sexual misconduct includes offering ongoing education in the form of annual training, lectures by faculty, staff, mental health professionals and/or trained non-Component personnel. Ongoing training may include dissemination of informational materials regarding the awareness and prevention of sexual misconduct.

8.4 Training of Coordinators, Investigators, Hearing and Appellate Authorities. All Title IX Coordinators, Deputy Coordinators, Investigators and those with authority over sexual misconduct hearings and appeals shall receive training each academic year, including knowledge of offenses, investigatory procedures, due process, and Component policy and procedures related to sexual misconduct.

9. Informal Resolution (Mediation)

9.1 Eligibility for Mediation. Informal resolution is available and appropriate for claims of sexual harassment, only if:

9.12 both parties are both willing to engage in mediation and consent to do so in writing;

9.13 the Complainant and the Respondent are both students or are both employees of the Component;

9.14 the Title IX Coordinator agrees that informal resolution is an appropriate mechanism for resolving the Complaint; and

9.15 the Complaint involves only sexual harassment as described in this policy and does not involve any other sexual offense.

9.2 Mediation and Agreements. When the Title IX Coordinator determines informal resolution is appropriate and the parties consent in writing, the Title IX Coordinator will arrange or facilitate mediation in attempt to resolve the complaint. Agreements reached in mediation will be reduced to writing and signed by both parties. Agreements will be maintained by the Coordinator and shared only as necessary to implement the agreed resolution or as required by law.

9.3 Referral for Investigation. When mediation is not successful, or, if in the course of facilitating informal resolution the Title IX Coordinator learns of sexual offenses beyond sexual harassment, the informal resolution process will immediately terminate. The matter will then be referred for investigation in accordance with the procedures outlined below.

10. Investigation Procedures and Protocols

10.1 Actions Upon Receiving Report. Upon Component's receipt of a report of sexual misconduct:

10.11 Assignment. The Title IX Coordinator will review the complaint and investigate the matter. Alternatively, the Title IX Coordinator may assign the investigation to a Deputy Coordinator or Investigator and advise the Complainant of the name and contact information of the individual assigned. Subsequent references to Investigator in this section refers to the individual investigating the complaint, whether a Title IX Coordinator, Deputy Coordinator or Investigator.

10.12 Initial Meeting with Complainant.

As soon as is practicable, the Investigator shall contact the Complainant (subsequent references to Complainant in this section include the Alleged Victim if the original Complainant was not the Victim) and schedule an initial meeting. At the initial meeting the Investigator will:

10.121 provide an electronic and/or hard copy of this policy, which explains the process and rights of all parties;

10.122 request additional information regarding the reported incident;

10.123 explain the investigatory process;

10.124 explain the options for reporting to law enforcement authorities, whether on campus or local police;

10.125 discuss confidentiality standards and concerns with the Complainant and advise that confidentiality may impact the Component's ability to investigate fully;

10.126 determine whether the Complainant wishes to pursue a resolution (formal or informal) through the Component or seeks no resolution;

10.127 refer the Complainant, as appropriate, to the Counseling Center or other resources, which may include law enforcement, medical assistance, psychological counseling, victim advocacy resources, legal resources, Component disciplinary

action, immigration services and criminal prosecution; and

10.128 discuss with the Complainant, as appropriate, possible interim measures as described herein.

10.13 Interim Measures. The Investigator will determine and implement interim measures as appropriate and necessary for the Complainant's safety and to limit potential retaliation. Such measures may include, but are not limited to:

10.131 campus no-contact orders;

10.132 reassignment of housing or work assignments;

10.133 temporary withdrawal or suspension from the Component, in accordance with System Rules and Regulations Chapters IV § 2.2(14), V § 2.141, and VI § 5.(14);

10.134 escort or transportation assistance;

10.135 modification of class schedules; or

10.136 restrictions from specific activities or facilities.

The Component shall maintain as confidential any measures provided to the Victim, to the extent allowed by law and to the extent that maintaining such confidentiality will not impair the ability to provide the measures.

Failure of any party to adhere to the parameters of any interim measure may be considered a separate violation of this policy and may result in disciplinary sanctions.

10.2 Prompt, Fair, and Equitable Investigation.

10.21 Timing of Investigation and Resolution.

The Component shall make every reasonable effort to ensure that the investigation and resolution of a complaint occurs in as efficient a manner as possible, with an expectation that the process (exclusive of any appeal procedures) will generally be completed within sixty (60) calendar days of the complaint, absent extenuating circumstances. The Title IX Coordinator may modify this and any other deadlines contained in this policy as necessary to accomplish the purposes stated and for good cause, including, but not limited to, the complexity of the investigation and semester breaks.

10.22 Notice of Allegations to Respondent.

At the outset of an investigation, the Investigator will provide the Respondent prompt notice of the allegations against him or her in writing together with a copy of this policy. Written notice of allegations will be provided to the Complainant concurrently with Respondent.

10.23 Equitable Treatment.

10.231 Investigator will remain neutral throughout the investigation and provide both the Complainant and Respondent opportunities to respond in person and in writing, to submit relevant documents and to produce relevant witnesses.

10.232 The Complainant and Respondent will receive a minimum of forty-eight hours' notice of any sanction meeting, due process hearing or appellate meeting, if any.

10.233 Both Complainant and Respondent may have one representative and/or one advisor present at all meetings a party has with the Investigator, Title IX Coordinator, Deputy Coordinator or other Component administrator related to a complaint. The representative or advisor may provide support, guidance or advice to the Complainant or Respondent, but may not otherwise directly participate in the meetings.

10.234 The Complainant, Respondent and appropriate officials will, at least forty-eight hours in advance, be provided access to any information that will be used after the investigation but during disciplinary meetings.

10.24 Investigation Activities. Investigator will gather and review information from Complainant, Respondent and Witnesses. Investigator shall conduct site inspection, if necessary, and obtain other information from sources as appropriate given the nature of the complaint.

10.25 Report of Investigation. The Investigator will complete a written investigative report that includes summaries of interviews conducted; photographs, if any; documents and materials received; descriptions of relevant evidence; summaries of relevant electronic records; and a detailed report of the events related to the incident. When the Investigator is not the Title IX Coordinator the investigative report will be submitted to the Title IX Coordinator for review and finding.

11. Standard of Review and Finding

11.1 Review. The Title IX Coordinator will review the report of investigation under the "preponderance of the evidence" standard as defined in Section 2.12 of this policy.

11.2 Finding. The Title IX Coordinator will make a written finding as to whether:

11.21 no reasonable grounds exist that the Sexual Misconduct Policy was violated and the matter is closed, or

11.22 it is more likely than not that Respondent violated the Sexual Misconduct Policy, and which specific sections of the policy were violated.

11.3 Rationale and Recommended Sanctions.

The finding shall include the Title IX Coordinator's basis for the decision and recommended sanctions, if any. The Title IX Coordinator will communicate the Finding in writing simultaneously to the Complainant, Respondent and Component Administrator (as defined in 12.2 below) with authority to determine and issue appropriate sanctions, if any.

12. Sanctions

12.1. Possible Sanctions. Sanctions for a finding

of a policy violation will depend upon the nature and gravity of the misconduct and/or any record of prior discipline for sexual misconduct. Sanctions may include:

- 12.11** withholding a promotion or pay increase;
- 12.12** reassigning employment;
- 12.13** terminating employment;
- 12.14** barring future employment;
- 12.15** temporary suspension without pay;
- 12.16** compensation adjustments;
- 12.17** expulsion or suspension from the Component and/or System;
- 12.18** no-contact orders;
- 12.19** probation (including disciplinary and academic probation);
- 12.20** expulsion from campus housing;
- 12.21** restricted access to activities or facilities;
- 12.22** mandated counseling (e.g., educational programs such as batterer's intervention);
- 12.23** disqualification from student employment positions;
- 12.24** revocation of admission and/or degree;
- 12.25** withholding of official transcript or degree;
- 12.26** bar against readmission;
- 12.27** monetary restitution; or
- 12.28** withdrawing from a course with a grade of W, F or WF.

12.2 Sanction Decision. The responsible Component Administrator will issue a decision regarding sanctions simultaneously to the Complainant, Respondent and Title IX Coordinator in writing within seven (7) class days of receipt of the finding. Administrators responsible for imposing sanctions are:

12.21 Student Respondent Sanctions. The Dean of Students will issue sanctions for students.

12.211 Student Employees. Where the Respondent is both a student and an employee, the Title IX Coordinator will determine whether the Respondent's status is that of student, staff or faculty for disciplinary purposes. When the Respondent's status is determined to be that of a student employed by the Component, the Dean of Students will consult with the AVP of Human Resources or their equivalent prior to issuing sanctions.

12.212 Due Process Hearing. Complainant or Student Respondent may elect to dispute the finding and/or the sanction through a due process hearing. Procedures for the hearing are outlined in the System Rules and Regulations, Chapter VI §§ 5.7-5.9 and the Component's Student Discipline Procedures, with exceptions as follows:

12.2121 The Component Representative for student due process hearings related to sexual misconduct shall be the Component's Title IX Coordinator or his or her designee;

12.2122 The role of the hearing adjudicator(s) is to review the investigation and the appropriateness of the sanction for significant procedural errors or omissions;

12.2123 Parties may question their own witnesses, but they shall not ask questions of each other or the other party's witnesses;

12.2124 Each party shall receive notice of the hearing and has a right to be present; however, neither party shall be compelled to attend any hearing; and

12.2125 When a finding of sexual misconduct is upheld, sanctions listed in section 12.1 of this policy shall be imposed.

12.213 Staff Employee Respondents. The Respondent's supervisor, or other authority within the Respondent's chain of command, will issue sanctions in consultation with Human Resources.

12.214 Faculty Employee Respondents. The Dean, who may consult with the Department Chair as appropriate, will issue sanctions in consultation with the Provost.

12.2141 Tenured Faculty Due Process Hearing. Tenured faculty receiving a sanction that impacts the faculty member's continued employment, full-time salary (not including administrative positions or summer teaching) or demotion in rank may elect to dispute the finding and the sanction through a due process hearing.

12.2142 Non-Tenured Faculty Due Process Hearing. A non-tenured faculty member receiving a sanction impacting the faculty member's continued employment, full-time salary, (not including possible summer teaching), demotion in rank or termination before the expiration of the stated period of his or her appointment may elect to dispute the finding and sanction through a due process hearing.

12.2143 Procedures for Faculty Due Process Hearing. Hearing procedures are outlined in the System Rules and Regulations, Chapter V, § 4.54 and the Component's Faculty Grievance Procedures or its equivalent with the following exceptions:

12.21431 The role of the hearing adjudicator(s) is to review the investigations and the appropriateness of the sanction for significant procedural errors or omissions; and

12.21432 Complainant shall receive notice of the hearing and has a right to be present. Complainant shall neither be compelled to attend any hearing, nor be questioned by the Respondent.

12.215 In any situation where the responsible administrator has a conflict, the employee next in line in authority will impose sanctions.

13. Appeal of Finding or Sanctions

13.1 Right to Appeal. If either Complainant or the Respondent is dissatisfied with the Title IX Coordinator's finding, sanction and/or determination of a due process hearing, either party may appeal to the appropriate Component Appellate Authority as indicated below. References to "parties" in this section and in the System Rules and Regulations refer to the Respondent, Component Representative (Title IX Coordinator or designee), Component Administrator who imposed sanctions and Complainant.

13.2 Grounds for Appeal. The grounds for any appeal are limited to the following:

13.21 previously unavailable relevant evidence;

13.22 substantive procedural error in the investigation or hearing; or

13.23 sanction is substantially disproportionate to the finding;

13.24 the finding was not supported by the evidence.

13.3 Procedure for Appeal.

13.31 An administrator receiving notice of appeal will provide a copy of the notice to the parties concurrently with receipt.

13.32 Students. Any appeal of the finding, sanction or determination of a due process hearing is governed by the procedures outlined in the Student Conduct and Discipline Procedures in the System Rules and Regulations, Chapter VI, § 5.(10) and the Component's Student Code of Conduct. However, the appeal officer (Component Appellate Authority) may only approve, reject or modify the decision, and the appeal officer's decision is final.

13.33 Staff Employees. Any appeal of the finding or sanction against a staff employee is governed by the procedures outlined in the System Rules and Regulations, Chapter V, § 2.15 and the Component's Staff/Employee Grievance Procedures or its equivalent.

13.34 Non-Tenured Faculty.

13.341 Should the sanction against a non-tenured faculty member result in the termination of the faculty member during his/her contract period, the faculty member is entitled to a due process hearing pursuant to section 12.2152, and the faculty member may appeal the findings and/or sanctions resulting from such due process hearing. Such appeal is governed by the System Rules and Regulations, Chapter V, § 4.5.

13.342 Should the sanction against a non-tenured faculty member result in the non-reappointment or termination of the faculty member after expiration of his/her contract period, the faculty member is not entitled to a due process hearing pursuant to section 12.2152. However, the faculty member may appeal the findings and/or sanctions, and such appeal is governed by the System Rules and Regulations, Chapter V, § 4.4.

13.343 All other appeals of the finding or sanction against a non-tenured faculty member is governed by the procedures outlined in the System Rules and Regulations, Chapter V, § 2.15 and the Component's Staff/Employee Grievance Procedures or its equivalent.

13.35 Tenured Faculty

13.351 Should the sanction against a tenured faculty member result in revocation of tenure, termination of employment, and/or reduction of his/her academic year base salary (not including possible administrative roles or summer teaching) or demotion in rank, the faculty member shall be entitled to a due process hearing under the System Rules and Regulations, Chapter V, § 4.5.

13.352 All other appeals of a finding or sanction against a tenured faculty member are governed by the procedures outlined in the System Rules and Regulations, Chapter V, § 2.15 and the Component's Staff/Employee Grievance Procedures or its equivalent.

13.4 Sanctions Pending Appeal. Any sanction(s) imposed will remain in place while any appeal is pending, unless, in the discretion of the Component Administrator imposing the sanction, good cause exists to stay the sanction.

14. Final Decision

14.1 No Appeal. Decisions and sanctions imposed under this policy are final when the period for appeal under the rules and policies referenced in section 13 above have expired without initiation of an appeal by either party.

14.2 Conclusion of Appeal. An appealed decision is final as outlined in the rules and policies referenced in section 13 above.

14.3. Notification of Outcomes.

14.31 The Title IX Coordinator will simultaneously notify the Complainant and the Respondent in writing of the outcome of the following stages of the process:

14.311 the finding;

14.312 the sanction;

14.313 the outcome of a due process hearing, if any; and

14.314 the outcome of due process appeal, if any.

14.32 Any notice of outcome must include:

14.321 whether the alleged conduct occurred;

14.322 any sanctions imposed on the Respondent that directly relate to the Complainant,

14.323 and other steps the school has taken to eliminate the hostile environment, if the school finds one to exist, and prevent recurrence.

14.33 The Respondent should not be notified of the individual remedies offered or provided to the Complainant.

University Policies and Procedure Statements

Student Right-to-Know and Campus Security Act of 1990

UPPS No. 01.04.05

Issue No. 7

Effective Date: 1/02/2017

Next Review Date: 1/01/2019 (E2Y)

Sr. Reviewer: Director, University Police Department

01. POLICY STATEMENT

01.01 This policy is designed to assist members of the Texas State University community to understand and comply with the Student Right-to-Know and Campus Security Act of 1990 (the "Act").

02. DEFINITIONS

02.01 The federal Violence Against Women Reauthorization Act of 2013 (VAWA) provides definitions for the VAWA crimes of dating violence, domestic violence, sexual assault, and stalking. The U.S. Department of Education requires that institutions of higher education provide the state crime definitions for each of these offenses for educational and awareness purposes:

a. Sex Offenses include sexual misconduct, sexual assault, dating violence, domestic violence, and stalking as referenced in the Jeanne Clery Act as amended by the Violence Against Women Reauthorization Act of 2013.

b. Sexual Misconduct – refers to physical sex.

c. Sexual Assault – any form of non-consensual sexual activity representing a continuum of conduct from forcible rape to non-physical forms of pressure designed to compel individuals to engage in sexual activity against their will (Texas Penal Code, Section 22.011).

d. 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; and where the existence of such a relationship shall be determined by the victim with consideration of the following factors:

1. the length of the relationship;
2. the type of relationship; and
3. the frequency of interaction between the persons involved in the relationship (Texas Family Code, Section 71.0021).

e. Family (Domestic) Violence – includes felony or misdemeanor crimes of violence committed by a current or former spouse or intimate partner of the victim, by a person with whom the victim shares a

child in common, by a person who is cohabitating with or has cohabitated with the victim as a spouse or intimate partner or roommate, by a person similarly situated to a spouse of the victim under the domestic or family violence laws of the state of Texas, 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 state of Texas (Texas Family Code, Section 71.004).

f. Stalking – engaging in a course of conduct directed towards a specific person that would cause a reasonable person to:

1. fear for his or her safety or the safety of others; or
2. suffer substantial emotional distress (Texas Penal Code, Section 42.072).

For more information regarding the above definitions, see the Sexual Misconduct Policy on the Office of Equity and Access website.

g. Murder and Non-negligent Manslaughter – the willful (non-negligent) killing of one human being by another.

h. Manslaughter by Negligence – the killing of another person through gross negligence.

i. Sexual Assault (Sex Offenses):

1. Rape – the penetration, no matter how slight, of the vagina or anus, with any body part or object, oral penetration by a sex organ of another person, without the consent of the victim. This offense includes the rape of both males and females.
2. Fondling – 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 or her age or because of his or her temporary or permanent mental incapacity.
3. Incest – sexual intercourse between persons who are related to each other within the degrees wherein marriage is prohibited by law.
4. Statutory Rape – sexual intercourse with a person who is under the statutory age of consent.

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

k. Aggravated Assault – an unlawful attack by one person upon another for the purpose of inflicting severe or aggravated bodily injury. This type of assault usually is accompanied by the use of a weapon or by means likely to produce death or great bodily harm.

l. Burglary – the unlawful entry of a structure to commit a felony or a theft.

m. Motor Vehicle Theft – the theft or attempted theft of a motor vehicle.

n. 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.

o. Hate Crime – a criminal offense that manifests evidence that the victim was intentionally selected because of the perpetrator’s bias against the victim.

1. Race – a preformed negative attitude toward a group of persons who possess common physical characteristics, e.g., color of skin, eyes, 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.
2. 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.
3. 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 emotional attraction to members of the same and/or opposite sex, including lesbian, gay, bisexual, and heterosexual (straight) individuals.
4. 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.
5. 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.
6. 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) or ideology that stresses common ancestry.
7. National Origin – a preformed negative opinion or attitude toward a group of people based on their actual or perceived country of birth.
8. 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 age or illness.

p. Clery Act Geography:

1. On-campus – As defined by on-campus definition citation 34 CFR 668.46(a), Department of Education’s Handbook for Campus Safety and Security Reporting 2016, page 2-1: Any building or property owned or controlled by an institution within the same reasonably contiguous geographic area and used by the institution in direct support of, or in a manner related to, the institution’s educational purposes, including residence halls; and any building or property that is within or reasonably contiguous, that is owned by the institution but controlled by another person, is frequently used by students, and supports institutional purposes.
2. Public Property – All property, including thoroughfares, streets, sidewalks, and parking facilities, that is within the campus, or immediately adjacent to and accessible from the campus.
3. 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.

03. THE STUDENT RIGHT-TO-KNOW ACT

03.01 In General – Title I of the Act, known as the “Student Right-to-Know Act,” requires the university to compile and release institution-wide graduation rates to all students and more detailed statistical information concerning graduation rates of athletes to the Department of Education and certain individuals.

03.02 Disclosure to All Students – The university will release the completion or graduation rates of all full-time students seeking a certification or degree to any prospective or current student prior to the student enrolling or entering into any financial obligation with the university.

a. The university will make the information available each year and will cover the one-year period ending on June 30 of the preceding year. The information is available by request only to students requesting materials on attending classes.

b. The Athletics department, with the assistance of the Office of Institutional Research, will compile the information in accordance with the Act and make it available in an appropriate form.

03.03 Disclosure to the Department of Education and Certain Individuals – The university must submit a report to the Department of Education annually that contains six categories of information related to student-athletes: (1)

the number of students who received athletically-related student aid; (2) the number of students at the institution; (3) the graduation rate for students who received athletically-related student aid for football, basketball, baseball, cross-country/track, and all other sports combined; (4) the graduation rate for all students at the university; (5) the average graduation rate for students who received athletically-related student aid; and (6) the average graduation rate for all students at the institution.

a. The report will contain each category of this information, which must be broken down by race and gender.

b. In addition to filing a report with the Department of Education, the university must provide the report to any potential student, his or her parents, guidance counselor, and coach when the university offers the student athletically-related student aid.

c. The Athletics department, with the assistance of the Office of Institutional Research, will compile the report for the Department of Education and the other information in accordance with the Act and make it available in an appropriate form.

04. THE CRIME AWARENESS AND CAMPUS SECURITY ACT OF 1990

04.01 In General – Title II of the Act, known as the “Crime Awareness and Campus Security Act of 1990,” requires the university to: (1) provide a missing person procedure; (2) compile specified information on campus crime statistics and campus security policies; (3) make timely reports to the campus community on crimes considered to be a threat to other students and employees; (4) publish and distribute an annual report of campus security policies and crime statistics to all current students and employees; (5) provide copies of the annual report to any applicant for enrollment or employment, upon request; (6) submit a copy of the annual report to the Secretary of Education, upon request; and (7) compile fire statistic reporting.

04.02 Missing Person Procedure – In addition, the director of the University Police Department (UPD) shall provide information to students who reside in on-campus housing that:

a. includes procedures for officially notifying appropriate university personnel that a student has been missing for more than 24 hours;

b. requires immediate referral of an official missing person report relating to a student to UPD (see University Notification Procedures); and

c. if, after investigating the official report, UPD determines that the student has been missing for more than 24 hours, requires UPD to:

1. contact the individual identified by the student as their confidential contact; and

2. immediately contact the custodial parent or legal guardian of an unemancipated student under 18 years of age.

d. In addition, the director of UPD shall provide the University Notification Procedures and information to students who reside in on-campus housing that:

1. informs each student of the option to identify an individual the university will contact not later than 24 hours after the time that the student is determined missing;

2. provides each student a means to register confidential contact information if the student is determined missing for more than 24 hours;

3. advises each unemancipated student under 18 years of age that the university is required to notify a custodial parent or guardian not later than 24 hours after the time the student is determined missing;

4. informs all residing students that the university will notify appropriate law enforcement agencies not later than 24 hours after the student is determined missing; and

5. requires campus security or law enforcement personnel to initiate emergency contact procedures according to the student’s designation when notified that a student who is the subject of a missing person report, has been missing for more than 24 hours and has not returned to the university campus.

04.03 Crime Statistics and Security Policies – The director of UPD will collect the information specified in the Act relating to crimes reported on campus.

04.04 Daily Crime and Fire Log – Institutions that have a campus police or security department must create, maintain and make available a daily crime log. Crimes are reported for Clery Act geography and those crimes that occurred within the patrol jurisdiction of campus are included in the crime log. The following are elements of the crime log:

a. The date the crime was reported;

b. The date and time the crime occurred;

c. The nature of the crime;

d. The general location of the crime; and

e. The disposition of the complaint, if known.

04.05 Timely Reports to the Campus Community

– The director of UPD, or designee, will write and distribute timely warning notices for reports of murders, manslaughter, sexual assaults, robberies, aggravated assaults, burglaries, motor vehicle thefts, arsons, and hate crimes that represent a continuing threat to the university community

and that have been reported to UPD. Once the timely warning is approved by the director of UPD, or his or her designee, the warning will be disseminated as indicated in Section 04.05 b. The timely warning will also be sent to the director of University News Service for their review and dissemination.

a. UPD and the director of University News Service will disseminate this information in a manner that will aid in the prevention of similar occurrences.

b. Examples of forms of dissemination include press releases to campus and local newspapers, radio, television, text alert, electronic mail, sign board, campus-wide phone alert, Thor Guard, university website and other media such as Twitter and Facebook; not every crime will require notice in all these forms. These examples are listed as suggestions in appropriate cases.

04.06 Annual Security Report

a. Preparation – Each year the director of UPD and other departments to include Dean of Students, Human Resources, Undergraduate Admissions, The Graduate College, Student Health Center, Housing and Residential Life, and the director of University News Service will assist in the publication and distribution of an annual security report, in a manner prescribed by law. These officials will publish the report (Campus Watch) by October 1 each year. It may be viewed on Texas State’s UPD website or on Texas State’s home page under “Campus Security Act.”

b. Distribution – The Annual Security Report will be distributed by October 1 to all currently enrolled students and employees. The director of Undergraduate Admissions and the assistant vice president for Human Resources will provide copies of the annual report to any applicant for enrollment or employment, upon request.

c. Contents – The Annual Security Report will contain the following:

1. Reporting Crimes and Emergencies – a statement of current policies regarding procedures for reporting crimes and emergencies and the institution’s response to such reports;
2. Security and Access to Facilities – a statement of current policies concerning security of and access to campus facilities;
3. Law Enforcement – a statement of current policies concerning campus law enforcement, including authority of security personnel and policies encouraging reporting of crime;
4. Security Programs – a description of the type and frequency of programs to inform the campus community about security procedures and encourage individuals to be responsible for their own security;
5. Crime Prevention – a description of programs about crime prevention;
6. Crime Statistics – statistics on the occurrence on campus of the following crimes in the past three calendar years, as reported to UPD or any university official who has significant responsibility for student and campus activities:
 - (a)murder;
 - (b)sex offenses, as defined in Section 02.01, both forcible and non-forcible;
 - (c)robbery;
 - (d)aggravated assault;
 - (e)burglary;
 - (f)motor vehicle theft; and
 - (g) unduplicated counts of any of the above crimes that involve prejudice based on race, religion, sexual orientation, or ethnicity;
7. Non Campus Crime – a statement of policy on monitoring and recording off-campus crime through local police agencies;
8. Drug, Alcohol, and Weapons Violations – statistics for the past calendar year on arrests for drug, alcohol, and weapons violations;
9. Alcohol – a statement of policy on the possession, use, and sale of alcohol;
10. Illegal Drugs – a statement of policy on the possession, use, and sale of illegal drugs;
11. Substance Abuse Education – a description of drug or alcohol abuse education programs; and
12. Sex Offenses – a statement of policy regarding programs to prevent sex offenses, and procedures to follow when a sex offense occurs, including:
 - (a) Educational Programs – statement of the university’s educational programs to promote awareness of sex offenses, including those that promote the awareness of rape, acquaintance rape, and other sex offenses;
 - (b) Procedures – procedures students should follow if a sex offense occurs;
 - (c) Notification – information on notifying proper law enforcement authorities, including assurance that university personnel will assist the student if requested;
 - (d) Counseling – information on existing counseling and other services available to victims;
 - (e) Assistance – notification that the university will change a victim’s academic and living situations, if requested and reasonably available, and information on options for changes;
 - (f) Discipline – procedures for campus disciplinary actions; and

(g) Sanctions – sanctions that may be imposed by a campus disciplinary proceeding.

Additional information regarding Sexual Misconduct may be found on the Office of Equity and Access website.

04.07 Fire Statistic Reporting – The university is required to prepare an annual fire safety report on student housing and forward this report to the secretary of Education. The Environmental Health, Safety and Risk Management office will annually prepare and publish to the university community, a fire safety report containing information with respect to the campus fire safety practices and standards of that institution, including:

a. statistics for each on-campus student housing facility during the previous calendar year concerning:

1. the number of fires and the cause of each fire;
2. the number of injuries related to a fire that result in treatment at a medical facility;
3. the number of deaths related to a fire; and
4. the value of property damage caused by a fire;

b. a description of each on-campus student housing facility fire safety system, including the fire sprinkler system;

c. the number of regular mandatory supervised fire drills;

d. rules on portable electrical appliances, smoking, and open flames (such as candles), procedures for evacuation, and policies regarding fire safety education and training programs provided to students, faculty, and staff;

e. plans for future improvements in fire safety, if determined necessary by such institution; and

f. an annual log maintained and kept by the Environmental Health, Safety and Risk Management office recording all fires in on-campus student housing facilities, detailing the nature, date, time, and general location of each fire.

05. REVIEWERS OF THIS UPPS

05.01 Reviewers of this UPPS include the following:

Director, University Police Department; January 1 E2Y

Support Services Supervisor, University Police Department; January 1 E2Y

Associate Vice President and Dean of Students; January 1 E2Y

Director, Environmental Health, Safety and Risk Management; January 1 E2Y

Director, Athletics; January 1 E2Y

Director, Housing and Residential Life; January 1 E2Y

06. CERTIFICATION STATEMENT

This UPPS has been approved by the following individuals in their official capacities and represents Texas State policy and procedure from the date of this document until superseded.

Director, University Police Department; senior reviewer of this UPPS

Vice President for Student Affairs

President

Legal Resources for Advisors to Student Organizations

UPPS No. 01.04.06

Issue No. 4

Effective Date: 6/22/2017

Next Review Date: 5/01/2021 (E4Y)

Sr. Reviewer: Associate Vice President and Dean of Students

01. POLICY STATEMENTS

01.01 This policy sets forth the relationship that exists between Texas State University and its faculty and regular staff employee advisors when they provide service to registered and chartered student organizations.

01.02 Registered and chartered student organizations must have a faculty or staff advisor who is employed by the university at least one-half time.

02. DEFINITIONS

02.01 Advisor – any faculty member or regular staff employee who is employed by the university and is the designated advisor for a registered or chartered student organization. For definitions of “registered” or “chartered,” refer to the Student Organizational Policy.

02.02 Regular Staff Employee – an employee who is hired to work at least 20 hours per week for a period of at least four and one-half months, excluding those employed in positions that require student status as a condition of employment.

03. SUMMARY OF APPLICABLE LAW

03.01 Advisors serve in an official capacity and within the scope of their employment by providing services to the university when they provide services to registered and chartered student organizations.

03.02 Texas Civil Practice and Remedies

Code §104.003 limits the amount of recoverable damages for state liability to \$100,000 to a single person indemnified and, if more than one person is indemnified, \$300,000 for a single occurrence in the case of personal injury, death, or deprivation of a right, privilege, or immunity and \$10,000 for each single occurrence of damage to property.

03.03 Texas Civil Practice and Remedies Code §104.004 provides the attorney general shall defend an employee of a state institution in a cause of action covered by Chapter 104.001 of the Texas Civil Practice and Remedies Code.

03.04 Texas Civil Practice and Remedies Code §101.106 provides a means for employees who are sued for certain actions arising from the general scope of their employment to have the suit against them dismissed. In such cases, the university may automatically be substituted as the defendant in place of the employee.

04. PROCEDURE FOR REQUESTING LEGAL ASSISTANCE FROM THE ATTORNEY GENERAL

04.01 Although the service of citation is rare, an advisor should notify The Texas State University System (TSUS) associate general counsel immediately after being served with a citation. The TSUS associate general counsel will help the advisor submit the matter to the attorney general. The attorney general may defend an advisor in a cause of action arising from the scope of their employment if the advisor delivers to the attorney general any citation no later than 10 days after being served with citation.

05. REVIEWERS OF THIS UPPS

05.01 Reviewers of this UPPS include the following:

Associate Vice President and Dean of Students;
May 1 E4Y

Associate Director, LBJ Student Center; May 1 E4Y

Associate General Counsel; May 1 E4Y

06. CERTIFICATION STATEMENT

This UPPS has been approved by the following individuals in their official capacities and represents Texas State policy and procedure from the date of this document until superseded.

Associate Vice President and Dean of Students;
senior reviewer of this UPPS

Vice President for Student Affairs
President

Emergency Operations

UPPS No. 05.04.03

Issue No. 8

Effective Date: 8/28/2015

Next Review Date: 4/01/2019 (E4Y)

Sr. Reviewer: Director, University Police

01. POLICY STATEMENT

01.01 This policy outlines the actions required for assembling university resources for use in disaster management.

02. PURPOSE

02.01 This document:

- a. establishes official policy for operating university facilities, using university resources, and deploying university personnel during emergencies; and
- b. outlines procedures for assembling university resources for use in disaster management.

02.02 Homeland Security Presidential Directive 5 (HSPD-5) states that the management of domestic incidents calls for the establishment of a single, comprehensive National Incident Management System (NIMS).

03. COMPOSITION AND RESPONSIBILITIES OF THE EMERGENCY MANAGEMENT (EM) COMMITTEE AND DESIGNATED ALTERNATES

03.01 A standing committee, appointed annually on September 1 by the university president and chaired by the director of University Police (UPD), will develop and review the university's Emergency Management Plan for implementation during natural or man-made disasters.

03.02 The committee will consist of primary and alternative representatives from the organizations listed below:

- a. Academic Affairs;
- b. Auxiliary Services;
- c. Facilities Department;
- d. Materials Management;
- e. Housing and Residential Life;
- f. Student Health Center;
- g. University Police Department;
- h. University News Service;
- i. Counseling Center;
- j. Information Technology;
- k. Human Resources;
- l. Texas State University System (TSUS) Associate General Counsel;

- m. Environmental Health, Safety and Risk Management;
- n. Distance and Extended Learning;
- o. Center for Safe Schools;
- p. International Office;
- q. Dean of Students;
- r. University Food Service;
- s. President of Student Government; and
- t. Transportation Services.

03.03 Emergency management plans developed by the committee shall include:

- a. identification of university elements essential to disaster control operations;
- b. identification of all individuals to receive the authority to direct university elements during emergency operations;
- c. strategy for staffing essential emergency functions;
- d. provisions for coordination of inter-agency resources;
- e. identification of budgetary considerations;
- f. designation of an official university spokesperson who will make all public announcements during emergency operations;
- g. use of the NIMS for organizing emergency management teams for the following needs:
 - 1. communications center;
 - 2. materials and supplies;
 - 3. housing;
 - 4. food and potable water;
 - 5. transportation;
 - 6. legal matters;
 - 7. health services or medical treatment;
 - 8. public information; and
 - 9. psychological services.
- h. methods of documenting and reporting the following data:
 - 1. persons assisted;
 - 2. nature of assistance;
 - 3. facilities utilized;
 - 4. human resource issues;
 - 5. materials;
 - 6. legal issues;
 - 7. budgetary or financial reports; and

- 8. multi-agency communications; and
- i. records maintenance and retention.

04. APPOINTMENT AND RESPONSIBILITIES OF THE DIRECTOR OF EMERGENCY OPERATIONS

04.01 The director of UPD will serve as the director of Emergency Operations as appointed by the president. The Emergency Management coordinator (EMC) will assist the director of Emergency Operations. In the director of UPD's absence, the president will authorize the senior police officer on duty to perform the director's duties.

04.02 The director of Emergency Operations or EMC will implement NIMS to manage all resource utilization throughout the emergency.

04.03 The director of Emergency Operations has the authority to utilize Texas State University property and may commit university resources to assist in emergency operations, including those occurring off-campus.

04.04 The director of Emergency Operations and the EMC will direct the university emergency operations when the Emergency Operations Plan is activated.

04.05 Upon receipt of information that an emergency has occurred, is imminent, or threatening, the director of UPD or the senior police officer on duty will notify the vice president for Student Affairs and make a recommendation regarding activation of the Emergency Operations Plan.

04.06 Upon notification that a decision has been made to activate the Emergency Operations Plan, the director of UPD or the senior police officer on duty will notify, or cause to be notified, the vice president for Student Affairs, who will then notify the other appropriate executive staff.

04.07 The director of Emergency Operations will test university emergency notification systems as outlined in Testing of Emergency Notification System, and maintain documentation of the tests as required by law.

05. BEHAVIOR ASSESSMENT TEAM

05.01 The university has established a Behavior Assessment Team (BAT) and an EM Committee to assess situations, plan and coordinate an immediate and extended response to situations, and coordinate assistance to those directly or indirectly affected by the incident. The university may experience crisis incidents, such as a student's death or a fire in an off-campus apartment complex, that it does not consider disasters posing an ongoing threat to community safety or institution function.

05.02 The primary focus of the EM Committee is to provide direction and coordination of the university's response to a crisis situation in order to

minimize the traumatizing effects and reduce the potential for an extended crisis.

05.03 The core members of the BAT are also members of the EM Committee. The membership of the BAT is specified in UPPS No. 07.10.05, Behavior Assessment Team. Where responsibilities of the two groups overlap, such as in providing support to secondary victims (e.g., friends, etc., of those injured or killed) of emergency situations, the BAT will operate as a sub-team of the EM Committee. In time-sensitive high-risk situations, any of the core members may call a meeting of the BAT. Core members will consider the context of the EM Committee's operations when making specific assignments.

06. PROCEDURES TO BE FOLLOWED DURING EMERGENCY OR CRISIS OPERATIONS

06.01 Emergency Operations Plan outlines the Disaster or Emergency Operations Plan Procedures

06.02 Emergency Management Plan outlines the Texas State Emergency Management Plan.

06.03 Disruptive Disorderly Student Misconduct defines various types of disruptive activity and provides procedures to be followed in the event that such problems arise.

06.04 Safety Guidelines for Active Shooter Situations outlines safety guidelines to be followed in active shooter situations.

06.05 Emergency Management Plan for Study Abroad defines the Emergency Management Plan for Study Abroad.

06.06 In the event of an energy curtailment or severe weather, follow procedures in UPPS No. 05.04.02, Closing the Campus Because of Weather or Other Emergencies.

07. EVALUATION AND REPORTING OF EMERGENCY OPERATIONS

07.01 Upon the completion of an emergency operation, the director of Emergency Operations will conduct a debriefing session.

07.02 The director of Emergency Operations or EMC will prepare a complete report on the university involvement in the emergency operation and submit it to the President's Cabinet through the vice president for Student Affairs within 10 business days.

08. REVIEWERS OF THIS UPPS

08.01 Reviewers of this UPPS include the following:

Director, University Police; April 1 E4Y

Emergency Management Coordinator, University Police; April 1 E4Y

Director, Environmental Health, Safety, and Risk Management; April 1 E4Y

09. CERTIFICATION STATEMENT

This UPPS has been approved by the following individuals in their official capacities and represents Texas State policy and procedure from the date of this document until superseded.

Director, University Police; senior reviewer of this UPPS

Vice President for Student Affairs

President

Reporting Criminal Offenses

UPPS No. 01.04.04

Issue No. 4

Effective Date: 7/14/2017

Next Review Date: 6/01/2021 (E4Y)

Sr. Reviewer: Director, University Police Department

01. POLICY STATEMENT

01.01 Texas State University expects its employees to follow all rules, policies, and laws and also expects its employees to report actual or suspected violations and crimes to the appropriate department.

02. DEFINITIONS

02.01 Suspected – to believe or feel that an individual is involved in an illegal or dishonest act or unpleasant act that meets the standards of either reasonable suspicion or probable cause.

02.02 Probable Cause – probable cause to arrest exists where “the facts and circumstances within [the officers’] knowledge and of which they had reasonably trustworthy information [are] sufficient in themselves to warrant a person of reasonable caution in the belief that an offense has been or is being committed [by the person to be arrested].” *Brinegar v. United States*, 338 U.S. 160, 175-76 (1949).

02.03 Reasonable Suspicion – sufficient articulable facts and circumstances, and reasonable inferences drawn from those facts, that would lead a reasonable person to conclude that criminal activity is afoot.

02.04 Evidence – anything, physical or biological, that may reconstruct the crime, identify the elements, obtain the facts, establish motive, develop suspects, apprehend offenders, or provide something that is legal to submit to a competent tribunal as a means of ascertaining the truth of any alleged matter or act under investigation before it.

02.05 Seizure of Electronic Data Storage Devices – in the event that an electronic data storage device needs to be seized for evidence processing, the department will not take any action until notifying the University Police Department (UPD). Any action will be under the direction of a police officer, a trained information technology employee from the university, or other trained individual available for this purpose to assist in preserving the evidence. The officer in charge of the scene will fill out an evidence tag, seize, and secure the property within the UPD evidence room. In the event a trained individual is unavailable, the equipment will be seized following the guidelines specified in the U.S. Secret Service’s “Best Practices for Seizing Electronic Evidence v.3 A Pocket Guide for First Responders.” This document is available for download from the UPD website, “Best Practices Electronic Evidence v3.”

02.06 Chain of Custody – a written record indicating each change in the custodial responsibility of an article of evidence. This will be documented on the property tag. The chain of custody will include all of the following information that is applicable to the custody transfer:

- a. name of the person last having custody of the item;
- b. reason for transfer of item in custody;
- c. date and time of submission or mailing and method used for transmission, if applicable;
- d. name and location of laboratory, if applicable;
- e. date and time of receipt in the laboratory, if applicable;
- f. synopsis of event and explanation of examinations requested, if applicable; and
- g. name and signature of the person receiving the evidence and the person’s functional responsibility.

03. REPORTING OBLIGATIONS AND PROTECTIONS

03.01 All Texas State employees have an obligation to report actual or suspected crimes such as physical harm, theft, fraud, embezzlement, destruction of property, or other irregularities resulting in the loss of cash, property, or other assets of the university to UPD. Such reporting should be as timely and concurrent as possible to preserve and facilitate the collection of evidence under law enforcement supervision. A collection of evidence includes the seizure of electronic data storage devices as defined in Section 02.05.

03.02 Employees are expected to cooperate with police and internal audit investigations. Investigations conducted by these offices are confidential.

03.03 Section 554.002 of the Government Code prohibits retaliation against employees who, in good faith, report violations of law to appropriate law enforcement authorities.

04. PROCEDURES FOR REPORTING CRIMINAL OFFENSES

04.01 Employees who reasonably believe that a criminal offense has been committed involving a guest or member of the university community (this includes students, faculty, staff, and members of the macro community of the City of San Marcos) should report the suspected criminal act to UPD. Employees who are unsure about filing a UPD report should seek immediate guidance from their supervisor or administrative head. UPD should notify the Office of Audits & Analysis, in cases involving theft, fraud, embezzlement, and irregularities resulting in the loss of cash or other assets of the university, or when the Office of Audits & Analysis requests such information.

04.02 The director, Office of Audits & Analysis, will report criminal offenses to UPD.

04.03 The assistant vice president for Human Resources (HR), should report suspected or actual criminal offenses to UPD. The assistant vice president for HR will notify UPD when HR is contacted about an involuntary termination resulting from a personnel matter involving a suspected or actual criminal offense.

05. INVESTIGATIVE PROCEDURES

05.01 UPD will involve an internal auditor when investigating the possible loss or misappropriation of university assets and may have an internal auditor present when interviewing parties thought to have knowledge of the possible loss or misappropriation.

05.02 In the course of an investigation, UPD or the Office of Audits & Analysis may require access to university information resources (e.g., electronic mail, centrally-managed file shares, employee computers, etc.). In all such situations, investigators shall request access from the vice president for Information Technology (IT) in accordance with Section 07 of UPPS No. 04.01.02, Information Resources Identity and Access Management. The request shall specify any evidence preservation or chain of custody procedures to be followed by IT staff.

06. DISPOSITION

06.01 UPD and internal audit reports will follow established procedures. Police officers will forward copies of their reports to the appropriate district attorney.

07. REVIEWERS OF THIS UPPS

07.01 Reviewers of this UPPS include the following:

Director, University Police Department; June 1 E4Y

Captain of Patrol, University Police Department; June 1 E4Y

Sergeant of Criminal Investigations Division, University Police Department; June 1 E4Y

08. CERTIFICATION STATEMENT

This UPPS has been approved by the following individuals in their official capacities and represents Texas State policy and procedure from the date of this document until superseded.

Director, University Police Department; senior reviewer of this UPPS

Vice President for Student Affairs

President

Drug-Free Schools and Communities Act

UPPS No. 04.04.48

Issue No. 3

Revised: 8/29/2016

Effective Date: 10/14/2013

Next Review Date: 6/01/2019 (E3Y)

Sr. Reviewer: Assistant Vice President for Human Resources

01. POLICY STATEMENT

01.01 This policy establishes guidelines to comply with the Drug-Free Schools and Communities Act Amendments of 1989 (the Act).

02. REQUIREMENTS OF THE DRUG-FREE SCHOOLS AND COMMUNITIES ACT

02.01 This federal statute is overseen by the U.S. Department of Education and provides that in order to receive federal financial assistance of any kind after October 1, 1990, an institution of higher education must certify that it has adopted and implemented a program to prevent the unlawful possession, use, or distribution of illicit drugs and alcohol by students and employees on the institution's premises or as part of any of its sanctioned activities. At a minimum, this program must include the annual distribution of the following to each student and employee:

- a. standards of conduct that clearly prohibit, at a minimum, the unlawful possession, use, or distribution of illicit drugs and alcohol by students and employees on the institution's property or as any part of the institution's activities;
- b. a description of applicable legal sanctions under local, state, or federal law for unlawful possession, use, or distribution of illicit drugs and alcohol;
- c. a description of the health risks associated with the use of illicit drugs and the abuse of alcohol;
- d. a description of available drug and alcohol counseling treatment, rehabilitation, or re-entry programs; and
- e. a clear statement that the institution will impose sanctions on students and employees (consistent with local, state, and federal laws) and a description of these sanctions, up to and including expulsion or termination of employment and referral for prosecution, for violations of the standards of conduct.

03. RESPONSIBILITIES FOR DISTRIBUTION OF POLICY AND REVIEW OF PROGRAM

03.01 The vice president for Student Affairs (VPSA) will distribute the university policy statement, pursuant to the Act, to faculty, staff, and students twice a year, consistent with the academic calendar. This is accomplished via a biannual notification to

the campus that the policy is available on the dean of Students website.

03.02 The associate vice president and dean of Students shall:

- a. Conduct a biennial review of the institution's prevention and education program to determine their effectiveness, implement any needed changes, evaluate if any sanctions developed are consistently enforced, and document the university's compliance with the language of the Act.
- b. Certify the university's compliance with the Act through its reporting to the US Department of Education.

03.03 The Staff Handbook, the Faculty Handbook, and the Campus Watch shall contain a summary of the policy in the Drug-Free Schools and Communities Information for Students and Employees Regarding Illicit Drug and Alcohol Abuse statement.

04. REVIEWERS OF THIS UPPS

04.01 Reviewers of this UPPS include the following:

Assistant Vice President for Human Resources;
June 1 E3Y

Associate Vice President and Dean of Students;
June 1 E3Y

Chair, Faculty Senate; June 1 E3Y

Chair, Staff Council; June 1 E3Y

05. CERTIFICATION STATEMENT

This UPPS has been approved by the following individuals in their official capacities and represents Texas State policy and procedure from the date of this document until superseded.

Assistant Vice President for Human Resources;
senior reviewer of this UPPS

Vice President for Finance and Support Services
President

Alcoholic Beverage Policy and Procedure

UPPS No. 05.03.03

Issue No. 14

Revised: 10/25/2017

Effective Date: 10/15/2015

Next Review Date: 9/01/2020 (E5Y)

Sr. Reviewer: Associate Vice President and Dean of Students

01. POLICY STATEMENTS

01.01 This policy sets forth Texas State University's procedures regarding the sale, purchase, service, and consumption of alcoholic beverages on campus and at university-sponsored events. The Texas Alcoholic Beverage Commission Cash Sale Type Operation Guidelines as Adopted by Texas State University contains separate policy statements for the pub operation in George's in the LBJ Student Center, the Texas State golf course, and all applicable Athletic Department facilities where alcoholic beverages are served.

01.02 Texas State promotes healthy, responsible living, respect for laws, campus regulations, the individual's responsibility within the community, and the intellectual, social, emotional, ethical, and physical well-being of its community members.

01.03 This policy should be interpreted consistently with state law and the Rules and Regulations of The Texas State University System (TSUS) Board of Regents.

02. POLICIES

02.01 Special Use Facilities. Texas State will not sell or serve, or permit the sale or service, of alcohol on campus except in special use facilities.

a. The president has designated the facilities listed here as special use facilities. The president may amend this list, as appropriate, and may designate a campus facility as a special use facility on a temporary basis. Questions regarding the special use facility list should be directed to the Office of the Dean of Students at 512.245. 2124.

b. Persons may sell, serve, and consume alcoholic beverages in special use facilities in accordance with applicable law. The TABC Guidelines for Serving Wine and Beer contains wine and beer serving guidelines as recommended by the Texas Alcoholic Beverage Commission (TABC). The dean of Students must approve in advance all sales or consumption of alcoholic beverages at events in special use facilities.

***02.02 Prohibited Areas.** Persons may not possess or consume alcoholic beverages in classrooms or campus public areas such as campus grounds, streets, sidewalks, parking lots, the quad, or intramural fields unless the president has designated such areas as special use facilities.

02.03 University Housing. Alcohol is prohibited in all university housing facilities, except university apartments to the extent permitted by Department of Housing and Residential Life policy.

02.04 Events. The dean may approve alcoholic beverages at events if the following conditions are met:

- a. the event is held in a special use facility;
- b. the event is sponsored by: (1) a recognized faculty, staff, or student organization; (2) a department, college, or division; or (3) an off-campus agency or person as approved by the dean;
- c. the faculty or staff sponsor assuming responsibility for the event is present during the entire event;
- d. the majority of those attending are at least 21 years of age;
- e. food is served and an alternate non-alcoholic beverage is provided; and
- f. the sponsor assumes responsibility for the university facility, as well as the conduct of persons attending the event.

02.05 Security Officers. University Police Department (UPD) security officers must be present at events where alcoholic beverages are consumed unless the dean, UPD director, and facility manager agree that such security is unnecessary.

- a. Event sponsors will pay security officers in accordance with fees that UPD establishes. For non-working hours, officers will be paid at least time and a half per hour with a four-hour minimum for each officer unless the UPD director waives the minimum time requirement.
- b. When university funds are used, UPD officers will be paid through university payroll.

02.06 Kegs. Texas State discourages the use of keg beer at events because “keg use” encourages consumption until the keg is empty. However, the dean may approve keg beer at events if: (1) the sponsor employs a licensed caterer; and (2) only TABC-trained bartenders dispense the keg beer.

02.07 Donated Alcoholic Beverages. A Texas State office, department, college, or division, or a recognized faculty, staff, or student organization hosting an event may dispense alcoholic beverages that have been donated to the host, provided no charge is made for the alcoholic beverages.

- a. If the host is a Texas State office, department, college, or division or recognized faculty or staff organization, the following conditions must be met:
 1. if liquor is served and the anticipated attendance is in excess of 100 persons, the host must employ a licensed caterer, a TABC-trained bartender must dispense the alcoholic beverages, and UPD security officers must be present; and
 2. if only wine or beer or both are served and the

anticipated attendance is not in excess of 100 persons, the large majority of whom are over the age of 21, the host need not employ a licensed caterer and the sponsoring organization may request the dean to waive the requirement for a TABC-trained bartender. However, if the majority of the attendees are under the age of 21, the host will be required to employ a licensed caterer, a TABC-trained bartender, or UPD security officers.

- b. If the host is a recognized student organization, the following conditions must be met:
 1. if liquor is served or the anticipated attendance is in excess of 50 persons, the host must employ a licensed caterer, a TABC-trained bartender must dispense the alcoholic beverages, and UPD security officers must be present; and
 2. if only wine or beer, or both, are served and the anticipated attendance is not in excess of 50 persons, the host need not employ a licensed caterer and the sponsoring organization may request the dean to waive the requirement for a TABC-trained bartender and the presence of security officers. However, if the majority of the attendees are under the age of 21, the host may be required to employ a licensed caterer, a TABC-trained bartender, and UPD security officers.

02.08 The dean reserves the option to disapprove any request to serve or sell alcoholic beverages at an event if that disapproval is deemed to be in the best interest of the university community.

02.09 Caterers. Because of its license, the university’s food service contractor is the only caterer permitted to serve alcohol in the LBJ Student Center (see UPPS No. 03.01.18, Purchase of Alcohol).

- a. However, the university’s food service contractor or any other caterer may serve alcoholic beverages at events at other special use facilities if done in accordance with laws and university policy and if the caterer has:
 1. a license to serve alcoholic beverages;
 2. a permit to serve alcoholic beverages at the event;
 3. liability insurance of at least \$500,000; and
 4. TABC-trained bartenders to serve the alcoholic beverages.
- b. The university encourages using the same caterer to serve food and drinks. Although using different caterers for food and drinks may be legal, most caterers are reluctant to agree to serve only drinks when another caterer serves only the food because of the confusion it often causes.

02.10 Funds. University personnel may not use state-appropriated funds to purchase alcoholic beverages.

- a. University personnel are responsible for complying with state and federal laws, Regents' Rules, and university policies regarding purchasing, serving, and consuming alcoholic beverages. UPPS No. 03.01.18, Purchase of Alcohol sets the guidelines for the purchase of alcohol for allowable activities at Texas State.
- b. The use of a university-issued procurement card (P-Card) to purchase alcoholic beverages is prohibited.

03. PROCEDURES

03.01 A person or organization that desires to sponsor an event with alcoholic beverages will request approval from the dean at least 10 working days before the event.

03.02 The sponsor must obtain the written approval on the Alcoholic Beverage Activity form from the following persons at least 10 working days before the event:

- a. the director or coordinator of the facility where the event will occur;
- b. the UPD director who will assign the appropriate number of security officers and calculate the expected costs; and
- c. the university food service and alcoholic beverage contractor (For information about the university food service/alcoholic beverage contractor, please see the Auxiliary Services website or call 512.245.2585).

03.03 After the sponsor receives the written approval on the Alcoholic Beverage Activity form from the required persons, the sponsor will submit the form to the Office of the Dean of Students at least 10 working days before the event to obtain the written approval on the form from the dean.

03.04 If a planned event is cancelled, the sponsor must (at least 24 hours in advance) notify the director or coordinator of the facility where the event was to occur, the UPD director, the food service and alcoholic beverage contractor, and the dean.

04. EDUCATIONAL PROGRAMS

04.01 The checklist risk of liability contains a checklist to help reduce liability exposure and health risks associated with the consumption of alcoholic beverages.

04.02 Throughout the year, Texas State may provide free educational programs for its university community for the purpose of preventing alcohol and drug abuse.

04.03 The following support services are available to members of the university community with questions and concerns about the use or misuse of alcoholic beverages and controlled substances.

- a. Counseling Center;
- b. Health Promotion Services in the Student Health Center;

- c. Alcohol and Drug Compliance Services;
- d. Office of the Dean of Students;
- e. Attorney for Students;
- f. Bobcat Balance;
- g. Work Life; and
- h. Employee Assistance Program.

05. PROCEDURES FOR PUBLICIZING THIS POLICY

05.01 During September of each year, the dean will publicize this policy by:

- a. a notice in the Student Handbook;
- b. a memorandum or electronic notification to student organizations and their sponsors; and
- c. a memorandum or electronic notification, with presidential approval, to department chairs, directors, deans, and vice presidents.

06. REVIEWERS OF THIS UPPS

06.01 Reviewers of this UPPS include the following:

Associate Vice President and Dean of Students;
September 1 E5Y

TSUS Associate General Counsel; September 1 E5Y

Director, Special Projects; September 1 E5Y

Director, University Police Department; September 1 E5Y

Director, Procurement and Strategic Sourcing;
September 1 E5Y

Director, Auxiliary Services; September 1 E5Y

Director, Athletics; September 1 E5Y

07. CERTIFICATION STATEMENT

This UPPS has been approved by the following individuals in their official capacities and represents Texas State policy and procedure from the date of this document until superseded.

Associate Vice President and Dean of Students;
senior reviewer of this UPPS

Vice President for Student Affairs

President

Missing Person/Welfare Concern

POLICY 08.02.01

PURPOSE

To provide a written directive detailing how the Texas State University Police Department will handle missing persons or welfare concerns.

POLICY

This department's response to a reported missing child or person shall be in accordance with the Texas Code of Criminal Procedures Chapter 63 (Missing Children and Missing Persons).

The Texas State University Police Department shall comply with NCIC and TLET\$ guidelines for entering missing persons and welfare concern messages, a copy of which is made part of this procedure.

This agency holds that every person reported as missing will be considered at risk until significant information to the contrary is determined.

A. Definitions:

1. The term missing adult

refers to a person who is

- a. 18 years of age or older and
- b. Whose absence is contrary to his or her normal patterns of behavior and may be due to one or more of the unusual circumstances listed in Item 4 of this section

2. The term missing child

refers to a person who is

- a. Younger than 18 years of age and
- b. Whose whereabouts are unknown to his or her parent, guardian, or responsible party.

3. On Campus

refers to property owned, leased, or otherwise controlled by Texas State University.

4. The term unusual circumstances

refers to

- a. A missing child 13 years of age or younger. This age was established by the federal Missing Children Assistance Act because children of this age group have not established independence from parental control and do not have the survival skills necessary to protect themselves from exploitation on the streets.
- b. A child or an adult who is missing and believed to be one or more of the following items:

1. Out of the zone of safety for his or her age and physical and mental condition. The zone of safety will vary depending on age. In the case of an infant, for example, the zone of safety will include the immediate presence of an adult custodian or the crib, stroller, or carriage in which the infant was placed. For a school-aged child the zone of safety might be the immediate neighborhood or route taken between home and school. In the case of an elderly person of diminished physical and/or mental health, the zone of safety might include the close proximity and availability of a caregiver familiar with that individual's condition and needs.
2. Mentally diminished. If the person is developmentally disabled or emotionally disturbed, or the victim of disease, he or she may have difficulty communicating with others about needs, identity, or address. The disability places the person in danger of exploitation or other harm.
3. Drug dependent. In the case of a child, the term "drug dependent" shall refer to dependence on either prescription or illicit substances, since any drug dependency puts a child at substantially increased risk. In the case of an adult, the term "drug dependent" shall refer to a dependence on legally prescribed medicines vital to the adult's continued physical well-being. This in no way limits an officer's discretion in determining exigent circumstances regarding an adult's use of illicit drugs.
4. A potential victim of foul play or sexual exploitation. Significant risk to the person can be assumed if investigation indicates a possible abduction, violence at the scene of an abduction, or signs of sexual abuse.
5. In a life-threatening situation. The environment in which the person is missing may be particularly hazardous. Examples of a dangerous environment could be a busy highway for a toddler, an all-night truck stop for a teenager, or an outdoor environment in inclement weather for a child of any age or elderly missing person.
6. Absent from home for more than 24 hours before being reported to law enforcement as missing. While some persons may incorrectly assume that 24 hours must pass before law enforcement will accept a missing-person case, a delay in reporting might also indicate the existence of neglect or abuse within the family.

7. Believed to be with persons who could endanger his or her welfare. A missing person in such circumstances is in danger not only of sexual exploitation, but of involvement in criminal activity such as burglary, shoplifting, and robbery.
8. Is absent under circumstances inconsistent with established patterns of behavior. Most children and adults to some degree have established routines that are reasonably predictable. Significant, unexplained deviations from those routines increase the probability that the person may be at risk. A child or adult whose disappearance involves circumstances that would cause a reasonable person to conclude that the missing person should be considered at risk.

B. Upon receipt of a report of a missing person or child:

1. Jurisdictional conflicts are to be avoided when a person is reported missing.
 - a. If a missing person either resides on or was last seen on campus this agency will immediately initiate the required reporting process.
 - b. If a missing person legally resides on campus and was last seen in another jurisdiction. This department will assist the reporting party in contacting the appropriate agency. Should the law-enforcement agency covering that jurisdiction choose not to take a missing-person report, this department may assume reporting and investigative responsibility.
 - c. If the missing person does not reside in this primary jurisdiction and was last seen in another jurisdiction this department will assist the reporting party in identifying and contacting the appropriate agency as needed.
2. Questions concerning parental custody occasionally arise in relation to missing-child reports. It shall be the policy of this agency to accept the report of a missing child even if custody has not been formally established. Reporting parties shall be encouraged to obtain legal custody as soon as possible; however, since the safety of the missing child(ren) is paramount, members of this agency will open a case when it can be shown that the child is missing, without explanation, from his or her usual place of residence.
3. Start an investigation to determine the location of the person. If the individual resides in a University residence facility the Residence Life staff responsible for that facility should be notified.
4. Complete an Information Report entitled "TLETS REQUEST (MISSING PERSON)." This report should include:

- a. Name & DOB of missing person
- b. Address and phone number of missing person
- c. Health status of missing person (intoxicated, mental disorder, stressed, suicidal, injured, etc.)

5. The officer shall meet the current criteria for entering a Missing Person into NCIC; i.e., Disability, Endangered, Involuntary, Juvenile or Catastrophic Victim.
6. Ensure that the department's Communication Division immediately enters the name of the missing person or child into the TCIC/NCIC clearinghouse with all identifying features.

C. Actions upon determination of unusual circumstances.

1. If it is determined that unusual circumstances are involved in the report of a missing adult or child, the person will be considered at-risk, and an expanded investigation, including the use of all appropriate resources, will immediately commence. While all missing-person incidents should be thoroughly investigated, those involving unusual circumstances indicate a heightened likelihood of risk to the person and, therefore, require an intensive response.
2. If appropriate, existing interagency response protocols — including the AMBER Alert system and/or other immediate community notification methods, if available — should be activated. Pre-planned strategies for responding to missing-person reports are essential for successful case resolution. By identifying all the services and resources a region has available to search for missing persons, multiagency agreements can be reached beforehand and promptly activated when the need arises.
3. See Paragraph 7 in Section IV(A) regarding the role of the call-taker, Paragraph 12 of Section IV(B) regarding the role of the first responder, and Paragraph 3 of Section IV(C) regarding the role of the supervisor for additional AMBER Alert commentary.

D. Officers who locate persons reported missing should:

1. Ascertain if missing person is injured or safety jeopardized.
2. Inform the person that he or she has been reported as missing.
3. Request that the missing person contact the concerned party.

4. Contact the concerned party to inform them of status only.

E. Disclosure:

Persons over the age of eighteen (18) have a right to privacy. Therefore, when contacting a concerned party about finding a person over eighteen (18) years of age, limit your discussion to the fact that the missing person has been located and is safe. If the concerned party is insistent that the missing person's whereabouts be disclosed, explain the policy and advise that the missing person was asked to call the concerned party as soon as possible.

F. Welfare Concerns:

If a concerned party wishes to seek police assistance in locating an overdue motorist or overdue person but does not wish to file an official Missing Persons Report, the officer may, if no apparent exigent circumstances exist, offer the service of an administrative Welfare Concern message broadcast to other agencies in compliance with TLETS guidelines. In this case, an Information Report should be written entitled "Welfare Concern" documenting your efforts on behalf of the department and the concerned party's request not to enter as an official missing person's report.

Definitions

What is a crime? Read the definitions of the terms used in the FBI Uniform Crime Reports and Texas State Crime Statistics reported in this newsletter. Note: These are federal definitions of acts, not charges issued against individuals according to the Texas Penal Code.

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, or personal property of another.

Assault, Aggravated

An unlawful attack by one person on another for the purpose of inflicting severe or aggravated bodily injury. This type of assault usually is accompanied by the use of a weapon or by means likely to produce death or great bodily harm.

Assault, Simple (Non-Aggravated)

An unlawful physical attack by one person upon another where the offender does not display a weapon and the victim does not suffer obvious severe or aggravated bodily injury involving apparent broken bones, loss of teeth, possible internal injury, severe laceration or loss of consciousness.

Burglary (breaking or entering)

The unlawful entry into a building or other structure with the intent to commit a felony or a theft. Forced entry is not a required element of the offense; it may be accomplished through an unlocked door or window, so long as the entry is unlawful (constituting a trespass). Included are attempts to commit burglary where force is employed, or where a perpetrator is frightened off while entering an unlocked door or climbing through an open window.

Campus

(1) 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; and

(2) Any building or property that is within or reasonably contiguous to the area identified in paragraph (1) of this definition, 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).

Campus Security Authority

(1) A campus police department or a campus security department of an institution.

(2) Any individual or individuals who have responsibility for campus security but who do not constitute a campus police department or a campus security department under paragraph (1) of this definition, such as an individual who is responsible for monitoring entrance into institutional property.

(3) Any individual or organization specified in an institution's statement of campus security policy as an individual or organization to which students and employees should report criminal offenses.

(4) An official of an institution who has significant responsibility for student and campus activities, including, but not limited to, student housing, student discipline and campus judicial proceedings. If such an official is a pastoral or professional counselor as defined below, the official is not considered a campus security authority when acting as a pastoral or professional counselor.

*Consent

www.statutes.legis.state.tx.us/Docs/PE/htm/PE.22.htm#22.011

An informed and freely and affirmatively communicated willingness to participate in a particular sexual activity. Consent can be expressed either by words or by clear and unambiguous actions, as long as those words or actions create mutually understandable permission regarding the conditions of each instance of sexual activity. It is the responsibility of the person who wants to engage in the sexual activity to ensure that s/he has the consent of the other to engage in each instance of sexual activity. (The definition of consent for the crime of sexual assault in Texas can be found at Texas Penal Code Section 22.011).

***Dating Violence**

www.statutes.legis.state.tx.us/Docs/FA/htm/FA.71.htm

Texas Statutes And Codes: Family Code, Title 4. Protective Orders And Family Violence, Subtitle A. General Provisions, Chapter 71. Definitions, Sec. 71.0021. Dating Violence.

An act, other than a defensive measure to protect oneself, by an actor that:

(1) is committed against a victim: (A) with whom the actor has or has had a dating relationship; or (B) because of the victim's marriage to or dating relationship with an individual with whom the actor is or has been in a dating relationship or marriage; and

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

***Domestic Violence (Family Violence)**

www.statutes.legis.state.tx.us/Docs/FA/htm/FA.71.htm

Texas Statutes and Codes: Family Code, Title 4. Protective Orders And Family Violence, Subtitle A. General Provisions, Chapter 71. Definitions, Sec. 71.004. Family Violence.

“Family violence” means an act by a member of a family or household against another member of the family or household that is intended to result in physical harm, bodily injury, assault or sexual assault, or that is a threat that reasonably places the person in fear of imminent physical harm, bodily injury, assault or sexual assault, but does not include defensive measures to protect oneself.

Drug Violations

Violation of laws prohibiting production, distribution and/or use of certain controlled substances and the equipment or devices utilized in their preparation and/or use; the unlawful cultivation, manufacture, distribution, sale, purchase, use, possession, transportation or importation of any controlled drug or narcotic substance; violation of state and local laws, specifically those relating to the unlawful possession, sale, use, growing, manufacturing and making of narcotic drugs.

Hate Crimes

Hate crimes are criminal offenses committed against a people or property that is motivated, in whole or in part, by the offender's bias. Bias is a preformed negative opinion or attitude toward a group of persons based on their race, age, gender, gender identity, religion, disability, sexual orientation, ethnicity/national origin or on the basis of veterans' status.

Simple Assault is an unlawful physical attack by one person upon another where neither the offender displays a weapon, nor the victim suffers obvious severe or aggravated bodily injury involving apparent broken bones, loss of teeth, possible internal injury, severe laceration or loss of consciousness. Also included are all assaults which do not involve the use of a firearm, knife, cutting instrument or other dangerous weapon and in which the victim did not sustain serious or aggravated injuries.

Vandalism/Destruction/Damage of Property:

To willfully or maliciously destroy, damage, deface or otherwise injure real or personal property without the consent of the owner or the person having custody or control of it.

Hierarchy Rule:

The requirement in the FBI's UCR Program that, for purposes of reporting crimes in that system, when more than one criminal offense is committed during a single incident, only the most serious offense is to be included in the institution's Clery Act statistics. An exception to the rule would apply only in cases where a murder, sexual assault, arson and hate crimes occur in the same incident.

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.

Larceny-theft

The unlawful taking, carrying, leading or riding away of property from the possession or constructive possession of another. Attempted larcenies are included. Embezzlement, confidence games, forgery and worthless checks are excluded.

Liquor Law Violations

Violation of laws or ordinances prohibiting the manufacture, sale, purchase, transportation, possession or use of alcoholic beverages (does not include driving under the influence or drunkenness).

Motor Vehicle Theft

Theft or attempted theft of a motor vehicle.

Murder and Non-negligent Manslaughter

Any death caused by injuries received in a fight, argument, quarrel, assault or commission of a crime.

Negligent Manslaughter

The killing of another person through gross negligence.

Non-campus Building or Property

- (1) Any building or property owned or controlled by a student organization that is officially recognized by the institution; or
- (2) 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.

Pastoral Counselor

A person who is associated with a religious order or denomination, is recognized by that religious order or denomination as someone who provides confidential counseling and is functioning within the scope of that recognition as a pastoral counselor.

Professional Counselor

A person whose official responsibilities include providing mental health counseling to members of the institution's community and who is functioning within the scope of his or her license or certification.

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.

Referred for Campus Disciplinary Action

The referral of any person to any campus official who initiates a disciplinary action of which a record is kept and which may result in the imposition of a sanction.

Robbery

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

Sexual Assault (Sex Offenses)

Any sexual act directed against another person, without consent of the victim, including instances where the victim is incapable of giving consent. Include attempted sexual assaults.

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

Include the crime as rape, regardless of the age of the victim, if the victim did not consent or if the victim was incapable of giving consent. If the victim consented, the offender did not force or threaten the victim, and the victim was under the statutory age of consent, include the crime as statutory rape.

Fondling is 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 is sexual intercourse between persons who are related to each other within the degrees wherein marriage is prohibited by law.

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

*Sexual Assault

www.statutes.legis.state.tx.us/Docs/PE/htm/PE.22.htm#22.011

Any form of non-consensual sexual activity representing a continuum of conduct from

forcible rape to non-physical forms of pressure designed to compel individuals to engage in sexual activity against their will. (Texas Penal Code Section 22.011)

***Stalking**

Section 40002(a) of the Violence Against Women Act of 1994 defines “stalking” to mean 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.

www.statutes.legis.state.tx.us/Docs/PE/htm/PE.42.htm

Texas Statutes and Codes: Penal Code Title 9. Offenses Against Public Order And Decency Chapter 42. Disorderly Conduct And Related Offenses, Sec. 42.072. Stalking.

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.

Weapons Possession

Violations of laws or ordinances prohibiting the manufacture, sale, purchase, transportation, possession, concealment or use of firearms, cutting instruments, explosives, incendiary devices, other devices or other deadly weapons.

Campus Carry

Texas Senate Bill 11 (SB 11) was passed into law by Governor Greg Abbott on June 1, 2015, and is often referred to as “Campus Carry.” It permits individuals with a concealed handgun license (CHL) to carry a concealed weapon on public university campuses in Texas.

The campus carry rules and regulations may be found at: txstate.edu/campuscarry

***Violence Against Women Act (VAWA) 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 category for Clery Act reporting purposes).

** Denotes definitions under the laws of the jurisdiction in which the crime occurred.*

Important Numbers

Texas State University

University Police
Nonemergency
512.245.2805

Alcoholics Anonymous, River Group
512.396.2060

Alcoholics Anonymous, Texas State
512.245.3601

Bobcat Bobbies Safety Escort and
Motorist Assists
512.245.SAFE (7533)

Counseling Center
512.245.2208

Crime Prevention
512.245.8341

Crime Stoppers of Texas State
512.245.STOP (7867)

Hays-Caldwell Council on Alcohol
and Drug Abuse
512.396.7695 or 800.733.1214

Hays-Caldwell Women's Center (24 hours)
512.396.4357 or 800.700.4292

Texas State Student Health Center
Appointments: 512.245.2161
Clinic: 512.245.2161
Pharmacy: 512.245.3590

Victim Services
512.245.2805

Round Rock Campus

University Police
Nonemergency
512.716.4911

Crime Stoppers of Williamson County
800.253.STOP (7867)

Crisis Hotline-Hope Alliance
800.460.SAFE (7233)

Williamson County Council
on Alcohol and Drug Abuse
512.869.2571

Williamson County Sheriff's Office
Nonemergency
512.943.1300

Williamson County Victim Assistance
512.943.1374

Title IX Coordinator

Equity and Access
512.245.2539

Texas State University provides this report as a part of its safety and awareness program and as part of its obligation to comply with the Student Right-to-Know and Campus Security Act of 1990.

Texas State's annual security report includes statistics for the previous three years concerning reported crimes that occurred on campus, in certain off-campus buildings owned or controlled by the university, and on public property within or immediately adjacent to and accessible from the campus. The report also includes institutional policies concerning campus security, such as policies on alcohol and drug use, crime prevention, the reporting of crimes, sexual assault and other matters.

The Texas State campus security report is available through the UPD website at police.txstate.edu. It is also available by mail at no charge from Texas State's Undergraduate Admissions Office, The Graduate College, Human Resources or University Police Department by calling 512.245.2111.

Texas State University, to the extent not in conflict with federal or state law, prohibits discrimination or harassment on the basis of race, color, national origin, age, sex, religion, disability, veterans' status, sexual orientation, gender identity or expression. This information is available in alternate format upon request from the Office of Disability Services. Texas State University is a tobacco-free campus. 18-451SP 7/18

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