ANNUAL SECURITY AND FIRE SAFETY REPORT 2019

Revised April 29, 2020 - Details in Table of Contents

TEXAS STATE UNIVERSITY

The rising STAR of Texas
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Details of Revisions as of 4/29/20

- P. 40 - Crime data tables revised to reflect results of data audit.

Policy Revisions

- P. 15 - Added “prompt, fair, and impartial.”
- P. 17 - Added passages for both faculty and student appeals, and simultaneous written notification of outcomes.
- Throughout the report - Standardized the use of the term “victim” to align with the Clery Act terminology.
A MESSAGE FROM THE PRESIDENT

It is up to each one of us to help foster a secure and supportive environment at Texas State University — an environment where individuals can feel safe to visit, learn, work, and live. Safety on the Texas State campuses is one of our highest concerns. Our campuses, like all others, and in fact, like all communities, experience crime. It is, also like others, generally a safe place, but the best safety possible can only be achieved with everyone’s cooperation. This Annual Security and Fire Safety Report contains information about our safety policies, procedures, and other measures, as well as statistics about crime and fires. We are working hard to build and sustain a world class Clery Act compliance program. The most visible demonstration of this effort is our Annual Security and Fire Safety Report. During 2019 and 2020, the University took several steps to greatly enhance how we meet our federal obligations under the Act. These included creating two compliance oversight positions, one of which is devoted exclusively to the Clery Act’s obligations; carrying out comprehensive policy and procedure reviews and updates; expanding campus security authority training for University officials; and conducting a thorough review of records within many University offices, which led to revisions of our published crime data and to collaboration with national experts in a year-long Clery Act compliance program improvement effort.

Thank you for all you do to keep our community a safe and respectful one.

Denise M. Trauth, President
A MESSAGE FROM THE TEXAS STATE UNIVERSITY CLERY ACT COMPLIANCE COMMITTEE

We are pleased to distribute this Revised 2019 Annual Security and Fire Safety Report (ASFSR) for the San Marcos and Round Rock campuses of Texas State University. The ASFSR is prepared annually in compliance with the Jeanne Clery Disclosure of Campus Security Policy and Campus Crime Statistics Act (Clery Act) and subsequent amendments specified in the Higher Education Opportunity Act (HEOA) and the reauthorization of the Violence Against Women Act (VAWA).

The Texas State University (TXST) Clery Act Compliance Committee is an interdisciplinary team comprised of members from University Police Department, Environmental Health, Safety, & Risk Management, the Division of Student Affairs, Human Resources, and the Office of the President. The ASFSR is an overall guide for many safety and security policies at TXST and can serve as a guide regarding education and prevention programs in which all community members are invited to attend. The ASFSR also provides crime and fire statistics for the 2016-2018 calendar years for your review.

The team’s focus is on the safety and well-being of our students, staff, faculty, and visitors. It guides our work every day. TXST works diligently to reduce the risk and potential for crime and other hazardous situations. However, despite all our efforts, crimes and other hazardous situations may occur. Safety and security are institutional responsibilities shared by all. We strive to collaborate with our community members to contribute to the safety and security of our campus. Live by the motto: “If you see something, say something.”

If you have any questions about this publication, please contact UPD at 512-245-8336.
ACCESSIBILITY TO INFORMATION AND NON-DISCRIMINATION STATEMENT

Texas State University is committed to creating and maintaining an educational community in which each individual is respected, appreciated, and valued. Texas State University provides equal opportunity and access to all qualified persons. Texas State, to the extent not in conflict with federal or state law, prohibits discrimination on the basis of race, color, national origin, age, sex, religion, disability, veterans’ status, sexual orientation, gender identity, or gender expression.

Texas State University 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.

All complaints related to sexual misconduct or discrimination should be reported to: Title IX Coordinator, TitleIX@txstate.edu or (512) 245-2539.

PROHIBITION ON RETALIATION

Texas State 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 in any way in the process of investigating or adjudicating an incident of sexual misconduct. Any actual or threatened retaliation, or any act of intimidation to prevent or otherwise obstruct the reporting, investigating, or adjudicating of sexual misconduct may be considered a separate violation of policy and may result in disciplinary sanctions.

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<td>Dean of Students Office</td>
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<td>Office of Equity and Inclusion</td>
<td>J. C. Kellam Room 164</td>
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<td>Title IX Coordinator</td>
<td>J.C. Kellam Room 164</td>
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<td><a href="https://www.txstate.edu/oei/title-IX.html">https://www.txstate.edu/oei/title-IX.html</a></td>
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<td>Environmental Health, Safety &amp; Risk Management</td>
<td>736 Oscar Smith Street</td>
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<td>J. C. Kellam Room 240</td>
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<td>Housing and Residential Life</td>
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<td>Student Health Center</td>
<td>298 Student Center Drive</td>
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<td>Student Health Center – Thorpe Lane</td>
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<td>J. C. Kellam 980</td>
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<td>Office of Veteran Affairs</td>
<td>J. C. Kellam 105</td>
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<td>International Office</td>
<td>Thornton House</td>
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PREPARATION OF THE ANNUAL SECURITY AND FIRE SAFETY REPORT AND DISCLOSURE OF CRIME STATISTICS

The University coordinates the collection and reporting of crime statistics as specified in the Jeanne Clery Disclosure of Campus Security Policy and Crime Statistics Act (Clery Act). Each year, the University notifies all enrolled students and employees, via email, that they can view the report at: www.clery.txstate.edu/report

Prospective employees and students are notified about the availability and location of the report via the online employee and student application process. This report is prepared in cooperation with the Texas State University Police Department (UPD), TXST Environmental Health, Safety and Risk Management, local law enforcement agencies, Division of Student Affairs, Student Health, Housing and Residential Life, and the Office of the President. Each entity provides current information about its safety and security educational efforts and programs as well as statistical data. Annually, TXST sends a written request to Campus Security Authorities (CSAs) requesting information about all Clery Act Crimes that occurred on TXST’s geography that were reported to them. TXST does allow individuals to report crimes on a confidential, voluntary basis for inclusion in the annual disclosure of crime statistics, except where the University Police process a crime using a pseudonym.

Reports of criminal activity given to CSAs and reports of crimes made to local law enforcement agencies are requested and included in the Annual Security Report as required by the Clery Act.

“Campus Security Authority” (CSA) means an individual with responsibility for campus safety and security. This includes campus police; individuals who are responsible for monitoring buildings or University grounds, or with similar security responsibilities who are not part of campus police; individuals or organizations specifically identified to receive reports of criminal offenses; and University officials, but not limited to all deans, directors, department chairs, student housing, student conduct, athletics, Title IX coordinator, Greek Life coordinator, and advisors to student organizations.

REPORTING CRIMES AND OTHER EMERGENCIES

Students and employees should notify UPD of any situation or incident occurring on campus that may constitute an immediate threat to the health and/or safety of students and/or employees. Emergencies may be reported by dialing 911 from any cell phone, campus landline, or via the emergency phones located on campus. 911 calls from campus landlines are connected directly to UPD Dispatch as are calls from the emergency phones. 911 calls from cell phones are received by the City of San Marcos Police Department and transferred immediately to UPD Dispatch.

UPD will review reports of alleged criminal activity and either send an officer immediately or refer the report for subsequent investigation, depending upon the nature and seriousness of the offense involved. Individuals reporting an alleged crime should attempt to preserve evidence that might prove the crime was
committed. All criminal incidents are investigated by UPD. UPD response(s) include, but are not limited to:

- Immediate response to emergencies through dispatch of one or more officers.
- Investigation of reports in accordance with UPD procedures.
- Arrest and filing of charges, depending upon the circumstances of the incident.
- Referring alleged offenders to appropriate campus agencies, such as the Dean of Students.

Members of the TXST community should report crimes and emergencies to UPD in order to be assessed for issuing timely warning notices and for inclusion in the annual crime statistics. The University encourages its professional counseling and appropriate health services staff to inform persons seeking their services of the opportunity to report crimes on a voluntary, confidential basis for inclusion in the University’s annual disclosure of crime statistics. This process is employed at the discretion of the professional counseling and health services staff, as they deem appropriate.

**VOLUNTARY, CONFIDENTIAL REPORTING**

As noted earlier, TXST does allow individuals to report crimes on a confidential, voluntary basis. Reports of criminal activity given to CSAs and reports of crimes made to local law enforcement agencies are requested and included in the Annual Security Report as required by the Clery Act. Individuals may report to CSAs without including personally identifying information.

**REPORTING TO THE TEXAS STATE UNIVERSITY POLICE DEPARTMENT**

Prompt and accurate reporting of criminal offenses aids in providing a timely response and timely warning notices to the community when appropriate and assists in compiling accurate crime statistics. Community members, students, faculty, staff, and guests are encouraged to report all crimes and public safety related incidents in an accurate and timely manner to UPD and local law enforcement. The campus community is encouraged to report all crimes in a timely manner. Any alleged criminal actions (including sex offenses) or emergencies that occur on or off campus of the University can be reported in any of the following ways:

**FOR EMERGENCIES**

Dial 911 on campus or use any emergency telephone located throughout the campus.

Emergencies include any crime in progress, medical emergencies, a person being forced into a vehicle, a strange car repeatedly driving in the same area of campus, any intoxicated person, a safety hazard, or any situation that you believe is suspicious or dangerous.

**FOR NON-EMERGENCIES**

- Call UPD at 512-245-2805 or personally visit the police department in the Nueces Building
- Request that any campus official assist with reporting the alleged crime
- TTY callers: 800-RELAY TX

**EMERGENCY PHONES**

In addition to dialing 911 from any campus phone, the University has installed emergency phones around campus. They are at marked emergency telephone at locations throughout the campus (the phones are blue poles, dark brown poles, or silver boxes marked “Emergency”).

**ANONYMOUS REPORTING**

Anyone with information on criminal activity can call 800-324-8477 and may receive a cash award if the tip leads to the arrest and indictment of the criminal offender. The cash award comes from the Hays County Crime Stoppers, a nonprofit organization. You may remain anonymous when you report your crime tip.

If an individual does not want to report a crime to the police, they also may report crimes to a designated Campus Security Authority (CSA). These designated individuals have significant responsibility for student and campus activities, and as such, are provided notice by UPD as to the extent of their responsibility and how to report crimes to UPD. The Texas State University System provides an Ethics and Compliance Hotline for anonymous reporting at (866) 294-0987 or online at https://secure.ethicspoint.com/domain/media/en/gui/12867/index.html
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REPORTING TO OTHER CAMPUS SECURITY AUTHORITIES

TXST expects that campus community members accurately and promptly report all crimes and other emergencies directly to University Police at 911. In some cases, when crimes reports are not emergencies, we understand individuals may appropriately want to report to other campus offices. The University supports this decision when it’s safe. The Clery Act’s definition of CSAs has identified nearly 1,000 at TXST but we have identified those offices listed below as the preferred places to report crime other than UPD.

PASTORAL AND PROFESSIONAL COUNSELORS

While TXST requests that all crimes on the campus be reported promptly, we do support professional and pastoral counselor’s professional obligations to not disclose or report certain incidents. Should a professional or pastoral counselor determine that police involvement and reporting is needed, the TXST Police Department will work with the counselor to respond appropriately. TXST does not require pastoral and professional counselors to notify individuals they are counseling of the option to report crimes on an anonymous or confidential basis for inclusion in the annual statistical disclosure of crime statistics unless the counselors would like to do so. Additionally, TXST is not required to provide a timely warning with respect to crimes reported to pastoral or professional counselors.

ABOUT THE TEXAS STATE UNIVERSITY POLICE DEPARTMENT

TXST UPD is a law enforcement agency that operates 24 hours a day, 7 days a week, 365 days a year. As the University’s principal provider of safety and security for students, faculty, staff, and visitors; a portion of UPD’s mission is to facilitate a safe and inclusive learning and working environment by providing a high level of safety and professionalism.

LAW ENFORCEMENT AUTHORITY

UPD police officers are commissioned as peace officers under Texas Education Code 51.203 and are certified police officers under the requirements of the Texas Commission on Law Enforcement (TCOLE). Officers are sworn with the full powers of arrest and mandated to enforce all applicable federal and state laws, as well as local ordinances. UPD security guards have no arrest authority. Contract security officers and crowd management staff, hired by TXST for occasional supplemental staff at large events do not have any arrest authority. The University, also in support of relatively rare large events, will hire police officers from area agencies. These officers exercise full arrest authority while on campus at these events.

Police officers enforce laws throughout San Marcos, Round Rock, Hays, and Williamson counties, but focus their primary response and attention to crimes or incidents occurring on TXST property or adjacent streets and crimes involving the University as the object of the offense. Investigations of offenses occurring on campus are generally conducted by UPD, but assistance from local law enforcement agencies is requested when necessary. The department regularly aids local law enforcement agencies when requested. UPD participates in training with other local, state, and federal law enforcement agencies.

SAFETY, OUR #1 PRIORITY

Through the teamwork of the University and campus community, TXST consistently strives to be among the safest large college campuses in Texas. We work to achieve this by developing a partnership with students, administrators, faculty, and staff. With a University population of more than 40,000, the TXST campus reflects the communities it serves and is not immune to societal problems.

Preventing or reducing crime in any community is a tough task. Success in crime prevention and safety at TXST depends in large part on the education and participation of the campus community. The campus community is provided information about safety programs and services, but individuals should be advised that they are responsible for their own security and safety.

Each year, the University publishes this annual report concerning campus security and crime statistics. The report provides information for reporting crimes, important University policies and procedures, law enforcement authority on campus, and support services for victims of crimes. Also, the Texas State University Police Department maintains an online Daily Crime and Fire Log. The crime log is accessible online at https://www.police.txstate.edu/60-day-Crime-and-Fire-Log.html or in person at UPD located in the Nueces Building during normal business hours.

TXST is committed to providing an environment conducive to an educational mission; thus, any conduct that is prohibited by state, federal, or local law is subject to discipline under the provisions of policies stated in the TXST Policy Manual, Texas State University System Policy Manual, and Student Handbook, as appropriate. The University monitors and reports to law enforcement agencies illegal conduct of students, faculty, or staff on University premises or off-campus locations. In addition, University officials may refer any evidence of illegal activities to the proper local, state, or federal authorities for review and potential prosecution.
PERSONAL SAFETY AND CRIME PREVENTION PROGRAMS

Texas State University provides new student and employee orientation sessions throughout the year. During these sessions, UPD provides a program designed to make community members aware of campus police and security procedures, awareness programs and crime prevention efforts, and practices (safety tips) to encourage students and employees to be responsible for their own security and security of others. UPD also coordinates with the Student Health Center to educate the campus community about how to handle disruptive students, the Clery Act, and Title IX.

WORKING RELATIONSHIP WITH LOCAL, STATE, AND FEDERAL LAW ENFORCEMENT AGENCIES

UPD maintains mutual aid agreements with San Marcos PD, Hays County Sheriff’s Office, and Williamson County Sheriff’s Office to facilitate interagency cooperation in the investigation of criminal offenses and response to other public safety incidents occurring on campus or throughout the region. The department maintains formal and informal liaisons with various local, state, and federal law enforcement agencies in support of campus security and safety efforts. In addition to collaboration with these local law enforcement agencies, UPD works with the Austin Regional Information Center, (ARIC). ARIC is our area’s regional law enforcement fusion center, which synthesizes information and provides analyses to affected agencies. ARIC represents local, county, state, and federal agencies. UPD also works well with both the Texas Department of Public Safety and law enforcement at the Texas Parks and Wildlife Department.

CRIMES INVOLVING STUDENT ORGANIZATIONS AT OFF-CAMPUS LOCATIONS

Monitoring and recording will be done through local police agencies of criminal activity at off-campus locations of student organizations officially recognized by the University, including student organizations with off-campus housing facilities because those properties are in their jurisdiction.

Primary UPD jurisdiction does not include off-campus properties owned or controlled by registered student organizations. Regular contact between UPD and local law enforcement agencies is maintained to aid in the tracking of criminal activities. UPD obtains information from the agencies about criminal activity at properties owned or controlled by registered student organizations. For purposes of reporting the data, the term “non-campus buildings” includes areas off campus owned or controlled by registered student organizations. However, UPD has no responsibility for security policies, procedures, or safety at these locations.

TIMELY WARNING REPORTS – CRIME ALERTS

TXST provides timely warning notices to the campus community when a Clery Act crime is reported to have occurred on TXST’s Clery Act Geography and is considered to represent a serious or continuing threat to students or employees. These warnings will be distributed if an incident is reported to UPD directly or indirectly through a local police agency or Campus Security Authority (CSA).

These warnings will contain the following:
- Information about the crime that triggered the warning
- Information that would promote safety
- Information that would aid in the prevention of similar crimes

Timely Warnings will be distributed without any personally identifying information of reporting parties or victims. The University will distribute timely warning announcements when there appears to be a serious or continuing threat to the safety and security of persons on campus for the following Clery Act Crimes:

- Aggravated assault
- Arson
- Burglary
- Manslaughter by negligence
- Motor vehicle theft
- Murder/Non – negligent manslaughter
- Robbery
- Sex offenses
- Domestic violence/dating violence/stalking
- Violations of liquor laws, drug law, or weapons possession law
- Any criminal offense that manifests evidence that the victim was intentionally selected because of the perpetrator’s bias against the victim. Bias categories include; race, gender, gender identity, religion, disability, sexual orientation, ethnicity, or national origin.

Decisions concerning whether to issue a timely warning will be made on a case-by-case basis using the following criteria:
- Nature of the crime
- Danger and continuing danger to the campus
- Risk of compromising law enforcement efforts

Criminal reports are considered on a case-by-case basis, depending on the facts and the information known by UPD. For example, if an assault occurs between two students who have a disagreement, there may be no on-going threat to other TXST community members, and a timely warning may not be distributed. In cases involving sexual assault, they are often reported long after the incident occurred, thus there may be no ability to distribute a “timely” warning notice to the community. The UPD Chief of Police or designee reviews all reports to determine if there is an on-going
threat to the community and if the distribution of a timely warning is warranted. Timely warnings may also be posted for other crime classifications and locations, as deemed necessary. These crimes are normally reported directly to UPD. However, sometimes they are reported to local law enforcement agencies or Campus Security Authorities (CSAs). UPD has requested that local law enforcement agencies and CSAs notify UPD about crimes reported to them that may require a timely warning.

Timely warnings are distributed through the University’s TXState Alert system, which can include:

- Text
- Email

Timely Warning notices are usually written by the Chief of Police or designee and distributed by UPD. Warnings will contain information about the nature of the threat and allow members of the community to take protective action.

**EMERGENCY RESPONSE AND EVACUATION PROCEDURES**

Texas State University regularly reviews and annually updates plans and procedures for emergency response and evacuation for the campus community. Emergency plans and procedures as well as a variety of additional resources are available for viewing at [https://safety.txstate.edu/emergency-preparedness.html](https://safety.txstate.edu/emergency-preparedness.html).

Possible emergencies that may occur include, but are not limited to the following:

- Severe weather
- Public health crisis
- Fire (localized building fire or wildfire)
- Campus violence
- Civil unrest
- Hazardous material spill
- Gas leak
- Explosion
- Bomb threat
- Terrorist incident

The TXST Office of Emergency Management (OEM) in conjunction with Environmental Health, Safety, & Risk Management (EHS&RM) is responsible for conducting tests of emergency response and evacuation procedures through a variety of drills and exercises designed to assess and evaluate emergency plans and capabilities. Evacuation drills are conducted once each long semester in on-campus residence halls.

Emergency notification systems are tested at least once annually, and emergency response and evacuation procedures are shared with the community. Exercises may include tabletop, functional, full-scale, or any combination thereof. Tests may be announced or unannounced in advance to the campus community. Each test is documented and includes, at a minimum; a description of the test, the date, and time, and whether it was announced or unannounced at least once a year.

Various campus departments, including OEM and EHS&RM, utilize outreach programs to train and educate the campus community, providing the knowledge needed to respond appropriately to various types of hazards.

Additionally, OEM is responsible for annually publicizing emergency response and evacuation procedures to the campus community. This primarily occurs through multiple email “blasts” sent to employees and students throughout the year.

The primary law enforcement response to emergencies occurring on TXST property is Texas State University Police Department. Fire Department/EMS (Emergency Medical Services) emergency response is provided by the City of San Marcos. UPD is usually first to respond to emergencies occurring on the TXST campus and works with the City of San Marcos responders when necessary to resolve the situation.

**EMERGENCY NOTIFICATION**

Upon confirmation of a significant emergency or dangerous situation involving an immediate threat to the life, safety, or security of the campus community occurring on campus, TXST will without delay — and taking into account the safety of the community - determine the content of emergency notification messages and initiate the notification system. The content of an emergency notification will contain information that will aid the campus community in responding to a particular situation or provide evacuation procedures when/if necessary. Emergency notification will be issued unless issuing a notification will, in the professional judgment of the responsible authorities, compromise efforts to assist a victim or contain, respond to, or otherwise mitigate the emergency.

Some emergency notifications are intended to be used by community members when they become aware of a dangerous situation, such as fire alarms and/or certain severe weather.

TXST community members are authorized to activate the appropriate alarm system when the corresponding emergency is occurring. The alarm systems in place are designed to notify others of the danger via audible and/or visual means.

The following campus officials have been designated to serve as authorized officials who are empowered to approve the content and issuance of written emergency notifications:

- President or designee
- Provost
- Vice President for Finance and Support Service
- Chief of Police or designee
- Vice President for Student Affairs
- Senior Police Supervisor on duty
- Emergency Manager
When an authorized official receives a report of an imminent or already occurring situation that poses an immediate threat to life, safety, or security on campus, they will confirm the report. Depending on the situation, confirmation may be achieved through one or more of the following sources:

- Investigation by Texas State University Police Department
- Investigation by other TXST campus departments, including but not limited to, Environmental Health, Safety, & Risk Management, Dean of Students, Facilities, and/or the Student Health Center
- Investigation by City of San Marcos Fire Department and/or Police Department
- San Marcos County Emergency Services and/or Health Department
- Texas Department of State Health Services
- Media reports originating from the incident scene

The authorized official will determine, consulting with other campus officials as appropriate, how much information is appropriate to disseminate at different points in time. This determination will be based on the following:

- Nature of the incident or threat
- Segment to be notified
- Location of the incident or threat

Depending on the circumstances, TXST may send emergency notification messages to the entire campus community or only a segment of the population. If a confirmed emergency-situation appears likely to affect a limited segment of the campus community, emergency notification messages may be limited to that group. If the potential exists for a very large segment of the campus community to be affected by a situation or when a situation threatens the operation of the campus as a whole; then the entire campus will be notified.

In any case, there will be a continuing assessment (follow-up messages) of the situation and additional segments of the campus community may be notified if the situation warrants such action. The authorized official will, considering the nature of the threat and the population to be notified, choose the appropriate communication tool(s) to utilize. TXST has at its disposal several tools that may be used to disseminate emergency notifications to the campus community.

Emergency notification will typically be sent through:

- Rave Guardian Alert (Bobcat Alert)
- Rave Guardian Alert App (Bobcat Guardian APP)
- Alertus Daily Digest
- Email
- Additional notification methods may include:

- **Fire alarms**
- **Public address systems**
- **Posted advisory messages**
- **Emergency responder announcements**

The nature of the emergency will determine the types and extent of the notification. The authorized official will approve the issuance of notification and contact the OEM, who will issue the notification message as soon as possible if it is related to fire, or natural disasters. The authorized official will notify administration officials.

All students and employees who have a @txstate.edu email address are automatically registered to receive email alerts in the TXState Alert. Students and employees are encouraged to check their contact information for accuracy and update it as soon as it changes. This can be done by logging in at [https://www.police.txstate.edu/campus-safety/sign-up-for-txstate-alerts.html](https://www.police.txstate.edu/campus-safety/sign-up-for-txstate-alerts.html).

In case of an emergency, a message will be sent to registered email and phone numbers. A student or employee may elect not to receive notifications from the University. This preference must be submitted electronically or in writing and must be renewed at the start of each academic year. Rave Alert will be used to notify the campus community of any immediate threat to both life and safety. The City of San Marcos owns and operates outdoor warning sirens that can be heard from many locations on TXST. These sirens notify individuals who are outside in the presence of severe weather and other hazardous conditions. Additional information regarding the outdoor warning sirens can be found at the City of San Marcos Emergency Management webpage.

The City of San Marcos utilizes a mass notification system called Everbridge to notify residents of emergency conditions. This service is provided free of charge. However, unlike Rave Guardian Alert, the TXST community must sign up for the service. Interested persons should visit the City of San Marcos Emergency Management webpage to learn more and/or to sign up, [https://www.sanmarcostx.gov/277/Emergency-Management](https://www.sanmarcostx.gov/277/Emergency-Management).

A combination of some, or all the methods listed above will be used to issue a follow-up message to the campus community. Information regarding the status of emergency situations will be developed and disseminated to the larger community as soon as possible by the OEM in collaboration with UPD and/or other campus departments. This information may come in the form of updates to TXST’s website and/or communications directly with the media, if necessary.

**EVACUATION PROCEDURES**

Emergency Management staff has developed evacuation and shelter-in-place maps to be used in the event of building fires or severe weather. These maps are posted in several places within every building and facility located on campus.

The accompanying maps portray evacuation routes, severe weather shelter areas, areas of refuge for persons with disabilities, and the location of Automated External Defibrillators (AED) and evacuation chairs. Additional information regarding evacuation planning for persons with disabilities and mobility impairments...
GENERAL EVACUATION PROCEDURES

If you receive instructions to evacuate or a fire alarm is activated, immediately proceed to the nearest exit and leave the building. During an evacuation, the fire alarm will generally be the first notification system utilized. However, depending upon the circumstances of the emergency, you may receive a text message through Rave Guardian Alert, a police officer or other University officials who may instruct you to evacuate. If you are the first to recognize a fire situation, activate the alarm, evacuate to a safe location using the nearest exit, and notify TXST UPD by calling 911.

During an evacuation, please follow the following guidelines:

• Remain calm
• Do not use elevators, use the stairs
• If needed, assist persons with access or functional needs
• If a person is unable to evacuate, attempt to move them to a safe location
• Once you have evacuated the building, immediately inform first responders of the person’s location
• Proceed to a clear area at least 150 feet from the building. Keep all walkways clear for emergency vehicles
• Do not re-enter the building

SECURITY OF AND ACCESS TO TEXAS STATE UNIVERSITY FACILITIES

Including Special Considerations for Residence Hall Access and Security Considerations for the Maintenance of Campus Facilities

TXST is a public institution. During business hours, University facilities (excluding certain housing facilities) will be open to students, employees, contractors, and visitors. During non-business hours, access to all University facilities is by key or other electronic access control device. Access for authorized individuals can be obtained through Ingress Management Services. Entrances to residence halls after hours are via electronic access.

To protect the safety of the campus community, University officials may ask individuals to identify themselves. People identify themselves by giving their name, address, and affiliation to the University. A person may be asked to provide identification such as a driver’s license or University ID. If a person fails or refuses to comply, they may be asked to leave or may be removed from the building or campus.

Facilities personnel maintain University property with a concern for safety and security. Lighting surveys are conducted on a regular basis to spot any lighting concerns or areas in need of repair. In addition, defective lighting conditions are reported as detected by building service personnel, police, and guards.

UPD conducts security surveys as needed to continually assess facility security needs. Key control is established by University policy and access to building master keys is restricted. Security alarm systems on campus are monitored by UPD communications or third party alarm monitoring companies. A building representative program identifies a point of contact for every University facility. The building representative works in partnership with police, emergency management, facilities, and risk management to identify and resolve security and safety issues.

Campus housing provides a range of services and security procedures designed to ensure the reasonable safety and comfort of residents and invited guests. Uniformed security officers, supervised by UPD, assist trained residence hall supervisory staff members in their efforts to maintain security. Services include attention to lighting (including emergency lighting during power failures), locking of entrances on a regular schedule, security programming (including fire safety drills and personal safety awareness programs), viewers in all individual student room doors, and enforcement of the housing guest policy. UPD maintains a Residence Hall Resource Officer program, which pairs officers with residence halls for enhanced security services.

TEXAS STATE UNIVERSITY RESPONSE TO SEXUAL AND GENDER VIOLENCE

INTRODUCTION

Texas State University does not discriminate on the basis of sex in its educational programs and sexual harassment and sexual violence are types of sex discrimination. Other acts also can be forms of sex-based discrimination and are prohibited whether sexually based or not and include dating violence, domestic violence, and stalking.

As a result, TXST issues this statement of policy to inform the community of our comprehensive plan addressing sexual misconduct, educational programs and procedures that address sexual assault, domestic violence, dating violence and stalking whether the incident occurs on or off campus and when it is reported to a University official.

In this context, TXST prohibits the offenses of domestic violence, dating violence, sexual assault, and stalking and reaffirms its commitment to maintain a campus environment emphasizing the dignity and worth of all members of the University community.
RELATED UNIVERSITY POLICIES

TXST prohibits sexual assault, sexual harassment, relationship violence, and stalking. University policies define these terms and explain how TXST addresses these issues when they are reported to a University official. The following University policies address these issues.


Prohibition of Discrimination (UPPS 04.04.46)


Student Right-to-Know and Campus Security Act of 1990 (UPPS 01.04.05)

CRIMINAL CONDUCT

The State of Texas criminalizes 20, domestic violence, family violence, sexual assault, and stalking. Law enforcement can investigate a reported crime.

Dating Violence. Dating Violence, as defined by the Texas Family Code, Section 71.0021, states dating violence means an act, other than a defensive measure to protect oneself, by an actor that:

1. is committed against a victim or applicant for a protective order:
   a. with whom the actor has or has had a dating relationship; or
   b. because of the victim’s or applicant’s marriage to or dating relationship with an individual with whom the actor is or has been in a dating relationship or marriage; and

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

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

- the length of the relationship;
- the nature of the relationship; and
- the frequency and type of interaction between the persons involved in the relationship.

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

Family Violence. (Domestic Violence included) Family Violence, as defined by the Texas Family Code, Section 71.004, states family violence means:

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

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

Sexual Assault. Sexual Assault, as defined by the Texas Penal Code, Section 22.011, states a person commits an offense if the person:

1. intentionally or knowingly:
   a. causes the penetration of the anus or sexual organ of another person by any means, without that person’s consent;
   b. causes the penetration of the mouth of another person by the sexual organ of the actor, without that person’s consent; or
   c. causes the sexual organ of another person, without that person’s consent, to contact or penetrate the mouth, anus, or sexual organ of another person, including the actor; or

2. intentionally or knowingly:
   a. causes the penetration of the anus or sexual organ of a child by any means;
   b. causes the penetration of the mouth of a child by the sexual organ of the actor;
   c. causes the sexual organ of a child to contact or penetrate the mouth, anus, or sexual organ of another person, including the actor;
   d. causes the anus of a child to contact the mouth, anus, or sexual organ of another person, including the actor; or
   e. causes the mouth of a child to contact the anus or sexual organ of another person, including the actor.

The law states a sexual assault under Section 1 is without the consent of the other person if:

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

Stalking. Stalking, as defined by the Texas Penal Code, Section 42.072, states 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 42.072, 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
Consent. 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 in Texas Penal Code Section 22.011 (www.statutes.legis.state.tx.us/Docs/PE/htm/PE.22.htm#22.011).

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

- consent is a voluntary agreement or assent to engage in sexual activity;
- someone who is incapacitated cannot consent;
- consent can be withdrawn at any time;
- past consent does not imply future consent;
- silence or an absence of resistance does not imply consent;
- consent to engage in sexual activity with one person does not imply consent to engage in sexual activity with another;
- coercion, force or threat invalidates consent; and,
- being intoxicated or under the influence of alcohol, drugs or any other substance is never an excuse for engaging in sexual misconduct.

PROTECTING MINORS ON CAMPUS

Texas state law requires anyone who suspects child abuse or neglect to report those suspicions to the Texas Department of Family and Protective Services (DFPS) or to a local law enforcement agency, including the Texas State University Police Department. Any person who has reason to believe that a child’s physical or mental health or welfare has been adversely affected by abuse or neglect by another person must immediately report the suspected abuse or neglect. This obligation applies to ALL members of the University community, including faculty, administrators, staff, and even students. In addition, there are special reporting obligations for certain employees defined as “professionals.” Licensed professionals including, “teachers, nurses, doctors, day care employees, and employees of a clinic or health care facility that provides reproductive services” have a specific duty to make a report not later than 48 hours after suspecting that a child has been or may be abused or neglected or that the child is the victim of the offense of indecency with a child.

A “child” is a person under 18 years of age. Neither Texas law nor any University policy allows individuals to delegate the duty to report child abuse or neglect.

Reporting suspicion to another individual, TXST Official, or to the TXST Ethics and Compliance Hotline does not satisfy the reporting requirement. All employees are required to comply with UPPS 01.04.41 (Reporting Abuse of Minors & Training Policy); however, your first obligation is to protect the child by reporting to law enforcement or DFPS. Any person who knowingly fails to report suspected child abuse or neglect commits a Class A Misdemeanor, which is punishable by up to one year in jail and/or a fine of up to $4,000.

One can contact:

- UPD at 911 to report an emergency or 512-245-2805 for a non-emergency
- Local law enforcement in your area
- Texas Department of Family and Protective Services at its toll-free, 24-hour Family Violence Hotline at 800-252-5400

PROCEDURES FOR REPORTING A COMPLAINT

If any member of the TXST community is a victim of a sexual assault, including rape, acquaintance rape, sexual harassment, or sexual violence, there are many services available to assist, but first, the individual’s safety is of the utmost importance. If you or a member of the community is a victim of sexual assault, please contact: TXST Police Department, Nueces Building 512-245-2805. Reports also can be made to the Title IX Office through https://www.txstate.edu/oei/title-IX.html.

Similarly, if any member of the TXST community experiences relationship violence, sexual misconduct, or stalking, there are also many services available to assist, but first, the individual’s safety is still of the utmost importance. If you or a community member experiences relationship violence, sexual misconduct, or stalking, contact local law enforcement by dialing 911.

TXST has procedures in place to sensitively respond to those who report relationship violence, sexual assault, sexual misconduct, and stalking, including informing individuals about their right to file criminal charges as well as the availability of counseling, health, mental health, victim advocacy, legal assistance, visa and immigration assistance and other services on and/or off campus, and additional remedies to prevent contact between a complainant and an accused party, such as housing, academic, transportation and working accommodations, if reasonably available. TXST will make such accommodations, if the Victim requests them and if they are reasonable, regardless of whether the Victim chooses to report the crime to UPD or local law enforcement. Victims receive information in writing about accommodations and assistance. Victims should contact Title IX at TitleIX@txstate.edu or 512-245-2539. Reports can be made online at https://www.txstate.edu/oei/title-IX.html.

A person may report relationship violence, sexual assault, sexual misconduct, or stalking that occurs on campus to UPD (Nueces Bldg., emergency phone: 911, non-emergency phone: 512-245-2805) and may report relationship violence, sexual assault, sexual misconduct, or stalking that occurs off campus to local police. When making a report to police, you may choose to report using a pseudonym so that your name will not appear in public files.
A student who has experienced relationship violence, sexual assault, sexual misconduct, or stalking, or who believes such conduct may have occurred may inform the Title IX Coordinator/Office of Equity and Inclusion (J. C. Kellam 164, phone: 512-245-2539, email: TitleIX@txstate.edu).

TXST provides an avenue for anonymous reporting of sexual misconduct on its website at https://www.txstate.edu/oei/title-IX.html. Individuals wishing to remain anonymous also may report suspected assault or retaliation to the TSUS Compliance and Ethics Line at https://secure.ethicspoint.com/domain/media/en/gui/12867/index.html.

**PRESERVING EVIDENCE**

Following an assault, find a safe place away from the attacker and out of danger. To preserve physical evidence, victims should not bathe, urinate, douche, shower, drink, or change clothes. This will preserve evidence that can be used later if a victim decides to file a police report, press charges or may be helpful in obtaining a protection order.

Victims should go to Central Texas Medical Center for a sexual assault examination and to receive prompt, thorough medical care. Victims may choose to have someone take them to the emergency room or a police officer can meet them at their location to provide transportation. For victims of dating violence, domestic violence and stalking, it is important to preserve pictures, text messages, social media posts and messages, emails, notes and letters, etc.

**PROCEDURES INVESTIGATING AND RESOLVING A COMPLAINT**

**INFORMAL RESOLUTION (MEDIATION)**

Informal resolution is available and appropriate for claims of sexual harassment, only if:

- both Parties are willing to engage in mediation and consent to do so in writing;
- the Complainant and the Respondent are both students or are both employees of TXST;
- the Title IX Coordinator agrees that informal resolution is an appropriate mechanism for resolving the Complaint;
- the Complaint involves only Sexual Harassment as described in this Policy and does not involve any other sexual offense, and
- mediation shall be concluded within ten (10) class days.

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.

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 herein.

**INVESTIGATION PROCEDURES AND PROTOCOLS**

Upon TXST’s receipt of a report of sexual misconduct:

The Title IX Coordinator will review the complaint and investigate or assign the investigation to a Deputy Coordinator or Investigator. The Complainant shall be notified 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.

As soon as is practicable, the Investigator shall contact the Complainant and schedule an initial meeting. At the initial meeting, the Investigator will:

- provide an electronic and/or hard copy of the TSUS Sexual Misconduct Policy which explains the process and rights of all Parties;
- request additional information regarding the reported incident;
- explain the investigatory process;
- explain the options for reporting to law enforcement authorities, whether on campus or local police;
- discuss Complainant’s request for anonymity and confidentiality, if such has been requested, and explain that confidentiality may impact the Component’s ability to investigate fully;
- determine whether the Complainant wishes to pursue a resolution;
- refer the Complainant, as appropriate, to the counseling center or other resources which may include, but are not limited to, law enforcement, medical assistance, psychological counseling, victim advocacy resources, legal resources, Component disciplinary action, immigration services, and criminal prosecution;
- discuss with the Complainant, possible interim measures as described in the TSUS Sexual Misconduct Policy;
- inform Complainant and Respondent that, to the greatest extent practicable based on the number of counselors employed by TXST, TXST will ensure that each Complainant or Respondent of an incident of sexual assault, or any other person who reports such incident, are offered counseling provided by a counselor who does not provide counseling to any other person involved in the incident; and,
- inform Complainant and Respondent of an incident of sexual assault of the option of dropping a course in which both parties are enrolled without any academic penalty.

**PROMPT, FAIR, AND EQUITABLE INVESTIGATION**

At the outset of an investigation, the Investigator will provide the Respondent prompt notice of the investigation to include the allegation(s) in writing together with a copy of the TSUS Sexual Misconduct Policy. Written notice of the investigation will be
provided to the Complainant simultaneously with Respondent. TXST’s disciplinary process includes a prompt, fair, and impartial process from investigation to final result. TXST will 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.

- Investigator shall not have a conflict of interest or bias and will remain neutral throughout the investigation. Complainant and Respondent shall have opportunities to respond in person and/or in writing, submit relevant documents, and identify relevant witnesses.

- Complainant and Respondent will receive a minimum of forty-eight hours’ notice of any Sanction or appellate meeting, and a minimum of five (5) class days’ notice of a due process hearing, if any.

- 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 TXST administrator related to a complaint. The representative or advisor may provide support, guidance or advice to Complainant or Respondent, but may not otherwise directly participate in the meetings or hearing. Both the Complainant AND Respondent will have the same opportunity to have others present during any institutional disciplinary proceeding, including the opportunity to be accompanied to any related meeting or proceeding by an advisor of their choice.

- Complainant, Respondent, and appropriate TXST officials shall have reasonable and equitable access to all evidence relevant to the alleged violation in the Component’s possession, including any statements made by the alleged Victim or by other persons, information stored electronically, written or electronic communications, social media posts, or physical evidence, redacted as necessary to comply with any applicable federal or state law regarding confidentiality. Each Party shall be given an opportunity to respond to the investigator’s report in writing in advance of the decision of responsibility.

- 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.

- Investigative Report - 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 Investigator is not the Title IX Coordinator, the Investigative Report will be submitted to the Title IX Coordinator for review and Finding.

All Coordinators, Deputy Coordinators, Investigators, and those with authority over sexual misconduct hearings and appeals shall receive training each calendar year including, knowledge of offenses (dating violence, domestic violence, sexual assault, and stalking), investigatory procedures, due process, and TXST policy and procedures related to sexual misconduct to promote accountability and safety of victims.

STANDARD OF REVIEW AND FINDING

The Title IX Coordinator will review the Investigative Report under the “Preponderance of the Evidence” standard defined as 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.

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

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

- it is more likely than not that Respondent violated the Sexual Misconduct Policy, and the nature of the violation(s).

The Finding shall include the Title IX Coordinator’s basis for the decision and recommended Sanctions when there is a Finding of a violation.

COMMUNICATION OF THE FINDING AND RECOMMENDED SANCTIONS

When there is a Finding of no violation of the Sexual Misconduct Policy (to include dating violence, domestic violence, sexual assault, and stalking), the Title IX Coordinator will communicate the Finding (result) in writing simultaneously to the Complainant AND Respondent.

When there is a Finding that it is more likely than not that Respondent violated the Sexual Misconduct Policy, the Title IX Coordinator will communicate the Finding in writing to the TXST Administrator with authority to determine and issue appropriate Sanctions. The Finding will be communicated in writing simultaneously to the Complainant AND Respondent.

When there is a Finding of a violation by a Respondent employed by TXST, the Title IX Coordinator, in consultation with appropriate administrative officials, will provide the Finding to additional individuals, with supervisory authority over the employee, who are not in the line of appellate review. The Finding will be communicated in writing simultaneously to the Complainant AND Respondent.

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 include the following:

- withholding a promotion or pay increase;
- reassigning employment, including, but not limited to demotion in rank;
- terminating employment;
• barring future employment;
• temporary suspension without pay;
• compensation adjustments;
• expulsion, suspension or dismissal from the Component and/or System;
• no-contact orders,
• probation (including disciplinary and academic probation);
• expulsion from campus housing;
• restricted access to activities or facilities;
• mandated counseling (this may include, but not be limited to educational programs and batterer intervention);
• disqualification from student employment positions;
• revocation of admission and/or degree;
• withholding of official transcript or degree;
• bar against readmission;
• monetary restitution;
• withdrawing from a course with a grade of W, F, or WF; or
• relevant training.

Within seven (7) class days of receipt of the Finding, the responsible TXST Administrator will issue written Sanctions and send such Sanctions with a copy of the Findings to the Complainant, Respondent, Title IX Coordinator, and when appropriate, additional individuals with supervisory authority over either Party that are not in line of appellate review. The TXST administrator shall inform Complainant of any Sanction(s) imposed on Respondent that directly relates to Complainant.

DISPUTE OF FINDINGS AND/OR SANCTIONS

Complainant or Respondent may elect to dispute the Finding and/or the Sanction. Review of disputed Findings and/or Sanction(s) are based on the preponderance of evidence standard.

APPEAL OF FINDING OR SANCTIONS

If a student or faculty member Complainant or Respondent is dissatisfied with the determination of a due process hearing, either Party may appeal. Third Party Complainants or Respondents have no right of appeal of Findings or Sanctions. The Complainant AND Respondent will be notified simultaneously, in writing of the institution’s procedures for the Complainant or Respondent to appeal the result of the institutional disciplinary proceeding.

PROCEDURE FOR STUDENT APPEALS:

• An appeal is only available after a Decision in a due process hearing.

• Appeals shall be made in writing and include the ground(s) for appeal. All information in support of the appeal must be included and submitted to the Chief Student Affairs Officer, or his or her designee (Appeal Officer), within five (5) class days of the due process hearing Decision.

• The Appeal Officer shall provide a copy of the appeal submission(s) to the other Party and the Title IX Coordinator within three (3) class days of receipt.

• The Party who has not filed an appeal, including the Component, may, but is not required to, submit a written response to the appeal within five (5) class days of receipt. The Appeal Officer shall provide a copy of the response, if any, to the other Party and the Title IX Coordinator within three (3) class days of receipt.

• The Appeal Officer may approve, reject, modify, or remand the decision. The Appeal Officer shall issue a written Decision and shall provide a copy to Complainant, Respondent, Title IX Coordinator, and Dean of Students. The Appeal Officer’s Decision is final.

PROCEDURE FOR FACULTY APPEALS:

Appeals of faculty due process hearings are governed by System Rules and Regulations, Chapter V. Section 4.56 with exceptions as follows:

• A faculty member must submit a written appeal stating grounds with any supporting documentation to the System
Final Decision

Decisions and Sanctions imposed under this Policy are final when the period for appeal under the rules and policies referenced herein have expired without initiation of an appeal by either Party. Complainant and respondent will be notified simultaneously in writing of any change to the final decision (result) and when such results become final. An appealed Decision is final as outlined in the rules and policies referenced herein. A notice of outcome provided to a Complainant, to include a Finding, Sanction, Decision of a due process hearing, or appeal Decision must include:

- Whether the alleged conduct was more likely than not to have occurred;
- Any Sanction imposed on the Respondent that directly relate to the Complainant, and
- Other steps the school has taken to eliminate the hostile environment, if the Component finds one exists(ed), and to prevent recurrence.

Other Possible Sanctions for Violations

**Civil:** Discrimination is illegal under federal and state law. Official governmental investigations by the Equal Employment Opportunity Commission, the Texas Commission on Human Rights, and/or the Office of Civil Rights of the Department of Education may result in civil liability against the University and any person found to have committed illegal discrimination.

**Criminal:** Sexual harassment by a public servant is a criminal offense under 39.03 of the Texas Penal Code. Depending on the severity of the acts, sexual harassment may also specifically include indecent exposure, public lewdness, assault, or sexual assault under Chapters 21 and 22 of the Texas Penal Code.

**False Reports:** False reports may result in disciplinary action against the complainant by the University or civil action against the complainant by the respondent. An unsubstantiated report is not considered “false” unless it is made with the knowledge that it is false.

Victims’ Frequently Asked Questions about Reporting Relationship Violence, Sexual Assault, Sexual Misconduct, and Stalking

**Do I Have to Report?**

This is an individual decision. However, you have the option to make a report with the police or Title IX Coordinator (Office of Equity and Inclusion). Whether you make a report or not, you are eligible to receive the free and confidential services at Hays County Women’s Center, Texas State Student Health Center, and the Counseling Center. If you are not sure about reporting the assault, the Hays County Women’s Center can give you more information about the reporting process to help you make that decision. If you do not want to make a report, you may tell the responding officer at that time and still receive any medical treatment you need and a forensic exam if requested.

**Why Should I Report?**

You may be embarrassed or scared; feeling this way is completely normal. These feelings may prevent you from wanting to report what happened right away. However, there are benefits to reporting as soon as you can, such as being eligible for Crime Victim’s Compensation, assisting you with interim measures for assistance, housing, classes, etc., and getting you connected to resources that are here to help.

**What Happens if I Choose to Make a Police Report?**

A law enforcement officer (UPD or local jurisdiction) will take your statement and ask you questions about what happened. This starts the criminal investigation process. UPD will provide you with information regarding assistance available through the Hays County Women’s Center, Student Health Center, Counseling Center, and Title IX Coordinator.

**If I Make a Police Report, What Will Happen Next?**

The following link will take you to the Hay’s County District Attorney’s webpage, which lists resources and victims’ rights: [https://hayscountytx.com/courts/district-attorney/victim-services-division/](https://hayscountytx.com/courts/district-attorney/victim-services-division/)

**Do I Need Medical Attention?**

It is very important to seek immediate medical care following a sexual assault or other physical assault to get treatment for any injuries you may have. Not all injuries from the sexual assault will be immediately apparent. You also can ask the nurse or doctor about the possibility of pregnancy or contracting sexually transmitted diseases as a result of the sexual assault and receive appropriate care.

**Is a Sexual Assault Exam the Same as Medical Treatment?**

A sexual assault examination is not medical treatment. A sexual assault exam is performed by medical personnel to collect and preserve evidence following a sexual assault. This is important because certain types of evidence that may be present immediately
after the attack will disappear as time passes. Getting a sexual assault exam as soon as you can will increase the chances of collecting this evidence. Your immediate medical needs and referrals for follow-up care will also be addressed at the time of your visit to the hospital. It is important that a Victim of sexual assault not bathe, douche, smoke, change clothing or clean the bed/linen/area where they were assaulted if the offense occurred within the past 96 hours. The purpose of this is to preserve evidence that may assist in proving that the alleged criminal offense occurred/or is occurring or may be helpful in obtaining a protection order. In circumstances of sexual assault, if Victims do not opt for forensic evidence collection, health care providers can still treat injuries and take steps to address concerns of pregnancy and/or sexually transmitted disease.

Victims of relationship violence, sexual assault, sexual misconduct, and stalking can save other types of evidence such as:

- text message conversations
- instant message conversations
- social networking pages
- call logs or any other types of communications
- photographs or audio or video recordings
- logs or other copies of documents

All the above are useful to the police and the Title IX Office. Although the University strongly encourages all members of its community to report criminal conduct to law enforcement, it is the victim’s choice whether to make such a report and Victims have the right to decline involvement with the police. The University will assist Victims with notifying local police if they so desire. Victims will receive information in writing about accommodations and assistance. The Texas State University Police Department may be reached directly by calling (512) 245-2805, and in person at the Nueces Building (615 N LBJ Drive, San Marcos TX 78666).

Additional information about the Texas State University Police Department may be found online at https://www.police.txstate.edu/.

WHAT DO I DO IF I OBSERVE RELATIONSHIP VIOLENCE, SEXUAL ASSAULT, SEXUAL MISCONDUCT, OR STALKING?

BE AN ACTIVE BYSTANDER. Bystanders have an opportunity to play a critical role in the prevention of relationship violence. They are individuals who directly or indirectly observe violence or the conditions that perpetuate violence. Bystanders have the choice to intervene, speak up, and do something about the situation. At TXST, we want a culture of community accountability where bystanders actively engage in the prevention of violence without causing further harm. We may not always know what to do, even if we want to help. Below is a list of some ways to be an active bystander. If you or someone else is in immediate danger, dial 911. This could be when a person is yelling at, or being physically abusive towards another and it is not safe for you to interrupt.

- Watch out for your friends and fellow students/employees. If you see someone who looks like he or she could be in trouble or needs help, ask if he or she is ok.
- Confront people who seclude, hit on, try to make out with, or have sex with people who are incapacitated.
- Speak up when someone discusses plans to take sexual advantage of another person.
- Believe someone who discloses sexual assault, abusive behavior, or experience with stalking.
- Refer people to on- or off-campus resources listed in this document for support in health, counseling, or with legal assistance.

HOW DO I REDUCE MY RISK OF BEING A VICTIM?

The following are strategies to reduce one’s risk of sexual assault or harassment (taken from Rape, Abuse, & Incest National Network, http://rainn.org).

1. Be aware of your surroundings. Knowing where you are and who is around you may help you to find a way to get out of a bad situation.
2. Try to avoid isolated areas. It is more difficult to get help if no one is around.
3. Walk with purpose. Even if you don’t know where you are going, act as if you do.
4. Trust your instincts. If a situation or location feels unsafe or uncomfortable, it probably isn’t the best place to be.
5. Try not to load yourself down with packages or bags as this can make you appear more vulnerable.
6. Make sure your cell phone is with you and charged and that you have cab money.
7. Don’t allow yourself to be isolated with someone you don’t trust or someone you don’t know.
8. Avoid putting headphones in both ears so that you can be more aware of your surroundings, especially if you are walking alone.
9. When you go to a social gathering, go with a group of friends. Arrive together, check in with each other throughout the evening, and leave together.
10. Knowing where you are and who is around you may help you to find a way out of a bad situation. If you see something suspicious, contact law enforcement immediately, (local authorities can be reached by calling 911 in most areas of the U.S.).
11. Don’t leave your drink unattended while talking, dancing, using the restroom or making a phone call. If you’ve left your drink alone, just get a new one.
12. Don’t accept drinks from people you don’t know or trust. If you choose to accept a drink, go with the person to the bar to order it, watch it being poured, and carry it yourself. At parties, don’t drink from the punch bowls or other large, common open containers.
13. Watch out for your friends, and vice versa. If a friend seems out of it, is way too intoxicated for the amount of alcohol they’ve had or is acting out of character, get him or her to a safe place immediately.

14. If you suspect you or a friend has been drugged, contact law enforcement immediately. (Local authorities can be reached by calling 911 in most areas of the U.S.) Be explicit with doctors so they can give you the correct tests (you will need a urine test and possibly others).

15. If you need to get out of an uncomfortable or scary situation here are some things that you can try:
   a. Remember that being in this situation is not your fault. You did not do anything wrong; it is the person who is making you uncomfortable that is to blame.
   b. Be true to yourself. Don’t feel obligated to do anything you don’t want to do. “I don’t want to” is always a good enough reason. Do what feels right to you and what you are comfortable with.
   c. Have a code word with your friends or family so that if you don’t feel comfortable you can call them and communicate your discomfort without the person you are with knowing. Your friends or family can then come to get you or make up an excuse for you to leave.
   d. Lie. If you don’t want to hurt the person’s feelings, it is better to lie and make up a reason to leave than to stay and be uncomfortable, scared, or worse. Some excuses you could use are: needing to take care of a friend or family member, not feeling well, having somewhere else that you need to be, etc.

16. Try to think of an escape route. How would you try to get out of the room? Where are the doors? Windows? Are there people around who might be able to help you? Is there an emergency phone nearby?

17. If you and/or the other person have been drinking, you can say that you would rather wait until you both have your full judgment before doing anything you may regret later.

REPORTING SEXUAL INTERPERSONAL OR STALKING CRIMES TO RESPONSIBLE EMPLOYEES

A Responsible Employee who receives a report of sexual misconduct must report to the Title IX Coordinator or the Coordinator’s designee, all relevant details about the alleged sexual misconduct shared by the Victim or reporting party. A Responsible Employee shall share all information relevant to the investigation, and if applicable, redress of the incident, including whether an alleged Victim or other necessary parties have expressed a desire for confidentiality in reporting the incident. A responsible employee should not share information with law enforcement without the Victim or reporting parties consent, unless the Victim or reporting party has also reported the incident to law enforcement.

Before a Victim or reporting party reveals any information to a Responsible Employee, the employee should ensure that the Victim or reporting party understands the employee’s reporting obligations. If the Victim or reporting party requests anonymity and confidentiality, direct the Victim or reporting party to Title IX Confidential Sources.

If the Victim or reporting party reports an incident to the Responsible Employee but also requests confidentiality or requests that the matter not be investigated, the employee should tell the Victim or reporting party 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 inform the Title IX Coordinator of the Victim’s or other parties request for confidentiality.

A Responsible Employee must promptly report to the Title IX Coordinator or the Coordinator’s designee incidents of sexual harassment, sexual assault, dating violence or stalking or any other sexual misconduct defined in this Policy, provided:

- the employee is in the course of scope of employment, at the time the employee witnesses or receives information regarding the occurrence of sexual harassment, sexual assault, dating violence, or stalking, or any other sexual misconduct defined in this Policy; and,
- the employee reasonably believes the incident constitutes sexual harassment, sexual assault, dating violence, or stalking or any other sexual misconduct defined in this Policy; and,
- the incident of sexual harassment, sexual assault, dating violence or stalking or any other sexual misconduct defined in this Policy, was either committed by or against an enrolled student or an employee of the component at the time of the incident.
No report required. A person is not required to report an incident of sexual harassment, sexual assault, dating violence, or stalking or any other sexual misconduct defined in this policy, to the Title IX Coordinator or Coordinator’s designee if:

- the person was the Victim of such conduct; or,
- the person received information due to a disclosure made at a public awareness event sponsored by a Component or by a student organization affiliated with TXST.

FULFILL YOUR DUTY TO REPORT

Employees and individuals required to respond on behalf of TXST must comply with their obligation to report sexual assault, sexual misconduct, relationship violence, and stalking to their supervisor and the Title IX Office at 512-245-2539.

PROHIBITION ON RETALIATION

Texas State 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 in any way in the process of investigating or adjudicating an incident of sexual misconduct. Any actual or threatened retaliation, or any act of intimidation to prevent or otherwise obstruct the reporting, investigating, or adjudicating of sexual misconduct may be considered a separate violation of policy and may result in disciplinary sanctions.

VICTIM BILL OF RIGHTS

The Campus Sexual Assault Victims’ Bill of Rights is a federal law that requires all colleges and universities participating in federal student aid programs to give sexual assault Victims certain basic rights. The following rights are provided in writing to the Victim:

- Victims shall be notified of their options to notify law enforcement.
- Accuser and accused must have the same opportunity to have others present.
- Both parties shall be simultaneously informed of the outcome of any disciplinary proceeding.
- Victims shall be notified of counseling services.
- Victims shall be notified of options for changing academic and living situations.

ASSISTANCE FOR VICTIMS: RIGHTS & OPTIONS

Regardless of whether a Victim elects to pursue a criminal complaint or whether the offense is alleged to have occurred on or off campus, the University will assist Victims of sexual assault, domestic violence, dating violence, and stalking and will provide each Victim with a written explanation of his or her rights and options. The Victim will receive this information in writing of their rights and options including right to notify law enforcement, option to attend counseling and seek medical attention, right to know the outcome of disciplinary proceedings, option to change academic and living situations and right to have an advisor/advocate assist the victim. A victim of crime is defined by Chapter 56 of the Code of Criminal Procedure as (1) someone who is the victim of sexual assault, kidnapping or aggravated robbery or who has suffered bodily injury or death because of the criminal conduct of another, (2) the close relative (spouse, parent, adult brother or sister, or child) of a deceased victim or (3) the guardian of a victim. The law also applies to victims of juvenile crime, including victims who suffer property loss. The State of Texas intends that victims of crime receive the following safeguards, assurances, and considerations: The Texas Constitution (Article 1, Section 30) provides victims of violent crime with the right, upon their request, to receive notice about court proceedings and the conviction, sentence, imprisonment and release of the accused. For more information about victim notification, visit https://texasattorneygeneral.gov/cvs/victim-notification or call VINE 24-hour information on jail status and court events: 1-877-894-8463.

TXST will, upon written request, disclose to the alleged victim of a crime of violence (as that term is defined in section 16 of title 18, United States Code), or a non-forcible sex offense, the report on the results of any disciplinary proceeding conducted by such institution against a student who is the alleged perpetrator of such crime or offense. If the alleged victim is deceased as a result of such crime or offense, the next of kin of such victim shall be treated as the alleged victim.
The University has procedures in place that are sensitive to those who report sexual assault, domestic violence, dating violence, and stalking, including informing individuals about their right to file criminal charges as well as the availability of counseling, health, 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 Victim will receive this information in writing of their rights and options including right to notify law enforcement, option to attend counseling and seek medical attention, right to know the outcome of disciplinary proceedings, option to change academic and living situations, and right to have an advisor/advocate assist the victim. 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 UPD or local law enforcement.

Regardless of whether a victim elects to pursue a criminal complaint or whether the offense is alleged to have occurred on or off campus, the University will assist victims of sexual assault, domestic violence, dating violence, and stalking and will provide each victim with a written explanation of his or her rights and options.

A victim of crime is defined by Chapter 56 of the Code of Criminal Procedure, as (1) someone who is the victim of sexual assault, kidnapping or aggravated robbery or who has suffered bodily injury or death because of the criminal conduct of another, (2) the close relative (spouse, parent, adult brother or sister, or child) of a deceased victim or (3) the guardian of a victim. The law also applies to victims of juvenile crime, including victims who suffer property loss.

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UNIVERSITY PROHIBITED CONDUCT

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 everyone 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 (to include domestic violence, dating violence, sexual assault and stalking as defined below). 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.

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.

- Dating Violence is 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 based on a consideration of the following factors:
    - the length of the relationship;
    - the type of relationship; and
    - the frequency of interaction between the persons involved in the relationship

- 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) and 34 CFR 668.46(a).
• Sexual Harassment means unwelcome sex-based verbal or physical conduct that:
  - in the employment context, unreasonably interferes with a person's work performance or creates an intimidating, hostile, or offensive work environment; or
  - in the education context, is sufficiently severe, persistent, or pervasive that the conduct interferes with a student's ability to participate in or benefit from educational programs or activities at a postsecondary educational institution.

• Sexual Intimidation includes but is not limited to:
  - threatening another with a non-consensual sex act;
  - stalking or cyber-stalking; or
  - engaging in indecent exposure as defined in Texas Penal Code 21.08.

• 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 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.

• Stalking means 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 (Texas Penal Code Section 42.072) and (20 U.S.C. §1092 (a)).

TEXAS CRIME VICTIM RIGHTS

Under the criminal justice system in Texas, a victim of domestic violence, dating violence, sexual assault or stalking has the following rights – Texas Crime Victims’ Rights – Article 56.02 of the Code of Criminal Procedure described in detail at [https://statutes.capitol.texas.gov/Docs/CR/htm/CR.56.htm](https://statutes.capitol.texas.gov/Docs/CR/htm/CR.56.htm)

- A victim, guardian of a victim or close relative of a deceased victim is entitled to the following rights within the criminal justice system:
  1. the right to receive from law enforcement agencies adequate protection from harm and threats of harm arising from cooperation with prosecution efforts;
  2. the right to have the magistrate take the safety of the victim or family into consideration as an element in fixing the amount of bail for the accused;
3. the right, if requested, to be informed:
   A. by the attorney representing the state of relevant
court proceedings, including appellate proceedings,
and to be informed if those proceedings have been
canceled or rescheduled prior to the event; and
   B. by an appellate court of decisions of the court, after
the decisions are entered but before the decisions
are made public;

4. the right to be informed, when requested, by a peace
officer concerning the defendant's right to bail and
the procedures in criminal investigations and by
the district attorney’s office concerning the general
procedures in the criminal justice system, including
general procedures in guilty plea negotiations and
arrangements, restitution and the appeals and parole
process;

5. the right to provide pertinent information to a probation
department conducting a pre-sentencing investigation
concerning the impact of the offense on the victim and
his or her family by testimony, written statement or any
other manner prior to any sentencing of the offender;

6. the right to receive information regarding compensation
to victims of crime as provided by Subchapter B,
including information related to the costs that may be
compensated under that subchapter and the amount
of compensation, eligibility for compensation, and
procedures for application for compensation under that
subchapter, the payment for a medical examination
under Article 56.06 for a victim of a sexual assault,
and when requested, referral to available social service
agencies that may offer additional assistance;

7. the right to be informed, upon request, of parole
procedures, to participate in the parole process, to be
notified, if requested, of parole proceedings concerning
a defendant in the victim’s case, to provide to the Board
of Pardons and Paroles for inclusion in the defendant’s
file information to be considered by the board prior to the
parole of any defendant convicted of any crime subject
to this subchapter, and to be notified, if requested, of
the defendant’s release;

8. the right to be provided with a waiting area, separate
or secure from other witnesses, including the offender
and relatives of the offender, before testifying in any
proceeding concerning the offender; if a separate
waiting area is not available, other safeguards should be
taken to minimize the victim’s contact with the offender
and the offender’s relatives and witnesses before and
during court proceedings;

9. the right to prompt return of any property of the victim
that is held by a law enforcement agency or the attorney
for the state as evidence when the property is no longer
required for that purpose;

10. the right to have the attorney for the state notify the
employer of the victim, if requested, of the necessity
of the victim’s cooperation and testimony in a proceeding
that may necessitate the absence of the victim from
work for good cause;

11. the right to request victim-offender mediation
coordinated by the victim services division of the Texas
Department of Criminal Justice;

12. the right to be informed of the uses of a victim impact
statement and the statement’s purpose in the criminal
justice system, to complete the victim impact statement,
and to have the victim impact statement considered:
   A. by the attorney representing the state and the
judge before sentencing or before a plea bargain
agreement is accepted; and
   B. by the Board of Pardons and Paroles before an
inmate is released on parole;

13. for a victim of an assault or sexual assault who is
younger than 17 years of age or whose case involves
family violence, as defined by Section 71.004, Family
Code, the right to have the court consider the impact on
the victim of a continuance requested by the defendant;
if requested by the attorney representing the state or
by counsel for the defendant, the court shall state
on the record the reason for granting or denying the
continuance; and

14. if the offense is a capital felony, the right to:
   A. receive by mail from the court a written explanation
of defense-initiated victim outreach if the court has
authorized expenditures for a defense-initiated
victim outreach specialist;
   B. not be contacted by the victim outreach specialist
unless the victim, guardian, or relative has consented
to the contact by providing a written notice to the
court; and
   C. designate a victim service provider to receive all
communications from a victim outreach specialist
acting on behalf of any person;
   D. a victim, guardian of a victim, or close relative of
a deceased victim is entitled to the right to be
present at all public court proceedings related to
the offense, subject to the approval of the judge in
the case;
   E. the office of the attorney representing the state,
and the sheriff, police, and other law enforcement
agencies shall ensure to the extent practicable that
a victim, guardian of a victim, or close relative of a
deceased victim is afforded the rights granted by
this article and Article 56.021 and, on request, an
explanation of those rights; and
F. a judge, attorney for the state, peace officer, or law enforcement agency is not liable for a failure or inability to provide a right enumerated in this article or Article 56.021. The failure or inability of any person to provide a right or service enumerated in this article or Article 56.021 may not be used by a defendant in a criminal case as a ground for appeal, a ground to set aside the conviction or sentence, or a ground in a habeas corpus petition. A victim, guardian of a victim, or close relative of a deceased victim does not have standing to participate as a party in a criminal proceeding or to contest the disposition of any charge.

RIGHTS OF VICTIM OF SEXUAL ASSAULT OR ABUSE, STALKING, TRAFFICKING - ARTICLE 56.021 OF TEXAS CODE OF CRIMINAL PROCEDURE

a. In addition to the rights enumerated in Article 56.02, if the offense is a sexual assault, the victim, guardian of a victim, or close relative of a deceased victim is entitled to the following rights within the criminal justice system:

1. if requested, the right to a disclosure of information regarding any evidence that was the victim, guardian, or relative shall be informed of the estimated date on which that information is expected to be disclosed;

2. if requested, the right to a disclosure of information regarding the status of any analysis being performed of any evidence that was collected during the investigation of the offense;

3. if requested, the right to be notified:
   A. at the time a request is submitted to a crime laboratory to process and analyze any evidence that was collected during the investigation of the offense;
   B. at the time of the submission of a request to compare any biological evidence collected during the investigation of the offense with DNA profiles maintained in a state or federal DNA database; and
   C. of the results of the comparison described by Paragraph (B), unless disclosing the results would interfere with the investigation or prosecution of the offense, in which event the victim, guardian, or relative shall be informed of the estimated date on which those results are expected to be disclosed;

4. if requested, the right to counseling regarding acquired immune deficiency syndrome (AIDS) and human immunodeficiency virus (HIV) infection;

5. for the victim of the offense, testing for acquired immune deficiency syndrome (AIDS), human immunodeficiency virus (HIV) infection, antibodies to HIV, or infection with any other probable causative agent of AIDS; and

6. to the extent provided by Articles 56.06 and 56.065, for the victim of the offense, the right to a forensic medical examination if, within 96 hours of the offense, the offense is reported to a law enforcement agency or a forensic medical examination is otherwise conducted at a health care facility.

b. A victim, guardian, or relative who requests to be notified under Subsection (a)(3) must provide a current address and phone number to the attorney representing the state and the law enforcement agency that is investigating the offense. The victim, guardian, or relative must inform the attorney representing the state and the law enforcement agency of any change in the address or phone number;

c. A victim, guardian, or relative may designate a person, including an entity that provides services to victims of sexual assault, to receive any notice requested under Subsection (a)(3);

d. This subsection applies only to a victim of an offense under Section 20A.02, 20A.03, 21.02, 21.11, 22.011, 22.021, 42.072, or 43.05, Penal Code. In addition to the rights enumerated in Article 56.02 and, if applicable, Subsection (a) of this article, a victim described by this subsection or a parent or guardian of the victim is entitled to the following rights within the criminal justice system:

1. the right to request that the attorney representing the state, subject to the Texas Disciplinary Rules of Professional Conduct, file an application for a protective order under Article 7A.01 on behalf of the victim;

2. the right to be informed:
   A. that the victim or the victim’s parent or guardian, as applicable, may file an application for a protective order under Article 7A.01;
   B. of the court in which the application for a protective order may be filed;
   C. that, on request of the victim or the victim’s parent or guardian, as applicable, and subject to the Texas Disciplinary Rules of Professional Conduct, the attorney representing the state may file the application for a protective order;

3. if the victim or the victim’s parent or guardian, as applicable, is present when the defendant is convicted or placed on deferred adjudication community supervision, the right to be given by the court the information described by Subdivision (2) and, if the court has jurisdiction over applications for protective orders that are filed under Article 7A.01, the right to file an application for a protective order immediately following the defendant’s conviction or placement on deferred adjudication community supervision; and
4. if the victim or the victim's parent/guardian, as applicable, is not present when the defendant is convicted or placed on deferred adjudication community supervision, the right to be given by the attorney representing the state the information described by Subdivision (2).

In addition, pursuant to 51.9366, of the Texas Education Code, the university grants amnesty to employees and students for conduct violations (e.g., underage drinking or illegal drug use) if the individual witnesses or is victimized by a sexual assault incident that occurred in connection with a violation of the Student Code of Conduct.

ASSISTANCE AND SUPPORT AVAILABLE TO VICTIMS

The University may issue an institutional no contact order if deemed appropriate. To the extent of the Victim’s cooperation and consent, University offices will work collaboratively to ensure that the complainant’s health, physical safety, work and academic status are protected. For example, if reasonably available, a Victim may be offered changes to academic, living or working situations in addition to counseling, health services, visa and immigration assistance and assistance in notifying appropriate local law enforcement. Additionally, personal identifiable information about the Victim will be treated as confidential and only shared with persons with a specific need to know who are investigating/adjudging the complaint or delivering resources or support services to the Victim (for example, publicly available record-keeping for purposes of Clery Act reporting and disclosures will be made without inclusion of identifying information about the victim, as defined in 42 USC 1395 (a) (20). TXST does not publish the name of crime victims or other personally identifiable information regarding victims or complainants in the Daily Crime Log or in the annual crime statistics that are disclosed in compliance with the Clery Act. Furthermore, if a Timely Warning Notice or an emergency notification is issued on the basis of a report of domestic violence, dating violence, sexual assault or stalking, or any other Clery Act reportable crime, the name of the victim or complainant and other personally identifiable information will be withheld. Further, TXST will maintain as confidential, any accommodations or protective measures provided to the Victim to the extent that maintaining such confidentiality would not impair the ability of the institution to provide the accommodations or protective measures. To allow students to report sexual assault without fear of recrimination, the University grants amnesty to employees and students for conduct violations (e.g., underage drinking or illegal drug use) if the individual witnesses or is victimized by a sexual assault incident that occurred in connection with a violation of the Code of Student Conduct.

WHO COULD I TALK TO?

If a victim chooses to report sexual assault, relationship violence, sexual misconduct, or stalking to the police, the police officer will need to obtain a statement describing the details of the crime.

An Emergency Response Team from Hays-Caldwell Women’s Center (HCWC) (24- hour crisis line: 512-396-4357) may be contacted to meet with Victims at the emergency room upon request. This response must be initiated by the police at the emergency room. The Emergency Response Team counselors will talk with victims and inform them of their options involving counseling and emergency sheltering.

The Title IX Coordinator oversees the University’s response to reports and complaints of sex discrimination (including sexual assault, sexual misconduct, relationship violence, and stalking). The Title IX Coordinator can receive a complaint, provide information or answer questions about the complainant’s rights or course of action available to them, and can answer questions about the University policies or procedures relating to sex discrimination.

The Texas State Counseling Center provides individual and group counseling services free of charge to currently enrolled Texas State students. Located on the 5th floor of the LBJ Student Center. To make an appointment call 512-245-2208. The primary focus of the Counseling Center is to provide short-term counseling to help students deal with personal and adjustment issues that may interfere with the ability to progress academically to their fullest potential. Students meet with clinicians to discuss a variety of concerns. The Texas State Counseling Center offer counseling services in both English and Spanish.

The Student Health Center provides primary, women’s, and psychiatric healthcare services to University students. They have experience healthcare providers, including physicians and nurse practitioners. All services are offered by appointment. They are located at 298 Student Center Drive across the street from the LBJ Student Center and appointments can be made by calling 512-245-2161. General questions can be emailed to healthcenter@txstate.edu.
ON CAMPUS SUPPORT RESOURCES

DEAN OF STUDENTS OFFICE
- 601 University Dr. LBJ Student Center Suite 5-9.1, San Marcos TX 78666
- Phone: 512-245-2124, Email: dosoffice@txstate.edu
- https://www.dos.txstate.edu/
- The Dean of Students Office investigates prohibited conduct by students, takes interim and remedial actions to prevent misconduct or retaliation, and sanctions students found responsible for engaging in prohibited conduct.

OFFICE OF EQUITY AND INCLUSION & TITLE IX COORDINATOR
- 601 University Dr. JCK 164, San Marcos, TX 78666
- Phone: 512-245-2539, Email: equityinclusion@txstate.edu
- https://www.txstate.edu/oei/
- The Office of Equity and Inclusion is committed to enriching Texas State’s learning and working environments by attracting and supporting a diverse faculty, staff and student body in which each person is valued equally and celebrated for their contributions. We provide training and hiring guidelines to assist departments in hiring faculty and staff. We also support the University in achieving our diversity initiatives as outlined in the University Strategic Plan. In addition, we manage the equal employment opportunity (EEO) and Title IX programs, investigating claims of discrimination and sexual misconduct on campus.

UNIVERSITY POLICE DEPARTMENT
- 615 N. LBJ Dr. San Marcos, TX, 78666, Phone: 911 (Emergency), 512-245-2805 (Non-emergency) Email: police@txstate.edu
- https://www.police.txstate.edu/
- The TXST Police Department is the law enforcement agency responsible for protecting the TXST campus and investigating crimes that take place on campus.

COUNSELING CENTER SERVICES - CONFIDENTIAL
- 601 University Dr. LBJ Student Center 5-4.1, San Marcos, TX, 78666,
- Phone: 512-245-2208 Email: counselingcenter@txstate.edu
- https://www.counseling.txstate.edu/
- Counseling Center services are free, confidential, and provided by trained professionals to currently enrolled Texas State students while classes are in session.

STUDENT HEALTH CENTER
- 298 Student Center Dr. San Marcos, TX, 78666,
- Phone: 512-245-2161 Email: healthcenter@txstate.edu
- https://www.healthcenter.txstate.edu/
- The Texas State Student Health Center provides primary, women’s and psychiatric healthcare services to University students. We have experienced healthcare providers, including physicians and nurse practitioners. All services are offered by appointment. Medical, laboratory, digital radiography, and pharmacy services are available on-site. The Student Health Center is nationally accredited by the Accreditation Association for Ambulatory Health Care, Inc. (AAAHC).

ATTORNEY FOR STUDENTS
- 601 University Dr. LBJ Student Center 5-1.5, San Marcos, TX, 78666,
- Phone: 512-245-2370, Email: legalhelp@txstate.edu
- https://attorney.dos.txstate.edu/
- The Attorney for Students (AFS) offers FREE legal counseling services to all currently enrolled Texas State University students.
DIVISION OF STUDENT AFFAIRS
- 601 University Dr. J.C. Kellam 980 San Marcos, TX, 78666
- Phone: 512-245-2152, Email: vpsa@txstate.edu
- https://www.vpsa.txstate.edu/
- The departments in the Division of Student Affairs provide services and programs to help students graduate and become productive alumni of Texas State. The division works hard to retain and support students and provides opportunities for student’s success.

OFFICE OF HUMAN RESOURCES
- 601 University Dr. J.C. Kellam 340, San Marcos, TX, 78666,
- Phone: 512-245-2557 Email: hr@txstate.edu
- https://www.hr.txstate.edu/
- Human Resources works with the Office of Equity and Inclusion and supervisors to address prohibited conduct by employees. HR also aids and provides support to employees who experience prohibited conduct.

COMMUNITY RESOURCES

<table>
<thead>
<tr>
<th></th>
<th>Phone</th>
<th>Address</th>
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<tbody>
<tr>
<td>San Marcos Police Department</td>
<td>512-753-2108</td>
<td>2300 I-35 San Marcos, TX 78666</td>
</tr>
<tr>
<td>Hays County Sheriff’s Office</td>
<td>512-393-7800</td>
<td>1307 Uhland Road San Marcos, TX 78666</td>
</tr>
<tr>
<td>Scheib Center</td>
<td>512-392-7151</td>
<td>1200 N. Bishop Street San Marcos, TX 78666</td>
</tr>
<tr>
<td>(mental health and mental disability services)</td>
<td></td>
<td></td>
</tr>
<tr>
<td>Crisis Text Line</td>
<td>Text HOME to 741741</td>
<td></td>
</tr>
<tr>
<td>Central Texas Medical Center</td>
<td>512-353-8979</td>
<td>1301 Wonder World Dr. San Marcos, TX 78666</td>
</tr>
<tr>
<td>Ascencion Seton Hays Hospital</td>
<td>512-504-5000</td>
<td>6001 Kyle Parkway Kyle, TX 78640</td>
</tr>
<tr>
<td>Hill Country MHDD</td>
<td>830-792-3300</td>
<td>1-877-466-0660 (24 hours, 7 days a week crisis hotline)</td>
</tr>
<tr>
<td>Hays County Victim Services</td>
<td>512-393-7600</td>
<td>Hays County Government Center, Suite 2057 712 Stagecoach Trail San Marcos, TX 78666</td>
</tr>
<tr>
<td>Hays-Caldwell Women's Center</td>
<td>512-396-HELP</td>
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OTHER RESOURCES

- Rape, Abuse, and Incest National Network: http://rainn.org
- U.S. Department of Justice: https://justice.gov/ovw/sexual-assault
- U.S. Department of Education, Office of Civil Rights: http://ed.gov/about/offices/list/ocrim

WILL MY NAME BE IN THE REPORT?

When reporting to the police, a victim and other necessary parties may choose a pseudonym (fictional name) and address to maintain confidentiality or a pseudonym will be assigned by UPD at the request of the victim or reporting party. There is a possibility that courtroom testimony may be required if the case goes to trial.

A completely anonymous report can be made to the University using the TSUS compliance and Ethics Line at https://secure.ethicspoint.com/domain/media/en/gui/12867/index.html

HOW THE UNIVERSITY RESPONDS TO REPORTS OF RELATIONSHIP VIOLENCE, SEXUAL ASSAULT, SEXUAL MISCONDUCT, OR STALKING

PROVIDING SUPPORT AND INFORMATION TO THE COMPLAINTANT

- Depending on when reported (immediate vs delayed report); TXST will provide the complainant with information regarding options for seeking medical care as needed. TXST will identify medical facilities with a Sexual Assault Nurse Examiner.
- TXST will provide written information to complainant on how to preserve evidence.
- TXST will assess immediate and ongoing safety needs of the complainant.
- TXST will provide information to the complainant on how to request a temporary protective order through the appropriate county jurisdiction. Should a protective order be granted, it is the obligation of the University to enforce such orders.
- TXST will assist the complainant with contacting local police if the complainant requests AND the complainant will be provided with contact information for the local police department.
- TXST will provide the complainant with referrals to on and off-campus mental health providers.
- TXST will assess the need to implement interim or long-term protective measures, such as housing changes, change in class schedule, and no contact orders between the complainant and the respondent.
- TXST may issue no contact directives to one or both parties.
- TXST may issue a “notice of trespass” to the respondent prohibiting the respondent from being present on TXST property if deemed appropriate.

• TXST will provide a copy of the Code of Student Conduct, the Texas State University System Sexual Misconduct Policy, or Prohibition of the complainant and inform the complainant regarding timeframes for investigation and resolution.
• TXST will inform the complainant of the outcome of any investigation: If the respondent was found responsible or not, what sanctions were imposed and the complainant’s option to request a review of the outcome.
• TXST will enforce its prohibition of retaliation and take immediate and separate action against parties that retaliate against a person for complaining of sex-based discrimination or for assisting in the investigation.
• TXST will assist both parties with interim measures and accommodations such as assistance with academics, counseling, living arrangements, and visa and immigration status as appropriate.

TXST’S PROCEDURES FOR RESPONDING TO A REPORT OF RELATIONSHIP VIOLENCE, SEXUAL ASSAULT, SEXUAL MISCONDUCT, OR STALKING

A Responsible Employee who receives a report of sexual misconduct must report to the Title IX Coordinator or the Coordinator’s designee, all relevant details about the alleged sexual misconduct shared by the Victim or reporting party. A Responsible Employee shall share all information relevant to the investigation, and if applicable, redress of the incident, including whether an alleged Victim or other necessary parties have expressed a desire for confidentiality in reporting the incident. A responsible employee should not share information with law enforcement without the Victim or reporting parties consent, unless the Victim or reporting party has also reported the incident to law enforcement.

Before a Victim or reporting party reveals any information to a Responsible Employee, the employee should ensure that the Victim or reporting party understands the employee’s reporting obligations. If the Victim or reporting party requests anonymity and confidentiality, direct the Victim or reporting party to Title IX Confidential Sources.

If the Victim or reporting party reports an incident to the Responsible Employee but also requests confidentiality or requests that the matter not be investigated, the employee should tell the Victim or reporting party 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 inform the Title IX Coordinator of the Victim’s or other parties request for confidentiality.

A Responsible Employee must promptly report to the Title IX Coordinator or the Coordinator’s designee incidents of sexual harassment, sexual assault, dating violence or stalking or any other sexual misconduct defined in this Policy, provided:

• the employee is in the course and scope of employment, at the
time the employee witnesses or receives information regarding
the occurrence of sexual harassment, sexual assault, dating
violence, or stalking, or any other sexual misconduct defined
in this Policy; and,

• the employee reasonably believes the incident constitutes sexual harassment, sexual assault, dating violence, or stalking or any other sexual misconduct defined in this policy; and,

• the incident of sexual harassment, sexual assault, dating violence or stalking or any other sexual misconduct defined in this policy, was either committed by or against an enrolled student or an employee of the component at the time of the incident.

No report required. A person is not required to report an incident of sexual harassment, sexual assault, dating violence, or stalking or any other sexual misconduct defined in this policy, to the Title IX Coordinator or Coordinator’s designee if:

• the person was the Victim of such conduct; or,

• the person received information due to a disclosure made at a public awareness event sponsored by a Component or by a student organization affiliated with TXST.

CONFIDENTIALITY

The identity of the following individuals is confidential and not subject to disclosure under the Texas Public Information Act unless such individual(s) waive nondisclosure in writing:

• an alleged Victim of an incident of sexual harassment, sexual assault, dating violence or stalking,

• a person who reports an incident of sexual harassment, sexual assault, dating violence, or stalking,

• a person who sought guidance from TXST concerning such an incident,

• a person who participated in TXST’s investigation of such an incident; or

• a person who is alleged to have committed or assisted in the commission of sexual harassment, sexual assault, dating violence or stalking, provided that after completion of an investigation, TXST determines the report to be unsubstantiated or without merit.

INTERIM MEASURES ALSO KNOWN AS SUPPORT SERVICES

When an incident of sexual misconduct is reported, TXST will consider interim measures while the incident is investigated and adjudicated.

The Investigator will determine and implement interim measures as appropriate and necessary and to limit potential retaliation. Interim measures may include, but not be limited to:

• campus no-contact orders;

• reassignment of housing or work assignments;

• 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);

• escort or transportation assistance;

• modification of class or work schedules; or

• restrictions from specific activities or facilities.

Any interim disciplinary action must comply with System Rules and Regulations Chapters IV § 2.2(14), V § 2.141, and VI § 5.(14).

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.

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

TXST shall maintain as confidential any measures provided to the Victim and/or Respondent, to the extent allowed by law and to the extent that maintaining such confidentiality will not impair the ability to provide the measures.
SEX OFFENDER REGISTRATION – CAMPUS SEX CRIMES PREVENTION ACT

MEGAN’S LAW

The federal Campus Sex Crimes Prevention Act, enacted on October 28, 2000, requires institutions of higher education to issue a statement advising the campus community where law enforcement agency information provided by a State concerning registered sex offenders may be obtained. It also requires sex offenders already required to register in a State to provide notice, as required under State law, of each institution of higher education in that State at which the person is employed, carries on a vocation, volunteers services or is a student. In Texas, convicted sex offenders must register with the Texas Department of Public Safety (TxDPS). This information can be found on the TxDPS website at http://txdps.state.tx.us/administration/crime_records/pages/sexoffender.htm.

DISCLOSURE OF DISCIPLINARY PROCEEDING OUTCOME TO VICTIMS (OR NEXT OF KIN) OF SEX CRIMES OR OF VIOLENCE

TXST will, upon written request, disclose to the alleged victim of a crime of violence (as that term is defined in section 16 of title 18, United States Code), or a non-forcible sex offense, the report on the results of any disciplinary proceeding conducted by such institution against a student who is the alleged perpetrator of such crime or offense. If the alleged victim is deceased as a result of such crime or offense, the next of kin of such victim shall be treated as the alleged victim.

CAMPUS SECURITY POLICIES, CRIME PREVENTION & SAFETY AWARENESS PROGRAMS

BEHAVIORAL INTERVENTION TEAM

TXST cares about our students’ success, not only academically, but emotionally and physically. Because of our commitment, we provide multiple departments and services across campus that cater to our students’ unique needs. But sometimes, students do not ask for help when they need it. In an effort to identify those students proactively, TXST created a network of professionals across campus who are committed to a caring, confidential program of identification, intervention, and response in order to provide our students with the greatest chance of success and our community with the greatest level of protection. If you are concerned about someone being a threat to themselves or others, please contact 911 for emergencies. For non-emergencies, please go to https://sbat.dos.txstate.edu/Whom-do-I-contact-.html

The mission of the Student Behavior Assessment Team is to:

• Assist in protecting the health, safety and welfare of the students and members of the TXST community

• Support student success

• Provide a comprehensive response to students whose behavior is disruptive to themselves or the educational environment

For more information, go to https://bat.dos.txstate.edu/

WEAPONS

Carrying, possessing, etc. is defined as the violation of laws or ordinances prohibiting the manufacture, sale, purchase, transportation, possession, concealment, or use of firearms, cutting instruments, explosives, incendiary devices, or other deadly weapons. This classification encompasses weapons offenses that are regulatory in nature.

INFORMATION REGARDING THE STUDENT CODE OF CONDUCT


Every student should read and become familiar with the policies on alcohol and other drugs that are discussed in the Texas State Code of Student Conduct. The policy can be found at https://studenthandbook.txstate.edu/rules-and-policies/code-of-student-conduct.html

TXST will provide a copy of the Code of Student Conduct, the Texas State University System Sexual Misconduct Policy, or Prohibition of the complainant and inform the complainant regarding timeframes for investigation and resolution.

The Code of Student Conduct outlines the University’s policies for students relating to drugs and the process used to resolve alleged violations of those policies.

Students: The University may impose a disciplinary penalty up to expulsion as is specified in the Regents’ Rules and the Code of Student Conduct, for conduct related to the use, possession, or distribution of drugs prohibited by state, federal or local law. Other penalties that may be imposed for conduct related to the unlawful use, possession, or distribution of drugs or alcohol include suspension, disciplinary probation, payment for damage to or misappropriation of property, suspension of rights and privileges, expulsion, or such other penalty as may be deemed appropriate under the circumstances

MISSING STUDENT NOTIFICATION

Time is of the essence when a person is missing. The National Child Search Assistance Act now allows police to report missing persons under 21 years of age to the National Crime Information Center and begin an investigation as soon as a missing person report is received. If you receive reliable information that a student cannot be located, please contact UPD immediately at 512-245-2805.

REGISTERING INFORMATION

Students who live on campus can designate an individual to be contacted if they are determined to be missing. The registered information will be maintained confidentially to the extent permitted by law and will be accessible only to authorized campus officials. The University will not disclose the identity of the confidential contact except to law enforcement personnel in furtherance of a
missing person investigation. Students living in the residence halls will provide this information electronically when they are applying for on-campus housing.

**REPORTING A MISSING STUDENT**

Any individual who believes a student may or could be missing should contact a Campus Security Authority (CSA). CSAs include: Residence Hall Directors, Resident Assistants, Assistant Directors of Housing and Residential Life, Associate Directors of Housing and Residential Life, Director of Housing and Residential Life, Associate Dean of Students-Greek Life, Vice President for Student Affairs, or UPD. If a missing person is reported to any of these departments other than UPD, the department receiving the report will immediately contact UPD to report the missing person to that department as well. TXST will contact the individual identified by the student, and/or the custodial parent or guardian of any unemancipated student under the age of 18 years old.

A student is determined to be missing when their whereabouts are unknown and unexplainable for a period of time that is regarded by knowledgeable parties as highly unusual or suspicious in consideration of the student’s behavior patterns, plans, or routines. TXST personnel file a report with UPD in all cases when a student is determined to be missing for more than 24 hours.

**PROCEDURES**

All concerns regarding a resident student’s unexplained absence or lack of contact that is contrary to the student’s normal behavior and/or is unusual based on existing circumstances will be immediately investigated in an attempt to locate the student and confirm their safety.

An official Missing Person Report will be prepared and immediately delivered to campus police any time a resident student is determined to have been missing for more than 24 hours.

If UPD determines 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 campus, or if a student who resides in an on-campus student housing facility is determined to have been missing for 24 hours, the following procedures will be followed:

1. If the student has designated a contact person, notifying that contact person within 24 hours.
2. If the student is under 18 years of age and is not emancipated, notifying the student’s custodial parent or guardian and any other designated contact person within 24 hours.
3. Regardless of whether the student has identified a contact person, is above the age of 18, or is an emancipated minor, informing the local law enforcement agency that has jurisdiction in the area that the student is missing within 24 hours.

**CAMPUS SECURITY AND CRIME AWARENESS**

Preventing or reducing crime in any community is a tough task. Success in crime prevention and safety at TXST depends in large part on the education and participation of the campus community. The campus community is provided information about safety programs and services, but individuals should be advised that they are responsible for their own security and safety.

TXST is committed to providing an environment conducive to an educational mission; thus, any conduct that is prohibited by state, federal, or local law is subject to discipline under the provisions of policies stated in the TXST Policy Manual, Texas State University System Policy Manual, and Student Handbook, as appropriate. The University monitors and reports to law enforcement agencies illegal conduct of students, faculty, or staff on University premises or off-campus locations. In addition, University officials may refer any evidence of illegal activities to the proper local, state, or federal authorities for review and potential prosecution.

**PERSONAL SAFETY AND CRIME PREVENTION PROGRAMS**

Texas State University provides new student and employee orientation sessions throughout the year. During these sessions, UPD provides a program designed to make community members aware of campus police and security procedures, awareness programs and crime prevention efforts, and practices (safety tips) to encourage students and employees to be responsible for their own security and safety of others. UPD also coordinates with the Student Health Center to educate the campus community about how to handle disruptive students, the Clery Act, and Title IX.

**SAFETY AND SECURITY**

- **SafeRide Service:** UPD provides a late night on campus security escort service for the TXST community on the San Marcos campus. This service is available from 10:30 p.m. to 7:00 a.m. seven days per week.
- **Emergency Phones:** Emergency phones have been placed at strategic locations on campus. When the emergency button is pushed, the location of the call is automatically identified, and the caller is connected to UPD dispatch.
- **Crime Alerts Website:** TXST provides timely warnings in accordance with the regulations set forth in the Clery Act and policies described in this report. Campus Crime Alerts can be found at [https://safety.txstate.edu/](https://safety.txstate.edu/).
- **Student and new Employee Orientation:** UPD presents safety information at all freshmen, transfer, parent, and new employee orientations throughout the year.
EDUCATION PROGRAMS

SEXUAL ASSAULT PREVENTION EDUCATION PROGRAMS

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

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

Educational Programming consists of primary prevention and awareness programs for all incoming students, and ongoing awareness and prevention campaigns for students and University employees that:

- Identifies domestic violence, dating violence, sexual assault and stalking as prohibited conduct;
- Defines using definitions provided by state law about what behavior constitutes domestic violence, dating violence, sexual assault, and stalking;
- Defines what behavior and actions constitute consent to sexual activity in the State of Texas;
- Provides a description of safe and positive options for bystander intervention. Bystander intervention means safe and positive options that may be carried out by an individual or individuals to prevent harm or intervene when there is a risk of dating violence, domestic violence, sexual assault, or stalking. Bystander intervention includes recognizing situations of potential harm, understanding institutional structures and cultural conditions that facilitate violence, overcoming barriers to intervening, identifying safe and effective intervention options, and taking action to intervene;
- Provides information on risk reduction. Risk reduction means options designed to decrease perpetration and bystander inaction, and to increase empowerment for victims in order to promote safety and to help individuals and communities address conditions that facilitate violence;
- Provides an overview of information contained in the Annual Security Report in compliance with the Clery Act.

Examples include:
- Krav Maga Self Defense courses (UPD)
- MAV (Men Against Violence) (HC&MAV)
- Yes Means Yes: Getting Consent (MAV)
- Red Flags in Relationships (MAV)
- Sex, Lies, and Chocolate (HC)
- Alcohol Bystander Intervention Training (HC&MAV)
- Let’s Talk: Destigmatizing Mental Health (HC)
- CRASE (Civilian Response to Active Shooter) (UPD)
- Half-Baked: Myths and Facts about Marijuana, Prescription, and Other Drugs (HC)
- ID Crimes (UPD)
- Standard Response Protocol (UPD)
- Hate Wears Many Faces (MAV)

The programming listed above is a sample of training provided by various University departments and is not meant to be an inclusive list. All programming is available upon request.

- UPD – Texas State University Police Department – communityengagement@txstate.edu
- MAV – Men Against Violence – menagainstviolence@txstate.edu
- HC – Healthy Cats - healthycats@txstate.edu

Online Mandatory Trainings:
All first year and transfer students are required to complete Everfi’s AlcoholEdu and Sexual Assault Prevention programs.

ALCOHOLEDU

Designed for students entering college, this interactive online program uses the latest evidence-based prevention methods to create a highly engaging user experience, inspiring students to make healthier decisions related to alcohol and other drugs. Course content includes:

- Overview of Key Definitions
- Myths and Misperceptions
- Alcohol and Motivation
- Standard Drink
• Blood Alcohol Concentration
• Key Strategies for Drinkers
• Key Strategies for Non-Drinkers
• Bystander Intervention Skills
• Academic Brain Science
• Media Literacy and Expectations
• Alcohol and the Law

This course includes tailored content that will:

• Engage abstainers, light to moderate drinkers, and frequent drinkers with customized messaging
• Educate students on the mental and physical the effects of alcohol
• Prepare students to engage in bystander intervention
• Educate students on College, Drinking and Stress

EVERFI’s Sexual Assault Prevention Suite is a comprehensive education and training solution that:

• Engages students throughout their time in college
• Fosters healthy relationships behaviors
• Prepares students to recognize and respond to sexual assault and harassment
• The course content includes:
  • Importance of Values
  • Aspects of (Un)healthy Relationships
  • Gender Socialization
  • Sexual Assault
  • Consent
  • Bystander Intervention
  • Victim Support
  • Responding to Student Disclosure

DRUG FREE WORKPLACE

The Institution certifies that it will continue to provide a drug-free workplace by:

a. Notifying employees, via written statement, that the unlawful manufacture, distribution, dispensing, possession, or use of a controlled substance is prohibited in the grantee’s workplace and specifying the actions that will be taken against employees for violation of such prohibition;

b. Establishing an on-going drug-free awareness program to inform employees about
   1. The dangers of drug abuse in the workplace;
   2. The Institution’s policy of maintaining a drug-free workplace;
   3. Any available drug counseling, rehabilitation, and employee assistance programs;
   4. The penalties that may be imposed upon employees for drug abuse violations occurring in the workplace;

c. Providing each employee engaged in the performance with a copy of the notification communication afore mentioned in paragraph

d. Requiring as a condition of employment under the grant, the applicable employee will:
   1. Abide by the terms of the statement; and
   2. Notify the employer in writing of his or her conviction for a violation of a criminal drug statute occurring in the workplace no later than five calendar days after such conviction;

e. Notifying the agency, in writing, within 10 calendar days after receiving notice under this subparagraph (D)(2) from an employee or otherwise receiving actual notice of such conviction. Employers of convicted employees must provide notice, including position title, to: Director, Grants and Contracts Service, U.S. Department of Education, 400 Maryland Avenue, S.W. (Room 3124, GSA Regional Office Building No.3), Washington, DC 20202-5140. Notice shall include the identification number(s) of each affected grant;

ALCOHOL AND DRUGS

TXST prohibits the unlawful distribution, possession, use, or illegal sale of alcoholic beverages, controlled substances and illegal drugs on campus. The abuse of alcohol and other drugs by members of the University community is incompatible with the goals of our academic institution and is inconsistent with our standard of excellence.

TXST is concerned with the academic success of students and offering a safe work environment to faculty and staff members. As a result of TXST’s commitment to safety, these programs have been designed to:
f. Taking one of the following actions, within 30 calendar days of receiving notice under subparagraph (D)(2), with respect to any employee who is so convicted:

1. Taking appropriate personnel action against such an employee, up to and including termination, consistent with the requirements of the Rehabilitation Act of 1972, as amended; or

2. Requiring such employee to participate satisfactorily in a drug abuse assistance or rehabilitation program approved for such purposes by a federal, state, or local health, law enforcement, or other appropriate agency;

g. Making a good faith effort to continue to maintain a drug-free workplace through implementation of paragraphs (A), (B), (C), (D), (E), and (F).

DRUG-FREE WORKPLACE (GRANTEES WHO ARE INDIVIDUALS)

a. As a condition of the grant, the Institution certifies that it will not engage in the unlawful manufacture, distribution, dispensing, possession, or use of a controlled substance in conducting any activity with the grant; and

b. If any officer or owner of the Institution is convicted of a criminal drug offense resulting from a violation occurring during the conduct of any grant activity, the Institution will report the conviction, in writing, within 10 calendar days of the conviction, to: Director, Grants and Contracts Service, U.S. Department of Education, 400 Maryland Avenue, S.W. (Room 3124, GSA Regional Office Building No.3), Washington, DC 20202-5140. Notice shall include the identification number(s) of each affected grant.

ALCOHOL POLICIES

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. TXST prohibits the illegal possession, use, and illegal sale of alcoholic beverages and enforces Texas underage drinking laws through the TXST University Police Department. The legal drinking age in Texas is 21. Because a large percentage of TXST students are not of legal drinking age, the University has established specific policies for drinking on campus. These policies are found here: UPPS 05.03.03.

Texas State On-Campus Alcohol Guidelines for Sanctions defines the student sanctions for violation of the University’s alcohol policies. The Student Code of Conduct outlines the process used to resolve alleged violations by students.

DRUGS AND INHALANTS

TXST prohibits students and employee's 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. UPD enforces both federal and Texas state laws pertaining to the illegal possession, use and sale of illicit drugs.

The Board of Regents’ Rules and Regulations, Chapter V, Section 4.51 states that a faculty member who, by a preponderance of evidence 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 termination, suspension or other discipline as determined by the University President or the President’s designee. That an employee is charged in a criminal case, or is found “not guilty” therein, shall not be construed as prohibiting administrative enforcement of these Rules and Regulations. If, in the judgment of the President or the Board of Regents', the best interests of the students, component, or Texas State system so dictate, the employee may be immediately removed from contact with students and other employees, pending resolution of disciplinary proceedings.

Employees are prohibited from the unlawful possession, use, or distribution of illegal drugs on all University property and as part of any official University activity under the TXST University policy UPPS 04.04.48.
The Code of Student Conduct outlines the University’s policies for students relating to drugs and the process used to resolve alleged violations of those policies.

The Texas State University Drug-Free Workplace Policy UPPS 04.04.45

Drug-Free Schools & Community Act Policy UPPS 04.04.48 and Biennial Report are provided during the online onboarding process for new employees.

**PENALTIES**

**Students:** The University may impose a disciplinary penalty up to expulsion as is specified in the Regents’ Rules and the Code of Student Conduct, for conduct related to the use, possession, or distribution of drugs prohibited by state, federal or local law. Other penalties that may be imposed for conduct related to the unlawful use, possession, or distribution of drugs or alcohol include suspension, disciplinary probation, payment for damage to or misappropriation of property, suspension of rights and privileges, expulsion, or such other penalty as may be deemed appropriate under the circumstances.

**Employees:** The unlawful use, possession, or distribution of drugs or alcohol may result in a disciplinary penalty of warning or reprimand, suspension, reduction in pay, demotion, or discharge, depending on the circumstances.

**ALCOHOL AND DRUG EDUCATION, COUNSELING & TREATMENT RESOURCES**

Texas State University has implemented alcohol and drug education, prevention, training, assessment, counseling, treatment and referral services for the campus community. The following are components of this campus-wide approach to eliminate the abuse of alcohol and the use of illegal drugs:

- Assessment/diagnosis/follow up services
  - Counseling Center (CC) https://www.counseling.txstate.edu/
  - The Assessment & Counseling Clinic (ACC) https://www.txstate.edu/clas/Professional-Counseling/counseling-services/Assessment-and-Counseling-Clinic-SM.html
  - The Student Health Center (SHC) https://www.healthcenter.txstate.edu/
- Assessment/community service program/follow up
  - Alcohol and Drug Compliance Services (ADCS) https://www.dos.txstate.edu/services/ADCS/links/drug-free-schools.html
  - Student Recovery Alliance (SRA)
    - www.healthcenter.txstate.edu/HPS/Student-Recovery-Alliance.html
- Referrals and recourse information- SHC, CC, ADCS, ACC
- Individual therapy-CC, SHC, ACC
- Adult Children of Alcoholics (ACOA)/Dysfunctional Family Group (CC)
- Sponsorship of a student group
  - Student Health Center (Healthy Cats Peer Educators and Student Recovery Alliance)
- Speakers, presentations and training-SHC, CC, UPD
- Mandatory online educational training for 1st year students with AlcoholEdu program

Bobcat Balance is provided through the Texas State Department of Human Resources to assist employees and their families. The program provides various free and confidential services and resources to help through life’s challenges. To contact, call 855.884.7224.

Every student should read and become familiar with the policies on alcohol and other drugs that are discussed in the Texas State Code of Student Conduct. The policy can be found at https://studenthandbook.txstate.edu/rules-and-policies/code-of-student-conduct.html.

Information about the policies, procedures, and community standards of the Department of Housing and Residential Life can be found at https://www.reslife.txstate.edu/current/responsibilities.html. In addition, more information is available on the health risks associated with drugs in ADCS, Counseling Center, and the Student Health Center. The Texas State Drug Free Schools and Communities Act report can be found in its entirety at the https://www.dos.txstate.edu/services/ADCS/links/drug-free-schools.html.

**DRUG AND ALCOHOL ABUSE PREVENTION**

As required by the Drug-Free Schools and Communities Act Amendments of 1989, which added section 1213 to the Higher Education Act, and implemented at 34 C.F.R. Part 86, the undersigned Institution certifies that it has adopted and implemented a drug prevention program for its students and employees that, at a minimum, includes:

1. The annual distribution in writing to each employee, and to each student who is taking one or more classes for any kind of academic credit except for continuing education units, regardless of the length of the student’s program of study, of:
   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 its property or as part of any of its activities.
   b. A description of the applicable legal sanctions under local, state or federal law for the unlawful possession 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 clear statement that the institution will impose disciplinary sanctions on students and employees (consistent with local, state and federal law), and a description of those sanctions, up to and including expulsion or termination of employment and referral for prosecution, for violation of the standards of conduct. A disciplinary sanction may include the completion of an appropriate rehabilitation program.

e. A description of any drug or alcohol counseling, treatment, or re-entry programs that are available to employees or students.

2. A biennial review by the Institution of its program to:

   a. Determine its effectiveness and implement changes to the program if they are needed.

   b. Ensure that its disciplinary sanctions are consistently enforced.

STANDARDS OF CONDUCT REGARDING DRUGS AND ALCOHOL

University regulations prohibit any unlawful possession, use, distribution, or sale of alcohol and other drugs by University students, faculty, staff, or guests to the University, on University-owned property and at all University sponsored activities. TXST will impose disciplinary sanctions on students and employees for violations of the standards of conduct and TXST policies and appropriate sanctions, including but not limited to expulsion or termination of employment and referral for prosecution.

Texas State University and Drug Free Schools and Community Act- Health Risks

Texas State University is dedicated to developing and creating a community that is free from the illegal use of alcohol beverages and drugs. The success and development of all students is a priority at Texas State University. We are dedicated to creating an environment that is safe and stimulating to the growth potential of every student.

We believe it is important to create this environment due to the health risks associated with consumption of alcohol including,

   - Possibility of substance use disorder (formerly known as alcohol addiction)

   - Consumption of alcohol, even in small amounts, has been shown to cause both liver and heart damage

   - Working out and cardiovascular exercise after consuming alcohol can significantly increase heart and liver damage for up to 5 days

   - Alcohol disrupts sleep and neurological rhythms vital to repair, growth, and healing

   - About 97,000 students between 18-24 experiencing alcohol-related sexual assault or date rape

   - 696,000 U.S. University students experience assault by another student who has been drinking

   - Overdose can lead to neurological and/or physiological damage as well as death.

To create an environment that is free from illegal use of alcohol and drugs, Texas State University takes various proactive steps. University regulations prohibit any unlawful possession, use, distribution, or sale of alcohol and other drugs by students, faculty, staff, or guests to the University, on University-owned property and at all University sponsored activities.

DRUG AND ALCOHOL PROGRAMS

Texas State University is committed to education and prevention programs around the subjects of drugs and alcohol for student, faculty, and staff. Education and prevention programming as well as resources such as counseling, rehabilitation can be found in the Texas State University Drug Free Schools and Communities Report as well as the Student Health Center Health Promotion Services and Alcohol and Drug Compliance Services.
UNIVERSITY RESOURCES

<table>
<thead>
<tr>
<th>University Resource</th>
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<tbody>
<tr>
<td>Student Behavior Assessment Team</td>
<td>512-245-2124</td>
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<tr>
<td>Counseling Center Services</td>
<td>512-245-2208</td>
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<tr>
<td>Dean of Students</td>
<td>512-245-2124</td>
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<tr>
<td>Department of Housing and Residential Life</td>
<td>512-245-4663</td>
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<tr>
<td>Report an act of hazing</td>
<td>512-245-2124</td>
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<tr>
<td>Human Resources</td>
<td>512-245-2557</td>
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<tr>
<td>Office of Equity and Inclusion</td>
<td>512-245-2539</td>
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<td>Student Health Center</td>
<td>512-245-2161</td>
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<td>Study Abroad Office</td>
<td>512-245-1967</td>
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<tr>
<td>Division of Student Affairs</td>
<td>512-245-2152</td>
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</table>

POLICY FOR PREPARING THE ANNUAL DISCLOSURE OF CRIME STATISTICS (ANNUAL DISCLOSURE OF CRIME STATISTICS)

The University coordinates the collection and reporting of crime statistics as specified in the Jeanne Clery Disclosure of Campus Security Policy and Crime Statistics Act (Clery Act). Each year, the University notifies all enrolled students and employees, via email, that they can view the report at: Annual Security and Fire Safety Report

Prospective employees and students are notified about the availability and location of the report via the online employee and student application process. This report is prepared in cooperation with the Texas State University Police Department (UPD), TXST Environmental Health, Safety and Risk Management, local law enforcement agencies, Division of Student Affairs, Student Health, Housing and Residential Life, and the Office of the President. Each entity provides current information about its safety and security educational efforts and programs as well as statistical data. Annually, TXST sends a written request to Campus Security Authorities (CSAs) requesting information about all Clery Act Crimes that occurred on TXST’s geography that were reported to them. TXST does allow individuals to report crimes on a confidential, voluntary basis for inclusion in the annual disclosure of crime statistics, except where the University Police process a crime using a pseudonym.

Reports of criminal activity given to CSAs and reports of crimes made to local law enforcement agencies are requested and included in the Annual Security Report as required by the Clery Act.

“Campus Security Authority” (CSA) means an individual with responsibility for campus safety and security. This includes campus police; individuals who are responsible for monitoring buildings or University grounds, or with similar security responsibilities who are not part of campus police; individuals or organizations specifically identified to receive reports of criminal offenses; and University officials, but not limited to all deans, directors, department chairs, student housing, student conduct, athletics, Title IX coordinator, Greek Life coordinator, and advisors to student organizations.
DEFINITIONS USED IN CLASSIFICATION OF CRIME STATISTICS

Listed in order of reporting hierarchy

PRIMARY CRIMES

- **Murder and Non-negligent Manslaughter**: The willful (non-negligent) killing of one human being by another.
- **Manslaughter by Negligence**: The killing of another person through gross negligence.
- **Rape**: The penetration, no matter how slight, of the vagina or anus, with any body part or object, or oral penetration by a sex organ of another person, without the consent of the victim. This offense includes the rape of both males and females.
- **Fondling**: The touching of the private body parts of another person for the purpose of sexual gratification, without the consent of the victim, including instances where the victim is incapable of giving consent because of his/her age or because of his/her temporary or permanent mental incapacity.
- **Incest**: Sexual intercourse between persons who are related to each other within the degrees wherein marriage is prohibited by law.
- **Statutory Rape**: Sexual intercourse with a person who is under the statutory age of consent.
- **Robbery**: The taking or attempting to take anything of value from the care, custody, or control of a person or persons by force or threat of force or violence and/or by putting the victim in fear.
- **Aggravated Assault**: An unlawful attack by one person upon another for the purpose of inflicting severe or aggravated bodily injury. This type of assault is usually accompanied by the use of a weapon or by means likely to produce death or great bodily harm.
- **Burglary**: The unlawful entry of a structure to commit a felony or a theft.
- **Motor Vehicle Theft**: Theft or attempted theft of a motor vehicle.
- **Arson**: Any willful or malicious burning or attempt to burn, with or without intent to defraud, a dwelling house, public building, motor vehicle or aircraft, personal property of another, etc.

VIOLENCE AGAINST WOMEN ACT CRIMES

- **Domestic Violence**: A felony or misdemeanor crime of violence committed —
  - By a current or former spouse or intimate partner of the victim;
  - By a person with whom the victim shares a child in common;
  - By a person who is cohabitating with, or has cohabitated with, the victim as a spouse or intimate partner;
  - By a person similarly situated to a spouse of the victim under the domestic or family violence laws of the jurisdiction in which the crime of violence occurred; By any other person against an adult or youth victim who is protected from that person's acts under the domestic or family violence laws of the jurisdiction in which the crime of violence occurred.
- **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.
- **Stalking**: Engaging in a course of conduct directed at a specific person that would cause a reasonable person to fear for the person's safety or the safety of others; or suffer substantial emotional distress.

ARRESTS AND DISCIPLINARY REFERRALS

- **Weapons**: Carrying, possessing, etc. is defined as the violation of laws or ordinances prohibiting the manufacture, sale, purchase, transportation, possession, concealment, or use of firearms, cutting instruments, explosives, incendiary devices, or other deadly weapons. This classification encompasses weapons offenses that are regulatory in nature.
- **Drug Abuse Violations**: The violation of laws prohibiting the production, distribution and/or use of certain controlled substances and the equipment or devices utilized in their preparation and/or use. The unlawful cultivation, manufacture, distribution, sale, purchase, use, possession, transportation, or importation of any controlled drug or narcotic substance. Arrest for violations of state and local laws, specifically those relating to the unlawful possession, sale, use, growing, manufacturing, and making of narcotic drugs.
- **Liquor Law Violations**: The violation of state or local laws or ordinances prohibiting the manufacture, sale, purchase, transportation, possession, or use of alcoholic beverages not including driving under the influence and drunkenness.

HATE CRIME (ANY OF THE ABOVE OFFENSES AND THOSE BELOW)

A criminal offense that manifests evidence that the victim was intentionally selected because of the perpetrator's bias against the victim.

- **Larceny-Theft**: The unlawful taking, carrying, leading, or riding away of property from the possession or constructive possession of another.
- **Simple Assault**: An unlawful physical attack by one person upon another where neither the offender displays a weapon, nor the victim suffers obvious severe or aggravated bodily injury involving apparent broken bones, loss of teeth, possible internal injury, severe laceration, or loss of consciousness and is counted only in relation to a reported hate crime.
DEFINITIONS OF GEOGRAPHIES (LOCATIONS)

- **On-Campus Buildings or Property**
  - 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 to the area identified in the above paragraph, 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).

- **Student Housing Facility**
  - A subset of “On Campus” this geography type is any student housing facility that is owned or controlled by the institution, or is located on property that is owned or controlled by the institution, or is located and is within the reasonably contiguous geographic area that makes up the campus is considered an on-campus student housing facility.

- **Non-Campus Buildings or Property**
  - Any building or property owned or controlled by a student organization that is officially recognized by the institution; or
  - Any building or property owned or controlled by an institution that is used in direct support of or in relation to the institution’s educational purposes, is frequently used by students, and is not within the same reasonably contiguous geographic area of the institution.

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

TXST crime statistics do not include crimes that occur in privately owned homes or businesses. A listing of on-campus and non-campus TXST buildings or property is collected on an annual basis from the TXST Real Estate and Planning Manager, Dean of Students-Greek Affairs, and the Study Abroad Office. The list is given to the TXST Police Department to collect appropriate crime statistics for Clery Act-defined geography.
### CLER Y ACT CRIME STATISTICS - SAN MARCOS CAMPUS

<table>
<thead>
<tr>
<th>Offense</th>
<th>Year</th>
<th>On Campus</th>
<th>Student Housing (Subset of On Campus)</th>
<th>Noncampus Building or Property</th>
<th>Public Property</th>
<th>Unfounded</th>
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<td><strong>Sex Offenses</strong></td>
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After a comprehensive audit of TXST records, we have revised our crime statistics for 2016, 2017, and 2018.
## ARRESTS & DISCIPLINARY REFERRALS

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### NOTES

2016: 1 incident of Intimidation, On Campus - Bias Category - Sexual Orientation

2017: no hate crimes were reported

2018: 1 incident of Vandalism, On Campus - Bias Category - Religion

2018: 1 incident of Vandalism, On Campus - Bias Category - Religion

After a comprehensive audit of TXST records, we have revised our crime statistics for 2016, 2017, and 2018.
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FIRE SAFETY INFORMATION AND FIRE STATISTICS

Firefighting services are provided 24 hours a day by the San Marcos Fire Department for Texas State campus. The TXST University Technical Services department is responsible for the management, plan review, contractor supervision, service, inspection, and testing of the fire sprinkler systems, fire alarm systems, special hazard systems, kitchen suppression systems and fire extinguishers for all University owned and leased facilities. They also provide plan reviews and contractor supervision of new construction.

TXST Environmental Health, Safety and Risk Management Office conducts fire drills, life safety inspections of facilities and enforces state fire safety regulations in all University owned and leased facilities.

FIRE LOG

TXST University maintains a daily fire log, which details any fires that occurred in on-campus student housing facilities. The log is available to the public and can be viewed at 60-day Crime and Fire Log University Police Department.

FIRE SAFETY EDUCATION AND FIRE DRILLS

On an annual basis, every residence hall performs at least one fire drill to prepare and instruct residents on correct evacuation procedures. Residence hall fire drills are planned and executed by TXST Environmental Health, Safety and Risk Management Office. A total of 40 supervised fire drills were performed in residence halls in the calendar year 2018. For students living in residence halls, the TXST Department of Housing and Residential Life Resident Guide to Rights & Responsibilities provides an overview of campus housing policies, procedures, and standards. Included in the Resident Guide to Rights & Responsibilities are general tips for resident safety, procedures to follow when reporting and responding to emergencies, general fire safety standards, and other safety guidelines for students living on campus. Fire Safety information can be found at http://san-marcos-tx.granicus.com/MediaPlayer.php?view_id=6&clip_id=166

FIRE RELATED POLICIES, PROCEDURES, AND PROGRAMS

SPECIFIC FIRE PREVENTION RELATED POLICIES AND PROGRAMS

The Fire Safety Program is designed to prevent or reduce property loss and injury from fire and explosions arising from storage, handling, and use of flammable and combustible substances, materials, and devices. The procedures incorporated into this policy are essential in promoting fire and life safety and enhancing University compliance with applicable state, local, and national fire and life safety standards.

1. EHSRM PPS 01.02 Fire Safety Policy https://www.fss.txstate.edu/ehsrm/about/policies-procedures/Policies-5.html

2. EHSRM PPS 01.03 Fire Alarm, Fire Drill, and Facilities Evacuation Policy https://www.fss.txstate.edu/ehsrm/about/policies-procedures/Policies-4.html

3. TXST Policy 05.04.02 Tobacco Policy states, “Texas State University is committed to maintaining healthy and safe campuses in San Marcos and in Round Rock. The primary purpose of this policy is to establish University guidelines prohibiting smoking and the use of all tobacco products at the Texas State campuses in San Marcos and in Round Rock. Tobacco products include all types of tobacco, cigarettes, cigars, smokeless tobacco, electronic cigarettes, pipes, and hookahs.

4. TXST Housing Contract Authorized Entry states, “The Student must permit any authorized agent of the University to enter the assigned unit for the purpose of inspection and maintenance, and, if determined necessary, for the purpose of enforcing reasonable rules and regulations ensuring the safety, welfare and comfort of all students and the University. University staff may enter and search the Student’s unit without permission or consent of the Student if reasonable suspicion exists of violation of University policy, concerns about safety of the students or guests, or situations that may cause harm to others.

TXST Environmental Health, Safety, & Risk Management is responsible for managing programs to enhance the safety of the campus community while also maintaining compliance with applicable fire and life safety codes. These programs include:

- Conducting fire and life safety inspections of University buildings
- Assessing campus events to identify risks, implement control measures, mitigate potential injury to personnel and protect property
- Inspecting fire detection and fire suppression systems in buildings throughout the University campus, to reduce the potential for fire loss
- Correcting unsafe conditions or deficiencies to eliminate hazards that pose a risk to the campus community
The TXST University Resident Guide to Rights and Responsibilities provides general information about the policies, procedures, and community standards established for Housing and Residence Life. All residents are expected to be familiar with and abide by the policies, procedures, and standards established in the handbook as well as the terms and conditions of the Housing Contract. In addition to other life safety concerns, the handbook addresses fire safety and includes the following:

**FIRE SAFETY: GENERAL FIRE SAFETY STANDARDS IN RESIDENCE ROOMS**

- **Extension** cords in the residence halls must have a built-in in-line fuse, circuit breaker or overload protection.
- Do not run electrical cords under rugs, over nails or in high traffic areas.
- Do not staple electrical cords to walls or otherwise pierce the cord.
- Keep flammable objects away from heat producing items such as coffee-makers.
- Place rugs in a location that does not hinder the opening and closing of doors.
- Do not hang objects from sprinkler heads.
- Do not tamper with or disable smoke detectors.
- Do not store or stack items within 18 inches of sprinkler heads.
- Do not cover more than 25 percent of the inside of your room door with paper or other decorative items.
- Mini lights that are UL or FM approved are permitted, however, neon signs are not allowed in resident rooms.
- Additional information can be found at: Resident Guide to Rights & Responsibilities [https://gato-docs.its.txstate.edu/jcr:a54eac58-147c-4b84-91c5-c5d261a9be4b/2019-2020_RightsandResponsibilities_8-1_WEB.pdf](https://gato-docs.its.txstate.edu/jcr:a54eac58-147c-4b84-91c5-c5d261a9be4b/2019-2020_RightsandResponsibilities_8-1_WEB.pdf)

**FIRE EQUIPMENT**

Fire and safety equipment must function properly when it is needed; therefore, the following acts are prohibited:

- Tampering or playing with fire extinguishers, smoke detectors, exit lights or emergency lights;
- Tampering with or pulling a fire alarm under false pretenses;
- Removing smoke detector batteries or otherwise rendering a smoke detector inoperative;
- Propping open stairwell fire doors or tampering with corridor fire doors (fire doors inhibit the travel of smoke, toxic gases, heat and fire from the area of origin); and
- Obstructing halls and stairwells with furniture, debris and/or other items.

**REPORTING EMERGENCIES**

In an emergency or threat to person or property, dial 911 and give a clear description of the problem, your location (including hall, floor, and room) and your name.

Immediately following the call, please notify hall staff so that they may be of additional assistance.

**FIRE EVACUATION**

The fire alarm sound in residence halls is either three intermittent bursts or a siren accompanied by a voice recording. Residents will be informed of their hall’s alarm sound during the mandatory floor meeting at the beginning of each semester. In the event of an emergency or periodic fire drill, all residents and their guests must evacuate the building and meet at the designated assembly area.

**ELECTRONICS**

Electrical appliances should display the “Underwriters Laboratory” (UL) approval. They must not disrupt electrical circuits or disturb others. Space heaters, window/portable air-conditioners, halogen light fixtures and personal washers and dryers are not allowed.

**COOKING APPLIANCES**

Except for coffee makers and electric teapots, cooking appliances (including induction cook tops) are prohibited in individual residence hall rooms for safety and sanitation purposes. Small kitchen appliances are allowed in Bobcat Village apartments.

**OPEN FLAMES**

Decorative items with open flame capability (lit or unlit) such as candles,wick lamps, incense burners, etc. are prohibited.

**LAMPS**

The following lamps are not permitted:

- Halogen Lamps
- Non-halogen desk lamps with an extra outlet at the base
- Lights or lamps that hang from the wall or ceiling
- Neon signs

**SMOKING**

The Texas State University campus is a tobacco-free campus. Smoking, e-cigarettes and tobacco use are not allowed inside or outside of any residence hall or apartment.

**EXPLOSIVES/FLAMMABLE FLUIDS**

Lighter fluids, charcoal, or other types of flammable liquids and materials are also not permitted to be stored in any University residence area; students may purchase small amounts for one-time usage.
EVACUATION PROCEDURES FOR RESIDENCE HALLS

RESIDENCE HALLS

The fire alarm sound in the residence halls is either three intermittent bursts or a siren accompanied by a voice recording. In the event of an actual emergency or a periodic emergency drill, all residents and their guests are required to follow housing and University safety regulations and must evacuate the building. Each floor in residence halls has a specific designated location outside the building to meet during an evacuation known as a Designated Assembly Area. At the beginning of each semester and immediately following a drill, residents are given information and training regarding evacuation procedures. Residents are to exit the building through the nearest exit, closing doors behind them, and go to the designated assembly area outside of their residence hall to await further instruction and to call their emergency contact as soon as possible and let them know they are safe. Resident assistants (RAs) are to attempt to notify residents of an alarm or fire, activate an alarm if necessary, and assist residents, including those with special needs, in exiting the building. Once outside, RAs are to obtain a roll sheet of residents from front desk staff and perform a roll call to determine any residents not present. Residence directors, once on location, are to obtain a situation report from front desk staff and establish order among evacuees and staff. The residence director will coordinate activities, including attempting to contact residents not present and contacting Housing administration and police officials.

SAFETY EDUCATION AND TRAINING PROGRAMS

RESIDENCE HALLS

Department of Housing and Residential Life Systems provide annual fire safety training to residence directors and resident assistants (RAs). RAs provide fire safety training to students living in residence halls during semester floor meetings and drills. RAs conduct safety checks of every resident room once a month. RAs test smoke detectors, ensure the safe use of extension cords, and look for potential fire hazards such as candles, incense, or appliances with exposed heating elements, or other items not approved by Housing. Items that pose a safety hazard will be confiscated.

CAMPUS FIRE REPORTING

In case of fire, call 911. Fires are reported through 911 or through TXST UPD dispatch. In accordance with the Clery Act, TXST is required to annually disclose statistical data on all fires that occur in on-campus student housing facilities. TXST also is required to keep a log of those fires, which can be found in TXST UPD’s 60-Day Crime and Fire Log.

Listed below are the non-emergency numbers to call to report fires that have already been extinguished in any University building or property, including on-campus student residence facilities.

If you are unsure whether Environmental Health, Safety & Risk Management has been notified of a fire, you find evidence of a fire, or if you hear about a fire in a TXST building or property, please contact one of the following:

- UPD Dispatch 512-245-2805
- TXST Environmental Health, Safety & Risk Mgmt. 512-245-3616

When calling, please provide as much information as possible about the location, date, time, and cause of the fire, as well as any property damage that occurred and any injuries that may have resulted from the fire. All fires that occur must be reported as soon as possible, including minor fires not requiring emergency response.
## ON-CAMPUS STUDENT HOUSING FACILITY
### FIRE SAFETY SYSTEM

#### 2019 FIRE SAFETY SYSTEMS IN TEXAS STATE RESIDENCE

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<tr>
<th>Texas State Resident Halls</th>
<th>Fire Alarm Monitoring Done On Site (by UPD)</th>
<th>Full Sprinkler System</th>
<th>Smoke Detection</th>
<th>Fire Extinguishers</th>
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### PLANS FOR FUTURE IMPROVEMENT

**TEXAS STATE UNIVERSITY TECHNICAL SERVICES DEPARTMENT**

TXST is upgrading the current fire alarm supervisory system from Siemens Insight to Edwards FireWorks, this will provide better communication and provide more options for systems integration in the future.

These improvements will be assuming funds are available.
## 2016 FIRE STATISTICS

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<th>Residential Facilities</th>
<th>Total Fires in Each Bldg.</th>
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### 2018 FIRE STATISTICS

#### STATISTICS AND RELATED INFORMATION REGARDING FIRE IN RESIDENTIAL FACILITIES

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To request a paper copy of this report, please contact TXST University Police Department, police@txstate.edu or at Nueces Building 1st floor or call 512-245-8336.

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Fax: 512-245-7784
https://www.police.txstate.edu/