

# TEXAS A&M UNIVERSITY HEALTH SCIENCE CENTER, MCALLEN 2016 Annual Security Report

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

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This Annual Security Report is available on the Texas A&M University Risk and Compliance website at:  
<http://urc.tamu.edu/media/1157102/HSCMcAllenAnnualSecurityReport.pdf>.

Annual Security Reports for other Texas A&M University Health Science Center locations (Bryan, Dallas, Houston, Kingsville, Round Rock, Temple) are available at: <http://urc.tamu.edu/clery-act/clery-annual-reports/>.

Annual Security Reports for other Texas A&M University locations are available on the Texas A&M University Risk and Compliance website, <http://urc.tamu.edu/clery-act/clery-annual-reports/>. Applicable locations are as follows:

Texas A&M University at College Station <http://urc.tamu.edu/media/1157075/CSAnnualSecurityReport.pdf>.

Texas A&M University at Galveston <http://urc.tamu.edu/media/1157087/GalvestonAnnualSecurityReport.pdf>

Texas A&M University at Qatar <http://urc.tamu.edu/media/1157081/QatarAnnualSecurityReport.pdf>

Texas A&M University Mays Business School at CITYCENTRE

<http://urc.tamu.edu/media/1157078/MaysAnnualSecurityReport.pdf>

Texas A&M University School of Law <http://urc.tamu.edu/media/1157084/LawAnnualSecurityReport.pdf>

Annual Fire Safety Reports for other Texas A&M University locations are available on the Texas A&M University Risk and Compliance website, <http://urc.tamu.edu/clery-act/clery-annual-reports/>. Applicable locations are as follows:

Texas A&M University at College Station <http://urc.tamu.edu/media/1157614/CSAnnualFireReport.pdf>

Texas A&M University at Galveston <http://urc.tamu.edu/media/1157611/GalvestonAnnualFireReport.pdf>

Texas A&M University Health Science Center Kingsville <http://urc.tamu.edu/media/1197453/KingsvilleAnnualFireReport.pdf>

Reports contain numerous links to websites. Email [security@tamhsc.edu](mailto:security@tamhsc.edu) for assistance if any link does not function.

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## Texas A&M University Health Science Center, McAllen

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

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

The Texas A&M University Health Science Center (TAMHSC) Security Department is responsible for preparing and distributing the Annual Security Report to comply with the Jeanne Clery Disclosure of Campus Security Policy and Crime Statistics Act (Clery Act). The Annual Security Report is published every year by October 1st and contains three years of selected campus crime statistics and certain campus security policy statements in accordance with the Clery Act. The 2016 Annual Security Report contains crime statistics for calendar years 2015, 2014, and 2013.

The TAMHSC Security Department composes the Annual Security Report and statistical information with input from various sources such as local law enforcement agencies, Student Affairs, and Campus Officials.

### **Annual Security Report Notifications**

Each year, an e-mail notification is sent to all current students, faculty, and staff providing the website to access this report. The TAMHSC Annual Security Reports can be found at the following website: <http://urc.tamu.edu/media/1157102/HSCMcAllenAnnualSecurityReport.pdf>. A paper copy is available upon request at the TAMHSC McAllen, Room 120, 2101 S. McColl Rd., McAllen, TX or by calling 956-668-6300. A paper copy is also made available upon request at each TAMHSC location.

The TAMHSC McAllen does not provide on-campus student housing facilities, therefore, does not have an Annual Fire Safety Report on Student Housing.

Prospective employees are notified of the availability of the Annual Security Report through an email distributed when applying for a vacant position. Website access to the Annual Security Report is provided by Human Resources through a link under the "Safety and Security Notices" heading on the Required Employee Notices & Important Reminders webpage (<http://employees.tamu.edu/employees/required-notices/>).

Prospective students are notified of the availability of the Annual Security Report through an email distributed when applying for admission. Website access to the Annual Security Report is provided by the Office of Admissions through a link titled “Campus Safety” located at the bottom of the Admissions webpage (<http://admissions.tamu.edu/>). Prospective students and parents of students can also read about and reference Clery Act information on the Future Students webpage (<http://www.tamhsc.edu/prospective/>) via a link titled “Security and Safety”.

## **Campus Law Enforcement Policies**

### **Police Department Overview**

The McAllen Police Department (MPD) provides law enforcement and security services to all components of TAMHSC McAllen academic campus.

To provide a safe campus for our students, staff, faculty and visitors, the department has uniformed officers on patrol 24-hours a day, year round. To provide this around-the-clock coverage, MPD works in three shifts, patrolling by foot, car, and bicycle.

Patrol is the core of the MPD. These officers are the ones to answer calls for service, respond to alarms and enforce state criminal and traffic laws.

### **Jurisdiction**

The MPD is the primary police authority for TAMHSC McAllen campus. The police officers are certified Texas peace officers as defined in article 2.12 of the Texas Code of Criminal Procedure. Pursuant to Section 51.203 of the Texas Education Code, the primary jurisdiction of the McAllen police officers is the municipality of McAllen.

### **Arrest Authority**

As certified peace officers, MPD’s armed police officers have the authority to detain and arrest.

### **Enforcement Authority**

The MPD is computer linked to city, state and federal criminal justice agencies, which provide access to criminal records, wanted persons, stolen property, and vehicle information. All crimes reported to MPD are investigated and are referred for prosecution through the Offices of the County Attorney and District Attorney when appropriate. Criminal matters involving university students may also be referred to university administration for disciplinary action.

### **Working Relationships and Agreements**

The TAMHSC McAllen campus administration maintains excellent working relationships with all area law enforcement agencies including the MPD, Hidalgo County Sheriff’s Office, Texas Department of Public Safety, Texas Alcoholic Beverage Commission, and the local field office of the Federal Bureau of Investigation. These working relationships are not maintained through a written mutual aid agreement with the TAMHSC.

### **Monitoring Non-Campus Locations**

The TAMHSC operates no non-campus housing or non-campus student organization facilities. If institutional sponsored activity by a student or student organization meets the criteria for Clery non-campus property in areas surrounding the TAMHSC McAllen campus, MPD may assist in cooperation with state or federal law enforcement. There is no Memorandum of Understanding with the MPD.

If institutional sponsored activity by a student or student organization outside of the McAllen area meets the criteria for Clery non-campus property, TAMHSC does not use campus security to monitor or record criminal activity. The local law enforcement agency with jurisdiction at the location responds when police services are requested.

### Professional Standards

The MPD's relationship with the community, and ensuring that they provide excellent service, is vital to achieving the overall mission of a safe and secure campus. All members of the TAMHSC McAllen community can expect to be treated in a courteous and professional manner by members of the department. MPD will not tolerate an employee who acts unprofessionally or who does not provide an appropriate level of service. They also wish to recognize instances where their employees have been especially helpful or have exceeded your expectations in the service they have provided.

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

- Request the on-duty Police Supervisor by calling 956-681-2000. This individual is available 24-hours a day.
- Address written correspondence to: Chief of Police, McAllen Police Department, 1601 N. Bicentennial Blvd., McAllen, Texas 77805. Website: <https://www.mcallen.net/mcallen-pd/home>

### Campus Law Enforcement Telephone Directory

Area Code – 956 (for all numbers listed below)

Emergencies—from on campus phones/Police/Fire/Medical	911	Non-Emergencies/General Assistance	681-2000
McAllen Police Department	681-2000	Hidalgo County Sheriff's Office	383-8114

## Reporting Crimes

### Incident Reporting and Response

Any on-campus emergency, criminal offense, or suspected criminal activity, should be reported immediately to the MPD by dialing 911 from a campus phone, from a cellular phone, or in person. In addition, campus "blue light" phones will immediately contact a 911 operator. Upon receipt of the call, the MPD Communications Center personnel can supply information or dispatch officers as necessary.

For non-emergencies from a campus phone, dial 681-2000. To contact the MPD from an off campus phone, campus payphone, or cell phone, please call 956-681-2000. The web address for MPD is: <https://www.mcallen.net/mcallen-pd/home>. The Special Investigations Unit has a Confidential Informant Program whereby persons registered with the program can be paid for information. For more details on this program, contact the Special Investigations Unit at 956-681-2180.

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

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

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

Faculty, staff, and students are encouraged to report any criminal offenses within the campus environment directly to the MPD. For non-campus offenses, we encourage prompt reporting to the proper local law enforcement agency. As an option, you may also report criminal offenses to the following TAMHSC offices:

Director of Academic Affairs	979-436-9110	Clinical Building 1, Suite 3100, Bryan campus
School of Public Health Dean	979-436-9322	212 Adriance Lab Rd., Building A, Rm. 282, College Station, TX 77843
College of Nursing Dean for Students	979-436-0110	<a href="http://nursing.tamhsc.edu/student-affairs/index.html">http://nursing.tamhsc.edu/student-affairs/index.html</a>
Director, McAllen Campus	959-668-6300	2101 S. McColl Rd., Room 106, McAllen, TX 78503
TAMU HSC Security Department, Bryan Campus	979-436-9000	Clinical Building 1, Suite 4400, Bryan campus

Crime reports provided to campus security authorities are used by the school to fulfill its responsibility to annually disclose accurate crime statistics and to issue or facilitate the issuance of timely warnings or emergency notifications. Campus security authority crime reports should include sufficient detail such as dates and locations, and where appropriate, personally identifying information, including name and contact information, if available. TAMHSC campus security authorities may file a report at <http://www.tamhsc.edu/security/csa-reporting-form.html>. For additional information on the duties and responsibilities of the individuals and offices listed above, see the campus security authorities webpage: <http://www.tamhsc.edu/security/csa.html>.

Students, faculty, staff, community members, and guests are encouraged to report all crimes and public safety related incidents to MPD in a timely manner when the victim of such crimes elects or is unable to make such a report. The TAMHSC offices listed above, will assist students with notifying the proper law enforcement authorities, if the victim chooses. It is our goal to provide assistance wherever the report is made to make sure we include the crime in our annual security report.

Although exempt from the reporting requirements of the Clery Act, pastoral and professional mental health counselors are encouraged to refer persons they are counseling to report crimes on a voluntary, confidential basis for inclusion in the annual statistics, especially if the incident may pose an ongoing threat to the campus community.

### **Confidential and Anonymous Reporting of Crimes**

The TAMHSC and MPD encourages anyone who is the victim or witness to any crime to promptly report the incident to the police. Because police reports are public records under state law, MPD cannot hold reports of crimes in confidence. Voluntary, confidential reports for purposes of inclusion in the annual disclosure of crime statistics can generally be made by victims, witnesses, and others to the campus security authorities listed



on the previous page and all other campus security authorities. Felony crimes can be reported anonymously by calling the McAllen Crime Stoppers at 956-687-TIPS (8477). Non-emergency types of crimes can be reported anonymously via the Crime Stoppers web page at: <http://www.mcallencrimestoppers.org/>.

## Missing Students

The TAMHSC McAllen does not utilize any on-campus housing for its students and is not required by federal law to have “missing student policies”.

## Timely Warning Policy

The circumstances in which a Timely Warning (Crime Alert) will be generated include, but are not limited to, the receipt of a good faith report to the TAMHSC Security Department or other campus security authority of a crime reportable under the Clery Act, that poses a serious or continuing threat to the campus community. The TAMHSC Director of Security, or a designee, is responsible for determining if a Crime Alert will be issued. Crimes reportable under the Clery Act include, but are not limited to, major incidents of arson, murder/non-negligent manslaughter, robbery, aggravated assault, sex offenses, or other crimes as determined necessary by the Director of Security or a designee. The determination will be made on a case-by-case basis after due consideration of all available facts of the crime, such as the nature of the crime and whether or not a continuing danger to the campus community exists. If the TAMHSC Security Department or other campus security authority is not notified of a crime in a manner that would allow the department to provide timely notice, a Crime Alert may not be issued depending on the circumstances. All situations will be evaluated on a case by case basis.

The TAMHSC Security Department is responsible for the issuance of Crime Alerts. Personnel authorized to issue a Crime Alert are: the Director of Security, the Emergency Management/Business Continuity Coordinator, and the Security Manager. Anyone with information warranting a Crime Alert should report the circumstances immediately to the TAMHSC Bryan Security Department by phone (979-436-9000) or to the TAMHSC McAllen Campus Director (959-668-6300).

Crime Alerts are distributed to students, faculty, and staff via blast email and may be posted on the “Timely Warnings” website: <https://timelywarning.tamhsc.edu>. Crime Alerts will contain sufficient information about the nature of an identified threat to assist members of the campus community in taking appropriate action to protect themselves or their property. The Crime Alert will generally include:

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

It is important to note that in some cases law enforcement may need to withhold some facts if releasing the information would compromise an ongoing investigation or the identity of the victim. Victim names and other personally identifying information of victims are never included in crime alerts.

## **Emergency Response and Evacuation Policy**

The procedures disclosed in this section apply to emergency situations occurring on the campus of TAMHSC McAllen, i.e. on-campus property. The institution does not have separate procedures for emergency situations occurring on non-campus property.

### **Emergency Notification System**

HSC Alert is the TAMHSC's emergency notification system that gives the university the ability to communicate health and emergency information through some or all of the following mechanisms: SMS text message, TAMHSC Email, local media, and RSS feeds.

The TAMHSC will use the system only to provide official notification of critical emergencies (i.e., situations that pose an imminent threat to the community). It is the policy of the TAMHSC to notify the campus community, via the HSC Alert Emergency Notification System, upon the confirmation of a significant emergency or dangerous situation involving an immediate threat to the health or safety of students or employees occurring on the TAMHSC McAllen campus. The TAMHSC McAllen Campus Director or designee confirms whether or not a significant emergency or dangerous situation exists by evaluating information received from entities which may include, but are not limited to: law enforcement, fire department, National Weather Service, or other personnel from Environmental Health and Safety.

The HSC Alert emergency notification system does not replace the Crime Alert requirement. They differ in that the Crime Alert requirement applies only to Clery reportable crimes, while the emergency notification system addresses a much wider range of threats (i.e. gas leaks, tornadoes, active shooter, etc.). If an emergency notification is issued, the university is not required to issue a Crime Alert based on the same circumstances.

At the TAMHSC McAllen campus, the generation of an HSC Alert and activation of the notification system is the responsibility of the Campus Director. The Director will, without delay, and taking into account the safety of the community, determine the content of the notification and initiate the HSC Alert notification system; unless issuing the notification will, in the professional judgment of responsible authorities, compromise efforts to assist victims or to contain, respond to, or otherwise mitigate the emergency. Victim names and other personally identifying information of victims are never included in emergency notifications.

In accordance with TAMHSC policy, central TAMHSC administration located at the Bryan campus (Emergency Management Coordinator, Environmental Health and Safety Director, and/or the Risk Management Director) will generate and issue an HSC Alert on behalf of TAMHSC McAllen in special cases. These cases include: if campus operations are altered (closures) or if the emergency prevents the local campus from issuing the alert.

HSC Alerts related to the TAMHSC McAllen campus are issued to the entire TAMHSC McAllen campus community, rather than to specific segments of the McAllen campus population. However, HSC Alerts are campus specific. For example, an HSC Alert for an emergency occurring at the TAMHSC McAllen campus will not be issued to other TAMHSC remote campuses which are not impacted.

The TAMHSC conducts monthly testing of the emergency notification system. For the TAMHSC McAllen campus, these tests are launched by the Campus Director. After each test, or actual alert, the individual will analyze the functionality of each communication device within the notification system, and prepare and maintain a report with the results of the findings. Any test may be cancelled by the TAMHSC Emergency Management Coordinator. Reasons for cancelling tests include the existence of real threats that could necessitate sending an emergency message, recent emergency messages that obviate the need for that test, etc.



## **Registering for Emergency Notifications**

### Students, Faculty, and Staff Access

All faculty, staff, and student TAMHSC email addresses are added into the emergency alert system. All TAMHSC personnel and students are highly encouraged to add a mobile number to allow alerts by text message. Individual users may choose to add an additional email address, to receive mobile communications via SMS, or to opt out of the system entirely. <http://www.tamhsc.edu/hscalert/index.html>.

TAMHSC maintains an opt-out emergency notification system (HSC Alert) that may be used for immediate notifications via email and/or text messages. Pre-scripted messages have been developed and will be used, with appropriate modifications, during emergency situations. HSC Alert is only used for emergencies, crises, and reports of serious crime where a situation exists which potentially constitutes an ongoing or immediate danger. This is a free service to members of the TAMHSC community.

Depending on the nature of the emergency, one or more notification systems may be utilized. These systems include, but are not limited to:

- Text messages
- TAMHSC email system
- RSS feeds
- Local media
- Building fire alarms

All immediate notifications will have at least one follow-up message (i.e., the “All Clear” message). Generally, the follow-up messages will be issued utilizing the same notification systems as the initial notification. However, word-of-mouth, the TAMHSC website, the use of electronic and cellular communication, or other means may be utilized when appropriate.

The success of this service relies on you to provide accurate contact information. The emergency alert system will contain email addresses for all faculty, staff and students of TAMHSC. Mobile phone numbers and alternate email addresses can be added, or you can opt out of the system, by following the steps in the Emergency Alert Tutorial. <https://helpdesk.tamhsc.edu/emergency-alert-tutorial/>

### Public Access

The public cannot register for HSC Alerts.

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

The TAMHSC Governmental and Public Affairs Office or designee may communicate with local media such as newspapers, television stations and radio stations to disseminate emergency information to the surrounding community. This office, in coordination with impacted TAMHSC public information officers for each college, provide a statement for posting additional information on the TAMHSC website. This website is another possible source for the larger community to obtain such information.

## **Emergency Preparedness**

The TAMHSC has a comprehensive all hazards Crisis Management Plan which provides a framework for the university response to crises and emergencies. The plan was developed under the Incident Command System (ICS) model prescribed by the National Incident Management System (NIMS). The Crisis Management Plan includes information about incident teams, shelter-in-place and evacuation guidelines; and local contingency

and continuity planning requirements. Additionally, each TAMHSC campus, including the McAllen campus, has their own Crisis Management Plan applicable to their location.

In the Crisis Management Plan, specific campus administrators (the Crisis Management Team) are identified who are responsible for oversight of key functions in the event of an emergency or crisis which impacts a large segment of the campus population. The Crisis Management Team coordinates with other campus offices (Wellness Center, Human Resources, etc.) and outside emergency response agencies (fire department, hospitals and medical centers) as needed.

### **TAMHSC Crisis Management Team Members**

TAMHSC Senior Vice President and Chief Operating Officer

Advisory Group:

Associate Vice President for TAMHSC Research

Associate Vice President for Academic Affairs

Chief Legal Officer

Associate Vice President for Finance and Administration or Designee

Associate Vice President for Governmental and Public Affairs

TAMHSC Administration Intake Team:

Emergency Management Coordinator (primary)

Risk Management Director (secondary)

Environmental Health and Safety Director (secondary)

University departments are responsible for developing contingency plans and continuity of operations plans for their staff and areas of responsibility. The Crisis Management plan is continually updated, and tabletop and other emergency planning exercises, including evacuation drills are conducted at least once a year. Exercises and emergency response planning is coordinated by the Emergency Management Coordinator who documents the exercises or drills, including the date, time, and whether the exercise was announced or unannounced. These tests are designed to assess and evaluate the emergency plans and capabilities of the institution.

Fire and evacuation drills are held once a year for the building. Fire drills are a mandatory supervised evacuation of a building for a fire. The fire drill is scheduled with the building staff. Students, faculty and staff learn the locations of the emergency exits in the buildings and are provided guidance about the direction they should travel when exiting each facility for a short-term building evacuation.

The purpose of fire evacuation drills is to prepare building occupants for an organized evacuation in case of an emergency. Fire evacuation drills are used as a way to educate and train occupants on issues specific to their building. Evacuation maps are posted in all classrooms (near the back of the entry door), in faculty lounges, staff break rooms, offices, and in the stairwells of all buildings.

General information about the emergency response and evacuation procedures are publicized each year as part of the institution's Clery Act compliance efforts in this report. Also, the TAMHSC's eduSafe app provides rapid access to all emergency procedures. By incorporating relevant safety and security information, HSC eduSafe ensures that personnel in all areas of any HSC facility can access their campus-specific safety procedures. More information can be found at <http://www.tamhsc.edu/edusafer/index.html>. Following is a summary of TAMHSC's emergency response and evacuation procedures.

### Shelter-in-Place

If an incident occurs and the building you are in is not damaged, stay inside-seeking an interior room-until you are told it is safe to come out. If your building is damaged, or you are directed to evacuate, take your personal belongings (purse, wallet, ID card, etc.) and follow the evacuation procedures for your building (close your door, proceed to the nearest exit, and use the stairs instead of the elevators). Once you have evacuated, proceed to the emergency assembly site for your area. If police or fire department personnel are on the scene, follow their directions.

No matter where you are, the basic steps of shelter-in-place will generally remain the same. Should the need ever arise, follow these steps, unless instructed otherwise by local emergency personnel:

- If you are inside, stay where you are. Collect any emergency shelter-in-place supplies and a telephone to be used in case of emergency. If you are outdoors, proceed into the closest building quickly or follow instructions from emergency personnel on the scene.
- Locate a room to shelter inside. It should be an interior room without windows or with the least number of windows. If there is a large group of people inside a particular building, several rooms may be necessary.
- Shut and lock all windows and close exterior doors.
- Take a list of the people with you and ask someone (other staff) to call the list in to MPD so they know where you are sheltering. If only students are present, one of the students should call in the list.
- Listen for further instructions through HSC Alert or emergency responders.

### Campus Evacuation Procedures

The TAMHSC Senior Vice President and Chief Operating Officer or designee will authorize campus evacuation orders. Once an evacuation order has been given, students and employees should follow the instructions and timelines for leaving the campus and should alert others to do the same. Information about returning to campus will be communicated through the TAMHSC webpage.

### Building Evacuation Procedures

An evacuation will occur when the fire alarm sounds and/or notification is given by appropriate personnel. All persons (students, employees and visitors) are to immediately vacate the building in as safe a manner as possible. All persons should follow orders given by emergency responders at the scene. Personnel shall not return to an evacuated building until instructed by emergency responders or other appropriate officials. Evacuation drills are conducted periodically for on campus buildings. The building evacuation is documented and reviewed by the Office of Environmental Health and Safety.

### Testing Emergency Response and Evacuation Procedures

TAMHSC tests its emergency response and evacuation procedures as defined in the Clery Act on an annual basis. Test is defined as regularly scheduled drills, exercises, and appropriate follow-through activities, designed for assessment and evaluation of emergency plans and capabilities. Tests may be announced or unannounced. TAMHSC conducts a drill, an exercise and publicizes its emergency response and evacuation procedures via campus email annually. For each test, documentation describes the exercise, the date and time, and whether it was announced or unannounced. An after action report is completed and kept by the Emergency Management Coordinator.

## **The Daily Crime Log**

The TAMHSC McAllen campus does not operate a Security or Police Department and is not required by federal law to maintain a “daily crime log”.

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## Security of and Access to Campus Facilities

### General Provisions

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

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

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

### Residence Halls

The TAMHSC McAllen campus does not utilize on-campus residence halls.

### Parking Lots

Campus parking lots are under video surveillance and may or may not be monitored. Lots are also equipped with emergency phones and are readily visible and identifiable by the bright blue lights located on top of the phone cabinets. These phones connect to a 911 operator for emergency assistance.

### Academic and Administrative Buildings

The McAllen campus of TAMHSC is located within the City of McAllen, and the public areas are therefore readily accessible. In general, the building is open to the public, at a minimum, during normal business hours. The facility may have specific hours of operation, which can vary depending upon factors such as the time of the year and operational requirements. Access to the building, or portions thereof, may be limited to authorized personnel at various times. Card swipe systems, locks and other means may be employed to limit access. Information about access to the facility can be obtained from the campus director. MPD officers generally are not assigned to specific academic or administrative buildings. However, they do patrol such areas on a regular basis.

## Maintenance of Campus Facilities

Facilities personnel are responsible for maintaining the buildings, grounds, and custodial services for the TAMHSC McAllen campus. TAMHSC Facilities and Utilities Services Department has oversight of electricity, heating and cooling, running water, and waste disposal. Faculty and staff are encouraged to report maintenance problems to the building attendant, submit a work request through the department's website: <https://assetworks.tamhsc.edu/>, or the 24 hour Emergency Number at 979-574-1104.

Additionally, facilities such as telephones, recreational areas, building renovations, furniture purchases, card access security system, and fire alarm/detection systems are all coordinated from the Facilities and Utilities System's office. For after-hours emergency repairs or for more information about any of these services, please call 979-574-1104 or email [facilitiesmgmt@tamhsc.edu](mailto:facilitiesmgmt@tamhsc.edu).

TAMHSC Facilities and Utilities personnel closely monitor any security-related maintenance problems after hours, and report their findings to the appropriate TAMHSC official. The operations of the emergency telephones are checked on a scheduled periodic basis.

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

### **Education Programs**

According to the Safe and Drug-Free Schools and Communities Act, Texas A&M University reviews its programs, services, and policies to prevent unlawful possession, use, or distribution of alcohol and illicit drugs. The results of the biennial review are published at: <http://urc.tamu.edu/media/628893/DFSCA.pdf>

### **Alcohol Policy**

The following alcohol policy applies to the TAMHSC McAllen campus.

As an institution interested in the intellectual, physical and psychological well-being of the campus community, Texas A&M University deems it important to curtail the abusive or illegal use of alcoholic beverages. All members of the university community and guests are required to comply with federal and state laws regarding the possession, use, and service (including sales) of alcoholic beverages ([System Policy 34.02, Drug and Alcohol Abuse and System Policy 34.03, Alcoholic Beverages](#)). Except as permitted or expressly authorized by state law, alcoholic beverages may not, in any circumstance, be used by, possessed by, or distributed to any person under 21 years of age, including within Texas A&M University on-campus housing facilities ([Texas A&M University Student Rules, Appendix VIII](#)).

Additionally, in accordance with [Texas A&M University Student Rules, Appendix VIII](#) and [University Rule 34.03.01.M1 Alcoholic Beverages](#), alcohol possession and use of alcoholic beverages are prohibited on Texas A&M University premises and university sponsored events unless expressly authorized by University Rule 34.03.01.M1. Locations designated as exceptions in University Rule 34.03.01.M1 include university apartments and residence hall rooms where all occupants are at least 21 years of age. Service of alcoholic beverages on Texas A&M University property (including sales) is limited to institutional entities that hold a valid liquor license according to University Rule 34.03.01.M1. Authorized service entities are listed in University Rule 34.03.01.M1. Consequences for policy violations could result in sanctions by the university and/or criminal charges/arrest by law enforcement for state law violations.

The TAMHSC is committed to promoting responsible decision making regarding alcohol and drugs through educational programming, resources, and referrals. Programs and services are provided to students at TAMHSC McAllen through the TAMHSC Student Assistance Program (1-800-346-3549) administered by the University of Texas Health Science Center - Houston. Deer Oaks Employee Assistance Program (888-993-7650, [www.deeroaks.com](http://www.deeroaks.com)) manages the alcohol and drug abuse and rehabilitation program for employees.

### **Illegal Drugs Policy**

The following illegal drugs policy applies to the TAMHSC McAllen campus.

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



violations of the Texas Controlled Substances Act. According to [System Policy 34.02, Drugs and Alcohol Abuse](#), all students and employees are expected to abide by federal and state laws pertaining to controlled substances and illicit drugs. Alleged violations of these laws may result in criminal charges and will also be adjudicated through University disciplinary procedure. ([Texas A&M University Student Rules, Appendix VII; System Policy 34.02, Drug and Alcohol Abuse](#))

The TAMHSC is committed to promoting responsible decision making regarding alcohol and drugs through educational programming, resources, and referrals. Programs and services are provided to students at TAMHSC McAllen through the TAMHSC Student Assistance Program (1-800-346-3549) administered by the University of Texas Health Science Center - Houston. Deer Oaks Employee Assistance Program (888-993-7650, [www.deeroaks.com](http://www.deeroaks.com)) manages the alcohol and drug abuse and rehabilitation program for employees.

### **Weapons Policy**

The following weapons policy applies to the TAMHSC McAllen campus.

In accordance with [Texas Penal Code Ch. 46](#), it is a felony to intentionally, knowingly, or recklessly possess a firearm, illegal knife, or prohibited weapon on the physical premises of a school or educational institution, to include any buildings or passenger transportation vehicles under the direct control of the educational institution. The following exception applies. A license to carry holder under Chapter 411, Texas Government Code, may carry a concealed handgun on or about the license holder's person while the license holder is on the campus of Texas A&M (all land and buildings owned or leased by Texas A&M) or in a university vehicle, unless prohibited by state law, federal law, or [University Rule 34.06.02.M1, Carrying Concealed Handguns on Campus](#). Prohibited areas include but are not limited to campus daycares, counseling centers, health care facilities, collegiate and interscholastic sporting events, certain high hazard and high risk research areas/laboratories, specific premises where formal disciplinary hearings are conducted, and locations with official Texas Penal Code 30.06 signage. Any resident of campus housing who is a license to carry holder may store a handgun in his/her room securely in a safe purchased or rented from the Department of Residence Life. The open carry of handguns is prohibited everywhere on campus including all land and buildings owned or leased by Texas A&M University. [University Rule 34.06.02.M1](#) and [Student Conduct Code 24.4.14](#) contain additional weapons policy information.

### **Sexual Assault, Dating Violence, Domestic Violence, and Stalking**

In accordance with federal law and [System Regulation 08.01.01, Civil Rights Compliance](#), Texas A&M University prohibits illegal discrimination on the basis of sex and prohibits sexual assault, dating violence, domestic violence, (as those terms are defined for the purposes of the Clery Act) and stalking. The following are statements of policy that address sexual assault, dating violence, domestic violence, and stalking, whether it occurs on or off campus, when it is reported to a university official.

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

Individuals reporting sexual assault, dating violence, domestic violence, or stalking have the option of notifying local law enforcement authorities. Below is a list of local law enforcement agencies. Reports can be filed with the agency where the incident occurred.

Agency	Phone
McAllen Police Department	956-681-2000
Hidalgo County Sheriff's Department	956-383-8114



The MPD and other law enforcement agencies are available to receive and investigate reports of sexual assault, dating violence, domestic violence, and stalking; assist in securing medical attention; participate in evidence preservation and collection, conduct investigations of crimes; and inform the individual of legal and administrative options both on and off campus. Criminal investigations may occur independent from a conduct proceeding and are conducted by local law enforcement in accordance with Texas Penal Code, guidelines established by the Code of Criminal Procedure, and information from the Hidalgo County District Attorney's Office. Law enforcement will help individuals understand the process of obtaining protection orders, restraining orders, or similar lawful orders issued by the courts.

Any student should, or employee must, promptly report incidents of illegal discrimination, sexual harassment (including sexual assault, dating violence, domestic violence, and stalking), and/or related retaliation that they experience, observe, or become aware of. A third party should promptly report incidents involving an employee or student. At TAMHSC McAllen, information should be reported to an official university contact in accordance with Table 1 – Official Contacts below, including the Title IX Coordinator (979-845-0977, [TitleIX.Coordinator@tam.u.edu](mailto:TitleIX.Coordinator@tam.u.edu)). The TAMHSC Title IX Campus Coordinator (750 Agronomy Rd., Suite 1201, College Station, TX 77843-1261; 979-845-4807; [j-nachlinger@tam.u.edu](mailto:j-nachlinger@tam.u.edu)) is also an official contact who can receive reports. The contacts will coordinate responsibilities when necessary depending on the circumstances.

**Table 1 – Official Contacts**

If the alleged offender is a:	• Student	• Faculty	• Staff • Third party	Any complaints can be reported to the Title IX Coordinator
Then the official contact is:	<p><u>School of Public Health</u> Office of Student Affairs, Room 163, APH Administration Bldg., 214 Adriance Lab Rd., College Station, TX 77143 979-436-9356</p> <p><u>College of Nursing</u> Associate Dean for Student Affairs, Health Professions Education Bldg. 1, Room 3016, 8447 State Hwy. 47, Bryan, TX 77807 979-436-0110</p>	<p>Dean of Faculties, 108 YMCA Building, College Station, TX 77843-1126, 979-845-4274, <a href="mailto:Dof@tam.u.edu">Dof@tam.u.edu</a></p>	<p>Director of Human Resources, 200 Technology Way, Suite 2079, College Station, TX 77845, 979-436-9208 <a href="mailto:hr@tamhsc.edu">hr@tamhsc.edu</a></p>	<p>Title IX Coordinator, 750 Agronomy Rd., Suite 2101, College Station, TX 77843-1280, 979-845-0977, <a href="mailto:TitleIX.Coordinator@tam.u.edu">TitleIX.Coordinator@tam.u.edu</a></p>

The official contacts have procedures in place to inform individuals of their rights to file criminal charges as well as the availability of services on and/or off campus. Individuals are notified of their right to report the incident to local law enforcement immediately, but individuals also have the right to decline to notify such authorities. The official contact or designee will make an immediate assessment of any risk of harm to individuals or to the campus community and will take steps necessary to address those risks. These steps include access to medical care, assistance in contacting the appropriate law enforcement agency if the individual

so chooses, and other interim protective measures to provide for the safety of the individual and campus community. The official contact or designee will also take steps to address the conduct, protect and assist the individual, and remediate effects. The investigation process initiated by the official contact allows for resolution of the conduct to include rendering a final result regarding the complaint and taking action to prevent the recurrence of the conduct and related retaliation.

Official contacts provide a written explanation of rights and options to each individual reporting sexual misconduct including sexual assault, dating violence, domestic violence, and stalking (whether the offense occurred on or off campus) regardless of whether the individual chooses to report the incident to local law enforcement. The handout includes information regarding:

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

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

- Go to a safe place as soon as you can.
- Contact the Police Department at 911.
- Get medical attention as soon as possible to make sure you are physically well and to collect important evidence in the event you may later wish to take legal action. The Children's Advocacy Center of Hidalgo County in Edinburg (956-287-9754) has a sexual assault program with trained Sexual Assault Nurse Examiners and a forensic unit offering detailed physical examinations, evidence collection, and expert testimony.
- Try to preserve all physical evidence. Do not wash, use the toilet, or change clothing if you can avoid it. If you do change clothes, put all clothing you were wearing at the time of the attack in a paper, not plastic, bag.
- Preserve evidence by saving text messages, instant messages, social networking pages, communications, pictures, or other documents, if any, that would be useful to police or investigators.
- Personnel are available to help explain your options, give you information, and provide emotional support. Personnel include: any official contact listed in Table 1 – Official Contacts, Student Assistance Services 979-845-3113, TAMHSC Student Assistance Program 1-800-346-3549, MPD Crime Victims Liaison's Office 956-681-2080, TAMHSC Employee Assistance Program (Deer Oaks) 1-888-993-7650, and the Hidalgo County Crime Victim Assistance 956-292-7600.

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

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

**Confidentiality**

Students and employees have the option to report confidentially. Licensed counselors and licensed health care personnel, who receive reports when acting in this capacity as part of their official employment, may keep reports of violations confidential. However, for the purposes of reporting and maintaining public safety, the confidential reporting contacts may share information about an incident in a way that does not identify the individuals concerned. Publically available recordkeeping, for purposes of Clery Act reporting and disclosures such as the annual security report, will be made without inclusion of personally identifying information<sup>1</sup> about the complainant. The TAMHSC Student Assistance Program (1-800-346-3549) and the TAMHSC Employee Assistance Program - Deer Oaks (1-888-993-7650) are confidential mental health counseling services available to students, faculty, staff, and the employee's benefits-eligible dependents. Currently enrolled students at the TAMHSC McAllen campus do not have access to on-campus student health services.

While the university wishes to create an environment in which individuals feel free to discuss concerns and make complaints, the university may be obligated to take action when its officials are informed that sexual assault, dating violence, domestic violence, and/or stalking may be occurring. Information is considered private but not confidential when shared with university personnel and officials who do not possess a legal confidentiality exemption. Although the confidentiality of information received, the privacy of the individuals involved, and the wishes of the reporting party, complainant, and/or alleged offender cannot be guaranteed, they will be protected to as great a degree as is legally possible.

The university is committed to protecting the privacy of reporting parties, complainants, and alleged offenders. Given the sensitive nature of reports, information will be maintained in a secure manner and will only be disclosed to school officials who are responsible for handling the university's response. The expressed wishes of the reporting party, complainant, and/or alleged offender regarding privacy will be considered by the official contact in the context of the university's obligation to act upon the charge and the right of the charged party to be informed about the charges against him/her. The official contact or designee is responsible for evaluating requests for privacy. If the individual does not disclose any identifying information about him/herself or any other party involved (e.g. names, department, or unit) during the inquiry, response on the part of the university may be limited.

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<sup>1</sup> Personally identifying information is defined as individually identifying information for or about an individual, including information likely to disclose the location of a victim of domestic violence, dating violence, sexual assault, or stalking, regardless of whether the information is encoded, encrypted, hashed, or otherwise protected, including a first and last name; a home or other physical address; contact information (including a postal, email, or internet protocol address, or telephone or facsimile number); a social security number, a driver's license number, passport number or student identification number; and any other information, including date of birth, racial or ethnic background, or religious affiliation that would serve to identify any individual.

Although individuals reporting sexual assault, dating violence, domestic violence, or stalking are not required to file criminal charges, in accordance with the Texas Code of Criminal Procedures, Art. 57, victims may use a pseudonym to protect their identity when reporting to Texas law enforcement agencies. A pseudonym is a set of initials, or a fictitious name, chosen by the victim to be used in all public files and records concerning a sexual assault, stalking, family violence, and human trafficking as defined in the Texas Penal Code.

### Resources, Rights, and Options for Victims

Following an allegation of sexual assault, dating violence, domestic violence, stalking, and/or related retaliation the individual reporting, the alleged offender, and other affected individuals have certain resources, rights, and options available to them. Parties with an inquiry or complaint are informed of resources, rights, and options in writing when official contacts receive notification of an incident whether it occurred on or off campus and regardless of whether the individual elects to pursue a criminal complaint. Available assistance is also covered through prevention and awareness education. Additional information about any of the resources, rights, and options discussed in this section can be requested from the official contacts listed in Table 1 – Official Contacts.

Following are on-campus and community resources available to complainants, alleged offenders, and others.

#### Law Enforcement

Name	Phone	Address	Website
McAllen Police Department	956-681-2000	1601 N. Bicentennial Blvd McAllen, TX	<a href="https://www.mcallen.net/mcallen-pd/home">https://www.mcallen.net/mcallen-pd/home</a>
Hidalgo County Sheriff's Department	956-383-8114	711 El Cibolo Rd Edinburg, TX	<a href="https://tx-hidalgocounty.civicplus.com/Directory.aspx?did=83">https://tx-hidalgocounty.civicplus.com/Directory.aspx?did=83</a>

#### Counseling

Name	Phone	Address	Website
TAMHSC Student Assistance Program	1-800-346-3549	n/a	<a href="https://www.uth.edu/uteap/">https://www.uth.edu/uteap/</a>
TAMHSC Employee Assistance Program – Deer Oaks	1-888-993-7650	n/a	<a href="http://www.deeroaks.com">www.deeroaks.com</a>

#### Medical and Health Services

Name	Phone	Address	Website
McAllen Medical Center	956-632-4000	301 W Expy 83 McAllen, TX	<a href="http://www.mcallenmedicalcenter.com/">http://www.mcallenmedicalcenter.com/</a>
Rio Grande Regional Hospital	956-632-6000	101 E Ridge Rd McAllen, TX	<a href="http://riohealth.com/home/">http://riohealth.com/home/</a>
On-campus medical and health services are not available at the TAMHSC McAllen campus.			

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

Name	Phone	Address	Website
Student Assistance Services	979-845-3113	See website	<a href="http://sas.tamu.edu">http://sas.tamu.edu</a>
Women's Resource Center	979-845-8784	See website	<a href="http://wrc.tamu.edu">http://wrc.tamu.edu</a>

GLBT Resource Center	979-862-8920	See website	<a href="http://studentlife.tamu.edu/glb">http://studentlife.tamu.edu/glb</a>
Student Conduct Office	979-847-7272	See website	<a href="http://studentlife.tamu.edu/sc">http://studentlife.tamu.edu/sc</a>
Student Legal Services <sup>2</sup>	979-862-4502	See website	<a href="http://studentlife.tamu.edu/sls">http://studentlife.tamu.edu/sls</a>
McAllen Medical Center	956-632-4000	301 W Expy 83 McAllen, TX	<a href="http://www.mcallenmedicalcenter.com/">http://www.mcallenmedicalcenter.com/</a>
Hidalgo County Crime Victim Assistance	956-292-7600	100 N Closner Blvd Edinburg, TX	<a href="https://tx-hidalgocounty.civicplus.com/index.aspx?nid=1690">https://tx-hidalgocounty.civicplus.com/index.aspx?nid=1690</a>
National Sexual Assault Hotline	(800) 656-HOPE	n/a	<a href="https://rainn.org/get-help/national-sexual-assault-hotline">https://rainn.org/get-help/national-sexual-assault-hotline</a>
National Domestic Violence Hotline	(800) 799-SAFE	n/a	<a href="http://www.thehotline.org">http://www.thehotline.org</a>
On-campus support, advocacy, and legal assistance resources are not available at the TAMHSC McAllen campus.			

#### Visa and Immigration Assistance

Name	Phone	Address	Website
International Student Services	979-845-1824	1 <sup>ST</sup> Floor Bizzell Hall East Texas A&M Campus	<a href="http://iss.tamu.edu">http://iss.tamu.edu</a>
U.S. Citizenship and Immigration Services, Texas – San Antonio Field Office	(800) 375-5283	8490 Fourwinds Drive San Antonio, TX	<a href="http://www.uscis.gov/about-us/find-uscis-office/field-offices/texas-san-antonio-field-office">http://www.uscis.gov/about-us/find-uscis-office/field-offices/texas-san-antonio-field-office</a>
On-campus visa and immigration resources are not available at the TAMHSC McAllen campus.			

#### Student Financial Aid

Name	Phone	Address	Website
Scholarships & Financial Aid	979-845-3236	2 <sup>nd</sup> Floor of the Pavilion Texas A&M Campus	<a href="https://financialaid.tamu.edu/">https://financialaid.tamu.edu/</a>
Veteran Services	979-845-8075	2 <sup>nd</sup> Floor of the Pavilion Texas A&M Campus	<a href="http://veterans.tamu.edu">http://veterans.tamu.edu</a>
Federal Student Aid Call Center	(800) 433-3243		<a href="https://studentaid.ed.gov/">https://studentaid.ed.gov/</a>
On-campus student financial aid resources are not available at the TAMHSC McAllen campus.			

<sup>2</sup> Student Legal Services does not render advice to students in a dispute against other Texas A&M University students or against Texas A&M University and does not represent students in court.

### Institutional Rights and Options (Interim Measures)

The institution is obligated to offer and provide assistance to the complainant, the alleged offender, and other affected individuals in obtaining a range of accommodations, interim protective measures, and remedies. The institution is obligated to comply with the individual's reasonable request for a living and/or academic situation change following an alleged sex offense. Upon the request of a student involved with the report of alleged sexual assault, dating violence, domestic violence, or stalking, the TAMHSC Associate Dean for Student Affairs (School of Public Health at 979-436-9356, College of Nursing at 979-436-0110) will work with the Office of the Dean of Student Life (979-845-3111) at the main campus to assist with issues including, but not limited to, changing academic, living, transportation, and working situations and obtaining no contact restrictions. The various options are provided if requested, appropriate, and reasonably available, regardless of whether the individual chooses to report the incident to law enforcement. Human Resources (979-436-9208) and the Dean of Faculties Office (979-845-4274) provide similar assistance to employees.

The institution will take prompt steps when an allegation of dating violence, domestic violence, sexual assault, or stalking is made to provide interim measures or remedies before the completion of the investigation. In determining which institutional interim measures to impose and the reasonableness of the related measures, the official contact considers the request; the safety of the parties involved and the university community; the specific needs of the individuals; the severity or pervasiveness of the allegations; continuing effects; sharing of dining halls, classes, transportation, or job locations; other judicial measures already in place; and other factors as appropriate. Measures provided by the institution vary and may include, but are not limited to, the following.

- Addressing academic concerns such as transferring, withdrawing, or retaking classes and rescheduling exams or assignments
- Changing work schedules or job assignments
- Obtaining a voluntary leave of absence
- Dealing with financial concerns including providing financial aid guidance
- Transportation assistance
- Limiting an individual's access to certain campus facilities or activities
- Assistance in obtaining access to medical, legal (protective orders, criminal trespass warnings), and counseling support
- Imposing an institutional no contact restriction (described below)

*No contact restrictions:* A no contact restriction is an interim protective measure issued by the institution that prohibits two parties from contacting one another through any means. No contact restrictions can be issued in addition to court ordered protection but may also serve as an alternative for those who do not want to seek a court order. An individual (a complainant or an alleged offender) can request a no contact restriction directed at a student through the TAMHSC Associate Dean for Student Affairs (School of Public Health at 979-436-9356, College of Nursing at 979-436-0110). The Office of the Dean of Student Life at 979-845-3111 is notified and retains process oversight. The TAMHSC Associate Dean for Student Affairs may issue a restriction at any time prior to or during a conduct investigation based on information provided by the requestor or as a sanction subsequent to a finding of responsibility. If a no contact restriction is granted, both parties are notified of the restriction in writing. Records are maintained in the student conduct system.

No contact restrictions directed at employees can be requested from Human Resources at 979-436-9208 (staff) and from the Dean of Faculties Office at 979-845-4274 (faculty).



Individuals should be aware that direct contact, refusal to leave a protected area, third party contact, or even an anonymous contact are all potential violations of a no contact restriction. Violations should be reported to the office that issued the restriction and may result in further disciplinary action.

*Confidentiality/Privacy of Accommodations and Protective Measures:* Information is considered private but not confidential when shared with university personnel and officials who do not possess a legal confidentiality exemption. Although the confidentiality of information received, the privacy of the individuals involved, and the wishes of the reporting party, complainant, and/or alleged offender cannot be guaranteed, they will be protected to as great a degree as is legally possible. The university will maintain as private any accommodations or protective measures provided to the extent that maintaining such privacy would not impair the ability of the institution to provide the accommodations or protective measures. The official contacts are responsible for determining what information and to whom information will be disclosed based on the circumstances of the allegation, the individuals involved, and related safety needs. Official contacts use discretion and only disclose information to key officials at the institution who perform the tasks necessary for obtaining or providing the particular accommodation or protective measure. Areas receiving information may include, but are not limited to: Student Affairs, Scholarships and Financial Aid, Student Activities, academic departments (direct supervisor, Dean, or Associate Dean), or non-academic departments (direct supervisor, Vice President, or designee). Prior to disclosure, the official contact will inform the individual of the information that will be shared, with whom it will be shared, and why.

#### Legal Rights and Options

The institution provides information and assistance to the complainant, the alleged offender, and other affected individuals in obtaining lawful orders including protective orders and criminal trespass warnings as discussed below. Failure to comply with any of the terms of lawful interim protective measures may be considered a separate violation in the institutional disciplinary proceeding process.

*Protective Orders:* Individuals are eligible to apply for protective orders through the Texas criminal justice system. A protective order is an interim protective measure that requires the recipient to stay away from the protected individual's home, workplace, and/or children's schools (if the children are protected persons in the order) depending on the documented circumstances. It can require the recipient to stop communicating with the protected individual in a harassing or threatening manner, attend counseling, pay child support, and/or pay spousal support. An application for a protective order may be filed by an individual, a prosecuting attorney, or the Texas Department of Family and Protective Services (1-800-252-5400) on behalf of an individual. The application is obtained through the county attorney (Hidalgo County Attorney's Office, Civil Section 956-292-7613) or a private attorney. Additional information regarding protective orders can be found at the following website: <https://tx-hidalgocounty.civicplus.com/index.aspx?NID=1687>.

The application for a protective order must be filed in either the county where the applicant lives or the county where the recipient lives. The applicant's address can be kept confidential. If the legal criteria for a protective order is met, the county or district attorney's office will prepare and file all of the paperwork necessary to request a protective order from a court. Such orders provide effective tools for law enforcement when they are called upon to protect an individual and their family.

Local law enforcement agencies are notified of protective orders that exist in their area. If the requestor or other institutional personnel become aware that a protective order is violated, local law enforcement should be contacted immediately. Responding agencies can be contacted for protective order violations including MPD (956-681-2000) or the Hidalgo County Sheriff's Department (956-383-8114). Violating protective orders generally carry authority for the violator's immediate arrest.

All of the provisions in protective orders are enforced in court. Other institutional personnel cannot enforce a protective order but must exercise reasonable care to take appropriate protective action when notified of a potential violation.

*Criminal Trespass Warning:* A criminal trespass warning is an interim protective measure issued by the MPD directed at those who are considered a danger to the campus community or a danger to a certain individual in the campus community. The warning advises the alleged offender to leave the premises and forbids him/her from entering and/or remaining on certain property which can cover either the entire campus or a specific campus location. To request a criminal trespass warning, contact MPD at 956-681-2000 and request to speak with an officer. The officer issues the criminal trespass warning if the alleged offender is determined to pose a risk to campus safety based on information provided by the requestor as it relates to applicable state law. When the warning is issued, the officer is responsible for providing notice to the requestor and the person receiving the warning.

Law enforcement officers are notified of criminal trespass warnings that exist in their area. If a criminal trespass warning is violated, MPD should be contacted immediately at 956-681-2000. A violation of the criminal trespass warning occurs when the individual is issued a warning but refuses to leave campus or is subsequently found in a prohibited area based on a previous trespass warning. The requestor and other institutional personnel should take appropriate action by contacting MPD for a responding officer when they become aware of a potential violation of a criminal trespass warning. MPD generally enforces these warnings by charging violators with criminal trespass resulting in arrest and/or fine.

*Other Legal Options:* The TAMU Police Department's Community Services Division (979-862-8125), the Hidalgo County District Attorney's Office, Crime Victim Assistance (956-292-7600), and the MPD Crime Victims Liaison's Office (956-681-2080) are available to provide information about personal safety, Texas Crime Victim's Rights, Texas Crime Victims Compensation Fund and other information upon request.

### **Investigations and Disciplinary Proceedings<sup>3</sup> for Sexual Assault, Dating violence, Domestic Violence, and Stalking**

A student should, and an employee must, promptly report incidents of illegal discrimination, sexual harassment, and/or related retaliation that they experience, observe, or become aware of. A third party should promptly report incidents involving an employee or student. Once an individual discloses information to an official contact, according to Table 1 – Official Contacts (in person, electronically, or by phone), he/she will be considered to have filed a complaint with the university, and the investigation process is initiated regardless of whether the accuser chooses to pursue criminal charges. A written statement of events may be requested at the time the complaint is filed. The official contact will, through the TAMHSC Title IX Campus Coordinator, promptly notify the Title IX Coordinator and the System Ethics and Compliance Office of the allegation of sexual assault, dating violence, domestic violence, or stalking. The university responds to complaints in a prompt and equitable manner. Due diligence is exercised in determining what occurred and further action that may be warranted based on the information provided.

Investigation procedures resulting from an allegation of sexual assault, dating violence, domestic violence, or stalking vary as described below. All proceedings are provided in a prompt, fair, and impartial manner from

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<sup>3</sup> For the purposes of this section, proceeding means all activities related to a non-criminal resolution of an institutional disciplinary complaint, including, but not limited to, fact-finding investigations, formal or informal meetings, and hearings. Proceeding does not include communications and meetings between officials and the accuser, the accused, and other affected individuals concerning accommodations or protective measures.

the initial investigation to the final result<sup>4</sup>, including any appeals<sup>5</sup>. They are consistent with the institution's policies and transparent and equitable to the accuser<sup>6</sup> and accused. A preponderance of the evidence<sup>7</sup> standard (more likely than not that sexual harassment or violence occurred) is used. Proceedings provide both the accuser and accused the same opportunities to have others present during any institutional proceeding, including the opportunity to be accompanied to any related meeting or proceeding by an advisor of their choice. The choice or presence of an advisor is not limited for either the accuser or the accused in any meeting or institutional disciplinary proceeding, however, restrictions regarding the extent to which the advisor may participate in the proceedings may be established and applied equally to both parties. All parties, including advisors, are informed of participation restrictions before a proceeding is scheduled so that parties understand and respect the limitations. Proceedings provide both parties with the right to present evidence and witnesses and the right to be informed of the outcome of the investigation. Following are the university's investigation procedures.

#### If the accused is a student

The TAMHSC Title IX Campus Coordinator and the Dean of Student Life at the main campus are notified upon receipt of the complaint. The complaint is reviewed by the Dean of Student Life or designee to determine if there is sufficient information to proceed with an investigation or if additional information is needed. If the information is insufficient, an inquiry into the circumstances of the complaint may occur in consultation with the Office of General Counsel. If information is sufficient, the Dean of Student Life at the main campus appoints the investigative authority to initiate the investigation. In assigning investigators to cases, the Dean of Student Life examines the relationships of those involved so that proceedings are conducted by investigators who do not have a conflict of interest or bias for or against the accuser or the accused. Investigators may also decline the assignment if they feel they cannot render an unbiased decision. Individuals conducting investigations, at a minimum, receive training annually which covers grievance models that address sexual assault, dating violence, domestic violence, and stalking, and how to conduct an investigation and hearing process that protects the safety of individuals and promotes accountability through prompt and equitable treatment.

The investigative authority, composed of one or more people, will review the complaint, interview the accuser, the accused, and witnesses, if applicable, and ascertain details and circumstances associated with the complaint. Investigations are intended to collect and provide a report with detailed information in connection with a reported incident involving Texas A&M University students. The purpose of an investigation is three fold: to provide the Dean of Student Life sufficient information to determine if the incident warrants further university action; to collect information (not determine responsibility); and to determine departmental jurisdiction.

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<sup>4</sup> For the purposes of this section, result means any initial, interim, and final decision by any official or entity authorized to resolve disciplinary matters within the institution. The result must include any sanctions imposed by the institution and the rationale for the decision and the sanctions, i.e. how the institution weighted the evidence and information presented during the proceeding, how the evidence and information support the decision and sanctions, and how the institution's standard of evidence was applied.

<sup>5</sup> For the purposes of this section, results (decision and/or sanctions) can be appealed on the following bases, as applicable: (a) a procedural error or omission that significantly impacted the outcome; (b) new evidence, unknown or unavailable during the investigation that could have significantly impacted the outcome; or (c) the appropriateness or severity of the sanctions.

<sup>6</sup> For the purposes of this section, "Investigations and Disciplinary Proceedings for Sexual Assault, Dating Violence, Domestic Violence, Stalking, and Related Retaliation", the accuser is assumed to be the victim. A non-victim accuser may not be afforded all the rights described in this section. Non-victim accusers are provided protection against retaliation for making a complaint.

<sup>7</sup> System Regulation 08.01.01 *Civil Rights Compliance* specifies a standard used to determine the merits of the allegation(s) as the preponderance of the evidence, i.e. more likely than not. Student conduct proceedings use this standard and identify it as "preponderance of information."

Conducting an investigation is not a process that is designed to “prove” a student did something wrong or to find a student responsible for a student rule violation.

After the Office of General Counsel reviews and approves the report for legal sufficiency, the investigative authority provides the report to the Dean of Student Life. The Dean of Student Life reviews the report and makes the determination to investigate further, completes the investigation and initiates a student conduct conference, or dismisses the complaint. If further investigation or a conduct conference is warranted, the accused is informed of the allegations and information surrounding the allegations. If warranted based on the information from the investigation, the student conduct conference is initiated to determine whether or not a violation of student rules occurred. The student conduct conference is handled by the Student Conduct Administrator and a student conduct panel selected from the appropriate college. The administrator and the panel are authorized by the Vice President for Student Affairs or his/her designee. The student conduct process provides that:

- Timely access to any information that will be used during formal and informal disciplinary meetings/hearings will be provided to the accuser, accused, and appropriate officials.
- During the student conduct process the accused and accuser have timely notice of meetings at which the accuser or accused, or both, may be present. However, the student conduct panel may accommodate concerns for personal safety, well-being, and/or fears of confrontation of the accuser, accused, and/or other witnesses during the conference at the discretion of the Student Conduct Administrator. The accuser is not required to attend the student conduct conference.
- The accuser and accused have the right to be assisted by an advisor that he/she chooses at his/her own expense. However, the accuser and the accused are responsible for presenting their own information. Students who are charged in the same fact pattern, or who are not in good standing with the university are not eligible to serve as an advisor at conduct proceedings. Admission of any other person to the student conduct conference shall be at the discretion of the Student Conduct Administrator.

After the student conduct conference, a result is reached/rendered by the student conduct panel. Sanctions are determined by the student conduct panel and imposed by the Student Conduct Administrator, if applicable. One or any combination of the following sanctions may be imposed for a student conduct code violation: expulsion, suspension, conduct probation for a definite or indefinite period, conduct review, restrictions, community or university service, educational requirements, written warning or reprimand, required counseling, no contact restriction, letter of enrollment block, loss of campus housing privilege, deferred loss of campus housing privilege, and campus housing probation. If a suspension is imposed, the student is eligible for reenrollment after the suspension period has elapsed. Actual admission to the university will be determined by the academic rules in place at the time of application for reenrollment. If admitted, the student is required to attend a mandatory meeting with the Student Conduct Office (979-847-7272) prior to course registration. Potential sanctions do not differ between dating violence, domestic violence, sexual assault, and stalking. For more detail, see [Texas A&M University Student Rule 27, Sanctions](#).

The range of the sanctions that can be applied vary significantly. When the Student Conduct Administrator is determining the most appropriate sanction or combination of sanctions, an assessment is done on a case by case basis and the following factors are considered.

- Nature of the violation (seriousness of the violation, harm caused, effects of the violation)
- Prior violations/previous disciplinary history of the accused on record with student conduct (only used in the sanctioning phase, not in the finding of responsibility)
- Mitigating/aggravating circumstances surrounding the incident (mitigating means reasons the sanction should be lessened and aggravating means reasons the sanction should be more severe)

- Motivation for the behavior (why the student engaged in the behavior, evidence of malicious intent)
- Developmental and educational impact for the individual and community (perception to the student and community, what the sanction can teach the student, how the sanction can help the student develop as a community member and individual)

The goal is to resolve complaints in a reasonably prompt timeframe of approximately 55 business days excluding any appeal period, however, extenuating circumstances requiring additional time may necessitate an extension with good cause. Extensions are granted by the Title IX Coordinator or designee. Written notice of the delay and the reason for the delay is provided to the accuser and the accused. Results, including any sanctions, are provided simultaneously and in writing to both the accuser and accused. Appeals may be made by the accuser and/or the accused. Appeals must be filed within 5 business days from receipt of the results. Procedures for the accuser and/or the accused to appeal are provided with the documentation of results. Changes occurring based on appeal and when such results become final are provided to both the accuser and accused simultaneously and in writing. For more detail, see [Texas A&M University Student Rule 47, Investigation and Resolution of Complaints Against Texas A&M Students for Sexual Harassment, Sexual Assault, Dating Violence, Domestic Violence, Stalking, and Related Retaliation \(SSDDSR\)](#).

#### If the accused is faculty

Upon receipt of the complaint, the official contact or designee reviews the complaint to determine if there is sufficient information to proceed with an investigation or if additional information is needed. If the information is insufficient the official contact or designee may, in consultation with the Office of General Counsel, conduct an inquiry into the circumstances of the complaint. If information is sufficient, the official contact or designee will appoint the investigative authority<sup>8</sup> to initiate the investigation. In assigning investigators to cases, the official contact or designee examines the relationships of those involved so that proceedings are conducted by investigators who do not have a conflict of interest or bias for or against the accuser or the accused. Investigators may also decline the assignment if they feel they cannot render an unbiased decision. Individuals conducting investigations, at a minimum, receive training annually which covers grievance models that address sexual assault, dating violence, domestic violence, and stalking, and how to conduct an investigation and hearing process that protects the safety of individuals and promotes accountability through prompt and equitable treatment.

The official contact notifies the accused that a complaint has been filed and the basis of the allegation. At any point in the investigation process, the accused may be suspended with pay, reassigned, and/or placed in another type of temporary status pending completion of the investigation. The investigative authority will review the complaint and interview the accuser, the accused, and witnesses, if applicable, to determine what occurred. The investigation is conducted in a manner that includes timely notice of meetings at which the accuser or accused, or both, may be present. Timely and equal access to any information that will be used during informal and formal disciplinary meetings and hearings is provided to the accuser, the accused, and appropriate officials.

After the Office of General Counsel reviews and approves the report for legal sufficiency, the investigative authority provides the report to the Dean of Faculties. The report may contain a listing of allegations, requested relief, a description of relevant documentation reviewed, a list of witnesses interviewed, an analysis of each allegation based on interviews, and conclusions and rationale. The Dean of Faculties or designee reviews the

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<sup>8</sup> If the accused is faculty, the investigative authority consists of two members of the Academic Civil Rights Investigation Committee (ACRIC), a standing committee of faculty members appointed by the deans of the colleges, schools, libraries, and branch campuses and the Dean of Faculties and Associate Provost.

report and renders a result in writing which includes a decision on the merits of the complaint and any sanctions (if applicable). The result specifies whether the allegations are substantiated, not substantiated, or there is insufficient evidence to make that determination. The Dean of Faculties or designee considers only information contained in the investigation report. If the report is incomplete or otherwise insufficient, the Dean of Faculties or designee will return the report to the investigative authority to address unresolved issues.

One or any combination of the following sanctions may be imposed in response to a finding of misconduct related to dating violence, domestic violence, sexual assault, or stalking: written warning or reprimand, required training and/or counseling, no contact restriction, probation for a definite or indefinite period, and dismissal/employment termination. Potential sanctions do not differ between dating violence, domestic violence, sexual assault, and stalking. The range of the sanctions that can be applied vary significantly. When the Dean of Faculties or designee is determining the most appropriate sanction or combination of sanctions, an assessment is done on a case by case basis and the following factors are considered.

- Nature of the misconduct (seriousness of the misconduct, harm caused, effects of the misconduct)
- Prior misconduct/previous disciplinary history of the accused on record with the Dean of Faculties Office (only used in the sanctioning phase, not in the finding of responsibility)
- Mitigating/aggravating circumstances surrounding the incident (mitigating means reasons the sanction should be lessened and aggravating means reasons the sanction should be more severe)
- Motivation for the behavior (why the individual engaged in the behavior, evidence of malicious intent)
- Developmental and educational impact for the individual and community (perception to the individual and community, what the sanction can teach the individual, how the sanction can help the individual develop as a community member)

The goal is to resolve complaints in a reasonably prompt timeframe of approximately 55 business days excluding any appeal period, however, extenuating circumstances requiring additional time may necessitate an extension with good cause. Extensions are granted by the Dean of Faculties. Written notice of the delay and the reason for the delay is provided to the accuser and the accused. Results, including any sanctions, are provided simultaneously and in writing to both the accuser and accused by the Office of the Dean of Faculties. Results are also be provided to the investigative authority.

Appeals may be made by the accuser and/or the accused. Appeals must filed within 10 business days from receipt of the results. Procedures for the accuser and the accused to appeal are provided with the documentation of results. Changes occurring based on appeal and when such results become final are provided to both the accuser and accused simultaneously and in writing. For more detail, see [University SAP 08.01.01.M1.02, Investigation and Resolution of Complaints Against Faculty Members for Illegal Discrimination, Sexual Harassment, or Related Retaliation Charges](#).

#### If the accused is staff or a third party

Upon receipt of the complaint, the TAMHSC Title IX Campus Coordinator or designee reviews the complaint to determine if there is sufficient information to proceed with an investigation or if additional information is needed. If the information is insufficient the TAMHSC Title IX Campus Coordinator or designee may, in consultation with the Office of General Counsel, conduct an inquiry into the circumstances of the complaint. If information is sufficient, the TAMHSC Title IX Campus Coordinator or designee will appoint the investigative authority to initiate the investigation. In assigning investigators to cases, the TAMHSC Title IX Campus Coordinator or designee examines the relationships of those involved so that proceedings are conducted by investigators who do not have a conflict of interest or bias for or against the accuser or the accused. Investigators may also decline the assignment if they feel they cannot render an unbiased decision. Individuals conducting investigations, at a minimum, receive training annually which covers grievance models



that address sexual assault, dating violence, domestic violence, and stalking, and how to conduct an investigation and hearing process that protects the safety of individuals and promotes accountability through prompt and equitable treatment.

When a complaint is reported, the accused (if an employee) is informed of the allegations and the facts surrounding the allegations. At any point in the investigation process, the accused (if employed by Texas A&M University) may be suspended with pay, reassigned, and/or placed in another type of temporary status pending completion of the investigation. The investigative authority will review the complaint, and interview the accuser, the accused, and witnesses, if applicable, to determine what occurred. The investigation is conducted in a manner that includes timely notice of meetings at which the accuser or accused, or both, may be present. Timely and equal access to any information that will be used during informal and formal disciplinary meetings and hearings is provided to the accuser, the accused, and appropriate officials.

After the Office of General Counsel reviews and approves the report for legal sufficiency, the investigative authority provides the report to the TAMHSC Title IX Campus Coordinator. The report includes a statement of allegations, a list of witnesses interviewed, relevant documents, and may conclude that each allegation is substantiated, unsubstantiated, or there is insufficient evidence to make that determination. The TAMHSC Title IX Campus Coordinator reviews the report and forwards a recommendation to the TAMHSC Chief Operating Officer or designee who renders a final result, including any sanctions (if applicable). The TAMHSC Chief Operating Officer or designee considers only information contained in the investigation report. If the report is incomplete or otherwise insufficient, the TAMHSC Chief Operating Officer or designee will return the report to the investigative authority to address any unresolved issues.

One or any combination of the following sanctions may be imposed in response to a finding of misconduct related to dating violence, domestic violence, sexual assault, or stalking: written warning or reprimand, required training and/or counseling, no contact restriction, probation for a definite or indefinite period, suspension, and dismissal/employment termination. If a suspension is imposed, the staff member is employed without pay during the suspension period and eligible for reinstatement to their prior position after the suspension period has elapsed. The length of suspension is determined on a case by case basis. Potential sanctions do not differ between dating violence, domestic violence, sexual assault, and stalking.

The range of the sanctions that can be applied vary significantly. When the TAMHSC Chief Operating Officer or designee is determining the most appropriate sanction or combination of sanctions, an assessment is done on a case by case basis and the following factors are considered.

- Nature of the misconduct (seriousness of the misconduct, harm caused, effects of the misconduct)
- Prior misconduct/previous disciplinary history of the accused on record with the Human Resources Office (only used in the sanctioning phase, not in the finding of responsibility)
- Mitigating/aggravating circumstances surrounding the incident (mitigating means reasons the sanction should be lessened and aggravating means reasons the sanction should be more severe)
- Motivation for the behavior (why the individual engaged in the behavior, evidence of malicious intent)
- Developmental and educational impact for the individual and community (perception to the individual and community, what the sanction can teach the individual, how the sanction can help the individual develop as a community member)

The goal is to resolve complaints in a reasonably prompt timeframe of approximately 55 business days excluding any appeal period, however, extenuating circumstances requiring additional time may necessitate an extension with good cause. Extensions are granted by the Title IX Coordinator or designee. Written notice of the delay and the reason for the delay is provided to the accuser and the accused. Results, including any

sanctions, are provided simultaneously and in writing to both the accuser and the accused. Results are also provided to the investigative authority and the supervisor and department head of the accused, if applicable.

Appeals may be made by the accuser and/or the accused. Appeals must be filed within 10 business days of receipt of results. Procedures for the accuser and the accused to appeal are provided with the documentation of results. Changes occurring based on appeal and when such results become final are provided to both the accuser and the accused simultaneously and in writing. For more detail, see [University SAP 08.01.01.M1.01, Investigation and Resolution of Complaints Against Non-faculty Employees and Third Parties for Illegal Discrimination, Sexual Harassment, or Related Retaliation Charges.](#)

#### For all investigations and disciplinary proceedings

The university will take reasonable action to protect the accuser, the accused, and those providing witness statements on behalf of either party or supporting either party in other ways from retaliation. This action may come prior to, during, or following an investigation of a complaint. Instances of retaliation are prohibited, will be investigated, and may result in further conduct charges or disciplinary actions.

The official contact will follow-up on situations in which violations are found to see if there have been any new incidents or retaliation and will respond promptly to address continuing or new problems.

### **Prevention and Awareness Programs<sup>9</sup>**

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

Texas A&M University provides culturally relevant, inclusive primary prevention and awareness education to incoming students and new employees to clearly define sexual assault, dating violence, domestic violence, stalking, and consent. The programs identify sexual assault, dating violence, domestic violence, and stalking as prohibited conduct and provide information regarding bystander intervention, risk reduction in recognizing warning signs of abusive behavior, ways to avoid potential attacks, and individuals' rights and options. Rights and options include procedures individuals should follow if sexual assault, dating violence, domestic violence, or stalking occurs. These include, but are not limited to, the importance of preserving evidence; options for notifying law enforcement and campus authorities; procedures for institutional disciplinary action and conduct proceedings; possible sanctions following a proceeding; on-campus and community resources; rights and options for obtaining lawful orders; assistance in receiving interim measures and remedial action; explanation of victim confidentiality; and protection from retaliation.

New and transfer students entering the College of Nursing are given a presentation which includes a video covering the above material followed by discussion and distribution of additional resources. The College of Nursing new student handbook, distributed to new students, contains information on sexual assault, awareness, victims' rights, resources, and available options. New students entering the School of Public Health attend a session at new student conferences (orientation) which includes presentation and distribution of the above educational material. The session is mandatory for incoming and undergraduate freshmen. School of Public Health transfer students are required to view a presentation with related information. The School of

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<sup>9</sup> For the purposes of this section awareness programs means community-wide or audience-specific programming, initiatives, and strategies that increase audience knowledge and share information and resources to prevent violence, promote safety, and reduce perpetration.

Public Health new student handbook contains a link to the Texas A&M sexual harassment complaint and resolution policy. Similar information is also provided to new employees through web-based *Creating a Discrimination Free Workplace* training mandated by The Texas A&M University System.

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

The Consensual Language, Education, Awareness, and Relationships Office (CLEAR) at the Texas A&M University main campus provides Green Dot Bystander Intervention training that addresses the dynamics and frequency of sexual assault; safety against and prevention of sexual assault, dating violence, domestic violence, and stalking; recognizing signs of unhealthy relationships; and active bystander intervention. CLEAR promotes prevention of power-based interpersonal violence at the university by offering education and training on the topics of bystander intervention, consensual language, healthy relationships, and responding to and assisting survivors of sexual assault. These programs occur throughout the year and are available upon request at the Texas A&M University main campus and other campus locations (<http://studentlife.tamu.edu/clear>, [clear@tamu.edu](mailto:clear@tamu.edu) or 979-845-6241).

The university developed the Step In.Stand Up. Campaign to create a culture of awareness that does not tolerate incidents of sexual violence. A large group of student leaders were involved to assist in crafting the message and the campaign logo with the intention of reaching a broad campus population. Student groups also used the campaign theme to hold various events during sexual assault awareness month including resource tables, signing a pledge banner, distributing t-shirts, and hosting a screening of "The Hunting Ground", a documentary about sexual assaults on campus. A website for the campaign, at <http://stepinstandup.tamu.edu/>, includes information on how to report sexual violence.

The MPD's Community Affairs Unit, 956-681-2120, handles crime prevention efforts and conducts annual programs including a citizen police academy. Crime prevention events to assist students and employees promote prevention and personal safety can be requested from the Community Affairs Unit.

The Office of the Dean of Student Life and the Student Assistance Services Department maintain a webpage (<http://studentlife.tamu.edu/sas.svp>) which describes university resources, assistance, and reporting procedures for students impacted by sexual violence. The Title IX webpage <http://titleix.tamu.edu/> also references the sexual violence resources available through the Office of the Dean of Student Life and University Police Department and provides information for students, faculty, and staff who wish to report any form of sexual discrimination or harassment. A similar webpage is maintained by the School of Public Health at <http://sph.tamhsc.edu/student-affairs/title-ix.html>.

A notice of non-discrimination and abuse is sent to all students and employees by TAMHSC at the beginning of the fall and spring semesters regarding reporting procedures and requirements related to incidents of illegal discrimination, sexual harassment (including sexual assault, dating violence, domestic violence, and stalking), and related retaliation.

All students and employees are provided written notification about existing counseling, health, mental health, victim advocacy, legal assistance, visa and immigration assistance, student financial aid, and other services

available for victims both on-campus and in the community. The TAMHSC administration distributes an email to new and returning students in the fall semester which contains a link to a video and written information covering the resources stated above, reporting, assistance, and prevention and awareness information including strategies to reduce one's risk of sexual assault, dating violence, domestic violence, and stalking. TAMHSC Human Resources provides a similar email distribution to all employees annually. A separate flyer is distributed to all students through email by the Dean of Student Life providing infographic awareness and prevention information in regards to sexual assault, dating violence, domestic violence, and stalking.

### **Bystander Intervention and Risk Reduction<sup>10</sup>**

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

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

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

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

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

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

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<sup>10</sup> For the purposes of this section bystander intervention means safe and positive options that may be carried out by an individual or individuals to prevent harm or intervene when there is a risk of dating violence, domestic violence, sexual assault, or stalking. Bystander intervention includes recognizing situations of potential harm, understanding institutional structures and cultural conditions that facilitate violence, overcoming barriers to intervening, identifying safe and effective intervention options, and taking action to intervene. Risk reduction means options designed to decrease perpetration and bystander inaction, and to increase empowerment for victims in order to promote safety and to help individuals and communities address conditions that facilitate violence.

## Other Considerations

### Retaliation

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

### Victim Notification

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

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

### Sex Offender Registry

The "Campus Sex Crimes Prevention Act" is a federal law enacted on October 28, 2000 that provides for the tracking of convicted, registered sex offenders enrolled as students at institutions of higher education, employed, or volunteering on campus.

This act amends the Family Educational Rights and Privacy Act of 1974 to clarify that nothing in that Act may be construed to prohibit an educational institution from disclosing information provided to the institution concerning registered sex offenders and requires the Secretary of Education to take appropriate steps to notify educational institutions that disclosure of this information is permitted.

The Texas Department of Public Safety (DPS) is the official Texas internet source for Sex Offender Registration information. The Sex Offender Registration open record information is extracted from the DPS Sex Offender Registration Database. The DPS maintains files based on registration information submitted by criminal justice agencies and represents a statewide source of information on sex offenders required by law to register.

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

The MPD receives notification of registered sex offenders from the Hidalgo County Sheriff's Sex Offender Registration Office that are currently employed, work, teach, volunteer, or attend classes on the campus of the TAMHSC McAllen.

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

Hidalgo County Sheriff's Office 956-383-8114

McAllen Police Department 956-681-2000

## Definitions of Clery Act Offenses

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

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

**Sexual Assault:** An offense that meets the definition of rape, fondling, incest or statutory rape as used in the FBI's Uniform Crime Reporting system. A sex offense is any sexual act directed against another person, without the consent of the victim, including instances where the victim is incapable of giving consent (see consent section below).

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

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

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

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

Consent: According to the [Texas A&M University Student Conduct Code 24.1.6](#) the term consent, solely for the purposes of the Sexual Misconduct policy, means clear, voluntary, and positive verbal or non-verbal communication that all participants have agreed to the sexual activity. Consent must occur prior to or at the same times as the sexual activity. Consent must remain clear, voluntary, and positive throughout the sexual activity. Consent must be given for the current sexual contact. The existence of a prior relationship or prior sexual activity does not automatically ensure consent for current or future sexual contact. There must be consent for each specific type of sexual contact throughout the sexual activity. Consent must be given by each participant involved. A person must be 17 years of age or older to be able to consent to sexual activity if the other participant(s) involved are more than three years of age older than that person. A person who is clearly visibly incapacitated is not able to give consent to sexual activity. According to the [Texas A&M University Student Conduct Code 24.4.20.1](#), an individual who is mentally incapacitated, unconscious, or unaware that the sexual abuse is occurring is considered unable to give consent. The type of force employed may involve physical force, coercion, intentional impairment of an individual's ability to appraise the situation through the administering of any substance, or threat of harm to the victim. According to [System Regulation 08.01.01, Civil Rights Compliance](#), consent is clear and voluntary agreement to engage in a specific sexual activity. A person who was asleep or mentally or physically incapacitated, either through the effect of drugs or alcohol or for any other reason, or whose agreement was made under duress or by threat, coercion, or force, cannot give consent.

*Consent* is defined in the [Texas Penal Code, Section 1.07\(11\)](#) as assent in fact, whether express or apparent. Without consent is also defined in the [Texas Penal Code, Section 22.011\(b\)](#) within the definition of sexual assault (see below). A person must be 17 years of age or older to be able to consent to sexual activity in the state of Texas.

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

(a) 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.
- (b) A sexual assault under Subsection (a)(1) is without the consent of the other person if:
  - (1) the actor compels the other person to submit or participate by the use of physical force or violence;
  - (2) the actor compels the other person to submit or participate by threatening to use force or violence against the other person, and the other person believes that the actor has the present ability to execute the threat;
  - (3) the other person has not consented and the actor knows the other person is unconscious or physically unable to resist;
  - (4) the actor knows that as a result of mental disease or defect the other person is at the time of the sexual assault incapable either of appraising the nature of the act or of resisting it;
  - (5) the other person has not consented and the actor knows the other person is unaware that the sexual assault is occurring;
  - (6) the actor has intentionally impaired the other person's power to appraise or control the other person's conduct by administering any substance without the other person's knowledge;
  - (7) the actor compels the other person to submit or participate by threatening to use force or violence against any person, and the other person believes that the actor has the ability to execute the threat;
  - (8) the actor is a public servant who coerces the other person to submit or participate;
  - (9) the actor is a mental health services provider or a health care services provider who causes the other person, who is a patient or former patient of the actor, to submit or participate by exploiting the other person's emotional dependency on the actor;
  - (10) the actor is a clergyman who causes the other person to submit or participate by exploiting the other person's emotional dependency on the clergyman in the clergyman's professional character as spiritual adviser; or
  - (11) the actor is an employee of a facility where the other person is a resident, unless the employee and resident are formally or informally married to each other under Chapter 2, Family Code.
- (c) In this section:
  - (1) "Child" means a person younger than 17 years of age.
  - (2) "Spouse" means a person who is legally married to another.
  - (3) "Health care services provider" means:
    - (A) a physician licensed under Subtitle B, Title 3, Occupations Code;
    - (B) a chiropractor licensed under Chapter 201, Occupations Code;
    - (C) a physical therapist licensed under Chapter 453, Occupations Code;
    - (D) a physician assistant licensed under Chapter 204, Occupations Code; or

- (E) a registered nurse, a vocational nurse, or an advanced practice nurse licensed under Chapter 301, Occupations Code.
- (4) "Mental health services provider" means an individual, licensed or unlicensed, who performs or purports to perform mental health services, including a:
- (A) licensed social worker as defined by Section 505.002, Occupations Code;
  - (B) chemical dependency counselor as defined by Section 504.001, Occupations Code;
  - (C) licensed professional counselor as defined by Section 503.002, Occupations Code;
  - (D) licensed marriage and family therapist as defined by Section 502.002, Occupations Code;
  - (E) member of the clergy;
  - (F) psychologist offering psychological services as defined by Section 501.003, Occupations Code; or
  - (G) special officer for mental health assignment certified under Section 1701.404, Occupations Code.
- (5) "Employee of a facility" means a person who is an employee of a facility defined by Section 250.001, Health and Safety Code, or any other person who provides services for a facility for compensation, including a contract laborer.
- (d) It is a defense to prosecution under Subsection (a)(2) that the conduct consisted of medical care for the child and did not include any contact between the anus or sexual organ of the child and the mouth, anus, or sexual organ of the actor or a third party.
- (e) It is an affirmative defense to prosecution under Subsection (a)(2):
- (1) that the actor was the spouse of the child at the time of the offense; or
  - (2) that:
    - (A) the actor was not more than three years older than the victim and at the time of the offense:
      - (i) was not required under Chapter 62, Code of Criminal Procedure, to register for life as a sex offender; or
      - (ii) was not a person who under Chapter 62, Code of Criminal Procedure, had a reportable conviction or adjudication for an offense under this section; and
    - (B) the victim:
      - (i) was a child of 14 years of age or older; and
      - (ii) was not a person whom the actor was prohibited from marrying or purporting to marry or with whom the actor was prohibited from living under the appearance of being married under Section 25.01.
- (f) An offense under this section is a felony of the second degree, except that an offense under this section is a felony of the first degree if the victim was a person whom the actor was prohibited from marrying or purporting to marry or with whom the actor was prohibited from living under the appearance of being married under Section 25.01.

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

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

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

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

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

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

- (1) an act by a member of a family or household against another member of the family or household that is intended to result in physical harm, bodily injury, assault, or sexual assault or that is a threat that reasonably places the member in fear of imminent physical harm, bodily injury, assault, or sexual assault, but does not include defensive measures to protect oneself;
- (2) abuse, as that term is defined by Sections 261.001(1)(C), (E), and (G), by a member of a family or household toward a child of the family or household; or
- (3) dating violence, as that term is defined by Section 71.0021.

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

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

- (a) A person commits an offense if the person, on more than one occasion and pursuant to the same scheme or course of conduct that is directed specifically at another person, knowingly engages in conduct that:
  - (1) constitutes an offense under Section 42.07 (see below), or that the actor knows or reasonably should know the other person will regard as threatening;

- (A) bodily injury or death for the other person;
  - (B) bodily injury or death for a member of the other person's family or household or for an individual with whom the other person has a dating relationship; or
  - (C) that an offense will be committed against the other person's property;
- (2) causes the other person, a member of the other person's family or household, or an individual with whom the other person has a dating relationship to be placed in fear of bodily injury or death or in fear that an offense will be committed against the other person's property, or to feel harassed, annoyed, alarmed, abused, tormented, embarrassed, or offended; and
- (3) would cause a reasonable person to:
- (A) fear bodily injury or death for himself or herself;
  - (B) fear bodily injury or death for a member of the person's family or household or for an individual with whom the person has a dating relationship;
  - (C) fear that an offense will be committed against the person's property; or
  - (D) feel harassed, annoyed, alarmed, abused, tormented, embarrassed, or offended.
- (b) An offense under this section is a felony of the third degree, except that the offense is a felony of the second degree if the actor has previously been convicted of an offense under this section or of an offense under any of the following laws that contains elements that are substantially similar to the elements of an offense under this section:
- (1) the laws of another state;
  - (2) the laws of a federally recognized Indian tribe;
  - (3) the laws of a territory of the United States; or
  - (4) federal law.
- (c) For purposes of this section, a trier of fact may find that different types of conduct described by Subsection (a), if engaged in on more than one occasion, constitute conduct that is engaged in pursuant to the same scheme or course of conduct.
- (d) In this section:
- (1) "Dating relationship," "family," "household," and "member of a household" have the meanings assigned by Chapter 71, Family Code.
  - (2) "Property" includes a pet, companion animal, or assistance animal, as defined by Section 121.002, Human Resources Code.

Sec. 42.07. Harassment.

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

- (7) sends repeated electronic communications in a manner reasonably likely to harass, annoy, alarm, abuse, torment, embarrass, or offend another.
- (b) In this section:
- (1) "Electronic communication" means a transfer of signs, signals, writing, images, sounds, data, or intelligence of any nature transmitted in whole or in part by a wire, radio, electromagnetic, photoelectronic, or photo-optical system. The term includes:
    - (A) a communication initiated by electronic mail, instant message, network call, or facsimile machine; and
    - (B) a communication made to a pager.
  - (2) "Family" and "household" have the meaning assigned by Chapter 71, Family Code.
  - (3) "Obscene" means containing a patently offensive description of or a solicitation to commit an ultimate sex act, including sexual intercourse, masturbation, cunnilingus, fellatio, or anilingus, or a description of an excretory function.
- (c) An offense under this section is a Class B misdemeanor, except that the offense is a Class A misdemeanor if the actor has previously been convicted under this section.

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

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

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

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

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

**Hate Crime:** Any of the aforementioned offenses (except for dating violence, domestic violence, and stalking) reported to local police agencies or to a campus security authority that manifests evidence that the victim was intentionally selected because of the perpetrator's bias. Following are the bias categories.

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

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

**Religion:** A preformed negative opinion or attitude toward a group of persons who share the same religious beliefs regarding the origin and purpose of the universe and the existence or nonexistence of a supreme being.

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

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

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

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

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

**Additional Hate Crime Definitions:** In addition to any of the crimes above, the following acts are reportable as Hate Crimes, when motivated by prejudice on account of race, gender, religion, sexual orientation, gender identity, ethnicity, national origin, or disability.

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

**Simple Assault:** An unlawful physical attack by one person upon another where neither the offender displays a weapon, nor the victim suffers obvious severe or aggravated bodily injury involving apparent broken bones, loss of teeth, possible internal injury, severe laceration, or loss of consciousness.

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

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



**Weapon Law Violations:** The violation of laws or ordinances dealing with weapon offenses, regulatory in nature, such as: manufacture, sale, or possession of deadly weapons; carrying deadly weapons, concealed or openly; furnishing deadly weapons to minors; aliens possessing deadly weapons; and all attempts to commit any of the aforementioned acts.

**Drug Abuse Violations:** Violations of state and local laws relating to the unlawful possession, sale, use, growing, manufacturing, and making of narcotic drugs. The relevant substances include: opium or cocaine and their derivatives (morphine, heroin, codeine); marijuana; synthetic narcotics (Demerol, methadone); and dangerous non-narcotic drugs (barbiturates, Benzedrine).

**Liquor Law Violations:** The violation of laws or ordinances prohibiting: the manufacture, sale, transporting, furnishing, possessing of intoxicating liquor; maintaining unlawful drinking places; bootlegging; operating a still; furnishing liquor to a minor or intemperate person; using a vehicle for illegal transportation of liquor; drinking on a train or public conveyance; and all attempts to commit any of the aforementioned activities (Public Intoxication and driving under the influence are not included in this definition).

## Definitions of Clery Act Locations

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

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

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

**On-Campus Student Housing:** No on-campus student housing is owned or controlled by the TAMHSC McAllen, therefore, on-campus student housing statistics are not required to be disclosed.

## TAMHSC, McAllen - Reportable Crimes

Criminal Offenses					
Offense	Year	On Campus Property	Non-Campus Property	Public Property	Unfounded Crimes <sup>§</sup>
Murder / Non-negligent Manslaughter	2013	0	0	0	n/a
	2014	0	0	0	0
	2015	0	0	0	0
Manslaughter By Negligence	2013	0	0	0	n/a
	2014	0	0	0	0
	2015	0	0	0	0
Sex Offenses, Rape	2013	0	0	0	n/a
	2014	0	0	0	0
	2015	0	0	0	0
Sex Offenses, Fondling	2013	0	0	0	n/a
	2014	0	0	0	0
	2015	0	0	0	0
Sex Offenses, Incest	2013	0	0	0	n/a
	2014	0	0	0	0
	2015	0	0	0	0
Sex Offenses, Statutory Rape	2013	0	0	0	n/a
	2014	0	0	0	0
	2015	0	0	0	0
Robbery	2013	0	0	0	n/a
	2014	0	0	0	0
	2015	0	0	0	0
Aggravated Assault	2013	0	0	0	n/a
	2014	0	0	0	0
	2015	0	0	0	0
Burglary of Structure	2013	0	0	0	n/a
	2014	0	0	0	0
	2015	0	0	0	0
Motor Vehicle Theft	2013	0	0	0	n/a
	2014	0	0	0	0
	2015	0	0	0	0
Arson	2013	0	0	0	n/a
	2014	0	0	0	0
	2015	0	0	0	0

Hate Crimes					
Offense	Year	On Campus Property	Non-Campus Property	Public Property	Unfounded Crimes <sup>§</sup>
Hate Crimes *	2013	0	0	0	n/a
	2014	0	0	0	0
	2015	0	0	0	0

Violence Against Women Reauthorization Act of 2013 (VAWA) Offenses					
Offense	Year	On Campus Property	Non-Campus Property	Public Property	Unfounded Crimes <sup>§</sup>
Domestic Violence	2013	0	0	0	n/a
	2014	0	0	0	0
	2015	0	0	0	0
Dating Violence	2013	0	0	0	n/a
	2014	0	0	0	0
	2015	0	0	0	0
Stalking	2013	0	0	0	n/a
	2014	0	0	0	0
	2015	0	0	0	0

Arrests and Disciplinary Referrals					
Offense	Year	On Campus Property	Non-Campus Property	Public Property	Unfounded Crimes <sup>§</sup>
Arrests: Weapons Carrying, Possessing, Etc.	2013	0	0	0	n/a
	2014	0	0	0	0
	2015	0	0	0	0
Disciplinary Referrals: Weapons Carrying, Possessing, Etc.	2013	0	0	0	n/a
	2014	0	0	0	0
	2015	0	0	0	0
Arrests: Drug Abuse Violations	2013	0	0	0	n/a
	2014	0	0	0	0
	2015	0	0	0	0
Disciplinary Referrals: Drug Abuse Violations	2013	0	0	0	n/a
	2014	0	0	0	0
	2015	0	0	0	0
Arrests: Liquor Law Violations	2013	0	0	0	n/a
	2014	0	0	0	0
	2015	0	0	0	0
Disciplinary Referrals: Liquor Law Violations	2013	0	0	0	n/a
	2014	0	0	0	0
	2015	0	0	0	0

The following are in reference to the reportable crimes table on the previous page.

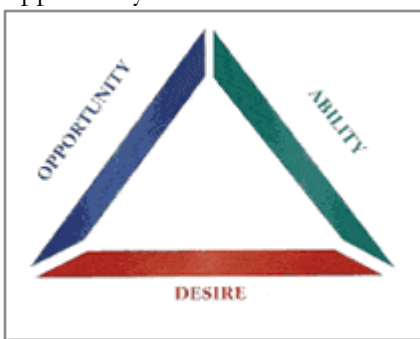
\* In 2013, 2014, and 2015 there were no reported criminal incidents involving hate/bias.

<sup>§</sup>Unfounded crimes (those that a commissioned peace officer has investigated and found to be false or baseless and are subsequently withheld from the crime statistic) are required to be disclosed beginning in calendar year 2014.

For the 2013-2015 crime statistics tables disclosed above, statistics were requested from local law enforcement agencies. However, with the exception of statistics from the MPD, they were unable to be provided in a usable format enabling a determination to be made as to whether or not they should be counted. Also, calendar years 2013-2015 crime statistics included in this report were determined in accordance with the Clery federal register (34 C.F.R.668.46) as of October 20, 2014, and guidance in the Handbook for Campus Safety and Security Reporting (Handbook) published by the U.S. Department of Education in February 2011 which was effective when the crimes occurred and statistics were collected. Subsequently, the Handbook was updated in June 2016 and will be used for reporting Clery crime statistics for calendar year 2016 and future years.

## Crime Prevention and Security Awareness

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



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

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

The MPD's Office of Community Affairs, staffed by officers who are state Certified Crime Prevention Specialists, continually presents programs covering crime prevention and security information to students, staff, and faculty. These Crime Prevention Specialists are dedicated full time to crime prevention efforts and programs. For additional information or to schedule a program you are encouraged to call the Office of Community Affairs at 956-681-2120.

MPD offers a variety of crime prevention programs and services to community members.

- Personal Safety Awareness – scheduled upon request
- Sexual Harassment and Rape Prevention (SHARP) – self-defense class teaching easy to learn techniques for a variety of situations; scheduled upon request
- National Night Out – community building campaign that promotes policy/community partnerships and neighborhood camaraderie; offered annually
- Alcohol and Drug Awareness – addresses problems associated with alcohol and drug abuse, misuse, and relationship to crimes; scheduled upon request
- Sexual Assault Awareness – bystander intervention and risk reduction; scheduled upon request
- Motor Vehicle Theft Prevention – scheduled upon request
- Citizen's Police Academy – see description below; offered annually

The Office of Community Affairs operates the Citizen's Police Academy. This is a 10 week long program designed to give citizens a better understanding of the MPD.

The university also offers other services and programs, available upon request to employees and students, to improve safety on campus and educate the community about security issues. Programs include SHARP classes (described above), personal safety awareness, sexual assault awareness, motor vehicle theft prevention, etc. For additional information contact the University Police Department's Community Services Division at 979-862-8125.

## Important Telephone Numbers

Area Code 956 (for all numbers listed below)

Emergencies-from on/off campus phone / Cell phones Police/Fire/Medical	911	Front Desk – general information	668-6300
McAllen Police Department (non-emergency)	681-2000	Hidalgo County Sheriff's Office	383-8114
Hidalgo County Crime Stoppers	460-1416	McAllen Crime Stoppers	972-7339

FBI

984-6300

Department of Public Safety 585-3126  
(State Troopers)