



**TEXAS A&M**  
UNIVERSITY®

# MARITIME ACADEMY SUMMER SEA TERM 2023 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)

Information for 2023-2024 Academic Year

Contains Crimes Statistics for Calendar Years 2022, 2021, and 2020

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This Annual Security Report and the Texas A&M University Maritime Academy Summer Sea Term Annual Fire Safety Report on Student Housing (Annual Fire Safety Report) are available at the following Texas A&M University Division of Risk, Ethics, and Compliance websites.

<https://orec.tamu.edu/wp-content/uploads/TAMUMaritimeAcademyAnnualSecurityReport.pdf>

<https://orec.tamu.edu/wp-content/uploads/TAMUMaritimeAcademyAnnualFireReport.pdf>

Email [mas-clery@tamu.edu](mailto:mas-clery@tamu.edu) for assistance if any link does not function.

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## Texas A&M University Maritime Academy Summer Sea Term

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

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

The Texas A&M University Maritime Academy (TAMMA) is a highly specialized maritime training and education program dedicated to cadets at Texas A&M University at Galveston (TAMUG). As part of the TAMMA program, the Training Ship (TS) Kennedy, a public vessel owned by the United States Department of Transportation's Maritime Administration (Maritime Administration), is operated by the TAMMA for a Summer Sea Term based on a memorandum of agreement. During the Summer Sea Term, the ship serves as a sea term location away from campus which offers an opportunity to practice theoretical knowledge taught in the classroom. Supervised sea service is required for TAMMA cadets pursuing merchant mariner credentials (MMC) issued by the United States Coast Guard (USCG).

The 2023 TAMMA Summer Sea Term Annual Security Report is available and includes campus security policy information. Security policies include, but are not limited to, reporting crimes and emergencies, security resources, crime awareness and prevention, security of the facilities, and alcohol and drug policies. The Texas A&M University at Galveston Police Department (TAMUG PD), TAMMA, and the Texas A&M University Division of Risk, Ethics, and Compliance (DREC) compose the Annual Security Report. Due to the COVID-19 pandemic and shelter in place precautions and requirements, the 2020 TAMMA Summer Sea Term did not acquire a vessel through user agreement for its training sea term. A vessel use agreement for the TS Kennedy was reinstated for the 2021 and 2022 Summer Sea Terms. In Spring 2023 the TS Kennedy was transferred to the TAMMA by the Maritime Administration for campus operation including the TAMMA's 2023 Summer Sea Term. Accordingly, policies included in the 2023 Annual Security Report reflect TS Kennedy protocols while docked at the TAMUG campus and while functioning as a sea term location.

The 2023 Annual Security Report includes statistical data for calendar years 2021 and 2022 for Clery Act crimes reported as occurring on the TS Kennedy for the time period specified in the agreement, i.e., during each year's respective TAMMA Summer Sea Term. Statistics for calendar year 2020 are not available nor required to be disclosed as TAMMA did not acquire a vessel through agreement in 2020. TAMUG PD requests and obtains

input from local law enforcement, the Deputy Superintendent of the TAMMA, the Office of the Commandant, Student Affairs, and other campus personnel in determining crime statistics.

## Annual Security Report Notifications

A printed copy of the Annual Security Report can be requested at the address, email, or phone number below. Each year, an e-mail notification which provides website access to this report is sent to all current students, faculty, and staff. The report can be found at:

<https://orec.tamu.edu/wp-content/uploads/TAMUMaritimeAcademyAnnualSecurityReport.pdf>

University Police Department  
Texas A&M University at Galveston  
200 Seawolf Parkway, Bldg 3026  
Galveston, TX 77553

[police@tamug.edu](mailto:police@tamug.edu)

409-740-4545

<http://www.tamug.edu/police/Index.html>

Prospective employees are notified of the availability of the Annual Security Report through an email distributed when applying for a position. Website access to the Annual Security Report is provided by the Division of Human Resources and Organizational Effectiveness through a link called “A safe and welcoming environment” located on the Prospective Employees webpage (<https://employees.tamu.edu/talent-management/careers/index.html>) and on the Required Employee Notices & Important Reminders webpage (<https://employees.tamu.edu/employees/required-notice.html>) through a link under the “Safety and Security Notices” heading.

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 Texas A&M University Office of Admissions through a link titled “Campus Safety” located at the bottom of the Admissions webpage (<http://admissions.tamu.edu/>).

## Campus Law Enforcement Policies

### Campus Security Overview

#### TS Kennedy policies while docked at TAMUG campus

While the ship is docked on campus, the TAMUG PD, who reports to the Associate Vice President for Administration and Auxiliary Services, works closely with all departments of the university, including TAMMA and the ship’s Master, to ensure that safety policy and procedures are uniformly executed and conveyed in a clear and consistent manner to the university’s students, faculty, and staff. The Texas A&M University Police Department oversees standards for the hiring, training, and operations of the TAMUG PD. The TAMUG PD office is located in the Sea Aggie Center #3026 on the Mitchell Campus at 200 Seawolf Parkway on Pelican Island in Galveston, Texas. The business office is open Monday thru Friday 8am-5pm.

#### TS Kennedy policies while functioning as a sea term location

TS Kennedy safety and security is the responsibility of all persons on board. As the ship’s Designated Person Ashore (DPA) / Company Security Officer (CSO), the TAMMA Deputy Superintendent is responsible for the safe operation of the ship. Critical safety situations and urgent issues will be communicated to the DPA/CSO by on-board management.

The Maritime Administration provides the commanding officer of the vessel (the Master) who always is the sole judge of safety and propriety of navigation, weather, and other conditions for safe operation of the vessel. The Master acts as the General Manager and the owner's representative. The Master is ultimately responsible for the safe navigation of the TS Kennedy and the safety of personnel at all times, in port and underway. Under the direction and authority of the Master, Chief Engineer, the ship's officers (all professional USCG-licensed mariners) led by the Chief Mate are responsible for maintaining safety and security in compliance with Texas A&M University System policy and federal law. The Chief Mate is also designated as the ship's Vessel Security Officer (VSO). This responsibility includes 24 hour, 7 day week watches to prevent or to respond to emergencies while the ship is on a sea term. Watch personnel make continuous, highly visible rounds of all interior passages and weather decks. A deck watch officer and quarter deck watch maintain radio communications with each other at all times.

## **Jurisdiction**

### TS Kennedy policies while docked at TAMUG campus

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

### TS Kennedy policies while functioning as a sea term location

The USCG may board any vessel subject to the jurisdiction of the United States, whether on the seas, or on waters over which the United States has jurisdiction, including sea terms, to make inquiries, examinations, inspections, searches, seizures, and arrests for the prevention, detection, and suppression of violations of United States law.

During sea terms, the ultimate authority aboard the TS Kennedy lies within the discretion of the Master of the ship in accordance with USCG requirements, the Code of Federal Regulations, and federal maritime law. The Master has the right and the responsibility to plan, direct, and control the actions of all officers, crew, and cadets according to authorization defined by federal law.

## **Arrest Authority**

### TS Kennedy policies while docked at TAMUG campus

As peace officers, the TAMUG PD's armed police officers have the same full authority to detain and arrest as municipal police officers. TAMUG PD has the same authority aboard TS Kennedy.

### TS Kennedy policies while functioning as a sea term location

While on any sea term, the Master has authority to restrain any person that is endangering themselves, others, or the ship. In such case, the Master will contact USCG and arrange to discharge such persons to the custody of the USCG or other law appropriate law enforcement organization at a docked location. The USCG has full arrest authority for violations of United States laws on vessels subject to their jurisdiction.

## **Enforcement Authority**

### TS Kennedy policies while docked at TAMUG campus

TAMUG PD is staffed by the Chief of Police, one supervisor and 8 commissioned Peace Officers. They are fully empowered and licensed by the State of Texas and have authority to stop vehicles, make arrests, conduct criminal investigations and enforce all laws ([Texas Education Code 51.203](#)).

TAMUG PD 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 TAMUG PD 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.

#### TS Kennedy policies while functioning as a sea term location

The Master has authority over activities on ship executed through a chain of command structure. The authorization is defined by federal law. All Master instructions regarding port officials and police shall be strictly adhered to.

In addition to instructions and rules put into place by the Master, all statutes and regulations governing Texas A&M University; Texas A&M University rules, regulations, and standard administrative policies; the effective Memorandum of Agreement; and United States Navigation law are effective for the duration of any sea term. Any conduct that occurs on cruise is subject to university policies, including student rules, and the Corps of Cadets Operations Manual. The Master is the final authority in decisions to dismiss a cadet from the cruise for the safety, morale, or welfare of the ship's crew. A university hearing based on conduct is provided at the TAMUG campus. The USCG is the lead federal maritime law enforcement agency and the only agency with both the authority and capability to enforce United States Navigation law.

### **Working Relationships and Agreements**

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

#### TS Kennedy policies while docked at TAMUG campus

TAMUG PD maintains excellent working relationships with all area law enforcement agencies including the Galveston Police Department (GPD) and the Galveston County Sheriff's Office. These working relationships are maintained informally through a written mutual aid agreement. This agreement allows for cooperation in the performance of police protection including the investigation of alleged crimes, enforcement of laws, and communication between agencies pursuant to the agreement. Working relationships are also maintained through periodic communications among agency administrators and frequent contacts between line officers and investigators cooperating on specific cases.

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

#### TS Kennedy policies while functioning as a sea term location

The Master of the TS Kennedy, the TAMMA representative, is expected to develop and maintain an effective and collaborative relationship with USCG's law enforcement authority. The working relationship between TAMMA and the USCG is based on the written Code of Federal Regulations which TAMMA must follow due to TAMMA's designations as a State Maritime Academy. However, no written agreement is maintained between USCG and the TAMMA or the Master of the ship regarding the investigation of alleged criminal offenses.

As the TS Kennedy may be docked briefly at the TAMUG campus at the start of the summer cruise, there is no written agreement maintained between TAMUG PD, Galveston local law enforcement, state agencies, or

other federal agencies regarding the investigation of alleged criminal offenses. However, a working relationship may be established on an as needed basis.

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

While docked or during the sea terms, the TAMMA does not operate locations that meet non-campus property criteria and does not recognize or support student organizations with non-campus locations or non-campus housing facilities. Therefore, no policy exists for monitoring and reporting of criminal activity for these types of locations.

### **Professional Standards**

#### TS Kennedy policies while docked at TAMUG campus

TAMUG PD is concerned about the safety and welfare of all campus members and guests and commits itself to promoting a safe and secure environment. Because no campus can totally isolate itself from crime, TAMUG PD has developed a series of policies and procedures designed to ensure that every possible precaution is taken to protect the campus community and maintain a safe campus.

Like many other college and university police departments, TAMUG PD appoints a training coordinator who is responsible for conducting intensive and continuing training for all campus police and security officers. Training subjects include criminal law, civil law, public relations, race relations, interpersonal communication, crisis intervention, critical incident response, and all facets of protection of persons and property. Training includes guest lecturers from the GPD and other outside agencies, such as the FBI and the Galveston County District Attorney's Office. Training is also conducted during periodic staff meetings.

This training usually includes updates on existing problems, new court decisions impacting the university environment, and other timely topics. The police officers also attend various training as required to maintain and advance their State Texas Commission on Law Enforcement License. In addition, all TAMUG PD police have attended standard first aid and CPR training.

#### TS Kennedy policies while functioning as a sea term location

Merchant Marine officers are held to strict professional standards meant to protect safety, security, ships, and the environment. Each officer is required to maintain up-to-date training in critical competencies including firefighting, maritime security, and first aid. The Master is responsible for ensuring the officers, crew, and cadets aboard TS Kennedy conduct themselves in a way that is appropriate to the standards of the profession. All personnel are advised to be attentive to their conduct. The appearance of the ship and its crew is important as the training ship is a United States Public Vessel and as such, the image it creates represents the United States, the State of Texas, Texas A&M University, and the TAMMA.

### **Campus Law Enforcement Telephone Directory**

Website: <http://www.tamug.edu/police/>

TS Kennedy Master	646-817-3630 (vsat phone)	TS Kennedy Chief Mate	646-817-3630 (vsat phone)
Wheelhouse / Roving Security Watch	5458 / 409-974-3677 (cell)	TAMUG PD Chief of Police (on TAMUG campus)	409-740-4545
Emergencies-from on campus phones/Police/Fire/Medical	911	Non-Emergencies/General Assistance	409-740-4545



TAMUG PD Cell Phone (on  
TAMUG campus) 409-771-5185

TAMMA Office  
(emergency/non-  
emergency)

409-740-  
4477/4706

## Reporting Crimes

### Incident Reporting and Response

#### TS Kennedy policies while docked at TAMUG campus

Community members, students, faculty, staff, and guests are encouraged to report all crimes and public safety-related incidents to TAMUG PD, or appropriate police agency, in an accurate and prompt manner when the victim of such crimes elects or is unable to make such a report. If a victim is physically or mentally incapacitated the TAMUG PD encourages members of the campus community to report the crime of which they are aware on the victim's behalf.

This publication focuses on TAMUG PD because it patrols the Mitchell Campus and other local Texas A&M University property. To report a crime or an emergency while the TS Kennedy is docked on the TAMUG campus, call 911. To report a non-emergency security or public safety-related matter, call TAMUG PD at extension 4545 or, from outside the university phone system, 409-740-4545. In the event the phone service is interrupted or the power is interrupted on campus, callers can call the department cellphone, 409-771-5185.

All TAMUG PD incident reports are reviewed by a police supervisor. Some reports are forwarded to the Division of Student Affairs for review and/or referral, if they document university rule violations or law violations, as appropriate. TAMUG PD investigators will conduct a follow-up investigation of a report when it is deemed appropriate. Additional information obtained via any investigation may also be forwarded to the Division of Student Affairs to assist their investigation. If assistance is required from the GPD or the Galveston Fire or EMS Department, TAMUG PD will contact the appropriate unit. If a sexual assault or rape should occur, staff on the scene, including TAMUG PD, can offer the victim a wide variety of services. TAMUG PD is a member of the Galveston County Sexual Assault Response Team (SART) that has trained members who are on-call and available to assist a victim of sexual assault 24 hours a day.

The reasons for reporting to TAMUG PD are: 1) to take action which may prevent further victimization, including issuing a timely warning to warn the campus community of an impending threat to their safety; 2) to apprehend a potential perpetrator; 3) to seek justice for the wrong that was committed; and 4) to have the incident recorded for statistical purposes in TAMUG annual statistics and crime log.

When an incident is reported, a TAMUG PD officer will take a statement regarding the details of the crime. The officer will ask for a description of the actor(s) and may ask questions about the scene of the crime, any witnesses, and what happened before and after the incident. The reporting party may have a support person with them during the interview. Reporting an incident is a separate step from choosing to prosecute. When a report is filed, individuals are not obligated to continue with legal proceedings or university disciplinary action. Individuals can choose whether or not to participate in criminal proceedings at any point.

TAMUG PD can be contacted from on-campus telephones by dialing a four digit extension, 4545. In addition, approximately seven Emergency Blue Light phones are available throughout the Mitchell Campus in case of an emergency. These phones are maintained by the Facilities Services department and the safety officer. When anyone calls, they will be talking to the GPD dispatcher.

A person reporting a crime to TAMUG PD has the right to report the crime to the GPD by calling 911 or utilizing the Galveston non-emergency call center at 409-765-1702, if the offense occurred in the GPD



jurisdiction. TAMUG PD officers regularly discuss this option with crime victims and will assist the victim with that process.

#### TS Kennedy policies while functioning as a sea term location

To report a crime or an emergency on the TS Kennedy while at port, call 911, the duty officer at 409-974-3677, or Roving Security Watch. When the TS Kennedy is at sea, report all emergencies and non-emergencies to the Wheelhouse by dialing 1 on any of the sound powered phones located strategically about the ship or by hailing UHF channel 3 or calling 5458 on ship's internal phones. The Watch Officer will immediately contact the Master and appropriate person for action to the location of the complaint. Actions may also include sounding appropriate signals instructing cadets to carry out assigned duties per the station bill or as directed by the Master.

The Master of the ship encourages bystanders, witnesses, and others to report all crimes accurately and promptly to the Master or Wheelhouse when a victim elects to or is unable to make such a report. Suspicious behavior or any situation of concern can always be reported to the Master of the ship or designee. The Master also has immediate access to a satellite phone in addition to the ship's satellite communication capabilities.

#### **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 TAMUG PD or to the VSO aboard the TS Kennedy while at sea. For non-campus offenses, we encourage accurate and prompt reporting to the proper local law enforcement agency. As an option, you may also report criminal offenses of which you are aware to the following offices on the TAMUG campus and other individuals while at sea on TS Kennedy.

Name	Phone	Email
Director of Campus Living & Learning	409-740-4469	<a href="mailto:golemon@tamug.edu">golemon@tamug.edu</a>
Associate Vice President for Administration and Auxiliary Services	409-740-4943	<a href="mailto:shalleng@tamug.edu">shalleng@tamug.edu</a>
Associate Vice President of Student Affairs, Assistant Superintendent of Cadets	409-740-4598	<a href="mailto:sutherlt@tamug.edu">sutherlt@tamug.edu</a>
Assistant Commandant, Corps of Cadets	409-740-4588	<a href="mailto:davidsoc@tamug.edu">davidsoc@tamug.edu</a>
Human Resources	409-740-4503	<a href="mailto:hr@tamug.edu">hr@tamug.edu</a>
Associate Vice President for Finance and Compliance Officer	409-740-4533	<a href="mailto:lees@tamug.edu">lees@tamug.edu</a>
TAMMA Deputy Superintendent	409-740-4477	<a href="mailto:posta@tamug.edu">posta@tamug.edu</a>
TAMMA Commandant	409-740-4559	<a href="mailto:jpgompper@tamug.edu">jpgompper@tamug.edu</a>
Faculty Affairs Office	979-845-4274	<a href="mailto:facultyaffairs@tamu.edu">facultyaffairs@tamu.edu</a>
Assistant Vice President and Title IX Coordinator	979-458-8407	<a href="mailto:civilrights@tamu.edu">civilrights@tamu.edu</a>
Vice President and Chief Compliance Officer	979-458-0308	<a href="mailto:civilrights@tamu.edu">civilrights@tamu.edu</a>

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

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

Victims, witnesses, and others should make voluntary reports of all crimes to the TAMUG PD or the VSO for inclusion in the annual crime statistics and crime log and to aid in providing timely warning notices to the community, when appropriate. Because police reports are public records under state law, TAMUG cannot hold reports of crimes in confidence. However, victims of certain offenses are eligible for a pseudonym in which the victim's identity will not be released. An individual who is involved in or witnesses an active or ongoing emergency should dial 911 and report the emergency immediately.

Voluntary confidential reports, for purposes of inclusion in the annual disclosure of crime statistics and crime log, can generally be made by victims, witnesses, and others to the campus security authorities listed above and all other campus security authorities. A crime reported to a campus security authority is required to be submitted to the TAMUG PD or VSO, while at sea, to potentially be included in the TS Kennedy crime statistics and crime log. Annual crime statistics and the crime log are confidential in that personally identifiable information is not included in the disclosures. However, campus security authorities who are Texas A&M University employees are mandatory reporters who must report all known information about an alleged or suspected incident of discrimination, harassment, retaliation, or complicity that is experienced by, observed by or made known to the employee in the course and scope of their employment as soon as possible. These mandatory reports are required to be made to the Assistant Vice President and Title IX Coordinator. Exceptions include confidential reporters described in the remainder of this section. See the Sexual Assault, Dating Violence, Domestic Violence, and Stalking section of this report for more information.

### TS Kennedy policies while docked at TAMUG campus

Although exempt from the reporting requirements of the Clery Act, pastoral and professionally licensed mental health counselors are encouraged, if and when they deem appropriate, to refer persons they are counseling to report crimes on a voluntary, confidential basis for inclusion in the annual statistics and crime log, especially if the incident may pose an ongoing threat to the campus community. TAMUG PD sends a request each year to TAMUG Counseling, Career & Ability Services that encourages counselors to inform the persons they are counseling of the procedures to report crimes on a voluntary, confidential basis for inclusion in the annual disclosure of crime statistics and crime log. Contracted counseling personnel available to employees are not provided the written reminder as they are referred using a network of local providers. TAMUG does not have pastoral counselors.

At TAMUG, the following are considered confidential reporters: Mental health providers for students - TAMUG Counseling, Career & Ability Services (409-740-4736); health care personnel for students - Student Health Services at UTMB Family Medicine Clinic (409-772-2166); and mental health provider for employees and the employee's benefits-eligible dependents - The Work/Life Solutions Program by GuidanceResources (1-866-301-9623). Confidential reports are available to support both complainants and respondents.

### TS Kennedy policies while functioning as a sea term location

A confidential licensed professional counselor from TAMUG Counseling, Career & Ability Services is typically assigned to the TS Kennedy during the cruise period. The counselor can be contacted at 646-817-3630 (vsat phone). While aboard the TS Kennedy at sea or in at a port, the Master will also provide the means for individuals to obtain reasonable and available resources.

## **Missing Students**

The following are missing student policies in place for students residing on the TS Kennedy while functioning as a sea term location.

While the TS Kennedy is operating a sea term, the Master ensures accountability of all persons. Any official missing student report must be referred immediately to the Master, or, in the absence of the Master, to the local law enforcement with agency that has jurisdiction in the area. If a student, employee, or other individual has reason to believe that a cadet on the sea term has been missing for 24 hours, he or she should immediately notify the Wheelhouse by dialing “1” on any of the sound powered phones located strategically about the ship (or hailed at UHF channel 3) or notify the bridge by calling 5458 on the phone system. The Watch Officer will immediately contact the appropriate person to initiate following procedures.

In port, Watch Officers maintain a log of faculty, staff, and cadets who depart from and return to the ship. If personnel fail to return to the ship when instructed, the Master will order the ship to be searched. If the search fails to locate the missing person, the Master will immediately contact the security service at the port and local law enforcement.

If a person is discovered missing at sea, the Master will order the ship to be searched. If the search fails to locate the missing person, the Master will turn the ship about and order all hands on deck to search the sea for the missing person. The Master will also immediately call the USCG and other vessels in the area for assistance.

Each year, students residing on the TS Kennedy have the option to confidentially register an individual to be contacted by the Master within 24 hours of the determination by the Master, other vessel security, or local law enforcement that the student is missing. Students who wish to identify or update a confidential contact can do so through TAMMA Administrative Operations at 409-740-4885. A student's contact information is registered confidentially, will be accessible only by authorized campus officials and law enforcement to the extent allowed legally and as appropriate, in furtherance of a missing person investigation, and may not be disclosed outside of a missing person investigation. If the student designated a contact person, the institution will notify the contact person within 24 hours that the student is missing. Regardless of whether or not a student has designated an emergency contact person to be notified, if a student is less than 18 years old and not an emancipated individual, Federal Law requires that the institution notify a custodial parent or guardian within 24 hours of the determination that the student is missing in addition to notifying any contact person designated by the student. The institution will notify local law enforcement no later than 24 hours after the student is determined to be missing unless the local law enforcement agency was the original entity that made the determination that the student was missing.

Following are the procedures that the institution, including responsible institutional personnel, must follow when a student who resides in on TS Kennedy is determined to have been missing for 24 hours<sup>1</sup>.

1. Gather needed information from reporting person. Any official missing student report must be referred immediately to the Master with all information provided regarding the missing student so that an investigation can be initiated. In the absence of the Master any official missing student report must be referred immediately to the local law enforcement agency with jurisdiction in the area.
2. If the student designated a contact person, TAMUG will notify the contact person within 24 hours that the student is missing.
3. Additionally, regardless of whether the student has identified a contact person, if the missing student is under the age of 18 and is not an emancipated individual, TAMUG will notify the student's custodial parent or legal guardian within 24 hours after law enforcement has determined that the student has gone missing in addition to notifying any contact person designated by the student.

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<sup>1</sup> These requirements do not preclude the institution from determining a student is missing before a full 24 hours, or from initiating notification procedures as soon as it determines that a student is missing. In addition, the institution must comply with Suzanne's Law, a federal law requiring a person under the age of 21 to be entered into a national missing person database within two hours of the person being reported missing. Suzanne's Law provides that there shall be no waiting period before a law enforcement agency initiates an investigation of a missing person under the age of 21.

4. After investigating the report of a missing person and determining that the person is missing, taking the facts of the case into account, the Master will notify local law enforcement and the USCG within 24 hours that the student is determined to be missing unless these entities were the original entity that made the determination that the student was missing. Regardless of whether the student has identified a contact person, is above the age of 18, or is an emancipated minor, TAMUG will inform the local law enforcement that has jurisdiction in the area that the student is missing within 24 hours.

## **Timely Warning Policy**

The circumstances in which a Timely Warning (Crime Alert) will be generated include, but are not limited to, the receipt of a report to the TAMUG PD, vessel safety team 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 Chief of Police or the Master (while the TS Kennedy is at sea), or designee, is responsible for determining if a Crime Alert will be issued. Crimes reportable under the Clery Act that may warrant a Crime Alert include, but are not limited to, major incidents of arson, murder/non-negligent manslaughter, robbery, aggravated assault, sex offenses, or other crimes as determined necessary by the Chief of Police or Master or 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 TAMUG PD, the vessel safety team 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 TAMUG PD (or the Master or the VSO while the TS Kennedy is at sea) is responsible for the writing and issuance of Crime Alerts. Personnel authorized to write and/or issue (send) a Crime Alert are the Chief of Police, Master of the ship, the VSO, or designee. Students and employees should report criminal offenses immediately to the TAMUG PD by phone (409-740-4545) or in person at the TAMUG PD building at 200 Seawolf Parkway, Bldg. 3026, Galveston, TX 77553. The TAMUG PD is the organization designated to receive reports of criminal offenses described in the law for the purposes of making Crime Alert reports and the annual statistics disclosed in this report. While the TS Kennedy is at sea, reports should be made to the Wheelhouse by dialing "1" on any of the sound powered phones located strategically about the ship (or hailed on UHF channel 3) or notify the bridge by calling 5458 on the phone system. The Watch Officer will immediately contact the appropriate person.

Crime Alerts are issued through the university e-mail system to students, faculty and staff in a manner that is timely, that withholds the names of victims as confidential, and that will aid in the prevention of similar occurrences. While the TS Kennedy is at sea, hard copy Crime Alert notifications are posted in designated areas on the ship (bulletin boards) and communicated to staff and cadets by their supervisor(s). 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, where there is sufficient detail that would reasonably help identify a specific individual suspect or group of suspects.
- Possible connection to other incidents.
- Date and time the alert was issued.
- Suggested measures which members of the university community can take to help protect themselves.

It is important to note that in some cases law enforcement may need to withhold some facts if releasing the information would compromise an ongoing investigation or the identity of the victim. Victim names and other identifying information of victims are not included in Crime Alerts. An institution is not required to provide a timely warning with respect to crimes reported to a pastoral or professional counselor.

## **Emergency Response and Evacuation Policy**

The procedures disclosed in this section apply to significant emergencies and dangerous situations occurring on the campus of the TS Kennedy while at sea, i.e. on-campus property. The institution does not have separate procedures for non-campus property.

### **Emergency Notification System**

The Emergency Management Coordinator at TAMUG (or Master or the VSO while the TS Kennedy is at sea) receives information from various offices/departments on campus, such as TAMUG PD and the Office of Emergency Management (OEM), and from other entities, such as USCG, law enforcement, fire department, National Weather Service, etc. If any of these units provides information regarding a significant emergency or dangerous situation involving an immediate threat to the health or safety of some or all members of the campus community, available members of the Emergency Management Coordinator or delegate (or the Master or the Officers of the TS Kennedy while at sea) will evaluate the information to confirm whether a significant emergency or dangerous situation exists.

#### TS Kennedy policies while docked at TAMUG campus

On-campus emergencies should be reported immediately by calling 911 or call TAMUG PD at extension 4545 from a campus phone or, from outside the university phone system, 409-740-4545. In the event the phone service is interrupted or the power is interrupted on campus, callers can call the department cellphone, 409-771-5185.

Upon confirmation of a significant emergency or dangerous situation involving an immediate threat to the health or safety of students or employees on the campus, the Emergency Management Coordinator or delegate will, with input from the Vice President and Chief Operating Officer and Marketing and Communications, if available, use some or all of the systems described below to immediately notify the campus community. The appropriate segment of the community will be notified if the threat is limited to a particular building or segment of the population. The Emergency Management Coordinator or delegate will, without delay and taking into account the safety of the community, determine the content of the notification and initiate the notification system, unless issuing a notification will, in the professional judgment of the responsible authorities, compromise the efforts to assist victims or to contain, respond to, or otherwise mitigate the emergency. Victim names and other identifying information of victims are not included in emergency notifications.

If time is of the essence, any of the following TAMUG administrators are permitted to send an emergency notification without prior consent should the situation warrant immediate notification: TAMUG PD Chief of Police, Associate Vice President for Administration and Auxiliary Services, the Director of Information Technology, or the administrator's delegate. Authority to issue a campus wide emergency alert will follow the procedures outlined in the TAMUG Emergency Response Plan, Section 17.2.2. The Plan is located at <https://www.tamug.edu/emergency/noshow/Campus-Emergency-Response-Plans-5-2018.pdf>.

In the event of a serious incident that poses an immediate threat to members of the TAMUG community, the University has various systems in place for communicating information quickly. Some or all of these methods of communication may be activated in the event of an immediate threat to the TAMUG campus community.



These methods of communication include Sea Aggie Alert, a system that provides email and text message alerts to members of the TAMUG community.

TAMUG PD will activate the Sea Aggie Alert Emergency Message System. All students are automatically signed up for this service upon admission. Everyone else is encouraged to sign up at this website. <https://www.getrave.com/login/tamug>

- In addition to posting the Sea Aggie Alerts, the TAMUG PD may generate an email which will be sent to Aggnews, administered by the Division of Marketing and Communications or the Division of Student Affairs, for immediate distribution to all campus members.
- For posting notifications on the TAMUG website, the TAMUG PD will send a copy of the notification to the Associate Vice President for Administration and Auxiliary Services (409-740-4943) for review who alerts the Vice President and Chief Operating Officer of the notification as soon as circumstances permit. The TAMUG PD will post the notification on the website for the duration of the emergency as soon as circumstances permit.
- TAMUG PD does not issue emergency notifications if the threat of imminent danger for members of the TAMUG community has been mitigated.

Individuals receiving the emergency notification will also be advised with TAMUG updated information, as needed, using the same method(s) as the original notification.

Sea Aggie Alerts will be issued during an emergency. The Emergency Procedure section of the TAMUG website, <http://www.tamug.edu/emergency/>, provides additional information and tips for individual emergency preparedness and the Sea Aggie Emergency Playbook can be downloaded from the website. The handbook provides information on how to prepare for and respond to the most likely emergency situations that may arise on campus. (<http://www.tamug.edu/emergency/noshow/TAMUGEmergencyPlayBook.pdf>)

#### TS Kennedy policies while functioning as a sea term location

To report a crime or an emergency on the TS Kennedy while at port, call 911, the duty officer at 409-974-3677, or Roving Security Watch. When the TS Kennedy is at sea, report all emergencies to the Wheelhouse by dialing 1 on any of the sound powered phones located strategically about the ship or by hailing UHF channel 3 or calling 5458 on ship's internal phones.

Emergency procedures aboard TS Kennedy in port or at sea are well-defined and comply with federal law and TAMUG policy. All persons on board TS Kennedy must be familiar with emergency signals and procedures including the station bill which lists all cadets' duties in case of fire or other emergency.

Upon confirmation of a significant emergency or dangerous situation involving an immediate threat to the health or safety of students or employees while the TS Kennedy is at sea, the Master, the VSO, or designee will immediately notify the campus community through various emergency signals from the Bridge of the ship. Some or all of the following mechanisms may be used to notify crew and cadets of an emergency: emergency signals (ship's whistle, ship's general alarm system), radio transmissions, and the ship's public address system. Participants are required to learn the emergency signals at the beginning of the cruise. When the signal is sounded, all cadets/crew will carry out assigned duties as per the station bill or as directed by the Master.

All segments of the TS Kennedy community will be notified as distributions are not limited to a particular segment of the population. The Master, the VSO, or designee will, without delay and taking into account the safety of the community, determine the content of the notification and initiate the notification system, unless issuing a notification will, in the professional judgment of the responsible authorities, compromise the efforts to assist a victim or to contain, respond to, or otherwise mitigate the emergency. Victim names and other

identifying information of victims are not included in emergency notifications. Individuals receiving the emergency notification will also be advised with updated information, as needed, using the same method(s) as the original notification.

### General Policy

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

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

### **Registering for Emergency Notifications**

#### TS Kennedy policies while docked at TAMUG campus - Students, Faculty, and Staff Access

All students, staff, and faculty are automatically signed up for Sea Aggie Alerts based on contact information existing in TAMUG databases. Also, to add/modify your email address or mobile phone number to this service, go to this website: <https://www.getrave.com/login/tamug>. Register for approved TAMUG emergency communications and other important information via text message and email. The notification system does not charge subscribers to send or receive SMS messages. Standard or other messaging charges apply depending upon your wireless carrier plan and subscription details. Once registered, you can opt out of SMS messages at any time by texting STOP to 67283 or 226787.

#### TS Kennedy policies while docked at TAMUG campus - Public Access

Sea Aggie Alert is available for those in the TAMUG community, parents, guardians, and the public. To add/modify your email address or mobile phone number to this service, go to this website: <https://www.getrave.com/login/tamug>. Register for approved TAMUG emergency communications and other important information via text message and email. The notification system does not charge subscribers to send or receive SMS messages. Standard or other messaging charges apply depending upon your wireless carrier plan and subscription details. Once registered, you can opt out of SMS messages at any time by texting STOP to 67283 or 226787.

#### TS Kennedy policies while functioning as a sea term location

No registration is required for students, staff, and faculty on board the TS Kennedy to receive emergency notifications. TS Kennedy emergency notifications are not available to the public.

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

#### TS Kennedy policies while docked at TAMUG campus

Alerts are often sent out through social media pages as well, including Facebook and Twitter. Follow-up alerts will be broadcast over the same system. TAMUG updates will continue until the threat is over. Individuals can call the TAMUG PD or GPD dispatch line to report important information. Community members are encouraged to notify TAMUG PD of any situation or incident on campus that involves a significant emergency or dangerous situation that may involve an immediate or ongoing threat to the health and safety of students, faculty, staff, or visitors on campus. TAMUG PD has the responsibility of responding to, and summoning the necessary resources, to mitigate, investigate, and document any situation that may cause a significant emergency



or dangerous situation. In addition, TAMUG PD has a responsibility to respond to such incidents to determine if the situation does in fact, pose a threat to the community. If so, federal law requires that the institution notify the campus community or the appropriate segments of the community that may be affected by the situation

#### TS Kennedy policies while functioning as a sea term location

While the TS Kennedy is at sea, the larger community will not generally be notified of emergencies occurring on board the TS Kennedy.

### **Emergency Preparedness**

#### TS Kennedy policies while docked at TAMUG campus

The TAMUG PD is a partner with Galveston County and with the City of Galveston in the jurisdictional Emergency Management Plan. The OEM has primary responsibility for emergency preparedness at TAMUG. Duties and responsibilities range from working with departments to write and exercise building evacuation plans, to developing and maintaining emergency plans as required by regulation, and as otherwise deemed necessary to augment and implement the Galveston County Plan.

TAMUG's Emergency Management and Incident Command Team is in place to prepare and maintain the readiness of the TAMUG campus during an emergency or major incident affecting multiple areas of the TAMUG community to protect people, research and facilities. The university's various departments maintain a business continuity plan to assure the resumption of operations immediately following an emergency.

When the TS Kennedy is docked, the primary university plan applies. This broad-based TAMUG Emergency Response Plan describes the general framework for emergency response at TAMUG and includes evacuation procedures. University departments are responsible for developing business continuity plans for their specific areas to compliment and support the Damage Assessment and Initial Recovery Plan within the Emergency Response Plan. The TAMUG Emergency Response Plan is available at:

<http://www.tamug.edu/emergency/Emergency%20Plans/TAMUG%20Emergency%20Plans.html>

The Sea Aggie Emergency Playbook is a set of more specific emergency and evacuation procedures that has been developed to provide guidance for the general public in the event of foreseeable emergencies (<http://www.tamug.edu/emergency/noshow/TAMUGEmergencyPlayBook.pdf>). Additional information about emergency and evacuation procedures at Texas A&M University may also be accessed online via the Emergency Preparedness link: <http://www.tamu.edu/emergency>.

TAMUG tests various aspects of our emergency response plan on at least an annual basis through table-top exercises, full-scale exercises, and continuity exercises. These tests include the TS Kennedy location while docked and are designed for assessment and evaluation of emergency plans and capabilities. Tests may be announced or unannounced and are performed and documented with after action reports (follow-through activity) and in accordance with FEMA's Homeland Security Exercise and Evaluation Program requirements. The testing reports and review documentation include a description of the exercise, the date the test was held, the time the test started and ended, and whether the test was announced or unannounced. In addition, Environmental Health and Safety manages a Building Evacuation Program which works with Building Emergency Coordinators to maintain and test building evacuation procedures annually for facilities on campus through emergency evacuation drills.

TAMUG conducts monthly pre-scheduled (announced and unannounced) testing of the emergency notification system. These monthly tests are launched by the Sea Aggie Alert system administrator. After each test the administrator generates a report to document and analyze the functionality of each communication device within the notification system. The TAMUG Emergency Management Coordinator distributes an email

annually to students, faculty, and staff publicizing the TAMUG emergency response and evacuation procedures in conjunction with a test. More information can be found at: [Emergency Management Guidelines](#).

#### TS Kennedy policies while functioning as a sea term location

The TAMMA places the highest priority on personal safety and environmental protection. When the TS Kennedy is at sea, the vessel's Safety Management Manual governs emergency response and evacuation procedures in accordance with federal law. The TAMMA Safety Management Manual provides instructions and procedures to ensure a safe workplace and protection of the environment in compliance with all applicable rules and regulations. It is the responsibility of all seafarers, cadets, and shore side support staff of the TS Kennedy to have knowledge of all instructions, procedures, and policies contained in the TAMMA Safety Management Manual. Security and station bills (matrices that list everyone on board and their duties including duties for various emergencies) are publicized by posting them throughout the vessel in public areas. Safety Management Manual procedures are publicized through communication during an initial safety course administered each year just prior to the sea term and signal testing.

Aboard the TS Kennedy when at sea, the Master conducts testing to include one emergency drill or safety demonstration each week where all hands are required to participate. Weekly drills are required by federal law. Drills include practicing firefighting techniques and procedures, damage control, emergency repairs, and how to abandon ship. These tests are regularly scheduled, include appropriate follow-through activities, and are designed for assessment and evaluation of emergency plans and capabilities.

Musters are also taken during drills, before departure, and at quarters to verify everyone is on board as muster is required when a true abandon ship is ordered. Emergency signaling devices aboard TS Kennedy are tested prior to the ship getting underway and then daily while the ship is operating on a sea term. Tests may be announced or unannounced. TS Kennedy officers maintain a log of all drills and tests in accordance with federal law and principles of good seamanship which includes a description of the test, the date and time, and whether it was announced or unannounced. This log is subject to review by the USCG at any time. Announced drills usually take place as part of vessel familiarization; however, the Master of the vessel may schedule unannounced drills as deemed necessary.

### **Evacuation and Shelter-in-Place**

#### TS Kennedy policies while docked at TAMUG campus (Follow TAMUG Evacuation and Shelter-in-Place Procedures as the ship is treated as a campus building.)

In some emergency situations, such as flooding or release of hazardous materials, emergency responders may order protective actions for persons who live or work on campus. Typically, these protective actions are to evacuate to a safer area or to shelter-in-place. It is possible that some emergency scenarios could result in one of these protective actions being ordered for one part of campus and the other protective action for a different area of campus. When such actions are warranted, you will be appropriately advised by police, fire, safety or university officials via text, email, Facebook, Twitter and <https://www.tamug.edu/>, door-to-door notifications or other appropriate means.

#### Campus-wide Evacuation Procedures

In the event that you are asked to evacuate campus:

- Evacuation orders will be disseminated via Sea Aggie Alert
- Do not activate the building fire alarm system to achieve evacuation
- Remain calm but act quickly
- Promptly secure equipment, research, etc. in safe shutdown condition before leaving
- Spread the word of the evacuation order to others as you exit the building

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

### Area Evacuation

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

- Dress appropriately for the weather
- Take only essentials with you (e.g., eyeglasses, medications, identification and cash/checkbook/credit cards) – do not pack belongings
- Turn off unnecessary equipment, computers and appliances
- Close the door as you exit
- Follow the directions provided for safe routes of evacuation
- Listen to radio, if available, to monitor emergency status
- Do not use your personal vehicle for evacuation unless specifically instructed to do so. If cars are used to evacuate, protect against hazardous materials by keeping windows closed and outside air conditioning systems turned off
- Keep telephone lines free for emergency responders, do not call 911 for information
- During evacuation while docked, muster will occur at the dock/pier.

If you need special assistance, contact your community leader, supervisor or other appropriate emergency contact. If these persons are not available contact the TAMUG PD at 409-740-4545.

### Shelter-in-Place

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

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

If hazardous materials are involved:

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

### TS Kennedy policies while functioning as a sea term location

The decision to abandon the TS Kennedy (abandon ship) is made by the Master. Every person receives training in water survival techniques, including the use of personal floatation devices, life rings and lifeboat/life raft survival. Details of the abandon ship response are complied with by the Bridge or Quarterdeck watch as appropriate. Under all conditions of abandon ship the notification signal is a succession of more than six (6) short blasts followed by one (1) long blast of the whistle supplemented by a comparable signal on the general alarm. When this signal is sounded, all cadets/crew will proceed to their assigned disembarking stations and

carry out their duties as assigned on the station bill. All cadets must wear their life jacket, appropriate clothing, and proper cover.

Each crewmember on the TS Kennedy is expected to recognize emergency signals from the Bridge and where they are to report. Instructions are also located on the Station Bill which lists all cadet's duties in case of fire or other emergency and are posted throughout the vessel in public areas. Upon hearing the alarm, all crew and cadets should proceed to their assigned disembarking stations and carry out their abandon ship duties as assigned on the Station Bill or as directed by the Master.

While evacuation is underway, muster will occur at the emergency stations where specific instructions will be given on the public address system or on portable radios. After reporting to abandon ship stations all personnel should be aware of signals of the ship's whistle used by the Master to direct actions with the boats/rafts. One short blast means lower boats. Two short blasts mean stop lower boats. During evacuation while docked or at port, muster will occur at the dock/pier.

## The Daily Crime Log

Aboard TS Kennedy the ship's officers are responsible for keeping the ships logs. Crew members supplement the gangway watch, but the ship's safety, security, and recordkeeping are always the responsibility of the Master and the ship's officers. When the TS Kennedy is docked the daily crime log is available at the TAMUG PD Office at 200 Sea Wolf Parkway, Building 3026. The log identifies the nature of the crime, location, date and time occurred, date the crime was reported, and disposition. The following personnel located at the TAMUG main campus can assist the public with accessing a printed copy the TS Kennedy crime log free of charge: TAMUG PD front office (409-740-4545) or the TAMMA Office (409-740-4715) both located at 200 Sea Wolf Parkway, Building 3026, Galveston.

## Security of and Access to Campus Facilities

### General Provisions

#### TS Kennedy policies while docked at TAMUG campus

It is unlawful for any person to trespass on the grounds of any state institution of higher education of this state or to damage or deface any of the buildings, statues, monuments, memorials, trees, shrubs, grasses, or flowers on the grounds of any state institutions of higher education as indicated in [Texas Education Code Section 51.204](#). Texas Penal Code *Criminal Trespass Section 30.05* and *Criminal Mischief Section 28.03* are State statutes that are similar in nature and are also widely utilized to help support *Texas Education Code Section 51.204*.

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

The TS Kennedy is a public vessel, operated by TAMUG and owned by the Maritime Administration. Routine access to the ship while docked at TAMUG is restricted to faculty, staff, and cadets. Visitors are approved by the Master. All persons boarding the vessel must present a valid identification.

#### TS Kennedy policies while functioning as a sea term location

The TS Kennedy is a public vessel and owned by the federal government's Maritime Administration. The 2023 use period is approximately 71 days. Routine access to the ship while docked at the delivery point and during the sea term (at sea and in port) is generally restricted to vessel faculty, staff, and cadets. While in port there are no visitors without the expressed approval of the Master of the training ship. This authority is not

delegated to any other officer. Exceptions may occur in port or at delivery points if approved by the Maritime Administration in accordance with the memorandum of agreement. Visitor badges are utilized as required by the Vessel Security Plan. Each cadet participating on the sea term is required to have a TAMUG identification card, TWIC card, and passport prior to departure. Passports are turned in and kept in the TS Kennedy's security office. All other approved persons boarding the vessel must present valid identification.

Security watch on duty prevent unauthorized individuals from entering the vessel. While in port, a cadet security watch is posted at the foot of the gangway at all times as well as the entrance to the ship's assigned berth as required. The Master or designee is immediately notified of unauthorized personnel attempting to gain access to the vessel. Access to certain areas of the ship (Master's cabin, Chief Engineer's cabin, radio room, bridge, chart area, engineering spaces, Chief Officer's office, officer berthing areas) are limited to personnel with specific business and/or as permitted by the Master or designees. Also, certain spaces are reserved for officers and faculty.

The Commandant staff will make berthing assignments utilizing requests from participants and are responsible for signing out and signing in of all room keys. Main room doors are locked when unattended. Rooms, lockers, desks, drawers, etc. may be subject to search by the Master of the ship or designee at any time.

Cadet liberty (leave from the ship) is at the discretion of the Master. No overnight liberty is permitted. When cruise participants return from liberty, individuals and their belongings are subject to inspection for contraband. Prohibited items must be disposed of prior to boarding the ship. The disposal area may be searched prior to departing and illicit substances turned over to local law enforcement.

## **Maintenance of Campus Facilities**

The Maritime Administration funds TS Kennedy's major maintenance. Significant, scheduled maintenance is coordinated between the TAMMA and the Maritime Administration in accordance with manufacturing specifications and USCG regulations applicable to the ship's equipment and other lifesaving and fire gear. The maintenance is performed by certified, professional technicians contracted by the Maritime Administration. Other minor ship maintenance is performed by TAMMA personnel and cadets according to schedule and on an as-needed basis in response to a security hazard or when identified as a safety concern. The TS Kennedy and its systems are also inspected and certified by the USCG as required by federal law.

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

### **Education Programs**

TAMUG Counseling, Career & Ability Services provides alcohol and other drug information to the campus community. Educational information is disseminated through workshops, training seminars, presentations to classes and student groups, information tables, People Helping People (a peer education program) and special educational promotions throughout the year. A resource library which includes books, journals, and video tapes on various substance abuse related topics is maintained in the office. Additionally, confidential counseling is offered by a licensed professional counselor. Additionally students may contact TAMUG Counseling, Career & Ability Services at 409-740-4736 in Suite 104, Siebel Student Services Center or Telus Health Student Support App (1-866-408-2828). The Work/Life Solutions Program by GuidanceResources (1-866-301-9623) manages substance abuse programs for employees and provides licensed counseling and referral services.

A confidential mental health counselor from TAMUG Counseling, Career & Ability Services is available on board the TS Kennedy during the summer sea term and serves as a resource to address alcohol and other drug abuse issues. The counselor can be contacted at 646-817-3630 (vsat phone).



For the TAMMA, TAMUG provides an employee/cadet assistance program (ECAP) to educate and train crew members, cadets, and ship supervisory personnel regarding drug and alcohol use. ECAP includes the following elements: training on effects and consequences of drug and alcohol use on personal health, safety, and the work environment; training on manifestations and behavioral clues that may indicate drug and/or alcohol use and abuse; documentation of the training to participants; and display and distribution of informational material, community service hotline telephone numbers for crew member assistance, and university policy related to drug and alcohol use.

Texas A&M University System Policies and information about drug and alcohol abuse and rehabilitation programs may be found on the System website at: <http://policies.tamus.edu/34-02-01.pdf>.

Additionally, in accordance with the Drug-Free Schools and Communities Act, TAMUG reviews its programs, services, and policies to prevent unlawful possession, use, or distribution of alcohol and illicit drugs. The results of the biennial review are published at: <https://orec.tamu.edu/wp-content/uploads/DFSCA-Report.pdf>. Texas A&M University's Drug and Alcohol Abuse Prevention Program (DAAPP) documents for students and employees are distributed and published at the following webpages:

Students - <https://orec.tamu.edu/daapp-students/>

Employees - <https://orec.tamu.edu/wp-content/uploads/DAAPP-Employees-Galveston.pdf>

## **Alcohol Policy**

As an institution interested in the intellectual, physical and psychological well-being of the campus community, TAMUG deems it important to curtail the abusive or illegal use of alcoholic beverages. The Texas A&M University System strictly prohibits the unlawful manufacture, distribution (including sales), possession, or use of alcohol on Texas A&M University System property, while on official duty, and/or as part of any Texas A&M University System activities ([System Policy 34.02, Drug and Alcohol Abuse](#)). Possession or consumption of alcoholic beverages on property under control of the Texas A&M University System (including onboard the TS Kennedy) is not permitted except in special use buildings and facilities that may be designated by the chief executive officer of the member, approved by the chancellor, and subsequently reported to the board on an annual basis ([System Policy 34.03, Alcoholic Beverages](#)).

A listing of locations at Texas A&M University, including TAMUG, approved for possession or use of alcohol can be found at [https://rules-saps.tamu.edu/wp-content/uploads/2020/08/Approved\\_Sites.pdf](https://rules-saps.tamu.edu/wp-content/uploads/2020/08/Approved_Sites.pdf) as authorized in [University Standard Administrative Procedure \(SAP\) 34.03.99.M0.01, Alcoholic Beverages](#). A licensed contracted vendor must be used to serve (sell) alcohol at events held in these approved locations, unless listed as a non-restricted location. [TAMUG Student Rules, Student Conduct Code, 24.4.13, Alcohol](#) also prohibits alcohol use, possession, manufacturing, or distribution (including sales) of alcoholic beverages on TAMUG premises (including onboard the TS Kennedy) and university sponsored events, except as expressly authorized by university policies.

The purchase, service (including sales), possession, and consumption of alcohol beverages in facilities under the control of the Texas A&M University System must in all respects comply with state law ([System Policy 34.03, Alcoholic Beverages](#)). Texas A&M University prohibits the use or possession of alcoholic beverages on campus by any individual under the age of 21 ([University SAP 34.03.99.M0.01 Alcoholic Beverages](#) and [TAMUG Student Rules, Student Conduct Code, 24.4.13, Alcohol](#)). Alcohol is not permitted in dormitories housing students, even if the occupants are 21 years of age or older.

All purchases of alcoholic beverages by any member must comply with guidelines as established in [System Policy 34.03, Alcoholic Beverages](#) regarding the purchase's source of funds, purpose, and required documentation.

The possession or consumption of alcohol onboard the TS Kennedy is strictly prohibited. All TAMMA cadets are also required to comply with the Corps Operations Manual, *Article 1202 - Alcohol Use*. The Corps Operations Manual prohibits the following behaviors whether on or off campus: (1) consumption of alcohol while in uniform without designated approval; (2) consumption of alcohol while performing a duty representing the university or the Corps of Cadets during the period 12 hours prior to the duty and ending after completion of the duty; (3) public intoxication of cadets 21 years or older; (4) cadets 21 years or older allowing, providing, or not attempting to stop a cadet under the age of 21 from drinking alcohol; (5) providing alcohol to minors; (6) possession or consumption of alcohol by, or public intoxication of, cadets under the age of 21; and (7) during training-at-sea, possession or consumption of alcohol, or intoxication.

Consequences for policy violations could result in immediate dismissal from the TS Kennedy and repatriation at the cadet's expense; other sanctions adjudicated by the university, the Corps of Cadets, the TAMMA; and/or criminal charges/arrest through other law enforcement agencies for law violations. Cadets found responsible and sanctioned for violating the alcohol policy while on training-at-sea may be adjudicated upon returning from cruise, if not sooner.

In addition, while on any sea term, all Cadets are subject to USCG alcohol testing. All Cadets will be subject to alcohol testing in the following circumstances: upon reasonable cause, if the Cadet is directly involved in a serious maritime incident, and randomly (unannounced and without cause). Suspension from the Corps of Cadets and the TAMMA is possible for refusal to test or if a cadet's alcohol concentration exceeds what is stated in policy.

Regardless of location (i.e., on-campus, off-campus, on training-at-sea), all TAMMA cadets and personnel are required to comply with TAMUG student rules, the Corps Operations Manual, and university policies regarding alcohol.

### **Illegal Drugs Policy**

Federal law prohibits the unlawful possession, use, sale, or distribution of drugs. Texas state law prohibits the possession, use, sale, manufacture, or delivery of a controlled substance without legal authorization. A controlled substance includes any drug, substance or immediate precursor covered under the Texas Controlled Substances Act, including but not limited to opiates, barbiturates, amphetamines, marijuana, and hallucinogens. The possession of drug paraphernalia is also prohibited under Texas state law. Drug paraphernalia includes all equipment, products and material of any kind 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](#), the Texas A&M University System strictly prohibits the unlawful manufacture, distribution (including sales), dispensation, possession or use of illicit drugs on Texas A&M University System property while on official duty and/or as part of any Texas A&M University System activity. All students and employees are expected to abide by federal and state laws pertaining to controlled substances and illicit drugs. More specifically, TAMUG Student Rules prohibit using, possessing, being under the influence of, manufacturing, or distributing illegal drugs or illegally obtained/possessed controlled substances ([TAMUG Student Rules, Student Conduct Code, 24.4.12, Drugs](#)). Alleged violations of federal and state laws may result in criminal charges/arrest by TAMUG or other law enforcement agency. University conduct charges may be pursued against those alleged to have violated university policies and/or state/federal laws concerning controlled substances. Cadets who violate TAMUG Student Rules will be co-adjudicated by the Corps of Cadets and the university.

Illegal drug use in the Corps of Cadets and/or while on training-at-sea is prohibited. On a sea term, Cadets in possession of drugs, consuming drugs, or under the influence of drugs are subject to the rules of the training ship and TAMUG student rules. Additionally all TAMMA cadets are required to comply with the Corps



Operations Manual, *Article 1203 – Illegal Drug Use & Abuse of Legal Substances*. During the sea term and in accordance with USCG regulations, all Cadets are subject to USCG drug testing by TAMUG for the following drugs: marijuana, cocaine, opiates, phencyclidine, and amphetamines. All Cadets will be subject to drug testing in the following circumstances: upon reasonable cause, if the Cadet is directly involved in a serious maritime incident, and randomly (unannounced and without cause). Positive drug tests and refusal to test may result in sanctions including removal from the ship and possible suspension from the Corps of Cadets and the TAMMA.

Regardless of location (i.e., on-campus, off-campus, on training-at-sea), all TAMMA cadets and personnel are required to comply with TAMUG student rules, the Corps Operations Manual, and university policies regarding illegal drugs.

### **Weapons Policy**

In accordance with [Texas Penal Code Ch. 46.03](#), a person commits an offense if the person intentionally, knowingly, or recklessly possesses or goes with a firearm, location-restricted knife, club, or prohibited weapon on the physical premises of a school or educational institution, any grounds or buildings on which an activity sponsored by a school or educational institution is being conducted, or a passenger transportation vehicle of a school or educational institution. The following exception applies. A license to carry holder under Chapter 411, Texas Government Code, may carry a concealed handgun on or about the license holder's person while the license holder is on the campus of TAMUG (all land and buildings owned or leased by TAMUG) 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, the George Bush Presidential Library under federal law and the following campus premises where effective notice is provided under Section 30.06 of the Texas Penal Code: child-care facilities owned or operated by Texas A&M University, counseling centers, health care facilities, collegiate sporting events, specific premises where formal administrative hearings/investigations are conducted when such hearings/investigations are being conducted, marine vessels operated by TAMUG, certain high-hazard research areas and laboratories as approved by the president, and any premises where the university, as directed by the president as necessary for campus safety, gives effective notice on a temporary basis pursuant to Section 30.06 of the Texas Penal Code. Possession of weapons is prohibited on the TS Kennedy. The open carry of handguns is prohibited everywhere on campus including all land and buildings owned or leased by TAMUG. [University SAP 34.06.02.M1.01](#) and [TAMUG Student Rules, Student Conduct Code, 24.4.14](#) contain additional weapons policy information.

Federal law prohibits any person from carrying weapons of any kind aboard TS Kennedy.

## May 2024 Notice: Revisions have been made to the Sexual Assault, Dating Violence, Domestic Violence, and Stalking section

The following revisions have been applied to the section referenced below to reflect modifications to offices, procedures, and training implemented to comply with the Texas Education Code.

- **Resources, Rights, and Options**: Revised resource tables to reflect current organization.
- **Sanctioning for Students, Texas A&M Student Sanctioning Matrix – Stage 1 Sanctions**: Revised the definition of Educational Requirements to reflect current sanctioning options.
- **Ongoing Prevention and Awareness Campaigns**: Updated descriptions related to services and training offered by the Division of Student Affairs and the Division of Human Resources and Organizational Effectiveness.

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

The following policies apply to Texas A&M University students and employees on the TS Kennedy campus, either while at sea or in port.

In accordance with federal law and [Texas A&M University System Regulation 08.01.01 Civil Rights Compliance](#) (System Regulation 08.01.01), Texas A&M University prohibits discrimination and harassment including sexual assault, dating violence, domestic violence, stalking, (as those terms are defined for the purposes of the Clery Act) and/or related retaliation. The following are statements of policy that address discrimination, harassment (including, but not limited to, sexual harassment<sup>2</sup> and sex-based misconduct<sup>3</sup>), complicity, and retaliation<sup>4</sup>. The policies apply whether this conduct occurs on or off campus and when it is reported to the university.

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

<sup>3</sup> Sex-based misconduct is unwelcome conduct on the basis of sex that is severe, persistent, or pervasive enough to create a work, educational, or campus living environment that a reasonable person would consider intimidating, abusive, or offensive. Sex-based misconduct is explicitly prohibited under System Regulation 08.01.01. Aiding another in the commission of sex-based misconduct is also prohibited by System Regulation 08.01.01. Sex-based includes, but is not limited to, sexual assault, sexual exploitation, dating violence, domestic violence, and stalking based on sex. Sexual exploitation is defined as a situation in which an individual(s) takes non-consensual or abusive sexual advantage of another for his or her own advantage or benefit, or to benefit or advantage anyone other than the one being exploited. For example, sexual exploitation could include such actions as secretly videotaping sexual activity, voyeurism, invasion of sexual privacy, exposing one's genitals or causing another to expose one's genitals, and knowingly exposing another person to a sexually transmitted infection or disease. Sexual exploitation is a form of sex-based misconduct. Includes complaints based on sex, sexual orientation, and/or gender identity.

<sup>4</sup> Intimidation, threats, coercion, or discrimination against any individual for the purpose of interfering with any right or privilege secured under civil rights laws and regulations, or because the individual has opposed a discriminatory practice, files a report or complaint, testified, assisted, or participated or refused to participate in any manner in an investigation, proceeding, or hearing. The exercise of rights protected under the First Amendment does not constitute prohibited retaliation, nor does the filing of a mandatory report as required by System Regulation 08.01.01. In addition, a university official who files a mandatory report or charges an individual with making a materially false statement in the course of an investigation has not engaged in prohibited retaliation. Retaliation is explicitly prohibited under System Regulation 08.01.01. Aiding another in the commission of retaliation is also prohibited under this regulation.

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

Individuals have the option of notifying on-campus and local law enforcement authorities to report sexual assault, dating violence, domestic violence, or stalking. When the TS Kennedy is at a United States port, call 911 for emergencies. While aboard the ship at sea or at a port, the Master will provide the means for individuals to report crimes to agencies ashore as locations vary while on a sea term. Below is a list of local law enforcement agencies applicable to the TAMUG campus. Reports should be filed with the agency where the incident occurred.

Agency	Phone
TAMUG Police Department	409-740-4545
Galveston Police Department	409-762-3702 or 911
Galveston Sheriff's Department	409-766-2322

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

All TAMUG employees are mandatory reporters who must report all known information about an alleged or suspected incident of discrimination, harassment, retaliation, or complicity that is experienced by, observed by or made known to an employee in the course and scope of their employment as soon as possible.<sup>5</sup> Student workers are not required to report conduct prohibited by this policy if the student worker experiences, observes, or becomes aware of the prohibited conduct outside the context of their employment.

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

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

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

At TAMUG, reports that a student, an employee, or a third party has engaged in conduct prohibited by this policy should be made to:

<sup>5</sup> Exceptions include confidential employees and are described in the "Confidentiality/Privacy" section of this report.

Assistant Vice President and Title IX Coordinator  
Department of Civil Rights and Equity Investigations (CREI)  
YMCA Building  
365 Houston St., Suite 108  
College Station, TX 77843  
979-458-8407  
[civilrights@tamu.edu](mailto:civilrights@tamu.edu)  
Website Reporting Form: <https://titleix.tamu.edu/report/>

For individuals on the TS Kennedy campus, information may be reported to any of the following campus official who will immediately report the information to CREI:

TAMMA Commandant (409-740-4559, [jpgompper@tamug.edu](mailto:jpgompper@tamug.edu))

CREI's Assistant Vice President and Title IX Coordinator's responsibilities include, but are not limited to, (1) overseeing Texas A&M University's civil rights protections program; (2) ensuring all complaints of discrimination, harassment, retaliation, and complicity are promptly, thoroughly, and equitably reviewed, investigated, and resolved in accordance with System Regulation 08.01.01, [Texas A&M University Rule 08.01.01.M1, Civil Rights Compliance](#) (Rule 08.01.01.M1), and [Texas A&M University SAP 08.01.01.M1.01, Investigation and Resolution of Allegations of Discrimination, Harassment, Retaliation, and Complicity Against Students, Employees, and Third Parties](#); and (3) identifying and addressing any patterns or systematic problems that arise from the review of such complaints. The Assistant Vice President and Title IX Coordinator or designee shall decide whether this policy shall be applied to such conduct on a case by case basis. Some conduct, while inappropriate and unprofessional, does not rise to the level of discrimination, harassment, retaliation, or complicity. These behaviors will be forwarded by CREI to be addressed by the appropriate disciplinary authority, e.g., Supervisor, Student Conduct, Residence Life, etc., under rules or regulations other than this policy.

CREI is the department designated by the university to receive and resolve all reports alleging discrimination, harassment, retaliation, and/or complicity. However, reports that the following individuals have engaged in conduct prohibited by this policy: the Texas A&M University System Chancellor; the Texas A&M President; a Chief Operating Officer; an employee who reports directly to the Chancellor, President, or Chief Operating Officer; the Title IX Coordinator or a Deputy Title IX Coordinator; the Chief Risk, Ethics, and Compliance Officer; or the Hearing Officer should be made to:

Texas A&M System Ethics and Compliance Office (SECO)  
301 Tarrow, 6<sup>th</sup> floor  
College Station, TX 77843  
979-458-6120  
[civilrightsreporting@tamus.edu](mailto:civilrightsreporting@tamus.edu)

Additional options for reporting to the university include:

- Submitting an anonymous report through [Tell Somebody](#), an electronic reporting option. Anonymous reporting may also limit the university's ability to respond to the allegation.
- Submitting an electronic report through the "Make a Report" form found at <https://titleix.tamu.edu/>

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

CREI has procedures in place to inform individuals of their rights to file criminal charges as well as the availability of services on and off campus. A complainant<sup>6</sup> may request assistance from and/or will be assisted by CREI in notifying law enforcement authorities if the complainant so chooses. A report to law enforcement, even to TAMUG PD, is separate from a report to the university. An individual wishing to simultaneously pursue a law enforcement investigation and a university resolution of conduct prohibited by this policy should make a report to both entities. Individuals are notified of their right to report the incident to TAMUG PD and local police immediately, but always have the right to decline to notify such authorities. Reporting to law enforcement does not preclude an individual from pursuing disciplinary remedies with the university.

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

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

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

CREI conducts an initial review and preliminary assessment of all reports/complaints of alleged prohibited conduct to assess and address the safety and well-being of the complainant, respondent<sup>7</sup>, and the community. As part of the initial review, CREI will take the following step: (1) inform the individual reporting of the right to file a complaint with law enforcement (if applicable) in addition to filing a complaint with CREI, (2) provide assistance in notifying TAMUG PD or appropriate law enforcement authorities if the individual so chooses, (3) inform the individual of the right to decline to contact law enforcement, and (4) inform the individual of the right to file a complaint with state and federal agencies. CREI will offer the opportunity to request supportive measures to provide for the safety of the individual and campus community.

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

CREI provides a written notification of available resources, rights, and options to each individual reporting discrimination, harassment, or retaliation (whether the offense occurred on or off campus) regardless of whether the individual chooses to report the incident to local law enforcement or chooses to pursue informal

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<sup>6</sup> The individual(s) who is alleged to have been subjected to discrimination.

<sup>7</sup> An individual who has been alleged to have engaged in discriminatory conduct as defined in this policy.

or formal remedies through the university or criminal remedies through law enforcement. The written notification includes information regarding:

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

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

- Go to a safe place as soon as you can.
- Contact the Police Department at 911 (911 using an on-campus phone).
- Get medical attention as soon as possible to make sure you are physically well and to collect important evidence in the event you later wish to take legal action. John Sealy Hospital in Galveston (409-772-1011) is a member of the Galveston County SART team. This facility has specially trained Sexual Assault Nurse Examiners (SANE) and a forensic unit offering detailed physical examinations, evidence collection, and expert testimony, as well as experienced advocates. Go to the hospital's emergency room and request to be seen by a SANE. While aboard the TS Kennedy at sea or at a port, the Master will provide the means for individuals to obtain reasonable and available medical care.
- Try to preserve all physical evidence. Do not wash, use the toilet, swim, brush teeth, or change clothing if you can avoid it. If you do change clothes, put all clothing you were wearing at the time of the attack in a paper, not plastic, bag.
- Preserve evidence by saving text messages, instant messages, social networking pages, communications, pictures, or other documents, if any, that would be useful to police or investigators.
- Personnel are available to help explain options, give information, and provide emotional support. Personnel include: CREI (979-458-8407), Student Affairs (409-740-4598), TAMUG Counseling, Career & Ability Services (409-740-4736), Telus Health Student Support App (1-866-408-2828), Student Health Services (409-772-2166), Work/Life Solutions Program by GuidanceResources (1-866-301-9623), and the Resource & Crisis Center of Galveston County, Inc. (409-763-1441). While aboard the TS Kennedy at sea or at a port, the Master will provide the means for individuals to obtain reasonable and available resources. Additionally, a confidential mental health counselor [646-817-3630 (vsat phone)] is available on board the TS Kennedy during the summer sea term and serves as resource from TAMUG Counseling, Career & Ability Services.

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

It is important to seek immediate and follow-up medical attention for several reasons: first, to assess and treat any physical injuries sustained; second, to test for sexually transmitted infections or pregnancy and treat or take preventive measures; and third, to gather and preserve evidence that may assist in proving that the alleged criminal offense occurred or is occurring or may be helpful in obtaining a protective order. Physical evidence should be collected immediately, ideally within the first 24 hours. It may be collected up to 96 hours 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.

Ordinarily the police will be contacted by hospital personnel whenever they provide treatment for injuries resulting from a crime. If you seek treatment at a local hospital and the police are contacted, this does not mean that you have to proceed with criminal charges. The officer will be concerned about your welfare and the welfare of other potential victims. Even if you agree to be examined and let evidence be collected, you are still going to be able to decide if you want to be involved in the criminal investigation process of your own case.

If a person declines to make a police report, the hospital can still perform a medical forensic exam. The exam is confidential and the evidence will be stored by the Department of Public Safety (DPS) for two years. The evidence kit will be destroyed after two years. In Texas, the statute of limitations for sexual assault is 10 years for an adult. There are no limitations where DNA evidence is available. Without a police report, the survivor will be responsible for the medical portion of the hospital exam. DPS will pay for the evidence collection. If a person makes a police report, the medical portion can be reimbursed through the Office of the Attorney General's Crime Victims Compensation Fund. Drug and toxicology screens are not part of a non-report exam. If a person suspects they were drugged, they are advised to make a police report immediately. The presence of many drugs dissipates quickly and may not be available for detection if the person delays testing. This is an advisory. Any person who suspects they were drugged or assaulted can make their own decisions in regard to reporting to the police.

**Confidentiality/Privacy**

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

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



Publicly available recordkeeping, including Clery Act reporting and disclosures, must not include personally identifying information<sup>8</sup>. Incidents are shared in a way that does not identify the individuals. For example, licensed healthcare providers share de-identified information regarding conduct that may be a statistic in the Clery Annual Security Report and/or disclosed in the daily crime log without identifying the individuals concerned. Additionally, researchers are deemed confidential only when the research project is federally funded and the identity of research subjects on the specific project are deemed confidential by law.

At TAMUG, the following are considered confidential reporters: Mental health providers for students - TAMUG Counseling, Career & Ability Services (409-740-4736); health care personnel for students - Student Health Services at UTMB Family Medicine Clinic (409-772-2166); and mental health provider for employees and the employee's benefits-eligible dependents - The Work/Life Solutions Program by GuidanceResources (1-866-301-9623). Confidential reports are available to support both complainants and respondents. While aboard the TS Kennedy at sea or in at a port, the Master will provide the means for individuals to obtain reasonable and available resources. Additionally, a confidential mental health counselor from TAMUG Counseling, Career & Ability Services is available on board the TS Kennedy during the summer sea term and serves as a resource. The counselor can be contacted at 646-817-3630 (vsat phone).

Additionally Texas A&M University offers its students Telus Health Student Support App (1-866-408-2828) for immediate, 24/7 professional counseling via phone call, chat, or an option to schedule multiple sessions with a consistent counselor for short-term treatment. Instructions to access the Telus Health Student Support App are found here <https://caps.tamu.edu/studentsupport/>.

All other employees informed of possible discrimination, harassment, retaliation, and/or complicity should advise the reporting party that they cannot keep the information confidential and are required to report it to the university. Employees should inform the reporting party where confidential guidance can be obtained, such as the student counseling center or employee assistance program. To the extent possible, the university will protect the privacy of all parties to the report (see definition of private<sup>9</sup>).

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

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

Requests from complainants to withhold any name, or a request not to investigate or seek action against the respondent, will be considered by the university in the context of the university's duty to provide a safe and nondiscriminatory work, educational, and campus living environment. This may require that the university take actions when the complainant requests no action, such as when violence is involved, when the threat of violence exists, or when required by law, as in the case of elderly, disabled, or child abuse. A request to withhold information or not to investigate the alleged misconduct may limit the university's ability to respond.

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<sup>8</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.

<sup>9</sup> Private - that which affects, characterizes, or belongs to an individual person, as opposed to the general public. With respect to this regulation, private means restricting information to those with a reasonable need to know.

Although individuals reporting sexual assault are not required to file criminal charges, the following program is offered in the State of Texas. In accordance with the Texas Code of Criminal Procedure, Chapter 57, when reporting certain sex offenses to a Texas law enforcement agency, victims may use a pseudonym to protect their identity. The offenses applicable to this program are identified in Chapter 62 of the Texas Code of Criminal Procedure, defined by the Texas Penal Code, and include sexual assault. The pseudonym will replace the victim's name in all public files and records concerning the offense, including police records, press releases, and records of judicial proceedings.

### Resources, Rights, and Options

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

While aboard the TS Kennedy at sea or at a port, the Master will provide the means for individuals to obtain reasonable and available resources including institutional rights and options (supportive measures) and legal rights and options. Cadets and others on board TS Kennedy have the same rights listed in this section of the report as others within the TAMUG campus community. The Master will implement protective measures as effectively as possible. However, due to the small size and close quarters living environment of TS Kennedy, the options available to the Master will be limited. In these cases, the Master will consult with CREI and/or TAMUG officials to implement the best possible solution.

In addition to the Case Managers at CREI, the following are on-campus and community resources available to complainants, respondents, and others.

#### Law Enforcement

Name	Phone	Address	Website
TAMUG Police Department	409-740-4545	Building 3026, Galveston Campus	<a href="http://www.tamug.edu/police/">http://www.tamug.edu/police/</a>
Galveston Police Department	409-765-3702	601 54 <sup>th</sup> St, Galveston, TX 77551	<a href="https://www.galvestontx.gov/165/Police-Department">https://www.galvestontx.gov/165/Police-Department</a>
Galveston County Sheriff's Office	409-766-2322	601 54 <sup>th</sup> St, Galveston, TX 77551	<a href="http://sheriff.galvestoncountytexas.gov/">http://sheriff.galvestoncountytexas.gov/</a>

#### Counseling and Mental Health

Name	Phone	Address	Website
TAMUG Employee Assistance Program (The Work/Life Solutions Program by GuidanceResources)	1-866-301-9623	See website for location	<a href="http://www.tamug.edu/hrd/Employees/EAP.html">http://www.tamug.edu/hrd/Employees/EAP.html</a>

Name	Phone	Address	Website
TAMUG Counseling, Career & Ability Services (for students)	409-740-4736	Seibel Student Services Center #104 Galveston Campus	<a href="http://www.tamug.edu/counsel/">http://www.tamug.edu/counsel/</a>
Telus Health Student Support App - App that offers students 24/7 access to professional counseling	1-866-408-2828	n/a	<a href="https://caps.tamu.edu/studentsupport/">https://caps.tamu.edu/studentsupport/</a>
TAMUG Counseling, Career & Ability Services (for students while on board the TS Kennedy)	646-817-3630 (vsat phone)	On board the TS Kennedy	<a href="http://www.tamug.edu/counsel/">http://www.tamug.edu/counsel/</a>

### Medical and Health Services

Name	Phone	Address	Website
Student Health Services, UTMB Family Medicine Clinic	409-772-2166	Primary Care Pavilion, 400 Harborside Dr., Galveston, TX	<a href="http://www.tamug.edu/counsel/Resources/HealthServices.html">http://www.tamug.edu/counsel/Resources/HealthServices.html</a>
John Sealy Hospital at UTMB	409-772-1011	301 8 <sup>th</sup> St., Galveston, TX	<a href="http://www.utmbhealth.com/ot/h/Page.asp?PageID=OTH00004">http://www.utmbhealth.com/ot/h/Page.asp?PageID=OTH00004</a>
Mainland Medical Center	409-938-5000	6801 Emmett F Lowry Expressway Texas City, TX	<a href="https://hcahoustonhealthcare.com/locations/mainland/">https://hcahoustonhealthcare.com/locations/mainland/</a>
Clear Lake Regional Medical Center	281-332-2511	500 Medical Center Blvd. Webster, TX	<a href="https://hcahoustonhealthcare.com/locations/clear-lake/">https://hcahoustonhealthcare.com/locations/clear-lake/</a>

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

Name	Phone	Address	Website
TAMUG Division of Student Affairs	409-740-4598	Seibel Student Services Center, Suite 101 Galveston Campus	<a href="http://www.tamug.edu/studentaffairs/index.html">http://www.tamug.edu/studentaffairs/index.html</a>
TAMUG Office of Human Resources	409-740-4532	Bldg. 3035, Room 115 Galveston Campus	<a href="http://www.tamug.edu/hrd/">http://www.tamug.edu/hrd/</a>
Resource & Crisis Center of Galveston County	888-919-7233	1204 45 <sup>th</sup> St., Galveston, TX	<a href="http://rccgc.org/">http://rccgc.org/</a>
Bay Area Turning Point, Inc.	281-286-2525	210 South Walnut St., Webster, TX	<a href="http://www.bayareaturningpoint.org">http://www.bayareaturningpoint.org</a>
Houston Area Women's Center	713-528-7273	1010 Waugh Drive, Houston, TX	<a href="http://www.hawc.org/">http://www.hawc.org/</a>
Advocacy Center for Children of Galveston County	409-741-6000	5710 Avenue S 1/2 Galveston, TX	<a href="http://www.galvestoncac.org/">http://www.galvestoncac.org/</a>

Name	Phone	Address	Website
National Sexual Assault Hotline	1-800-656-4673	n/a	<a href="https://www.rainn.org/get-help/national-sexual-assault-hotline">https://www.rainn.org/get-help/national-sexual-assault-hotline</a>
Texas Department of Family and Protective Services	1-800-252-5400	701 W. 51st Street Austin, TX	<a href="https://www.dfps.state.tx.us/About_DFPS/default.asp">https://www.dfps.state.tx.us/About_DFPS/default.asp</a>
U.S. Department of Education, Office for Civil Rights	214-661-9600	1999 Bryan St., Suite 1620 Dallas, TX	<a href="https://www2.ed.gov/about/offices/list/ocr/addresses.html">https://www2.ed.gov/about/offices/list/ocr/addresses.html</a>
U.S. Department of Justice, Office on Violence Against Women	202-307-6026	145 N Street, NE, Suite 10W.121 Washington, DC	<a href="https://www.justice.gov/ovw">https://www.justice.gov/ovw</a>
National Domestic Violence Hotline	1-800-799-7233	n/a	<a href="http://www.thehotline.org/">http://www.thehotline.org/</a>
No TAMUG on-campus advocacy, and legal services are available.			

#### Visa and Immigration Assistance

Name	Phone	Address	Website
International Student & Scholar Services	979-845-1824	Pavilion, Room 110 Texas A&M Campus	<a href="https://global.tamu.edu/iss">https://global.tamu.edu/iss</a>
U.S. Citizenship and Immigration Services	1-800-375-5283	810 Gears Road Suite 100 Houston, TX	<a href="https://www2.ed.gov/about/offices/list/ocr/addresses.html">https://www2.ed.gov/about/offices/list/ocr/addresses.html</a>
Texas Workforce Commission	1-888-452-4778	3549 Palmer Hwy, Texas City, TX	<a href="http://www.twc.state.tx.us/customers/jsemp/employee-rights-laws.html">http://www.twc.state.tx.us/customers/jsemp/employee-rights-laws.html</a>
TAMU Immigration Affairs	979-862-1719	Eller O&M Bldg., Suite 202 Texas A&M Campus	<a href="https://facultyaffairs.tamu.edu/immigration-affairs/index.html">https://facultyaffairs.tamu.edu/immigration-affairs/index.html</a>
No TAMUG on-campus visa and immigration services are available.			

#### Student Financial Aid

Name	Phone	Address	Website
TAMUG Office of Financial Aid	409-740-4500	Academic Complex (MAIN) #108 Galveston Campus	<a href="http://www.tamug.edu/financialaid/">http://www.tamug.edu/financialaid/</a>
TAMUG Veterans Services	409-740-4500	Academic Complex (MAIN) #108 Galveston Campus	<a href="http://www.tamug.edu/Veterans/Benefits.html">http://www.tamug.edu/Veterans/Benefits.html</a>
Federal Student Aid Information Center	(800) 433-3243	n/a	<a href="https://studentaid.gov/help-center/contact">https://studentaid.gov/help-center/contact</a>

#### Institutional Rights and Options (Supportive Measures)

The institution is obligated to offer and provide assistance to students, employees, and third parties in obtaining a range of supportive measures. Supportive measures are intended to restore or preserve equal access to the

workplace and educational programs or activities without unreasonably burdening the other party; stop and prevent the reoccurrence of discrimination, harassment, and/or retaliation; and support the complainant and respondent during the investigation and resolution process. Supportive measures are non-disciplinary, non-punitive individualized services. Supportive measures are offered as appropriate, as reasonably available, and without fee or charge to the complainant or the respondent.

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

CREI is responsible for coordinating the effective implementation of supportive measures. In addition to facilitating supportive measures, CREI can provide parties with access to university officials with information about counseling, medical, mental health, victim advocacy, visa and immigration information, impact of a leave of absence on student financial aid, and other services available to complainants and respondents (on campus and in the community). CREI will also notify the parties that options such as protective orders and criminal trespass warnings may be available through law enforcement agencies and the judicial system. A party may request a supportive measure through CREI (979-458-8407) at any time, regardless of whether a formal complaint has been filed and regardless of whether the individual chooses to report the incident to law enforcement or pursue disciplinary remedies.

CREI can assist with supportive measures that may include but are not limited to changes to academic, living, transportation and working situations or supportive measures according to the list below. In determining which supportive measures to impose and the reasonableness of the related measures, CREI considers the request; the safety of the complainant, respondent, and the university community; the specific needs of the individuals; the severity or pervasiveness of the allegations; continuing effects; sharing of residence halls, dining halls, classes, transportation, or job locations; other judicial measures already in place; and other factors as appropriate. The university also provides reasonable supportive measures to third parties as appropriate and available, taking into account the role of the third party and the nature of any contractual relationship with the university. Parties seeking a supportive measure should discuss their options with their CREI case manager.

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

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

*Mutual No Contact Restriction:* A mutual no contact restriction is a supportive measure issued by the institution that prohibits two parties from contacting one another through any means. Mutual no contact restrictions can be issued in addition to court ordered protection but may also serve as an alternative for those who do not want to seek a court order. A complainant or a respondent can request a mutual no contact restriction through the CREI at 979-458-8407. CREI may issue a mutual no contact restriction at any time prior to or during a conduct investigation based on information provided by the requestor. If good cause for a mutual no contact restriction is determined, both parties are notified of the restrictions in writing. Mutual no contact restriction records are maintained in CREI's tracking system.

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

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

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

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

Student Affairs staff work in collaboration with appropriate TAMUG administrators to implement the interim removal. During the interim removal, a student may be denied access to campus housing and/or the campus (including classes) and/or all other university activities or privileges for which the student might otherwise be eligible.

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

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



*Confidentiality/Privacy of Accommodations and Supportive Measures:* The university will maintain as private any accommodations or supportive measures provided to the extent that maintaining such privacy would not impair the ability of the institution to provide the accommodations or supportive measures. CREI is responsible for determining what information and to whom information will be disclosed based on the circumstances of the allegation, the individuals involved, and related safety needs. CREI uses discretion and only discloses information to key officials at the institution who perform the tasks necessary for obtaining or providing the particular accommodation or supportive measure. The identity of an alleged victim of sexual harassment, sex-based misconduct, sexual assault, dating/domestic violence, or stalking may only be disclosed to: (a) persons employed or under contract with the institution, who are necessary to conduct an investigation of the report or any related hearings; (b) a law enforcement officer as necessary to conduct a criminal investigation of the report; (c) the person or persons alleged to have perpetrated the incident, to the extent required by other law; or (d) potential witnesses to the incident as necessary to conduct an investigation of the report. Other areas receiving information related to supportive measures may include, but are not limited to: Division of Student Affairs, Parking, Campus Living & Learning (CL&L), Scholarships and Financial Aid, Corps of Cadets/Commandant/Maritime Academy, Student Activities, Human Resources, academic departments (direct supervisor, Dean, or Associate Dean), or non-academic departments (direct supervisor, Vice President, or designee). Prior to disclosure, CREI will receive consent to disclose the identity of the alleged victim, inform the individual of the information that will be shared, with whom it will be shared, and why.

#### Legal Rights and Options

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

*Protective Orders:* Individuals may apply for protective orders through the Texas criminal justice system. A protective order is an interim protective measure that requires the recipient to stay away from the protected individual's home, workplace, and/or children's schools (if the children are protected persons in the order) depending on the documented circumstances. It can require the recipient to stop communicating with the protected individual in a harassing or threatening manner, attend counseling, pay child support, and/or pay spousal support. An application for a protective order may be filed by an individual, a prosecuting attorney, or the Texas Department of Family and Protective Services (1-800-252-5400) on behalf of an individual. The application is obtained through the district attorney (Galveston County District Attorney's Office – Family Law Section, 409-766-2364) or a private attorney. TAMUG PD (409-740-4545) will also provide assistance in applying for protective orders. Forms associated with qualifying for and applying for a protective order in Galveston County are not available online at: <https://www.galvestoncountytexas.gov/our-county/district-attorney/da-forms>.

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

TAMUG PD is notified of protective orders that exist in the campus and surrounding area. Local law enforcement agencies are also notified of all existing protective orders in their area. If the requestor or other



institutional personnel become aware that a protective order is violated, TAMUG PD should be contacted immediately at 409-740-4545. Responding agencies can also be contacted for protective order violations including GPD (409-765-3702), or the Galveston County Sheriff's Department (409-766-2322). Violating protective orders generally carry authority for the violator's immediate arrest by TAMUG PD or other law enforcement agencies.

*Criminal Trespass Warning:* A criminal trespass warning is a supportive measure issued by TAMUG PD which is directed at those who are considered a danger to the campus community or a danger to a certain individual in the campus community. The warning advises the respondent to leave the premises and forbids them from entering and/or remaining on certain property which can cover either the entire campus or a specific campus location. To request a criminal trespass warning, contact TAMUG PD at 409-740-4545 and request to speak with an officer. The TAMUG PD officer issues the criminal trespass warning if the respondent is determined to pose a risk to campus safety based on information provided by the requestor as it relates to applicable state law and/or TAMUG PD policy. When the warning is issued, the officer is responsible for providing notice to the requestor and the person receiving the warning.

TAMUG PD officers are notified of criminal trespass warnings that exist in their area. If a criminal trespass warning is violated, TAMUG PD should be contacted immediately at 409-740-4545. A violation of the criminal trespass warning occurs when the individual is issued a warning but refuses to leave campus or is subsequently found in a prohibited area based on the trespass warning. The requestor and other institutional personnel should take appropriate action by contacting TAMUG PD for a responding officer when they become aware of a potential violation of a criminal trespass warning. TAMUG PD generally enforces these warnings by charging violators with criminal trespass resulting in arrest and/or fine.

If the complainant, respondent, or member of the university community has obtained a protective order, civil no-contact order, restraining order, or similar order from a court as described in this section, against another member of the university community, a copy of the order should be provided to the Chief Risk, Ethics, and Compliance Officer. In conjunction with TAMUG PD and other university officials, the Chief Risk, Ethics, and Compliance Officer will take all reasonable actions authorized by law to implement the order.

*Other Legal Options:* The TAMUG PD is available at 409-740-4545 to all victims to provide information or direct victims to the proper agency about personal safety, Texas Crime Victim's Rights, Texas Crime Victims Compensation Fund and other information upon request. Or visit the Office of the Texas Attorney General's website at <https://www.texasattorneygeneral.gov/cvs/crime-victims-compensation>.

## **Investigations and Disciplinary Proceedings<sup>10</sup> for Sexual Assault, Dating violence, Domestic Violence, Stalking, and Related Retaliation**

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

- Both the complainant(s) and the respondent(s) must receive equitable treatment in all facets of the investigation and resolution process including, but not limited to, the right to an advisor (if any), the

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<sup>10</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 complainant, respondent, and other affected individuals concerning accommodations or supportive measures.

right to present evidence and witnesses, and the right to be informed of the outcome of the investigation.

- Timely and equal access to any information (inculpatory and exculpatory) discovered during the investigation as well as any information that will be used during informal and formal disciplinary meetings and hearings will be provided to the complainant, respondent, and appropriate officials.
- During the investigation the complainant and respondent have timely notice of meetings at which the complainant or respondent, or both, may be present.
- Determinations use the preponderance of the evidence standard, i.e., what is more likely than not to be true, based on the totality of the available evidence.
- If the respondent has multiple roles at the university, such as when the respondent is both a student and an employee, the Chief Risk, Ethics, and Compliance Officer will consult with other relevant university officials and determine which procedure(s) to follow in the investigation and resolution of the allegations of prohibited conduct as well as other policy violations. The Chief Risk, Ethics, and Compliance Officer will consider the known facts and circumstances, including which role predominates in the context of the prohibited conduct.
- The university's disclosure of information related to an investigation, the DA's decision and/or the sanctions rendered are governed by the provisions of the Family Educational Rights and Privacy Act (FERPA), the Texas Public Information Act (TPIA), the Texas Education Code Section 51.971, and other applicable confidentiality laws.

If the alleged prohibited conduct occurs on the TS Kennedy sea term away from the TAMUG campus during the Summer Sea Term, the complainant and respondent may be returned to the TAMUG campus for facilitation of the investigation and/or proceedings. Removal from the ship may also be necessary as accommodations and interim, remedial, and supportive measures are limited on board the TS Kennedy due to its size and berthing layout.

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

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

Complaints are initially reviewed by CREI, not only to assess and address safety, but also to determine whether a violation of the System Regulation 08.01.01 and/or Rule 08.01.01.M1 and/or any other university rule, SAP, code, or policy could have occurred. During the initial review and preliminary assessment CREI will:

- Inform the complainant about options for formal and informal resolutions and solicit the complainant's preferred method for resolving the matter. Complainants may request a formal resolution, an informal resolution, or "no resolution" of the allegations of discrimination, harassment, retaliation, and/or complicity.
- Offer assistance to the complainant in submitting a written formal complaint<sup>11</sup> that details the nature and circumstances of the allegations, including the names of the complainants and respondents.

### No Resolution

If the complainant requests that no resolution of the allegations occur, the university will seek to honor the request whenever possible without impeding the university's ability to enhance the safety and security of the complainant and the university community. The university may initiate an investigation based on the seriousness of the allegation, whether there are multiple allegations, and/or whether a respondent poses a risk of harm to others. CREI will consider the following factors when evaluating such requests:

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

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

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

### Informal Resolution

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

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<sup>11</sup>A formal complaint is a document or electronic submission (such as by electronic mail or through an on-line portal provided for this purpose) filed by a complainant, or signed by the Title IX Coordinator, alleging sex-based discrimination against a respondent and requesting that the university investigate the allegation(s). The formal complaint must contain the complainant's physical or digital signature, or otherwise indicate that the complainant is the person filing the complaint. Alternatively, a Title IX Coordinator may sign a formal complaint but is not a complainant or otherwise a party to the complaint. The university may consolidate formal complaints as to allegations of sex-based violations against more than one respondent, or by more than one complainant against one or more respondents, or by one party against the other party, when the allegations of sexual harassment arise out of the same facts or circumstances.

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

- Informal resolution is a voluntary process. No party may be compelled to participate in informal resolution. The university, in consultation with SECO, must agree to allow an informal resolution to move forward and must obtain the parties' voluntary, written consent to the informal resolution process.
- Prior to an informal resolution, the parties will be provided with: (a) written notice of the allegations; (b) the requirements of the informal resolution process, including the circumstances under which it precludes the parties from resuming a formal complaint arising from the same allegations; and (c) the consequences of withdrawing from the informal process and resuming the formal process, and including the records that will be maintained or could be shared.
- Once a party agrees to participate in informal resolution, they may withdraw from the process at any time prior to a final agreement and resume the formal grievance process. Information shared in the informal resolution process may not be introduced into the formal process without independent evidence.
- Once a final agreement is established through informal resolution, the complaint may not return to the formal complaint process unless one or both parties fail to abide by any conditions established in the agreement.
- Informal resolution options include mediation, restorative conferences, shuttle facilitation, and other forms of facilitated dialogue.
- Mediation may not be used to resolve complaints of rape, statutory rape, dating violence, domestic violence, or any case in which imminent threats of harm may exist.
- The university may not offer an informal resolution process in sex-based complaints unless a formal complaint is filed and may not offer or facilitate an informal resolution process to resolve allegations that an employee sexually harassed a student.

#### Formal Resolution

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

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

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

If it is determined that there is insufficient information to proceed with an investigation; or that the allegations are baseless; or that the allegations, if true, would not constitute conduct prohibited by System Regulation 08.01.01 and/or Rule 08.01.01.M1; or, that an investigation will not occur due to the complainant's request for no resolution, CREI may:

- dismiss the complaint,
- close it for insufficient evidence to investigate or lack of jurisdiction,

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

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

Once it has been determined that the university will proceed with a formal investigation, CREI will appoint the Investigative Authority (IA)<sup>12</sup> within 5 business days to initiate the process of determining whether a violation of System Regulation 08.01.01 or other university rule, SAP, code, or policy occurred.

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

- receipt of the complaint stating the allegation of a violation of this policy;
- interim supportive measures, if any;
- admonishments regarding cooperation and prohibiting retaliation;
- any informal resolution process that may be available;
- the appointed IA; the appointed Designated Administrator (DA) and Appellate Authority (AA);<sup>13</sup> and
- an unredacted version of the complaint to an employee respondent(s) and their advisor, if applicable, with admonishments regarding privacy.

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

If the respondent is an employee, the Assistant Vice President and Title IX Coordinator (or designee) shall notify, in writing, the respondent's supervisor that CREI is investigating an allegation that the respondent has engaged in conduct that may be a violation of System Regulation 08.01.01 and/or Rule 08.01.01.M1 or other university rules, SAPs, codes, or policies.

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<sup>12</sup> The IA is one or more trained individuals appointed to conduct a formal investigation to discover and examine the facts of an allegation and conclude if, based on the preponderance of the evidence, the allegation is substantiated, unsubstantiated, or if there is insufficient information. In complaints involving allegations of sex-based behaviors, the IA will be limited to only reporting the evidence collected during the investigation, as well as issuing appropriate determinations surrounding credibility of parties, witnesses, and evidence.

<sup>13</sup> The DA is the decision-making entity specified in university rules. This may be an administrator or a hearing officer/panel but may not include a person with a clear conflict of interest (e.g., supervisor, subordinate, and/or family member of either party) or personal bias. The role of the DA is to determine whether or not allegations of misconduct rise to the level of a violation of System Regulation 08.01.01 based on the evidence provided and utilizing the preponderance of the evidence standard. The DA cannot have served as an investigator nor may they later serve as an appellate authority in the same case. Title IX Coordinators may not serve as a DA in any case involving an allegation of discrimination or harassment based on sex. The AA is any individual or panel responsible for rendering appeal decisions as specified in university rules. The role of the AA is to review the process by which an original decision was reached and render an appellate decision, consistent with the grounds for appeal. Title IX Coordinators may not serve as an AA in any case involving an allegation of discrimination or harassment based on sex. All persons serving as DAs, AAs, and IAs will be impartial and free of conflicts of interest or bias for or against the complainant or the respondent. Parties who are concerned about the impartiality of an individual serving in one of these roles should submit their concerns, in writing, to the Chief Risk, Ethics, and Compliance Officer ([civilrights@tamu.edu](mailto:civilrights@tamu.edu)) who may designate alternative individuals to fulfill any of these roles.

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

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

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

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

During the investigation, the complainant and the respondent will have an equal opportunity to be heard, submit information and corroborating evidence, identify witnesses who may have relevant information, and submit questions to be asked of the other party. Questions for the other party will be asked by and at the discretion of the IA. The IA will meet separately with the complainant, the respondent, and any witnesses, and will gather other relevant and available evidence and information. The IA may also consult medical, forensic, technological, or other experts when expertise is needed in order to achieve an understanding of the issues under investigation.

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

Investigations provide both the complainant and respondent the same opportunities to have others present during any institutional proceeding, including the opportunity to be accompanied to any related meeting or proceeding by an advisor<sup>14</sup> of their choice. The advisor may be present at any time in which the party

<sup>14</sup> An advisor is an individual selected by each complainant and respondent to provide guidance, support, or advice during the investigation and resolution process and to conduct cross-examination when a complaint is referred to a formal hearing. An advisor may be an attorney. The university may appoint an advisor of the university's choice for a complainant or respondent for a hearing if either party does not have an advisor present. Advisors may not otherwise represent or speak for the party they are advising. Each party is allowed one advisor, although the university may establish circumstances under which a second advisor would be permitted (e.g., accommodating a party with a disability).



participates in the investigation and resolution process, including the filing of the complaint, the interview with the IA, and all other meetings or proceedings related to the investigation and resolution of the complaint. Proceedings will not limit the choice of advisor allowing a party to select any person to be an advisor, including legal counsel.

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

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

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

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

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

Within 30 business days, the IA will prepare an initial draft investigation report at the conclusion of the investigation and provide it to OGC for review. The initial draft investigation report includes the following but does not contain speculation, opinions, findings, decisions, or recommendations for sanctions<sup>15</sup>:

- statement of the allegation(s)
- listing of individuals interviewed including dates of the interviews
- all inculpatory evidence (evidence that would tend to support a finding that a respondent is responsible for the alleged misconduct) that is directly related to the allegations

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<sup>15</sup> The investigation report for a non-sex based civil rights complaint must also include the IA's conclusion, based on the preponderance of the evidence, whether or not the alleged behavior/conduct occurred, did not occur, or there was insufficient evidence to establish that the behavior occurred or not, but will not determine whether or not the behavior establishes a violation of system or university regulations or rules.

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

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

The IA will have 5 business days to create a final draft investigation report and share that document electronically with both the complainant, respondent, and their advisors, if any. The university provides parties an equal opportunity to inspect and review any evidence obtained as part of the investigation that is directly related to the allegations raised in the formal complaint, including the evidence upon which the university does not intend to rely in reaching a determination regarding responsibility, and inculpatory or exculpatory evidence related to the allegations whether obtained from a party or other source, so that each party can meaningfully respond to the evidence prior to the conclusion of the investigation. This includes sending to each party and the party's advisor, if any, the final draft investigation report (with exhibits) subject to inspection and review. Both the report and the collected evidence will be unredacted to the extent allowed by law.

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

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

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

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

After receiving the legal review, the IA will have 5 business days to finalize the investigation report and submit to the parties and to the DA for decision-making and sanctions.

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

The respondent is presumed to not have engaged in prohibited conduct until the DA finds that there is sufficient evidence based on a preponderance of the evidence to find that the respondent has violated System Regulation 08.01.01 and/or Rule 08.01.01.M1. If violation(s) are found, the DA may issue sanctions.

***Procedures governing the resolution of all sexual harassment and sex-based misconduct allegations***

The university's Chief Risk, Ethics, and Compliance Officer will appoint a university official and/or a hearing officer to be the DA. The university official and/or hearing officer will render decisions in cases with allegations against employees, third parties, and students<sup>16</sup>.

The DA will review the unredacted final investigation report, the documentary evidence, the record of the hearing (if applicable), and any other relevant information. The DA or designee will provide the final investigative report and exhibits to the parties. The parties will also be provided a pre-hearing conference to review the hearing process as well as to explore any available options for informal resolution. The parties have at least 10 business days to review the final investigative report and to respond in writing to the DA (if desired) prior to the hearing. The DA has the sole discretion to determine the relevance of evidence and whether it should be heard at a hearing. Neither the Texas Rules of Evidence nor the federal Rules of Evidence apply in university hearings. At any time prior to the adjudication of a formal complaint, the parties may seek informal resolution to resolve the complaint.

Unless waived by the parties, following the pre-hearing conference the parties will be given a minimum of 5 business days' notice of any formal hearing. The notice must include the date, time, and location of the hearing, as well as instructions for those participating in hearings through online means.

The DA will conduct a live hearing<sup>17</sup> to allow the parties to question witnesses, submit evidence or information, and to allow the DA and the parties' advisors to cross-examine other parties or witnesses. The complainant and the respondent at a hearing must have an advisor with them. In cases in which a party does not have an advisor, the university will provide a trained advisor to assist them in the hearing process.

Cross-examination of the complainant, respondent, and any witnesses may not be conducted by the opposing party but must be conducted by their advisor. Questions are to be directed to the DA, who will determine whether or not each question will be admitted into the hearing. If a question is deemed repetitious or not relevant, the decision-maker must explain the decision to exclude it. When parties are being subject to cross-examination, the advisor may not answer on behalf of the party.

The DA will preside over the hearing and make final determinations on the relevance of questions and evidence asked during the cross-examination. Questions and evidence about the complainant's sexual predisposition

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<sup>16</sup> Exceptions: The chancellor or designee will serve as the DA in complaints against the Texas A&M President or an employee who reports directly to the Texas A&M President; a Chief Operating Officer or an employee who reports directly to the Chief Operating Officer; or an employee who works in the department of CREI. The chair of the Board of Regents or designee will serve as the DA in complaints against the chancellor or an employee who reports directly to the chancellor.

<sup>17</sup> Hearings will be closed to the public. The university will create an audio or audiovisual recording, or transcript, of any live hearing and make it available to the parties for inspection and review. Physical access to the recording or transcript must be provided upon request for the purpose of preparing an appeal following the hearing. Attendance at a hearing may be in person or may be conducted through remote means, provided that all parties and the DA can see and hear one another in real time during the course of the hearing.

or prior sexual behavior are not relevant, unless such questions and evidence about the complainant's prior sexual behavior are offered to prove that someone other than the respondent committed the alleged conduct, or if the questions and evidence concern specific incidents of the complainant's prior sexual behavior with respect to the respondent and are offered to prove consent. The DA cannot draw an inference regarding responsibility based solely on a party's or witness's absence from the live hearing or refusal to answer cross-examination or other questions.

Following the hearing, the DA will develop a draft result<sup>18</sup> (hereafter called decision), based on the preponderance of the evidence, as to a) whether the alleged conduct occurred; and b) whether each allegation is substantiated, unsubstantiated, or there is insufficient information to substantiate that the respondent violated System Regulation 08.01.01 and/or Rule 08.01.01.M1. If applicable, the DA will also include a decision as to whether the respondent violated any other university regulation, code, policy, SAP, or rule. If the DA determines that any regulations, policies, rules, SAPs, or codes have been violated, the DA will consider any information about impact, mitigation, aggravation, and the respondent's character (see factors listed in the Sanctioning Considerations section) and include a decision about sanctions. The DA will submit the draft to SECO within 2 business days. SECO will have a maximum of 3 business days to provide feedback to the DA.

Thereafter, the DA will have a maximum of 3 additional business days to issue a decision letter. The decision letter must be sent simultaneously to notify the parties, in writing, of the decision on responsibility and sanctions except when to do so would violate state or federal law [e.g. Family Education Rights and Privacy Act (FERPA)]. The decision must include any sanctions imposed by the institution. Notwithstanding section 444 of the General Education Provision Act (20 U.S.C. 1232g), commonly referred to as FERPA, the decision letter must include the rationale for the decision and the sanctions<sup>19</sup>. The decision will include information about appealing the decision and/or sanctions.

Decision letters must include (1) identification of the allegations; (2) a description of the procedural steps taken from the receipt of a formal complaint through determination, including any notifications to the parties, interviews with parties and witnesses, site visits, methods used to gather other evidence, and hearings held, if any; (3) a finding for each allegation as to whether the conduct occurred and findings of fact supporting the determination; (4) conclusion regarding the application of the university's conduct standards to the facts; (5) a statement of, and rationale for, the result as to each allegation including a determination regarding responsibility (substantiated, unsubstantiated, or there is insufficient information to substantiate that the respondent violated System Regulation 08.01.01 and/or Rule 08.01.01.M1), any disciplinary sanctions the university imposes on the respondent, and whether remedies designed to restore or preserve equal access to the university's education program or activity will be provided by the university to the complainant, and; (6) the university's procedures and permissible bases for the complainant and respondent to appeal the decision and/or sanctions. If it was alleged that any other system regulations or university rules, SAPs, codes, or policies were violated, there will be a statement of responsibility as to these allegations as well. The decision on responsibility made by the DA does not constitute an employment action with respect to faculty and non-faculty employees. Any sanction against an employee, imposed as a result of a substantiated finding, will constitute an employment action.

If for any reason there is reasonable cause for the university to delay the issuance of the decision letter, this will be communicated to the parties by the DA or designee. If a student respondent withdraws or graduates from

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<sup>18</sup> Result is defined as any initial, interim and final decision by any official or entity authorized to resolve disciplinary matters within the institution. The result must include any sanction imposed by the institution.

<sup>19</sup> The decision of the DA will include how the university weighted the evidence and information presented during the hearing, how the evidence and information support the decision and sanctions, and how the standard of evidence was applied.

the university pending the resolution of a complaint, the process will continue and, the university will not issue a transcript on behalf of the student until the conclusion of the process.

Upon request by another postsecondary educational institution, the university must provide to the requesting institution any determination that a student violated the university's code of conduct by committing sexual harassment, sexual assault, sex-based misconduct, dating violence, domestic violence, and/or stalking based on sex.

The goal is to resolve complaints in a reasonably prompt timeframe; however, extenuating circumstances requiring additional time may necessitate an extension for good cause. Written notice of the delay and the reason for the delay is provided to the complainant and the respondent by CREI or designee.

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

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

The DA will review the unredacted final investigation report (see footnote 15), the documentary evidence, and any other relevant information. If the DA has substantial doubts about the thoroughness, fairness, and/or impartiality of the investigation, the DA may refer the matter back to the IA with further instructions, which could include the appointment of a different IA. At any time prior to the adjudication of a formal complaint, the parties may seek informal resolution to resolve the complaint.

The DA will develop a draft decision (see footnote 18), based on the preponderance of the evidence, as to a) a finding for each allegation as to whether conduct occurred; and b) a finding of responsibility for each allegation: substantiated, unsubstantiated, or there is insufficient information to substantiate that the respondent violated System Regulation 08.01.01 and/or Rule 08.01.01.M1. If it was alleged that any other system regulations or university rules, SAPs, codes, or policies were violated, there will be a statement of responsibility as to these allegations as well.

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

The DA will have 5 business days to finalize the decision and simultaneously notify the parties, the IA, and any other university official with a need to know, in writing, of the decision and sanctions. In cases in which the allegations are substantiated, the final decision will also be provided to an employee respondent's supervisor. The decision must include any sanctions imposed by the institution. Notwithstanding section 444 of the General Education Provision Act (20 U.S.C. 1232g), commonly referred to as FERPA, in the decision, the DA will state the rationale for the decision and the sanctions, if any (see footnote 19). The final decision will include instructions for appealing the decision and/or sanctions.

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

### ***Sanctioning Considerations***

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

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

### ***Sanctioning for Employees***

If an employee is found to have engaged in sexual harassment or sex-based misconduct, the sanction will be termination of employment. If an employee is found to have engaged in conduct prohibited by System Regulation 08.01.01 and/or Rule 08.01.01.M1 (other than sexual harassment and/or sex-based misconduct), the DA may assign appropriate sanction(s) which may have educational, restorative, punitive, and rehabilitative components. Sanctions include written warning or reprimand, required training and/or attendance at counseling, no contact directives, probation, suspension, and termination.

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

### ***Sanctioning for Students***

If a student is found responsible for sexual harassment or sex-based misconduct, the student will be sanctioned in accordance with the [Texas A&M University Title IX Cumulative Student Sanctioning Matrix](#) which is described in the following table. Behavior examples identified in the table are not intended to represent an exhaustive listing of sexual harassment or sex-based misconduct. If a student is found responsible for engaging in any other form of prohibited conduct, or if the student is found responsible for violating any other university rule or System regulation, the DA will assign appropriate sanctions which may have educational, restorative, and rehabilitative components and/or may place a student in a probationary or review status or separate the student from the university.

Sexual Harassment			
Stage 1 Sanction	Stage 2 Sanction	Stage 3 Sanction	Stage 4 Sanction
Severe, persistent, and objectively offensive sexual innuendos, jokes, remarks, questions, gestures, and/or gifts of a sexual nature	Any one or the combination of Stage 1 behaviors, plus:	Any one or the combination of Stage 1 and/or Stage 2 behaviors, plus a behavior from another category	Any one or the combination of Stage 1, Stage 2 and/or Stage 3 behaviors, plus a behavior from another category
Display of sexually explicit visual material	A behavior from another category		
Unwelcome kissing or non-fondling sexual touching	Offering to trade an education benefit for a date or sexual favors		



Dating or Domestic Violence			
Stage 1 Sanction	Stage 2 Sanction	Stage 3 Sanction	Stage 4 Sanction
Intimidation: Using actions, gestures, and tone of voice to indicate a threat of violence	Any one or combination of Stage 1 behaviors, plus:	Any one or combination of Stage 2 behaviors, plus:	Any one or combination of Stage 1, Stage 2 and/or Stage 3 behaviors
	Preventing complainant from calling for help	Displaying weapons and/or throwing objects at a person with potential to injure	
	Destruction of property		
	Physical abuse: Pushing, shoving, hair-pulling, scratching, and/or hitting		
Stalking			
Stage 1 Sanction	Stage 2 Sanction	Stage 3 Sanction	Stage 4 Sanction
Repeated, unsolicited phone calls, emails, texts, and/or gifts to another person and/or their family/household	Any one or combination of Stage 1 behaviors, plus:	Any one or combination of Stage 1 and/or Stage 2 behaviors, plus a behavior from another category	Any one or combination of Stage 1, Stage 2 and/or Stage 3 behaviors
Repeatedly following another person or conducting surveillance of another person and/or their family/household	Second violation of stalking		
	Repeated, unsolicited visits to another person's home, business, and/or class, and/or that of their family/household		
	Repeated, unsolicited contact or attempts to contact via social media		
	Assuming another's identity in order to make contact with complainant		
Sexual Exploitation			
Stage 1 Sanction	Stage 2 Sanction	Stage 3 Sanction	Stage 4 Sanction
Viewing of nudity or engaging in sexual behaviors without attempts to shield others	Any one or combination of Stage 1 behaviors, plus:	Any one or combination of Stage 1 and/or Stage 2 behaviors, plus:	Any one or combination of Stage 1, Stage 2 and/or Stage 3 behaviors, plus:
Allowing others to observe sexual activity without the other person's consent	Taking or transmitting images or videos of another person in a sexual, intimate, or private act without that person's consent	Engaging in sexual activity while knowingly infected with an STD without the other person's knowledge	Prostituting another person
	Distributing sexual or intimate images or recordings of another person without that person's consent	Indecent exposure	
	Collecting, creating, viewing and/or distributing child pornography/sexual images of those under 18		
Sex-based Misconduct			
Stage 1 Sanction	Stage 2 Sanction	Stage 3 Sanction	Stage 4 Sanction
Severe, persistent, or pervasive sexual innuendos, jokes, remarks, questions, gestures, and/or gifts of a sexual nature	Any one or combination of Stage 1 behaviors, plus a behavior from another category, plus:	Any one or combination of Stage 1 and/or Stage 2 behaviors	Any one or combination of Stage 1, Stage 2 and/or Stage 3 behaviors
Display of sexually explicit visual material	Offering to trade an education benefit for a date or sexual favors		
Unwelcomed kissing or non-fondling sexual touching			

Allegations of sexual harassment, sexual assault, dating violence, domestic violence, and/or stalking based on sex that are dismissed from the Title IX process under <a href="#">08.01.01 Section 4.2.10(d) and (e)</a>			
Sexual Assault			
Stage 1 Sanction	Stage 2 Sanction	Stage 3 Sanction	Stage 4 Sanction
n/a	Fondling of breasts, groin, genitals, or buttocks above or below clothing	A Stage 2 behavior and/or:	Any one or combination of Stage 2 and/or Stage 3 behaviors with predation <sup>20</sup>
		Oral sex	
		Penetration (by sex organs)	
		Penetration (by means other than sex organs)	
		Incest	
		Statutory rape	
Retaliation			
Stage 1 Sanction	Stage 2 Sanction	Stage 3 Sanction	Stage 4 Sanction
n/a	Threats in retaliation for reporting sexual misconduct, dating/domestic violence, and/or stalking	A Stage 2 behavior and/or:	Any one or combination of Stage 2 and/or Stage 3 behaviors
		Intimidation or physical abuse in retaliation for reporting sexual misconduct, dating/domestic violence, and/or stalking	

The Stage 4 sanction is expulsion. The Stage 3 sanction is suspension. The Stage 2 sanction is conduct probation. Stage 1 sanctions include conduct reviews, restrictions, restitution, community/university service, educational requirements, and letters of reprimand. Texas A&M University sanctions are defined below.

*Texas A&M Student Sanctioning Matrix - Stage 4 Sanctions*

Expulsion: Separation of the student from the university whereby the student is not eligible for readmission to this University.

*Texas A&M Student Sanctioning Matrix - Stage 3 Sanctions*

Letter of Enrollment Block: A letter stating that the student may not reenter Texas A&M University without prior approval through CREI or the Vice President for Student Affairs or designee (in collaboration with appropriate TAMUG administrators) if enrollment has been blocked for a previous student conduct problem.

Suspension: Separation of the student from the university for a definite period of time. The student is not guaranteed readmission at the end of such period of time, but is guaranteed a review of the case and a decision regarding eligibility for readmission. The suspension takes effect when the appeal for the offense is exhausted, waived or time limit has passed. Suspensions may be implemented in one of two ways: immediate implementation of suspension or deferred implementation of suspension. The sanction of suspension may be placed in deferred status. If the student is found in violation of any

<sup>20</sup> Predation is an intent to engage in acts of misconduct prior to its occurrence, demonstrating premeditation, planning or forethought. Predation is reflected in communicated intent (physical, verbal, visual, or written), threats directed at a party, attempts to incapacitate a party, attempts to isolate a party, utilizing physical force or violence, or other actions that a reasonable person would construe as a pre-meditation to engage in actions that are unwanted by/against the recipient. Committing any of these actions with an individual under the age of consent is also considered predatory.

university's regulations, policies, rules, codes, or SAPs during the time of deferred suspension, the suspension takes effect immediately without further review.

Additional student conduct sanctions appropriate to the new violation also may be applied. A student who has been issued a deferred suspension sanction is deemed "not in good standing<sup>21</sup>" with the university.

At the end of the suspension period, the student is eligible for reenrollment. 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 (409-740-4598) prior to course registration.

#### *Texas A&M Student Sanctioning Matrix - Stage 2 Sanctions*

**Conduct Probation:** An official warning that the student's conduct is in violation of Texas A&M University regulations, policies, rules, codes, or SAPs, but is not sufficiently serious to warrant expulsion or suspension. A student on conduct probation is deemed "not in good standing" with the university (see Footnote 21). If there is a finding of responsibility for subsequent violations of the university's regulations, policies, rules, codes, or SAPs during this period of time, more severe sanctions may be administered.

#### *Texas A&M Student Sanctioning Matrix - Stage 1 Sanctions*

**Conduct Review:** An official warning that the student's conduct is in violation of Texas A&M University regulations, policies, rules, codes, or SAPs, but is not sufficiently serious to warrant expulsion, suspension, or conduct probation. A student on conduct review shall have their conduct under review for a specified period of time. This sanction may require regular meetings with an appropriate official to ascertain and evaluate compliance with student rules. Additional restrictions or conditions also may be imposed, depending on the nature and seriousness of the misconduct. Students placed on this sanction remain in good standing with the university. If there is a finding of responsibility for subsequent violations of regulations, policies, rules, codes, or SAPs during this period of time, more severe sanctions may be administered.

**Restrictions:** The withdrawal of specified privileges for a definite period of time, but without the additional stipulations contained in the imposition of a sanction which results in a student being not in good standing. The restrictions involved will be clearly defined.

**Restitution:** A payment for financial injury to an innocent party in cases involving theft, destruction of property or deception. The assessed costs to be paid may be in addition to receipt of any of the above sanctions.

**Community/University Service:** A student may be offered an opportunity to complete a specified number of hours of community/university service. The type of community/university service must be approved by the respondent's CREI Case Manager.

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<sup>21</sup> A student who is not in good standing is subject to the following restrictions: (1) Ineligibility to hold an office in any student organization recognized by the university or to hold any elected or appointed office of the university. (2) Ineligibility to represent the university in any way, including representing the university at any official function, intercollegiate athletics or any forms of intercollegiate competition or representation. This includes events taking place both on and off of the university campus. (3) Ineligibility to receive a university administered scholarship when the length of the period of not in good standing is greater than one semester. Some scholarships adhere to more strict guidelines, and, therefore, ineligibility may result from a lesser length of not in good standing. This sanction implies a serious offense and must be uniformly applied by the office administering the scholarship upon notification by CREI. (4) Additional restrictions or conditions also may be imposed, depending on the nature and seriousness of the misconduct.

**Educational Requirements:** A provision to complete a specific educational requirement. Such educational requirements may include, but are not limited to, completion of an alcohol education workshop, an ethics and decision-making workshop, essays, reports, reflective writing assignments, etc.

**Letter of Reprimand:** A letter that makes a matter of record any incident that reflects unfavorably on the student or the university.

### *Minimum Sanctions*

In addition, students found responsible for committing dating or domestic violence and/or non-consensual sexual penetration of another person will be subject to a minimum sanction of a one-year suspension, in the absence of significant mitigating factors. Students found responsible for these acts who have demonstrated predation for the purpose of carrying out these acts will be subject to permanent expulsion.

Students found responsible for committing acts of sexual harassment, sexual assault, dating violence, domestic violence, stalking based on sex, and/or any other sex-based misconduct who are allowed to return after a suspension of one year or more will be ineligible to hold an office in any student organization, ineligible to represent the university in any way (including intercollegiate athletics or other competitions, both on and off campus), and ineligible to receive an institutional scholarship, in the absence of significant mitigating factors.

### *Campus Housing Sanctions*

In addition to the sanctions specified in the [Texas A&M University Title IX Cumulative Student Sanctioning Matrix](#), occupants of each residence hall, by majority vote, have the power to establish additional “in house” rules approved by the Department of Residence Life. Generally, “in house” rule infractions are handled by Residence Life staff. Campus housing sanctions are described below.

**Loss of Campus Housing Privilege:** Removal from university housing for conduct reasons.

**Deferred Loss of Campus Housing Privilege:** The sanction of loss of campus housing privilege may be placed in deferred status. If a student is found in violation of any university rule during the time of the deferred sanction, removal from housing takes effect immediately without further review. Additional student conduct sanctions appropriate to the new violation also may be taken. In addition, a student is ineligible to hold an elected or appointed office in any affiliated housing organization. This includes but is not limited to the following offices/positions: president, vice president, secretary, treasurer, Residential Housing Association delegate.

**Campus Housing Probation:** An official notice that the student’s conduct is in violation of residence hall rules, university apartments rules and/or university rules and that more stringent student conduct sanctions, including removal from housing, may result if future violations occur. In addition, a student is ineligible to hold an elected or appointed office in any affiliated housing organization. This includes but is not limited to the following offices/positions: president, vice president, secretary, treasurer, Residential Housing Association delegate.

### *Corps of Cadets Sanctions*

In addition to any of the sanctions listed in this section, members of the Corps of Cadets are subject to disciplinary action in accordance with Corps Operations Manual.

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

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

If the allegations are against a:	Student	Non-Faculty Employee and Third Party	Faculty Employee
Then the AA is:	University Disciplinary Appeals Panel (UDAP) who may refer the appeal to the Director of the Student Conduct Office or designee <a href="https://student-rules.tamu.edu/rule58/">https://student-rules.tamu.edu/rule58/</a>	Vice President for the Division of Human Resources and Organizational Effectiveness or designee <a href="https://policies.tamus.edu/32-01-02.pdf">https://policies.tamus.edu/32-01-02.pdf</a>	Provost and Vice President for Academic Affairs or designee who may seek an advisory opinion from the University Committee on Faculty Disciplinary Appeals (UCFD) before rendering decision

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

Appeals must be submitted in writing and must include a statement outlining the basis for the appeal<sup>22</sup> and any evidence which supports the appeal. Appeals must be filed at the location and within the timeframe dated in the DA's written notice of the decision (within 5 business days of notification of the decision). Decisions made by the DA shall not be final until an appeal deadline is passed, or when the appeal process is exhausted, or when all parties choose not to appeal.

To be a valid appeal, the appeal must: 1) be filed at the location and within the time frame stated in the DA's written notice; 2) identify one of the bases for appeal (see footnote 22); and 3) provide credible information or evidence substantiating the identified bases for appeal.

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

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

<sup>22</sup> Results (decision and/or sanctions) or dismissal of a complaint can be appealed on any of all of the following bases, as applicable: (a) A procedural irregularity that affected the outcome; (b) New evidence, not reasonably available at the time the determination regarding responsibility or dismissal was made, that could affect the outcome of the matter. The new evidence must be provided at the time of the appeal through the designated mechanism for filing an appeal; (c) The Title IX Coordinator, investigator(s) or decision-maker(s) had a conflict of interest or bias for or against complainants or respondents generally or the individual complainant or respondent that affected the outcome of the matter; or (d) The appropriateness or severity of the sanctions. If an employee was found to have sexually harassed another member of the university or agency community, the appropriateness or severity of the sanction cannot be appealed.

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

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

- Affirm the DA's decision on responsibility and, if applicable, the sanctions. There are no relevant issues of concern related to the ground(s) of the appeal, and, therefore, the decision is affirmed and final.
- Remand the complaint back to the DA because new evidence, not reasonably available at the time the determination regarding responsibility or dismissal was made, appears to be relevant and could have significantly affected the outcome of the decision on responsibility, dismissal of the complaint, or the sanctions. The DA will reconvene the hearing for the limited purpose of considering the new evidence. The DA will issue a new decision which may be appealed by the parties in accordance with the previously described appeal procedures.
- Remand the complaint back to the DA with an instruction to correct the procedural error or omission. If the procedural error occurred in the investigation phase, the DA will instruct the IA to correct the procedural error or omission and amend the Investigative Report, as appropriate. The IA will then submit the amended investigative report to the parties for review and response and then to the DA for a new decision in accordance with formal resolution procedures. If the procedural error occurred in the resolution phase, the DA will correct the procedural error or omission and then issue a new decision in accordance with the formal resolution procedures. The new decision of the DA may be appealed by the parties in accordance previously described appeal procedures.
- Remand the complaint to 1) CREI or 2) SECO with the instruction to remedy a bias by the IA or DA or the Title IX Coordinator. If bias was present in the IA, CREI will appoint a new IA to review the investigation, collect additional evidence or information as appropriate, and follow the investigation requirements as outlined in the formal resolution procedures. A new report will be written and provided to the DA for a new hearing. If the bias was present in the DA, CREI will appoint a new DA to re-hear the case with the existing investigation. If the bias was present in the Title IX Coordinator, SECO will appoint a new staff member to address the influence of the Title IX Coordinator on the case.
- Modify the decision on sanctions because the sanctions given were inappropriate or disproportionate to the severity of the conduct after considering all the circumstances<sup>23</sup>. The AA will impose new sanctions, which are final.

Notwithstanding section 444 of the General Education Provision Act (20 U.S.C. 1232g), commonly referred to as FERPA, the AA will render a written decision simultaneously to the parties that includes a rationale for the decision as to each of the grounds appealed, changes occurring based on appeal, and when such results become final (see Footnote 19).

To the extent reasonably possible:

- For student respondents: The AA will provide the written decision simultaneously to the parties and CREI within 10 business days following the 3 business day review deadline. AAs are exempt from obtaining OGC review of decisions for student respondents prior to issuance but may request assistance from OGC and SECO when needed.

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<sup>23</sup> If an employee was found to have sexually harassed another member of the university or agency community, the AA may not render a decision which modifies the sanctions.



- For employee or third-party respondents: The AA will provide a draft decision to OGC for review within 5 business days following the 3 business day review deadline. System Office officials will provide its review of the draft decision to the AA within 5 business days. To the extent possible, the AA will provide a final written decision simultaneously to the parties and CREI within 5 business days of receipt of the review from the System Office. If the complaint on appeal is substantiated, the respondent's supervisor will also be informed.

The decision of the AA is considered be final and binding on all involved parties.

Circumstances may warrant extensions to the timeframes outlined in this section. The AA may send an extension request to the office or individual who appointed them with a rationale for an extension. If the extension is granted, the AA will notify the parties and CREI in writing.

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

Any employee disciplined pursuant to this regulation may appeal that action in accordance with [System Policy 12.01, Academic Freedom, Responsibility and Tenure](#); [System Policy 32.01, Employee Complaint and Appeal Procedures](#); [System Regulation 32.01.01, Complaint and Appeal Process for Faculty Members](#); [System Regulation 32.01.02, Complaint and Appeal Process for Nonfaculty Employees](#); and/or other system policies or regulations as appropriate. Any student receiving a sanction of separation (expulsion or suspension) pursuant to this regulation may appeal the sanction in accordance with the code of conduct for student grievances, [Student Rule 51. Student Conduct Separation and Appeal](#).

***Extensions***

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

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

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

### Dismissals under Title IX

Cases involving allegations of sexual harassment, sexual assault, and dating violence, domestic violence, and/or stalking based on sex are subject to mandatory or discretionary dismissal from the Title IX process<sup>24</sup> under federal law. However, at the discretion of the Title IX Coordinator, in consultation with OGC and SECO, cases dismissed from the Title IX process may be subject to investigation and adjudication as sex-based misconduct which provides for the same investigation and resolution process as cases meeting sexual harassment under Title IX.

#### ***Mandatory dismissals***

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

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

#### ***Discretionary dismissals***

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

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

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

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<sup>24</sup> Complaints will be processed under Title IX if all of the following apply: (1) The university has actual knowledge of a notice of sexual harassment or a complaint involving allegations of sexual harassment, sexual assault, and/or dating violence, domestic violence, and stalking based on sex to the Title IX Coordinator or any university official who has authority to institute corrective measures and redress harassment on behalf of the university including Deputy Title IX Coordinators, the Chief Risk, Ethics and Compliance Officer, the Director of Employee Relations, the Vice President for Human Resources, Faculty Affairs, the Office of the Provost, the Vice Present for Student Affairs of designee. Imputation of knowledge based solely on vicarious liability or constructive notice is insufficient to constitute actual knowledge; (2) A formal complaint is filed by the complainant or signed by the Title IX Coordinator; (3) The alleged behavior/conduct must have occurred against a person while in the United States; (4) At the time the formal complaint was filed, the complainant was participating or attempting to participate in the university's education program or activity. This includes an enrolled student, an employee, and applicants for admission or employment at the university, and; (5) The alleged conduct meets the definition of sexual harassment as set forth in this policy.

## Primary Prevention and Awareness Programs<sup>25</sup>

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

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

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

Student Affairs established a session, known as “Step In Stand Up” at new student conferences (orientations) which include presentation and distribution of resources and contacts. The session is mandatory for incoming, undergraduate freshmen and transfer students. Crime prevention and safety information, some specifically targeting sexual violence and stalking, is presented at new student conferences by TAMUG Counseling, Career & Ability Services and the Campus Living & Learning Development Department. A similar presentation is provided to incoming graduate students at graduate student orientation in the fall and spring semesters. All persons embarking on the TS Kennedy are required to complete sexual harassment and discrimination prevention training.

The university requires a mandatory online training module (Sexual Assault Prevention) focused on sexual harassment, sexual assault, dating violence, domestic violence, and stalking. Each semester, the training is sent to all incoming Texas A&M University undergraduate, graduate, and professional students. New students are required to complete this training at all campuses except for Texas A&M University Qatar.

New employees receive primary prevention information from the Human Resources Department at new employee orientation. New employees also currently receive web-based *Creating a Discrimination Free Workplace*

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<sup>25</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. Programs to prevent dating violence, domestic violence, sexual assault, and stalking means comprehensive, intentional, and integrated programming, initiatives, strategies, and campaigns intended to end dating violence, domestic violence, sexual assault, and stalking that are culturally relevant, inclusive of diverse communities and identities, sustainable, responsive to community needs, and informed by research, assessed for value, effectiveness, or outcome; and consider environmental risk and protective factors as they occur on the individual, relationship, institutional, community, and societal levels.

training mandated by The Texas A&M University System. All employees are required to complete the training every two years thereafter. Incoming graduate students are also required to complete the *Creating a Discrimination Free Workplace* training.

### **Ongoing Prevention and Awareness Campaigns**

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

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

The Resource & Crisis Center of Galveston County, Inc. (409-763-1441 or 409-765-7233) is a community resource that provides victim advocacy, education, prevention programs and support services for students, faculty, and staff.

TAMUG PD participates with other university departments during awareness events across campus and in the community during times such as Campus Safety Awareness Week, National Night Out, and Sexual Assault Awareness Month.

The Division of Human Resources and Organizational Effectiveness offers training for employees that focuses on competencies to enhance workplace relationships and improve performance. Competencies include interpersonal style and communication, valuing differences, people/team management and development, conflict management, project and change management, customer service, problem solving, process improvement, and adaption to change. Other online courses are offered that provide guidance in following university policies and rules and reporting and addressing complaints.

TAMUG has initiated the Step Up! Bystander Awareness Training Program with its faculty, staff, students and student leaders. Step UP! is a prosocial behavior and bystander intervention program that educates students to be proactive in helping others. The goals of Step UP! are to:

- Raise awareness of helping behaviors
- Increase motivation to help
- Develop skills and confidence when responding to problems or concerns
- Ensure the safety and well-being of self and others

Most problematic behaviors on college campuses involve bystanders. Step UP! training provides a framework explaining the bystander effect, reviews relevant research and teaches skills for intervening successfully using the 5 Decision Making Steps, and the S.E.E. Model (Safe, Early, Effective).

The Title IX webpage, <http://titleix.tamu.edu/>, describes university resources, assistance, educational opportunities, and reporting procedures for campus community members impacted by sexual violence, sexual harassment, and other illegal discrimination. CREI provides information for students, faculty, and staff who wish to report any form of sexual discrimination or harassment. A [Step In. Stand Up. website](#) also includes information on these topics.

A notice of non-discrimination and abuse is sent to all students and employees 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 written notification is provided to students by the Associate Vice President of Student Affairs and to employees by the Human Resources Department. These departments distribute an email annually (fall semester) that contains information covering how to report incidents, applicable policies, and other available options in addition to existing services and resources.

TAMUG provides the following programs to help all campus members understand, recognize and combat sexual violence. The programs are active during calendar year 2023.

- Sexual Assault Awareness Presentations: New/Transfer Student Orientation & Corp of Cadets  
Presented by: Director of Counseling, Career & Ability Services, Associate Vice President for Student Affairs, Assistant Director of Campus Living & Learning, TAMUG PD Chief of Police, Outreach at Resource and Crisis Center of Galveston County, Crisis Intervention Specialist at Resource and Crisis Center of Galveston County

Student Life, Counseling, Career & Ability Services, and the Resource and Crisis Center of Galveston County collaborate to present educational information to new and transfer students and their parents related to harassment, stalking, dating violence and sexual assault. These programs include definitions, concepts, real world examples, how to report, as well as on and off campus resources. The Resource and Crisis Center also presents this program to the Corp of Cadets.

*These presentations are every fall during new student conferences and as requested by the Corps*

- Healthy Relationships Presentations  
Presented by: Director of Counseling, Career & Ability Services, Assistant Director of Counseling, Career & Ability Services, Student Development Specialist II, Assistant Director of Campus Living & Learning

Staff present to students on healthy relationships vs. unhealthy relationships, how mental health can affect relationships, suicide, how to help a friend, and available resources.

*These presentations are provided upon request*

- Green Dot Overview  
Presented by: Green Dot trained administrators. Green Dot trained administrators go through a 40 hour training with Alteristic to achieve certification. Trained administrators are from Campus Recreation, Campus Living and Learning and the Office of Student Activities.

Green Dot is an interactive presentation that provides students with the efficacy to identify potentially violent situations, address their personal barrier to intervening in a potentially violence situation and then intervene in a potentially violent situation in a way that is comfortable to participants. Green Dot is provided during staff trainings and to others, including students, by request.

*During the long semesters and provided upon request.*

- Safe Sex Bingo  
Presented by: Peer Educators; Executive Director, AIDS Coalition Coastal Texas; Director of Community Outreach at STDcheck.com; TAMUG Peer Educators; Trained Student Workers

Safe Sex Bingo is an interactive way to educate students on correct terminology related to safe sex practices (including abstinence, consent, etc.). A panel of sex education specialists is available to answer anonymous questions from students.

*This program occurs every February and October*

- Teal Out  
Presented by: Student Development II, Counseling, Career & Ability Services Peer Educators

Teal glow sticks are passed out during Midnight Yell in the fall semester to bring awareness and show support much like done at sporting events in College Station.

- Health Fairs  
Presented by: Student Development Specialist II, Director of Counseling, Career & Ability Services

Approximately 15 agencies from the community come to campus during the fall semester to share educational information and giveaways to increase health, safety, and wellness on campus. Some of the agencies in attendance include: Resource and Crisis Center of Galveston County, Family Service Center, UTMB Health, Crisis Hotline, RAD Offices, TAMUG Police Department, and other related organizations.

- Step in Stand Up Yell Practice  
Peer educators and yell leaders collaborate for a “Step in Stand Up” Yell practice during the fall semester in which a brief presentation encourages participants of Midnight yell to intercede as an active bystander if they ever witness sexual or non-sexual violence. During this event, peer educators pass out teal ribbons to spread awareness of domestic abuse and hand out resource “grab bags” to participants of yell practice.
- Denim Day  
Informative emails regarding sexual violence are sent to students during April’s Sexual Assault Awareness Month. Blue jeans with more information are hung around campus to raise awareness of sexual violence and provide resources for members of the campus community. The Healthy Relationships Committee also provides information to the campus. This event was led by the Peer Educators.
- Counseling and Community Resources Networking Luncheon  
Presented by: The Office of Counseling, Career & Ability Services  
Counseling, Career & Ability Services hosts a networking luncheon at TAMUG to share information on community resources and services that might be helpful for our students. Attendees typically include Resource and Crisis Center of Galveston County, UTMB Health, Crisis Hotline, Aggie Moms, St. Vincent’s House, Bay Area Council on Drugs and Alcohol, Gulf Coast Center, and TAMUG PD. Information from this networking meeting is compiled into a community resource binder. This binder is kept in the Office of Counseling, Career & Ability Services (relaxation room) for students to use as needed.



*Typically held once per year, during the summer*

## **Bystander Intervention and Risk Reduction<sup>26</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?

## **Other Considerations**

### **Prohibition of Retaliation**

TAMUG prohibits retaliation. TAMUG or an officer, employee, or agent of TAMUG, 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 or State law. Retaliation is a crime and anyone found engaging in it may be arrested.

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<sup>26</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.

## Victim Notification

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

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

## Sex Offender Registry

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

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

As locations vary while the TS Kennedy is on a sea term, sex offender registries also vary and can be searched by state at the following webpage: [www.nsopw.gov/en-US/Registry](http://www.nsopw.gov/en-US/Registry).

## Definitions of Clery Act Offenses

The following definitions originate from the Uniform Crime Reporting Program (federal), the State of Texas, and Texas A&M University institutional policies. Jurisdictional definitions applicable to the TS Kennedy campus, which serves as a traveling educational and training vessel, also reflect the State of Texas definitions as the Texas A&M University main campus is located in Texas where the standards of conduct apply.

**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. 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. This offense includes the rape of both males and females.

Fondling: The touching of the private body parts of another person for the purpose of sexual gratification, without the consent of the victim, including instances where the victim is incapable of

giving consent because of his/her age or because of his/her temporary or permanent mental incapacity.

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

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

Consent:

Texas A&M University System Regulation

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

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

Texas Penal Code

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

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

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

(a) A person commits an offense if:

(1) the person intentionally or knowingly:

(A) causes the penetration of the anus or sexual organ of another person by any means, without that person's consent;

(B) causes the penetration of the mouth of another person by the sexual organ of the actor, without that person's consent; or

(C) causes the sexual organ of another person, without that person's consent, to contact or penetrate the mouth, anus, or sexual organ of another person, including the actor; or

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

(A) causes the penetration of the anus or sexual organ of a child by any means;

(B) causes the penetration of the mouth of a child by the sexual organ of the actor;

- (C) causes the sexual organ of a child to contact or penetrate the mouth, anus, or sexual organ of another person, including the actor;
  - (D) causes the anus of a child to contact the mouth, anus, or sexual organ of another person, including the actor; or
  - (E) causes the mouth of a child to contact the anus or sexual organ of another person, including the actor.
- (b) A sexual assault under Subsection (a)(1) is without the consent of the other person if:
- (1) the actor compels the other person to submit or participate by the use of physical force, violence, or coercion;
  - (2) the actor compels the other person to submit or participate by threatening to use force or violence against the other person or to cause harm to the other person, and the other person believes that the actor has the present ability to execute the threat;
  - (3) the other person has not consented and the actor knows the other person is unconscious or physically unable to resist;
  - (4) the actor knows that as a result of mental disease or defect the other person is at the time of the sexual assault incapable either of appraising the nature of the act or of resisting it;
  - (5) the other person has not consented and the actor knows the other person is unaware that the sexual assault is occurring;
  - (6) the actor has intentionally impaired the other person's power to appraise or control the other person's conduct by administering any substance without the other person's knowledge;
  - (7) the actor compels the other person to submit or participate by threatening to use force or violence against any person, and the other person believes that the actor has the ability to execute the threat;
  - (8) the actor is a public servant who coerces the other person to submit or participate;
  - (9) the actor is a mental health services provider or a health care services provider who causes the other person, who is a patient or former patient of the actor, to submit or participate by exploiting the other person's emotional dependency on the actor;
  - (10) the actor is a clergyman who causes the other person to submit or participate by exploiting the other person's emotional dependency on the clergyman in the clergyman's professional character as spiritual adviser;
  - (11) the actor is an employee of a facility where the other person is a resident, unless the employee and resident are formally or informally married to each other under Chapter 2, Family Code;
  - (12) the actor is a health care services provider who, in the course of performing an assisted reproduction procedure on the other person, uses human reproductive material from a donor knowing that the other person has not expressly consented to the use of material from that donor;
  - (13) the actor is a coach or tutor who causes the other person to submit or participate by using the actor's power or influence to exploit the other person's dependency on the actor; or
  - (14) the actor is a caregiver hired to assist the other person with activities of daily life and causes the other person to submit or participate by exploiting the other person's dependency on the actor.
- (c) In this section:
- (1) "Child" means a person younger than 17 years of age.
  - (2) "Spouse" means a person who is legally married to another.
  - (3) "Health care services provider" means:
    - (A) a physician licensed under Subtitle B, Title 3, Occupations Code;
    - (B) a chiropractor licensed under Chapter 201, Occupations Code;
    - (C) a physical therapist licensed under Chapter 453, Occupations Code;
    - (D) a physician assistant licensed under Chapter 204, Occupations Code; or
    - (E) a registered nurse, a vocational nurse, or an advanced practice nurse licensed under Chapter 301, Occupations Code.

- (4) "Mental health services provider" means an individual, licensed or unlicensed, who performs or purports to perform mental health services, including a:
- (A) licensed social worker as defined by Section 505.002, Occupations Code;
  - (B) chemical dependency counselor as defined by Section 504.001, Occupations Code;
  - (C) licensed professional counselor as defined by Section 503.002, Occupations Code;
  - (D) licensed marriage and family therapist as defined by Section 502.002, Occupations Code;
  - (E) member of the clergy;
  - (F) psychologist offering psychological services as defined by Section 501.003, Occupations Code; or
  - (G) special officer for mental health assignment certified under Section 1701.404, Occupations Code.
- (5) "Employee of a facility" means a person who is an employee of a facility defined by Section 250.001, Health and Safety Code, or any other person who provides services for a facility for compensation, including a contract laborer.
- (6) "Assisted reproduction" and "donor" have the meanings assigned by Section 160.102, Family Code.
- (7) "Human reproductive material" means:
- (A) a human spermatozoon or ovum; or
  - (B) a human organism at any stage of development from fertilized ovum to embryo.
- (d) It is a defense to prosecution under Subsection (a)(2) that the conduct consisted of medical care for the child and did not include any contact between the anus or sexual organ of the child and the mouth, anus, or sexual organ of the actor or a third party.
- (e) It is an affirmative defense to prosecution under Subsection (a)(2):
- (1) that the actor was the spouse of the child at the time of the offense; or
  - (2) that:
    - (A) the actor was not more than three years older than the victim and at the time of the offense:
      - (i) was not required under Chapter 62, Code of Criminal Procedure, to register for life as a sex offender; or
      - (ii) was not a person who under Chapter 62, Code of Criminal Procedure, had a reportable conviction or adjudication for an offense under this section; and
    - (B) the victim:
      - (i) was a child of 14 years of age or older; and
      - (ii) was not:
        - (a) a person whom the actor was prohibited from marrying or purporting to marry or with whom the actor was prohibited from living under the appearance of being married under Section 25.01; or
        - (b) a person with whom the actor was prohibited from engaging in sexual intercourse or deviate sexual intercourse under Section 25.02.
- (f) An offense under this section is a felony of the second degree, except that an offense under this section is:
- (1) a felony of the first degree if the victim was:
    - (A) a person whom the actor was prohibited from marrying or purporting to marry or with whom the actor was prohibited from living under the appearance of being married under Section [25.01](#); or
    - (B) a person with whom the actor was prohibited from engaging in sexual intercourse or deviate sexual intercourse under Section 25.02; or
  - (2) a state jail felony if the offense is committed under Subsection (a)(1) and the actor has not received express consent as described by Subsection (b)(12).

*Indecent Assault* is defined in the [Texas Penal Code, Section 22.012](#) as follows.

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

*Aggravated Sexual Assault* is defined in the [Texas Penal Code, Section 22.021](#) as follows.

- (a) A person commits an offense:
- (1) if the person:
    - (A) intentionally or knowingly:
      - (i) causes the penetration of the anus or sexual organ of another person by any means, without that person's consent;
      - (ii) causes the penetration of the mouth of another person by the sexual organ of the actor, without that person's consent; or
      - (iii) causes the sexual organ of another person, without that person's consent, to contact or penetrate the mouth, anus, or sexual organ of another person, including the actor; or
    - (B) regardless of whether the person knows the age of the child at the time of the offense, intentionally or knowingly:
      - (i) causes the penetration of the anus or sexual organ of a child by any means;
      - (ii) causes the penetration of the mouth of a child by the sexual organ of the actor;
      - (iii) causes the sexual organ of a child to contact or penetrate the mouth, anus, or sexual organ of another person, including the actor;
      - (iv) causes the anus of a child to contact the mouth, anus, or sexual organ of another person, including the actor; or
      - (v) causes the mouth of a child to contact the anus or sexual organ of another person, including the actor; and
  - (2) if:
    - (A) the person:
      - (i) causes serious bodily injury or attempts to cause the death of the victim or another person in the course of the same criminal episode;
      - (ii) by acts or words places the victim in fear that any person will become the victim of an offense under Section [20A.02\(a\)\(3\)](#), (4), (7), or (8) or that death, serious bodily injury, or kidnapping will be imminently inflicted on any person;
      - (iii) by acts or words occurring in the presence of the victim threatens to cause any person to become the victim of an offense under Section [20A.02\(a\)\(3\)](#), (4), (7), or (8) or to cause the death, serious bodily injury, or kidnapping of any person;
      - (iv) uses or exhibits a deadly weapon in the course of the same criminal episode;
      - (v) acts in concert with another who engages in conduct described by Subdivision (1) directed toward the same victim and occurring during the course of the same criminal episode; or



- (vi) with the intent of facilitating the commission of the offense, administers or provides to the victim of the offense any substance capable of impairing the victim's ability to appraise the nature of the act or to resist the act;
  - (B) the victim is younger than 14 years of age, regardless of whether the person knows the age of the victim at the time of the offense; or
  - (C) the victim is an elderly individual or a disabled individual.
- (b) In this section:
- (1) "Child" has the meaning assigned by Section 22.011(c).
  - (2) "Elderly individual" has the meaning assigned by Section 22.04(c).
  - (3) "Disabled individual" means a person older than 13 years of age who by reason of age or physical or mental disease, defect, or injury is substantially unable to protect the person's self from harm or to provide food, shelter, or medical care for the person's self.
- (c) An aggravated sexual assault under this section is without the consent of the other person if the aggravated sexual assault occurs under the same circumstances listed in Section 22.011(b).
- (d) The defense provided by Section 22.011(d) applies to this section.
- (e) An offense under this section is a felony of the first degree.
- (f) The minimum term of imprisonment for an offense under this section is increased to 25 years if:
- (1) the victim of the offense is younger than six years of age at the time the offense is committed; or
  - (2) the victim of the offense is younger than 14 years of age at the time the offense is committed and the actor commits the offense in a manner described by Subsection (a)(2)(A).

*Prohibited Sexual Conduct* is defined in the [Texas Penal Code, Section 25.02](#) as follows.

- (a) A person commits an offense if the person engages in sexual intercourse or deviate sexual intercourse with another person the actor knows to be, without regard to legitimacy:
- (1) the actor's ancestor or descendant by blood or adoption;
  - (2) the actor's current or former stepchild or stepparent;
  - (3) the actor's parent's brother or sister of the whole or half blood;
  - (4) the actor's brother or sister of the whole or half blood or by adoption;
  - (5) the children of the actor's brother or sister of the whole or half blood or by adoption; or
  - (6) the son or daughter of the actor's aunt or uncle of the whole or half blood or by adoption.
- (b) For purposes of this section:
- (1) "Deviate sexual intercourse" means any contact between the genitals of one person and the mouth or anus of another person with intent to arouse or gratify the sexual desire of any person.
  - (2) "Sexual intercourse" means any penetration of the female sex organ by the male sex organ.
- (c) An offense under this section is a felony of the third degree, unless the offense is committed under Subsection (a)(1), in which event the offense is a felony of the second degree.

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

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

- (a) "Dating violence" means an act, other than a defensive measure to protect oneself, by an actor that:
- (1) is committed against a victim or applicant for a protective order:
    - (A) with whom the actor has or has had a dating relationship; or



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

**Domestic Violence:** A felony or misdemeanor crime of violence committed by a current or former spouse or intimate partner of the victim; 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\(1\)\(C\), \(E\), \(G\), \(H\), \(I\), \(J\), \(K\), and \(M\)](#), by a member of a family or household toward a child of the family or household; or
- (3) dating violence, as that term is defined by Section 71.0021.

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

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

- (a) A person commits an offense if the person, on more than one occasion and pursuant to the same scheme or course of conduct that is directed specifically at another person, knowingly engages in conduct that:
  - (1) constitutes an offense under Section 42.07 (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;
  - (7) sends repeated electronic communications in a manner reasonably likely to harass, annoy, alarm, abuse, torment, embarrass, or offend another; or

- (8) publishes on an Internet website, including a social media platform, repeated electronic communications in a manner reasonably likely to cause emotional distress, abuse, or torment to another person, unless the communications are made in connection with a matter of public concern.
- (b) In this section:
- (1) "Electronic communication" means a transfer of signs, signals, writing, images, sounds, data, or intelligence of any nature transmitted in whole or in part by a wire, radio, electromagnetic, photoelectronic, or photo-optical system. The term includes:
    - (A) a communication initiated through the use of electronic mail, instant message, network call, a cellular or other type of telephone, a computer, a camera, text message, a social media platform or application, an Internet website, any other Internet-based communication tool, or facsimile machine; and
    - (B) a communication made to a pager.
  - (2) "Family" and "household" have the meaning assigned by Chapter 71, Family Code.
  - (3) "Obscene" means containing a patently offensive description of or a solicitation to commit an ultimate sex act, including sexual intercourse, masturbation, cunnilingus, fellatio, or anilingus, or a description of an excretory function.
- (c) An offense under this section is a Class B misdemeanor, except that the offense is a Class A misdemeanor if:
- (1) the actor has previously been convicted under this section; or
  - (2) the offense was committed under Subsection (a)(7) or (8) and:
    - (A) the offense was committed against a child under 18 years of age with the intent that the child:
      - (i) commit suicide; or
      - (ii) engage in conduct causing serious bodily injury to the child; or
    - (B) the actor has previously violated a temporary restraining order or injunction issued under Chapter 129A, Civil Practice and Remedies Code.
- (d) In this section, "matter of public concern" has the meaning assigned by [Section 27.001](#), Civil Practice and Remedies Code.

**Robbery:** The taking or attempting to take anything of value 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.

**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.

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

**Hate Crime:** A criminal offense reported to local police agencies or to a campus security authority that manifests evidence that the victim was intentionally selected because of the perpetrator's bias against the victim. For Clery Act purposes, hate crimes include any of the following offenses that are motivated by bias: Murder and non-negligent manslaughter, manslaughter by negligence, sexual assault (rape, fondling, incest, statutory

rape), robbery, aggravated assault, burglary, motor vehicle theft, arson, larceny-theft, simple assault, intimidation, or destruction/damage/vandalism of property. Following are the bias categories.

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

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

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

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

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

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

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

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

#### **Additional Hate Crime Definitions:**

**Larceny-Theft:** The unlawful taking, carrying, leading, or riding away of property from the possession or constructive possession of another. Constructive possession is the condition in which a person does not have physical custody or possession, but is in a position to exercise dominion or control over a thing.

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

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

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

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

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

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

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

## 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).

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

**Non-campus:** Any building or property owned or controlled by an institution that is used in direct support of, or in relation to, the institution’s educational purposes, is frequently used by students, and is not within the same reasonably contiguous geographic area of the institution. This also includes any building or property owned or controlled by a student organization that is officially recognized by the institution. No non-campus facilities are owned or controlled by the TS Kennedy campus, therefore, statistics for non-campus facilities are not required to be disclosed.

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

## Texas A&M University Maritime Academy, Summer Sea Term - Reportable Crimes

The following statistics include all incidents of Clery Act crimes reported to the institution that occurred within the campus' Clery Act locations, regardless of whether the parties are members of the campus community and regardless of whether the individual(s) chooses to move forward with criminal justice or campus disciplinary proceedings. To prepare the annual disclosure of crime statistics, the institution collects information from internal sources such as campus police and other campus security authorities and requests information from external sources.

<b>Criminal Offenses<sup>27</sup></b>				
<b>Offense</b>	<b>Year</b>	<b>On Campus Property</b>	<b>Residential Facilities (subset of on campus property)</b>	<b>Public Property</b>
Murder / Non-negligent Manslaughter	2020	n/a	n/a	n/a
	2021	0	0	0
	2022	0	0	0
Manslaughter By Negligence	2020	n/a	n/a	n/a
	2021	0	0	0
	2022	0	0	0
Sex Offenses, Rape	2020	n/a	n/a	n/a
	2021	0	0	0
	2022	0	0	0
Sex Offenses, Fondling	2020	n/a	n/a	n/a
	2021	0	0	0
	2022	0	0	0
Sex Offenses, Incest	2020	n/a	n/a	n/a
	2021	0	0	0
	2022	0	0	0
Sex Offenses, Statutory Rape	2020	n/a	n/a	n/a
	2021	0	0	0
	2022	0	0	0
Robbery	2020	n/a	n/a	n/a
	2021	0	0	0
	2022	0	0	0
Aggravated Assault	2020	n/a	n/a	n/a
	2021	0	0	0
	2022	0	0	0
Burglary of Structure	2020	n/a	n/a	n/a
	2021	0	0	0
	2022	0	0	0
Motor Vehicle Theft	2020	n/a	n/a	n/a
	2021	0	0	0
	2022	0	0	0
Arson	2020	n/a	n/a	n/a
	2021	0	0	0
	2022	0	0	0

<b>Hate Crimes<sup>27</sup></b>				
<b>Offense</b>	<b>Year</b>	<b>On Campus Property</b>	<b>Residential Facilities (subset of on campus property)</b>	<b>Public Property</b>
Hate Crimes *	2020	n/a	n/a	n/a
	2021	0	0	0
	2022	0	0	0

<sup>27</sup> Reportable crimes in the tables on this page and the next page include Clery Act crimes reported as occurring on the TS Kennedy during calendar years 2021 and 2022 for the time period specified in the memorandum of agreement, i.e., during each year's respective TAMMA Summer Sea Term. TAMMA did not acquire a vessel through agreement in calendar year 2020, therefore, 2020 statistics are not disclosed or required.



Violence Against Women Act of 2013 (VAWA) Offenses <sup>28</sup>				
Offense	Year	On Campus Property	Residential Facilities (subset of on campus property)	Public Property
Domestic Violence	2020	n/a	n/a	n/a
	2021	0	0	0
	2022	0	0	0
Dating Violence	2020	n/a	n/a	n/a
	2021	0	0	0
	2022	0	0	0
Stalking	2020	n/a	n/a	n/a
	2021	0	0	0
	2022	3	1	0

Arrests and Disciplinary Referrals <sup>28</sup>				
Offense	Year	On Campus Property	Residential Facilities (subset of on campus property)	Public Property
Arrests: Weapons Carrying, Possessing, Etc.	2020	n/a	n/a	n/a
	2021	0	0	0
	2022	0	0	0
Disciplinary Referrals: Weapons Carrying, Possessing, Etc.	2020	n/a	n/a	n/a
	2021	0	0	0
	2022	0	0	0
Arrests: Drug Abuse Violations	2020	n/a	n/a	n/a
	2021	0	0	0
	2022	0	0	0
Disciplinary Referrals: Drug Abuse Violations	2020	n/a	n/a	n/a
	2021	0	0	0
	2022	0	0	0
Arrests: Liquor Law Violations	2020	n/a	n/a	n/a
	2021	0	0	0
	2022	0	0	0
Disciplinary Referrals: Liquor Law Violations	2020	n/a	n/a	n/a
	2021	0	0	0
	2022	0	0	0

The following are in reference to the reportable crimes tables.

\* In 2022 and 2021 there were no reported criminal incidents involving hate/bias.

## Texas A&M University Maritime Academy, Summer Sea Term - Unfounded Crimes

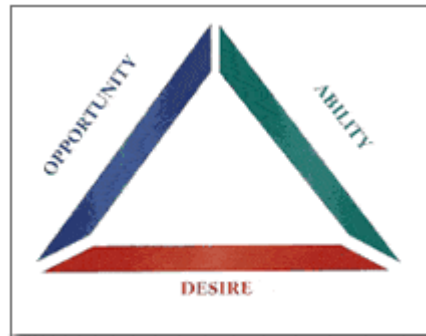
Unfounded crimes are crimes that sworn or commissioned law enforcement personnel have investigated and made a formal determination that the report is false or baseless and are, therefore, subsequently withheld from Clery crime statistics. Following are the unfounded crimes as reported for Clery Act locations and Clery Act offenses associated with the TAMMA Summer Sea Term campus:

- Calendar year 2022: 0 unfounded crimes
- Calendar year 2021: 0 unfounded crimes
- Calendar year 2020: n/a (TAMMA did not acquire a vessel through agreement in calendar year 2020, therefore, 2020 statistics are not disclosed or required.)

<sup>28</sup> Reportable crimes in the tables on this page and the next page include Clery Act crimes reported as occurring on the TS Kennedy during calendar years 2021 and 2022 for the time period specified in the memorandum of agreement, i.e., during each year's respective TAMMA Summer Sea Term. TAMMA did not acquire a vessel through agreement in calendar year 2020, therefore, 2020 statistics are not disclosed or required.

## 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 TAMUG PD and the TS Kennedy Master and ship's officers is the prevention of crime before it occurs. Because campus police and security 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. Reporting any crime or suspected crime immediately is helpful and may prevent someone else from becoming a victim of a more serious crime.

TAMUG departments continually present programs covering crime prevention and security information to students, staff, and faculty, including TAMMA personnel and cadets. The programs are designed to encourage students and employees to be responsible for their own security and the security of others. Campus security and fire safety procedures are discussed during new student orientations. The TAMUG PD, the Safety Officer, the Office of Emergency Management, and the Division of Student Affairs, including TAMUG Residence Hall staff, participate in forums, town hall meetings, and Community Leader floor meetings in residence halls to address students and to explain university security, public safety, and fire safety measures and procedures at TAMUG. All incoming students and new employees are clearly instructed to call the campus police for any problem. All incoming students are warned about the dangers of sexual assault and instructed to call the police or any designated campus official if they ever need help for such a problem.

In addition, members of TAMUG PD conduct crime prevention and general security and safety awareness presentations when requested by various community groups, including students and employees of the university. During these presentations, the following information is typically provided: crime prevention tips; statistics on crime at TAMUG; fire safety information; information regarding campus security procedures and practices including encouraging participants to be responsible for their own security/safety and for the security/safety for others on campus. New employee orientation includes the distribution of crime prevention and fire safety materials to all new employees at the Human Resources office.

Other programs typically provided by TAMUG PD and designed to prevent crimes on campus include:

- Safety escort service, 24 hours a day, seven days a week for students on the TAMUG Campus.

- Identification program, by engraving serial numbers or owner's recognized numbers (e.g. driver's license number) on items of value, and makes engravers available upon request free of charge by TAMUG PD.

Members of the university community must assume responsibility for their own personal safety and the security of their personal property. The following precautions provide guidance.

- Report all suspicious activity to TAMUG PD immediately.
- Never take personal safety for granted.
- Try to avoid walking alone at night. Use the TAMUG PD escort service.
- Limit your alcohol consumption, and leave social functions that get too loud, too crowded, or that have too many people drinking excessively. Remember to call TAMUG PD or GPD for help at the first sign of trouble.
- Carry only small amounts of cash.
- Never leave valuables (wallets, purses, books, phones, etc.) unattended.
- Carry your keys at all times and do not lend them to anyone.
- Lock up bicycles and motorcycles. Lock car doors and close windows when leaving your car.
- Always lock the door to your residence hall room, whether or not you are there.
- Be certain that your door is locked when you go to sleep, and keep windows closed and locked when you are not at home.
- Do not leave valuables in your car, especially if they can be easily noticed.
- Engrave serial numbers or owner's recognized numbers, such as a driver's license number, on items of value.
- Inventory your personal property and insure it appropriately with persona insurance coverage.

If a TAMUG community member becomes the victim of a crime, the TAMUG PD can assist with a referral to the Victims Assistance Program Coordinator at the Galveston County District Attorney's Office. The Coordinator aids victims/survivors of a crime by assisting them in obtaining the services they need to work through and better understand their options.

On board the TS Kennedy, it is also the responsibility of all persons to become familiar with the ship's Safety Management Manual. The Safety Management Manual provides students and employees with instructions and procedures to provide a safe workplace and for protection of the environment in accordance with industry standards. The Safety Management Manual includes a USCG approved Vessel Security Plan enforced by internal and external audits and inspections. The Vessel Security Plan is developed by considering the security level of the ship and ports and describes protective measures to be implemented such as access control onboard, monitoring restricted areas, cargo handling, receiving of stores/baggage, etc. Every person aboard the TS Kennedy is expected to contribute to the overall security awareness of the vessel and actively participate in detecting potential security breaches. Every person aboard will receive a ship-specific security orientation and is assigned an associated security bill assignment of duties in accordance with the Vessel Security Plan. All persons are required to familiarize themselves with their security duty assignments through the authority of the ship's Chief Mate, as the VSO. The Chief Mate is responsible for implementation and execution of the Vessel Security Plan and has the authority to promulgate security instructions to any or all crew. Immediate compliance to the instructions is required.

The security bill is designed encourage students and employees to be responsible for their own security and the security of others. All persons are instructed to fully cooperate and execute the security regulations such as ID card checks, baggage searches, personal scanning or any other authorized action necessary to comply

with the Vessel Security Plan. Individuals are instructed to immediately report loss of their port pass or any suspicious activity on or near the vessel to a TS Kennedy security officer via the gangway watch.

## Important Telephone Numbers

Area Code 409 (for all numbers listed below unless noted otherwise)

Emergencies—from off campus phone / Cell phones Police/Fire/Medical	911 for off campus or on campus	TAMUG Police Department	740-4545; After hours 771-5185
Galveston Police (non-emergency)	765-3702	Galveston Fire	797-3850
Galveston County Sheriff's Office	766-2322	Counseling, Career & Ability Services	740-4736
TS Kennedy Master	646-817-3630 (vsat phone)	Roving Security Watch	1302 / 409-974-3677 (cell)
Facilities Services	740-4547	Student Health Services	772-2166
Crime Stoppers 763-TIPS	763-8477	Campus Escorts	740-4545
Department of Public Safety	766-2285	Student Affairs	740-4598
FBI	935-7327	Galveston Public Transportation System	797-3900
Environmental Health & Safety	741-4055	TAMMA Deputy Superintendent	740-4477
TAMMA Commandant	740-4559	TAMMA Office (emergency)	740-4477
TAMMA Office (non-emergency)	740-4706	Department of Civil Rights and Equity Investigations	979-458-8407

## Other Annual Security Reports and Annual Fire Safety Reports

Annual Security Reports and Annual Fire Safety Reports for other Texas A&M University locations are as follows and are available at the following Texas A&M University DREC website:

<https://orec.tamu.edu/clery/annual-security-report/>

### Other Texas A&M University Annual Security Reports

Texas A&M University College Station

<https://orec.tamu.edu/wp-content/uploads/CSAnnualSecurityReport.pdf>

Texas A&M University O.D. Butler, Jr. Animal Science Complex and University Farm

<https://orec.tamu.edu/wp-content/uploads/UnivFarmAnnualSecurityReport.pdf>

Texas A&M University RELIS Campus

<https://orec.tamu.edu/wp-content/uploads/RELLISAnnualSecurityReport.pdf>

Texas A&M University at Galveston

<https://orec.tamu.edu/wp-content/uploads/GalvestonAnnualSecurityReport.pdf>

Texas A&M University at Qatar

<https://orec.tamu.edu/wp-content/uploads/QatarAnnualSecurityReport.pdf>

Texas A&M University Mays Business School at CityCentre

<https://orec.tamu.edu/wp-content/uploads/MaysAnnualSecurityReport.pdf>

Texas A&M University School of Law

<https://orec.tamu.edu/wp-content/uploads/LawAnnualSecurityReport.pdf>

Texas A&M University Health Science Center Bryan

<https://orec.tamu.edu/wp-content/uploads/HSCBryanAnnualSecurityReport.pdf>

Texas A&M University Health Science Center Cooper Clinic, Dallas

<https://orec.tamu.edu/wp-content/uploads/HSCCooperClinicAnnualSecurityReport.pdf>

Texas A&M University Health Science Center Dallas

<https://orec.tamu.edu/wp-content/uploads/HSCDallasAnnualSecurityReport.pdf>

Texas A&M University Houston

<https://orec.tamu.edu/wp-content/uploads/HoustonAnnualSecurityReport.pdf>

Texas A&M University Health Science Center Kingsville

<https://orec.tamu.edu/wp-content/uploads/HSCKingsvilleAnnualSecurityReport.pdf>

Texas A&M University Health Science Center Round Rock

<https://orec.tamu.edu/wp-content/uploads/HSCRRAnnualSecurityReport.pdf>

Texas A&M University Health Science Center Temple

<https://orec.tamu.edu/wp-content/uploads/HSCTempleAnnualSecurityReport.pdf>

Texas A&M University Higher Education Center at McAllen

<https://orec.tamu.edu/wp-content/uploads/HECMcAllenAnnualSecurityReport.pdf>

Texas A&M University Bush School of Government & Public Service Washington, DC Teaching Site

<https://orec.tamu.edu/wp-content/uploads/DCAnnualSecurityReport.pdf>

Texas A&M University Veterinary Education, Research, and Outreach

<https://orec.tamu.edu/wp-content/uploads/VEROAnnualSecurityReport.pdf>

#### Other Texas A&M University Annual Fire Safety Reports

Texas A&M University at College Station

<https://orec.tamu.edu/wp-content/uploads/CSAnnualFireReport.pdf>

Texas A&M University at Galveston

<https://orec.tamu.edu/wp-content/uploads/GalvestonAnnualFireReport.pdf>

Texas A&M University Houston

<https://orec.tamu.edu/wp-content/uploads/HoustonAnnualFireReport.pdf>

Texas A&M University Health Science Center Kingsville

<https://orec.tamu.edu/wp-content/uploads/KingsvilleAnnualFireReport.pdf>

Texas A&M University Veterinary Education, Research, and Outreach

<https://orec.tamu.edu/wp-content/uploads/VEROAnnualFireReport.pdf>