

# TEXAS A&M UNIVERSITY HEALTH SCIENCE CENTER, TEMPLE

## 2017 Annual Security Report

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

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This Annual Security Report is available on the Texas A&M University Risk and Compliance website at:

<http://urc.tamu.edu/media/1157072/HSCTempleAnnualSecurityReport.pdf>.

Numerous links to websites are included. Email [security@tamhsc.edu](mailto:security@tamhsc.edu) for assistance if any link does not function.

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

### **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 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 Crime Statistics Act" (hereafter the Clery Act).

The Texas A&M University Health Science Center (TAMHSC) Security Department is responsible for preparing and distributing the Annual Security Report to comply with the Jeanne Clery Disclosure of Campus Security Policy and Crime Statistics Act (Clery Act). The Annual Security Report is published every year by October 1st and contains three years of selected campus crime statistics and certain campus security policy statements in accordance with the Clery Act. The 2017 Annual Security Report contains crime statistics for calendar years 2016, 2015, and 2014.

The TAMHSC Security Department coordinates with University Risk and Compliance to compose the Annual Security Report and statistical information with input from various sources such as local law enforcement agencies, Student Affairs, and Campus Officials.

### **Annual Security Report Notifications**

Each year, an e-mail notification is sent to all current students, faculty, and staff providing the website to access this report. The TAMHSC Temple Annual Security Report can be found at the following website: <http://urc.tamu.edu/media/1157069/HSCRRAnnualSecurityReport.pdf>. A paper copy may be requested at the TAMHSC Temple, 4th Floor, Student Affairs suite, 2401 S. 31<sup>st</sup> St., Temple, TX 76508 or by calling 254-724-3898. A paper copy is also made available upon request at each TAMHSC location.

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

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

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

## **Campus Law Enforcement Policies**

### **Security Department Overview**

The TAMHSC Temple campus is adjacent to the Scott & White Hospital in Temple which employs a security department. The unarmed, non-commissioned security officers routinely patrol the TAMHSC Medical Education Building, however, they are not certified peace officers and do not have authority to detain or arrest. Scott & White security responds to the TAMHSC Medical Research Building for fire alarm activations or when requested. The TAMHSC Temple campus does not have a written mutual aid agreement with the Scott & White Security Department, however, we maintain an excellent working relationship with them. These officers are the ones to answer calls for service and respond to alarms.

### **Police Department Overview**

The Temple Police Department (TPD) provides law enforcement to all components of the TAMHSC Temple including the academic campus. To provide a safe campus for our students, staff, faculty and visitors, the department has uniformed officers on patrol 24-hours a day, year round. To provide this around-the-clock coverage, TPD works in three shifts, patrolling by foot, car, and bicycle.

Patrol is the core of the TPD. These officers answer emergency calls and enforce state criminal and traffic laws.

### **Jurisdiction**

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

### **Arrest Authority**

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

### **Enforcement Authority**

The TPD 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 TPD are investigated and are referred for prosecution through the Offices of the County Attorney and District Attorney when appropriate. Criminal matters involving university students may also be referred to university administration for disciplinary action.

### **Working Relationships and Agreements**

The TAMHSC maintains excellent working relationships with all area law enforcement agencies including the TPD and the Bell County Sheriff’s Office. These working relationships are not maintained through a written mutual aid agreement with the TAMHSC.

A request for timely information sharing is distributed to local law enforcement agencies annually. The request is specific to informing the TAMHSC Bryan Security Department about situations reported to the given local law enforcement agency that may warrant an emergency response or timely warning notification at TAMHSC Temple.

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

The TAMHSC operates no non-campus housing nor non-campus student organization facilities. The TPD monitors and records criminal activity and has primary jurisdiction in surrounding areas off campus. When a TAMHSC student is involved in an off campus offense at a surrounding location, TPD responds to calls and may also assist in cooperation with state or federal law enforcement. There is no Memorandum of Understanding with the TPD.

Institutional sponsored activity by a student or student organization to a location outside of the Temple area may result in the location meeting the criteria for Clery non-campus property. TAMHSC does not use campus security to monitor or record criminal activity at these non-campus locations. The local law enforcement agency with jurisdiction at the location responds when police services are requested.

### **Professional Standards**

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

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

- Request the on-duty Security Supervisor by calling 254-298-5500
- Address written correspondence to: TPD, 209 E., Avenue A, Temple, TX 76501

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

Area code 254 (for all numbers listed below) Website: <http://www.ci.temple.tx.us/276/Police>

Emergencies-from on/off campus phones Police/Fire/Medical	911	Scott & White Hospital Security	724-2111
Temple Police Department	298-5500	Bell County Sheriff's Office	933-5412

## **Reporting Crimes**

### **Incident Reporting and Response**

Any on-campus emergency, criminal offense, or suspected criminal activity, should be reported immediately to the TPD by dialing 911 from a campus phone, from a cellular phone, or in person. In addition, call boxes are located on or near each building. These phones will immediately contact Scott & White Security. Upon receipt of the call, the Scott & White Hospital Security Department can supply information or dispatch officers as necessary.

For non-emergencies from a campus phone, dial 254-724-2111 to contact Scott & White Security. To contact the TPD from an off campus phone, campus payphone, or cell phone, please call 254-298-5500. The web address for TPD is: <http://www.ci.temple.tx.us/276/Police>.

Scott & White Security will respond as quickly and safely as possible to any request for assistance, whether it is an emergency or not. Response includes dispatching a security officer to attend to the needs of the victim and secure the scene and, as situations warrant, contact outside services such as local law enforcement, the fire department, or emergency personnel to respond to the incident. TPD or Bell County Sheriff officers in vehicles, on foot, or on bicycles will assist and may be contacted directly. Response time is based on current activity and severity of the call. Crimes in progress, alarms, traffic accidents with injuries, and medical assists have a higher priority than other types of calls. For non-campus offenses, we encourage prompt reporting to the proper local law enforcement agency.

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

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

Faculty, staff, and students are encouraged to report any criminal offenses within the campus environment directly to the Scott & White Security or TPD. 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 to the following TAMHSC offices:

Name	Phone	Location
Director of Academic Affairs	979-436-9110	Clinical Building 1, Suite 3100, Bryan campus
College of Medicine Associate Dean for Students	979-436-0245	3050 Health Professionals Education Building, Bryan campus
College of Medicine Vice Dean, Temple Campus	254-724-6853	2401 S. 31 <sup>st</sup> St., Room 411, Temple, TX 76508
TAMHSC Security Department, Bryan Campus	979-436-9000	Clinical Building 1, Suite 4400, Bryan campus

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

Students, faculty, staff, community members, and guests are encouraged to report all crimes and public safety related incidents to Scott & White Security and TPD in an accurate and prompt manner when the victim of such crimes elects or is unable to make such a report. The TAMHSC offices listed above, will assist students

with notifying the proper law enforcement authorities, if the victim chooses. It is our goal to provide assistance wherever the report is made to make sure we include the crime in our annual security report.

Contracted professional counseling personnel, who are exempt from the reporting requirements of the Clery Act, are available to TAMHSC Temple students and employees. As the counseling services are generated through referral using a network of local providers, there are no institutional procedures in place for professional counselors to encourage (if and when they deem appropriate) voluntary, confidential crime reporting for inclusion in the annual disclosure of crime statistics. TAMHSC Temple has no pastoral counselors who are exempt from reporting requirements under the Clery Act

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

The TAMHSC and TPD encourage anyone who is the victim or witness to any crime to promptly report the incident to the police. Because police reports are public records under state law, TPD cannot hold reports of crimes in confidence. Voluntary, confidential reports for purposes of inclusion in the annual disclosure of crime statistics can generally be made by victims, witnesses, and others to the campus security authorities listed on the previous page and all other campus security authorities. Felony crimes can be reported anonymously by calling the Bell County Crime Stoppers at 1-800-729-8477. Non-emergency types of crimes can be reported anonymously via the Crime Stoppers web page at: <http://bellcountycrimestoppers.com/>

### **Missing Students**

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

### **Timely Warning Policy**

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

The TAMHSC Security Department is responsible for the writing and issuance of Crime Alerts. Personnel authorized to write and/or issue (send) a Crime Alert are the Director of Security and the Security Manager. Anyone with information warranting a Crime Alert should report the circumstances immediately to the TAMHSC Bryan Security Department (979-436-9000), to the TAMHSC Temple Vice Dean (254-724-6853), or to Scott & White Security located at 2401 South 31<sup>st</sup> St., Temple, TX 76508 in the South Tower, 1<sup>st</sup> floor (254-724-2111).

Crime Alerts are distributed to students, faculty, and staff via blast email or may be posted on the “Timely Warnings” website: <https://timelywarning.tamhsc.edu>. Crime Alerts are distributed in a manner that is timely and will aid in the prevention of similar occurrences. Crime Alerts contain sufficient information about the

nature of an identified threat to assist members of the campus community in taking appropriate action to protect themselves or their property. The Crime Alert generally include:

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

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

## **Emergency Response and Evacuation Policy**

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

### **Emergency Notification System**

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

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

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

At the TAMHSC Temple campus, the generation of an HSC Alert and activation of the notification system is the responsibility of the Texas A&M University Assistant Emergency Management Coordinator at the TAMHSC Bryan campus on behalf of the TAMHSC Temple campus. The designated individual will, without delay, and taking into account the safety of the community, determine the content of the notification and initiate the HSC Alert notification system; unless issuing the notification will, in the professional judgment of responsible authorities, compromise efforts to assist victims or to contain, respond to, or otherwise mitigate the emergency. Victim names and other personally identifying information of victims are never included in emergency notifications.



In accordance with TAMHSC policy, other central TAMHSC administration (Director of Risk Management and Compliance located at the TAMHSC Bryan campus or the Director of Security at the TAMHSC Houston campus) will generate and issue an HSC Alert on behalf of TAMHSC Temple in special cases. These cases include: if campus operations are altered (closures) or if the emergency prevents the local campus from issuing the alert.

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

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

## **Registering for Emergency Notifications**

### Students, Faculty, and Staff Access

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

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

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

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

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

The success of this service relies on you to provide accurate contact information. The emergency alert system will contain email addresses for all faculty, staff and students of TAMHSC. Mobile phone numbers and

alternate email addresses can be added, or you can opt out of the system, by following the steps in the Emergency Alert Tutorial. <https://helpdesk.tamhsc.edu/emergency-alert-tutorial/>

#### Public Access

The public cannot register for HSC Alerts.

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

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

### **Emergency Preparedness**

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

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

### **TAMHSC Temple Emergency Management Team Members**

College of Medicine Vice Dean

Assistant Director, College of Medicine Office of Business Affairs

Environmental Health and Safety Officer

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

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

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

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

### Shelter-in-Place

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

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

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

### Campus Evacuation Procedures

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

### Building Evacuation Procedures

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

### Testing Emergency Response and Evacuation Procedures

TAMHSC tests its emergency response and evacuation procedures as defined in the Clery Act on an annual basis. Test is defined as regularly scheduled drills, exercises, and appropriate follow-through activities, designed for assessment and evaluation of emergency plans and capabilities. Tests may be announced or unannounced.

TAMHSC conducts a drill or an exercise and publicizes its emergency response and evacuation procedures via campus email annually. For each test, documentation describes the exercise, the date and time, and whether it was announced or unannounced. An after action report is completed and kept by the Texas A&M University Assistant Emergency Management Coordinator.

## **The Daily Crime Log**

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

## **Security of and Access to Campus Facilities**

### **General Provisions**

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

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

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

### **Residence Halls**

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

### **Parking Lots**

Parking lots immediately adjacent to the Medical Research Building and under the control of the TAMHSC are not monitored. Parking lots immediately adjacent to the Medical Education Building are under the control of Scott & White and may or may not be monitored.

### **Academic and Administrative Buildings**

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

## **Maintenance of Campus Facilities**

Contracted facilities personnel are responsible for maintaining the buildings, grounds, and custodial services for the TAMHSC Temple campus. TAMHSC Facilities and Utilities Services Department provides oversight of electricity, heating and cooling, running water, and waste disposal. Faculty and staff are encouraged to report

maintenance problems to the contracted facility manager, submit a work request through the department's website: <https://assetworks.tamhsc.edu/>, or the 24 hour Emergency Number at 512-375-6577.

Additionally, facilities such as telephones, recreational areas, building renovations, furniture purchases, card access security system, and fire alarm/detection systems are all coordinated from the Facilities and Utilities System's office. For after-hours emergency repairs or for more information about any of these services, please call 512-375-6577 or email [facilitiesmgmt@tamhsc.edu](mailto:facilitiesmgmt@tamhsc.edu).

TAMHSC contracted personnel closely monitor any security-related maintenance problems after hours, and report their findings to the appropriate TAMHSC official. The operations of the emergency call boxes are checked on a scheduled periodic basis by Scott & White Security.

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

### **Education Programs**

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

### **Alcohol Policy**

The following alcohol policy applies to the TAMHSC Temple campus.

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

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

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

### **Illegal Drugs Policy**

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

Federal law prohibits the unlawful possession, use, sale, or distribution of drugs. Texas state law prohibits the possession, use, sale, manufacture, or delivery of a controlled substance without legal authorization. A controlled substance includes any drug, substance or immediate precursor covered under the Texas Controlled Substances Act, including but not limited to opiates, barbiturates, amphetamines, marijuana, and hallucinogens. The possession of drug paraphernalia is also prohibited under Texas state law. Drug paraphernalia includes all equipment, products and material of any kind that are used to facilitate, or intended or designed to facilitate, violations of the Texas Controlled Substances Act. According to [System Policy 34.02, Drugs and Alcohol Abuse](#), all students and employees are expected to abide by federal and state laws pertaining to controlled substances and illicit drugs. Alleged violations of these laws may result in criminal charges and will also be adjudicated through University conduct procedures. ([Texas A&M University Student Rules, Appendix VII; System Policy 34.02, Drug and Alcohol Abuse](#))

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

### **Weapons Policy**

The following weapons policy applies to the TAMHSC Temple campus.

In accordance with [Texas Penal Code Ch. 46.03](#), it is a felony to intentionally, knowingly, or recklessly possess a firearm (without a concealed handgun permit), illegal knife, or prohibited weapon on the physical premises of a school or educational institution, to include any buildings or passenger transportation vehicles under the direct control of the educational institution. A license holder under Chapter 411, Texas Government Code, may carry a concealed handgun on or about the license holder's person while the license holder is on the campus of Texas A&M (all land and buildings owned or leased by Texas A&M) or in a university vehicle, unless prohibited by state law, federal law, or [University Rule 34.06.02.M1, Carrying Concealed Handguns on Campus](#). Prohibited areas include but are not limited to campus daycares, counseling centers, health care facilities, collegiate and interscholastic sporting events, certain high hazard and high risk research areas/laboratories, specific premises where formal disciplinary hearings are conducted, and locations with official Texas Penal Code 30.06 signage. The open carry of handguns is prohibited everywhere on campus including all land and buildings owned or leased by Texas A&M University. [University Rule 34.06.02.M1](#) and [Student Conduct Code 24.4.14](#) contain additional weapons policy information.

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

In accordance with federal law and [System Regulation 08.01.01, Civil Rights Compliance](#), Texas A&M University prohibits illegal discrimination on the basis of sex and prohibits sexual assault, dating violence, domestic violence, (as those terms are defined for the purposes of the Clery Act) and stalking. The following are statements of policy that address sexual assault, dating violence, domestic violence, and stalking, whether it occurs on or off campus, when it is reported to a university official. The policies in this section also apply to the other forms of sexual harassment<sup>1</sup> as defined in System Regulation 08.01.01, Civil Rights Compliance.

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<sup>1</sup> Sexual harassment is a form of sex discrimination. Unwelcome sexual advances, requests for sexual favors and other verbal, nonverbal or physical conduct of a sexual nature constitute sexual harassment when this conduct is so severe, persistent or pervasive that it explicitly or implicitly affects an individual's employment, unreasonably interferes with an individual's work or educational performance, or creates an intimidating or hostile work or educational environment. Unwelcome means that an individual did not request or invite it and considers the conduct to be undesirable or offensive. Submission to the conduct or failure to complain does not always mean that the conduct was

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

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

Agency	Phone
Temple Police Department	254-298-5500
Bell County Sheriff's Department	254-933-5412

The TPD and the other law enforcement agencies are available to receive reports of sexual assault, dating violence, domestic violence, and stalking; assist a victim in securing medical attention; participate in evidence preservation and collection, conduct investigations of crimes; and inform the victim of legal and administrative options both on and off campus. Criminal investigations may occur independent from a conduct proceeding and are conducted by local law enforcement in accordance with Texas Penal Code, the Texas Code of Criminal Procedure, and information from the Bell 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.

Any student should, or employee must, promptly report incidents of illegal discrimination, sexual harassment (including sexual assault, dating violence, domestic violence, and stalking), and/or related retaliation that they become aware of, experience, or observe. A third party should also promptly report incidents. At TAMHSC Temple, information should be reported to an official university contact in accordance with Table 1 – Official Contacts below, including the Title IX Coordinator (979-845-0977, [TitleIX.Coordinator@tamu.edu](mailto:TitleIX.Coordinator@tamu.edu)). Depending on the circumstances, the contacts will coordinate responsibilities when necessary.

**Table 1 – Official Contacts**

If the alleged offender is a:	• Student <sup>2</sup>	• Faculty	• Staff • Third party	Any complaints can be reported to the Title IX Coordinator
Then the official contact is:	<a href="#">College of Medicine</a> Associate Dean for Student Affairs, Health Professions Education Bldg. 1, Room 3085, 8447 State Highway 47, Bryan, TX 77807 979-436-0200	Dean of Faculties, 108 YMCA Building, College Station, TX 77843-1126, 979-845-4274, <a href="mailto:Dofinvestigations@tamu.edu">Dofinvestigations@tamu.edu</a>	Director of Organizational Consulting & Resolution Management, Human Resources, 750 Agronomy Rd., Suite 1201, College Station, TX 77843-1255 979-862-4027, <a href="mailto:ocrm@tamu.edu">ocrm@tamu.edu</a>	Title IX Coordinator, 750 Agronomy Rd., Suite 2101, College Station, TX 77843-1280, 979-845-0977, <a href="mailto:TitleIX.Coordinator@tamu.edu">TitleIX.Coordinator@tamu.edu</a>

welcome. Sexual harassment may be quid pro quo (“this for that”) or may constitute a hostile environment. Sexual harassment includes non-consensual sexual contact, sexual assault, sexual exploitation, and stalking, dating violence, and domestic violence when based on sex.

<sup>2</sup> TAMHSC's procedures for reporting sexual assault, dating violence, domestic violence, stalking, and related retaliation are in transition as of the distribution date of this report. Due to the transition, incidents involving alleged offenders who are TAMHSC students may be reported to the official contact(s) listed in Table 1 – Official Contacts or the Texas A&M University Dean of Student Life (979-845-3111, [studentlife@tamu.edu](mailto:studentlife@tamu.edu), <http://studentlife.tamu.edu/>) at the main campus in College Station, TX.

The official contacts have procedures in place to inform individuals of their rights to file criminal charges as well as the availability of services on and/or off campus. Individuals are notified of their right to report the incident to local law enforcement immediately, but individuals also have the right to decline to notify such authorities. The official contact or designee will make an immediate assessment of any risk of harm to individuals or to the campus community and will take steps necessary to address those risks. These steps include access to medical care, assistance in notifying the appropriate law enforcement authorities if the individual so chooses, and other interim protective measures to provide for the safety of the individual and campus community. The official contact or designee will also take steps to address the conduct, protect and assist the individual, and remediate effects. The investigation process initiated by the official contact allows for resolution of the conduct to include rendering a final result regarding the complaint and, if the complaint is found to have merit, taking action to prevent the recurrence of the conduct and related retaliation.

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

- the importance of preserving physical evidence that may assist in proving that the alleged criminal offense occurred or may be helpful in obtaining a 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 (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)
- the options for, available assistance in, and how to request changes to academic, living, transportation, and working situations or protective measures;
- protection from retaliation; and
- an explanation of procedures for institutional disciplinary action in cases of alleged sexual assault, dating violence, domestic violence, and stalking.

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

- Go to a safe place as soon as you can.
- Contact the Police Department at 911.
- Get medical attention as soon as possible to make sure you are physically well and to collect important evidence in the event you may later wish to take legal action. Scott & White Hospital (254-724-2111) has a sexual assault program with trained Sexual Assault Nurse Examiners and a forensic unit offering detailed physical examinations, evidence collection, and expert testimony.
- Try to preserve all physical evidence. Do not wash, use the toilet, or change clothing if you can avoid it. If you do change clothes, put all clothing you were wearing at the time of the attack in a paper, not plastic, bag.



- In cases of sexual assault, domestic violence, dating violence, and stalking, preserve evidence by saving text messages, instant messages, social networking pages, communications, pictures, or other documents, if any, that would be useful to police or investigators.
- Personnel are available to help explain your options, give you information, and provide emotional support. Personnel include: any designated university official listed in Table 1 - Official Contacts, Student Assistance Services 979-845-3113, TAMHSC Student Assistance Program 1-800-346-3549, TPD Victim Services 254-298-5678, TAMHSC Employee Assistance Program (Deer Oaks) 1-888-993-7650, and the Bell County Victim's Services Division 254-933-5235.

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

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

### **Confidentiality/Privacy**

Students and employees have the option to disclose confidentially. Licensed counselors and licensed health care personnel, who receive reports when acting in this capacity as part of their official employment, may keep reports of violations confidential. However, for the purposes of reporting and maintaining public safety, the individual to whom disclosures occur may share information about an incident in a way that does not identify the individuals concerned. Publicly available recordkeeping, for purposes of Clery Act reporting and disclosures such as the annual security report, will be made without inclusion of personally identifying information<sup>3</sup> about the complainant. The TAMHSC Student Assistance Program (1-800-346-3549) and the TAMHSC Employee Assistance Program - Deer Oaks (1-888-993-7650) are confidential mental health counseling services available to students and employees, and the employee's benefits-eligible dependents respectively. Currently enrolled students at the TAMHSC Temple campus do not have access to on-campus student health services.

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

The university is committed to protecting the privacy of reporting parties, complainants, and alleged offenders. Given the sensitive nature of reports, information will be maintained in a secure manner and will only be

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<sup>3</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.

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

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 for Victims**

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

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

#### Law Enforcement

Name	Phone	Address	Website
Scott & White Security	254-724-2111	2401 S. 31 <sup>st</sup> St. Temple, TX	<a href="http://www.sw.org/patient-tools/temple-campus-information">http://www.sw.org/patient-tools/temple-campus-information</a>
Temple Police Department	254-298-5500	209 E Avenue A Temple, TX	<a href="http://www.ci.temple.tx.us/276/Police">http://www.ci.temple.tx.us/276/Police</a>
Bell County Sheriff's Department	254-933-5412	104 S Main St Belton, TX	<a href="http://www.bellcountytexas.com/county-government/sheriff/">http://www.bellcountytexas.com/county-government/sheriff/</a>

#### Counseling and Mental Health

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

Medical and Health Services

Name	Phone	Address	Website
Scott & White Clinic - Westfield	254-742-7400	7556 Honeysuckle Temple, TX	<a href="http://www.sw.org/location/temple-westfield">http://www.sw.org/location/temple-westfield</a>
Scott & White Memorial Hospital	254-724-2111	2401 S 31 <sup>st</sup> St Temple, TX	<a href="http://www.sw.org/location/temple-hospital">http://www.sw.org/location/temple-hospital</a>
Olin E. Teague Veterans' Medical Center	254-778-4811	1901 Veterans Memorial Dr.	<a href="http://www.centraltexas.va.gov/index.asp">http://www.centraltexas.va.gov/index.asp</a>
On-campus medical and health services are not available at the TAMHSC Temple campus.			

Support, Advocacy, Legal Assistance, and Other Resources

Name	Phone	Address	Website
Student Assistance Services	979-845-3113	See website	<a href="http://sas.tamu.edu">http://sas.tamu.edu</a>
Women's Resource Center	979-845-8784	See website	<a href="http://wrc.tamu.edu">http://wrc.tamu.edu</a>
GLBT Resource Center	979-862-8920	See website	<a href="http://studentlife.tamu.edu/glb">http://studentlife.tamu.edu/glb</a>
Student Conduct Office	979-847-7272	See website	<a href="http://studentlife.tamu.edu/sco">http://studentlife.tamu.edu/sco</a>
Student Legal Services <sup>4</sup>	979-862-4502	See website	<a href="http://studentlife.tamu.edu/sls">http://studentlife.tamu.edu/sls</a>
Scott & White Memorial Hospital	254-724-2111	2401 S 31 <sup>st</sup> St Temple, TX	<a href="http://www.sw.org/location/temple-hospital">http://www.sw.org/location/temple-hospital</a>
Bell County Victim's Services	254-933-5235	1201 Huey Rd. Belton, TX	<a href="http://www.bellcountytexas.com/county_government/district_attorney/victim_services_division.php">http://www.bellcountytexas.com/county_government/district_attorney/victim_services_division.php</a>
Families In Crisis	254-773-7765 1-888-799-SAFE (24-hour Hotline)	1100 S 33rd St. Temple, TX	<a href="http://familiesin crisis.net/">http://familiesin crisis.net/</a>
Hope Alliance	1-800-460-7233 (24-hour Crisis Line)	n/a	<a href="http://www.hopealliancetexas.org/services/client-services/">http://www.hopealliancetexas.org/services/client-services/</a>
National Sexual Assault Hotline	(800) 656-HOPE	n/a	<a href="https://rainn.org/get-help/national-sexual-assault-hotline">https://rainn.org/get-help/national-sexual-assault-hotline</a>
National Domestic Violence Hotline	(800) 799-SAFE	n/a	<a href="http://www.thehotline.org">http://www.thehotline.org</a>
On-campus support, advocacy, and legal assistance resources are not available at the TAMHSC Temple campus.			

<sup>4</sup> Student Legal Services does not render advice to students in a dispute against other Texas A&M University students or against Texas A&M University and does not represent students in court.

Visa and Immigration Assistance

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

Student Financial Aid

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

Institutional Rights and Options (Interim Measures)

The institution is obligated to offer and provide assistance to the complainant, the alleged offender, and other affected individuals in obtaining a range of accommodations, interim protective measures, and remedies. The institution is obligated to comply with the individual's reasonable request for a living and/or academic situation change following an allegation of dating violence, domestic violence, sexual assault, or stalking. Upon the request of a student involved with the report, the College of Medicine Associate Dean for Student Affairs (979-436-0200) will work with the Offices of the Dean of Student Life (979-845-3111) at the main campus who can assist with issues including, but not limited to, changing academic, living, transportation, and working situations and obtaining no contact restrictions. The various options are provided if requested and reasonably available, regardless of whether the individual chooses to report the incident to law enforcement. Human Resources (979-862-4027) and the Dean of Faculties Office (979-845-4274) are obligated to provide similar assistance to employees.

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

- Addressing academic concerns such as transferring, withdrawing, or retaking classes and rescheduling exams or assignments

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

*No contact restrictions:* A no contact restriction is an interim protective measure issued by the institution that prohibits two parties from contacting one another through any means. No contact restrictions can be issued in addition to court ordered protection but may also serve as an alternative for those who do not want to seek a court order. A complainant or an alleged offender can request a no contact restriction directed at a student through the College of Medicine Associate Dean for Student Affairs (979-436-0200). The Offices of the Dean of Student Life at 979-845-3111 are notified and retain process oversight. The College of Medicine Associate Dean for Student Affairs may issue a restriction at any time prior to or during a conduct investigation based on information provided by the requestor. A no contact restriction may also be implemented as a sanction subsequent to a finding of responsibility. If a no contact restriction is granted, both parties are notified of the restriction in writing. Records are maintained in the student conduct system.

No contact restrictions directed at employees can be requested from Human Resources at 979-862-4027 (staff) and from the Dean of Faculties Office at 979-845-4274 (faculty).

Individuals should be aware that direct contact, refusal to leave a protected area, 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 no contact restriction. Violations should be reported to the office that issued the restriction and may result in further disciplinary action.

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

### Legal Rights and Options

The institution provides information and assistance to the complainant, the alleged offender, and other affected individuals in obtaining lawful orders 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 interim protective 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 county attorney (Bell County District Attorney's Office - Victim Services Division, 254-933-5235) or a private attorney. More information can be found at the following webpage: [http://www.bellcountytexas.com/county\\_government/district\\_attorney/victim\\_services\\_division.php](http://www.bellcountytexas.com/county_government/district_attorney/victim_services_division.php)

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

Local law enforcement agencies are notified of protective orders that exist in their area. If the requestor or other institutional personnel become aware that a protective order is violated, local law enforcement should be contacted immediately. Scott & White Security (254-724-2111) can assist with this process. Responding agencies can be contacted for protective order violations including TPD (254-298-5500) or the Bell County Sheriff's Department (254-933-5412). Violating protective orders generally carry authority for the violator's immediate arrest.

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

*Criminal Trespass Warning:* A criminal trespass warning is an interim protective measure issued by the TPD directed at those who are considered a danger to the campus community or a danger to a certain individual in the campus community. The warning advises the alleged offender to leave the premises and forbids him/her from entering and/or remaining on certain property which can cover either the entire campus or a specific campus location. To request a criminal trespass warning, contact TPD at 254-298-5500 and request to speak with an officer. The officer issues the criminal trespass warning if the alleged offender is determined to pose a risk to campus safety based on information provided by the requestor as it relates to applicable state law. When the warning is issued, the officer is responsible for providing notice to the requestor and the person receiving the warning.

Law enforcement officers are notified of criminal trespass warnings that exist in their area. If a criminal trespass warning is violated, TPD should be contacted immediately at 254-298-5500. 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 TPD for a responding officer when they become aware of a potential

violation of a criminal trespass warning. TPD generally enforces these warnings by charging violators with criminal trespass resulting in arrest and/or fine.

*Other Legal Options:* The TPD Victim's Assistance Program (254-298-5678) and the Bell County Victim Services Division (254-933-5235) are available to provide information 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>5</sup> for Sexual Assault, Dating violence, Domestic Violence, and Stalking**

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

Proceedings resulting from an allegation of sexual assault, dating violence, domestic violence, or stalking vary as described below. All proceedings are provided in a prompt, fair, and impartial manner from 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<sup>6</sup> and alleged offender. A preponderance of the evidence<sup>7</sup> standard (more likely than not) is used. Proceedings provide both the complainant and alleged offender 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 (any individual who provides the complainant or alleged offender support, guidance, or advice) of their choice. The choice or presence of an advisor is not limited for either the complainant or the alleged offender in any meeting or institutional disciplinary proceeding, however, restrictions regarding the extent to which the advisor may participate in the proceedings may be established and applied equally to both parties. All parties, including advisors, are informed of participation restrictions before a proceeding is conducted so that parties understand and respect the limitations. Proceedings provide both parties with the right to present evidence and witnesses and the right to be informed of the outcome of the investigation. Following are the university's investigation procedures which

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<sup>5</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, the alleged offender, and other affected individuals concerning accommodations or protective measures to be provided to a victim.

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

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

are conducted in the manner prescribed in [System Regulation 08.01.01, \*Civil Rights Compliance\*](#) and the Student Rules and University SAPs that are noted after each section below.

If the alleged offender is a student

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

Students are notified of the investigation via their Texas A&M University email and/or phone. The investigative authority, composed of one or more people, will review the complaint, interview the complainant, the alleged offender, and witnesses, if applicable, and ascertain details and circumstances associated with the complaint. Investigations are intended to collect and provide an investigation report with detailed information in connection with a reported incident involving Texas A&M University students. The purpose of an investigation is three fold: to provide staff in the Offices of the Dean of Student Life sufficient information to determine if the incident warrants further university action; to collect information (not determine responsibility); and to determine departmental jurisdiction. Conducting an investigation is not a process that is designed to “prove” a student did something wrong or to find a student responsible for a student rule violation.

After the investigative authority completes the investigation report, the Office of General Counsel reviews and approves it for legal sufficiency. The investigation report is then provided to the report to the Offices of the Dean of Student Life. Staff in the Offices of the Dean of Student Life review the report and make the determination to investigate further, complete the investigation and initiate a student conduct conference, or dismiss the complaint. If further investigation or a conduct conference is warranted, the alleged offender and complainant are informed of the allegations and information surrounding the allegations. If warranted based on the information from the investigation, the Student Life Conduct Conference is initiated to determine whether a violation of student rules occurred. The Student Life conduct Conference is facilitated by the Student Conduct Office which is authorized by the Vice President for Student Affairs or designee to conduct proceedings and establish a Student Conduct Panel. The Student Conduct Panel may be selected from appropriate personnel in the College of Medicine. The student conduct process provides that:

- Timely and equal access to any information that will be used after the investigation but during formal and informal conduct conferences will be provided to the complainant, alleged offender, and appropriate officials.
- During the student conduct process the alleged offender and complainant have timely notice of meetings at which the complainant or alleged offender, or both, may be present. However, the student conduct panel may accommodate concerns for personal safety, well-being, and/or fears of confrontation of the complainant, alleged offender, and/or other witnesses during the conference at the discretion of the Student Conduct Administrator. The complainant is not required to attend the Student Life Conduct Conference.



- The complainant and alleged offender have the right to be assisted by an advisor of their choice at their own expense. However, the complainant and the alleged offender are responsible for presenting their own information. Students who are charged in the same fact pattern, or who are not in good standing with the university are not eligible to serve as an advisor at conduct proceedings. Admission of any other person to the student conduct conference shall be at the discretion of the Student Conduct Administrator.

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

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

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

The goal is to resolve complaints in a reasonably prompt timeframe of approximately 55 business days excluding any appeal period; however, extenuating circumstances requiring additional time may necessitate an extension with good cause. Extensions are granted by the Title IX Coordinator or designee. Written notice of the delay and the reason for the delay is provided to the complainant and the alleged offender. Results<sup>8</sup>, including any sanctions, are provided simultaneously and in writing to both the complainant and alleged offender. Appeals<sup>9</sup> may be made by the complainant and/or the alleged offender. Appeals must be filed within

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<sup>8</sup> Result means any initial, interim, and final decision by any official or entity authorized to resolve disciplinary matters within the institution. The result must include any sanctions imposed by the institution. Notwithstanding section 444 of the General Education Provisions Act (20 U.S.C. 1232g), commonly referred to as the Family Educational Rights and Privacy Act (FERPA), the result must also include the rationale for the decision and the sanctions, i.e. how the institution weighted the evidence and information presented during the proceeding, how the evidence and information support the decision and sanctions, and how the institution's standard of evidence was applied.

<sup>9</sup> Results (decision and/or sanctions) can be appealed on the following bases, as applicable: (a) a procedural error or omission that significantly impacted the outcome; (b) new evidence, unknown or unavailable during the investigation that could have significantly impacted the outcome; or (c) the appropriateness or severity of the sanctions.

5 business days from receipt of the results. Procedures for the complainant and/or the alleged offender to appeal are provided with the documentation of results. Changes occurring based on appeal and when such results become final are provided to both the complainant and alleged offender simultaneously and in writing. For more detail, see [Texas A&M University Student Rule 47, Investigation and Resolution of Complaints Against Texas A&M Students for Sexual Harassment, Sexual Assault, Dating Violence, Domestic Violence, Stalking, and Related Retaliation \(SSDDSR\)](#).

#### If the alleged offender is faculty

Upon receipt of the complaint, the official contact or designee reviews the complaint to determine if there is sufficient information to proceed with an investigation or if additional information is needed. If the information is insufficient the official contact or designee may, in consultation with the Office of General Counsel, conduct an inquiry into the circumstances of the complaint. If information is sufficient, the official contact or designee will appoint the investigative authority<sup>10</sup> to initiate the investigation. In assigning investigators to cases, the official contact or designee examines the relationships of those involved so that proceedings are conducted by investigators who do not have a conflict of interest or bias for or against the complainant or the alleged offender. Investigators may also decline the assignment if they feel they cannot render an unbiased decision. Individuals conducting investigations, at a minimum, receive training annually which covers grievance models that address sexual assault, dating violence, domestic violence, and stalking, and how to conduct an investigation and hearing process that protects the safety of individuals and promotes accountability through prompt and equitable treatment.

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

After the investigative authority completes the investigation report, the Office of General Counsel reviews and approves it for legal sufficiency. The investigation report is then provided to the Dean of Faculties. The report may contain a listing of allegations, requested relief, a description of relevant documentation reviewed, a list of witnesses interviewed, an analysis of each allegation based on interviews, and conclusions and rationale. The Dean of Faculties or designee reviews the report and renders a decision in writing on the merits of the complaint and any sanctions (if applicable). The result specifies whether the allegations are substantiated, not substantiated, or there is insufficient evidence to make that determination. The Dean of Faculties or designee considers only information contained in the investigation report. If the report is incomplete or otherwise insufficient, the Dean of Faculties or designee will return the report to the investigative authority to address unresolved issues.

One or any combination of the following sanctions may be imposed in response to a finding of misconduct related to dating violence, domestic violence, sexual assault, or stalking: written warning or reprimand, required training and/or counseling, no contact restriction, probation for a definite or indefinite period, and

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<sup>10</sup> If the alleged offender is faculty, the investigative authority consists of two members of the Academic Civil Rights Investigation Committee (ACRIC), a standing committee of faculty members appointed by the deans of the colleges, schools, libraries, and branch campuses and the Dean of Faculties and Associate Provost.

dismissal/employment termination. Potential sanctions do not differ between dating violence, domestic violence, sexual assault, and stalking. The range of the sanctions that can be applied vary significantly. When the Dean of Faculties or designee is determining the most appropriate sanction or combination of sanctions, an assessment is done on a case by case basis and the following factors may be considered.

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

The goal is to resolve complaints in a reasonably prompt timeframe of approximately 55 business days excluding any appeal period; however, extenuating circumstances requiring additional time may necessitate an extension with good cause. Extensions are granted by the Dean of Faculties. Written notice of the delay and the reason for the delay is provided to the complainant and the alleged offender. Results (see footnote 8), including any sanctions, are provided simultaneously and in writing to both the complainant and alleged offender by the Office of the Dean of Faculties. Results are also be provided to the investigative authority.

Appeals (see footnote 9) may be made by the complainant and/or the alleged offender. Appeals must be filed within 10 business days from receipt of the results. Procedures for the complainant and the alleged offender to appeal are provided with the documentation of results. Changes occurring based on appeal and when such results become final are provided to both the complainant and alleged offender simultaneously and in writing. For more detail, see [University SAP 08.01.01.M1.02, Investigation and Resolution of Complaints Against Faculty Members for Illegal Discrimination, Sexual Harassment, or Related Retaliation Charges](#).

#### If the alleged offender is staff or a third party

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

When a complaint is reported, the alleged offender (if an employee) is informed of the allegations and the facts surrounding the allegations. At any point in the investigation process, the alleged offender (if employed by Texas A&M University) may be suspended with pay, reassigned, and/or placed in another type of temporary status pending completion of the investigation. The investigative authority will review the complaint, and interview the complainant, the alleged offender, and witnesses, if applicable, to determine what occurred. The investigation is conducted in a manner that includes timely notice of meetings at which the complainant or

alleged offender, or both, may be present. Timely and equal access to any information that will be used during the investigation is provided to the complainant, the alleged offender, and appropriate officials.

After the investigative authority completes the investigation report, the Office of General Counsel reviews and approves it for legal sufficiency. The investigation report is then finalized by the investigative authority. The report includes a statement of allegations, a list of witnesses interviewed, relevant documents, and may conclude that each allegation is substantiated, unsubstantiated, or there is insufficient evidence to make that determination. The investigative authority forwards the finalized report to the Vice President for Human Resources and Organizational Effectiveness (VPHROE) or designee who renders a final result, including any sanctions (if applicable). The VPHROE or designee considers only information contained in the investigation report. If the report is incomplete or otherwise insufficient, the VPHROE or designee will return the report to the investigative authority to address any unresolved issues.

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

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

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

The goal is to resolve complaints in a reasonably prompt timeframe of approximately 55 business days excluding any appeal period; however, extenuating circumstances requiring additional time may necessitate an extension with good cause. Extensions are granted by the VPHROE. The Title IX Coordinator or designee is also notified of an extension request when sent to the VPHROE. Written notice of the delay and the reason for the delay is provided to the complainant and the alleged offender. Results (see footnote 8), including any sanctions, are provided simultaneously and in writing to both the complainant and the alleged offender. Results are also provided to the investigative authority, the official contact, and the supervisor and department head(s) of the alleged offender, if applicable.

Appeals (see footnote 9) may be made by the complainant and/or the alleged offender. Appeals must be filed within 10 business days of the date the decision was rendered. Procedures for the complainant and the alleged offender to appeal are provided with the documentation of results. Changes occurring based on appeal and when such results become final are provided to both the complainant and the alleged offender simultaneously and in writing. For more detail, see [University SAP 08.01.01.M1.01, Investigation and Resolution of](#)

### [Complaints Against Non-faculty Employees and Third Parties for Illegal Discrimination, Sexual Harassment, or Related Retaliation Charges](#)

#### For all investigations and disciplinary proceedings

Throughout the process, individuals are provided information which defines retaliation, retaliation reporting procedures, and possible protective actions such as no contact restrictions. The university will take reasonable action to protect the complainant, the alleged offender, and those providing witness statements on behalf of either party or supporting either party in other ways from related retaliation. Actions may come prior to, during, or following an investigation of a complaint. Instances of related retaliation are prohibited, will be investigated, and may result in conduct charges or disciplinary actions.

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

#### **Prevention and Awareness Programs<sup>11</sup>**

Primary prevention programs 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 sexuality, encourage safe bystander intervention, and seek to change behavior and social norms in healthy and safe directions.

Texas A&M University provides culturally relevant, inclusive primary prevention and awareness education to incoming students and new employees to clearly define sexual assault, dating violence, domestic violence, stalking, and consent. The programs identify sexual assault, dating violence, domestic violence, and stalking as prohibited conduct and provide information regarding bystander intervention, risk reduction in recognizing warning signs of abusive behavior, ways to avoid potential attacks, and individuals' rights and options. The training includes procedures individuals should follow if sexual assault, dating violence, domestic violence, or stalking occurs and procedures the institution will follow when one of these crimes 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; rights and options for obtaining lawful orders; assistance in receiving interim measures and remedial action; how the institution will protect the confidentiality of victims and other necessary parties; and protection from retaliation.

The College of Medicine holds a mandatory orientation for first year students and a general orientation for second, third, and fourth year students which includes primary prevention and awareness material and resources in addition to an introduction to the Texas A&M University Green Dot Bystander Intervention program described below. In addition, the College of Medicine student handbook distributed to students at the TAMHSC Round Rock campus defines sexual harassment and includes it as a type of sexual misconduct for which students are subject to discipline.

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<sup>11</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.

Other TAMHSC graduate students located at the TAMHSC Temple campus and/or the main campus are offered new graduate student orientation by the Office of Graduate and Professional Studies (OGAPS). Primary prevention and awareness information is provided at the orientation in addition to related institutional procedures and resources. Prior to the fall semester, the OGAPS presentation materials are emailed to the entire university graduate community and published online.

The Offices of the Dean of Student Life implemented an online training module (Haven) focused on sexual harassment, sexual assault, dating violence, domestic violence, and stalking. During the Fall of 2017, Texas A&M University undergraduate, graduate, and professional students at all campuses, with the exception of Texas A&M University Qatar students, are required to complete Haven training. New students will be required to complete the training each semester thereafter.

Prevention and awareness education is provided to new employees through web-based *Creating a Discrimination Free Workplace* training mandated by The Texas A&M University System. Employees are required to complete the training every two years thereafter.

Ongoing prevention and awareness campaigns are directed at students and employees. 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 are incorporated into ongoing prevention and awareness campaigns. Various departments on campus support ongoing campaigns for students and employees as described below.

Families in Crisis provides advocacy, education, prevention programs and support services for female and male students, faculty, and staff and can be contacted at 1-888-799-SAFE (<http://familiesincrisis.net/>). This 24 hour hotline addresses the dynamics and frequency of sexual assault; safety against and prevention of sexual assault, dating violence, domestic violence, and stalking; recognizing signs of unhealthy relationships. Families In Crisis provides various Intervention and Crisis Services, including: Crisis Intervention, 24-Hour Emergency Shelter and Ancillary Supportive Services, and can assist in how to respond to and help survivors of sexual assault.

The TPD Crisis Assistance Program (CAP) offers ongoing education available to students and employees to promote prevention and personal safety. The CAP volunteers are specially trained to provide crisis intervention, victim education and assistance with Crime Victims' Compensation, safety planning, risk assessments, advocacy and referral services.

Ongoing prevention and awareness campaigns have been developed at the Texas A&M University main campus and are available to other campus locations. The campaigns are described below.

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

campus and other campus locations (<http://studentlife.tamu.edu/clear>, [clear@tamu.edu](mailto:clear@tamu.edu) or 979-845-6241).

The university developed the Step In. Stand Up. Campaign, endorsed by the President, to create a culture of awareness that does not tolerate incidents of sexual violence. A large group of student leaders were involved to assist in crafting the message and the Campaign logo with the intention of reaching a broad campus population. The Campaign asks supporters to “step in” as active bystanders to prevent incidences of sexual violence from occurring and to “stand up” to support survivors. More than 50 student, faculty, and staff groups actively support the Campaign. These groups extend the Step In. Stand Up. message on campus and in the community during sporting events, student and employee orientations, and other campus-hosted events that take place throughout the year. Special efforts are made during sexual assault awareness month which include providing resource tables, facilitating pledge banner signatures, distributing t-shirts, and hosting speakers who advocate for social change and awareness. A website for the Campaign includes an online pledge of commitment, university-wide statements of support, campus and community resources, and information on how to report sexual violence (<http://stepinstandup.tamu.edu/>). In 2017 the Campaign was selected as a Bronze Excellence Award Honoree by the National Association of Student Personnel Administrators.

The Offices of the Dean of Student Life and Student Assistance Services maintain a webpage (<http://studentlife.tamu.edu/sas.svp>) which describes university resources, assistance, and reporting procedures for students impacted by sexual violence. The Title IX webpage <http://titleix.tamu.edu/> also references the sexual violence resources available through the Offices of the Dean of Student Life and University Police Department and provides information for students, faculty, and staff who wish to report any form of sexual discrimination or harassment. Furthermore, the Step In. Stand Up. website referenced above also has some 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 TAMHSC administration distributes an email to new and returning students in the fall semester which contains a link to a video and written information covering how to report incidents, applicable policies, applicable resources, and other available options. Human Resources provides a similar email distribution to employees at each TAMHSC campus annually.

### **Bystander Intervention and Risk Reduction<sup>12</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

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<sup>12</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.

appropriate intervention where someone could use some help. 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**

### **Retaliation**

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

### **Victim Notification**

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

Institutions are required to provide both the alleged offender and the complainant 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

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

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

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

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

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

Bell County Sheriff's Office 254-933-5412

Temple Police Department 254-298-5500

## Definitions of Clery Act Offenses

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

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

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

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

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

According to the [Texas A&M University Student Life Rules, 24. Student Conduct Code](#), attendance at a university is not compulsory. The voluntary attendance of a student at a university is a voluntary entrance into the academic community. By such voluntary entrance, the student voluntarily assumes obligations of performance and behavior reasonably imposed by the university. These obligations are generally much higher than those imposed on all citizens by the civil and criminal law. A university may discipline students to secure compliance with these higher obligations as a teaching method or to sever the student from the academic community. Definitions in the Student Conduct Code are used only for the purposes of the Student Conduct Code. The Vice President for Student Affairs or designee reserves the right to interpret and enforce this Code of Conduct.

According to the [Texas A&M University Student Life Rules, 24. Student Conduct Code 24.1.6](#) the term consent, solely for the purposes of the Sexual Misconduct policy, means clear, voluntary, and positive verbal or non-verbal communication that all participants have agreed to the sexual activity. Consent must occur prior to or at the same times as the sexual activity. Consent must remain clear, voluntary, and positive throughout the sexual activity. Consent must be given for the current sexual contact. The existence of a prior relationship or prior sexual activity does not automatically ensure consent for current or future sexual contact. There must be consent for each specific type of sexual contact throughout the sexual activity. Consent must be given by each participant involved. A person must be 17 years of age or older to be able to consent to sexual activity if the other participant(s) involved are more than three years of age older than that person. A person who is clearly visibly incapacitated is not able to give consent to sexual activity. According to the [Texas A&M University Student Life Rules, 24. Student Conduct Code 24.4.20.1](#), an individual who is mentally incapacitated, unconscious, or unaware that the sexual abuse is occurring is considered unable to give consent. The type of force employed may involve physical force, coercion, intentional impairment of an individual's ability to appraise the situation through the administering of any substance, or threat of harm to the victim.

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. This regulation applies to complaints and/or appeals of employment or disciplinary actions made by faculty, administrators, staff, students and/or third parties alleging illegal discrimination, sexual harassment and/or related retaliation.

According to [System Regulation 08.01.01, Civil Rights Compliance](#), consent is clear and voluntary agreement to engage in a specific sexual activity. A person who was asleep or mentally or physically incapacitated, either through the effect of drugs or alcohol or for any other reason, or whose agreement was made under duress or by threat, coercion, or force, cannot give consent.

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

- (2) "Spouse" means a person who is legally married to another.
- (3) "Health care services provider" means:
- (A) a physician licensed under Subtitle B, Title 3, Occupations Code;
  - (B) a chiropractor licensed under Chapter 201, Occupations Code;
  - (C) a physical therapist licensed under Chapter 453, Occupations Code;
  - (D) a physician assistant licensed under Chapter 204, Occupations Code; or
  - (E) a registered nurse, a vocational nurse, or an advanced practice nurse licensed under Chapter 301, Occupations Code.
- (4) "Mental health services provider" means an individual, licensed or unlicensed, who performs or purports to perform mental health services, including a:
- (A) licensed social worker as defined by Section 505.002, Occupations Code;
  - (B) chemical dependency counselor as defined by Section 504.001, Occupations Code;
  - (C) licensed professional counselor as defined by Section 503.002, Occupations Code;
  - (D) licensed marriage and family therapist as defined by Section 502.002, Occupations Code;
  - (E) member of the clergy;
  - (F) psychologist offering psychological services as defined by Section 501.003, Occupations Code; or
  - (G) special officer for mental health assignment certified under Section 1701.404, Occupations Code.
- (5) "Employee of a facility" means a person who is an employee of a facility defined by Section 250.001, Health and Safety Code, or any other person who provides services for a facility for compensation, including a contract laborer.
- (d) It is a defense to prosecution under Subsection (a)(2) that the conduct consisted of medical care for the child and did not include any contact between the anus or sexual organ of the child and the mouth, anus, or sexual organ of the actor or a third party.
- (e) It is an affirmative defense to prosecution under Subsection (a)(2):
- (1) that the actor was the spouse of the child at the time of the offense; or
  - (2) that:
    - (A) the actor was not more than three years older than the victim and at the time of the offense:
      - (i) was not required under Chapter 62, Code of Criminal Procedure, to register for life as a sex offender; or
      - (ii) was not a person who under Chapter 62, Code of Criminal Procedure, had a reportable conviction or adjudication for an offense under this section; and
    - (B) the victim:
      - (i) was a child of 14 years of age or older; and
      - (ii) was not a person whom the actor was prohibited from marrying or purporting to marry or with whom the actor was prohibited from living under the appearance of being married under Section 25.01.
- (f) An offense under this section is a felony of the second degree, except that an offense under this section is a felony of the first degree if the victim was a person whom the actor was prohibited from marrying or purporting to marry or with whom the actor was prohibited from living under the appearance of being married under Section 25.01.

**Dating Violence:** Violence committed by a person who is or has been in a social relationship of a romantic or intimate nature with the victim. The existence of such a relationship shall be based upon the reporting party's statement with consideration of the length of the relationship, the type of relationship, and the frequency of interaction between the persons involved in the relationship. Dating violence includes, 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:

(A) with whom the actor has or has had a dating relationship; or

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

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

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

(1) the length of the relationship;

(2) the nature of the relationship; and

(3) the frequency and type of interaction between the persons involved in the relationship.

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

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

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

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

(2) abuse, as that term is defined by Sections 261.001(1)(C), (E), and (G), by a member of a family or household toward a child of the family or household; or

(3) dating violence, as that term is defined by Section 71.0021.

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

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

- (a) A person commits an offense if the person, on more than one occasion and pursuant to the same scheme or course of conduct that is directed specifically at another person, knowingly engages in conduct that:
- (1) constitutes an offense under Section 42.07 (see below), or that the actor knows or reasonably should know the other person will regard as threatening:
    - (A) bodily injury or death for the other person;
    - (B) bodily injury or death for a member of the other person's family or household or for an individual with whom the other person has a dating relationship; or
    - (C) that an offense will be committed against the other person's property;
  - (2) causes the other person, a member of the other person's family or household, or an individual with whom the other person has a dating relationship to be placed in fear of bodily injury or death or in fear that an offense will be committed against the other person's property, or to feel harassed, annoyed, alarmed, abused, tormented, embarrassed, or offended; and
  - (3) would cause a reasonable person to:
    - (A) fear bodily injury or death for himself or herself;
    - (B) fear bodily injury or death for a member of the person's family or household or for an individual with whom the person has a dating relationship;
    - (C) fear that an offense will be committed against the person's property; or
    - (D) feel harassed, annoyed, alarmed, abused, tormented, embarrassed, or offended.
- (b) An offense under this section is a felony of the third degree, except that the offense is a felony of the second degree if the actor has previously been convicted of an offense under this section or of an offense under any of the following laws that contains elements that are substantially similar to the elements of an offense under this section:
- (1) the laws of another state;
  - (2) the laws of a federally recognized Indian tribe;
  - (3) the laws of a territory of the United States; or
  - (4) federal law.
- (c) For purposes of this section, a trier of fact may find that different types of conduct described by Subsection (a), if engaged in on more than one occasion, constitute conduct that is engaged in pursuant to the same scheme or course of conduct.
- (d) In this section:
- (1) "Dating relationship," "family," "household," and "member of a household" have the meanings assigned by Chapter 71, Family Code.
  - (2) "Property" includes a pet, companion animal, or assistance animal, as defined by Section 121.002, Human Resources Code.

Sec. 42.07. Harassment.

- (a) A person commits an offense if, with intent to harass, annoy, alarm, abuse, torment, or embarrass another, the person:
- (1) initiates communication and in the course of the communication makes a comment, request, suggestion, or proposal that is obscene;
  - (2) threatens, in a manner reasonably likely to alarm the person receiving the threat, to inflict bodily injury on the person or to commit a felony against the person, a member of the person's family or household, or the person's property;
  - (3) conveys, in a manner reasonably likely to alarm the person receiving the report, a false report, which is known by the conveyor to be false, that another person has suffered death or serious bodily injury;

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

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

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

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

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

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

**Hate Crime:** 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.

**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 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 a 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).

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

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

**On-campus Student Housing Facilities (Residential Facilities):** No on-campus student housing facilities are owned or controlled by the TAMHSC Temple, therefore, on-campus student housing statistics are not required to be disclosed.

## TAMHSC, Temple - Reportable Crimes

Criminal Offenses					
Offense	Year	On Campus Property	Non-Campus Property	Public Property	Unfounded Crimes <sup>§</sup>
Murder / Non-negligent Manslaughter	2014	0	0	0	0
	2015	0	0	0	0
	2016	0	0	0	0
Manslaughter By Negligence	2014	0	0	0	0
	2015	0	0	0	0
	2016	0	0	0	0
Sex Offenses, Rape	2014	0	0	0	0
	2015	0	0	0	0
	2016	0	0	0	0
Sex Offenses, Fondling	2014	0	0	0	0
	2015	0	0	0	0
	2016	0	0	0	0
Sex Offenses, Incest	2014	0	0	0	0
	2015	0	0	0	0
	2016	0	0	0	0
Sex Offenses, Statutory Rape	2014	0	0	0	0
	2015	0	0	0	0
	2016	0	0	0	0
Robbery	2014	0	0	0	0
	2015	0	0	0	0
	2016	0	0	1	0
Aggravated Assault	2014	0	0	0	0
	2015	0	0	0	0
	2016	0	0	0	0
Burglary of Structure	2014	0	0	0	0
	2015	0	0	0	0
	2016	0	0	0	0
Motor Vehicle Theft	2014	0	0	0	0
	2015	0	0	0	0
	2016	0	0	0	0
Arson	2014	0	0	0	0
	2015	0	0	0	0
	2016	0	0	0	0

Hate Crimes					
Offense	Year	On Campus Property	Non-Campus Property	Public Property	Unfounded Crimes <sup>§</sup>
Hate Crimes *	2014	0	0	0	0
	2015	0	0	0	0
	2016	0	0	0	0

Violence Against Women Reauthorization Act of 2013 (VAWA) Offenses					
Offense	Year	On Campus Property	Non-Campus Property	Public Property	Unfounded Crimes <sup>§</sup>
Domestic Violence	2014	0	0	0	0
	2015	0	0	0	0
	2016	0	0	0	0
Dating Violence	2014	0	0	0	0
	2015	0	0	0	0
	2016	0	0	0	0
Stalking	2014	0	0	0	0
	2015	0	0	0	0
	2016	1	0	0	0

Arrests and Disciplinary Referrals					
Offense	Year	On Campus Property	Non-Campus Property	Public Property	Unfounded Crimes <sup>§</sup>
Arrests: Weapons Carrying, Possessing, Etc.	2014	0	0	0	0
	2015	0	0	0	0
	2016	0	0	0	0
Disciplinary Referrals: Weapons Carrying, Possessing, Etc.	2014	0	0	0	0
	2015	0	0	0	0
	2016	0	0	0	0
Arrests: Drug Abuse Violations	2014	0	0	0	0
	2015	0	0	0	0
	2016	0	0	0	0
Disciplinary Referrals: Drug Abuse Violations	2014	0	0	0	0
	2015	0	0	0	0
	2016	0	0	0	0
Arrests: Liquor Law Violations	2014	0	0	0	0
	2015	0	0	0	0
	2016	0	0	0	0
Disciplinary Referrals: Liquor Law Violations	2014	0	0	0	0
	2015	0	0	0	0
	2016	0	0	0	0

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

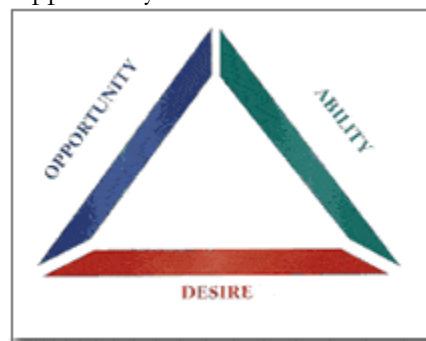
\* In 2014, 2015, and 2016 there were no reported criminal incidents involving hate/bias.

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

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

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

No formal crime prevention programs or programs about campus security procedures and practices are offered at the TAMHSC Temple campus. However, students and employees at TAMHSC Temple have access to the TPD and University Police Department crime prevention programs and programs regarding security procedures/practices as described below.

The TPD's Victim's Assistance Program is staffed by specially trained crime prevention volunteers. This element of the department focuses on providing a proactive crime prevention approach through increased responsiveness and education by coordinating critical crisis intervention services on a 24-hours a day basis. These efforts help to alleviate the psychological and emotional trauma incurred as the result of a crime or serious accident. These volunteers are dedicated to crime prevention efforts and programs. For additional information or to schedule a program you are encouraged to call the TPD Victim's Assistance Program at 254-298-5678.

The TPD has several Community Programs that are available free of charge. The programs are designed for children, adults, and businesses. Education officer(s) can present classes at business luncheons, social functions, almost any location of your choice or in the community room of the TPD (by reservation). The programs described below and offered by TPD are designed to encourage students and employees to be responsible for their own security and the security of others.

- Realtor Safety – The class provides suggestions for getting to know prospective buyers before showing homes. Also focuses on procedures to consider while showing homes.
- Family Violence – During this course we discuss the signs of an abusive relationship and can be done to get out of it.
- Home Security – The course provides tips on how to make your home a less likely target by enhancing lighting, security locks, and deterrence through environmental signs.
- Identity Theft – The course covers information on what criminals are looking for, how identity theft occurs, and how to safeguard your information.
- Telemarketing Scams – Topics of discussion include current telemarketing scams, how to identify a scam, and what questions to ask to avoid becoming a victim.
- Robbery Prevention (Business) – The course discusses what to do during a robbery, and dealing with the aftermath of the offense. Also provided are prevention tips that may assist in lowering the odds of your business being targeted.
- Personal Safety – This is a three (3) part course which covers personal safety, home safety, and violence in the work place.
- Neighborhood Watch (NHW) – The course discusses the history of NHW, what a NHW is, and how to start a NHW. This is a two (2) part course. Part one covering the history of the program and how to get one started. Part two consists of tips on how to maintain the program once it is going.

- Alcohol Awareness – The course is designed to explain the dangers of alcohol and its effects on the body.
- The TPD is also proud to provide Rape Aggression Defense (R.A.D.) classes for women of all ages and girls age 11 and up.

Finally, another training opportunity offered by your police department is the Citizen's Police Academy. This is a 10 week course, which is held twice a year. The Academy provides citizens with a clearer knowledge about the security procedures and practices of the TPD.

For more information or to set up a class you may call the Crime Education Coordinator at 254-298-5911.

The university also offers other services and programs through the University Police Department at the Texas A&M University main campus. The programs are available upon request to employees and students and are designed to improve safety on campus and educate the community about security issues. Programs include Sexual Harassment & Rape Prevention (SHARP) classes, personal safety awareness, sexual assault awareness, motor vehicle theft prevention, presentations (orientations) including information about campus security procedures and practices, etc. For additional information contact the University Police Department's Community Services Division at 979-845-0070.

## Important Telephone Numbers

Area Code – 254 (for all numbers listed below)

Emergencies-from on/off campus phones Police/Fire/Medical	911	Scott & White Hospital Security	724-2111
Temple Police Department	298-5500	Bell County Sheriff's Office	933-5412
Bell County Crime Stoppers	526-TIPS (8477)	Department of Public Safety (State Troopers)	770-6734
FBI	772-1627		

## 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 Risk and Compliance website:

<http://urc.tamu.edu/clery-act/clery-annual-reports/>.

Other Texas A&M University Annual Security Reports

Texas A&M University College Station

<http://urc.tamu.edu/media/1157075/CSAnnualSecurityReport.pdf>

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

<http://urc.tamu.edu/media/1492363/UnivFarmAnnualSecurityReport.pdf>

Texas A&M University RELIS Campus

<http://urc.tamu.edu/media/1492354/RELLISAnnualSecurityReport.pdf>

Texas A&M University at Galveston

<http://urc.tamu.edu/media/1157087/GalvestonAnnualSecurityReport.pdf>

Texas A&M University at Qatar

<http://urc.tamu.edu/media/1157081/QatarAnnualSecurityReport.pdf>

Texas A&M University Mays Business School at CityCentre

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

Texas A&M University School of Law

<http://urc.tamu.edu/media/1157084/LawAnnualSecurityReport.pdf>

Texas A&M University Health Science Center Bryan

<http://urc.tamu.edu/media/1157090/HSCBryanAnnualSecurityReport.pdf>

Texas A&M University Health Science Center Dallas

<http://urc.tamu.edu/media/1157093/HSCDallasAnnualSecurityReport.pdf>

Texas A&M University Health Science Center Houston

<http://urc.tamu.edu/media/1157096/HSCHoustonAnnualSecurityReport.pdf>

Texas A&M University Health Science Center Kingsville

<http://urc.tamu.edu/media/1157099/HSCKingsvilleAnnualSecurityReport.pdf>

Texas A&M University Health Science Center McAllen

<http://urc.tamu.edu/media/1157102/HSCMcAllenAnnualSecurityReport.pdf>

Texas A&M University Health Science Center Round Rock

<http://urc.tamu.edu/media/1157069/HSCRRAnnualSecurityReport.pdf>

Texas A&M University Higher Education Center at McAllen

<http://urc.tamu.edu/media/1492360/HECMcAllenAnnualSecurityReport.pdf>

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

Texas A&M University College Station

<http://urc.tamu.edu/media/1157614/CSAnnualFireReport.pdf>

Texas A&M University at Galveston

<http://urc.tamu.edu/media/1157611/GalvestonAnnualFireReport.pdf>

Texas A&M University Health Science Center Kingsville

<http://urc.tamu.edu/media/1197453/KingsvilleAnnualFireReport.pdf>