

TEXAS A&M UNIVERSITY SCHOOL OF LAW 2018 Annual Security Report



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

This Annual Security Report is available at the following Texas A&M University Office of Risk, Ethics, and Compliance (OREC) website.

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

Email vpfa-urc-compliance-officer@exchange.tamu.edu for assistance if any link does not function.

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Texas A&M University School of Law

Preparation of the Annual Security Report and Disclosure of Crime Statistics

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

The Texas A&M University School of Law (law school) Office of Facilities Coordination, Student Affairs, and Finance & Administration are responsible for preparing and distributing the Annual Security Report to comply with the 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 for the 2018 – 2019 academic year in accordance with the Clery Act. The 2018 Annual Security Report contains crime statistics for calendar years 2017, 2016, and 2015. The full text of this report can be located on the law school's website at <https://law.tamu.edu/about-us/clery-report>.

Annual Security Report statistics for crimes, arrests, and referrals are compiled using campus incident reports and information reported to the law school administration, the Assistant Dean for Student Affairs, other university personnel, and local law enforcement (Fort Worth Police Department). Faculty, staff and students may anonymously report criminal or unethical behavior through Crime Stoppers at 817-469-TIPS (8477) or online at www.fortworthpd.com website and clicking on "Submit a tip online".

Annual Security Report Notifications

Each year, an e-mail notification which provides website access to the Annual Security Report is sent to all current students, faculty, and staff. Upon request, prospective students and employees may obtain a written paper copy of the report from the law school Facilities Manager's office at 1515 Commerce Street, Fort Worth, Texas 76102 or by emailing mpellegrino@law.tamu.edu. The report is found at the following website: <https://law.tamu.edu/about-us/clery-report>.

Prospective employees are notified of the availability of the Annual Security Report through an email distributed when applying for a position. Website access to the Annual Security Report is provided by the Division of Human Resources and Organizational Effectiveness through a link called "Safety and Security Notices" located on the right menu bar of the Texas A&M Job Path website (<https://jobpath.tamu.edu>) and 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/>). A copy of the report can also be obtained by contacting the law school Assistant Dean for Student Affairs at 817-212-4020.

Campus Law Enforcement Policies

Police Department Overview

The law school outsources campus security for its main campus building and additional on-campus property surrounding the main building. While the security guards are unarmed, they are vigilantly aware of the campus and surroundings and report crimes of suspicious activity to the Fort Worth Police Department and any Campus Security Authority (CSA) immediately. Suspicious activity such as loitering on or contiguous to the property, vehicles, or any buildings used by the law students or employees should be reported to security immediately.

The guards are on duty from open to close seven days a week and can be contacted at 817-212-3999 (2-3999 on a campus phone). There is a security guard at the front entrance of the law school who is required to log visitors into the main campus building. Visitors are required to provide legal picture identification before allowing entrance, to state their business during their stay, and the guards are to call forward to the office or person to whom the visitor wishes to see. The guard staff is also required to tour, either by foot or by motorized carts, all law school property and surrounding immediate areas such as law school vehicle parking lots.

Escorts are provided to/from the parking lots to/from the main law school campus building by calling the guard station at 817-212-3999 (2-3999 on a campus phone).

A security guard is also on the premises of the law school’s nearby Legal Clinic location weekdays during normal working hours. The security guard oversees the floor occupied by the law school and can be reached at 817-212-3830 (2-3830 on a campus phone).

Jurisdiction

All criminal incidents are referred to the Fort Worth Police Department who has police jurisdiction over the law school campus and the power to arrest. All crime victims and witnesses are strongly encouraged to immediately report crime to the Fort Worth Police Department and law school campus security. Prompt reporting will assure timely warning notices on-campus and timely disclosure of crime statistics.

Arrest Authority

Law school campus security and/or the Fort Worth Police Department will respond, as appropriate, to all calls for assistance. The campus guards are unarmed and do not have authority to detain or make arrests, but have the authority to patrol the law school campus including parking lots to monitor parking spaces and their authorized use.

Enforcement Authority

All reports to law school campus security are investigated and are referred to law enforcement authorities when appropriate. Criminal matters involving university students may also be referred to the law school Assistant Dean for Student Affairs for disciplinary action.

Working Relationships and Agreements

Law school campus security has a working relationship with local law enforcement agencies, the law school facilities department, and the Assistant Dean for Student Affairs at the law school who administers student disciplinary matters. No written memorandum of understanding is in effect between the Texas A&M University law school and local or state law enforcement agencies.

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

Monitoring Non-Campus Locations

Neither law school students nor their officially recognized student organizations inhabit non-campus housing.

The Office of the Assistant Dean for Student Affairs maintains contact with recognized law school student organizations. Institutional sponsored travel by students or officially recognized student organizations to locations outside of campus may result in the location meeting the criteria for Clery non-campus property. Law school security does not monitor or record criminal activity at these non-campus locations or provide security. The local law enforcement agency with jurisdiction at the location monitors criminal activity at the non-campus property and responds when police services are requested.

Professional Standards

The Texas A&M University law school maintains a reciprocal relationship with the community to assure excellent service is provided which is vital to sustaining a safe and secure campus. All members of the Texas A&M community can expect to be treated in a courteous and professional manner by members of the campus community. The law school will not tolerate an employee who acts unprofessionally or does not provide an appropriate level of service.

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

- Law school campus security at 817-212-3999
- Assistant Dean for Finance and Operations, Texas A&M University School of Law, 1515 Commerce Street, Fort Worth, Texas 76102, vcrooks@tamu.edu

Campus Law Enforcement Telephone Directory

Emergencies- Police/Fire/Medical	911 (on or off campus)	Texas A&M University Law School Security	817-212-3999
Tarrant County Sheriff's Department	817-884-1111	Fort Worth Police Department NPO, Officer Ron Andriotto	817-692-3152
Texas A&M University Police Department	979-845-2345		

Reporting Crimes

Incident Reporting and Response

The safety of our students, faculty, staff, and visitors is a top priority at the law school. In the event of an emergency situation, always contact the Fort Worth Police Department first by calling 911. Community

members, students, faculty, staff and guests are also encouraged to report inappropriate behavior, all crimes, and public safety related incidents to the law school campus security department in a timely manner by calling 817-212-3999. Any suspicious activity or person observed in parking lots or loitering around vehicles, buildings, or any property directly surrounding the law school facilities should be reported immediately to campus security. The security department is expected to respond to reports immediately and appropriately. 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.

Members of the law school campus community should report suspected instances of abuse, neglect, or exploitation, especially of children, persons 65 years or older, and adults with disabilities. If a professional has cause to believe that a child, elder, or disabled person has been abused or neglected, by state law the professional must make a report not later than 48 hours after learning of the abuse or neglect (even if the belief is premised on incomplete or dated information) to any local or state law enforcement agency, the Department of Family and Protective Services, the state agency that operates, licenses, certifies, or registers the facility in which the alleged abuse or neglect occurred, or the agency designated by the court to be responsible for their protection.

Reporting Criminal Offenses to University Officials: Campus Security Authorities

In addition to reporting to the law school campus security department or calling 911, you may report a crime of which you are aware to the following areas at the law school:

All offices are located in the law school main building at 1515 Commerce St., Fort Worth, TX

Name	Phone	Location
Facilities Manager, Matt Pellegrino, mpellegrino@law.tamu.edu	817-212-4125	Office 244
Law School Dean, Robert Ahdieh, dean@law.tamu.edu	817-212-3838	Office 166
Assistant Dean for Student Affairs, Rosalind Jeffers, rjeffers@law.tamu.edu	817-212-4020	Office 247
Assistant Dean for Finance & Administration, Vivienne Crooks, vcrooks@law.tamu.edu	817-212-4082	Office 244
Associate Dean for Academic Affairs, Terri Helge, thelge@law.tamu.edu	817-212-3942	Office 125
Assoc. Dean Evening Programs, Laredo Programs, Planning & Compliance, Stephen Alton, salton@law.tamu.edu	817-212-4115	Office 128

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.

Students, faculty, staff, community members, and guests are encouraged to report all crimes and public safety related incidents to law school security and Fort Worth Police in an accurate and prompt manner when the victim of such crimes elects or is unable to make such a report. Law school security and the university officials listed above will assist individuals reporting in notifying the proper law enforcement authorities, if the individual chooses. It is the goal of the institution to provide assistance wherever the report is made and include Clery countable crimes in our annual security report.

Contracted professional counseling personnel, who are exempt from the reporting requirements of the Clery Act, are available to law school 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 voluntary, confidential crime reporting for inclusion in the annual disclosure of crime statistics. The law school has no pastoral counselors who are exempt from reporting requirements under the Clery Act.

Confidential and Anonymous Reporting of Crimes

The law school security department encourages anyone who is the victim or witness to any crime to promptly report the incident to them or to local law enforcement. An individual who is involved in or witnesses an active or ongoing emergency should dial 911 and report the emergency immediately. Faculty, staff, and students may anonymously report criminal or unethical behavior through the Fort Worth Police Department Crime Stoppers at 817-469-TIPS (8477) or online www.fortworthpd.com website and clicking on “Submit a tip online”. Also, victims of certain offenses are eligible for a pseudonym in which the victim’s true identity will not be released when reporting to law enforcement.

While confidentiality cannot be guaranteed by the institution, incident reports will be kept private to as great a degree as legally possible. Voluntary, confidential reports for purposes of inclusion in the annual disclosure of crime statistics and crime log can generally be made by victims, witnesses, and others to the campus security authorities listed above and all other campus security authorities. Annual crime statistics and the crime log are confidential in that personally identifiable information is not included in the disclosure.

Timely Warning Policy

This policy applies to the issuance of timely warnings (crime alert) required by the Clery Act to the campus community. It delineates the process for issuance of crime alerts by senior members of management. The circumstances in which a crime alert will be generated include, but are not limited to, the receipt of a report to campus security, or any campus security authority, of a crime reportable under the Clery Act that poses a serious or continuing threat to the campus community. Crimes that may warrant a crime alert 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. Anyone with information warranting a crime alert should report the circumstances to law school security or the campus security authorities (listed below) by telephone, email or in person. If the law school security or another campus security authority is not notified of a crime in a manner that would allow timely notice, a crime alert may not be issued, depending on the circumstances. All situations will be evaluated on a case by case basis.

After the consideration of all available facts of the situation, such as the nature and whether or not a continuing danger to the campus community exists, the determination to issue a crime alert is made on a case by case basis by any one of the following campus security authorities:

Law School Security at 817-212-3999 (1515 Commerce Street, Fort Worth, Texas 76102)

Facilities Manager, Matt Pellegrino at 817-212-4125 or mpellegrino@law.tamu.edu

Law School Dean, Robert Ahdieh at 817-212-3838 or dean@law.tamu.edu

Assistant Dean for Student Affairs, Rosalind Jeffers at 817-212-4020 or rjeffers@law.tamu.edu

Assistant Dean of Finance and Administration, Vivienne Crooks at 817-212-4082 or vcrooks@law.tamu.edu

Associate Dean for Academic Affairs, Terri Helge at 817-212-3942 or thelge@law.tamu.edu

Associate Dean for Evening Programs, Planning & Compliance, Stephen Alton at 817-212-4115 or salton@law.tamu.edu.

The law school Assistant Dean for Student Affairs or designee is then responsible for writing and issuing (sending) a crime alert. Crime alerts are issued through email to students (from the Office of the Assistant Dean for Student Affairs) and employees (from the Finance and Administration Office) in a manner that is timely, that withholds the names of victims as confidential, and that will aid in the prevention of similar occurrences. Crime alerts contain sufficient information about the nature of the identified threat so members of the campus community can take appropriate action to protect themselves or their property. The crime alert will generally include:

- A readily understandable description of the type of crime or occurrence.
- The general location, date, and time of the offense.
- A physical description of the suspect(s), if available, if 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 the law school may need to withhold some facts if releasing the information would compromise an ongoing investigation or the identity of the victim. Victim names and other identifying information of victims are never included in crime alerts. An institution is not required to provide a timely warning with respect to crimes reported to a pastoral or professional counselor.

Emergency Response and Evacuation Policy

The procedures disclosed in this section apply to significant emergencies and dangerous situations occurring on the law school campus, i.e. on-campus property. The institution does not have separate procedures for non-campus property.

Emergency Notification System

Code Maroon Law Alert is law school's emergency notification system for the law school community. This alert system gives the ability to communicate health and emergency information by some or all of the following mechanism: SMS text message, Texas A&M email, Dallas-Fort Worth local television stations CBS, NBC, and ABC, Twitter, and RSS.

The law school uses the system only to provide official notification of these critical emergencies (i.e., situations that pose an imminent threat to the community). It is the policy of the law school to immediately notify the campus community via the Code Maroon Law 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 campus. The law school may receive such information from entities including, but not limited to: local law enforcement, fire department, National Weather Service, Fort Worth Emergency Management Office, and/or FEMA.

The law school has an Emergency Operations Plan in place that informs students and employees about threats to their health and safety. This plan includes investigating emergencies to determine validity through all available sources. According to the information available, a determination will be made by any one of the authorized law school individuals (see individuals authorized to determine whether or not a crime alert should be issued) regarding whether or not the a significant emergency or dangerous situation exists involving an

immediate threat to the health or safety of the campus community. If so, a Code Maroon Law Alert will be immediately issued.

The Code Maroon Law Alert emergency notification message 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 institution is not required to issue a crime alert based on the same circumstances.

The law school campus security authorities (see page 6) act as the emergency response team by overseeing the issuance of emergency notifications to the law school campus. The team will evaluate all situations to confirm that there is a significant emergency or dangerous situation on campus. Confirmation must be reasonable. The law school will not wait to issue an emergency notification due to incomplete information or lack of confirmation. Once this determination has been made, the Dean of the law school, or designee, will, without delay and taking into account the safety of the community, determine the content of the notification and initiate the notification system, unless the notification will, in the professional judgment of responsible authorities, compromise efforts to assist a victim or to contain, respond to, or otherwise mitigate the emergency. Victim names and other identifying information of victims are never included in emergency notifications.

Law school personnel authorized to issue a Code Maroon Law Alert are: Level One and Two Code Maroon Law Alert Authority, Matt Pellegrino (Facilities Operations, 817-819-1163, mpellegrino@law.tamu.edu) or Lee Ford (Business Coordinator II, 817-212-4080, lwford@law.tamu.edu), and Level Three and Four Code Maroon Law Alert Authority, Vivienne Crooks (Assistant Dean for Finance and Administration, 817-212-4082, vcrooks@law.tamu.edu) or Gary Lucas (Executive Associate Dean for Finance and Administration, 817-212-3922, garylucasjr@law.tamu.edu). In all cases where notifications are issued, the entire law school campus receives the distribution, not portions or segments of the campus. Individuals receiving the emergency notification will also be advised with updated information, as needed, using the same method(s) as the original notification.

The law school conducts pre-scheduled testing of the Code Maroon Law Alert emergency notification system during the fall and spring semesters. After each test, or actual alert, the functionality of each communication device within the notification system is analyzed, and a report with the results of the findings is provided to the members of the task force on campus emergencies.

Registering for Emergency Notifications

To register to receive Code Maroon Law Alerts by text message, students and employees who have been issued a UIN, a NetID, and have a password can register their personal cell number to receive text message alerts. Emergency alerts are automatically sent to all Texas A&M email addresses belonging to law school students and employees regardless of registration. The system also pushes the emergency notification messages by Twitter and RSS. To register, go to <http://law.tamu.edu/emergency-information> and click on the statement under the CODEMAROONLAW icon, then follow the directions.

Public Access

The public can receive emergency alerts by subscribing to Code Maroon's RSS feed or by following "TAMUCM_LAW" on Twitter to see alerts in your Twitter feed and/or receive alerts via text message through your Twitter account. To learn how, visit the following webpage: <http://codemaroon.tamu.edu/LawPublicAccess.aspx>.

Disseminating Information to the Larger Community

The law school does not disseminate emergency information to the entire larger community outside the campus; however, notification is provided to local law enforcement as necessary through phone communication from the law school Facilities Manager.

Emergency Preparedness

In preparation for any emergencies, students and employees receive instructions and training appropriate to the nature of the emergency in accordance to the Emergency Operations Plan for the law school. Depending on the nature of the emergency, students and employees receive instructions to evacuate the building, evacuate to the lowest level of the building, stand-in-place, etc. according to the Emergency Operations Plan for the law school. The plan includes emergency response and evacuation procedures that are tested and evaluated annually.

The law school conducts announced and unannounced emergency training exercises each year. These may include training classes, tabletop exercises, and drills which are designed to assess and evaluate the emergency plans and response capabilities of the law school. The law school Safety Committee is responsible for documenting testing to include a description of the exercise, date, time, whether announced or unannounced. The Safety Committee is also responsible for publicizing emergency response and evacuation procedures through an email each fall to law school students and employees in conjunction with a test. Each department is provided with an Emergency Information Manual, which includes policies and procedures to be followed in the event of an emergency on campus.

The Daily Crime Log

A daily crime log is recorded daily, on paper, by law school security or other trained personnel. This summary document identifies the nature of the crime, location of each alleged offense, the date and time(s) of occurrence, the date the crime was reported to law school security, and disposition. The hard copy Daily Crime Log is available free of charge and upon request from the law school Facilities Operations at Texas A&M University School of Law, 1515 Commerce Street, Fort Worth, Texas 76102 or by calling 817-212-4125 on working business days.

Security of and Access to Campus Facilities

General Provisions

The law school is open to students, parents, employees, contractors, guests and invitees.

Residence Halls

No on-campus housing or residence halls are owned or controlled by the law school.

Parking

The law school has three surface lots located at 1401 Calhoun St., 1501 Calhoun St., and 1701 Calhoun St. The parking lots are monitored by a security patrol guard from 8:30 a.m. to midnight. Each parking lot is equipped with two emergency phones that are readily visible and identifiable by the bright blue lights located on top of the phones cabinets. Instructions adjacent to the keypads advise customers that the call will be immediately forwarded to local 911.

The law school Legal Clinic is located at 307 W. 7th St., LL50, Fort Worth, Texas 76102. Parking is available through platinum parking in the parking garage attached to the building. The garage provides an attendant during the hours of 8:00 a.m. and 7:00 p.m. After 7:00 p.m., vehicles are moved to the 2nd floor and locked by the attendants. Owner's keys are left with building security to be picked up by the owner when the patron is

ready to leave. The law school provides security for the 7th St. building's law school space but not for the entire building or parking garage.

Academic and Administrative Buildings

Law school identification and security access cards are provided to law school students and employees for access to the main law school campus building and the Legal Clinic facility. Persons who do not hold a law school identification and security access card must enter through the west (main) entrance of the facility, present a legal picture ID to the security registration guard, state the nature of business during use of the facility, and sign in. All visitors are required to wear a temporary name badge while on campus. The check in security guard will call the necessary department to advise that a guest has arrived. The law school campus security guards have full authority to check identification before giving a guest access to the facilities and to escort unauthorized persons off the property.

The law school main campus building is open from 7:00 a.m. to midnight. The law library, located in the main campus building, is open from 7:30 a.m. to midnight Monday through Friday, 9:00 a.m. to midnight Saturday, and 10:00 a.m. to midnight Sunday. However, the law library is restricted to students, faculty, staff, and alumni after 8:00 p.m. Hours and public access is subject to change due to holiday and exam schedules.

Maintenance of Campus Facilities

The Facilities Operations department is responsible for maintaining campus facilities. This includes interior and exterior security lighting, monitoring equipment and other physical safety areas. Safety related issues may be reported by contacting law school security at 817-212-3999 (2-3999 on campus phone) or facilities operations at 817-212-4125.

Alcoholic Beverages, Illegal Drugs, and Weapons

Education Programs

The university provides drug/alcohol counseling, treatment and rehabilitation programs for students and university employees. For more information, employees should review University Rule 34.02.01.M1, Substance Abuse Prevention, at <http://rules-saps.tamu.edu/PDFs/34.02.01.M1.pdf> and students should visit <http://studentlife.tamu.edu/hp/>.

Additionally, in accordance with the Drug-Free Schools and Communities Act, the 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 law school.

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.

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. 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 UPD for state law violations.

The law school Assistant Dean for Student Affairs (817-212-4020) and the Office of the Dean of Student Life (979-845-3111) at the main campus are committed to promoting responsible decision making regarding alcohol and other drugs through educational programming, resources, and referrals for students through the Student Assistance Program and Work-Life Services Program (1-855-270-3379). The Deer Oaks Employee Assistance Program (888-993-7650) manages the alcohol and drug abuse and rehabilitation program available to law school employees. The Deer Oaks Employee Assistance Program also provides licensed counseling and referral services.

Illegal Drugs Policy

The following illegal drugs policy applies to law school.

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 may also be adjudicated through the campus conduct procedures. ([Texas A&M University Student Rules, Appendix VII; System Policy 34.02, Drug and Alcohol Abuse and Rehabilitation](#))

The law school Assistant Dean for Student Affairs (817-212-4020) and the Office of the Dean of Student Life (979-845-3111) at the main campus are committed to promoting responsible decision making regarding alcohol and other drugs through educational programming, resources, and referrals for students through the Student Assistance Program and Work-Life Services Program (1-855-270-3379). The Deer Oaks Employee Assistance Program (888-993-7650) manages the alcohol and drug abuse and rehabilitation program available to law school employees. The Deer Oaks Employee Assistance Program also provides licensed counseling and referral services.

Weapons Policy

The following weapons policy applies to the law school.

In accordance with [Texas Penal Code Ch. 46.03](#), it is a felony to intentionally, knowingly, or recklessly possess a firearm, location restricted knife, or prohibited weapon on the physical premises of a school or educational institution, to include any buildings or passenger transportation vehicles under the direct control of the educational institution. The following exception applies. A license to carry holder under Chapter 411, Texas Government Code, may carry a concealed handgun on or about the license holder's person while the license holder is on the campus of Texas A&M (all land and buildings owned or leased by Texas A&M) or in a university vehicle, unless prohibited by state law, federal law, or [University Rule 34.06.02.M1, Carrying Concealed Handguns on Campus](#).

Currently license to carry holders may carry a concealed handgun in law school facilities with the exception of their clinical facilities located at 307 W. 7th Street, Fort Worth, TX 76102. Per University Rule 34.06.02.M1 other 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 discrimination and harassment on the basis of sex¹ including sexual assault, dating violence, domestic violence, stalking, (as those terms are defined for the purposes of the Clery Act) and/or related retaliation. The following are statements of policy that address sexual assault, dating violence, domestic violence, and stalking as prohibited conduct. The policies apply whether the prohibited conduct occurs on or off campus and when it is reported to a university official.

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

Individuals who have experienced or witnessed sexual assault, dating violence, domestic violence, or stalking have the option of notifying law school campus security and local law enforcement authorities. Below is a list of local law enforcement agencies. Reports should be filed with the agency where the incident occurred. Law school campus security will assist in notifying the proper law enforcement agency.

Agency	Phone
Fort Worth Police Department	911
Tarrant County Sheriff's Department	817-884-3099
Law School Campus Security	817-212-3999

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

All employees who experience, observe, or become aware of illegal discrimination, sexual harassment (including sexual assault, dating violence, domestic violence, and stalking), and/or related retaliation must

¹ 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, educational, or campus living 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 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, stalking, dating violence, and domestic violence when based on sex.

promptly report the conduct². Students and third parties are strongly encouraged, but not required, to report prohibited conduct. At the law school the information should be reported to an official university contact designated to receive and investigate complaints in accordance with Table 1 – Official Contacts below. Depending on the circumstances, the contacts will coordinate responsibilities when necessary.

Table 1 – Official Contacts

If the alleged offender is a:	Student ³	Employee or Third Party
Then the official contact is:	Dean of Student Life, Division of Student Affairs, Student Services at White Creek http://studentlife.tamu.edu College Station, TX 77843-1257 979-845-3111 studentlife@tamu.edu	Chief Risk, Ethics, and Compliance Officer, Office of Risk, Ethics, and Compliance Jack K. Williams Administration Building Suite 302 College Station, TX 77843 979-458-8407 OREC@tamu.edu

If the alleged offender is the Texas A&M President, or an employee who reports directly to the President, then the official contact is the Texas A&M System Ethics and Compliance Office (SECO) at 979-458-6008.

Additional options for reporting include the following contacts who may intake reports related to prohibited conduct and will immediately forward them to the designated official contact for investigation and resolution.

- Title IX Coordinator for any complaint (979-845-0977, 750 Agronomy Rd., Suite 2101, College Station, TX 77843-1280, TitleIX.Coordinator@tamu.edu)
- Dean of Faculties for complaints against faculty (979-845-4274, 108 YMCA Bldg., College Station, TX 77843-1126, dofinvestigations@tamu.edu)
- Director of Organizational Consulting & Resolution Management for complaints against staff or third parties (979-862-4027, 750 Agronomy Rd., Suite 1201, College Station, TX 77843-1255, ocrm@tamu.edu)

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

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 off campus. A report to law enforcement, even to law school campus security, is separate from a report to the university. An individual may pursue disciplinary remedies through the university (see Table 1 – Official Contacts) and criminal remedies through law enforcement. An individual may pursue both types of remedies separately or at the same time. An individual wishing to pursue disciplinary remedies and criminal remedies simultaneously should make a report to both entities. Individuals are notified of their right to report the incident to the local police and law school campus security immediately, but also

² Exceptions include confidential employees and are described in the “Confidentiality/Privacy” section of this report.

³ Law school students may contact the Texas A&M University Dean of Student Life or the law school contact specific to their location as identified in section 47.1 of [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](#). The law school contact is available to serve as a resource to any individual who has a sexual assault, dating violence, domestic violence, stalking or retaliation inquiry or complaint. The law school contact is responsible for informing the Texas A&M University Title IX official contacts designated to receive and investigate complaints in accordance with Table 1 – Official Contacts.

have the right to decline to notify such authorities. Reporting to law enforcement does not preclude an individual from pursuing disciplinary remedies with the university.

In regards to students who report, in good faith, being the victim of or a witness to an incident of sexual assault, dating violence, domestic violence, or stalking, the university will not take disciplinary action against that student for violations of the Student Conduct Code occurring at or near the time of the incident reported. The university may, however, investigate to determine whether a report of an incident of sexual assault, dating violence, domestic violence, or stalking was made in good faith. The amnesty given does not apply to a student who reports the student's own commission or assistance in the commission of sexual assault, dating violence, domestic violence, or stalking.

The university responds to complaints in a prompt, fair, and impartial manner. After receiving a report, the university's official contact, designee, or the Title IX Coordinator 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. The steps include access to medical care, assistance in notifying the Fort Worth Police Department or appropriate law enforcement authorities if the victim so chooses, and other interim protective measures to provide for the safety of the individual and campus community. The official contact, designee, or Title IX Coordinator will take steps to address the conduct, protect and assist the individual reporting, remediate effects, and provide information about the university's prohibition against retaliation.

Official contacts provide a written list of available resources, 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 local police;
- the option to be assisted by campus authorities in notifying law enforcement if the individual 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 available to students, faculty, and staff)
- the options for, available assistance in, and how to request changes to academic, living, transportation, and working situations or 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 Fort Worth 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. JPS Hospital in Fort Worth (817-702-1110) has a sexual assault program with trained Sexual Assault Nurse Examiners (SANE) and a forensic unit offering detailed physical examinations, evidence collection and expert testimony. Go to the hospital's emergency room and request to be seen by a SANE.
- Try to preserve all physical evidence. Do not wash, use the toilet, swim, brush teeth, or change clothing if you can avoid it. If you do change clothes, put all the clothing you were wearing at the time of the attack in a paper, not plastic bag.
- Preserve evidence by saving text messages, instant messages, social networking pages, communications, pictures, or other documents, if any, that would be useful to police or investigators.
- Personnel are available to help explain your options, give you information, and provide emotional support. Personnel include: any designated university official listed in Table 1 – Official Contacts, Student Assistance Program and Work-Life Services Program (1-855-270-3379), Deer Oaks Employee Assistance Program (888-993-7650) and the Women's Center/Rape Crisis and Victims Services (817-927-2737).

Medical Treatment (as applicable to the specific incident)

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

Confidentiality/Privacy

Students and employees have the option to disclose confidentially to individuals designated as confidential employees. Licensed counselors and licensed health care personnel, who receive reports when acting in this capacity as part of their official employment, will not reveal the information to any third party except when an applicable law or a court order requires or permits disclosure of such information. For example, information may be disclosed when: (i) the individual gives written consent for its disclosure; (ii) there is a concern that the individual will likely cause serious physical harm to self or others; or (iii) the information concerns conduct involving suspected abuse or neglect of a minor under the age of 18.

Additionally, confidential employees will not report to the institution except as required by law. Publicly available recordkeeping must not include personally identifying information⁴. Incidents are shared in a way that does not identify the individuals. For example, licensed healthcare providers share de-identified information related to crimes that may be statistics in the Clery Annual Security Report and/or disclosed in the daily crime log without identifying the individuals concerned.

⁴ 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.

The Student Assistance Program & Work-Life Services (1-855-270-3379) and the Deer Oaks Employee Assistance Program (888-993-7650) are confidential mental health counseling services available to students and employees, and the employee's benefits-eligible dependents respectively. The law school does not provide licensed health care service to students or employees.

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

The law school is committed to protecting the privacy of reporting parties, complainants, and alleged offenders. Given the sensitive nature of reports, information will be maintained in a secure manner and will only be disclosed to school officials who are responsible for handling the law school'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 law school's obligation to act upon the complaint and the right of the charged party to be informed about the charges against them. 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 law school 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

Following an allegation of sexual assault, dating violence, domestic violence, stalking, and/or related retaliation the individual reporting, the alleged offender, and other affected individuals have certain resources, rights, and options available to them. Parties with an inquiry or complaint are informed of resources, rights, and options in writing when official contacts receive notification of an incident whether it occurred on or off campus and regardless of whether the individual elects to pursue a criminal complaint or disciplinary measures. 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.

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

Law Enforcement

Name	Phone	Address	Website
Fort Worth Police Department	911 or 817-392-4222	505 W. Felix St. Fort Worth, TX 76115	https://www.fortworthpd.com/

Name	Phone	Address	Website
Tarrant County Sheriff's Department	817-884-3099	200 N. Taylor St. Fort Worth, TX 76196	http://access.tarrantcounty.com/en/sheriff.html
Law School Campus Security	817-212-3999	1515 Commerce St. Fort Worth, TX 76102	n/a
Fort Worth Police Department NPO, Ron Andriotto	817-692-3152 (Ronald.Andriotto@fortworthtexas.gov)	350 W. Belknap St. Fort Worth, TX 76102	n/a

Counseling and Mental Health

Name	Phone	Address	Website
Student Assistance Program and Work-Life Services Program	1-855-270-3379 (TTY: 711)	n/a	http://law.tamu.edu/current-students/student-affairs/student-wellness/student-assistance-program-work-life-services
Deer Oaks Employee Assistance Program	888-993-7650	n/a	https://employees.tamu.edu/eap/

Medical and Health Services

Name	Phone	Address	Website
JPS Hospital	817-702-1110	1500 S. Main Fort Worth, TX 76104	https://www.jpshealthnet.org/
Texas Health Harris Methodist Hospital	817-250-2000	1301 Pennsylvania Ave. Fort Worth, TX 76104	https://www.texashealth.org/fortworth/pages/default.aspx
No on-campus medical/health services are in place at the law school campus.			

Support, Advocacy, Legal Assistance, and Other Resources

Name	Phone	Address	Website
Student Affairs (conduct)	817-212-4020	1515 Commerce St. Fort Worth, TX 76102	https://law.tamu.edu/current-students/student-affairs
Student Assistance Services	979-845-3113	See website	https://studentlife.tamu.edu/sas/
Student Legal Services ⁵	979-862-4502	See website	http://studentlife.tamu.edu/sls
Women's Resource Center	979-845-8784	See website	https://studentlife.tamu.edu/wrc/
GLBT Resource Center	979-862-8920	See website	http://studentlife.tamu.edu/glbt
Texas Lawyers Assistance Program (TLAP) for Law Students	1-800-343-8527	n/a	http://law.tamu.edu/current-students/student-affairs/student-wellness/texas-lawyers-assistance-program-for-law-students
Women's Resource Center of Tarrant County	817-927-2737 or 817-927-4000	1723 Hemphill Fort Worth, TX 76110	http://womenscentertc.org/
Fort Worth Police Department Victim Assistance	817-392-4390	350 W. Belknap St. 3 rd Floor Fort Worth, TX 76102	https://police.fortworthtexas.gov/Crime-Information/victim-assistance

⁵ 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.

Name	Phone	Address	Website
Safe Haven of Tarrant County	817-701-7233	1100 Hemphill St. Suite 303 Fort Worth, TX 76104	http://www.safehaventc.org/
Tarrant County Victim Assistance Program	817-884-3697	200 Taylor St. 7 th Floor Fort Worth, TX 76196	http://access.tarrantcounty.com/en/sheriff/operations-bureau/criminal-investigations/victim-assistance.html
Recovery Resource Council	877-332-6329	2700 Airport Freeway Fort Worth, TX 76111	http://www.recoverycouncil.org/
One Safe Place	817-916-4323	1100 Hemphill St. Fort Worth, TX 76104	http://www.onesafeplace.org/
The Gatehouse	817-912-0317	670 Westport Pkwy. Fort Worth, TX 76051	https://www.gatehousegrapevine.com/
National Sexual Assault Hotline	(800) 656-HOPE	n/a	https://rainn.org/get-help/national-sexual-assault-hotline
National Domestic Violence Hotline	(800) 799-SAFE	n/a	http://www.thehotline.org
No on-campus support, advocacy, or legal assistance services are in place at the law school campus.			

Visa and Immigration Assistance

Name	Phone	Address	Website
International Student Services Charlotte Ku, Associate Dean for Global Programs	817-212-4039	Texas A&M University School of Law Campus, Office 137	http://iss.tamu.edu
U.S. Citizenship and Immigration Services, Texas – San Antonio Field Office	(800) 375-5283	20760 North US Highway 281, Suite A San Antonio, TX	http://www.uscis.gov/about-us/find-uscis-office/field-offices/texas-san-antonio-field-office

Student Financial Aid

Name	Phone	Address	Website
Financial Aid	817-212-4090 or 800-733-9529	1515 Commerce St., Room 246 Fort Worth, TX 76102	https://law.tamu.edu/prospective/financial-aid
Scholarships & Financial Aid	979-845-3236	2 nd Floor of the Pavilion Texas A&M Campus	https://financialaid.tamu.edu/
Veteran Services	979-845-8075	2 nd Floor of the Pavilion Texas A&M Campus	http://veterans.tamu.edu
Federal Student Aid Information Center	(800) 433-3243	n/a	https://studentaid.ed.gov/

Institutional Rights and Options (Interim Measures)

The law school is obligated to offer and provide assistance to the complainant, the alleged offender, and other affected individuals in obtaining a range of accommodations and interim, remedial, and protective measures.

The assistance is intended to facilitate continued access to institutional employment, academic programs, and activities; to stop and prevent the reoccurrence of prohibited conduct; and to support the individuals involved.

The law school is obligated to comply with the individual's reasonable request for a living and/or academic situation change following an allegation of sexual assault, dating violence, domestic violence, or stalking. Upon the request of a student involved with the report, the Offices of the Dean of Student Life (979-845-3111) at the main campus, in conjunction with the law school Office of Student Affairs (817-212-4020) and/or the Office of Academic Affairs (817-212-3956), 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, appropriate, and reasonably available, regardless of whether the individual chooses to report the incident to law enforcement or pursue disciplinary remedies. OREC (979-458-8407) provides similar assistance to employees. The university (OREC, 979-458-8407) also provides reasonable remedial and protective measures to third parties as appropriate and available, taking into account the role of the third party and the nature of any contractual relationship with the university.

When an allegation of sexual assault, dating violence, domestic violence, or stalking is made, the law school will take prompt steps to provide interim measures or remedies before the completion of the investigation and will promptly address any violation of protective measures. In determining which institutional interim measures to impose and the reasonableness of the related measures, the official contact considers the request; the safety of the parties involved and the university community; the specific needs of the individuals; the severity or pervasiveness of the allegations; continuing effects; sharing of dining facilities, classes, transportation, or job locations; other judicial measures already in place; and other factors as appropriate. Accommodations are provided to the full extent possible considering law classrooms and other administrative space, excluding clinics, are located in one building. 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 or, if in the first semester of law school, a voluntary withdrawal
- Dealing with financial concerns including providing financial aid guidance
- Transportation and parking assistance and/or modification
- 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 Office of Student Affairs at 817-212-4020. The Assistant 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 good cause for a no contact restriction is determined, both parties are notified of the restrictions in writing. Records are maintained in the student conduct system.

No contact restrictions directed at employees can be requested from OREC 979-458-8407.

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/Privacy of Accommodations and Protective Measures: The law school 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: the Office of 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 law school provides information and assistance in obtaining lawful orders issued by criminal, civil, or tribal court including protective orders and criminal trespass warnings as discussed below. Failure to comply with any of the terms of these interim protective measures may be considered a separate conduct violation in the institutional disciplinary proceeding.

Protective Orders: Individuals may apply for protective orders through the Texas criminal justice system. A protective order is an interim protective measure that requires the recipient to stay away from the protected individual's home, workplace, and/or children's schools (if the children are protected persons in the order) depending on the documented circumstances. It can require the recipient to stop communicating with the protected individual in a harassing or threatening manner, attend counseling, pay child support, and/or pay spousal support. An application for a protective order may be filed by an individual, a prosecuting attorney, or the Texas Department of Family and Protective Services (1-800-252-5400) on behalf of an individual. The application is obtained through the district attorney (Tarrant County Criminal District Attorney's Office, 817-884-1623, pounit@tarrantcountytx.gov), or a private attorney. Information and forms associated with applying for a protective order are found on the following webpage:

<http://access.tarrantcounty.com/en/criminal-district-attorney/civil-division/protective-orders.html>

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 all existing protective orders in their area. If the requestor or other institutional personnel become aware that a protective order is violated, Fort Worth Police should be contacted immediately at 817-335-4222. The Tarrant County Sheriff's Department (817-884-3099) can also be contacted for protective order violations. Law school campus security (817-212-3999) can assist with this process. Violating protective orders generally carry authority for the violator's immediate arrest by the responding law enforcement agency.

Criminal Trespass Warning: A criminal trespass warning is an interim protective measure issued by the Fort Worth Police Department 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 Fort Worth Police at 817-335-4222 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, Fort Worth Police should be contacted immediately at 817-335-4222. 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 Fort Worth Police for a responding officer when they become aware of a potential violation of a criminal trespass warning. Fort Worth Police generally enforces these warnings by charging violators with criminal trespass resulting in arrest and/or fine.

If the complainant, alleged offender, or member of the university community has obtained an order of protection, civil no-contact order, or any other as described in this section, against another member of the university community, the order should be provided to the official contact or designee. In conjunction with Fort Worth Police and other university officials, the official contact or designee will take all reasonable and legal actions to implement the order.

Other Legal Options: The Texas A&M University Police Department's Community Services Division (979-845-0070) and the Fort Worth Police Department's Victim Assistance Unit (817-392-4390) 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 Proceedings⁶ for Sexual Assault, Dating violence, Domestic Violence, Stalking, and Related Retaliation

All employees who experience, observe, or become aware of illegal discrimination on the basis of sex, sexual harassment, and/or related retaliation must promptly report the conduct. Students and third parties are strongly encouraged, but not required, to report prohibited conduct. Once an individual discloses information (in person, electronically, or by phone) to an official contact, according to Table 1 – Official Contacts, a complaint will be considered to be filed with the university, and the investigation process is initiated regardless of whether the complainant⁷ chooses to pursue criminal charges. The 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. The university diligently works to determine what occurred and further action that may be warranted based on the information provided.

⁶ 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, alleged offender, and other affected individuals concerning accommodations or protective measures.

⁷ For the purposes of this section, 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.

Proceedings from an allegation of sexual assault, dating violence, domestic violence, or stalking are provided in a prompt, fair, and impartial manner from the initial investigation to the final result, including any appeals. They are consistent with the institution's policies and transparent and equitable to the complainant and alleged offender.

If the alleged offender is a student

The complaint regarding prohibited conduct is initially reviewed by the official contact. The official contact will promptly notify the Title IX Coordinator or designee, SECO, and the System Office of General Counsel (OGC) of the allegation of sexual assault, dating violence, domestic violence, or stalking.

The official contact diligently works to determine what occurred and further action that may be warranted based on the information provided. The official contact communicates with the complainant regarding resolution procedures (formal and informal options), the right of the complainant to decline to participate in an investigation or remain anonymous, and the right to request that no investigation occur⁸. The official contact is responsible for soliciting the complainant's preference for which procedures to use in resolving the matter.

The official contact performs a preliminary determination to establish whether or not there is sufficient information to proceed with the investigation. In consultation with the OGC, the official contact or designee's preliminary determination includes, but is not limited to, the following: assessing whether or not the allegations (if true) constitute prohibited conduct, assessing the complainant's request that an investigation not occur (which may be honored), and establishing whether or not the university has the ability to meaningfully investigate based on known or obtainable information. For example, the university's response may be diminished in the following cases: the identity of one or more parties is unknown or not disclosed, the complainant wishes to withhold their identity, and/or the complainant declines to participate in an investigation. After the preliminary determination, the official contact or designee may proceed with an investigation or close the report due to insufficient information unless additional information is provided.

If information is sufficient, the official contact or designee will appoint the investigative authority (IA) to initiate an investigation. The IA consists of one or more investigators from the university. The IA may be from the law school campus or the main campus in College Station as determined by the official contact or designee. All persons serving in the process are to be impartial and free from bias or conflict of interest. Concerns about impartiality are addressed as necessary prior to the investigation. Investigators may also decline the assignment if they feel they cannot render an unbiased decision. Individuals conducting investigations and other decision makers, at a minimum, receive training annually which covers sexual assault, dating violence, domestic violence, and/or stalking, and how to conduct an investigation and hearing process that protects the safety of individuals involved and promotes accountability through prompt and equitable treatment.

The assigned IA provides the following to the complainant and alleged offender in writing.

- Receipt of the complaint stating the allegation
- Policy or policies alleged to have been violated and a copy of applicable university policies
- Date, time (if known), location, and nature of the alleged misconduct
- Identity (or pseudonym, if requested) of the complainant and alleged offender

⁸ If the complainant requests that no investigation of the allegations occur, the institution will seek to honor the request whenever possible without impeding the institution's ability to protect the health and safety of the complainant and campus community while considering the circumstances and potential impacts of the complaint. The university reserves the right to initiate an investigation despite a complainant's request not to, in limited circumstances involving serious or repeated conduct where the alleged offender may pose a continuing threat to the campus community. The complainant is notified if the complainant's request cannot be honored.

- If the complainant has requested that a pseudonym be used in the institution's paperwork, the alleged offender will be verbally notified of the complainant's name
- Identity of and contact information for the IA
- Identity of the designated administrator⁹ (DA)
- Explanation of the prohibition against retaliation
- Instruction to the parties to preserve any potentially relevant evidence in any format
- Information about the university's process for challenging the neutrality or bias of the IA, DA, or appellate authority (AA)

The IA will review the complaint, interview the complainant, the alleged offender, and witnesses, if applicable, and ascertain details and circumstances associated with the complaint. Individuals will have an equal opportunity to present relevant witnesses and other evidence to the IA. 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. The investigation report should include a statement of allegations, a list of witnesses interviewed, and relevant documents but should not include findings, decisions, or recommendations.

Investigations 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 at their own cost. 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 will 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. Each party's advisor participation during the interview(s) will be limited to the role of an observer, may not actively participate, may not address an involved university official, or advocate on behalf of the student. The advisor may request a break from the interview to give advice. The advisor cannot be called as a witness once they have assumed the role of advisor. 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. The university has the right, at all times, to determine what constitutes appropriate behavior on the part of the advisor.

After the IA completes the investigation report, the OGC reviews and approves it for legal sufficiency in coordination with SECO. Staff in the Offices of the Dean of Student Life, as the DA, finalize the investigation report from OGC and make the determination to investigate further, complete the investigation and proceed with resolution procedures, or dismiss the complaint. In regards to resolution procedures, the DA determines whether or not informal procedures may be used and provides the complainant with an option to initiate informal resolution procedures, if appropriate, or formal resolution procedures (a Student Life Conduct Conference).

Informal procedures, facilitated by the appropriate university administrator, provide an alternative method of reaching a voluntary resolution. If the complainant requests informal resolution and both the alleged offender and the official contact or designee agree to attempt an informal resolution, the official contact or designee

⁹ The DA is the university official responsible for finalizing the investigation and determining actions to proceed subsequent to the investigation.

initiates and manages mediation between the parties. Timely and equal access to any information that will be used during informal procedures will be provided to the complainant, alleged offender, and appropriate officials. Examples of outcomes resulting from informal procedures include, but are not limited to, no contact orders, a commitment to refrain from similar behaviors in the future, etc. Informal procedures, including mediation, will not be used to resolve complaints involving sexual assault with the exception fondling where informal procedures may be permitted on a case by case basis. A complainant is not required to engage in informal procedures prior to requesting formal procedures. Either party may request the official contact pursue a formal investigation at any time.

If moving forward with formal proceedings, the alleged offender and the complainant are informed of the resulting allegations and information surrounding the allegations and a Student Life Conduct Conference is initiated to determine whether a violation of student rules occurred. The complainant and alleged offender are notified by the DA that the investigation report is complete and are given the right to review an un-redacted copy of the investigation report (without exhibits). If requested, access to exhibits, which may be redacted, may be provided.

The student conduct conference is facilitated by the Student Conduct Administrator and a student conduct panel who are authorized and established by the law school Assistant Dean for Student Affairs or designee to conduct proceedings. The student conduct process provides that:

- Timely and equal access to any information that will be used during 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.
- Both the complainant and alleged offender have the right to be assisted by an advisor as described above at any meeting related to the conduct process and related appeal. Admission of any other person to the student conduct conference shall be at the discretion of the Student Conduct Administrator.
- Prior to the decision of responsibility, pertinent records, exhibits, student impact statements and other written statements and responses may be accepted from both parties as information for consideration by the Student Conduct Panel at the discretion of the Student Conduct Administrator.
- A preponderance of evidence¹⁰ standard (the conduct more likely than not occurred) is used to reach conclusions regarding the allegations.

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 in response to a student conduct code violation related to dating violence, domestic violence, sexual assault, or stalking: 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.

¹⁰ 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.”

Students found responsible for sex-based violence and/or non-consensual sexual penetration of another person will be subject to a minimum sanction of a one-year suspension, in the absence of significant mitigating factors. Students found responsible for these acts who have demonstrated predation¹¹ for the purpose of carrying out these acts will be subject to permanent expulsion.

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 law school Student Conduct Administration (817-212-3819) prior to course registration.

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

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 made 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)
- Impact of the conduct on the complainant
- Impact of the conduct on the university community and the need to protect the safety of the university community
- Prior misconduct/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)
- Whether the alleged offender has accepted responsibility for the conduct, which may be considered as a factor that may lessen, not increase, the severity of the sanctions
- Necessity of any specific action in order to eliminate the prohibited conduct, prevent its recurrence, and remedy its effects on the complainant or other university community members
- 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)
- Expressed wishes of the complainant

The goal is to resolve complaints in a reasonably prompt timeframe of approximately 65 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 Student Life or designee. Written notice of the delay and the reason for the delay is provided to the complainant and the alleged offender by the Dean of Student Life or designee.

¹¹ Predation is defined as an intent to engage in these acts prior to their occurrence demonstrating premeditation, planning or forethought, and is reflected in communicated intent (physical, verbal, visual, or written), threats directed at a party, attempts to incapacitate a party, attempts to isolate a party, utilizing violence, or other actions that a reasonable person would construe as a pre-meditation to engage in actions that are unwanted by/against the recipient. Committing any of these actions with an individual under the age of consent is also considered predatory.

Proceedings provide both parties with the right to be informed of the outcome of the investigation. Results¹² are provided simultaneously and in writing by the law school Assistant Dean for Student Affairs or designee to both the complainant and alleged offender. Results are also provided to the IA. Procedures for the complainant and/or the alleged offender to appeal are provided with the documentation of results.

Appeals¹³ of the decision, the sanctions, or both may be made by the complainant and/or the alleged offender. Appeals must be filed within 5 business days from receipt of the notice of the decision and/or sanctions to be appealed. An appeal should be submitted in writing to the Chair of the University Disciplinary Appeals Panel (Chair) and is considered filed when the Chair receives it. If no appeal is filed within 5 business days, the decision and sanctions are final and both parties are notified that the results from the initial hearing are final.

The Chair promptly notifies both parties when an appeal is received. The Chair forwards the appeal to the appropriate AA, the University Disciplinary Appeals Panel. Cases may be deferred to the Assistant Vice President of Student Affairs or alternative appeal body at the discretion of the Chair should there be no sanctions of suspension or expulsion, and no appeals seeking an increase in sanctions.

The AA decides the appeal, provides a rationale for the decision for each of the grounds appealed, and forwards the appellate decision to the complainant and alleged offender within 15 business days from the date of receipt of the appeal, unless circumstances require additional time and an extension is granted through the extension process described above. Appeal results, including changes occurring based on appeal and when such results become final, are provided to both the complainant and alleged offender simultaneously and in writing. Appeal results are also provided to the IA. The decision of the AA is final.

If the alleged offender is an employee or a third party

The complaint regarding prohibited conduct is initially reviewed by the official contact (Table 1 – Official Contacts). The official contact will promptly notify the Title IX Coordinator or designee, SECO, and the OGC of the allegation of sexual assault, dating violence, domestic violence, or stalking.

The official contact is responsible for reviewing the allegations, confirming the nature and circumstances of the allegations and requesting names of the parties with knowledge of the reported incident. A written statement of events may be requested at the time the complaint is filed. The official contact communicates resolution procedures (formal and informal options), explains the right of the complainant to decline to participate in an investigation or remain anonymous, and solicits the complainant's preference for which procedures to use in resolving the matter. Complainants may request an informal resolution, a formal resolution, or no investigation of their allegations (see footnote 8). The official contact or designee is responsible for making a preliminary determination about whether to resolve the case informally or through a formal investigation of the allegations.

Informal procedures provide an alternative method of reaching a voluntary resolution. If the complainant requests informal resolution and both the alleged offender and the official contact or designee agree to attempt an informal resolution, the official contact or designee initiates the mediation process by referring the

¹² 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.

¹³ 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 (for sanctions imposed on student alleged offenders only).

complaint to the Dean of Faculties (if the alleged offender is faculty) or to the Human Resources Director of Organizational Consulting and Resolution Management (if the alleged offenders is a staff employee or third party). These groups manage mediation between the parties. Timely and equal access to any information that will be used during informal procedures will be provided to the complainant, alleged offender, and appropriate officials. Examples of outcomes resulting from informal procedures include, but are not limited to, no contact orders, a commitment to refrain from similar behaviors in the future, etc. Informal procedures, including mediation, will not be used to resolve complaints involving sexual assault with the exception fondling where informal procedures may be permitted on a case by case basis. Also, informal procedures will not be used for reports involving a complainant who is a student and an alleged offender who is in a position of authority over that complainant. A complainant is not required to engage in informal procedures prior to requesting formal procedures. Either party may request the official contact pursue a formal investigation at any time.

If the complainant requests formal resolution, the official contact performs a preliminary determination to establish whether or not there is sufficient information to proceed with the formal investigation. In consultation with the OGC, the official contact or designee's preliminary determination includes, but is not limited to, the following: assessing whether or not the allegations (if true) constitute prohibited conduct, assessing the complainant's request that an investigation not occur (which may be honored), and establishing whether or not the university has the ability to meaningfully investigate based on known or obtainable information. For example, the university's response may be diminished in the following cases: the identity of one or more parties is unknown or not disclosed, the complainant wishes to withhold their identity, and/or the complainant declines to participate in an investigation. After the preliminary determination, the official contact or designee may proceed with a formal investigation, close the report for insufficient information, or refer the report for potential violation of other university policies, if applicable.

If information is sufficient, the official contact or designee will appoint the investigative authority (IA) to initiate a formal investigation. The IA consists of one or more investigators from the university (such as a member of the Academic Civil Rights Investigation Committee if related to a faculty investigation) or the Texas A&M System, or an experienced external third party. The IA may be from the law school campus or the main campus in College Station as determined by the official contact or designee. All persons serving in the process are to be impartial and free from bias or conflict of interest. Concerns about impartiality are addressed as necessary prior to the investigation. Investigators may also decline the assignment if they feel they cannot render an unbiased decision. Individuals conducting investigations and other decision makers, at a minimum, receive training annually which covers sexual assault, dating violence, domestic violence, and/or stalking, and how to conduct an investigation and hearing process that protects the safety of individuals involved and promotes accountability through prompt and equitable treatment.

The assigned IA provides the following to the complainant and alleged offender in writing.

- Receipt of the complaint stating the allegation
- Policy or policies alleged to have been violated and a copy of applicable university policies
- Date, time (if known), location, and nature of the alleged misconduct
- Identity (or pseudonym, if requested) of the complainant and alleged offender
- If the complainant has requested that a pseudonym be used in the institution's paperwork, the alleged offender will be verbally notified of the complainant's name
- Identity of and contact information for the IA
- Identity of the DA (see footnote 9)
- Explanation of the prohibition against retaliation
- Instruction to the parties to preserve any potentially relevant evidence in any format
- Information about the university's process for challenging the neutrality or bias of the IA, DA, or AA

The IA also notifies the alleged offender's supervisor, in writing, of the report involving the alleged offender (if employed by Texas A&M University). At any point in the investigation process, the employee alleged offender may be suspended with pay, reassigned, and/or placed in another type of temporary status pending completion of the investigation and final resolution of the allegations. This is not a disciplinary action.

During the investigation, both parties will have an equal opportunity to be heard, to submit information and corroborating evidence, to identify witnesses who may have relevant information, and to submit questions they believe should be directed by the IA to each other or to any witness. The IA reviews the complaint and collects information to determine what occurred. Their process includes separately interviewing the complainant, the alleged offender, and third-party witnesses (observed the acts in question or have information relevant to the incident), if applicable, gathering other relevant and available evidence and records, and consulting with experts when necessary. 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.

Investigations provide both the complainant and alleged offender the same opportunities to have others present during any institutional proceeding or appeal, 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 at their own cost. 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 will 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. Each party's advisor participation during the interview(s) will be limited to the role of an observer, although the advisor may request a break from the interview to give advice. The advisor cannot be called as a witness once they have assumed the role of advisor.

At the conclusion of the investigation, the IA prepares a draft investigation report summarizing the information gathered without conclusions. The complainant and alleged offender are notified that the draft investigation report is complete and are given the right to review the draft and provide a written response to the IA. Based on the responses, the IA determines if any new or relevant information has been provided by one or both parties necessitating additional investigative steps. If so, the IA proceeds with the additional steps and amends the investigation report as needed. The investigation report should include a statement of allegations, a list of witnesses interviewed, relevant documents, and may conclude that each allegation is substantiated, unsubstantiated, or there is insufficient information to substantiate. A preponderance of evidence standard (the conduct more likely than not occurred) is used to reach decisions regarding the allegations. The IA submits the investigation report, as amended, to OGC who, in coordination with SECO, conducts a legal review and returns it to the IA. The investigation report is then finalized by the IA.

After the investigation report is finalized, the IA forwards it to the DA, in accordance with Table 2, or designee who renders a final decision, including sanctions (if applicable).

Table 2 – Designated Administrators

If the alleged offender is a:	Faculty Employee	Non-Faculty Employee or Third Party
Then the DA is:	Dean of Faculties, 108 YMCA Building College Station, TX 77843-1126 979-845-4274 dofinvestigations@tamu.edu <u>Exception:</u> The Texas A&M President or designee is the DA for complaints against the Dean of Faculties	Chief Risk, Ethics, and Compliance Officer, Office of Risk, Ethics, and Compliance Jack K. Williams Administration Building Suite 302 College Station, TX 77843 979-458-8407 OREC@tamu.edu <u>Exception:</u> The Texas A&M System Chancellor or designee is the DA for complaints against the Texas A&M President and for any employee who reports directly to the President.

The DA or designee reviews the un-redacted final investigation report, documentary evidence, and any other relevant information. The DA drafts a preliminary decision as to whether or not each allegation has been substantiated, unsubstantiated, or there is insufficient information to substantiate. The preliminary decision also includes sanctions for each substantiated allegation.

When an employee is found to have sexually harassed (see definition in footnote 1) another member of the university or agency community, the sanction will be termination of employment.

In response to a finding of prohibited conduct, third parties may have their relationships with the university terminated and/or their privileges of being on university premises withdrawn.

If the DA or designee has substantial doubts about the thoroughness, fairness, and/or impartiality of the investigation, the DA will return the report to the IA with further instructions. Otherwise, the DA will forward the preliminary decision to OGC who will coordinate with SECO to conduct a legal review of the preliminary decision. Once the DA receives OGC's legal review, the DA finalizes the decision and renders sanctions.

The goal is to resolve complaints in a reasonably prompt timeframe of approximately 65 business days excluding any appeal period; however, extenuating circumstances requiring additional time may necessitate an extension with good cause. Examples include, but are not limited to, temporary unavailability of parties, information delays, holidays or periods when parties are unavailable, new allegations, new evidence, new witnesses that would require further investigation. Extensions must be justified in writing by the IA or DA (as appropriate), sent to the OREC, and reviewed and approved by the Chief Risk, Ethics, and Compliance Officer. The Title IX Coordinator or designee is also notified of extension requests when sent to the OREC. Written notice describing the delay and the reason for the delay is provided to the complainant and the alleged offender by OREC.

Proceedings provide both parties with the right to be informed of the outcome of the investigation. The results (see footnote 12) are provided simultaneously and in writing by the DA to both the complainant and the alleged offender. Procedures for the complainant and the alleged offender to appeal are provided with the documentation of results. Results are also provided to the IA and any other university personnel with a need to know. The complainant and alleged offender are notified simultaneously in writing of their right to review a copy of the finalized redacted investigation report and the exhibits after receiving admonishments as to

privacy. The final investigation report is redacted in accordance with state and/or federal law before allowing complainant and alleged offender review.

Appeals (see footnote 13) of the DA's decision on the merits may be made by the complainant and/or the alleged offender. Appeals must be filed within 10 business days of the party's receipt of the notice of the decision to be appealed. An appeal should be submitted in writing to OREC and is considered filed when OREC receives it. If no appeal is filed within the 10 business days of receipt of notice of the decision on the merits, OREC will provide simultaneous notice that no appeal was filed and that the decision of the DA is final.

OREC promptly notifies both parties when an appeal is received. OREC forwards the appeal and response(s), if any, to the appropriate AA, in accordance with Table 3.

Table 3 – Appellate Authorities

If the alleged offender is a:	Faculty Employee	Non-Faculty Employee	Third Party
Then the AA is:	Provost and Executive Vice President or designee	Vice President for the Division of Human Resources and Organizational Effectiveness or designee	Executive Vice President and Chief Financial Officer or designee

The AA, in consultation with OGC, will decide the appeal and provide a rationale for the decision for each of the grounds appealed. The AA will forward the appellate decision to the DA within 10 business days from the date of receipt of the appeal, unless circumstances require additional time and an extension is granted through the extension process described above. The decision of the AA is final.

Appeal results, including 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 by the DA within 5 business days after receiving the appellate decision. Appeal results are also provided to the IA and any other university personnel with a need to know.

For all investigations and disciplinary proceedings

Any employee or student who knowingly and intentionally interferes with an investigation or disciplinary proceedings will be subject to disciplinary action up to and including dismissal or separation from the university. 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 Programs¹⁴

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.

The law school provides culturally relevant, inclusive primary prevention and awareness education to incoming students at new student orientation to clearly define sexual assault, dating violence, domestic violence, stalking, and consent. A video presentation identifies sexual assault, dating violence, domestic violence, and stalking as prohibited conduct and provides information regarding bystander intervention, risk reduction in recognizing warning signs of abusive behavior, ways to avoid potential attacks, and victims' rights and options. The training includes procedures victims should follow if sexual assault, dating violence, domestic violence, or stalking occurs and procedures the institution will follow when one of these 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 Offices of the Dean of Student Life require a mandatory online training module (Haven) focused on sexual harassment, sexual assault, dating violence, domestic violence, and stalking. Each semester, the training is sent to all incoming Texas A&M University undergraduate, graduate, and professional students. New students are required to complete Haven training at all campuses with the exception of Texas A&M University Qatar.

New employees currently receive web-based *Creating a Discrimination Free Workplace* training mandated by The Texas A&M University System. All employees are required to complete the training every two years thereafter.

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

Health Promotion (including the former Consensual Language, Education, Awareness, and Relationships Office) 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;

¹⁴ 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.

recognizing signs of unhealthy relationships; and active bystander intervention. Health Promotion 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 (<https://studentlife.tamu.edu/hp/presentations/>, healthpromotion@tamu.edu or 979-845-0280). Presentations are provided for classes, student organization meetings, orientations, residence hall programs, and other events. The law school's Office of Student Affairs recently completed the Green Dot facilitation component so that related training is available at the law school for students and employees annually.

The Women's Resource Center at the main campus provides advocacy, education, prevention programs, support, and referral services for female and male students, faculty, and staff. The WRC develops presentations on a variety of topics related to sexual violence, partner violence, and stalking (<http://studentlife.tamu.edu/wrc>, wrc@tamu.edu, or 979-845-8784). In the Fort Worth area, the Women's Resource Center of Tarrant County provides advocacy, education, prevention programs and support service for female and male students, faculty, and staff and can be contacted at (817) 927-2737, <http://womenscentertc.org/>.

The Division of Human Resources and Organizational Effectiveness offers training for employees regarding sexual harassment in the workplace that covers employee rights, responsibilities, and strategies for preventing sexual harassment, university policies and rules, and reporting and addressing complaints. Online courses are offered that provide guidance to identify and address behaviors of concern as a way of preventing violence in the workplace.

The law school distributes a notice of nondiscrimination to students and employees annually which describes university resources, support, and reporting procedures to those impacted by sexual harassment and sexual violence. The nondiscrimination notice is maintained on the webpage, [notice of nondiscrimination](#). A law school webpage called Know Your IX (<http://law.tamu.edu/current-students/student-affairs/title-ix>) provides similar information in a video which was produced by The Texas A&M University System. The video addresses sexual harassment, sexual violence (including dating violence, domestic violence, and stalking), risk reduction, awareness, victim rights/options, reporting, and institutional assistance.

All students are provided a written notification about existing resources for law school students including counseling, health, mental health, victim advocacy, legal assistance, visa and immigration assistance, student financial aid, and other services available for victims both on the law school campus and in the Fort Worth community. The written notification is provided to students by the Assistant Dean for Student Affairs and to employees by Human Resources. These contacts distribute an email annually (fall semester) that contains information covering how to report incidents, applicable policies, and other available options in addition to existing services and resources.

Bystander Intervention and Risk Reduction¹⁵

Everyone has a role in changing community knowledge, attitudes and behaviors. Change happens as each person is able to identify risky situations and take action to confront, interrupt, or prevent acts of sexual violence. Bystander intervention programs can help individuals observe a situation and determine an appropriate intervention where someone could use some help. Bystander intervention means just that; people

¹⁵ 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.

taking care of others. If you find a friend in a situation that concerns you, consider the following strategies to intervene safely and effectively.

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

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

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

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

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

Other Considerations

Retaliation

The law school prohibits retaliation. An officer, employee, or agent of the law school 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, the law school 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 law school 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

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

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

The DPS Texas Public Sex Offender Registry is found at <https://records.txdps.state.tx.us/SexOffender/>.

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 or visibly incapacitated is not able to give consent to sexual activity. According to [Texas A&M University Student Life Rules, 24. Student Conduct Code 24.1.11](#), incapacitation means the physical and/or mental inability to make informed, rational judgements. States of incapacitation include, but are not limited to, sleep, unconsciousness, and brownouts and blackouts (where an individual is awake but is not forming memories). Where alcohol or other drugs are involved, incapacitation is defined with respect to how the substance consumed impacts a person's decision-making capacity, awareness of consequences, and ability to make fully informed judgments. According to the [Texas A&M University Student Life Rules, 24. Student Conduct Code 24.4.20.1](#), in regards to sexual abuse, 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 and related system policy. This regulation establishes systemwide standards for the receipt and processing of complaints, appeals, or reports of discrimination, sexual harassment and/or related retaliation based on protected class including complaints made by employees, students, and/or third parties.

According to [System Regulation 08.01.01, Civil Rights Compliance](#), consent is clear, voluntary, and ongoing agreement to engage in a specific sexual act. Persons need to verbalize their consent to engage in a sexual act for there to be permission. Permission to engage in a sexual act may be indicated through physical actions rather than words. A person who 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 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 or local violations of liquor, drug abuse,

and weapons laws. Only violations of the law resulting in arrest or referral are disclosed. Violations of institutional policy alone are not included in Clery Act statistics.

Weapons: Carrying, Possessing, Etc.: The violation of laws or ordinances prohibiting the manufacture, sale, purchase, transportation, possession, concealment, or use of firearms, cutting instruments, explosives, incendiary devices or other deadly weapons. This classification encompasses weapons offenses that are regulatory in nature. Classify as 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 law school, therefore, on-campus student housing statistics are not required to be disclosed.

Texas A&M University, School of Law - Reportable Crimes

The following statistics include all incidents of Clery Act crimes reported to the institution that occurred within the campus' Clery Act locations, regardless of whether the individual reporting was a member of the campus community and regardless of whether the individual chose to move forward with the criminal justice or campus disciplinary proceedings. To prepare the annual disclosure of crime statistics, the institution collects information from internal sources such as campus police and other campus security authorities and requests information from external sources such as local law enforcement.

Criminal Offenses					
Offense	Year	On Campus Property	Non-Campus Property	Public Property	Unfounded Crimes [§]
Murder / Non-negligent Manslaughter	2015	0	0	0	0
	2016	0	0	0	0
	2017	0	0	0	0
Manslaughter By Negligence	2015	0	0	0	0
	2016	0	0	0	0
	2017	0	0	0	0
Sex Offenses, Rape	2015	0	0	0	0
	2016	0	0	0	0
	2017	0	0	0	0
Sex Offenses, Fondling	2015	0	0	0	0
	2016	0	0	0	0
	2017	0	0	0	0
Sex Offenses, Incest	2015	0	0	0	0
	2016	0	0	0	0
	2017	0	0	0	0
Sex Offenses, Statutory Rape	2015	0	0	0	0
	2016	0	0	0	0
	2017	0	0	0	0
Robbery	2015	0	0	0	0
	2016	0	0	0	0
	2017	0	0	0	0
Aggravated Assault	2015	0	0	0	0
	2016	0	0	0	0
	2017	0	0	1	0
Burglary of Structure	2015	0	0	0	0
	2016	0	0	0	0
	2017	0	0	0	0
Motor Vehicle Theft	2015	2	0	0	0
	2016	0	0	3	0
	2017	0	0	0	0
Arson	2015	0	0	0	0
	2016	0	0	0	0
	2017	0	0	0	0

Hate Crimes					
Offense	Year	On Campus Property	Non-Campus Property	Public Property	Unfounded Crimes [§]
Hate Crimes *	2015	0	0	0	0
	2016	0	0	0	0
	2017	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 [§]
Domestic Violence	2015	0	0	0	0
	2016	0	0	0	0
	2017	0	0	0	0
Dating Violence	2015	0	0	0	0
	2016	0	0	0	0
	2017	0	0	0	0
Stalking	2015	0	0	0	0
	2016	1	0	0	0
	2017	0	0	0	0

Arrests and Disciplinary Referrals					
Offense	Year	On Campus Property	Non-Campus Property	Public Property	Unfounded Crimes [§]
Arrests: Weapons Carrying, Possessing, Etc.	2015	0	0	0	0
	2016	0	0	0	0
	2017	0	0	0	0
Disciplinary Referrals: Weapons Carrying, Possessing, Etc.	2015	0	0	0	0
	2016	0	0	0	0
	2017	0	0	0	0
Arrests: Drug Abuse Violations	2015	0	0	3	0
	2016	3	0	4	0
	2017	0	0	0	0
Disciplinary Referrals: Drug Abuse Violations	2015	0	0	0	0
	2016	0	0	0	0
	2017	0	0	0	0
Arrests: Liquor Law Violations	2015	0	0	0	0
	2016	0	0	0	0
	2017	0	0	0	0
Disciplinary Referrals: Liquor Law Violations	2015	0	0	0	0
	2016	0	0	0	0
	2017	0	0	0	0

The following are in reference to the reportable crimes table.

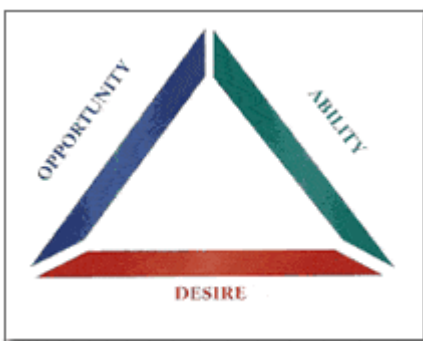
* In 2015, 2016, and 2017 there were no reported criminal incidents involving hate/bias.

§Unfounded crimes are those that a commissioned peace officer has investigated and found to be false or baseless and are subsequently withheld from the crime statistic.

Calendar year 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 and 2017.

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 law school community easily recognize there is little that can be done to control the criminal's ability and desire. The law school 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 law school security department is the prevention of crime before it occurs. Because security personnel cannot be everywhere all the time, they need the help of all members of the law school 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 law school security department. By doing so, you may be preventing someone else from becoming a victim of a more serious crime. Following are programs that are designed to encourage students and employees to be responsible for their own security and the security of others

Students, faculty and staff should help to ensure their safety and the safety of their property by practicing fundamental crime prevention techniques. Safety and crime prevention information is published periodically in available campus publications. The law school makes every effort to accommodate any reasonable requests for training students and employees regarding recognition of crime, preventing crime, and responding to crime. Training efforts include Campus Safety Awareness Week which is held each spring and is available to all law school faculty, staff, and students. It incorporates presentations regarding Title IX, building safety, security, logistical safety, and includes situational awareness focused on reporting suspicious activity and contacting local law enforcement. In these presentations information is provided regarding campus security procedures and practices. Materials included in the training are from the "If you See Something, Say Something" national campaign. Fire drills are also conducted each fall.

The Fort Worth Police Department is also dedicated to providing quality service in partnership with the community to communicate security procedures and practices and create a safe environment. The following describes the interactive endeavors available to the citizens of Fort Worth.

- National Night Out is hosted each fall to heighten awareness of crime prevention.
- Several Crime Prevention Specialists are employed to serve each Fort Worth division.
- Crime Watch and Business Watch creates enhanced ongoing crime reporting, burglary preventions, physical security, personal safety and awareness through training and a partnership between police and citizens.
- Other crime prevention programs such as security surveys completed by a representative of the police department, vehicle identification number etching, safety fairs, kids programs, a burglary deterrent program, and other presentations are available upon request.
- Citizens Police Academy is a 12 week program, one night per week, for citizens to learn about the specific areas of the police department.

Important Telephone Numbers

Area Code 817 (for all numbers listed below)

Emergencies-from off campus phone / Cell phones Police/Fire/Medical	911	Law School Security	212-3999
Fort Worth Police	335-4222	Fort Worth Fire	922-3000
Tarrant County Sheriff	884-3099	Counseling & Referral, Alcohol & Other Drugs	1-855-270-3379
Law School Facilities	212-4125	Crime Stoppers	817-469-TIPS
Department of Public Safety	882-8263	Office of Student Affairs	212-4020
Fort Worth Transportation Authority	215-8600	Student Services/Registrar	212-4001

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 OREC 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 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/HCKingsvilleAnnualSecurityReport.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/HSCRRAAnnualSecurityReport.pdf>

Texas A&M University Health Science Center Temple

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

Texas A&M University Higher Education Center at McAllen

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

Texas A&M University at Galveston, TS General Rudder

<http://urc.tamu.edu/media/1601438/TAMUGGeneralRudderAnnualSecurityReport.pdf>

Texas A&M University at Galveston, TS Kennedy

<http://urc.tamu.edu/media/1601439/TAMUGKennedyAnnualSecurityReport.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>

Texas A&M University at Galveston, TS General Rudder

<http://urc.tamu.edu/media/1601436/TAMUGGeneralRudderAnnualFireReport.pdf>

Texas A&M University at Galveston, TS Kennedy

<http://urc.tamu.edu/media/1601437/TAMUGKennedyAnnualFireReport.pdf>