

TEXAS A&M UNIVERSITY HEALTH SCIENCE CENTER, KINGSVILLE 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 and the Texas A&M University Health Science Center Kingsville Annual Fire Safety Report on Student Housing (Annual Fire Safety Report) are available at the following Texas A&M University Office of Risk, Ethics, and Compliance websites.

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

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

Email security@tamhsc.edu for assistance if any link does not function.

Table of Contents

Preparation of the Annual Security Report and Disclosure of Crime Statistics	2
Annual Security Report Notifications	3
Campus Law Enforcement Policies	3
Reporting Crimes	5
Missing Students	7
Timely Warning Policy	8
Emergency Response and Evacuation Policy	9
The Daily Crime Log.....	13
Security of and Access to Campus Facilities.....	13
Maintenance of Campus Facilities.....	14
Alcoholic Beverages, Illegal Drugs, and Weapons	15
Sexual Assault, Dating Violence, Domestic Violence, and Stalking	17
Other Considerations	39
Sex Offender Registry.....	40
Definitions of Clery Act Offenses.....	40
Definitions of Clery Act Locations	48
TAMHSC, Kingsville - Reportable Crimes	50
Crime Prevention and Security Awareness	51
Important Telephone Numbers	54
Other Annual Security Reports and Annual Fire Safety Reports.....	54



Texas A&M University Health Science Center, Kingsville

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 Health Science Center (TAMHSC) Security Department is responsible for preparing and distributing the Annual Security Report to comply with the Jeanne Clery Disclosure of Campus Security Policy and Crime Statistics Act (Clery Act). The Annual Security Report is published every year by October 1st and contains three years of selected campus crime statistics and certain campus security policy statements 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 TAMHSC Kingsville shares a campus and various facilities, including on-campus student housing¹, with Texas A&M University Kingsville, a separate Title IV institution. In accordance with the Clery Act, if your institution shares a campus with another Title IV institution, both institutions must include in their separate Clery Act statistics all of the Clery Act crimes that occur anywhere on the campus. Also, if your institution shares on-campus housing facilities with another Title IV institution, both institutions are considered to be in control of the facilities and must report on those facilities to comply with Clery Act requirements. The TAMHSC Security Department and the Office of Risk, Ethics, and Compliance (OREC) compose the Annual Security Report and statistical information with input from Texas A&M University Kingsville and various other sources such as local law enforcement agencies, TAMHSC Administration, Student Affairs, and other campus personnel. The 2018 TAMHSC Kingsville Annual Security Report reflects a shared campus, including statistics for calendar years 2017, 2016, and 2015.

¹ According to an intra-system cooperation contract between the TAMHSC and Texas A&M University Kingsville, Texas A&M University Kingsville provides TAMHSC Kingsville with certain services (infrastructure, utilities, police and security, computer, telecom, library/research resources, etc.) and access to various facilities including student housing in accordance with the Texas A&M University Kingsville housing allocation protocol.

Annual Security Report Notifications

Each year, an e-mail notification which provides website access to this report is sent to all current students, faculty, and staff. The TAMHSC Kingsville Annual Security Report can be found at the following website: <http://urc.tamu.edu/media/1157099/HSCKingsvilleAnnualSecurityReport.pdf>. A paper copy may be requested at the front desk of the Rangel College of Pharmacy, 1010 West Ave. B, Room 103, Kingsville, TX or by calling 361-221-0604. A paper copy is also available upon request at each TAMHSC location.

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 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/>).

Campus Law Enforcement Policies

Police Department Overview

The Texas A&M University Kingsville Police Department (TAMUK PD) provides law enforcement and security services to all components of Texas A&M University Kingsville including the TAMHSC Kingsville academic campus and a variety of satellite facilities throughout Kleberg County. The department consists of professional campus police and telecommunications officers dedicated to providing excellent customer service to the community.

Patrol is the core of the TAMUK PD. To provide a safe campus for our students, staff, faculty, and visitors, the department has uniformed officers on patrol 24-hours a day, year round. These officers answer calls for service, respond to alarms, and enforce state criminal and traffic laws. Officers patrol campus on foot, by bicycle, Segways, golf cart, and in vehicles with a supervisor on duty at all times. The Dispatch Center is staffed with trained and certified communication officers who answer calls for service, dispatch officers and other emergency services to incidents, and monitor intrusion detection and fire alarms. TAMUK PD employs students who carry out a variety of roles including parking enforcement and assisting officers in providing campus escorts.

Jurisdiction

The TAMUK PD is the primary police authority for the TAMHSC Kingsville campus. The police officers are fully certified by the State of Texas as defined in article 2.12 of the Texas Code of Criminal Procedure. Pursuant to Section 51.203 of the Texas Education Code, police officers commissioned by a state institution of higher education have authority and jurisdiction in all counties in which property is owned, leased, rented, or otherwise under the control of the institution of higher education. The officers are employed and commissioned for the purpose of protecting the safety and welfare of students, employees, and property of the institution in accordance with state law. Commissioned officers are vested with all powers, privileges, and immunities of peace officers while the officer is either in their primary jurisdiction or outside the officer’s primary jurisdiction.

Arrest Authority

As peace officers, TAMUK PD's armed police officers have the same full authority to detain and arrest as municipal police officers. Officers are fully certified by the State of Texas with full arrest powers.

Enforcement Authority

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

Working Relationships and Agreements

TAMUK PD maintains excellent working relationships with all area law enforcement agencies including the City of Kingsville Police Department, Kleberg County Sheriff's Office, Texas Rangers, Texas Department of Public Safety, Department of Homeland Security, and the local field office of the Federal Bureau of Investigation. These working relationships result in awareness of criminal activity perpetrated beyond campus but are not maintained through written mutual aid agreements with the TAMHSC. A written agreement is currently in place between TAMHSC and TAMUK for police/security services to be provided at the same level that exists throughout the Texas A&M University Kingsville campus.

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 the Safety Officer at the TAMHSC Kingsville campus about situations reported to the given local law enforcement agency that may warrant an emergency response or timely warning notification.

Monitoring Non-Campus Locations

The TAMHSC operates no non-campus housing nor non-campus student organization facilities. However, students may live off campus in neighborhoods surrounding the TAMHSC Kingsville campus. The Kingsville Police has primary jurisdiction in surrounding areas off campus. If institutional sponsored activity by a student or student organization meets the criteria for Clery non-campus property in areas surrounding the TAMHSC Kingsville campus, TAMUK PD may assist in cooperation with the Kingsville Police Department, state, or federal law enforcement. Neither TAMHSC nor TAMUK PD has a Memorandum of Understanding with local law enforcement.

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

Professional Standards

The TAMUK PD's mission is to provide a safe and secure learning and working environment by providing the highest quality services, which include prompt response, availability of officers, and informational and instructional services. Providing excellent service and maintaining good relationships within the community is vital to achieving the overall mission of keeping the campus safe and secure. All members of the campus community can expect to be treated in a courteous and professional manner by members of the department. The TAMUK PD will not tolerate an employee who acts unprofessionally or who does not provide an

appropriate level of service. Instances where TAMUK PD employees have been especially helpful or have exceeded expectations in service can also be recognized.

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

- Request the on-duty Police Supervisor by calling 361-593-2611. This individual is available 24-hours a day.
- Address written correspondence to: Chief of Police, TAMUK PD, Seale Hall, 825 W. Gertrudis Ave., Kingsville, TX 78363.

Campus Law Enforcement Telephone Directory

Area Code – 361 (for all numbers listed below), Website: <http://www.tamuk.edu/finance/upd/>

Emergencies-from on campus phones/Police/Fire/Medical	911	Non-Emergencies/General Assistance	593-2611
TAMUK PD Chief of Police	593-2611	Kingsville Police Department	592-4311
Kleberg County Sheriff	595-8500	Kingsville Crime Stoppers	592-INFO

Reporting Crimes

Incident Reporting and Response

Any on-campus criminal offense, accidents, other emergencies (fire, ambulance, etc.), or suspected criminal activity should be reported immediately to the TAMUK PD by dialing 2611 or 911 from a campus phone, 911 from a cellular phone, or in person at 825 W. Santa Gertrudis Avenue, Seale Hall, Kingsville, Texas. The TAMUK PD is not a designated public answering point for 911 calls, however, the Kingsville Police Department answers 911 calls in the geographical area and refers university calls to the TAMUK PD dispatcher for appropriate action. Additionally, the university has installed emergency two-way call boxes in elevators on campus. Individuals may use the emergency telephone and/or call button to directly communicate with the TAMUK PD dispatcher.

For non-emergency security or public safety matter, call 2611 from a campus phone. To contact the TAMUK PD from an off campus phone, campus payphone, or cell phone, please call 361-593-2611. Upon receipt of the call, the TAMUK PD Communications Center can supply information or dispatch officers, fire, and/or medical assistance as necessary. Dispatchers are available 24 hours a day to answer calls. For non-emergencies, email TAMUK PD at upd@tamuk.edu. The web address for TAMUK PD is: <http://www.tamuk.edu/finance/upd/>.

TAMUK PD is the primary respondent for campus emergencies and reports of criminal activity on campus. TAMUK PD will respond as quickly and safely as possible to any request for assistance, whether it is an emergency or not. Response time is based on current activity and severity of the call. Crimes in progress, alarms, traffic accidents with injuries, and medical assists have a higher priority than other types of calls. TAMUK PD in vehicles, golf carts, Segways, on foot, or on bicycles will assist and may be contacted directly. For non-campus offenses, we encourage prompt reporting to the proper local law enforcement agency.

We cannot overemphasize the importance of prompt and accurate reporting of crime. If a crime is not reported promptly, evidence can be destroyed or the potential to apprehend a suspect is lost. Without accurate

reports, leads could be missed and the investigation headed in the wrong direction. If you witness a crime or emergency, promptly report it to the TAMUK PD and be prepared to answer questions as accurately as you can. Reports of criminal activity are fully investigated and appropriate actions are taken to identify, apprehend, and submit for prosecution to the courts including notifying and/or requesting assistance from other law enforcement agencies as needed. Referrals for review and potential institutional disciplinary action are made to the Dean of Students Office, Human Resources, Compliance Office, or Title IX Office as appropriate. The subsequent investigation can only be as thorough as the information received. If you are the victim of a crime, or you have seen or received information of criminal or suspicious activity or other emergency, please contact the TAMUK PD immediately.

Reporting Criminal Offenses to University Officials: Campus Security Authorities

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

Names	Phone	Location
Associate Dean for Academic Affairs	361-221-0621	1010 West Ave. B, Kingsville, TX
College of Pharmacy, Assistant Dean of Student Affairs	361-221-0648	Room 140A, Kleberg Hall, Kingsville, TX
TAMHSC Security Department, Bryan Campus	979-436-9000	https://www.tamhsc.edu/about/admin/operations.html

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 TAMUK PD in an accurate and prompt manner when the victim of such crimes elects or is unable to make such a report. The TAMUK PD and the university offices listed above, will assist students with notifying the proper law enforcement authorities, if the victim chooses. An individual may elect to report the crime to TAMUK PD at a later date, disclose the incident to a CSA, file a complaint with the institution which may result in disciplinary proceedings, contact a referral agency, or make an anonymous report to the police. It is the goal of TAMUK PD to provide assistance wherever the report is made and include Clery countable crimes in our annual security report.

Although exempt from the reporting requirements of the Clery Act, pastoral and professional mental health counselors are encouraged, if and when they deem appropriate, to refer persons they are counseling to report crimes on a voluntary, confidential basis for inclusion in the annual statistics and crime log, especially if the incident may pose an ongoing threat to the campus community. TAMUK Student Health and Wellness Services staff informs their student clients of the procedures to report crime to the TAMUK PD on a voluntary and/or confidential basis. A procedure is in place to anonymously capture crime statistics disclosed confidentially during such a session. Contracted counseling personnel available to employees are not provided a reminder as they are referred using a network of local providers.

Confidential and Anonymous Reporting of Crimes

The TAMHSC Security Department and TAMUK PD encourages anyone who is the victim or witness to any crime to promptly report the incident to the police. Because police reports are public records under state law, TAMHSC Security and TAMUK PD cannot hold reports of crimes in confidence. However, victims of certain offenses are eligible for a pseudonym in which the victim's true identity will not be released. An individual who is involved in or witnesses an active or ongoing emergency should dial 911 and report the emergency immediately.

Voluntary, confidential reports for purposes of inclusion in the annual disclosure of crime statistics and crime log can generally be made by victims, witnesses, and others to the campus security authorities listed above and all other campus security authorities. Annual crime statistics and the crime log are confidential in that personally identifiable information is not included in the disclosure. Concerning behavior, including crimes, can be reported anonymously to the Texas A&M University Special Situations Team via the Tell Somebody online reporting form. The form and more information can be found at <https://tellsomebody.tamu.edu/>. Reports submitted anonymously or with limited information may restrict the team's ability to follow up on the incident. Anonymous reports of crimes may be made to the City of Kingsville Crime Stoppers line at 361-592-4636 or by submitting online through the applicable local program at: <http://www.crimestoppersusa.org/tip-map/texas/>.

Reports submitted on a confidential or anonymous basis are evaluated for the purposes of issuing a timely warning or emergency notification to the campus community. The crime data also supports accurate recordkeeping and trend analysis with regard to location, method, and/or assailant.

Missing Students

A missing person is an individual whose whereabouts are unknown; they have disappeared for no known reason and there is reasonable concern for their well-being and safety. If a student is believed to be a missing person, contact the TAMUK PD at 361-593-2611 immediately. It is the policy of TAMUK PD to thoroughly investigate all reports of missing persons. In addition, this agency considers a missing child, and an adult that is mentally impaired, to be considered "at risk" until significant information to the contrary is confirmed.

During the housing check-in processes, new students (including TAMHSC Kingsville students living on-campus) are given the option to provide at least one emergency contact to be notified within 24 hours of the determination by campus or local law enforcement that the student is missing. The emergency contact information is provided to the University Housing and Residence Life Department by completing a Student Health Information form. This information is registered confidentially to the extent legally allowed and may only be disclosed to campus officials and law enforcement in furtherance of their missing person notification and investigation and may not be disclosed outside of a missing person investigation. Students may update their emergency contact information at any time by logging in to the Blue & Gold Connection online services at <http://www.tamuk.edu/bluegold/>. Following are the procedures that the institution must follow when a student who resides in an on-campus student housing facility is determined to have been missing for 24 hours.

TAMUK PD will generate a missing person report, initiate an investigation, and report the missing person information to authorized institutional departments if necessary. If the student designated a contact, the institution will notify the contact within 24 hours of the determination by law enforcement that the student is missing. This determination is made by the TAMUK PD or the local law enforcement agency. In addition to notifying the contact person designated by the student (and regardless of whether or not a student has designated an emergency contact to be notified), if a student is less than 18 years old and not an emancipated individual, Federal Law requires that the institution notify a custodial parent or guardian within 24 hours of

the determination that the student is missing. Institutional departments authorized to notify emergency contacts and/or family members are the TAMUK PD, University Housing and Residence Life, and the Office of the Dean of Students.

Any concerned person should contact the TAMUK PD (361-593-2611), University Housing and Residence Life (361-593-3419), or the Vice President of Student Affairs/Dean of Students (361-593-3606) if they believe that a student is missing. All missing student reports will be referred immediately to TAMUK PD. If TAMUK PD receives the initial report of a missing person residing on-campus, TAMUK PD will contact University Housing and Residence Life. TAMUK PD will also notify local law enforcement within 24 hours of the determination that a student living in on-campus housing is missing, unless the local law enforcement agency was the entity that made the determination that the student was missing. Informing the local law enforcement agency (with jurisdiction in the area where the student is presumed missing) within 24 hours applies regardless of whether the student has identified a contact, is above the age of 18, or is an emancipated minor. In cases where the missing student resides off campus, TAMUK PD will still assist in notifying the appropriate law enforcement agency.

Staff in University Housing and Residence Life, the Office of the Dean of Students, and other responsible institutional personnel should follow the instructions below upon receiving a report of a missing student:

1. Gather needed information from reporting person and then immediately contact TAMUK PD with all information provided regarding the missing student so that an investigation can be initiated.
2. If known, provide TAMUK PD with the names and contact information of any people designated as a missing person contact.
3. If the student has designated a contact person, the authorized department will make contact with the designated emergency contact(s) and/or the parent(s)/guardian(s) within 24 hours. If the student is under 18 years of age and is not emancipated, the authorized department will notify the student's custodial parent or guardian and any other designated contact person within 24 hours. Regardless of whether the student has identified a contact person, is above the age of 18, or is an emancipated minor, TAMUK PD will inform local law enforcement that has jurisdiction in the area that the student is determined missing within 24 hours.

Timely Warning Policy

The TAMUK PD Timely Warning process includes the TAMHSC Kingsville campus community as TAMHSC Kingsville is located within the borders of the Texas A&M University Kingsville campus and TAMUK PD serves as the security department for TAMHSC Kingsville. The circumstances in which a Timely Warning will be generated include, but are not limited to, the receipt of a good faith report to the TAMUK PD or other campus security authority of a crime reportable under the Clery Act, that poses a serious or continuing threat to the campus community. The TAMUK PD Director of Public Safety/Chief of Police, or a designee, in consultation with the Senior Vice President for Student Affairs, Enrollment Management, and University Administration (chair of the Emergency Management Team), is responsible for determining if a Timely Warning will be issued. Crimes reportable under the Clery Act include, but are not limited to, major incidents of arson, murder/non-negligent manslaughter, robbery, aggravated assault, sex offenses, or other crimes as determined necessary by the TAMUK PD Director of Public Safety/Chief of Police or a designee. The determination will be made on a case-by-case basis after due consideration of all available facts of the crime, such as the nature of the crime and whether or not a continuing danger to the campus community exists. If the TAMUK PD or other campus security authority is not notified of a crime in a manner that would allow the department to provide timely notice, a Timely Warning may not be issued, depending on the circumstances. All situations will be evaluated on a case by case basis.

The TAMUK PD and/or certain Emergency Management Team members are responsible for writing and issuing Timely Warnings. The TAMUK PD Director of Public Safety/Chief of Police notifies the Senior Vice President for Student Affairs, Enrollment Management, and University Administration (chair of the Emergency Management Team) of a situation that needs reporting. The TAMUK PD Director of Public Safety/Chief of Police and the following the Emergency Management Team members are authorized to write and/or issue (send) a Timely Warning notice: the Senior Vice President for Student Affairs, Enrollment Management, and University Administration; the Assistant Vice President of Student Affairs/Dean of Students; and the President or designee. Anyone with information warranting a Timely Warning should report the circumstances immediately to the TAMUK PD, by phone (361-593-2611) or in person at (Seale Hall, Room 110, 825 W. Santa Gertrudis Ave., Kingsville, TX).

Timely Warnings are distributed to students, faculty, and staff via the Texas A&M University Kingsville email system 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 will contain sufficient information about the nature of an identified threat to assist members of the campus community in taking appropriate action to protect themselves or their property. The Crime Alert will generally include:

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

It is important to note that in some cases law enforcement may need to withhold some facts if releasing the information would compromise an ongoing investigation or the identity of the victim. Victim names and other personally identifying information of victims are never included in Timely Warnings. 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 or dangerous situations occurring on the campus of TAMHSC Kingsville, i.e. on-campus property. The institution does not have separate procedures for non-campus property.

Emergency Notification System

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

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

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

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

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

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

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

Registering for Emergency Notifications

Students, Faculty, and Staff Access

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

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

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

- Text messages

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

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

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

In addition, TAMHSC Kingsville students and employees are enrolled in the Texas A&M University Kingsville emergency notification system as TAMHSC Kingsville is located within the borders of the Texas A&M University Kingsville campus.

Public Access

The public cannot register for HSC Alerts.

Disseminating Information to the Larger Community

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

Emergency Preparedness

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

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

TAMHSC Kingsville Emergency Management Team Members

College of Pharmacy Dean

College of Pharmacy Assistant Dean of Finance and Administration

Environmental Health and Safety Officer

Facilities Manager

Business Administrator
Executive Assistant

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

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

Shelter-in-Place

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

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

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

Campus Evacuation Procedures

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

Building Evacuation Procedures

An evacuation will occur when the fire alarm sounds and/or notification is given by appropriate personnel. All persons (students, employees and visitors) are to immediately vacate the building in as safe a manner as

possible. All persons should follow orders given by TAMUK PD officers at the scene. Personnel shall not return to an evacuated building until instructed by TAMUK PD or other appropriate officials. Evacuation drills are conducted periodically for on campus buildings. The building evacuation is documented and reviewed by Texas A&M University Environmental Health and Safety.

Testing Emergency Response and Evacuation Procedures

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

The Daily Crime Log

The TAMUK PD publishes a Daily Crime Log that is available free of charge to the media, the public, and campus offices. This summary identifies the nature of the crime, location, date and time occurred, date the crime was reported to the TAMUK PD, and disposition. A copy of this report may be viewed on the web (<http://www.tamuk.edu/upd/clery-reporting.html>) or obtained at Seale Hall, 825 W. Santa Gertrudis Ave., Kingsville, TX or by calling 361-593-2611. A hard copy is printed on a daily basis on working business days. Assistance in obtaining the crime log may also be requested at the front desk of the Rangel College of Pharmacy, 1010 West Ave. B, Room 103, Kingsville, TX or by calling 361-221-0604.

Security of and Access to Campus Facilities

General Provisions

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

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

Residence Halls

TAMHSC does not operate any residential facilities, however, Texas A&M University Kingsville provides student housing to TAMHSC Kingsville students if the student elects. Therefore, both institutions are considered to be in control of the on-campus student housing facilities and must report on those facilities to comply with Clery Act requirements.

TAMUK PD provides security service to all components of Texas A&M University Kingsville, including on-campus student housing facilities. Access to the Texas A&M University Kingsville residence halls is restricted to residents, their guests, university personnel and authorized visitors. Identification cards are coded so that only students who are residents in a particular hall are authorized electronic access entry to that hall. The system denies entry to all unauthorized persons. Hall residents may enter their building using their university ID card. Each hall has specific doors designated for normal entry which are equipped with card access readers. All other

doors in the building should remain closed at all times and are to be used only in an emergency evacuation. All exterior doors are monitored with security cameras. A resident must accompany his/her guests at all times.

Professional area coordinators and student resident advisors, who are all members of the University Housing and Residence Life staff, live on campus and provide 24-hour, on-call staff coverage. Residence hall staff undergo comprehensive training each semester for both prevention and response regarding safety and security issues.

Academic and Administrative Buildings

Buildings on the Texas A&M University Kingsville campus generally remain open only through the completion of the last scheduled event. A daily schedule is provided to the physical plant and buildings are locked accordingly. Employees with maintenance responsibilities have access after buildings are locked. Other personnel seeking access after-hours must obtain advance written approval through their administrative chain of command. TAMUK PD officers have access to all buildings on campus in case of an emergency or special circumstances.

Emergency Telephones

The University has installed emergency two-way call boxes in elevators on campus, individuals may use the emergency telephone and/or the call button to directly communicate with a TAMUK PD dispatcher.

Maintenance of Campus Facilities

Contracted facilities personnel are responsible for maintaining the buildings, grounds, and custodial services for the TAMHSC in coordination with the Texas A&M University Kingsville Physical Plant Department. The contracted group addresses maintenance, renovation, and repair projects for facilities, custodial, and landscaping. Faculty and staff are encouraged to report maintenance problems to their respected building proctor or the Physical Plant at 361-593-3312 or to the TAMUK PD at 361-593-2611. The Texas A&M University Kingsville Physical Plant Department has oversight of electricity, heating and cooling, running water, and waste disposal for the TAMHSC Kingsville campus.

Campus facilities and grounds are inspected on a regular basis to ensure broken window, locks, and needed repairs are identified and addressed in an expeditious manner. Physical Plant personnel will place safety notices in construction zones and other hazardous areas. Police personnel closely monitor any security-related maintenance problems after hours, and report their findings to the appropriate university official. The TAMUK PD also receives information from the campus community regarding unsafe facility condition (including steps and handrails), damaged roadways, overgrowth of shrubbery and other areas in need of repair. This information is forwarded to the Physical Plant in a timely manner.

Representatives from various departments continually conduct security surveys to ensure campus lighting is adequate and that the landscape is appropriately controlled. TAMUK PD officers conduct routine checks of lighting on campus during regularly assigned patrol duties. When they observe lights that are out or dim, officers contact the dispatcher to initiate a Physical Plant workorder which is addressed usually within 24 hours or the next business day. Once a month officers conduct a complete canvas of the campus noting any malfunctioning lights and forward to appropriate departments.

The TAMUK PD also coordinates periodic lighting tours with members of the university community, student organizations and class projects. Students and staff tour the campus in small groups after dark to look for any lighting issues, obstacles, and other items that could impede someone's safety on the campus. After the tour,

notes are collected, compiled, and shared with attendees and forwarded to the appropriate departments. As a result, lights are repaired, bulbs are changed, and improvements made to make campus a safer environment for the campus community. Lighting surveys are also conducted and improvements made, as necessary, in various locations on campus.

Alcoholic Beverages, Illegal Drugs, and Weapons

Education Programs

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

Alcohol Policy

The following alcohol policy applies to the TAMHSC Kingsville campus.

All members of the campus community and guests are required to comply with federal and state laws regarding the possession, use, and service (including sales) of 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.

The Texas A&M University System strictly prohibits the unlawful manufacture, distribution (including sales), possession, or use of alcohol on Texas A&M University System property, and/or while on official duty and/or as part of any Texas A&M University System activities ([System Policy 34.02, Drug and Alcohol Abuse](#)). The purchase, service (including sales), possession, and consumption of alcohol beverages in facilities under the control of the TAMUS shall in all respects comply with state law. In accordance with Texas A&M University System Policy, possession or consumption of alcoholic beverages on property under control of Texas A&M University System will not be permitted except in special use buildings and facilities that may be designated by the chief executive officer of the member approved by the chancellor, and subsequently reported to the board on an annual basis ([System Policy 34.03, Alcoholic Beverages](#)). Purchase of alcoholic beverages by any member must comply with certain guidelines as established in [System Policy 34.03, Alcoholic Beverages](#).

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.

On-campus possession, use, and sale of alcohol is also prohibited at the Texas A&M University Kingsville campus except at certain approved events and locations as expressly authorized by the guidelines of Texas A&M University Kingsville's official policy on alcohol and other drugs. For more information see the Alcohol Policy in Policies and Procedures section of the [Student Handbook](#) and [University Rule 34.02.02.K1, Alcohol and Illegal Substance Abuse](#).

Consequences for policy violations could result in sanctions by the institution and/or criminal charges/arrest by TAMUK PD for state law violations.

The TAMHSC is committed to promoting responsible decision making regarding alcohol and other drugs through educational programming, resources, and referrals. Programs and services are provided to students at TAMHSC Kingsville by Texas A&M University Kingsville Student Health and Wellness, Student Counseling Services (361-593-3991). Deer Oaks Employee Assistance Program (888-993-7650, <https://employees.tamu.edu/eap/>) manages the alcohol and drug abuse and rehabilitation program for employees.

Illegal Drugs Policy

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

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

The TAMHSC is committed to promoting responsible decision making regarding alcohol and other drugs through educational programming, resources, and referrals. Programs and services are provided to students at TAMHSC Kingsville by Texas A&M University Kingsville Student Health and Wellness, Student Counseling Services (361-593-3991). Deer Oaks Employee Assistance Program (888-993-7650, <https://employees.tamu.edu/eap/>) manages the alcohol and drug abuse and rehabilitation program for employees.

Weapons Policy

The following weapons policy applies to the TAMHSC Kingsville campus.

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](#). Prohibited areas include but are not limited to campus daycares, counseling centers, health care facilities, collegiate and interscholastic sporting events, certain high hazard and high risk research areas/laboratories, specific premises where formal disciplinary hearings are conducted, and locations with official Texas Penal Code 30.06 signage. Any resident of campus housing who is a license to carry holder may store a handgun in his/her room securely in a safe purchased or rented from the Department of Residence Life. The open carry of handguns is prohibited everywhere on campus including all land and buildings owned or leased by Texas A&M University. [University Rule 34.06.02.M1](#) and [Student Conduct Code 24.4.14](#) contain additional weapons policy information.

On the campus of Texas A&M University Kingsville (all land and buildings owned or leased by Texas A&M University Kingsville), prohibited areas include but are not limited to the Irma Rangel College of Pharmacy building (3rd floor), medical/counseling facilities, intercollegiate and interscholastic sporting events, certain high hazard and high risk research areas/laboratories, the student rec center, and directed or approved locations with official Texas Penal Code 30.06 signage. Any resident student that is a license to carry holder may store a handgun in his/her residence hall room securely in a safe that is intended and made for the storage of handguns. The safe must be inspected and installed by the Department of University Housing and Residence Life or obtained from the Department of University Housing and Residence Life who will oversee the installation. The open carry of handguns is prohibited everywhere on campus including all land and buildings owned or leased by Texas A&M University Kingsville. [University Rule 34.06.02.K1](#) and [Student Conduct Code 211](#) 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 sex² 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, and Stalking

Individuals who have experienced or witnessed sexual assault, dating violence, domestic violence, or stalking have the option of notifying on-campus 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.

Agency	Phone
TAMUK PD	361-593-2611
Kingsville Police Department	361-592-4311
Kleberg County Sheriff's Department	361-595-8500

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

² 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.

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 promptly report the conduct³. Students and third parties are strongly encouraged, but not required, to report prohibited conduct. At TAMHSC Kingsville, 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 ⁴	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 TAMUK PD, 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

³ Exceptions include confidential employees and are described in the “Confidentiality/Privacy” section of this report.

⁴ TAMHSC students may contact the Texas A&M University Dean of Student Life or the TAMHSC contact specific to their college 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 TAMHSC contacts are 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 TAMHSC contacts are 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.

right to report the incident to TAMUK PD and local police immediately, but also 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.

Individuals wishing to submit an anonymous report may use [Tell Somebody](#), an electronic reporting option. Anonymous reporting may also limit the university's response to the allegation.

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. These steps include access to medical care, assistance in notifying appropriate law enforcement authorities if the individual so chooses, and other interim protective measures to provide for the safety of the individual and campus community. The official contact, designee, or Title IX Coordinator will also take steps to address the conduct, protect and assist the individual reporting, remediate effects, and provide information about university's prohibition against retaliation.

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

Individuals reporting to the TAMUK PD also receive the handout.

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 TAMUK Police Department at 911 (911 or 2611 from any campus phone).
- Get medical attention as soon as possible to make sure you are physically well and to collect important evidence in the event you may later wish to take legal action. Doctor's Regional Hospital in Corpus Christi (361-761-1400) has a sexual assault program with trained Sexual Assault Nurse Examiners and a forensic unit offering detailed physical examinations, evidence collection, and expert testimony.
- Try to preserve all physical evidence. Do not wash, swim, brush teeth, use the toilet, or change clothing if you can avoid it. If you do change clothes, put all clothing you were wearing at the time of the attack in a paper, not plastic, bag.
- Preserve evidence by saving text messages, instant messages, social networking pages, communications, pictures, or other documents, if any, that would be useful to police or investigators.
- Personnel are available to help explain your options, give you information, and provide emotional support. Personnel include: any official contact listed in Table 1 – Official Contacts, Student Health Care Clinic 361-593-2904, Student Counseling Services 361-593-3991, TAMHSC Employee Assistance Program (Deer Oaks) 1-888-993-7650, and Victims Initiative for Counseling, Advocacy and Restoration of the Southwest (VICARS) 1-888-343-4414.

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 information⁵. Incidents are shared in a way that does not identify the individuals. For example, licensed healthcare providers share de-identified

⁵ 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.

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.

The Texas A&M Kingsville Student Counseling Services (361-593-3991) and the TAMHSC Employee Assistance Program - Deer Oaks (1-888-993-7650) are confidential mental health counseling services available to students and employees, and the employee's benefits-eligible dependents respectively. Currently enrolled students can access on-campus student health services at Texas A&M Kingsville Health Care Clinic (361-593-2904).

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

The university is committed to protecting the privacy of reporting parties, complainants, and alleged offenders. Given the sensitive nature of reports, information will be maintained in a secure manner and will only be disclosed to school officials who are responsible for handling the university's response. The expressed wishes of the reporting party, complainant, and/or alleged offender regarding privacy will be considered by the official contact in the context of the university's obligation to act upon the 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 university may be limited.

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

Resources, Rights, and Options for Victims

Following an allegation of sexual assault, dating violence, domestic violence, stalking, and/or related retaliation the individual reporting, the alleged offender, and other affected individuals have certain resources, rights, and options available to them. 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.

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

Law Enforcement

Name	Phone	Address	Website
Texas A&M University Kingsville Police Department	361-593-2611	Seale Hall, 700 University Blvd., Kingsville, TX	http://www.tamuk.edu/finance/upd/index.html
Kingsville Police Department	361-592-4311	1700 E King Ave., Kingsville, TX	http://kingsvillepd.us/
Kleberg County Sheriff's Department	361-595-8500	1500 E King Ave., Kingsville, TX	http://www.klebergcoso.org/

Counseling and Mental Health

Name	Phone	Address	Website
Student Health and Wellness – Counseling Services	361-593-3991	1210 Retama Dr., Kingsville, TX	http://www.tamuk.edu/counseling-services/
TAMHSC Employee Assistance Program – Deer Oaks	1-888-993-7650	n/a	https://employees.tamu.edu/eap/
Family Counseling and Crime Victim Services	361-334-1139	603 E. Kleberg Ave., Kingsville, TX	http://www.ccfamilyservices.org/

Medical and Health Services

Name	Phone	Address	Website
Student Health and Wellness – Health Care Clinic	361-593-2904	1210 Retama Dr., Kingsville, TX	http://www.tamuk.edu/health-services/index.html
CHRISTUS Spohn Kleberg Memorial Hospital	361-595-1661	1311 General Cavazos Blvd., Kingsville, TX	http://www.christusspohn.org/kleberg
CHRISTUS Spohn Hospital Corpus Christi Memorial	361-881-3000	2606 Hospital Blvd., Corpus Christi, TX	http://www.christusspohn.org/Memorial
Doctor's Regional Hospital	361-761-1000	3315 S Alameda St, Corpus Christi, TX	http://ccmedicalcenter.com/location/doctors-regional

Support, Advocacy, Legal Assistance, and Other Resources

Name	Phone	Address	Website
Student Health and Wellness	361-593-3991	1210 Retama Dr., Kingsville, TX	http://www.tamuk.edu/shw/
Women's Shelter of South Texas (Family Violence and Sexual Assault Prevention Center of South Texas)	361-881-8888 or 1-800-580-4878	813 Buford St, Corpus Christi, TX	http://thewomensshelter.org/
GLBT Resource Center	979-862-8920	See website	http://studentlife.tamu.edu/glb t
Student Conduct Office	979-847-7272	See website	http://studentlife.tamu.edu/sco

Name	Phone	Address	Website
Student Legal Services ⁶	979-862-4502	See website	http://studentlife.tamu.edu/sls
Kleberg County Victims' Assistance Program	361-595-8547	700 East Kleberg Ave., Kingsville, TX	http://www.co.kleberg.tx.us/default.aspx?Kleberg_County/County.Attorney
Kleberg County Attorney's Office, Victim Assistance Coordinator	361-595-8583	700 East Kleberg Ave., Kingsville, TX	http://www.co.kleberg.tx.us/default.aspx?Kleberg_County/County.Attorney
Kleberg District Attorney's Office	361-595-8544	700 East Kleberg Ave., Kingsville, TX	http://www.co.kleberg.tx.us/default.aspx?Kleberg_County/District.Attorney
Kleberg County Indigent Care	361-595-8569 or 800-840-3379	700 East Kleberg Ave., Kingsville, TX	http://www.co.kleberg.tx.us/default.aspx?Kleberg_County/Indigent.Welfare
Texas Department of Family and Protective Services	361-516-0943	100 W. King Ave., Kingsville, TX	https://www.dfps.state.tx.us/Contact_Us/locations.asp?r=11
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
On-campus legal assistance is not available at the TAMHSC Kingsville campus.			

Visa and Immigration Assistance

Name	Phone	Address	Website
International Student Services	979-845-1824	Pavilion, Room 110, Texas A&M Campus	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
On-campus visa and immigration resources are not available at the TAMHSC Kingsville campus.			

Student Financial Aid

Name	Phone	Address	Website
Scholarships & Financial Aid	979-845-3236	2 nd Floor of the Pavilion, College Station campus	https://financialaid.tamu.edu/
Veteran Services	979-845-8075	2 nd Floor of the Pavilion, College Station campus	http://veterans.tamu.edu

⁶ 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
Federal Student Aid Call Center	800-433-3243		https://studentaid.ed.gov/
On-campus student financial aid resources are not available at the TAMHSC Kingsville campus.			

Institutional Rights and Options (Interim Measures)

The institution is obligated to offer and provide assistance to the complainant, the alleged offender, and other affected individuals in obtaining a range of accommodations 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 institution is obligated to comply with the individual's reasonable request for a living and/or academic situation change following 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 TAMSC administration (College of Pharmacy at 361-221-0648) 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 measures. 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 institution 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 halls, classes, transportation, or job locations; other judicial measures already in place; and other factors as appropriate. Measures provided by the institution vary and may include, but are not limited to, the following:

- Addressing academic concerns such as transferring, withdrawing, or retaking classes and rescheduling exams or assignments
- Changing work schedules, job assignments, or other arrangements
- Obtaining a voluntary leave of absence
- 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 Offices of the Dean of Student Life at 979-845-3111 or TAMHSC Assistant Dean for Student

Affairs (361-221-0648). These contacts may issue a restriction at any time prior to or during a conduct investigation based on information provided by the requestor. A no contact restriction may also be implemented as a sanction subsequent to a finding of responsibility. If a no contact restriction is granted, both parties are notified of the restriction in writing. Records are maintained in the student conduct system.

No contact restrictions directed at employees can be requested from 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 university will maintain as private any accommodations or protective measures provided to the extent that maintaining such privacy would not impair the ability of the institution to provide the accommodations or protective measures. The official contacts are responsible for determining what information and to whom information will be disclosed based on the circumstances of the allegation, the individuals involved, and related safety needs. Official contacts use discretion and only disclose information to key officials at the institution who perform the tasks necessary for obtaining or providing the particular accommodation or protective measure. Areas receiving information may include, but are not limited to: Student Affairs, Scholarships and Financial Aid, Student Activities, Residence Life, academic departments (direct supervisor, Dean, or Associate Dean), or non-academic departments (direct supervisor, Vice President, or designee). Prior to disclosure, the official contact will inform the individual of the information that will be shared, with whom it will be shared, and why.

Legal Rights and Options

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

Protective Orders: Individuals may apply for protective orders through the Texas criminal justice system. A protective order is an interim protective measure that requires the recipient to stay away from the protected individual's home, workplace, and/or children's schools (if the children are protected persons in the order) depending on the documented circumstances. It can require the recipient to stop communicating with the protected individual in a harassing or threatening manner, attend counseling, pay child support, and/or pay spousal support. An application for a protective order may be filed by an individual, a prosecuting attorney, or the Texas Department of Family and Protective Services (1-800-252-5400) on behalf of an individual. The application is obtained through the county attorney (Kleberg County Attorney's Office – Victim's Assistance Program, 361-595-8547) or a private attorney. More information can be found on the following webpage: http://www.co.kleberg.tx.us/default.aspx?Kleberg_County/County.Attorney

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

Local law enforcement agencies are notified of protective orders that exist in their area. If the requestor or other institutional personnel become aware that a protective order is violated, local law enforcement should be contacted immediately. TAMUK PD (361-593-2611) can assist with this process. Responding agencies can be contacted for protective order violations including the Kingsville Police Department (361-592-4311) or the Kleberg County Sheriff's Department (361-595-8500). Violating protective orders generally carry authority for the violator's immediate arrest.

Criminal Trespass Warning: A criminal trespass warning is an interim protective measure issued by the TAMUK PD 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 TAMUK PD at 361-593-2611 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, TAMUK PD should be contacted immediately at 361-593-2611. 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 TAMUK PD for a responding officer when they become aware of a potential violation of a criminal trespass warning. TAMUK PD 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 TAMUK PD and other university officials, the official contact or designee will take all reasonable and legal actions to implement the order.

Other Legal Options: The TAMU Police Department's Community Services Division (979-845-0070), the Kleberg County Victim Assistance Program (361-595-8547), and the Kleberg County District Attorney's Office (361-595-8544) 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 Proceedings⁷ for Sexual Assault, Dating violence, Domestic Violence, and Stalking

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

⁷ For the purposes of this section, proceeding means all activities related to a non-criminal resolution of an institutional disciplinary complaint, including, but not limited to, fact-finding investigations, formal or informal meetings, and hearings. Proceeding does not include communications and meetings between officials and the complainant, the alleged offender, and other affected individuals concerning accommodations or protective measures to be provided to a victim.

(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 complainant⁸ 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.

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 occur⁹. 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 TAMHSC or from main campus personnel 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

⁸ 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.

⁹ 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.

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 designated administrator¹⁰ (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.

¹⁰ The DA is the university official responsible for finalizing the investigation and determining actions to proceed subsequent to the investigation.

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 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 Life Conduct Conference is facilitated by the Student Conduct Office which is authorized by the Vice President for Student Affairs or designee to conduct the proceedings and establish a Student Conduct Panel. The Student Conduct Panel may be selected from appropriate personnel at the TAMHSC college. 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 evidence¹¹ 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.

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 predation¹² 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 Student Conduct Office (979-847-7272) 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)

¹¹ 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.”

¹² 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.

- 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.

Proceedings provide both parties with the right to be informed of the outcome of the investigation. Results¹³ are provided simultaneously and in writing by the Dean of Student Life 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.

Appeals¹⁴ 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 Dean of Student Life 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.

¹³ 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.

¹⁴ 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).

If the alleged offender is an employee or a third party

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 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 9). 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 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 TAMHSC or from main campus personnel 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 10)
- 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 2) 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 13) 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 14) 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 Programs¹⁵

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

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

The 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.

¹⁵ 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.

During the week prior to the beginning of fall semester classes (Howdy Week), incoming students entering the College of Pharmacy at the TAMHSC McAllen campus are offered a presentation covering the above educational material and additional resources. The College of Pharmacy new student handbook, distributed to new students, contains information on sexual assault, awareness, victims' rights, resources, and available options. Crime prevention and safety information, some specifically targeting sexual violence and stalking, is distributed at new student conferences by the TAMUK PD.

New employees receive primary prevention information through web-based *Creating a Discrimination Free Workplace* training mandated by The Texas A&M University System. All employees are required to completed 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. Various departments on campus support ongoing campaigns for students and employees as described below.

The Texas A&M University Kingsville Student's Health and Wellness Center provides advocacy, education, prevention programs and support services for female and male students, faculty, and staff and can be contacted at 361-593-3991 (<http://www.tamuk.edu/shw/>). In addition to orientation training, periodic training addresses the dynamics and frequency of sexual assault; safety against and prevention of sexual assault, dating violence, domestic violence, and stalking; recognizing signs of unhealthy relationships; and active bystander intervention. These programs occur throughout the year and are available upon request.

The TAMUK PD, 361-593-2611, provides ongoing education available to students and employees to promote prevention and personal safety. Related materials are distributed by the Student Health and Wellness Center at awareness events across campus and in the community during times such as Campus Safety Awareness Week, National Night Out, and Sexual Assault Awareness Month.

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

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; 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 university developed the Step In. Stand Up. Campaign, endorsed by the President, to create a culture of awareness that does not tolerate incidents of sexual violence. A large group of student

leaders were involved to assist in crafting the message and the Campaign logo with the intention of reaching a broad campus population. The Campaign asks supporters to “step in” as active bystanders to prevent incidences of sexual violence from occurring and to “stand up” to support survivors. More than 50 student, faculty, and staff groups actively support the Campaign. These groups extend the Step In. Stand Up. message on campus and in the community during sporting events, student and employee orientations, and other campus-hosted events that take place throughout the year. Special efforts are made during sexual assault awareness month which include providing resource tables, facilitating pledge banner signatures, distributing t-shirts, and hosting speakers who advocate for social change and awareness. A website for the Campaign includes an online pledge of commitment, university-wide statements of support, campus and community resources, and information on how to report sexual violence (<http://stepinstandup.tamu.edu/>). In 2017 the Campaign was selected as a Bronze Excellence Award Honoree by the National Association of Student Personnel Administrators.

The 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 Offices of the Dean of Student Life and Student Assistance Services maintain a webpage (<http://studentlife.tamu.edu/sas.svp>) which describes university resources, assistance, and reporting procedures for students impacted by sexual violence. The Title IX webpage <http://titleix.tamu.edu/> also references sexual harassment and violence resources available through the Offices of the Dean of Student Life and University Police Department and provides information for students, faculty, and staff who wish to report any form of sexual discrimination or harassment. Furthermore, the Step In. Stand Up. website referenced above also includes some information on these topics.

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

All students and employees are provided written notification about existing counseling, health, mental health, victim advocacy, legal assistance, visa and immigration assistance, student financial aid, and other services available for victims both on-campus and in the community. The written notification is provided to students by TAMHSC administration and to employees by Human Resources. These groups 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 Reduction¹⁶

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

¹⁶ 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.

violence. Bystander intervention programs can help individuals observe a situation and determine an appropriate intervention where someone could use some help. Bystander intervention means just that; people taking care of others. If you find a friend in a situation that concerns you, consider the following strategies to intervene safely and effectively.

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

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

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

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

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

Other Considerations

Retaliation

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

Victim Notification

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

Institutions are required to provide both the complainant and the alleged offender 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 by law to register.

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

Additional resources for gathering sex offender and sex crime data in the area:
Kleberg County Sheriff's Office 361-595-8500
Kingsville Police Department 361-592-4311

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 is not

limited to, sexual or physical abuse or the threat of such abuse. Dating violence does not include acts covered under the definition of domestic violence. Any incident meeting this definition is considered to be a crime for the purposes of Clery Act reporting.

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

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

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

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

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

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

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

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

Sec. 42.07. Harassment.

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

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

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

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

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

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

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

Hate Crime: A criminal offense reported to local police agencies or to a campus security authority that manifests evidence that the victim was intentionally selected because of the perpetrator's bias against the victim. For Clery Act purposes, hate crimes include any of the following offenses that are motivated by bias: Murder and non-negligent manslaughter, manslaughter by negligence, sexual assault (rape, fondling, incest, statutory rape), robbery, aggravated assault, burglary, motor vehicle theft, arson, larceny-theft, simple assault, intimidation, or destruction/damage/vandalism of property. Following are the bias categories.

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

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

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

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

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

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

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

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

Additional Hate Crime Definitions:

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

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

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

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

Arrests and Referrals for Disciplinary Action: Arrest is defined as persons processed by arrest, citation, or summons. Referred for disciplinary action is defined as the referral of any person to any official who initiates a disciplinary action of which a record is established and which may result in the imposition of a sanction. Clery Act statistics are disclosed for arrests and referrals regarding state 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).

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

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

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.

TAMHSC, Kingsville - 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	Residential Facilities (subset of on campus property)	Non-Campus Property	Public Property	Unfounded Crimes [§]
Murder / Non-negligent Manslaughter	2015	0	0	0	0	0
	2016	0	0	0	0	0
	2017	0	0	0	0	0
Manslaughter By Negligence	2015	0	0	0	0	0
	2016	0	0	0	0	0
	2017	0	0	0	0	0
Sex Offenses, Rape	2015	3	2	0	0	0
	2016	4	4	0	0	0
	2017	4	4	0	0	0
Sex Offenses, Fondling	2015	3	1	0	0	0
	2016	1	1	0	0	0
	2017	5	3	0	0	0
Sex Offenses, Incest	2015	0	0	0	0	0
	2016	0	0	0	0	0
	2017	0	0	0	0	0
Sex Offenses, Statutory Rape	2015	0	0	0	0	0
	2016	0	0	0	0	0
	2017	0	0	0	0	0
Robbery	2015	0	0	0	0	0
	2016	1	0	0	0	0
	2017	1	1	0	0	0
Aggravated Assault	2015	1	0	0	0	0
	2016	2	0	0	0	0
	2017	1	0	0	0	1
Burglary of Structure	2015	39	25	0	0	1
	2016	46	22	0	0	0
	2017	9	8	0	0	0
Motor Vehicle Theft	2015	0	0	0	0	0
	2016	1	0	0	0	0
	2017	0	0	0	0	0
Arson	2015	0	0	0	0	0
	2016	0	0	0	0	0
	2017	0	0	0	0	0

Hate Crimes						
Offense	Year	On Campus Property	Residential Facilities (subset of on campus property)	Non-Campus Property	Public Property	Unfounded Crimes [§]
Hate Crimes *	2015	0	0	0	0	0
	2016	0	0	0	0	0
	2017	0	0	0	0	0

Violence Against Women Reauthorization Act of 2013 (VAWA) Offenses						
Offense	Year	On Campus Property	Residential Facilities (subset of on campus property)	Non-Campus Property	Public Property	Unfounded Crimes [§]
Domestic Violence	2015	0	0	0	0	0
	2016	4	3	0	0	0
	2017	1	0	0	0	0
Dating Violence	2015	5	5	0	0	0
	2016	5	4	0	0	0
	2017	4	1	0	0	0
Stalking	2015	1	1	0	0	0
	2016	0	0	0	0	0
	2017	0	0	0	0	0

Arrests and Disciplinary Referrals						
Offense	Year	On Campus Property	Residential Facilities (subset of on campus property)	Non-Campus Property	Public Property	Unfounded Crimes [§]
Arrests: Weapons Carrying, Possessing, Etc.	2015	0	0	0	0	0
	2016	0	0	0	0	0
	2017	0	0	0	0	0
Disciplinary Referrals: Weapons Carrying, Possessing, Etc.	2015	0	0	0	0	0
	2016	2	1	0	0	0
	2017	0	0	0	0	0
Arrests: Drug Abuse Violations	2015	40	31	0	14	0
	2016	31	26	0	5	0
	2017	17	14	0	10	0
Disciplinary Referrals: Drug Abuse Violations	2015	62	52	0	1	0
	2016	77	63	0	1	0
	2017	68	48	0	0	0
Arrests: Liquor Law Violations	2015	69	66	0	0	0
	2016	23	23	0	0	0
	2017	4	3	0	0	0
Disciplinary Referrals: Liquor Law Violations	2015	46	46	0	0	0
	2016	14	14	0	0	0
	2017	18	15	0	0	0

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

* 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.

For the 2015, 2016, and 2017 crime statistics tables disclosed above, statistics were requested from local law enforcement agencies. Also, 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 university community easily recognize there is little that can be done to control the criminal's ability and desire. The university community's greatest strength in the prevention of crime is our initiative to reduce or eliminate the opportunity for a crime to occur.

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

The TAMUK PD continually presents programs covering crime prevention and security information to students, staff, and faculty. TAMUK PD officers are dedicated full time to crime prevention efforts and programs. They participate in and provide information during new and transfer student orientation, international student orientation, employee orientation, in addition to a number of other programs scheduled annually with student, staff and faculty organizations. Sessions are also provided annually to select student groups such as head residents, resident advisors, and athletics. In these sessions information is provided regarding campus security procedures and practices. For additional information or to schedule a program you are encouraged to call the TAMUK PD at 361-593-2611.

TAMUK PD offers a variety of crime prevention programs and services to our community members. The programs are designed to encourage students and employees to be responsible for their own security and the security of others.

- Operation Identification (Operation ID) – allows law enforcement to detect, identify, and return lost or stolen property from residence halls, homes, and offices (see below for more information and availability)
- Alcohol Awareness and Drug Abuse – orientations and scheduled upon request
- Crime Prevention and Safety/Crime Prevention Tips/Personal Safety – orientations and scheduled upon request
- Hate Crimes – orientations and scheduled upon request
- Date Rape – orientations and scheduled upon request
- Rape Aggression Defense (RAD) System – provides self-defense tactics and techniques; orientations and scheduled upon request at no charge to university students, faculty, and staff
- Civilian Response to Active Shooter Event (CRASE) – provides strategies to the community members for surviving an active shooter event; orientations and scheduled throughout the year
- Shots Fired – instills a survivor mindset and teaches realistic strategies for dealing with an active shooter situation; orientations and scheduled upon request

- DWEEyes/Fatal Vision – addresses problems associated with alcohol abuse, misuse, and alcohol’s relationship to crimes; scheduled upon request
- Building Emergency Managers (BEM) – scheduled upon request
- Safety in the Workplace training – orientations and scheduled upon request
- Blue light phones – Emergency phones pinpointed on campus maps
- Fingerprinting
- Motorist Assist

Our crime prevention personnel encourage employees and students to participate in “Operation Identification,” by engraving unique identifiers prefix on personal items kept on campus such as bikes, computers, radios, and stereo systems. This nationally recognized identification procedure is shown to facilitate the recovery of stolen items. TAMUK PD suggests keeping a record of serial numbers and unique identifiers, and taking photos of valuable items kept on campus to aid in identification and recovery.

The campus community members can request an escort to their vehicle or to their residence hall when alone at night by contacting the TAMUK PD dispatch at 361-593-2611. Transportation is based on the availability of officers. Texas A&M University Kingsville also maintains and monitors a comprehensive video surveillance system.

The campus community can also take advantage of the university’s Rave Guardian app, which is called JavGuard, to communicate directly with TAMUK PD or 911 operator, send text or photographic information to the police about crimes, request police assistance, or set a timer to notify people you trust to check on you when you are alone or in an unfamiliar place.

Periodically during the academic year, the TAMUK PD, in cooperation with other university organizations and departments, presents crime prevention awareness sessions on such topics as sexual assault (rape and acquaintance rape), illicit drug use and dangers, alcohol awareness, hate crimes, theft, vandalism, personal safety and residence hall security. A common theme of the awareness and crime prevention programs is to encourage students and employees to be aware of their responsibility for their own security and to be concerned for the security of others.

In addition to seminars, information is disseminated to students and employees through crime prevention awareness packets, displays, videos, security alert posters, articles, and advertisements on the university’s website and in *The South Texan* student newspaper.

The TAMUK PD is also active in the community sponsoring a Teddy Bear drive, hosting annual National Night Out activities at Javelina Stadium each August, participating in a National Night Event with other law enforcement agencies in October, and sponsoring an annual car show for Special Olympics.

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

Important Telephone Numbers

Emergencies-from off/on campus phone / Cell phones Police/Fire/Medical	911	TAMUK PD –from on campus phone (non-emergency)	2611
TAMUK PD (non-emergency)	361-593-2611	Student Health and Wellness	361-593-3991
Kingsville Police (non-emergency)	361-592-4311	Kleberg County Sheriff (non-emergency)	361-595-8500
FBI (San Antonio Office)	210-225-6741	Department of Public Safety (State Troopers)	361-592-1911

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 School of Law

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

Texas A&M University Health Science Center Bryan

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

Texas A&M University Health Science Center Dallas

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

Texas A&M University Health Science Center Houston

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

Texas A&M University Health Science Center 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>