

# TEXAS A&M UNIVERSITY Higher Education Center at McAllen 2017 Annual Security Report

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

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

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

The Annual Security Report contains numerous links to websites. Email [vpfa-urc-compliance-officer@exchange.tamu.edu](mailto:vpfa-urc-compliance-officer@exchange.tamu.edu) for assistance if any link does not function.

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## Texas A&M University Higher Education Center at McAllen

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

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

In August 2017, the Texas A&M University College of Engineering expanded to McAllen, Texas to initiate a program which offers classes at the Texas A&M University Higher Education Center at McAllen (HEC). Classes lead to a 4-year Texas A&M University Interdisciplinary Engineering degree. Students in this program are enrolled Texas A&M University students who satisfy the same admission requirements as all students admitted to Texas A&M University. The HEC is being constructed in north McAllen and is expected to be complete for Fall 2018 classes. For the 2017-2018 academic year, the program is being held in space at South Texas College's campuses in McAllen (STC) in accordance with an interagency cooperation contract. Plans to expand offerings in additional degree programs and disciplines are underway as needs for the region are identified. This report discloses HEC policies in place for 2017-2018 academic year activities at the STC campus location, collectively called the "Program".

The Texas A&M University College of Engineering and University Risk and Compliance are responsible for preparing and distributing the Annual Security Report to comply with the Clery Act. The Annual Security Report is published every year by October 1st and contains three years of selected campus crime statistics and certain campus security policy statements in accordance with the Clery Act. The Program was initiated and began offering courses in August 2017, therefore, statistics for calendar years 2014, 2015, and 2016 are not available nor required to be disclosed in the 2017 Annual Security Report. The 2017 Annual Security Report contains policy statements for the fall semester initiated in August 2017. Information is obtained with input from various sources such as campus and local law enforcement agencies, Undergraduate Studies, Student Affairs, and Campus Officials.

### Annual Security Report Notifications

An e-mail notification is sent to all current students, faculty, and staff providing the website to access this report. Upon request, individuals may obtain a written paper copy of the report at 4600 Military Highway, Suite 1000, McAllen, TX 78503 (Ridge Commerce Center I) or by calling 956-279-8268, or emailing [rickmargo@tamu.edu](mailto:rickmargo@tamu.edu). The report is found at the following website: <http://urc.tamu.edu/media/1492360/HECMcAllenAnnualSecurityReport.pdf>.

Prospective employees are notified of the availability of the Annual Security Report through an email distributed when applying for a vacant position. Website access to the Annual Security Report is provided by Human Resources through a link called “Safety and Security Notices” located on the right menu bar of the Texas A&M Job Path website (<https://jobpath.tamu.edu>) and through a link under the “Safety and Security Notices” heading on the Required Employee Notices & Important Reminders webpage (<http://employees.tamu.edu/employees/required-notice/>).

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 STC Department of Public Safety provides law enforcement and security services for facilities leased by Texas A&M University from STC for the Program and to all components of STC including the academic campus and any property leased, rented, or otherwise under the control of STC.

To deter and respond to criminal activity and to provide a safe campus for our students, staff, faculty and visitors, the department provides 24/7 dispatch, emergency, police officers, and security guards.

### **Jurisdiction**

The STC Department of Public Safety has primary police authority for the STC campuses. STC police officers are state peace officers certified by the Texas Commission on Law Enforcement (TCLOE) and possess authority granted to all state officers. Pursuant to the Texas Education Code 51.203, the 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 STC Department of Public Safety has also entered into Memorandums of Understanding (MOU) with the McAllen Police Department, Weslaco Police Department, and the Rio Grande City Police Department. As indicated in the MOUs, the STC Department of Public Safety has primary jurisdiction on college property and the municipal departments have concurrent jurisdiction.

### **Arrest Authority**

As peace officers, STC’s armed police officers have the same authority to detain and arrest as municipal police officers. While STC’s security officers do not have authority to detain or make arrests, their presence and observations at various campus locations support and assist the work of the police officers.

### **Enforcement Authority**

Section 51.201 of the Texas Education Code establishes that all the general and criminal laws of the state are declared to be in full force and effect within the areas under the control and jurisdiction of state institutions of higher education. Major offenses reported to the STC Department of Public Safety may be investigated jointly with local, state, and federal agencies. The prosecution of misdemeanor criminal cases is conducted in municipal courts and felony cases may be processed by county, state, or federal courts. Individuals involved in illegal acts on-campus and areas in which the institution conducts activities are subject to arrest, prosecution, and referral through STC disciplinary procedures.

## Working Relationships and Agreements

The STC Department of Public Safety maintains excellent working relationships with all area law enforcement agencies including the McAllen Police Department, Weslaco Police Department, and the Rio Grande City Police Department. These working relationships are maintained through written Memorandums of Understanding (MOUs). In the MOUs, the STC Department of Public Safety has primary jurisdiction on college property and the municipal departments have concurrent jurisdiction allowing for cooperation in the performance of police protection including the investigation of alleged criminal offenses.

## Monitoring Non-Campus Locations

The Program does not sponsor officially recognized student organizations for Texas A&M University students, however, students may participate in student organizations recognized by the main Texas A&M University campus. Institutional sponsored travel by students (individually or as part of a student organizations officially recognized by the main campus) may result in the location meeting the criteria for Clery non-campus property. The STC Department of Public Safety does not provide security at these non-campus locations. The local law enforcement agency with jurisdiction at the location records and monitors criminal activity at the non-campus property and responds when police services are requested. Students enrolled in the Program do not occupy non-campus housing.

## Professional Standards

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

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

- Request the on-duty Police Supervisor by calling 956-872-4444. This individual is available 24-hours a day.
- Address written correspondence to: Chief of Police, STC Department of Public Safety, 2509 W. Pecan Blvd., McAllen, Texas 778501.

## Law Enforcement Telephone Directory

Area Code – 956 (for all numbers listed below), Website: <https://www.southtexascollege.edu/stcdps/>

Emergencies-from on campus phones/Police/Fire/Medical	911	Non-Emergencies/General Assistance	872-2589
STC Chief Administrator for the Department of Public Safety	872-2330	McAllen Police Department	681-2000

## Reporting Crimes

### Incident Reporting and Response

Any on-campus emergency should be reported immediately to the STC Department of Public Safety by dialing 911 or in person. Also, you may use courtesy telephones located in the hallways of each building and in elevators to call 911 or police dispatch at 956-872-2589. For non-emergencies contact STC Department of

Public Safety by calling 956-872-2589. Upon receipt of the call, the STC personnel can supply information or dispatch officers as necessary. The e-mail address for the STC Department of Public Safety is: [pbvarvil@southtexascollege.edu](mailto:pbvarvil@southtexascollege.edu). An anonymous text message can also be sent by inputting 67283 in your text address box. In your text message box, enter “stctip” followed by a space and the information you want to report. The caller ID is converted into a code that keeps the sender’s identity anonymous while allowing the dispatch office to respond or provide instructions.

The STC Department of Public Safety 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. 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 STC Department of Public Safety and be prepared to answer questions as accurately as you can. The subsequent investigation can only be as thorough as the information received. If you are the victim of a crime, or you have seen or received information of criminal activity or other emergency, please contact the STC Department of Public Safety immediately.

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

As an option to reporting immediate emergencies to 911, the STC Department of Public Safety, or local law enforcement, students and employees may also report criminal offenses of which you are aware to the following Texas A&M University offices: HEC Director 956-279-8268, Program Coordinator 956-212-5101, Administrative Coordinator 832-253-4893, Dean of Student Life 979-845-3111, Human Resources Organizational Consulting & Resolution Management 979-862-4027, or the Office of the Dean of Faculties & Associate Provost 979-845-4274.

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. For additional information on the duties and responsibilities of the individuals and offices listed above, see the [CSA Slides](https://upd.tamu.edu/Pages/CSA-Reporting.aspx) link located on the following webpage: <https://upd.tamu.edu/Pages/CSA-Reporting.aspx>.

Students, faculty, staff, community members, and guests are encouraged to report all crimes and public safety related incidents to the STC Department of Public Safety and the appropriate police agencies in an accurate and timely manner when the victim of such crimes elects or is unable to make such a report. The university offices listed above, will assist individuals reporting in notifying the proper law enforcement authorities, if the individual chooses. It is our goal to provide assistance wherever the report is made and include Clery countable crimes in our annual security report.

Contracted professional counseling personnel, who are exempt from the reporting requirements of the Clery Act, are available to Texas A&M University students and employees at HEC. As the counseling services are largely generated through referral using a network of local providers, there are no institutional procedures in place for professional counselors to encourage voluntary, confidential crime reporting for inclusion in the



annual disclosure of crime statistics. Texas A&M University students and employees at HEC are not provided pastoral counseling services which are exempt from reporting requirements under the Clery Act.

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

The STC Department of Public Safety 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, STC cannot hold reports of crimes in confidence. 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. Felony crimes can be reported anonymously by calling Crime Stoppers at 956-687-TIPS (8477). An anonymous text message can also be sent to the STC Department of Public Safety by inputting 67283 in your text address box. In your text message box, enter “stctip” followed by a space and the information you want to report. The caller ID is converted into a code that keeps the sender’s identity anonymous while allowing the dispatch office to respond or provide instructions.

### **Timely Warning Policy**

STC facilitates the Timely Warning process for the Program’s campus community as it is located on the STC campus in McAllen. The circumstances in which a Timely Warning will be generated include, but are not limited to, the receipt of a report to STC Department of Public Safety or other Campus Security Authority of a crime reportable under the Clery Act, that poses a serious or continuing threat to the campus community. The Chief Administrator for the Department of Public Safety is responsible for determining if a Timely Warning will be issued. Crimes that may warrant a Timely Warning include, but are not limited to, major incidents of arson, murder/non-negligent manslaughter, robbery, aggravated assault, sex offenses, or other crimes as determined necessary by the Chief Administrator for the Department of Public Safety. 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 STC Department of Public Safety 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 STC Department of Public Safety is responsible for the writing and issuance of Timely Warnings. Personnel authorized to write and/or issue (send) a Timely Warning are: the Chief Administrator or designee. Anyone with information warranting a Timely Warning should report the circumstances immediately to the STC Department of Public Safety, by phone (956-872-2589) or in person at the STC Department of Public Safety (2509 W. Pecan Blvd., McAllen, TX 78501).

Timely Warnings are issued through the STC e-mail system to the Program’s students, faculty and staff in a manner that is timely and will aid in the prevention of similar occurrences. Timely Warnings 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. Timely Warnings 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 identifying information of victims are never included in Timely Warnings.

## **Emergency Response and Evacuation Policy**

STC's emergency notification process and emergency preparedness policies integrates the Program's campus community as the Program is located on the STC campus in McAllen. The procedures disclosed in this section apply to emergency situations occurring on the campus of STC, i.e. on-campus property. There are no separate procedures for emergency situations occurring on non-campus property.

### **Emergency Notification System**

STC uses the RAVE Alert Emergency Notification System (RAVE) to communicate health and emergency information to students, faculty, and staff through some or all of the following mechanisms: telephone (voicemail), text, and email messages. The messages provide notification of the situation and the steps to be taken for personal safety. Texas A&M University HEC students and employees located at the STC campus are systematically registered in RAVE upon enrollment/hire.

STC 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 STC to immediately notify the campus community, via RAVE, upon the confirmation of a significant emergency or dangerous situation involving an immediate threat to the health or safety of students or employees occurring on the campus. STC administrative personnel coordinate to determine 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 the Department of Public Safety. Personnel authorized to make this final determination of a significant emergency or dangerous situation, and to issue a RAVE alert are: the Chief Administrator for the Department of Public Safety or designated personnel.

The generation of a RAVE emergency alert message and activation of the notification system is the responsibility of the Department of Public Safety. Upon notification from authorized personnel, the STC Department of Public Safety will, without delay, and taking into account the safety of the community, determine the content of the notification and initiate the RAVE 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 identifying information of victims are never included in emergency notifications. Rave alerts can be issued to the entire campus community or specific segments of the campus population as determined by the authorized individuals listed above.

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

STC conducts testing of the RAVE emergency notification system once each year and maintains testing documentation in RAVE. These tests are launched by the Department of Public Safety or designee in conjunction with building evacuation drills at each STC campus. After each test, or actual alert, the Department of Public Safety reviews the effectiveness of the notifications. Any deficiencies are promptly corrected.



## **Registering for Emergency Notifications**

Students and employees are automatically registered in RAVE and may access their information at any time by entering their STC JAGNET login and password into the following website: <https://www.getrave.com/login/southtexascollege/>. The website allows users to update cell phone number and other information. The public does not have access to register for RAVE emergency notifications.

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

In the event that a crisis occurs on STC property, the Public Relations & Marketing Department will be notified as soon as possible. As chief spokesperson(s) for STC, Public Relations & Marketing Department staff will provide the media with important information concerning the incident. As such, the Public Relations & Marketing Department will work with the STC Department of Public Safety to prepare and disseminate internal and external messages, distribute news releases, respond to media inquiries, update the STC website with pertinent information, and share timely information as appropriate via digital channels such as Twitter. In addition, the Public Relations & Marketing Department will be responsible for planning, scheduling, and providing logistical support for news conferences as well as coordinating communication efforts with relevant entities and organizations. In case of an emergency, the STC News website will be updated with current information pertaining to the incident at <https://news.southtexascollege.edu/>. Individuals receiving the emergency notification will also be advised with updated information, as needed, using the same method(s) as the original notification.

## **Emergency Preparedness**

Crisis management and emergency operations planning for the Program located at STC in McAllen is provided by STC as the Program is on the STC campus. The STC Department of Public Safety has primary responsibility for emergency preparedness at STC in cooperation with a Crisis Management Team composed of STC administrators who review crises and make decisions regarding necessary response. STC police officers and security guards receive training in responding to critical incidents on campus and will normally be the first responders. Depending upon the nature of the incident other local, state, or federal agencies may respond. Through inter-local agreements, STC partners with other governments and organizations for reciprocal aid and assistance during emergency situations where the resources of a single jurisdiction or organization are insufficient or inappropriate for the tasks that must be performed to control the situation.

The primary campus plan for emergency management at STC is the broad-based All Hazards Emergency Plan available at <https://www.southtexascollege.edu/stcdps/pdf/All-Hazards-Emergency-Plan.pdf>. The All Hazards Emergency Plan describes the general framework for emergency response at STC. A set of general emergency protocols has been developed that are intended to provide guidance for the general public in the event of foreseeable emergencies. The STC Pecan Campus Emergency Reference Guide may be viewed at <https://www.southtexascollege.edu/stcdps/pdf/ERG-Pecan.pdf>. Information about emergency procedures at STC may also be accessed at the following Campus Safety link: <https://www.southtexascollege.edu/stcdps/campus-safety.html>. Each department of the college is responsible for developing plans and procedures for their specific areas to support the college-wide emergency plan including maintaining the All Hazards Emergency Plan, conducting or arranging appropriate training for impacted personnel, and participation in emergency response training conducted by the STC Department of Public Safety.

STC tests various aspects of the All Hazards Emergency Plan throughout the year including table-top exercises, and tests of the RAVE emergency notification system. These tests may be announced or unannounced and are designed for assessment and evaluation of emergency plans and capabilities. Tests are performed and documented with after action reviews. Testing reports and review documentation include a description of the exercise, the date and time the test was held, and whether it was announced or unannounced. In addition,

evacuation procedures are tested during building fire drills in coordination with first responders. The evacuation drills prepare building occupants for an organized evacuation in case of an emergency and test the operation of the fire alarm system components.

General information about emergency response and evacuation procedures is published on the STC Department of Public Safety website at <https://www.southtexascollege.edu/stcdps/> and in Emergency Quick Reference Guides referenced above for each campus. These Guides are located on Department of Public Safety website and are distributed at each campus.

## **The Daily Crime Log**

Upon request, a daily crime log is available for public inspection during normal business hours for the most recent 60-day period. This summary is provided free of charge by the STC Department of Public Safety and identifies crimes occurring at STC, including HEC Program facilities. The crime log contains information about the nature of the crime, location, date and time occurred, date the crime was reported, and the disposition. A printed copy of this report may be viewed in the STC Department of Public Safety Office, 2509 W. Pecan Blvd., McAllen, TX 78501 or obtained by calling 956-872-4444. The Program Coordinator (956-212-5101) at 4600 Military Highway, Suite 1000, McAllen, TX 78503 (Ridge Commerce Center I) can assist in obtaining the crime log.

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

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*)

During business hours from 7:00am to 10:00pm, STC, including Program facilities, is open to students, parents, employees, and guests. During non-business hours, entrance to all college facilities is by key, access card, or admittance by the Department of Public Safety. In periods of extended closing, the College will admit only those with prior approval. Emergencies may necessitate changes or alterations to any posted schedules.

South Texas College campuses have extensive video surveillance coverage encompassing building entrances and hallways, walkways, and parking areas. Surveillance cameras are monitored by security personnel 24/7. College police officers and security guards conduct routine patrols of facilities and respond immediately to calls for service. STC has an enhanced 911 system which allows college office and hallway phones to automatically provide the location of the caller to 911 operators and to STC Dispatch. STC parking lots are equipped with emergency phones providing speedy access to STC Dispatch from walkways and parking areas.

Policies regarding security and access to on-campus residential facilities are not discussed in this report as STC housing is not provided to Texas A&M University students enrolled in the Program

## **Maintenance of Campus Facilities**

STC Facilities Operations and Maintenance oversees all maintenance including repair and minor construction of building systems and components. Faculty and staff are encouraged to report maintenance problems to

their respected building proctor or call Maintenance at 956-872-2107. Maintenance services can also be requested by submitting a Maintenance Work Request form located at: <https://finance.southtexascollege.edu/operations/maintenance.html>

Police and security personnel closely monitor any security related maintenance issues, including inadequate lighting after hours, and report their findings to the Operations and Maintenance Department for repair. The operations of the emergency telephones are also checked periodically.

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

### **Education Programs**

According to the Drug-Free Schools and Communities Act, Texas A&M University reviews its programs, services, and policies to prevent unlawful possession, use, or distribution of alcohol and illicit drugs. The results of the 2016 biennial review are published at <http://urc.tamu.edu/media/628893/DFSCA.pdf>. Since the HEC campus in McAllen had not been established in calendar year 2016, the current biennial review report does not include it.

Per the interagency agreement between STC and Texas A&M University, STC Counseling and Student Disability Services (956-872-2173) will provide short-term counseling and crisis intervention services to Texas A&M University students. More information, including counselor availability and location, is found at the following webpage: <https://studentservices.southtexascollege.edu/counseling/>.

Texas A&M University Program Coordinator at McAllen (956-212-5101) will refer students requiring long-term care to local providers for a wide range of issues including problem drinking and other forms of substance abuse.

The Deer Oaks Employee Assistance Program (888-993-7650) manages the alcohol & drug abuse and rehabilitation program for all Texas A&M University employees. The Deer Oaks Employee Assistance Program also provides licensed counseling and referral services. More information can be found at: <http://assets.system.tamus.edu/files/benefits/pdf/wellness/dofactsheet.pdf>

### **Alcohol Policy**

The following alcohol policy applies to Texas A&M University students and employees at the STC campus associated with the Program.

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

Additionally, in accordance with [Texas A&M University Student Rules, Appendix VIII](#) and [University Rule 34.03.01.M1 Alcoholic Beverages](#), alcohol possession and use of alcoholic beverages are prohibited on Texas A&M University premises and university sponsored events unless expressly authorized by University Rule 34.03.01.M1. Locations designated as exceptions in University Rule 34.03.01.M1 include University Apartments and residence hall rooms where all occupants are at least 21 years of age. Service of alcoholic beverages on Texas A&M University property (including sales) is limited to institutional entities that hold a

valid liquor license according to University Rule 34.03.01.M1. Authorized service entities are listed in University Rule 34.03.01.M1. Consequences for policy violations could result in sanctions by the university and/or criminal charges/arrest for state law violations.

On-campus manufacture, possession, use, sale, or distribution of alcohol is also prohibited at the STC campus and at off campus college events sponsored by STC. Unlawful possession of alcohol is not allowed on campus (inside buildings or on campus property).

### **Illegal Drugs Policy**

The following illegal drug policy applies to Texas A&M University students and employees at the STC campus associated with the Program.

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 university conduct procedures. ([Texas A&M University Student Rules, Appendix VII; System Policy 34.02, Drug and Alcohol Abuse and Rehabilitation](#))

### **Weapons Policy**

The following weapons policy applies to Texas A&M University students and employees at the STC campus associated with the Program.

In accordance with [Texas Penal Code Ch. 46.03](#), it is a felony to intentionally, knowingly, or recklessly possess a firearm, illegal knife, or prohibited weapon on the physical premises of a school or educational institution, to include any buildings or passenger transportation vehicles under the direct control of the educational institution. The following exception applies. A license to carry holder under Chapter 411, Texas Government Code, may carry a concealed handgun on or about the license holder's person while the license holder is on the campus of Texas A&M (all land and buildings owned or leased by Texas A&M) or in a university vehicle, unless prohibited by state law, federal law, or [University Rule 34.06.02.M1, Carrying Concealed Handguns on Campus](#). Prohibited areas include but are not limited to campus daycares, counseling centers, health care facilities, collegiate and interscholastic sporting events, certain high hazard and high risk research areas/laboratories, specific premises where formal disciplinary hearings are conducted, and locations with official Texas Penal Code 30.06 signage. 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.

Currently license to carry holders may carry a concealed handgun in the STC facilities housing the Program. A listing of STC prohibited areas can be found at: <http://www.southtexascollege.edu/about/notices/campus-carry.html>.

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

The following policies apply to Texas A&M University students and employees at the STC campus associated with the Program.

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

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

Individuals reporting 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
Emergency (McAllen Police)	911
STC Department of Public Safety	956-872-2589
McAllen Police Department	956-681-2000
Hidalgo County Sheriff's Office	956-383-8114

The STC Department of Public Safety is available to receive and investigate reports of sexual assault, dating violence, domestic violence, and stalking; assist in securing medical attention; participate in evidence preservation and collection; conduct criminal investigations of crimes; and inform the individual of legal and administrative options both on and off campus. Criminal investigations may occur independent from a conduct proceeding and are handled in accordance with the Texas Penal Code, the Texas Code of Criminal Procedure, and information from the Hidalgo 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.

A student should, and an employee must, promptly report incidents of illegal discrimination, sexual harassment (including sexual assault, dating violence, domestic violence, and stalking), and/or related retaliation that they become aware of, experience, or observe. A third party should also promptly report incidents. For individuals associated with the Program, information may be reported to any of the following campus officials:

HEC Director 956-279-8268

Program Coordinator 956-212-5101

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<sup>1</sup> Sexual harassment is a form of sex discrimination. Unwelcome sexual advances, requests for sexual favors and other verbal, nonverbal or physical conduct of a sexual nature constitute sexual harassment when this conduct is so severe, persistent or pervasive that it explicitly or implicitly affects an individual's employment, unreasonably interferes with an individual's work or educational performance, or creates an intimidating or hostile work or educational environment. Unwelcome means that an individual did not request or invite it and considers the conduct to be undesirable or offensive. Submission to the conduct or failure to complain does not always mean that the conduct was welcome. Sexual harassment may be quid pro quo ("this for that") or may constitute a hostile environment. Sexual harassment includes non-consensual sexual contact, sexual assault, sexual exploitation, and stalking, dating violence, and domestic violence when based on sex.



The campus officials are responsible for informing the Texas A&M University Title IX official contacts in accordance with Table 1 – Official Contacts below. Any complaint may also be filed directly with the official contacts below or the Title IX Coordinator (979-845-0977, [TitleIX.Coordinator@tamu.edu](mailto:TitleIX.Coordinator@tamu.edu)). Depending on the circumstances, the contacts will coordinate responsibilities when necessary.

**Table 1 – Official Contacts**

If the alleged offender is a:	• Student	• Faculty	• Staff • Third party	Any complaints can be reported to the Title IX Coordinator
Then the official contact is:	Dean of Student Life, see location: <a href="http://studentlife.tamu.edu">http://studentlife.tamu.edu</a> College Station, TX 77843-1257, 979-845-3111, <a href="mailto:studentlife@tamu.edu">studentlife@tamu.edu</a>	Dean of Faculties, 108 YMCA Building, College Station, TX 77843-1126, 979-845-4274, <a href="mailto:dofinvestigations@tamu.edu">dofinvestigations@tamu.edu</a>	Director of Organizational Consulting & Resolution Management, Human Resources, 750 Agronomy Rd., Suite 1201, College Station, TX 77843-1255, 979-862-4027, <a href="mailto:ocrm@tamu.edu">ocrm@tamu.edu</a>	Title IX Coordinator, 750 Agronomy Rd., Suite 2101, College Station, TX 77843-1280, 979-845-0977, <a href="mailto:TitleIX.Coordinator@tamu.edu">TitleIX.Coordinator@tamu.edu</a>

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

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

- the importance of preserving physical evidence that may assist in proving that the alleged criminal offense occurred or may be helpful in obtaining a protective order;
- procedures about how and to whom the alleged offense should be reported;
- the option to notify proper law enforcement authorities including on-campus and local police;
- the option to be assisted by campus authorities in notifying law enforcement if the individual chooses;
- the option to decline to notify such authorities;
- the rights of individuals and the institution's responsibilities for orders of protection, no contact orders (no contact restrictions), restraining orders, or similar lawful orders issued by criminal, civil, or tribal court or the institution;
- information about how the institution will protect confidentiality;



- existing on-campus and community resources/contacts (counseling, health, mental health, victim advocacy, legal assistance, visa and immigration assistance, student financial aid, and other services available to students, faculty, and staff)
- the options for, available assistance in, and how to request changes to academic, living, transportation, and working situations or protective measures;
- protection from retaliation; and
- an explanation of procedures for institutional disciplinary action in cases of alleged sexual assault, dating violence, domestic violence, and stalking.

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

- Go to a safe place as soon as you can.
- Contact the Police Department at 911.
- Get medical attention as soon as possible to make sure you are physically well and to collect important evidence in the event you may later wish to take legal action. The Mission Regional Medical Center in Mission, Texas (956-323-9000) and the McAllen Medical Center (956-632-4000) have sexual assault programs with trained Sexual Assault Nurse Examiners and a forensic unit offering detailed physical examinations, evidence collection, and expert testimony.
- Try to preserve all physical evidence. Do not wash, use the toilet, or change clothing if you can avoid it. If you do change clothes, put all clothing you were wearing at the time of the attack in a paper, not plastic, bag.
- Preserve evidence by saving text messages, instant messages, social networking pages, communications, pictures, or other documents, if any, that would be useful to police or investigators.
- Personnel are available to help explain your options, give you information, and provide emotional support. Personnel include: campus officials listed on page 12; official contact listed in Table 1- Official Contacts; main campus and College Station area services: STC Counseling and Student Disability Services 956-872-2173, Student Assistance Services 979-845-3113, Student Counseling Service 979-845-4427 (for referral), UPD Victim Services 979-458-9767, Deer Oaks Employee Assistance Program 888-993-7650, and the Brazos County Sexual Assault Resource Center 979-731-1000. McAllen area services include: Hidalgo County Crime Victim Assistance 956-292-7600, Family Crisis Center in Harlingen 956-423-9304

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

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

### **Confidentiality/Privacy**

Students and employees have the option to disclose confidentially. Licensed counselors and licensed health care personnel, who receive reports when acting in this capacity as part of their official employment, may keep reports of violations confidential. However, for the purposes of reporting and maintaining public safety, the individuals to whom disclosures occur may share information about an incident in a way that does not identify

the individuals concerned. Publicly available recordkeeping, including for purposes of Clery Act reporting and disclosures such as the annual security report and the daily crime log, will be made without inclusion of personally identifying information<sup>2</sup> about the complainant. STC Counseling and Student Disability Services (956-872-2173) is a confidential mental health counseling service available to students. The Texas A&M University Student Counseling Service (979-845-4427) will also refer students to local providers. The Deer Oaks Employee Assistance Program (888-993-7650) is available to employees and the employee's benefits-eligible dependents.

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 him/her. The official contact or designee is responsible for evaluating requests for privacy. If the individual does not disclose any identifying information about him/herself or any other party involved (e.g. names, department, or unit) during the inquiry, response on the part of the university may be limited.

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

### **Resources, Rights, and Options**

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 the campus officials listed on page 12 or the official contacts receive notification of an incident whether it occurred on or off campus and regardless of whether the individual elects to pursue a criminal complaint. Available assistance is also covered through prevention and awareness education. Additional

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<sup>2</sup> Personally identifying information is defined as individually identifying information for or about an individual, including information likely to disclose the location of a victim of domestic violence, dating violence, sexual assault, or stalking, regardless of whether the information is encoded, encrypted, hashed, or otherwise protected, including a first and last name; a home or other physical address; contact information (including a postal, email, or internet protocol address, or telephone or facsimile number); a social security number, a driver's license number, passport number or student identification number; and any other information, including date of birth, racial or ethnic background, or religious affiliation that would serve to identify any individual.

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.

Individuals reporting, the alleged offender, and other affected individuals are provided written explanation of their options and available resources at STC, on the main campus of Texas A&M University, and in the community. The following are institutional and community resources.

#### Law Enforcement

Name	Phone	Address	Website
STC Department of Public Safety	956-872-2589	2509 Pecan Blvd. McAllen, TX	<a href="https://www.southtexascollege.edu/stcdps/">https://www.southtexascollege.edu/stcdps/</a>
McAllen Police Department	956-681-2000	1601 N. Bicentennial Blvd. McAllen, TX	<a href="http://www.mcallen.net/departments/pd/home">http://www.mcallen.net/departments/pd/home</a>
Hidalgo County Sheriff's Department	956-383-8114	711 El Cibolo Rd. Edinburg, TX	<a href="https://tx-hidalgocounty.civicplus.com/Directory.aspx?did=83">https://tx-hidalgocounty.civicplus.com/Directory.aspx?did=83</a>
Texas A&M University Police	979-845-2345	1111 Research Parkway College Station, TX	<a href="https://upd.tamu.edu">https://upd.tamu.edu</a>

#### Counseling and Mental Health

Name	Phone	Address	Website
STC Counseling and Student Disability Services	956-872-2173	Pecan Campus, Building K, Room 2.900 McAllen, TX	<a href="https://studentservices.southtexascollege.edu/counseling/">https://studentservices.southtexascollege.edu/counseling/</a>
Texas A&M University Program Coordinator (student referrals to local providers)	956-212-5101	4600 Military Highway, Suite 1000, McAllen, TX 78503 (Ridge Commerce Center I)	n/a
Deer Oaks Employee Assistance Program	888-993-7650	n/a	<a href="http://assets.system.tamus.edu/files/benefits/pdf/wellness/dofactsheet.pdf">http://assets.system.tamus.edu/files/benefits/pdf/wellness/dofactsheet.pdf</a>

#### Medical and Health Services

Name	Phone	Address	Website
McAllen Medical Center	956-632-4000	301 W. Expy. 83 McAllen, TX	<a href="https://www.mcallenmedicalcenter.com/">https://www.mcallenmedicalcenter.com/</a>
Rio Grande Regional Hospital	956-632-6000	101 E. Ridge Rd. McAllen, TX	<a href="http://riohealth.com/home/">http://riohealth.com/home/</a>
College Station Medical Center	979-764-5100	1604 Rock Prairie Road College Station, TX	<a href="http://csmedcenter.com">http://csmedcenter.com</a>
St. Joseph Hospital	979-776-3777	2801 Franciscan Drive Bryan, TX	<a href="http://www.st-joseph.org">http://www.st-joseph.org</a>

Name	Phone	Address	Website
No on-campus medical and health services are in place at STC for Texas A&M University students or employees.			

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

Name	Phone	Address	Website
Hidalgo County Crime Victim Assistance	956-292-7600	100 N. Closner Blvd. Edinburg, TX	<a href="https://tx-hidalgocounty.civicplus.com/index.aspx?nid=1690">https://tx-hidalgocounty.civicplus.com/index.aspx?nid=1690</a>
Mujeres Unidas/Women Together	956-630-4881	511 N. Cynthia McAllen, TX	<a href="http://mujeresunidas.org/">http://mujeresunidas.org/</a>
Family Crisis Center, Inc.	956-423-9304	616 W. Taylor Harlingen, TX	<a href="http://www.familycrisisctr.org/">http://www.familycrisisctr.org/</a>
Friendship of Women, Inc.	956-544-7412	95 E. Price Rd., Bldg. C Brownsville, TX	<a href="http://www.fowinc.com/">http://www.fowinc.com/</a>
Student Assistance Services	979-845-3113	See website	<a href="http://sas.tamu.edu">http://sas.tamu.edu</a>
Women's Resource Center	979-845-8784	See website	<a href="http://wrc.tamu.edu">http://wrc.tamu.edu</a>
GLBT Resource Center	979-862-8920	See website	<a href="http://studentlife.tamu.edu/glb_t">http://studentlife.tamu.edu/glb_t</a>
Student Conduct Office	979-847-7272	See website	<a href="http://studentlife.tamu.edu/sco">http://studentlife.tamu.edu/sco</a>
Student Legal Services <sup>3</sup>	979-862-4502	See website	<a href="http://studentlife.tamu.edu/sls">http://studentlife.tamu.edu/sls</a>
University Police Department Victim Services	979-458-9767	1111 Research Parkway College Station, TX	<a href="https://upd.tamu.edu/Pages/VictimAdvocate.aspx">https://upd.tamu.edu/Pages/VictimAdvocate.aspx</a>
Bryan Police Department Victim's Assistance	979-209-5312	303 East 29 <sup>th</sup> Street Bryan, TX	<a href="http://www.bryantx.gov/police/investigative-services-bureau/">http://www.bryantx.gov/police/investigative-services-bureau/</a>
College Station Police Victim Advocacy & Assistance Program	979-764-5004	2611 Texas Avenue South College Station, TX	<a href="http://www.cstx.gov/index.aspx?page=3927">http://www.cstx.gov/index.aspx?page=3927</a>
Brazos County Victim Assistance Program	979-361-4320	300 East 26 <sup>th</sup> Street Suite 310 Bryan, TX	<a href="http://www.brazoscountytexas.gov/index.aspx?NID=227">http://www.brazoscountytexas.gov/index.aspx?NID=227</a>
Brazos County Family Violence Unit	979-361-4300	300 East 26 <sup>th</sup> Street Suite 105 Bryan, TX	<a href="http://brazoscountytexas.gov/index.aspx?NID=112">http://brazoscountytexas.gov/index.aspx?NID=112</a>
Twin City Mission Domestic Violence Services	979-775-5355	2505 South College Avenue Bryan, TX	<a href="https://www.twincitymission.org/domestic-violence-services">https://www.twincitymission.org/domestic-violence-services</a>
Sexual Assault Resource Center of Brazos County (SARC)	979-731-1000 (24 hour hotline)	n/a	<a href="http://www.sarcbv.org">http://www.sarcbv.org</a>

<sup>3</sup> Student Legal Services does not render advice to students in a dispute against other Texas A&M University students or against Texas A&M University and does not represent students in court.

Name	Phone	Address	Website
National Sexual Assault Hotline	800-656-HOPE	n/a	<a href="https://rainn.org/get-help/national-sexual-assault-hotline">https://rainn.org/get-help/national-sexual-assault-hotline</a>
National Domestic Violence Hotline	800-799-SAFE	n/a	<a href="http://www.thehotline.org">http://www.thehotline.org</a>
No on-campus support, advocacy, legal assistance, and other resources are in place at STC for Texas A&M University students or employees.			

#### Visa and Immigration Assistance

Name	Phone	Address	Website
International Student Services	979-845-1824	1 <sup>ST</sup> Floor of The Pavilion, Room 110 Texas A&M Campus	<a href="http://iss.tamu.edu">http://iss.tamu.edu</a>
U.S. Citizenship and Immigration Services, Texas – San Antonio Field Office	800-375-5283	8940 Fourwinds Drive San Antonio, TX	<a href="http://www.uscis.gov/about-us/find-uscis-office/field-offices/texas-san-antonio-field-office">http://www.uscis.gov/about-us/find-uscis-office/field-offices/texas-san-antonio-field-office</a>
No on-campus visa and immigration assistance is in place at STC for Texas A&M University students or employees.			

#### Student Financial Aid

Name	Phone	Address	Website
Scholarships & Financial Aid	979-845-3236	2 <sup>nd</sup> Floor of The Pavilion Texas A&M Campus	<a href="https://financialaid.tamu.edu/">https://financialaid.tamu.edu/</a>
Veteran Services	979-845-8075	2 <sup>nd</sup> Floor of The Pavilion Texas A&M Campus	<a href="http://veterans.tamu.edu">http://veterans.tamu.edu</a>
Federal Student Aid Call Center	800-433-3243	n/a	<a href="https://studentaid.ed.gov/">https://studentaid.ed.gov/</a>
No on-campus student financial aid services are in place at STC for Texas A&M University students or employees.			

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

Texas A&M University and STC will cooperate and collaborate in addressing complaints and providing assistance concerning allegations of dating violence, domestic violence, sexual assault, or stalking, that involve either institution's students and/or employees.

The institution is obligated to offer and provide assistance to the complainant, the alleged offender, and other affected individuals in obtaining a range of accommodations, interim protective measures, and remedies. The institution is obligated to comply with the individual's reasonable request for a living and/or academic situation change following an allegation of dating violence, domestic violence, sexual assault, or stalking. Upon the request of a student involved with the report, the campus officials (see page 12) will work with the Offices of the Dean of Student Life (979-845-3111) on the main campus who can assist with issues including, but not limited to, changing academic, living, transportation, and working situations and obtaining no contact

restrictions. The various options are provided if requested, appropriate, and reasonably available, regardless of whether the individual chooses to report the incident to law enforcement. Human Resources (979-862-4027) and the Dean of Faculties Office (979-845-4274) provide similar assistance to staff and faculty.

When an allegation of sexual assault, dating violence, domestic violence, or stalking is made, the institution will take prompt steps to provide interim measures or remedies before the completion of the investigation. In determining which institutional interim measures to impose and the reasonableness of the related measures, the official contact and campus officials involved consider 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 residence halls, 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 assistance
- Limiting an individual's access to certain campus facilities or activities
- Assistance in obtaining access to medical, legal (protective orders, criminal trespass warnings), and counseling support
- Imposing an institutional no contact restriction (described below)

*No contact restrictions:* A no contact restriction is an interim 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 any of the campus officials listed on page 12. The Offices of the Dean of Student Life at 979-845-3111 or Student Assistance Services at 979-845-3113 is notified and retains process oversight. The campus official may issue a restriction at any time prior to or during a conduct investigation based on information provided by the requestor. A no contract restriction may also be implemented as a sanction subsequent to a finding of responsibility. If good cause for a no contact restriction is determined, both parties are notified of the restrictions in writing. Records are maintained in the student conduct system.

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

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

*Confidentiality/Privacy of Accommodations and Protective Measures:* Information is considered private but not confidential when shared with university personnel and officials who do not possess a legal confidentiality exemption. Although the confidentiality of information received, the privacy of the individuals involved, and the wishes of the reporting party, complainant, and/or alleged offender cannot be guaranteed, they will be protected to as great a degree as is legally possible. The university will maintain as private any accommodations or protective measures provided to the extent that maintaining such privacy would not impair the ability of the



institution to provide the accommodations or protective measures. The official contacts are responsible for determining what information and to whom information will be disclosed based on the circumstances of the allegation, the individuals involved, and related safety needs. Official contacts use discretion and only disclose information to key officials at the institution who perform the tasks necessary for obtaining or providing the particular accommodation or protective measure. Areas receiving information may include, but are not limited to: Student Affairs, Scholarships and Financial Aid, Student Activities, academic departments (direct supervisor, Dean, or Associate Dean), or non-academic departments (direct supervisor, Vice President, or designee). Prior to disclosure, the campus official or 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 (Hidalgo County Attorney's Office, Civil Section, 956-292-7613), or a private attorney. STC Department of Public Safety (956-872-2589) will also provide assistance in applying for protective orders. Forms associated with applying for a protective order are found on the following webpage: <https://tx-hidalgocounty.civicplus.com/index.aspx?NID=1687>

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

STC Department of Public Safety officers are notified of protective orders that exist in the campus and surrounding area. Local law enforcement agencies are also notified of all existing protective orders in their area. If the requestor or other institutional personnel become aware that a protective order is violated, the STC Department of Public Safety should be contacted immediately at 956-872-2589. Responding agencies can also be contacted for protective order violations McAllen Police Department (956-681-2000) or the Hidalgo County Sheriff's Department (956-383-8114). Violating protective orders generally carry authority for the violator's immediate arrest by STC Department of Public Safety or other law enforcement agencies.

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

*Criminal Trespass Warning:* A criminal trespass warning is an interim protective measure issued by the STC Department of Public Safety which is directed at those who are considered a danger to the campus community or a danger to a certain individual in the campus community. The warning advises the 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 STC Department of Public Safety at 956-872-2589 and request to speak with an officer. The STC 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 and/or STC policy. When the warning is issued, the officer is responsible for providing notice to the requestor and the person receiving the warning.

STC officers are notified of criminal trespass warnings that exist in their area. If a criminal trespass warning is violated, STC Department of Public Safety should be contacted immediately at 956-872-2589. 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 the STC Department of Public Safety for a responding officer when they become aware of a potential violation of a criminal trespass warning. The STC Department of Public Safety generally enforces these warnings by charging violators with criminal trespass resulting in arrest and/or fine.

*Other Legal Options:* The STC Department of Public Safety (956-872-2589), the Hidalgo County District Attorney's Office, Crime Victim Assistance (956-292-7600), and the McAllen Police Department Crime Victims Liaison's Office (956-681-2080) are available to provide information about personal safety, Texas Crime Victim's Rights, Texas Crime Victims Compensation Fund and other information upon request. Or visit the Office of the Texas Attorney General's website at <https://www.texasattorneygeneral.gov/cvs/crime-victims-compensation>.

### **Investigations and Disciplinary Proceedings<sup>4</sup> for Sexual Assault, Dating Violence, Domestic Violence, Stalking, and Related Retaliation**

A student should, and an employee must, promptly report incidents of illegal discrimination, sexual harassment, and/or related retaliation that they become aware of, experience, or observe. A third party should also promptly report incidents. Once an individual discloses information to a campus official (page 12) or an official contact, according to Table 1 – Official Contacts (in person, electronically, or by phone), they will be considered to have filed a complaint with the university, and the investigation process is initiated regardless of whether the complainant chooses to pursue criminal charges. A written statement of events may be requested at the time the complaint is filed. The official contact will promptly notify the Title IX Coordinator or designee and the System Ethics and Compliance Office of the allegation of sexual assault, dating violence, domestic violence, or stalking. The university responds to complaints in a prompt and equitable manner. Due diligence is exercised in determining what occurred and further action that may be warranted based on the information provided.

The complaint is reviewed to determine if there is sufficient information to proceed with an investigation or if additional information is needed. If the information is insufficient the official contact or designee may, in consultation with the Office of General Counsel, conduct an inquiry into the circumstances of the complaint.

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<sup>4</sup> For the purposes of this section, proceeding means all activities related to a non-criminal resolution of an institutional disciplinary complaint, including, but not limited to, fact-finding investigations, formal or informal meetings, and hearings. Proceeding does not include communications and meetings between officials and the complainant, alleged offender, and other affected individuals concerning accommodations or protective measures.

If information is sufficient, the official contact or designee will appoint the investigating authority to initiate the investigation. In assigning investigators to cases, the official contact examines the relationships of those involved so that proceedings are conducted by investigators who do not have a conflict of interest or bias for or against the complainant or the alleged offender. Investigators may also decline the assignment if they feel they cannot render an unbiased decision. Individuals conducting investigations, at a minimum, receive training annually which covers grievance models that address sexual assault, dating violence, domestic violence, and/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.

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<sup>5</sup> and alleged offender. A preponderance of evidence standard<sup>6</sup> (more likely than not) is used. Proceedings provide both the complainant and alleged offender the same opportunities to have others present during any institutional proceeding, including the opportunity to be accompanied to any related meeting or proceeding by an advisor (any individual who provides the complainant or alleged offender support, guidance or advice) of their choice. The choice or presence of an advisor is not limited for either the complainant or the alleged offender in any meeting or institutional disciplinary proceeding, however, restrictions regarding the extent to which the advisor may participate in the proceedings may be established and applied equally to both parties. All parties, including advisors, are informed of participation restrictions before a proceeding is conducted so that parties understand and respect the limitations. Proceedings provide both parties with the right to present evidence and witnesses and the right to be informed of the outcome of the investigation. Following are the university's investigation procedures which are conducted in the manner prescribed in [System Regulation 08.01.01, \*Civil Rights Compliance\*](#) and the Student Rules and University SAPs that are noted after each section below.

#### If the alleged offender is a student

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

After the investigative authority completes the investigation report, the Office of General Counsel reviews and approves it for legal sufficiency. The investigation report is then reviewed by staff in the Offices of the Dean of Student Life to make the determination to investigate further, complete the investigation and initiate a Student Life Conduct Conference, or dismiss the complaint. If further investigation or a conduct conference

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<sup>5</sup> For the purposes of this section, "Investigations and Disciplinary Proceedings for Sexual Assault, Dating Violence, Domestic Violence, Stalking, and Related Retaliation", the complainant is assumed to be the victim. A non-victim complainant may not be afforded all the rights described in this section. Non-victim complainants are provided protection against retaliation for making a complaint.

<sup>6</sup> System Regulation 08.01.01 *Civil Rights Compliance* specifies a standard used to determine the merits of the allegation(s) as the preponderance of the evidence, i.e. more likely than not. Student conduct proceedings use this standard and identify it as "preponderance of information."

is warranted, the alleged offender and the complainant are informed of the allegations and information surrounding the allegations. If warranted based on the information from the investigation, a Student Life Conduct Conference is initiated to determine whether a violation of student rules occurred. The Student Life Conduct Conference is facilitated by the Student Conduct Office which is authorized by the Vice President for Student Affairs or designee to conduct the proceedings and establish a Student Conduct Panel. The student conduct process provides that:

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

After the Student Life Conduct Conference, a result is reached/rendered by the Student Conduct Panel. Sanctions are determined by the Student Conduct Panel. One or any combination of the following sanctions may be imposed 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. If a suspension is imposed, the student is eligible to apply for reenrollment after the suspension period has elapsed. Actual readmission to the university will be determined by the academic rules in place at the time of application for reenrollment. If admitted, the student is required to attend a mandatory meeting with the Student Conduct Office (979-847-7272) prior to course registration. Potential sanctions do not differ between dating violence, domestic violence, sexual assault, and stalking. For more detail, see [Texas A&M University Student Rule 27, Sanctions](#).

The range of the sanctions that can be applied vary significantly. When the Student Conduct Administrator or Student Conduct Panel is determining the most appropriate sanction or combination of sanctions, an assessment is 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)
- Prior violations/previous disciplinary history of the alleged offender on record with student conduct (only used in the sanctioning phase, not in the finding of responsibility)
- Mitigating/aggravating circumstances surrounding the incident (mitigating means reasons the sanction should be lessened and aggravating means reasons the sanction should be more severe)
- Motivation for the behavior (why the student engaged in the behavior, evidence of malicious intent)
- Developmental and educational impact for the individual and community (perception to the student and community, what the sanction can teach the student, how the sanction can help the student develop as a community member and individual)

The goal is to resolve complaints in a reasonably prompt timeframe of approximately 55 business days excluding any appeal period, however, extenuating circumstances requiring additional time may necessitate an extension with good cause. Extensions are granted by the Title IX Coordinator or designee. Written notice of the delay and the reason for the delay is provided to the complainant and the alleged offender. Results<sup>7</sup>, including any sanctions, are provided simultaneously and in writing to both the complainant and alleged offender. Appeals<sup>8</sup> may be made by the complainant and/or the alleged offender. Appeals must be filed within 5 business days from receipt of the results. Procedures for the complainant and/or the alleged offender to appeal are provided with the documentation of results. Changes occurring based on appeal and when such results become final are provided to both the complainant and alleged offender simultaneously and in writing. For more detail, see [Texas A&M University Student Rule 47, Investigation and Resolution of Complaints Against Texas A&M Students for Sexual Harassment, Sexual Assault, Dating Violence, Domestic Violence, Stalking, and Related Retaliation \(SSDDSR\)](#).

#### If the alleged offender is faculty

Upon receipt of the complaint, the official contact notifies the alleged offender that a complaint has been filed against him/her. The investigative authority meets with the complainant to confirm the allegations and notifies the alleged offender of the basis of the allegation. At any point in the investigation process, the alleged offender may be suspended with pay, reassigned, and/or placed in another type of temporary status pending completion of the investigation. The investigative authority<sup>9</sup> will review the complaint and interview the complainant, the alleged offender, and witnesses, if applicable, to determine what occurred. The investigation is conducted in a manner that includes timely notice of meetings at which the complainant or alleged offender, or both, may be present. Timely and equal access to any information that will be used the investigation is provided to the complainant, the alleged offender, and appropriate officials.

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

One or any combination of the following sanctions may be imposed in response to a finding of misconduct related to dating violence, domestic violence, sexual assault, or stalking: written warning or reprimand, required

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<sup>7</sup> Result means any initial, interim, and final decision by any official or entity authorized to resolve disciplinary matters within the institution. The result must include any sanctions imposed by the institution. Notwithstanding section 444 of the General Education Provisions Act (20 U.S.C. 1232g), commonly referred to as the Family Educational Rights and Privacy Act (FERPA), the result must also include the rationale for the decision and the sanctions, i.e. how the institution weighted the evidence and information presented during the proceeding, how the evidence and information support the decision and sanctions, and how the institution's standard of evidence was applied.

<sup>8</sup> Results (decision and/or sanctions) can be appealed on the following bases, as applicable: (a) a procedural error or omission that significantly impacted the outcome; (b) new evidence, unknown or unavailable during the investigation that could have significantly impacted the outcome; or (c) the appropriateness or severity of the sanctions.

<sup>9</sup> If the alleged offender is faculty, the investigative authority consists of two members of the Academic Civil Rights Investigation Committee (ACRIC), a standing committee of faculty members appointed by the deans of the colleges, schools, libraries, and branch campuses and the Dean of Faculties.



training and/or counseling, no contact restriction, probation for a definite or indefinite period, and dismissal/employment termination. Potential sanctions do not differ between dating violence, domestic violence, sexual assault, and stalking. The range of the sanctions that can be applied vary significantly. When the Dean of Faculties or designee is determining the most appropriate sanction or combination of sanctions, an assessment is made on a case by case basis and the following factors may be considered.

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

The goal is to resolve complaints in a reasonably prompt timeframe of approximately 55 business days excluding any appeal period, however, extenuating circumstances requiring additional time may necessitate an extension with good cause. Extensions are granted by the Dean of Faculties. Written notice of the delay and the reason for the delay is provided to the complainant and the alleged offender. Results (see footnote 7), including any sanctions, are provided simultaneously and in writing to both the complainant and alleged offender by the Office of the Dean of Faculties. Results are also provided to the investigative authority.

Appeals (see footnote 8) may be made by the complainant and/or the alleged offender. Appeals must be filed within 10 business days from receipt of the results. Procedures for the complainant and the alleged offender to appeal are provided with the documentation of results. Changes occurring based on appeal and when such results become final are provided to both the complainant and alleged offender simultaneously and in writing. For more detail, see [University SAP 08.01.01.M1.02, Investigation and Resolution of Complaints Against Faculty Members for Illegal Discrimination, Sexual Harassment, or Related Retaliation Charges](#).

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

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

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



investigation report. If the report is incomplete or otherwise insufficient, the VPHROE or designee will return the report to the investigative authority to address any unresolved issues.

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

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

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

The goal is to resolve complaints in a reasonably prompt timeframe of approximately 55 business days excluding any appeal period, however, extenuating circumstances requiring additional time may necessitate an extension with good cause. Extensions are granted by the VPHROE. Title IX Coordinator or designee is also notified of an extension request when sent to the VPHROE. Written notice of the delay and the reason for the delay is provided to the complainant and the alleged offender. Results (see footnote 7), including any sanctions, are provided simultaneously and in writing to both the complainant and the alleged offender. Results are also provided to the investigative authority, the official contact, and the supervisor and department head(s) of the alleged offender, if applicable.

Appeals (see footnote 8) may be made by the complainant and/or the alleged offender. Appeals must be filed within 10 business days of the date the decision was rendered. Procedures for the complainant and the alleged offender to appeal are provided with the documentation of results. Changes occurring based on appeal and when such results become final are provided to both the complainant and the alleged offender simultaneously and in writing. For more detail, see [University SAP 08.01.01.M1.01, Investigation and Resolution of Complaints Against Non-faculty Employees and Third Parties for Illegal Discrimination, Sexual Harassment, or Related Retaliation Charges](#)

#### For all investigations and disciplinary proceedings

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

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

### **Prevention and Awareness Programs<sup>10</sup>**

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

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

Primary prevention programs include the following:

- The Offices of the Dean of Student Life facilitates a session at new student conferences (orientations) for incoming Texas A&M University students at STC facilities. Orientation includes presentation and distribution of the above educational material. The session is mandatory for incoming, undergraduate freshmen and transfer students.
- The new student handbook, distributed to new undergraduate students upon check-in at new student conferences, contains information on sexual assault, dating violence, domestic violence, and stalking; awareness; rights; resources; and available options.
- The Offices of the Dean of Student Life implemented an online training module (Haven) focused on sexual harassment, sexual assault, dating violence, domestic violence, and stalking. During the Fall of 2017, Texas A&M University undergraduate, graduate, and professional students at all campuses, with the exception of Texas A&M University Qatar students, are required to complete Haven training. New students will be required to complete the training each semester thereafter.
- New employees receive primary prevention information through a web-based *Creating a Discrimination Free Workplace* training mandated by The Texas A&M University System. Employee are also required to complete the training every two years thereafter.

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<sup>10</sup> For the purposes of this section awareness programs means community-wide or audience-specific programming, initiatives, and strategies that increase audience knowledge and share information and resources to prevent violence, promote safety, and reduce perpetration. Programs to prevent dating violence, domestic violence, sexual assault, and stalking means comprehensive, intentional, and integrated programming, initiatives, strategies, and campaigns intended to end dating violence, domestic violence, sexual assault, and stalking that are culturally relevant, inclusive of diverse communities and identities, sustainable, responsive to community needs, and informed by research, assessed for value, effectiveness, or outcome; and consider environmental risk and protective factors as they occur on the individual, relationship, institutional, community, and societal levels.

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 are incorporated into ongoing prevention and awareness campaigns. Various departments on the main campus support ongoing campaigns that are available to Program students and employees as described below.

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

The Women's Resource Center (WRC) provides advocacy, education, prevention programs, support, and referral services for female and male students, faculty, and staff. The WRC develops presentations on a variety of topics related to sexual violence, partner violence, and stalking (<http://studentlife.tamu.edu/wrc>, [wrc@tamu.edu](mailto:wrc@tamu.edu), or 979-845-8784).

The Sexual Assault Survivors Services (SASS) committee is a collaborative working committee comprised of individuals from across the university and university community. The committee strives to share resources and perspectives to enhance services for support and education in the area of sexual violence. Focused on students, committee members work together to create educational resources and informational publications. Starting the Fall of 2016, SASS implemented the STAND Up workshop designed to train faculty, staff, and students on how to have trauma-informed conversations with individuals who have been involved in incidents of sexual assault, dating violence, domestic violence, and/or stalking.

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 Texas A&M University Police Department's Community Services Division, 979-845-0070, provides ongoing education available to students and employees to promote prevention and personal safety. Related materials are distributed by the Community Services Division 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.

The Office of the Vice President for Student Affairs distributes an online Concerning Behavior Response Guide, to new faculty and staff to assist them in responding to individuals who may exhibit behavior that is of concern. The guide included information about identifying sexual harassment, sexual assault, dating violence, domestic violence, and/or stalking, reporting requirements and procedures, and limits on requests for confidentiality in response to individuals who disclose related incidents. An online guide is now being provided to all faculty. The guide can be found online at <http://tellsomebody.tamu.edu/resources/>.

The Human Resources Department also offers training for employees regarding violence and sexual harassment in the workplace that covers employee rights, responsibilities, and strategies for preventing sexual violence and reporting complaints.

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 violence resources available through the Offices of the Dean of Student Life and UPD and provides information for students, faculty, and staff who wish to report any form of sexual discrimination or harassment. Furthermore, the Step In. Stand Up. Website referenced above also has some information on these topics.

A notice of non-discrimination and abuse is sent to all Program students and employees by the Texas A&M University Risk and Compliance Office 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 associated with the Program are provided written notification about existing counseling, health, mental health, victim advocacy, legal assistance, visa and immigration assistance, student financial aid, and other services and resources available for individuals both on or near the main campus and in the McAllen area community. The HEC Director distributes an email with this information to the students and employees annually.

### **Bystander Intervention and Risk Reduction<sup>11</sup>**

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

- Create a distraction to interrupt the flow of events
- Involve others to help you

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<sup>11</sup> For the purposes of this section bystander intervention means safe and positive options that may be carried out by an individual or individuals to prevent harm or intervene when there is a risk of dating violence, domestic violence, sexual assault, or stalking. Bystander intervention includes recognizing situations of potential harm, understanding institutional structures and cultural conditions that facilitate violence, overcoming barriers to intervening, identifying safe and effective intervention options, and taking action to intervene. Risk reduction means options designed to decrease perpetration and bystander inaction, and to increase empowerment for victims in order to promote safety and to help individuals and communities address conditions that facilitate violence.

- 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 complainant to make a written request.

### **Sex Offender Registry**

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

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

The Texas Department of Public Safety (DPS) is the official Texas internet source for Sex Offender Registration information. The Sex Offender Registration open record information is extracted from the DPS Sex Offender Registration Database. The DPS maintains files based on registration information submitted by criminal justice agencies and represents a statewide source of information on sex offenders required by law to register. The DPS public web page can be found at <https://records.txdps.state.tx.us/SexOffender/>.

## 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 24.4.20.1](#), an individual who is mentally incapacitated, unconscious, or unaware that the sexual abuse is occurring is considered unable to give consent. The type of force employed may involve physical force, coercion, intentional impairment of an individual's ability to appraise the situation through the administering of any substance, or threat of harm to the victim.

#### Texas A&M University System Regulation

[System Regulation 08.01.01, Civil Rights Compliance](#) provides guidance in complying with local, state and federal civil rights laws and regulations. This regulation applies to complaints and/or appeals of employment or disciplinary actions made by faculty, administrators, staff, students and/or third parties alleging illegal discrimination, sexual harassment and/or related retaliation.

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

#### Texas Penal Code

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

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

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

- (a) A person commits an offense if the person:
  - (1) intentionally or knowingly:
    - (A) causes the penetration of the anus or sexual organ of another person by any means, without that person's consent;
    - (B) causes the penetration of the mouth of another person by the sexual organ of the actor, without that person's consent; or
    - (C) causes the sexual organ of another person, without that person's consent, to contact or penetrate the mouth, anus, or sexual organ of another person, including the actor; or
  - (2) intentionally or knowingly:
    - (A) causes the penetration of the anus or sexual organ of a child by any means;
    - (B) causes the penetration of the mouth of a child by the sexual organ of the actor;



- (C) causes the sexual organ of a child to contact or penetrate the mouth, anus, or sexual organ of another person, including the actor;
  - (D) causes the anus of a child to contact the mouth, anus, or sexual organ of another person, including the actor; or
  - (E) causes the mouth of a child to contact the anus or sexual organ of another person, including the actor.
- (b) A sexual assault under Subsection (a)(1) is without the consent of the other person if:
- (1) the actor compels the other person to submit or participate by the use of physical force or violence;
  - (2) the actor compels the other person to submit or participate by threatening to use force or violence against the other person, and the other person believes that the actor has the present ability to execute the threat;
  - (3) the other person has not consented and the actor knows the other person is unconscious or physically unable to resist;
  - (4) the actor knows that as a result of mental disease or defect the other person is at the time of the sexual assault incapable either of appraising the nature of the act or of resisting it;
  - (5) the other person has not consented and the actor knows the other person is unaware that the sexual assault is occurring;
  - (6) the actor has intentionally impaired the other person's power to appraise or control the other person's conduct by administering any substance without the other person's knowledge;
  - (7) the actor compels the other person to submit or participate by threatening to use force or violence against any person, and the other person believes that the actor has the ability to execute the threat;
  - (8) the actor is a public servant who coerces the other person to submit or participate;
  - (9) the actor is a mental health services provider or a health care services provider who causes the other person, who is a patient or former patient of the actor, to submit or participate by exploiting the other person's emotional dependency on the actor;
  - (10) the actor is a clergyman who causes the other person to submit or participate by exploiting the other person's emotional dependency on the clergyman in the clergyman's professional character as spiritual adviser; or
  - (11) the actor is an employee of a facility where the other person is a resident, unless the employee and resident are formally or informally married to each other under Chapter 2, Family Code.
- (c) In this section:
- (1) "Child" means a person younger than 17 years of age.
  - (2) "Spouse" means a person who is legally married to another.
  - (3) "Health care services provider" means:
    - (A) a physician licensed under Subtitle B, Title 3, Occupations Code;
    - (B) a chiropractor licensed under Chapter 201, Occupations Code;
    - (C) a physical therapist licensed under Chapter 453, Occupations Code;
    - (D) a physician assistant licensed under Chapter 204, Occupations Code; or
    - (E) a registered nurse, a vocational nurse, or an advanced practice nurse licensed under Chapter 301, Occupations Code.
  - (4) "Mental health services provider" means an individual, licensed or unlicensed, who performs or purports to perform mental health services, including a:
    - (A) licensed social worker as defined by Section 505.002, Occupations Code;
    - (B) chemical dependency counselor as defined by Section 504.001, Occupations Code;
    - (C) licensed professional counselor as defined by Section 503.002, Occupations Code;
    - (D) licensed marriage and family therapist as defined by Section 502.002, Occupations Code;
    - (E) member of the clergy;
    - (F) psychologist offering psychological services as defined by Section 501.003, Occupations Code; or

- (G) special officer for mental health assignment certified under Section 1701.404, Occupations Code.
- (5) "Employee of a facility" means a person who is an employee of a facility defined by Section 250.001, Health and Safety Code, or any other person who provides services for a facility for compensation, including a contract laborer.
- (d) It is a defense to prosecution under Subsection (a)(2) that the conduct consisted of medical care for the child and did not include any contact between the anus or sexual organ of the child and the mouth, anus, or sexual organ of the actor or a third party.
- (e) It is an affirmative defense to prosecution under Subsection (a)(2):
- (1) that the actor was the spouse of the child at the time of the offense; or
  - (2) that:
    - (A) the actor was not more than three years older than the victim and at the time of the offense:
      - (i) was not required under Chapter 62, Code of Criminal Procedure, to register for life as a sex offender; or
      - (ii) was not a person who under Chapter 62, Code of Criminal Procedure, had a reportable conviction or adjudication for an offense under this section; and
    - (B) the victim:
      - (i) was a child of 14 years of age or older; and
      - (ii) was not a person whom the actor was prohibited from marrying or purporting to marry or with whom the actor was prohibited from living under the appearance of being married under Section 25.01.
- (f) An offense under this section is a felony of the second degree, except that an offense under this section is a felony of the first degree if the victim was a person whom the actor was prohibited from marrying or purporting to marry or with whom the actor was prohibited from living under the appearance of being married under Section 25.01.

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

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

- (a) "Dating violence" means an act, other than a defensive measure to protect oneself, by an actor that:
- (1) is committed against a victim:
    - (A) with whom the actor has or has had a dating relationship; or
    - (B) because of the victim's marriage to or dating relationship with an individual with whom the actor is or has been in a dating relationship or marriage; and
  - (2) is intended to result in physical harm, bodily injury, assault, or sexual assault or that is a threat that reasonably places the victim in fear of imminent physical harm, bodily injury, assault, or sexual assault.
- (b) For purposes of this title, "dating relationship" means a relationship between individuals who have or have had a continuing relationship of a romantic or intimate nature. The existence of such a relationship shall be determined based on consideration of:
- (1) the length of the relationship;
  - (2) the nature of the relationship; and
  - (3) the frequency and type of interaction between the persons involved in the relationship.

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

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

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

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

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

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

- (a) A person commits an offense if the person, on more than one occasion and pursuant to the same scheme or course of conduct that is directed specifically at another person, knowingly engages in conduct that:
  - (1) constitutes an offense under [Section 42.07](#) (see below), or that the actor knows or reasonably should know the other person will regard as threatening:
    - (A) bodily injury or death for the other person;
    - (B) bodily injury or death for a member of the other person's family or household or for an individual with whom the other person has a dating relationship; or
    - (C) that an offense will be committed against the other person's property;
  - (2) causes the other person, a member of the other person's family or household, or an individual with whom the other person has a dating relationship to be placed in fear of bodily injury or death or in fear that an offense will be committed against the other person's property, or to feel harassed, annoyed, alarmed, abused, tormented, embarrassed, or offended; and
  - (3) would cause a reasonable person to:
    - (A) fear bodily injury or death for himself or herself;
    - (B) fear bodily injury or death for a member of the person's family or household or for an individual with whom the person has a dating relationship;
    - (C) fear that an offense will be committed against the person's property; or

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

Sec. 42.07. Harassment.

- (a) A person commits an offense if, with intent to harass, annoy, alarm, abuse, torment, or embarrass another, the person:
- (1) initiates communication and in the course of the communication makes a comment, request, suggestion, or proposal that is obscene;
  - (2) threatens, in a manner reasonably likely to alarm the person receiving the threat, to inflict bodily injury on the person or to commit a felony against the person, a member of the person's family or household, or the person's property;
  - (3) conveys, in a manner reasonably likely to alarm the person receiving the report, a false report, which is known by the conveyor to be false, that another person has suffered death or serious bodily injury;
  - (4) causes the telephone of another to ring repeatedly or makes repeated telephone communications anonymously or in a manner reasonably likely to harass, annoy, alarm, abuse, torment, embarrass, or offend another;
  - (5) makes a telephone call and intentionally fails to hang up or disengage the connection;
  - (6) knowingly permits a telephone under the person's control to be used by another to commit an offense under this section; or
  - (7) sends repeated electronic communications in a manner reasonably likely to harass, annoy, alarm, abuse, torment, embarrass, or offend another.
- (b) In this section:
- (1) "Electronic communication" means a transfer of signs, signals, writing, images, sounds, data, or intelligence of any nature transmitted in whole or in part by a wire, radio, electromagnetic, photoelectronic, or photo-optical system. The term includes:
    - (A) a communication initiated by electronic mail, instant message, network call, or facsimile machine; and
    - (B) a communication made to a pager.
  - (2) "Family" and "household" have the meaning assigned by Chapter 71, Family Code.
  - (3) "Obscene" means containing a patently offensive description of or a solicitation to commit an ultimate sex act, including sexual intercourse, masturbation, cunnilingus, fellatio, or anilingus, or a description of an excretory function.

(c) An offense under this section is a Class B misdemeanor, except that the offense is a Class A misdemeanor if the actor has previously been convicted under this section.

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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



of silencers; furnishing deadly weapons to minors; aliens possessing deadly weapons; and attempts to commit any of the aforementioned acts.

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

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

## Definitions of Clery Act Locations

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

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

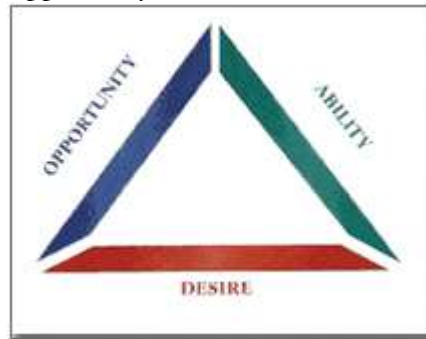
**Public Property:** All public property, including thoroughfares, streets, sidewalks, and parking facilities, that is within the campus, or immediately adjacent to and accessible from the campus.

**On-campus Student Housing Facilities (Residential Facilities):** No on-campus student housing is owned or controlled by Texas A&M University for students enrolled in the Program located at the STC campus.

The Program was initiated and began offering courses in August 2017, therefore, statistics for calendar years 2014, 2015, and 2016 are not available nor required to be disclosed in the 2017 Annual Security Report.

## Crime Prevention and Security Awareness

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



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

A primary goal of the STC Department of Public Safety is the prevention of crime before it occurs. Because 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 STC Department of Public Safety. By doing so, you may be preventing someone else from becoming a victim of a more serious crime.

The mission of the STC Department of Public Safety is to provide a safe educational environment for students, faculty, staff, and campus visitors. This is accomplished through a variety of crime prevention programs and services offered 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.

- Student orientations provide information on security practices and encourage participants to be responsible for their own security and the security of others. In these sessions information is provided regarding campus security procedures and practices.
- The STC Department of Public Safety website provides information on campus security and includes the video "Shots Fired" with guidance to defend yourself, if an active shooter appears on campus.
- Students and employees have access to RAVE Eyewitness, a text messaging program described on the college website that uses anonymous messaging to communicate with the college police department. The STC RAVE Emergency Alert System generates voice, voice mail, text, and email messages to students and employees during a threatening situations.
- Each college building has employees trained as responders to assist in evacuation and other security measures.
- Throughout the year the STC Department of Public Safety conducts Emergency Response Training, including table top exercises that provide guidance in responding to crisis situations. Students and employees are encouraged to participate in these training opportunities.
- STC introduced the STC Rave Guardian, which allows students, faculty and staff members to provide information to assist the security department in responding to them or those with medical conditions or other security concerns. After enrolling, if a participant calls a hotline number, the STC Department of Public Safety will receive an alert with information provided by the user. The STC Rave Guardian

system will help security team members geo-locate the participant via cell phone GPS and they will be able to summon appropriate medical or law enforcement support.

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

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

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

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

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

## Important Telephone Numbers

Area Code 956 (for all numbers listed below)

Emergencies- Police/Fire/Medical	911	STC Department of Public Safety	872-2589
McAllen Police Department	681-2000	Hidalgo County Sheriff's Office	383-8114
Hidalgo County Crime Stoppers	460-1416	McAllen Crime Stoppers	972-7339
FBI	984-6300	Department of Public Safety (State Troopers)	585-3126

## Other Annual Security Reports and Annual Fire Safety Reports

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

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

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

Texas A&M University College Station

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

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

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

Texas A&M University RELJIS 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

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

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